

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

DATE **December 13, 2011**

NAME **Nathaniel Eoosevelt Howse, Jr.**

VOTING ADDRESS **1732 South Indiana Avenue, Chicago, IL 60616**

HOME PHONE **312-341-1950** BUSINESS PHONE **(Please no political calls – 312-793-5450)**

E-MAIL nate@electjusticehowse.com WEB SITE www.electjusticehowse.com

CAMPAIGN ADDRESS

CAMPAIGN PHONE FAX **312-577-0897**

CAMPAIGN MANAGER **Frank Horton and Mary Kay Dawson, Consultant. Mary Kay's cell: 312-502-0980**

Please provide the following background information:

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

Appointed by Order of the Illinois Supreme Court to the Illinois Appellate Court, August 10, 2009
Elected Judge of the Cook County Circuit Court, 1998

Other elective offices for which you have been a candidate. **None**

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

Justice of the Illinois Appellate Court, Ausut 2009 – present
Judge of the Circuit Court of Cook County, 1998 – 20009
Lawyer in private practice 1976 – 1998

Loyola University of Chicago, School of Law J.D. 1976
Loyola University of Chicago A.B., 1973
John Marshall Harlan High School, Chicago 1969

I have been active in my community and in the legal community. I served as a Mentor Judge to new judges, was a former member of the Board of Directors Project LEAP and the recipient of the William R. Ming, Jr. Award for Contribution to Civil Rights. I am a member and active in numerous bar associations.

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

The experience I have had that will be most helpful to me in the office I seek is my over two years of actual experience as a Justice of the Illinois Appellate Court. This combined with my previous eleven years as a judge of the Circuit Court of Cook County and over 35 years as an attorney provides me with extensive legal and judicial experience for the job of Appellate Court Justice. In my years as an attorney in private practice, I represented clients in trials and appeals before the Circuit Court, the Illinois Appellate Court, the Illinois Supreme Court, the Federal District Court and the 7th Circuit Court of Appeals. I have also been married to my wife Patricia, a clinical psychologist for 24 years and have reaped the benefits of this partnership.

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

As an attorney in private practice I have represented a number of clients in “high profile” election cases to ensure access to the ballot. I have made several presentations on the subject of election law before the Illinois Judicial Council, Chicago Bar Association, Cook County Bar Association, and the Black Women’s Bar Association. I was endorsed by the Cook County Democratic Party for Judge of the Circuit Court in 1998 and was recently endorsed by the Cook County Democratic Party for Justice of the Appellate Court in October 2011.

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>
2011	Appellate Court	Chicago Bar Association	Highly Qualified
2011	Appellate Court	Illinois State Bar Association	Highly Qualified
2011	Appellate Court	Chicago Council of Lawyers	Qualified
2011	Appellate Court	Cook County Bar Association	Highly Recommended
2011	Appellate Court	Women’s Bar Association of Illinois	Recommended
2011	Appellate Court	Black Women’s Bar Association	Recommended
2011	Appellate Court	Asian American Bar Association	Qualified
2011	Appellate Court	Puerto Rican Bar Association	Highly Recommended
2011	Appellate Court	Lesbian and Gay Bar Association	Highly Recommended
2011	Appellate Court	Decalogue Society of Lawyers	Highly Recommended
2011	Appellate Court	Hellenic Bar Association	Recommended

Justice Nathaniel Howse has been found **Highly Qualified, Highly Recommended, Qualified** or **Recommended** by **All** evaluating Bar Associations to serve as a Justice of the Illinois Appellate Court. **He was recently re-evaluated by the Chicago Bar Association and found Highly Qualified.**

**Independent Voters of Illinois-Independent Precinct Organization
2012 APPELLATE COURT QUESTIONNAIRE**

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

I believe a major strength of the Appellate Court, First District is its ability to dispose of the appeals it hears in Cook County in an efficient, fair and expedient manner. There is one change that is worth considering. Presently motions in cases filed before the briefs are all filed are handled by one panel of the court. After all briefs are filed or have become due, the case is then assigned to a different panel for disposition. There is an argument to be made that the resources of the court could be better utilized if one panel would hear both the motions and the disposition of the case. If one panel heard the case from start to finish duplication of effort would be reduced because we would not the situation where the motion panel and the disposition panel both have to digest the facts in sometimes very complicated cases.

2. Please discuss the Appellate Court's practice of assigning each case prior to oral argument to one member of the panel to write the opinion?

When a case is ready for disposition the computer assigns a panel to hear the disposition of the case. One judge is designated the authoring judge. The designated authoring judge writes the opinion of the majority unless the designated judges' opinion is a view that neither of his colleagues agrees with. In that case he becomes the dissenting judge and one of his two colleagues becomes the authoring judge.

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

Supreme Court Rule 23 specifies when an appellate court decision may be published: 1) when the decision establishes a new rule of law or modifies explains or criticizes an existing rule of law; or 2) the decision resolves, creates or avoids an apparent conflict of authority within the appellate court.

When Rule 23 was promulgated decades ago, legal research was done using hard copy published reports of decisions. Because lawyers were required to purchase bound volumes of decisions, it was becoming prohibitively expensive to maintain an up-to-date law library.

Now however, our dispositions are being digitized and research is increasingly done online by computer. The cost of having access to the reported cases is falling. The economic need for having Rule 23 is diminishing and perhaps the Supreme Court should reexamine the need for Rule 23.

However, unless Rule 23 is changed, I think all appellate judges should follow the restrictions put in place by our Supreme Court in Rule 23.

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

I make my decisions only after careful consideration, a review of the full record and the briefs filed by the parties, and discussion with the other members of my panel. No decision of the Court is entered into lightly or easily. My criteria for filing a dissent, or a special concurrence, is whether the law and my understanding of the case differs from the opinion of my colleagues and justice requires the difference of opinion be made public. All of my decisions are based on the law.

5. What procedural changes, if any, do you think would be helpful to ensure that Appellate Court decisions in child custody disputes are made effectively and promptly?

I think the Supreme Court has already taken steps to ensure that decisions in child custody cases are rendered promptly. Supreme Court Rule 311 requires that decisions in child custody proceedings be rendered within 150 days after the filing of a notice of appeal. This is an expedited pace for the disposition of an appeal. My understanding is that with rare exceptions, this deadline is complied with by the First District Appellate Court.

Occasionally the parties to these expedited appeals request an extension of time to file the record or file their respective briefs. Although extensions are not favored, the interest of justice sometimes requires that the extensions be granted. But even where the parties request an extension, the appellate court usually enters its decisions within the 150 day deadline.

6. 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.

When I was sworn in as a Judge, I took an oath of office, to uphold the Constitution of the State of Illinois, and that of the United States of America. The Supreme Court of Illinois has determined that in some cases I am required to follow US Supreme Court precedent. I am required to do so under this oath and any personal opinions I might have are not relevant.

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

I am a sitting Appellate Court Justice, and if the Illinois Supreme Court requires implementation of economic or cost benefit analysis, or if prior appellate decisions suggest such an implementation, then I am required to utilize such an analysis in a case's disposition regardless of any personal opinions and feelings and it would not be appropriate for me to discuss those personal opinions.

8. 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?

I am a former election lawyer who fought to ensure access to the ballot for both voters and candidates. I believe the right to vote and for everyone to have a say in our electoral process is important and I believe the main benefit of an elected judiciary is allowing the electorate to have a voice in the selection of its judiciary. This is especially important in the election of judges from sub-circuits, where the judges are elected to reflect the communities and people who live within the specific sub-circuit. Election of judges is necessary to ensure diversity on the bench. However, a disadvantage to this system is the high cost of running for judge and the large number of voters who

are not educated about the judicial candidates they are voting for. We have to institute some form of campaign finance reform or public funding of these campaigns. Too often candidates with good ballot names are elected by voters who do not know anything about the judicial candidates,

I also feel there are also disadvantages to an appointive system. Specifically who will make the appointments? Who will choose the criteria and how do we safeguard against corruption and ensure diversity? These are just some of the issues that we need to address in order to move towards an appointive system. A combination of appointment and election may be something to explore and in many ways that was what we had with the previous system of Supreme Court recall of good, qualified judges.

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

I feel mandatory sentencing has taken away judicial discretion at the trial level and I do not favor legislation that takes away a judge's discretion. I have seen, as both a trial judge and as an appellate justice, how a trial judge's discretion is essential to the administration of justice.

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

Again, I generally do not favor legislation that eliminates a trial judge's discretion. The statistics and data I have seen have not suggested to me that there has been a reduction in recidivism rates. The automatic transfer of juveniles to adult court has had a negative impact on the criminal justice system in Illinois. It has removed the ability of attorneys and judges from judging each case on its individual merits.

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

I feel strongly that the juvenile justice system should remain true to its founding principle of rehabilitation. We should be broadening the use of alternative sentencing and increasing the use of programs such as the use of referrals to mental health services rather than moving towards a more punishment-based system. The Juvenile Justice system and the first juvenile court were founded in Chicago because we recognized that Juveniles are not adults

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

There is a disproportionate number of minorities prosecuted and incarcerated because of many factors; these factors include, but are not limited to, poverty and its associated issues, racism, lack of access to quality legal representation, police and law enforcement-related issues and attitudes. They all play a role. I believe that if we are to ever successfully address this core societal problem, the courts must work in partnership with schools, faith-based, and law enforcement organizations. We need to ensure that adequate funding for law enforcement training, public defenders, and critical social service agencies exists. Similarly, we need to invest in crime prevention programs and in quality education and educational opportunities at all levels pre-school to advanced degrees and vocational training, and we need to encourage more attorneys and law firms to provide pro bono services to the poor and the underrepresented. We must also continue to move in the current

direction of equalizing drug sentencing laws to eliminate the imbalance that existed between sentences for crack and cocaine that resulted in so many minorities with longer mandatory jail time.

13. 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?

Under the procedures set forth in the statute for judicial waiver of notice, the legislature at 750 ILCS 70/25 provides that notice to a minors parent may be waived when; 1) the court determines that the minor is sufficiently mature and well informed enough to intelligently decide whether to have an abortion or 2) whether notification would be in the best interest of the minor or incompetent person. The "the best interest" of the minor is undefined but conceivably one consideration may be where the fact of the minor's pregnancy could cause an irrevocable damage to the parent-child relationship. However each case must be decided on its own facts and the statue does not state one consideration should be weighed more heavily than the other.

As a sitting Appellate Court judge, I feel it is inappropriate for me to comment too specifically on this topic because the issue may come before the court. I can state that I judge all cases solely on the facts and the law. I administer justice fairly and without prejudice and I treat everyone with respect and dignity.

14. 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 judges need to make better use of creative sentencing and I believe that more can be done to train and educate our prosecutors and judges on the impact hate crimes have in our communities. The current law provides options in sentencing to judges and I think we can do a better job training and educating judges on these options.