

IVI-IPO JUDICIAL SUBCIRCUIT QUESTIONNAIRE – Page 1

DATE: January 24, 2004

CANDIDATE FOR: 8th **SUBCIRCUIT:** Additional Judgeship A **VACANCY** **PARTY:** Democratic

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CAMPAIGN MANAGER: Mary Ellen Donaghy

NUMBER OF PETITION SIGNATURES FILED: 1159 **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. Since 1991, I have been in private practice, primarily representing employees in race, sex, age, disability and sexual orientation discrimination claims. Additionally, I continue to represent the City of Chicago on some matters, and I represented City Colleges in two trials. While my current practice is primarily in federal court, because discrimination claims cannot be brought in the Illinois state court system, I have filed and defended several state court contract claims, retaliatory discharge claims, and claims under the state overtime laws. I have also practiced before several state, federal and local agencies. I have litigated both large class actions and small individual claims. I am a frequent speaker for the American Bar Association, the Chicago Bar Association, the Practising Law Institute, the Equal Employment Opportunity Commission, the National Institute of Trial Advocacy, and the Illinois State Tollway Authority. In addition, I am adjunct professor for Northwestern University, teaching trial practice in the Fall of 1995, 1996, 2001 and 2003. I have additionally served as a volunteer for Cabrini Green Tutoring, Francis W. Parker community service, Access Living, the Lawyers Committee for Civil Rights, and the Chicago Interfaith Committee for Worker Issues.

What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek? I began my legal career twenty-three years ago as a law clerk to two outstanding jurists. First, I clerked for Judge Prentice Marshall of the Northern District of Illinois, from whom I truly learned evidence. I then clerked for Associate Justice William J. Brennan of the United States Supreme Court, from whom I learned the importance of the Courts in protecting persons disfavored in our society. I have tried throughout my legal career to be the kind of lawyer that these two judges helped to inspire. I hope I can bring to the bench some of the wisdom and compassion that these two judges exemplify. In addition to my clerkships, I have had a diversity of experiences, which I believe will help me to be a better circuit court judge. I have worked at a large law firm, for the Federal Defender, for the City of Chicago, as a criminal defense attorney, and in my own small private practice. I believe that each of these experiences will be helpful to me as a judge.

Please detail your prior political activity, if any. Give positions held, dates, organizational memberships, role you played in political campaigns. I have been active in politics all my life. As a child, of course, I worked in my father's campaigns for the Illinois Legislature and for Congress coming up (or so they tell me) with the concept "If I were 21 [which was then the voting age], I'd vote for Mikva." I have worked for other congressional candidates, including Nancy Kaszak and Ray Romero. I have also worked to elect a number of candidates that I believe would be outstanding judges, including Martha Mills, Candace Fabri, James Epstein, and Eileen Brewer.

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? In addition to my background and experience, I believe I bring to the bench the respect that I have earned over the years from my colleagues and adversaries. In 2001, I was elected as a fellow to the College of Labor and Employment Lawyers. According to the College charter, membership is by invitation only and is intended to honor "the highest professional qualifications and ethical standards and the highest level of character, integrity, professional expertise and leadership." I was also elected by my peers to be a member of the 2003 Leading Lawyers Network, and the 2003/2004 Chambers USA Client Guide of Americas Leading Business Lawyers ranked our law firm as one of the top two firms in the City in the area representing primarily plaintiffs. I am personally ranked as one of the top ten lawyers practicing in this area. Chambers quoted some of my peers as praising me for my "ability to keep focused on the important things" and for my dedication to my clients. I particularly appreciated that, as a firm, we were noted as a "top caliber group," regarded as "tough and competitive attorneys" in the courtroom, but prepared to settle claims where possible. I believe that the qualities that have earned me this respect from my peers are that I work hard, I understand legal issues and evidence, I listen to and show respect for others, I am fair and reasonable, and I care deeply about making the legal system work. I hope that these same qualities can serve me well on the bench. The goal for the office that is most important to me personally is that people (both parties and their attorneys), feel that they have been heard, and that they have received 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> |
|-------------|----------------------|--|--------------------|
| | Judge, Circuit Court | Illinois State Bar Assn. | Highly Recommended |
| “ | ” | Women’s Bar Assn. | Highly Recommended |
| “ | ” | Lesbian and Gay Bar Assn. Of Chicago | Highly Recommended |
| “ | ” | Decalogue Society of Lawyers | Highly Recommended |
| “ | ” | Puerto Rican Bar Assn. of Illinois and the Hispanic Lawyers Assn. Of Illinois | Recommended |
| “ | ” | Asian American Bar Assn. | Recommended |
| “ | ” | Chicago Council of Lawyers | Well Qualified |

**RESPONSE TO PAGE 2 OF THE
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 major strengths that I have observed from my practice in the Circuit Court are the diversity of judges and the specialization of judges and the teamwork.

The Circuit Court of Cook County is impressively diverse in the racial background, sex, sexual orientation, and substantive backgrounds that people bring to the bench. The specialized divisions give judges the opportunity to develop significant expertise. I also understand that within some of these divisions, the judges work in teams, offering each other collegiality, help and guidance.

In my view, the weaknesses in the Circuit Court are that it is too political and that it lacks an individual calendar in the Law Division.

The process of selecting judges in the Circuit Court is overtly political. As discussed in my response to Question 4, I don't agree that we should elect judges. The selection process for associate judges is also extremely political. In addition, it is my understanding that the assignment process for judges already on the bench is somewhat political. The political process does not ensure that our most qualified attorneys become judges.

The lack of an individual calendar in the Law Division gives attorneys too much control over the pace of a case. This is in contrast to the Federal Court and the individual calendar in the Commercial Division, where the judges move the cases through discovery to trial. The absence of an individual calendar also requires lawyers to educate first a motion judge and then a trial judge about the case, which seems inefficient.

2. *How should the Chief Judge of the Circuit Court be chosen?* It is my understanding that the Chief Judge of the Circuit Court is currently elected by the sitting judges. Again, of course, this process is very political. However, in all candor, I cannot think of a more appropriate method for selection of the Chief Judge.
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?* I believe that judges should be assigned to the various divisions of the Court based on their experience, their interest, and their track record of being able to control their docket. If elected, I believe that I would want to be assigned (after, of course, the mandatory tour of duty in traffic court) to the Juvenile Justice Division. I'm attracted to that division for several reasons. First, I began my career as a criminal defense attorney, and I've always found the criminal trial process compelling.

Secondly, and perhaps more significantly, I believe that the real work of the judge in the Juvenile Justice Division begins after trial where various options must be considered. I am attracted to that Division, both because I think that the decisions that must be made there are extremely significant and also because of the high caliber of the judges that are serving there at this time.

4. *What is your position on how judges are selected and/or elected? Please explain.* As I indicated above, in response to Question No. 1, I believe in merit selection, as opposed to political election of judges. As the IVI-IPO is well-aware, because of the Illinois Constitution, it is unlikely that we are going to see merit selection in Illinois any time soon. Given that, I believe that we need to support the bar associations which have done an outstanding job of trying to educate the electorate on the merit and qualifications of various candidates for judge.

If we were to go to a merit selection system, I would think we would start with some variation on the Missouri Plan, which was the first merit selection system. The Missouri Plan, as I understand it, includes nomination by a judicial commission and then selection by the governor. It also includes a requirement that judges elected under the non-partisan court plan must run for retention. I just heard a speech this morning from a Justice of the South African court. There, judges are all selected by a committee whose members are appointed by the various political bodies and which includes non-lawyers. That also sounded like a model that was worth looking at.

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?* I believe strongly that a judge is not a policy maker. It is the role of the judge to follow existing statutes and legal precedents. Of course, in interpreting the statutes, as well as the legal precedent, as a judge, I will necessarily be influenced by what I consider to be the moral or ethical or appropriate course. However, in the case of clear disagreement between what I believe and what a statute says, I believe I have no choice but to follow that statute. It is not the role of the judge to nullify the will of the legislature.
6. *If a sitting judge were indicted, should the judge remain on the bench, resign or take a leave of absence? Please explain.* If a sitting judge is indicted, the judge should take a leave of absence. An indictment is not a conviction and, therefore, I think it would be premature for a judge to resign. On the other hand, any decisions the judge made during the period that the judge was under the cloud of an indictment would be questionable. Therefore, the judge should definitely not be made on the bench while the indictment is pending.
7. *What are your views concerning mandatory sentencing for criminal offenses?* I am against mandatory sentencing for criminal offenses. While I certainly understand the need for consistency in sentencing, as well as truth in sentencing, when we use mandatory sentencing, I believe that the cure is worse than the

disease. Again, however, this is a policy issue, and I would, of course, adhere to mandatory sentencing requirements.

8. *What are your views concerning treating minors as adults for criminal offenses?* While there may be certainly some situations in which minors should be treated as adults for criminal offenses, this should be the rare exception.
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?* My understanding is that this is not currently an issue in Illinois since the parental notification law has been enjoined. However, if it were to become law, important aspects of a judge's decision in handling a petition by a minor for waiver of parental notice when the minor intends to have an abortion are the health of the minor, maturity of the minor, the relationship of the minor with her parents, other adults who could be notified, the danger to the health and welfare of the minor in notifying the parents, and the circumstances surrounding the need for the abortion.