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DATE January 2, 2004

CANDIDATE FOR 9th SUBCIRCUIT Himel VACANCY

PARTY Democratic

NAME Michael Alan Strom

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CAMPAIGN ADDRESS Committee to Elect Michael Alan Strom, P.O. Box 1944, Chicago IL 60690.

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CAMPAIGN MANAGER None.

NUMBER OF PETITION SIGNATURES FILED 1660 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.

Law Offices of David A. Izzo (CNA Staff Counsel), 1997 – present: Senior Litigation attorney.

French Kezelis & Kominiarek, 1996 – 1997: Associate, Civil litigation.

Brydges Riseborough Peterson et al, 1995 – 1996: Partner, Civil litigation.

Schaffenegger Watson & Peterson, 1978 – 1995: Partner, Civil litigation.

Chicago Coalition for Law-Related Education 1984 - present: Volunteer public high school instructor, coach for mock trial teams at South Shore High School.

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

My entire career has been devoted to courtroom work. I have handled and tried multi-million dollar cases, with extensive experience in complex, multi-party cases, throughout my career. I believe my experience as a practitioner in contribution and indemnity law, including trials and seminars, would be uniquely beneficial to the Circuit Court of Cook County. Relatively few Circuit Court Judges have much experience as a practitioner in such cases.

Legal work performed for my own family has provided more personal insight on the legal system. When my wife's day care facility was wrongfully denied the proper type of licensing from the Illinois Department of Children and Family Services (DCFS), I took over the

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licensure dispute, ultimately forcing DCFS to create applications and procedures for licensing Family Day Care Group Homes -- despite DCFS' opposition to that category of facility. When my child was denied "related services" needed to accommodate a learning disability, I completed training from the Coordinating Council for Handicapped Children (now known as The Family Resource Center on Disabilities) to handle Due Process hearings with the Chicago Public Schools. Through my efforts, the Chicago Public Schools ultimately agreed to provide services from the necessary therapists.

Periodically, I advised my father on the following business matters relating to Strom International, Ltd., his international import/export company:

- 1. Drafting contracts for his business.**
- 2. Responding to "cease-and-desist" letters from attorneys for Steven Spielberg concerning an "E.T." prototype displayed at the Chicago Premium Show.**
- 3. Handling defective product claims relating to advertising displays.**

After my father's death, I handled the necessary business and commercial transactions to wind down his business, liquidate letters of credit, market and sell the rights to his trade name.

At this point in my career, I want to put my experience and abilities to use for public service. Through my years of volunteer teaching in the Chicago Coalition for Law-Related Education program, I have learned how valuable our judges and court facilities can be when used to enrich our communities in innovative ways. As a Circuit Court Judge, I would continue to seek new ways to use existing Circuit Court resources for broader community benefits.

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

I did a little precinct work in the mid-1970's during college vacations. Since then, I have not been politically active.

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 will not address any of the other candidates' relative merits. However, there are some areas where I believe my background uniquely fills areas of great need for the Circuit Court of Cook County. We need more Circuit Court Judges in the Law and Chancery Divisions with trial experience as a practitioner in significant tort cases. Also, my many years working with the Chicago Coalition for Law-Related Education provides unique background to help better utilize court resources for community benefit.

The most important goals for my work as a Circuit Court Judge are:

- 1. Help lawyers resolve complex cases;**
- 2. Reduce our courts' isolation from the community/increase community access to the judicial and physical resources of Circuit Court.**
- 3. Reduce operating costs of Circuit Court.**

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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:

Date **The rating was done in July 2003 for the 2004 election.**

Position **Circuit Court Judge**

Bar Association **Chicago Bar Association**

Rating **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 major strengths are the organizational structure and the success of programs such as mandatory arbitration in resolving cases before trial. Although there are definite drawbacks with a system where pretrial motion judges generally do not have to live with the results of their rulings, the volume of cases could not be handled on individual calendar calls.

The major weaknesses are the natural result of our political system for judicial elections. The system has been quite adept at producing judges with solid experience in criminal cases – so adept, that there are not enough criminal courtrooms to hold all of them. Practitioners with extensive trial experience in other fields of law can adapt their mastery of procedure and evidence to civil trial courtrooms. However, the relative lack of judges with significant experience practicing in other areas affects the courts' effectiveness in resolving cases prior to trial. Programs being developed to utilize experienced members of the bar as paid mediators for cases on Commercial calendars probably would be unnecessary if we had more judges with the requisite experience in such cases. We also need more judges with experience in complex litigation, especially in matters where coverage or contractual issues in the background need resolution before the major issues can be addressed.

I would advocate changes in how the Circuit Court selects Associate Judges. The system should be more transparent, with input from a broader range of bar associations and organizations.

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

I think the Chief Judge must be chosen by the Circuit Court Judges to be effective.

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?

Ideally, our judges should come from the best practitioners in the subject matter jurisdiction for that courtroom. The current array of Circuit Court Judges is a poor match for our courts' needs, and makes it impossible to match available abilities with court needs. An unacceptable number of judges must be assigned to courtrooms for which they have little or no personal experience, although it should be noted that many individual judges have shown exceptional ability to adapt to unfamiliar areas of law. The challenge in assignments is determining which judges have that ability.

If elected, I would request assignment to Law Division at the earliest opportunity. There is a broad consensus among Law Division practitioners that my background, experience and abilities are badly needed there.

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

Although there are many effective judges, as a whole the judiciary does not represent the best talent available in the Cook County legal community. Many excellent lawyers are willing to serve, and more would be available if the election process was not so difficult and peculiar. Obviously, our current system presents barriers to getting the best judicial talent available.

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The systems used for appointment of judges by the Supreme Court and selection of Associate Judges by the Circuit Court Judges are unacceptably shrouded in secrecy. The public perception of clout and cronyism in Circuit Court is unavoidable under such a system.

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?

In every jury case, we ask ordinary people whether they can set aside any personal disagreements they may have with the law, and follow the law as instructed by the Court. We can certainly ask no less of our judges. Circuit Court Judges are sworn to follow the law, and failing to do so based upon personal disagreements (even on serious moral issues) would represent a serious breach of judicial ethics. If my moral, ethical or philosophical disagreements prevent me from following or enforcing the law as legally required in an individual case, I would have to recuse myself. If there were many such cases, I would have to seriously consider whether I should continue to serve as a Circuit Court Judge. However, where legally proper to do so without crossing the line between the judicial and legislative branches, application of statutes or precedents may allow consideration of moral, ethical or philosophical factors.

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

The nature of the charges and surrounding circumstances are essential to adequately address this question. The appearance of impropriety and public trust in the court system must be the central considerations in such a decision. However, I am not entirely comfortable with punishing judges based on allegations that may or may not be proven. The potential for politically motivated indictments of judges who render unpopular decisions cannot be ignored. Where the indictment does not potentially affect public trust in the court system, no action might be required until the criminal process has been concluded. In some instances, it would be impossible to allow the judge to remain on the bench. In many cases, administrative assignments are an acceptable solution. In all instances, the judge must consider whether continued judicial service negatively affects the Circuit Court of Cook County.

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

Personally, I oppose mandatory sentencing. However, judges must follow such laws where applicable, notwithstanding any personal disagreements.

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

Age, mental competence and maturity are all legitimate considerations in the imposition of criminal responsibility. I do not see an arbitrary age cutoff as a proper “bright line” distinction governing criminal responsibility. I would be very skeptical about treating a nine-year-old as an adult, but much less so if the person was sixteen years old, and otherwise apparently competent. This question is very fact dependent, and should be handled on a case-by-case basis.

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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?

The central issue is whether waiver of parental notice is in the best interests of the petitioning minor. A broad range of factual issues come into play, including the following (not listed in order of importance):

- 1. The specifics of the minor's family situation, including stability of family life and the minor's relationship with her parents.**
- 2. The existence of a medical emergency requiring urgent action.**
- 3. The minor's age, maturity, education, future plans and diligence in seeking the waiver.**
- 4. How far along is the pregnancy?**
- 5. Can the notification requirement be reasonably met, or are the necessary parties unavailable?**
- 6. How feasible are any alternatives to abortion?**
- 7. Does the minor have a reasonable network of support from family and friends to help in the event the pregnancy continues to term?**
- 8. Who is available to provide any necessary after care if the abortion proceeds without notice to parents?**
- 9. Did the pregnancy result from rape or incest?**
- 10. Is the applicable parental notice statute constitutional?**

The above factors (other than constitutionality) must be considered based on how they affect the best interests of the petitioning minor.

Michael Alan Strom