

IVI-IPO JUDICIAL SUBCIRCUIT QUESTIONNAIRE

DATE: JANUARY 24, 2004

CANDIDATE FOR: 8TH SUBCIRCUIT GARDNER VACANCY PARTY: DEMOCRAT

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CAMPAIGN MANAGER: JAY H. ROWELL

NUMBER OF PETITION SIGNATURES FILED: 1700 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.

None

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

1990-2002: Cook County Public Defender's Office:

--Assistant Public Defender

-All aspect of criminal defense litigation for the indigent accused.

2002-presnet: Jon F. Erickson, Attorney at Law:

-Solo Pratictioner

1997-2002: Legislative Aide to State Representative Larry McKeon (13th Dist.):

--Author (1998): "Immediate Order of Protection Act of 1998", 750 ILCS 60/222 (c-5).

-An act which expedited service of Emergency Orders of Protection on custodial respondents.

-Signed into law by Governor Edgar, 1998.

--Author (1998): Draft-legislation to eliminate 'mixed-motive' exception to the **Illinois Hate Crime Statute**, 720 ILCS 5/12-7.1. (Rep. McKeon did not submit to Legislative Review Board).

-Provided for prosecution of Hate Crime regardless of evidence of any other motivating factor.

--Author (2002): Legislation (currently with Legislative Review Board, Springfield) which amends the **Illinois Institutional Vandalism Statute**, 720 ILCS 5/21-1.2.

-Added gender, sexual orientation, physical & mental disability to the list of protected classes.

1998: Domestic Violence Task Force, Cook County State's Attorney Dick Divine.

1998-2003: Treasurer, 'Citizens for Larry McKeon'.

1998-1999: Chicago Police Department, 23rd District Gay and Lesbian Advisory Board:

--worked with community groups to formulate strategies to combat hate-motivated crime.

1998-Present: Member in good standing, Independent Voters of Illinois-Independent Precinct Organization.

2002: Co-founded the Erickson-Doherty Student Leadership Travel Endowment, Northern Illinois University

--A scholarship which provides financial assistance to NIU students who wish to study abroad.

2002: Illinois Attorney General Lisa Madigan's Transition Team.

--Committee on Hate Crime & Civil Rights
--Committee on Domestic Violence.

2002-Present: U.S. Congressman Rahm Emanuel's Gay & Lesbian Advisory Board.

2002: Served as Advisor on Domestic Violence Issues to U.S. Congressman Rahm Emanuel's Election Campaign.

2003: Simon Wiesenthal National Institute Against Hate Crimes and Terrorism, Los Angeles (U.S. Department of Justice).

--Chosen to represent Chicago to join other front-line criminal justice professionals to formulate new strategies to combat terrorism and hate crime.

2003: Member Young Chicago Lakefront.

--Organization which promotes participation in the democratic process.

2003: National Organization for Women, Chicago Chapter.

Chicago Bar Association, Member in Good Standing.

-- Committee on the Rights of Gays & Lesbians.

-- Committee on Civil Rights.

Illinois State Bar Association, Member in Good Standing.

Gay and Lesbian Bar Association, Member in Good Standing.

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

John Marshall Law School, 1990, Juris Doctorate

Dublin Institute of International and Comparative Law, Trinity College, Dublin, 1998

-International Human Rights

During my 11 ½ years as a lawyer with the Public Defender's Office, I was in a courtroom all day, every day, Monday through Friday, week after week, and year after year. On most days I was in the courtroom, and very often in front of the bench, from before the Sheriff called the room to order, until the Judge called a recess to the following day. I have served in some of the county's most high-volume courtrooms where it was not unusual to handle as many as 30 cases on the morning call.

I have appeared before hundreds of judges and have worked in every courthouse in Cook County. I have represented the severely mentally ill, the indigent, the illiterate, and the non-English speaking defendant.

Upon leaving the Public Defender's Office, I started my own criminal defense practice. From this experience, I gained an alternative perspective regarding the interaction between the private bar and the judiciary.

As a legislative aide, author of criminal law legislation and as a member of Attorney General Lisa Madigan's Transition Team, I was provided with yet another perspective regarding statutory construction and legislative intent.

Through these experiences, I developed a deep understanding of the required judicial temperament, the need for the ability to make decisions in a timely fashion, the need for strong organizational skills and the necessity to treat each litigant, attorney, court-reporter, clerk and deputy sheriff with equality, patience, courtesy, integrity and humility.

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

IVI-IPO, 1998-present, member

Young Chicago Lakefront, 2002-present

Equality Illinois, 1996-present

Heart's Foundation, 2000-present

Advisor on Quigley for Cook County Commissioner
Advisor on Madigan for Attorney General Campaign
Volunteer for Citizens for Schiller
Campaign Manager for Snyder for 46th Ward Committeeman
Member of the 44th Ward Democratic Organization

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 have appeared before hundreds of judges and have worked in most every courthouse in Cook County. I have had the privilege to represent mentally ill, indigent, illiterate, and non-English speaking defendants.

I have extensive experience in domestic violence, having served 19 months in our domestic violence courtrooms. In 1998, as a legislative aid to State Representative Larry McKeon, I authored the "Immediate Order of Protection Act", 750 ILCS 60/222 (c-5), which expedited service of Emergency Orders of Protection. I served on Attorney General, Lisa Madigan's Transition Team, Domestic Violence Committee, Cook County State's Attorney Dick Divine's Domestic Violence Task Force, and have served as a domestic violence policy advisor to Congressman Rahm Emanuel, Representative Larry McKeon and Representative Sara Feigenholtz. In my current practice, I specialize in domestic violence and if honored with the opportunity to serve, will request assignment to 13th & Michigan.

My experience litigating hate crime cases elucidated a weakness in the Illinois Hate Crime Statute, so in 1998, I authored draft-legislation to eliminate the 'mixed-motive' loophole. In 2002, I was chosen to represent Chicago at the Simon Weisenthal National Institute Against Hate Crime & Terrorism, where I worked with other front-line criminal justice professionals from around the country to formulate new strategies to combat hate crime and terrorism. I served on Attorney General Lisa Madigan's Transition Team, Hate Crime & Civil Rights Committee, where I authored legislation to add sexual orientation, gender and disability to Illinois' Institutional Vandalism Act. From 1998-1999, I served on the Chicago Police Department's 23rd District Gay & Lesbian Advisory Board to formulate strategies to combat hate-motivated crime.

When the Illinois legislature created the sub-circuits in 1992, it did so to make judicial elections community based. I am uniquely familiar with the district, having personally litigated thousands of cases from the neighborhoods that make up the sub-circuit.

With the Public Defender, I gained extensive litigation experience and developed a thorough understanding of the complicated social service systems and correctional institutions that work with our courts. Through private practice, I gained an understanding of the particular demands on private attorneys. As a legislative aid and through work with law enforcement I gained a unique understanding of statutes and their intended application.

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:

All Bar Association evaluations pending.

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?

The Cook County Courts are divided both geographically and by subject matter. The branch and suburban courts serve to make the system more community based and accessible. Centralized courtrooms pertaining to a certain subject matter provides for access to the available specialty social service needs and resources. For example, a centralized domestic violence courthouse is necessary to best serve the unique needs of victims of domestic abuse in that victim/witness, Hull House, Emergency Order of Protection intake and many other services are provided in-house.

There is an in-balance in the cases-loads at various courtrooms and courthouses. Belmont & Western can finish at noon while Harrison & Kedzie can stay up until after 6pm. The clerk needs to coordinate much better with various police districts in case distribution.

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

Under the Cook County Circuit Court Rules, the Chief Judge is elected by the other judges of Cook County by secret ballot. The Chief Judge serves a three-year term. The position is administrative in nature yet requires a deep understanding of the diversity of the judiciary and the people it serves. Through democratic election, the Chief judge is held accountable.

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?

The assignment should be consistent with their resume. Assignments should take into account the nature of their legal practice prior to becoming a judge, their level of expertise within substantive areas of law, and the needs of the court.

If honored with the opportunity to serve, I would welcome all assignments. However, due to my experience in the area, if presented with the opportunity to express my preference, I would request assignment to domestic violence.

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

The best choice would be selection that combines merit selection and election by the general public. Merit selection is important because it is the best way to ensure minimal qualifications. The electoral process should be preserved to prevent corruption and provide diversity and accountability. Campaigning for office introduces a candidate to constituents a judge might otherwise never meet, and that the candidate's appreciation of the variety of litigants that might appear before him or her is improved as a result.

One way of combining merit selection and ballot vote is for the Supreme Court to appoint a screening committee, and to adopt rules setting minimum qualifications for judges. The standards for qualification should be established by the court in consultation with the various state and local bar associations. Only those candidates satisfying both the minimum qualifications, and the standards adopted by the screening committee, could then be allowed to stand for general election.

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?

A judge may have philosophical, moral or intellectual reservations about laws one is required to enforce, yet must follow the law and enforce them. Although the legislature creates the law, it remains the judge's obligation to exercise judicial discretion to ensure a just result.

As a lawyer with the public defender, I very often had to defend those that committed hate crime against a member of my own community. Yet, I was able to defend my clients to the best of my ability. Were I to confront a law that I could not in good conscience enforce, then I would have to give serious consideration to resigning my position.

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

Judges occupy a unique role in society. The Preamble to the Illinois Canons of Judicial Ethics provides in part that "...[t]he judge is ... a highly visible symbol of government under the rule of law." The Canons also direct judges to establish, maintain, enforce and personally observe high standards of conduct, and at all times act in a way that promotes public confidence in the integrity of the judiciary. (Canons of Judicial Ethics, Rules 61 and 62)

Thus, a reasonable response to an indictment might be a leave of absence, or an assignment to purely administrative duties, until the matter prompting the indictment is resolved. Since, our legal system guarantees that an individual is innocent until proven guilty, removal prior to adjudication would undermine that guarantee.

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

Mandatory sentencing in most instances limits a judge's ability to analyze the factors and consideration necessary when imposing sentence. Among other factors, a judge must be allowed to look at the nature of the offense the age and background of the defendant and the harm to the victim and society. It has been my experience in our criminal courtrooms that judges look to the demeanor and attitude of the defendant when making these determinations.

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

A juvenile sentence must impart the seriousness of the crime; yet not impose a penalty that will have life long negative implications. We must not unnecessarily impair their ability to go to school, get a job and contribute to society. We must recognize the differences between adult and juvenile offenders, such as whether the juvenile had the level of appreciation for the seriousness of his conduct that an adult offender would have in the same situation, or whether the juvenile's conduct demonstrates particular or escalating violence.

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?

According to 750 ILCS 70/25, the Illinois Parental Notice of Abortion Act, upon petition by a minor for waiver of notice to a parent or adult family member prior to an abortion, the court must appoint a guardian ad litem for the minor, furnish counsel for the minor if requested, assure the confidentiality and anonymity of the proceedings, and act promptly.

The statute further requires that the court consider whether available evidence indicates that it is more probable than not that the minor is sufficiently mature and well informed to decide intelligently to have an abortion. The court must also decide whether parental notification would be in the best interests of the minor.

The minor's life experiences, family and home life, support available from adults, should be considered. Additional considerations include, intellectual ability, capacity to understand the consequences of carrying a child to term and of termination, the cause of pregnancy, the decision making process, and whether that process included adults. One should also consider the relationship to the father, and economic circumstances. Again, the ultimate consideration is the best interests of the minor.