

IVI-IPO JUDICIAL SUBCIRCUIT QUESTIONNAIRE — Page 1

DATE: **January 6, 2004**

CANDIDATE FOR: **8th SUBCIRCUIT Gardner VACANCY**

PARTY: **Democratic**

NAME: **Sheryl Ann Pethers**

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CAMPAIGN MANAGER: **Jim Cowart**

NUMBER OF PETITION SIGNATURES FILED: **1300+**

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.

Please see Alliance of Bar Associations questionnaire.

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

Law, journalism, and other work experience in a blue-collar background. Please see Alliance of Bar Associations questionnaire.

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

Worked on Dawn Clark Netsch's campaign in the early 1990s; helped with mailings and distributed flyers.

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?

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I should be endorsed over the other candidates because I have the best experience, I am smarter, and I work harder. (I am assuming that all of us are fair-minded and strictly ethical.) I have the appropriate legal credentials: I did well in law school, clerked for an Illinois Supreme Court justice, and am now a partner in a well-respected litigation firm. I have tried major cases. I also have other professional experience that will serve me well on the bench: I have a graduate degree in journalism and in political science, and worked for several years as a newspaper reporter. I speak and write well. I have been asking questions, and listening, for almost all of my adult life. This has made me a good judge of credibility. When I say I am “smart,” I do not mean to imply that I am necessarily brighter than anyone else running for this office. While campaigning, I often point out that I graduated second in my class in law school. However, everyone at Chicago-Kent was smart. The difference for me was hard work and the ability to apply intellectual skills to seemingly complex and everyday problems. My intellectual ability also is the result of common sense, which comes from diverse life experiences and is at least as important as legal qualifications.

My goals for the office include changing the perception that a judgeship is a “cush job” to be handed out to attorneys who have done favors for their friends. Being elected to the bench should no longer be seen as a “plum” to be given as some sort of reward. Things need to work, literally, the other way. The position is one of public service. Although the quality of the judiciary in Cook County has improved over the last few years, we still have too many judges who come to court late and leave early. The work judges do is far too important to be done by individuals who see the position as nothing more than a way to collect a state pension. I know how to work hard, and plan to continue to do so when I am on the bench.

Also, on a personal level, I hope to bring more diversity to the Cook County judiciary. As a lesbian, I am particularly sensitive to issues facing women and minorities. Beyond that, I hope to serve as a role model for the GLBT community. In our society, unfortunately, when a white straight male behaves in an inappropriate way, the usual response is something like, “Well, that’s Bob.” If a gay, lesbian, or other minority judge does the same thing, he or she is seen as representative of an entire class of individuals. Because of that reality, it is all the more important to ensure that minority judges meet the highest standards.

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>
November 2003	Judge, Eighth Subcircuit	Chicago Bar Association	Qualified

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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 discovery process in civil litigation has been somewhat improved with the implementation of Supreme Court Rule 213(f). Regularly scheduled case management conferences have significantly shortened the length of time between filing and trial. Unfortunately, the weaknesses of the Circuit Court are much more easily defined. Justice delayed is truly justice denied, and it still takes much too long to get a case to verdict or settlement. It remains to be seen whether the new “black line” system will do anything to accelerate this process. Another weakness, in both the civil and criminal divisions, is the lack of qualified attorneys to represent indigent clients. More *pro bono* work needs to be encouraged, or even required. Far too often, the litigant with the “best lawyer” prevails. Impoverished litigants deserve the same quality representation.

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

The Chief Judge should be elected/appointed by a committee composed of all of the Circuit Court judges, representatives of the various bar associations, and a few business/committee leaders. Direct involvement by attorneys who practice before the bar could be problematic, but the bar associations could poll their members and vote accordingly. Lay individuals should be consulted to assess candidates’ leadership/managerial/administrative skills. In addition, there should be a baseline of qualifications, including a certain number of years of in-court experience as an attorney and judge, along with some management training and experience.

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?

Judges should be assigned to the various divisions of the Court according to experience and/or desire. If elected, I would expect to eventually be assigned to the Law Division, because I have spent my entire legal career in civil litigation. However, I would not be averse to being assigned elsewhere, and think that my skills are easily adaptable to other areas, such as domestic relations.

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

Before beginning this campaign in earnest, I was adamant that judges should be selected, based on merit. In a perfect world, judges would be selected by the majority vote of an informed electorate. Unfortunately, our system has failed to provide voters with the knowledge they need to make an informed decision. So, on the face of it, merit selection seems preferable. Going through various “endorsement” proceedings, however, has made me question whether true “merit” selection is possible, either. Who will do the selecting, and on what basis? I fear that so-called “merit” selection would be no less politicized. The only difference between broad-based election and merit selection might simply be that a smaller

number of individuals make essentially uninformed or biased decisions. It seems to me now that the risk of elitism in any merit selection process is too great, and that we simply need to work harder to inform the electorate as a whole about the importance of voting in general, and the judicial branch in particular.

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?

How I would handle such disagreements would depend on the extent and nature of my moral or ethical/philosophical differences and the history, legislative or otherwise, of the particular statute or legal precedent. My purely personal moral or ethical/philosophical opinions would in many cases be irrelevant. Generally accepted moral or ethical/philosophical positions would be another matter. If the moral or ethical/philosophical concerns had any basis in law, I would examine the existing statutes or legal precedents under constitutional standards. I would never shrink from challenging immoral or unethical laws on those grounds.

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

A sitting judge who is indicted should, at a minimum, take a leave of absence. Depending on all of the circumstances, the judge should consider resigning. Trust in the judicial system is essential. Thus, even though a sitting judge is may only be accused, and not yet convicted, any appearance of impropriety should be avoided.

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

Mandatory sentencing, because it completely denies any judicial discretion, is arbitrary and absurd.

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

Minors are children, not adults. They should not be “treated” as adults for any reason. Having said this, however, if elected to the bench, I would evaluate minors for such treatment under existing law, and continue to hope that our legislature corrects this travesty.

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?

Although it may sound trite, I believe the most important aspect of a judge’s decision in handling a petition by a minor for waiver of parental notice is consideration of the child’s best interests. This would include an evaluation of the totality of the circumstances, including the minor’s maturity, the nature of the parental relationship, and the reasons the waiver was sought.