

Independent Voters of Illinois-Independent Precinct Organization
2012 Supreme Court
CANDIDATE INSTRUCTIONS

In order to be favorably considered for an IVI-IPO endorsement, you should follow these instructions carefully.

YOUR RESPONSES SHOULD BE TYPED AND INCLUDE BOTH THE QUESTIONS AND THE ANSWERS. Questionnaires are in Microsoft Word and can be downloaded from our website www.iviipo.org to be filled in. If you are unable to download the questionnaire, please email us at iviipojrc@yahoo.com and we will email the questionnaire to you.

Please be sure to complete the contact information and the background questions on the first sheet. Following the cover sheet is a brief questionnaire which also should be completed.

Your interview with IVI-IPO members from Cook County will be scheduled in September and will take approximately 10-15 minutes. Please bring twenty (10) copies of your completed questionnaire to the interview session and email a copy of your completed questionnaire to iviipojrc@yahoo.com no later than 5pm Friday, August 29, 2008. After hearing from all candidates, the members will vote to recommend to the Board that one candidate be endorsed or that the Board make no endorsement.

Completed IVI-IPO questionnaires will be posted on our website after the Board completes the endorsement process on September 24. For privacy purposes, your home address & phone number will be removed from the questionnaire prior to posting.

All candidates who appear for an interview will be notified by email of the endorsement decision. IVI-IPO will arrange a press conference to announce our recommendations. The Independent Campaign Committee (ICC) will work with IVI-IPO supported candidates to publicize our endorsements.

If you have any further questions, please contact our office at iviipojrc@yahoo.com. We wish you good luck in your endorsement application and in your campaign.

NOTE: Our questionnaire is meant to elicit your thoughts and impressions of certain aspects of the law, not to obtain a commitment on how you may rule in a given case, or on any particular issue, that may come before you as a judge.

We are aware that Canon 67 of the Illinois Canons of Judicial Ethics purports to restrict your ability to appear to commit yourself to a position that you may later have to rule on. We are also aware that Republican Party of Minnesota v. White, 536 U.S. 765 (2002), struck down a similar, if not identical, canon in Minnesota as a violation of the First Amendment to the United States Constitution. In an effort to accommodate any conflict you may still feel between Illinois Canon

67 and the White case, we hereby acknowledge that any answer you give to any of our questions does not commit you to rule in any particular way in a given case. **Thus, kindly answer each and every question without invoking Canon 67.** Candidates who answer all of the questions will be given preference in endorsement over those who do not.

**Independent Voters of Illinois-Independent Precinct Organization
2012 SUPREME COURT QUESTIONNAIRE – page 1**

DATE December 22, 2011

NAME Joy Virginia Cunningham, Justice of the Appellate Court, First District Second Division

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CAMPAIGN DIRECTOR Vance du Rivage

POLITICAL DIRECTOR Aldolphus Kindle

Please provide the following background information:

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

Circuit Court Judge 1996-2000 Appellate Court Judge First District Second Division 2006 - present

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 attached prospectus.

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

The study of law encompasses many different areas and a wide array of subjects, which are all a composite of my experience and ability to function well as a Circuit Court Judge, and now as an Appellate Court Justice. My practice experience includes the private sector, the public sector, the judiciary at the trial court level, as well as at the appellate level. Thereby giving me experience

in every major practice area of the legal and judicial community. Additionally, my role as president of one of the nations largest bar associations has been a significant factor in forming my experience, first as lawyer and now as an Appellate Court Justice. These qualities and my diverse practice experience will serve me well as an Illinois Supreme Court Justice given the breadth and scope of issues which are decided by the court.

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

IVI - IPO Member
NAACP Member
PUSH - Member

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 Position Bar Association Rating

As of the time of this filing, I have received ratings from the following bar associations, all of which have indicated my fitness to serve on the Illinois Supreme Court: Chicago Bar Association, Asian American Bar Association, Women's Bar Association of Illinois, Illinois State Bar Association.

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2012 SUPREME COURT QUESTIONNAIRE – page 2**

1. What do you believe are the major strengths and weaknesses of the Supreme Court? Would you change the manner in which the Supreme Court functions?

One of the Supreme Court's major strengths is also one of its weaknesses. It is the court's discretion to choose the cases, which it hears. The Supreme Court has great latitude in accepting cases, which present important policy questions for the people of Illinois, and its ability to exercise this option, when it is in the interest of our state, is a great strength. However, because the Supreme Court has the option to choose cases, there are those who believe the Court often declines to hear certain cases which a large segment of our population believes should be resolved within the context of a Supreme Court decision.

In the hierarchy of state supreme courts, the Illinois Supreme Court is well respected and is often looked to by other states as a resource for precedential value. However, as with all institutions, periodic review of practices, policies, and procedures will often yield opportunity for

improvement. Many believe that our Supreme Court could serve the citizens of Illinois even more effectively by accepting more cases for resolution.

2. What would be the reasons for not publishing an opinion?

There are different schools of thought regarding the value of published versus unpublished opinions. Recently, the Illinois Supreme Court has amended the rules to allow the public greater access to unpublished opinions. The value of those opinions will aid lawyers and judges in the analysis and resolution of cases. The general rule of thumb regarding publication of opinions is that cases whose resolution result in precedential value, are appropriate for publication. Cases which lack precedential value are generally not published.

3. What is the role of dissent in a court? Under what conditions would you write a dissenting or concurring opinion?

A dissent should be written when there is a disagreement by a member of the review panel with the majority opinion. A dissenting opinion should be based on the dissenting justice's interpretation of the law as applied to the facts of the case in question. A concurring opinion should be written when the authoring judge believes the majority has reached the correct conclusion, however the concurring justice may not agree with the methodology or analysis with which the majority reached their holding. Or, the authoring judge believes legal facts or points of view should be included in the opinion for clarity.

4. The Lockstep Doctrine that the protections of the Illinois Constitution's Bill of Rights must be interpreted in lockstep with the U.S. Supreme Court's interpretation of parallel provisions of the Federal Bill of Rights please comment.

The Lockstep Doctrine is a principle which seeks to ensure that individual rights, which are guaranteed by the Bill of Rights are not eroded by differing interpretations of state constitutional provisions. The underlying principle is that the state and federal constitutions are built on similar core values and principles, accordingly basic rights afforded under one document should be afforded under the other.

5. What is the appropriate role of economic analysis, and particularly cost benefit analysis, in jurisprudence?

There are number of ways in which this question may be addressed. I will take the approach that courts should be cognizant of the economic costs of obtaining justice. If a citizen has a case that requires representation, but cannot afford to obtain an attorney, and where there is

a bonafide legal issue, the courts should provide a framework to assist the litigant within the confines of the law. At the very least, judges should be aware of economic disparity and its impact on obtaining justice, especially for the most vulnerable members of our community.

6. What are the pros and cons of an elected, an appointed, or a hybrid system for the judiciary? How might the Illinois courts benefit or suffer from a change?

Illinois has a hybrid system in that we have elected and appointed judges. Organizations such as bar associations and IVI-IPO help ensure the public is informed with respect to elected judges. In general, Illinois has a very strong judiciary. This suggests that our system is working in that it consistently yields a high quality judiciary.

7. How has mandatory sentencing affected the criminal justice system in Illinois?

As an experienced member of the judiciary, I take the position that every case presents unique facts and circumstances. Mandatory sentencing removes some of the discretion and flexibility with which a court may influence the outcome of a case and the life of an individual defendant. I would like to see less mandatory imposition of sentence and more discretion in the court.

8. How has automatic transfer of juveniles affected the criminal justice system in Illinois? How has it affected the recidivism rate of juveniles?

Anything that is automatic, as it relates to the justice system, removes the perspective of discretion from the judge. In a criminal justice system, discretion and the ability to treat each situation uniquely is always going to be best. One size does not fit all especially when dealing with the lives of juveniles

9. Do you think the juvenile justice system should focus on rehabilitation or punishment? Why?

While both rehabilitation and punishment are necessary components of the juvenile justice system, and the criminal justice system overall, when considering juveniles, the justice system should focus on rehabilitation of juvenile offenders.

10. How do you account for the disproportionate number of minorities prosecuted and incarcerated? What can the courts do to correct the disparity?

The disproportionate number of minorities prosecuted and incarcerated begins with the overall socio-economic circumstances in our society. It is then exacerbated by stereo-types,

poverty, lack of education, unequal access to justice and services as well as cultural differences. All of these are factors combine to culminate in a disproportionately large number of minorities who are affected by the system.

The first step in correcting the problem is recognizing it exists. An essential element of finding a resolution to correct the disparity is having a diverse court with judges who understand the social and economic and cultural milieu from which the majority of the minority population comes.

11. 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?

First and foremost a judge should follow the law and consider the facts of the case, which include the overall well-being of the minor, including physical and mental health.

12. What options available to a judge under Illinois law do you consider most effective in sentencing perpetrators of hate crimes? Please explain your choices.

I believe that hate is often founded on ignorance. Therefore, including a component in the sentence of the perpetrator encouraging or facilitating education and understanding is a tool that should be utilized along with other available sentencing options. In other words, use the sentence as an opportunity to teach the perpetrator important aspects of the differences which may be at the root of his behavior. He or she will have to participate since it is a part of the sentence. It may even have a positive impact.

13. What changes would you suggest for the workings of the Illinois Supreme Court?

One suggested change, which I would make, would be to encourage the court to hear cases throughout the state and not solely in Springfield, and with rare exception in Chicago. This would allow the citizens of Illinois, who live in the five judicial districts throughout the state, the opportunity to see their Supreme Court at work.

14. Would you appoint a screening committee to assist you in making judicial appointments? Would you appoint candidates over the objections of said committee?

Yes, I would appoint a screening committee composed of a broad cross section of people. I think it is important to impanel a screening committee, which espouses my values and the values of the court and who bring to the table a high sense of integrity, commitment and an understanding of the differences which make our democracy rich.. Accordingly, I believe the

real work would be done in empaneling a screening committee capable of screening candidates in a manner consistent with the highest values of our society, the legal profession, and a diverse community. Therefore, their recommendation would necessarily have to be given great weight.

15. What changes should be made to the appointment process to make it a more collaborative activity of the entire court instead of the decision of an individual justice.

The answer is in the question. An appointment is a monumental decision affecting the citizens of Illinois. Therefore, a true *collaborative* effort of the court, as opposed to the discretion of a single judge, would better serve the interests of the public.