

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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2012 APPELLATE COURT QUESTIONNAIRE – page 1**

DATE **December 15,2011**

NAME **Jesse G. Reyes.**

VOTING ADDRESS: **10122 S. Springfield, Chicago, IL 60655**

HOME PHONE: **312-636-8615 (cell)** BUSINESS PHONE: **(312) 603-7554**

E-MAIL electjessegreyes@gmail.com WEB SITE in developmnet

CAMPAIGN ADDRESS: **P.O. Box 64927, Chicago, Illinois 60664-0927**

CAMPAIGN PHONE **312-848-7795** FAX: **(312) 236-4353**

CAMPAIGN MANAGER **Ivan Gonzalez and Mary Kay Dawson, Consultant**

Please provide the following background information:

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

Elected Judge of the Cook County Circuit Court, 2008

Associate Judge of the Circuit Court of Cook County, 1997 - 2008

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

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

Professional:

Judge of the Circuit Court of Cook County, 1997 – present

Educational:

John Marshall School of Law, J.D.

University of Illinois at Chicago, B.A.

Thomas Kelly High School, Chicago

Civic:

Illinois Supreme Court Judicial Mentoring Program

Board Member - Mexican Museum of Fine Arts

Board Member - University of Illinois Alumni Association

Member - Circuit Court Committee on Racia, Ethnic and Sexual Orientation Awareness in the Courts,

Board Member - Coordinated Advice and Referral Program for Legal Services,

**Past President Illinois Judges Association
Past President Illinois Judges Association Foundation
Active in a number of bar associations
and active in my daughter's school activities**

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

The subjects I have studied and the expereicnces I have had that best prepare me to be a justice of the Illinois Appellate Court are my 15 years as a judge and my many years of legal service. My experience as the president of the Illinois Judges Association has also provided me with knowledge and insights that I will bring to the court. I have lectured extensively on the law and I believe my legal and judicial experience coupled with my life experience as a husband and a father will be most helpful in allowing me to follow the law, be impartial, compassionate and just as a Justice of the Appellate Court.

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

I was endorsed by the Cook County Democratic Party for Judge of the Circuit Court in 2009 and was recently endorsed by the Cook County Democratic Party for Justice of the Appellate Court in October 2011. In the course of the 2008 campaign I worked with city and township democratic political organizations across Cook County and in my quest to be endorsed for the Appellate Court I met with as many of the city and township committeeman as possible and had the support of Committeeman Pat O'Connor, Ariel Rebroyas, Carrie Austin, Frank Zuccarelli, Tim Bradford, John O'Sullivan, Terry Mathews, Kathleen Sances, Don Harmon, Matt O'Shea, Deborah Graham, Jesse Juarez, David Fagus, Karen Yarbrough, Dean Maragos, and Jeff Schoenburg to name a few. My political activity consisted of meeting with political leaders, presenting my credentials, bar ratings and explaining why I feel I am qualified to serve as a judge of the appellate court. Since my election in 2008, I have been asked by various elected officicals to participate in events such as serving as the Master of Ceremonies at the Annual Thornton Township Hispanic Heritage Day to provide information on how one becomes a lawyer and a judge – what are the educational requirements. I have attended CeaseFire activities to serve as the “judge” in Mock Trial events as well as attending Peace Marches at the request of elected officials and Community CeaseFire and other anti-violence organizations.

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	Illinois State Bar Association	Recommended
2011	Appellate Court	Asian American Bar Association	Pending
2011	Appellate Court	Black Women Lawyers Association	Recommended

2011	Appellate Court	Cook County Bar Association	Highly Recommended
2011	Appellate Court	Chicago Council of Lawyers	Pending
2011	Appellate Court	Decalogue Society of Lawyers	Highly Recommended
2011	Appellate Court	Hellenic Bar Association	Recommended
2011	Appellate Court	Hispanic Lawyers Association of Illinois	Pending
2011	Appellate Court	Lesbian & Gay Bar Association of Chicago	Pending
2011	Appellate Court	Puerto Rican Bar Association	Pending
2011	Appellate Court	Northwest Suburban Bar Association	Pending
2011	Appellate Court	Women's Bar Association of Illinois	Recommended

Previously found Qualified or Recommended by ALL Bar Associations to serve as a Circuit Court Judge during evaluations in 2007-2008.

Additionally, have been found qualified and recommended by all bar associations to serve as an associate judge from 1997-2007

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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?

It is my opinion that the major strengths of the First District, Illinois Appellate Court are its ability to hear appeals in a timely manner, and to render decisions fairly and objectively. However, there is room for improvement in the posting of opinions in a more expeditious manner.

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?

Since this traditional method of assignment has worked well in the past I do not see a need to change it. However, one suggestion I would have to facilitate the process is in the sharing of the pre-oral memoranda. I believe this would at least inform the other panel members of the issues involved and the applicable law in question. I would submit this memorandum to my colleagues within a sufficient amount of time prior to oral argument day. This way they would have benefit of reviewing the briefs, and memorandum prior to oral arguments. The panel members will then be prepared to discuss the appropriate outcomes during the impression conference which follows the proceedings. Thus, when a draft of the decision is circulated each member of the panel will be familiar with the facts, the issues and the analysis. This added measure to the assignment of a case I believe would enable the panel members to address the circulated decision effectively and expeditiously.

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

I do not believe there is a good reason for not publishing an opinion. The previous Rule 23 governed and was more restrictive, but this created a system where individuals felt that the appellate court was not transparent and also led to some confusion as to whether or not unpublished orders could be cited or relied on as authority. The amendments to Rule 23 which took effect on January 1, 2011 provides that the clerks of the various districts of the Illinois Appellate Court are to transmit the court's orders and opinions to the webmaster the same day they are filed to be published on the Appellate Court's web site. The amendment also eliminates the previous prohibitions and now declares that orders and opinions are to be made publicly available on the court's website. I support this effort at transparency as well as the guidance which it now provides to the trial courts and the public.

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

If I am fortunate to become a Justice of the Appellate Court, I will render my decisions in the same manner I currently implement on the trial court, by basing my rulings on the law and with a careful review of the full record including the briefs submitted by the parties. I would also pay close attention to oral arguments, if presented by the litigants. Thereafter, I would engage in a meaningful and appropriate discussion with the other members of my panel. I do not believe any appellate decision is handed down lightly. I will enter a dissent when I believe the law and my understanding of the case requires one to be submitted.

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?

There has been significant progress in this area in recent years, most importantly the change to the Supreme Court Rules which allows for the appeal of custody issues even when other matters in those cases are unresolved. I agree with the sentiment expressed by retired Justice Fitzgerald, when the rule was adopted, “a child’s life doesn’t stop and wait for us. These are some of the most important issues that ever come before our judicial system . . .” With this being said, we need to ensure all cases are, especially child custody cases, decided effectively and promptly. As the rule states the goal of the amendment is to promote stability for affected families by providing a means to obtain swifter resolution of child custody matters. Towards that end the procedural changes implemented should work to resolve these disputes as expeditiously and as reasonably as possible.

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.

As a judge I have taken an oath of office, to faithfully execute my office and to uphold the Constitution of the State of Illinois and that of the United States of America. Therefore, I believe if the Illinois and the United States Supreme Courts require that I follow legal precedent then I will faithfully execute the duties of my office and observe my sworn oath.

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

I believe that as an appellate justice if the Illinois Supreme Court requires implementation of economic analysis or cost benefit analysis or if there is prior appellate decisions that require implementation of such analysis, then I am required to follow this precedent.

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 believe the voters have a right to determine who becomes a member of the judiciary. The benefit of an elected judiciary serves to further the electoral process and the promoting of democracy. I believe it is especially important in the election of judges to allow voters to have input in order to ensure we elect judges to reflect the communities and people who live within these communities, that is one of the reasons why the judicial sub-circuits were established, in part to guarantee the election of women and minority judges. However, in terms of countywide elections the rising costs of elections has created a problem. It is very costly to run for office countywide and we should not make the judiciary too political. The question is how we educate the voters about the judicial candidates who will appear on the ballot. If we are to preserve the election of judges we need to have some form of campaign finance reform or public funding of judicial elections. One of the main disadvantages to an appointive system is the issue of who will make the appointments? Minority and women candidates have fought long and hard to get where they are and any appointment system would need safeguards for minority and women candidates. The public’s recent dissatisfaction and distrust of public officials may draw into question the appointive process of judges.

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

I oppose mandatory sentencing because it takes away judicial discretion. It takes away the discretion of law enforcement, attorneys and judges, and removes the judge's ability to make decisions based on the facts of an individual case and its circumstances. The intent was to eliminate bias and ensure equality in sentencing in the courts but there have been too many unintended results.

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

I do not support the concept of automatic transfer of juveniles for the same reason I do not support mandatory sentencing, it takes away discretion from law enforcement, attorneys and judges. The reason we have a juvenile court system is because we recognize that children are not adults. Cases should be considered on a case by case basis and the transfer to adult court only used when appropriate and the facts justify the transfer. The data I have seen has not suggested that there has been a reduction in recidivism rates, but just the opposite because the youth are not getting the services they need to avoid returning to the system when they are sent to adult prisons rather than juvenile facilities or alternative sentencing options.

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

The juvenile system was founded on the principal that children are not adults and this means we should work to save them, not punish except in very specific cases where the facts warrant it. I would prefer to see the expansion of alternative rehabilitative services and sentencing options used with juveniles and not increase punishments.

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

I believe the disproportionate number of minorities incarcerated is due to a combination of factors and a societal instance of dealing with the factors individually rather than holistically. Minorities suffer more from poverty, lack of good educational and job opportunities, they often live in high crime or gang areas, and are subject to racism, lack access to necessary high quality legal representation, and are subject to police and law enforcement officers who have issues with minority populations. However, this is getting better due to training and the hiring of more minority law enforcement officers. Mandatory sentencing, especially drug sentences, also helps account for the high number of minorities in jail. To solve the problem we need to work together as a community at large to make sure we train more lawyers and adequately fund the public defender's office, work with law firms for more pro bono attorneys, better fund education, improve the economy so there are jobs and support social service programs. We should also work with legislators to level the playing field on sentencing laws and to restore judicial discretion on sentencing. We also should be more pro active in investing in evidence based crime prevention programs.

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?

As a sitting judge, it would not be appropriate for me to comment too specifically on this question because the issue could possibly come before the court. However, I will assure you that the most important aspects of my decisions as a judge in all cases are the specific facts of the individual case and the governing law. It is important to me that as a judge I treat everyone with respect, dignity, compassion and that I administer justice fairly and equally and without prejudice.

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.

Hate crimes are unfortunately on the rise and all too often are committed out of ignorance. I served as a committee member for the Circuit Court's Committee on Racial, Ethnic and Sexual Orientation Awareness in the Courts and I believe that judges would benefit from more training and education in order to make better use of alternative sentencing. Members of the bench often may not realize that community service and court ordered education are options which are available. I believe we cannot do a better job stopping hate crimes in the community until we do a better job educating judges and others within the criminal justice system as to all of their options and how they can best address the problem.