

**IVI-IPO 2006 COOK COUNTY APPELLATE COURT QUESTIONNAIRE – Section 1  
(Revised 1/5/06)**

DATE\_\_1-14-06

PARTY Democrat

CANDIDATE FOR Appellate Court-Third District-Slater vacancy

NAME VICKI WRIGHT

WEB SITE judgevickiwright.com

CAMPAIGN ADDRESS 107 West Third Street, Prophetstown, IL 61277

CAMPAIGN PHONE 815-499-6066\_\_\_\_\_FAX\_\_NONE

CAMPAIGN MANAGER\_Herb Schultz\_\_\_\_\_

NUMBER OF PETITION SIGNATURES FILED\_\_approx.2200\_\_\_\_\_ NUMBER REQUIRED \_867?\_\_\_\_\_

Elective or appointive public and/or party offices previously held including dates.  
Appointed as an associate judge 1-11-91 to date

Other elective offices for which you have been a candidate. none

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

Judge (business) civic activities—help with Whiteside County Fair each year--I often speak at DARE events and have helped with local equestrian activities for the youth.

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

I was an anthropology major in college—I lived on a Navajo reservation and learned to value diversity in cultures and individuals.

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

NONE

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 should be endorsed over the other candidates because I am the most qualified for this position. I am a judge of 15 years experience. I am qualified to judge the work of trial judges because I have **been** a trial judge for a considerable length of time. Additionally, I would bring a voice to the Appellate Court that has been missing since the retirement of Justice Homer , a very qualified Justice, who had experience as both a State's Attorney and a legislator. The current court has qualified Justices with strong legislative, civil litigation, and criminal defense experience. My experience as an Appellate Attorney and former prosecutor will provide one more valuable and diverse perspective to the court, adding to the wealth of experience and knowledge already represented on the Appellate bench.

Practical experience in the courtroom is valuable. The pressure upon criminal trial attorneys and judges cannot be fairly understood by simply reading the written transcripts. I understand our system of justice because I have witnessed the operation of the jury system and I have been humbled by the wisdom of the jury verdicts I have experienced.

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>
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I was NOT recommended in the first round of evaluations I received in 1991—last time I was recommended by only by the smallest of margins. I do not keep the bar poll results so I am relying on memory.

I am always grateful for a positive recommendations of the ISBA and feel it is good to be judged. However, the vast majority of those in my courtroom are pro se litigants without legal representation and I wish their voices could be considered when I am judicially evaluated.

## IVI-IPO 2006 COOK COUNTY APPELLATE COURT QUESTIONNAIRE – Section 2

In *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), the United States Supreme Court held that it violated the First Amendment to the United States Constitution for states to forbid judges and judicial candidates from “announcing” their positions on issues of interest to prospective voters. See *id.* at 788; see also *Buckley v. Illinois Judicial Inquiry Board*, 997 F.2d 224, 229 (7<sup>th</sup> Cir. 1993). It is IVI-IPO’s position that *White* created a “safe harbor” for judicial candidates to “announce” their views without running afoul of judicial canons, such as Illinois’s current Canon 67, that purport to restrict judicial candidates’ free speech rights.

Illinois’s Canon 67 A.(3)(d)(i) states that all judges and candidates shall not “make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues within cases that are likely to come before the court.” IVI-IPO hereby expressly states that by answering the following questions we do not intend you to “make statements that commit or appear to commit [yourself] with respect to cases, controversies, or issues within cases that are likely to come before the court.” However, it is IVI-IPO’s position that in order for Canon 67 to survive constitutional scrutiny after *White* (at least “as applied”), it must permit judicial candidates to “announce” their positions on issues such as those the following questions present.

We have included this list of questions to assist us in determining whether to endorse your candidacy. Of course, you may answer or not answer the questions as you may choose. Although IVI-IPO strongly believes that “announcing” your answers to these questions without committing or appearing to commit yourself to ruling a certain way on them does not violate Canon 67, we recognize that the Illinois Judicial Ethics Committee has issued a different opinion. IVI-IPO disagrees with that opinion.<sup>1</sup> But if you are not comfortable answering the questions as posed, please respond as best as you can with an answer that can give us greater insight into who you are and how you feel personally about these issues. Any answer you are able to give will help us in our endorsement decision.

1. Without committing or appearing to commit yourself with respect to the issue of capital punishment that may come before you as a judge, please “announce” your position concerning the death penalty. First, irrespective of the current moratorium on carrying out the death penalty in Illinois, are you for or against the death penalty? Second, whether you are for or against the death penalty, please “announce” your reasons for being for it or against it, with particular reference to the four traditional goals of criminal punishment (deterrence, retribution, incapacitation, and rehabilitation), as well as any other reasons that you care to add.

***I will be happy to comment on positions I have taken as a judge. I will not hide behind Supreme Court Rule 67—because I can fairly comment on issues that I have decided in the past, independent of the restraints in Rule 67. I have 15 years on the bench and have decided many issues that I can fairly comment upon.***

***The remarks below and throughout the questionnaire, represent my current position, based upon my experience and knowledge of the law. This announced position may change, subject to legislative reforms, difference in community standards, variation in facts, and the interpretation of the law urged and argued by the litigants in***

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<sup>1</sup> In particular, IVI-IPO vigorously disputes the opinion’s statement that it “defies credulity to suppose that [IVI-IPO] would have asked the Questions unless it believed the answers would have some bearing on how the candidates would rule on those legal issues.” Op. at 3. We most decidedly do not so believe. We are merely asking the questions to determine your political orientation in general, across a broad spectrum of issues, not to determine how you might rule on any given issue in any given case.

*any and every individual case. I expressly abstain from any position which commits or appears to commit me to any decision or approach in the future. This is my baseline, from where my judicial viewpoint begins on this day.*

*I have never had to decide a death penalty issue as a judge. As an attorney, I have never presented a death penalty case or a death penalty appeal.*

*I am most grateful that I have never had to be professionally confronted with the reality of such a choice. The views discussed below are my professional views—not my personal opinion. I will not share my personal view on this issue.*

*I am professionally troubled, as a concerned judge, with the errors in our criminal justice system that have resulted in people being released from death row after scientific evidence proves their innocence. Until the criminal justice system can eliminate the possibility of human error, the moratorium on death penalty by our system of criminal justice is the only course for a just society.*

*A moratorium on the act of execution itself, while allowing judges and juries to still consider and select the death penalty, is still troublesome and could result in a jury that would be more likely to decide death because they believe the sentence would never be carried out. Consideration should be given to the idea that the entire process needs to be suspended until a just society can decide this issue in light of all the scientific evidence available. Temporary or partial remedies seem inadequate at this time.*

*Finally, I am professionally troubled by the differential in time from the day the death sentence is imposed, and the date the sentence is performed, often times decades later. When a man or woman is sentenced to die, they live for many years and can appear to evolve into a different person through rehabilitation offered by the correctional system. Our system of justice is based largely on rehabilitative potential. The death penalty presumes one cannot or should not be afforded the opportunity to be rehabilitated. Sometimes, offenders do change their lives while in prison. Additionally, community standards change over the course of the time that a death penalty case is on appeal.*

*At the very least, the propriety of a death sentence should be measured by a panel within days or weeks of the imposition of the act of execution. For example, like parole, the death penalty should not be allowed until a board of review examines the case close in time to the scheduled execution and agrees once again, after all appeals have been exhausted, that the offender is still required to die for his or her offense. Allowing only a Governor to pardon another human being injects politics into the process. The Board should be non-partisan and fairly represent the current community standards.*

*In my fifteen years as judge, I have seen some offenders make remarkable improvements in their personal choices and make valuable contributions to society. These observations, that some truly troubled criminals can make a commitment to change when offered the right combination of motivation, structure, and support, cause me to believe that rehabilitation is not an impossible goal.*

*However, I have also designed sentences for that some severely troubled individuals, that I felt as a judge were not capable of reaching the rehabilitation goals. Based upon my experience as a judge, I recognize that some offenders must be removed from society to protect the community. The duty of the judge is to recognize the differences in offenders and design the appropriate sentence based upon the facts of each case.*

2. Without committing or appearing to commit yourself with respect to abortion issues that may come before you as a judge, please “announce” your position concerning the right of a woman to have an

abortion. First, are you for it or against it? Second, whether you are for it or against it, please “announce” your reasons for being for it or against it.

*I choose not to announce my position on abortion since I have not decided this issue as a judge.*

*However, I am a woman with a perspective on the issues of reproductive self determination from practical experience. As judges, we are not required to ignore our own human experiences. If I am successful in this race, it would create the possibility for this issue to be decided by a panel of three women.*

3. Without committing or appearing to commit yourself with respect to the issue of mandatory minimum sentencing that may come before you as a judge, please “announce” your position concerning mandatory minimum sentencing. First, are you for it or against it? Second, whether you are for it or against it, please “announce” your reasons for being for it or against it.

*This is an easy issue to announce based upon my experience as a former prosecutor and judge..*

*One of the greatest obstacles to justice is the blurring of the boundaries of the Legislative branch of government and the Judicial branch of Government. With the best of intentions, law makers in Springfield have increasingly dictated to judges the mandatory minimum sentences to be imposed for certain traffic and criminal offenses.*

*Our system is designed to allow the laws to be created by a body of elected representatives and the spirit of compromise. Legislators are not judges; some are not lawyers. Judges decide criminal punishment standing alone without negotiation, deliberation, or compromise. Judges should be allowed to be decisive and to fairly punish another individual that we have seen, heard, and evaluated and tried to understand.*

*The legislators should honor the trust placed in judges to follow the community standards unique to each area we serve. Judging with a statewide formula created by political compromise in the legislature creates a potential for injustice . The community standards in each of the four counties I serve are not identical. Statewide, there is variation from North to South and East to West. One set of standards does not seem flexible.*

*Our system of justice is strong because it is based upon a belief that best judge of human transgressions is another human being. The flexibility and simplicity of trusting the good judgment of one person to design the punishment for another is lost when a Judge must set aside community standards, wisdom of experience, and a knowledge of the unique facts of each case in favor of a rigid sentencing scheme set out by law makers, many of whom have never worn a judges robe, served in a jury box, sat in the defendant’s chair, or walked in a victim’s shoes.*

*As a judge, it is troubling to watch a young person walks out the door bound for the experience of Stateville Prison to serve a mandatory minimum prison term, when there might have been a better alternative for the court to exercise in the form of probation. It feels unjust when this happens.*

4. Without committing or appearing to commit yourself with respect to the issue of treating juvenile criminal offenders as adults that may come before you as a judge, please “announce” your position concerning treating juvenile criminal offenders as adults. First, are you for it or against it? Second, whether you are for it or against it, please “announce” your reasons for being for it or against it.

***I have observed that in some situations the age of the offender should control the forum of adjudication of guilt or innocence. However, some offenses are so heinous that treatment as a juvenile would deprecate the seriousness of the criminal behavior. A system which allows a judge to determine whether a case should be brought before a juvenile or adult tribunal of justice is a good best solution for a very troubling problem. The decision should not rest solely within the discretion of the prosecutor.***

5. Without committing or appearing to commit yourself with respect to the issue of gay rights that may come before you as a judge, please “announce” your position concerning gay rights. Putting aside whether this is an issue for the legislature instead of the judiciary (since the Massachusetts Supreme Judicial Court seems to have done so), are you in favor of gay marriage? If not, are you in favor of civil unions instead?

***I have never confronted the issue of gay marriage in a professional capacity. However, committed partnerships in life have given legal rights in other situations. Adoptions give standing to children who are not related to parents committed to love the child. Adoptions are allowed even when an adoptive parent is gay because society recognizes the needs of a child to be nurtured.***

***Committed private relationships shared by gay couples have evolved into sharing a loving home with their “children by choice”. Civil unions could give parental rights to a same sex partners who participated in the choice to adopt or conceive children. When these relationships end by death or other circumstances, a legally recognized relationship could assist in deciding continuity of care for the children left behind.***

***The judiciary cannot have a role in this issue until the legislature creates the law that allows one to develop.***

6. 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?

***An appellate court is strongest when there is diversity among the Justices.***

***In this election, one candidate formerly practiced law with another sitting Justice, Justice O’Brien, AND the same candidate has worked as a clerk to another sitting Justice, Justice Barry. A process should be considered to assure the public that panels will be selected in a fashion so those Justice’s with strong previous relationships in business do not serve on the same cases and negate the influence of the third judge.***

***I would also encourage oral arguments. Over the course of time, oral arguments seem to have been reduced in number. Oral arguments should be required by the court because it allows the Justice’s to discuss the issues with the attorneys and assures the attorneys that their positions were fairly heard and considered.***

***Additionally, oral arguments are instructive to attorneys, especially young attorneys and serve to elevate the abilities of both the attorneys and the Justices because of the level of preparation required of each before an oral argument takes place. The Appellate Court is a good place for lawyers to present their oral arguments and develop skills which will strengthen their abilities as attorneys on every level.***

7. Do you believe that Illinois Supreme Court Rule 23 is generally applied in the proper manner by the judges of the First District when they decide not to publish an opinion? Do you believe there are any reasons for not publishing opinions?

***I can think of no reason not to make all opinions published—we do not have a storage issue with the advent of computer technology. All of my decisions are of public record. I cannot avoid difficult decisions by choosing not to make them public.***

***An opinion on an issue that is well settled, can be brief and rely on existing case law.***

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

***The role of a dissent is to create a judicial blueprint for the evolution of the law. Even though the dissenting judge's position may not be the majority position—in future cases other courts may rely upon the thoughts of a dissenting judge.***

***A strong dissenting opinion can also communicate to the next reviewing court whether there was a genuine debate between the Justices on the Appellate Court level and give the Illinois Supreme Court a reason to grant a Petition for Leave to Appeal.***

9. Please comment on 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?

***I do not feel comfortable commenting on this issue and prefer to deal with it on a case by case basis.***

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

***The terms “economics” and “jurisprudence or justice” should never be included in the same sentence or the same discussion. When discussing injustice the cost is more often in human terms not economic.***