

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.

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DATE__December 26, 2011_____

NAME__Marguerite Anne Quinn_____

VOTING ADDRESS_75 Abbottsford Road, Winnetka 60093_____

HOME PHONE_847-784-0423_____ BUSINESS PHONE__847-470-720_____

E-MAIL__marguinn1@aol.com_____ WEB SITE__quinnforjustice.com_____

CAMPAIGN ADDRESS_P.O. Box 7012, Evanston, IL 60204_____

CAMPAIGN PHONE_312-810-2216_____ FAX_____

CAMPAIGN MANAGER_____Pete Adams_____

Please provide the following background information:

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

Associate Judge since April 2007

Other elective offices for which you have been a candidate.

Ran for circuit judge 2006, 1998

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

Lawyer O’Keefe, Lyons & Hynes

General Counsel, pro bono Mobile CARE Foundation

Board of Trustee Lawrence Hall Youth Services

Fundraiser, Court the Cure, breast cancer research

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

Loyola University School of Law, JD

Editor Loyola Law School, Women’s Law Reporter 1984-85

25 years of legal experience in both civil and criminal law

see attached resume

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

I have been an active Democrat since the time I could vote. I have worked on numerous local and national campaigns.

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	Qualified
2011	Appellate Court	WBAI	Recommended
2011	Appellate Court	Hellenic Bar	Recommended

other bar association ratings are pending as of this date

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

The Appellate Court of Illinois is one court, with five districts.

Weaknesses: Too much centralization does not promote change in how the court functions internally.

Pros: A unified court means that the judicial system speaks with one voice. Justices meet with each other and talk about statewide interpretations of the law. Cases from each district are precedential.

I believe the Appellate Court functions well in light of the heavy caseload. The First District Appellate Court issues both published and non-published opinions on hundreds of cases a year. The workload is significant and I believe they do a very good job given its technological limitations. The major change I would like to see is for the Illinois Appellate Court to be computerized and digitalized.

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

The Appellate Court is computerized in random assignments of cases and authoring or “point person” justice. This has removed any appearance of impropriety by taking that responsibility away from the Presiding Justices or the Chair of the Executive Committee. The public can be assured that assignment is by computer.

In my opinion the method of case assignment is not the problem. The issue lies in the lack of technology provided to the court. The Appellate Court is not computerized or digitalized; it still relies upon paper records. With a paper reliant system, it is impossible for more than one justice to study the record at a time; thus, one justice is “the point person”, the justice primarily responsible for the record and moving the case along. If the court budgets were increased to digitalize court records, the need for “the point person” might diminish and all members of the panel would be able to make an equal contribution at every stage of the appellate proceedings. With further upgrades in technology, more transparency and accessibility will be available. All of these upgrades are dependent upon increase budgets in the future.

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

Supreme Court Rule 23 provides the standard for publication or non-publication of appellate court opinions. A published opinion is appropriate where there is a need to clarify a new area of the law or where a conflict exists in the law.

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

Illinois’s established appellate review process is a two-tiered system; most criminal appeals are heard first by the intermediate appellate courts, and a party may petition for leave to appeal a decision by the Appellate Court to the Illinois Supreme Court. Dissents are important for the obvious reason that if Appellate Court justices can disagree about the result, it may be worthwhile for the Illinois Supreme Court to grant review, especially where the dissent relies on a line of authority at odds with that cited by the majority opinion. If I disagreed with the majority’s analysis or their interpretation of case law I would write a dissent. If I felt an area of the majority’s opinion needed further clarification I might write my own concurrence. However, both of these options would be after I had an opportunity to fully discuss my analysis and interpretation with my fellow panel members. While dissents can improve decisions and the overall state of the law by holding the majority opinions up to close scrutiny, I believe dissents should be saved for major matters and it is important for the exchange of ideas to be fully vetted with fellow panel members.

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?

The Illinois Supreme Court Rule 311 provide for expedited hearings in child custody disputes. It is specific as to the actions by the court, but it does not address any delays in preparing the record, or filing the record on appeal. Budget cuts have affected all of these important functions of the courts. Computerized or digitalized records would enable faster preparation, faster filing and simultaneous review by all three members of the panel.

Illinois Supreme Rule 304 was amended in 2010 to include 304(b)(6) which allows for appeals from final judgments that do not dispose of an entire proceeding. This rule ensures that a child doesn't remain in limbo after the trial court has ruled on custody but still has other issues remaining before it.

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.

The Illinois Supreme Court has adopted the limited lockstep approach when interpreting certain provisions of the Illinois Constitution. The limited lockstep approach means the Illinois Supreme Court does not always apply strict lockstep when interpreting provisions of the Illinois Constitution when circumstances warrant. The court looks to the intent of the delegates of the state constitutional convention as the main determining factor as to whether a state constitutional provision is to be interpreted and applied in lockstep with the interpretation and application of a similar federal constitutional provision. Thus Illinois is free to provide its residents with more protections if Illinois chooses to do so.

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

I am familiar with articles on Pareto efficiency and I am aware of the current philosophy regarding cost benefit analysis as presented by Seventh Circuit Judges Posner and Easterbrook. The use of cost benefit analysis is not always useful where fundamental rights are involved. However, Appellate Court opinions should be based upon the record before the Appellate Court. If this analysis is part of the record then it is appropriate.

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?

The Illinois courts should change to a hybrid merit selection system of appointing judges. I am currently an associate judge. I was one of over 300 applicants for 31 spots on the Cook County Circuit Court. I went through an arduous process of evaluation and vetting by the bar associations and a committee of presiding judges. From there the list of possible candidates was whittled down to 62 candidates for 31 vacancies. Every single one of the 62 candidates had excellent credentials and experience. Every single one of the candidates were found qualified or highly qualified by a majority of the bar associations. After making it to the "short list", over a two-week period, every candidate was interviewed by all 275 full circuit judges. At the end of the interview process those very same judges voted on whether they thought we were qualified to serve on the bench. In contrast, when someone wants to run for election for judge they are only required to file a certain number of signatures to get on the ballot. They are not required to submit to the bar associations for evaluation. They are not required to be interviewed by the voters who will put their trust in them and elect them to the bench. They are not required to have any experience other than a law degree. We should not elect judges. The job is too important to be left to the bottom of the ballot.

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

Some of the concerns motivating the creation of mandatory minimum sentencing guidelines were legitimate. Before the widespread use of these guidelines, studies showed that the sentences of drug defendants could vary greatly depending on the geographical location, the sentencing judge and the defendant's race. It was thought that creating a system under which the appropriate sentence was predetermined would ensure that a consistent and just punishment would be applied in all similarly charged cases. However newer studies have shown that the actual effect has been inopposite to those objectives. Judges are restricted by the mandatory provisions and must impose the statutorily authorized sentence regardless of the culpability level of the defendant and his/her conduct. The only party with any discretion in sentencing is the prosecutor. The prosecutor decides what charges are to be filed against a defendant thus in effect what sentence the defendant will receive if convicted. The judge who hears the case and determines culpability should make the sentencing decision. It is time for the legislature to revisit this issue.

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

In 2006 the Illinois legislature repealed the juvenile automatic transfer law regarding drug cases. Opponents of the law predicted more juvenile crime and overloading of juvenile court caseloads. According to a study by the Illinois-based Juvenile Justice Initiative, none of those predictions were correct. The Centers for Disease Control, research shows that youth who have been tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile court system. Transferred youth are also more likely to commit more serious new offenses more quickly. I believe that we cannot treat all youthful offenders like "little adults." I believe the judges assigned to juvenile court ought to be given more discretion as to whom they should transfer to adult court. I also

believe criminal court judges who have juveniles in adult court should be allowed to sentence them without the restrictions of the mandatory sentencing guidelines.

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

I absolutely believe we need to focus on rehabilitation of juvenile offenders. I have served on the board of trustees of Lawrence Hall Youth Services for 10 years. I have seen first-hand how a youthful offender's life can turn around for the better if he/she receives some guidance and a second chance.

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

The "war on drugs" effectively caused the mass incarceration of a disproportionate number of minorities. In the zeal to "win" the "war on drugs" legislators decided to pass legislation that required mandatory sentencing of small amounts of drugs and to increase the penalties for the sale of small amounts of drugs near state-supported housing projects. While the intent of the legislation was to rid neighborhoods of drugs the result was the incarceration of non-violent offenders who should have received counseling and some type of non-jail sentence. Judges can try and correct this disparity by sentencing non-violence offenders to treatment programs and education.

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?

The constitutionality of this law is currently pending before the Illinois Supreme Court. Supreme Court Rule 303A outlines the procedures that need to be followed when a minor files a petition for waiver of parental notification. There are so many factors that a judge needs to consider when handling this type of petition. First is the safety of the minor and her living situation. Other factors are the age of the minor, whether the pregnancy was the result of abuse or rape. Another important factor is the minor's competency, her ability to comprehend the situation. These and other factors must be weighed when handling a minor's petition for waiver of parental notice with intent to have an abortion.

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 have sentenced hate crime offenders. Depending on the seriousness of the crime some jail time may be appropriate. But a part of any mandatory supervised release I would order mandatory counseling, i.e. anger management, as well as education. Often times these crimes are a result of complete ignorance of another's culture or race.