

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

DATE: **January 22, 2006**

PARTY: **Democrat**

CANDIDATE FOR: **APPELLATE COURT**

VACANCY: **HARTMAN**

NAME **JOY VIRGINIA CUNNINGHAM**

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CAMPAIGN ADDRESS: **P.O. Box 641106 Chicago, Illinois 60664-1106**

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CAMPAIGN MANAGER: **NAOMI DAVIS**

NUMBER OF PETITION SIGNATURES FILED: **15,000**

NUMBER REQUIRED: **3,621**

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

**Associate Judge of the Circuit Court of Cook County, 1997 – 2000.**

Other elective offices for which you have been a candidate.

**Judge of the Circuit Court - Cook County.**

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

**Practice of law in diverse areas (see attached), including judicial service referenced above.**

What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek? **In addition to my legal education, my diverse practice experience and my leadership roles in professional organizations such as the Chicago Bar Association and in business, will serve me well as an Appellate Court Justice.**

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

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 believe that the appellate court, being the court of last result for the majority of cases appealed from the trial court, should be served by justices whose background and experience reflect the diversity of cases which the court hears. My practice experience covers the public and private sectors and has a business and administrative focus as well. In addition my service as a judicial clerk to Justice Johnson, one of the first black men to serve on the Appellate Court as well as my tenure as a circuit court judge provides an additional dimension which is optimal in an Appellate Court judge. My goal would be to utilize this broad diverse, practice and administrative experience to provide a balanced objective and fair hearing to all cases which come before me.

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>
1997	Circuit Court Judge	CBA	Qualified
1997	Circuit Court Judge	Women's Bar Association IL	Qualified
1997	Circuit Court Judge	Cook County Bar Association	Qualified
1997	Circuit Court Judge	Chicago Council of Lawyers	Qualified
2005	IL Appellate Court	CBA	Qualified
2006*	IL Appellate Court	Alliance of Bar Assoc.	<i>Not yet completed</i>

## 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. **My personal philosophy values a fair and equitable judicial system in which each case and each person is judged on the individual and particular merits involved. In that way, a balance of various and appropriate remedies and punishments would be applied based on the totality of circumstances**

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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.

**of the individual case. An even, fair, balanced application of the law to the facts of the case will always yield a result that is consistent with the law and good conscience.**

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. **The integrity of an individual mandates the right to have personal situations such as this decided on the basis of settled law, without the imposition of a judge’s personal belief.**
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. **Judges should bring to the bench the totality of their experience and familiarity with the community they serve and make each decision based on the facts of the particular case in a just, fair and objective manner. A judge is in a unique position to understand the facts and circumstances of a case which he or she has heard, and has a unique opportunity to incorporate that knowledge in an appropriate manner when determining a sentence.**
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. **A judge must look at all factors in determining how to rule. A complete, well-rounded understanding of sociological and legal factors weighed against compassion and the facts of a particular case should be the basis on which a judge makes a determination with respect to juvenile offenders.**
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? **All members of society are entitled to be treated with human dignity and respect.**
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? **As with all institutions, the Appellate Court has strengths and weaknesses. For this reason, it is imperative that Appellate Justices bring a breadth of practice as well as life experience to the court. This would enable application of a balanced perspective which could, in turn, serve to enhance the court’s strengths or resolve some of its weaknesses. My significant managerial experience would necessarily play a role in the process and quality of improvements.**
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? **All opinions should be decided on the merits of the case, and unless there is a specific reason not to publish which is consistent with settled law, publishing an opinion would probably serve the public’s interest.**
8. What is the role of dissent in an intermediate appellate court? Under what conditions would you write a dissenting or concurring opinion? **Each case should be decided on the basis on the facts and the law as applied. An Appellate Court Justice must never neglect that duty nor lose objectivity, regardless of whether that Justice is writing a majority opinion, a concurring opinion, or a dissenting opinion.**

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? **An Appellate Court should interpret the facts of the case before it consistent with settled law, taking into consideration individual rights that are at issue in the case.**
  
10. What is the appropriate role of economic analysis, and particularly cost benefit analysis, in appellate jurisprudence? **Guiding principles on which appellate jurisprudence is applied are that each case stands or falls on its own merits, facts, applicable law, and the requirement that each litigant be treated fairly.**

**CANDIDATE FOR ILLINOIS APPELLATE COURT – 2006**

**JOY VIRGINIA CUNNINGHAM** grew up in a family of five children. Joy attended a combination of public and religious schools and was imbued with a strong work ethic at an early age. The family placed great emphasis on education and Joy graduated from High School at the top of her class. She attended the City University of New York where she obtained a Bachelor of Science in Nursing. She later attended John Marshall Law School where she earned a law degree in 1982. She is currently Senior Vice President, General Counsel and Corporate Secretary for Northwestern Memorial HealthCare and Northwestern Memorial Hospital. Before joining Northwestern Memorial in 2000, Ms. Cunningham served as a judge of the Circuit Court of Cook County, where she had a diverse assignment including jury trials. She is admitted to practice law before the Illinois, New York, Federal and the Federal Trial Bars. Over the course of her legal career, she has served as Associate General Counsel for Loyola University of Chicago and Loyola University Health System; as an attorney with the law firm of French, Rogers, Kezelis & Kominiarek; as an Assistant Illinois Attorney General and as a Judicial Clerk to Illinois Appellate Justice Glenn Johnson. Ms. Cunningham served as President of the Chicago Bar Association (2004-2005), where she became the first African American Woman to lead that organization. She also served on the Board of Directors for the Chicago Bar Foundation, the Center for Conflict Resolution and the Center for Disability and Elder Law and the Chicago Legal Clinic. She has authored professional publications and is a member of a number of professional and civic associations, including the NAACP, Urban League, the American Bar Association, the American Health Lawyers Association, the Cook County Bar Association, the Black Women Lawyers Association, the Illinois State Bar Association and the Women's Bar Association of Illinois. She has been recognized for her volunteer service to several community and civic organizations including, the Chicago Volunteer Legal Services, the Constitutional Rights Foundation and Chicago Association for the Education of Young Children. She is a member of the Economic Club of Chicago and The Chicago Network. She and her family live in Chicago.

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