

,JVI-IPO 2006 COOK COUNTY CIRCUIT COURT QUESTIONNAIRE – Section 1

DATE December 30, 2005 PARTY Democratic

CANDIDATE FOR Judge Burr VACANCY

NAME Ann Elizabeth Collins-Dole

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CAMPAIGN MANAGER Susan Mongillo and James Botana, Co-Chairpersons

NUMBER OF PETITION SIGNATURES FILED Approximately 7,000+ NUMBER REQUIRED 3,480

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

Other elective offices for which you have been a candidate. NA

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

For the past ten years I have been employed by the City of Chicago's Office of the Corporation Counsel, Torts Division, as a trial and supervisory attorney. My areas of practice include primarily tort defense, some medical malpractice, and some cost recovery litigation, where I represent the City as a plaintiff. In 2002, I was promoted to Chief Assistant Corporation Counsel for the Torts Division. In that role I have supervisory responsibilities for a group of attorneys who handle the defense of high exposure tort law suits. In addition, I am the primary contact for several of our client departments for issues involving tort liability. I also handle my own case load of a few high exposure cases (currently, 10 cases). My supervisory role includes working with the senior attorney who supervises the the Municipal Department attorneys. (I am a former supervisory of the municipal attorneys.) I also serve on the Law Department's attorney hiring committee, and am active in the in-house training programs.

I am one of the founding members of the Southport Neighbors Association and served as president for several terms. In addition, I was on the board of the Lakeview Citizens Council for two terms, and served on the executive committee for one year. Also, I have either organized or helped to organize the City's team for the Chicago Volunteer Lawyers Service annual fund raiser, Race Judicata, for the past eight years. This past Mother's Day, I organized the City's first team for the Y-Me fund raising walk/run in Grant Park. I have also served as a volunteer tutor in the "Working wih the Schools" (WITS) program.

I have participated in bar association activities, including participating as a panelist at CBA sessions on "Negotiation Strategies", "Deposing Medical Treaters". I was a featured speaker at the International Arborists Society, speaking on "Trees and the Law". I participated

in the Public Defender's Office in-house training program, presenting a session on depositing medical treaters. I also do training for other divisions of the City's law department, and I organized an in-house NITA trial practice program for the City's litigation divisions. I am active in the Women's Bar Association, co-chaired the spring session on "Women in Government", have worked on the Annual dinner meeting, and always participate in the new member/new attorney receptions, as well as "Judges Night".

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

In general, all my law school classes (some more so than others) have some relevance to the position of circuit court judge. The analytical analysis and the abstract thinking that was encouraged in the course of my legal education at Loyola University School of Law, is integral to the characteristics desirable in a judge. Further, the combination of management and legal experience that I possess, make me uniquely qualified to serve as a circuit court judge. Being an experienced trial attorney is one of the best backgrounds a circuit court judge can have. My extensive trial experience has given me knowledge of not only the practice of law, but of the realities of running a courtroom, working with the court personnel, as well as with other attorneys. Having spent 15 years on the litigants' side of the bench, the move to the judge's chair is a natural one.

Before attending law school, I had a successful career in management at the School of the Art Institute of Chicago, where I managed a large staff of full and part-time employees, and among other responsibilities, administered the School's multi-million dollar Financial Aid program. My position required balancing the needs of the 1,5000+ recipients of Financial assistance, while at the same time, complying with the plethora of Federal, State, and institutional regulations governing the awarding of financial aid. In a climate where one mis-step could jeopardize millions of dollars in federal funding, I was successful at balancing the needs of the institution and the students, while adhering to the regulations. The blending of the two skill sets that I have highly developed through my education and experience, will be a winning combination for a judicial position.

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

I volunteered in Nancy Kzszak's two campaigns for Congress, Mike Quigley's campaign for Cook County Board, Lisa Madigan's campaign for State Senator and Attorney General, Tom Tunney's Aldermanic race. And years ago, Steve Klein's run for the State Legislature, Senator Paul Simon's senate race, Bill Singer's run for mayor, Dick Simpson's aldermanic campaign, and David Orr's first aldermanic race & race for the County Clerk's office.

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 I am the most qualified person running for the Burr vacancy, and would be an exemplary judge. My 15 years of trial experience, along with 10 years of management

experience, make me uniquely qualified to serve as a judge. It takes years of experience as a trial attorney to learn the subtleties of trial practice, and I have worked very hard to perfect my craft as a trial attorney. A judge should know as much or more about the law and trial practice as the attorneys appearing before him or her. I work very hard to become as knowledgeable as possible about the law, and will continue to do so as a judge.

My goal is to be the best judge possible. I will strive to bring to the position the knowledge, fairness, and open-mindedness that will provide a fair and objective hearing for anyone appearing before me. I consider the office of judge to be a calling and a public trust, one for which I believe that I am well suited.

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>Rating</i>
2001	Associate Judge		
	<i>Bar Association</i>		
	Asian American Bar Association		Qualified
	Chicago Bar Association		Qualified
	Chicago Council of Lawyers		Recommended
	Cook County Bar Association		Recommended
	Decalogue Society of Lawyers		Highly Recommended
	Hispanic Lawyers Association of Illinois and Puerto Rican Bar Association (combined evaluation)		Recommended
	Illinois State Bar Association		Recommended
	Lesbian and Gay Bar Association of Chicago		Highly Recommended
	Women's Bar Association of Illinois		Recommended

In *Republican Party of Minnesota v. White*, 536 U.S. 765 (2003), 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 (7th Cir. 1993). **Accordingly, please “announce” your positions on each of the following questions.**

We acknowledge your duty to uphold the law regardless of your personal views. These questions are not intended to commit or appear to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court. *See* Illinois Code of Judicial Conduct, Canon 67 A.(d)(i). We hereby acknowledge that we do not and will not interpret your answers in that way, and that any such interpretation by third parties should be considered a misinterpretation of both the intent of the questions, and of your answers. It is clearly understood that you are not being asked as to how you will rule or not rule in any case that may come before you.

In light of the fact that we are merely requesting you to “announce” your positions on these questions, rather than requesting you to commit or appear to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, you should have no reason to invoke Canon 67. **Thus, your invocation of Canon 67 may adversely impact your endorsement application.**

1. Without committing or appearing to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, 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.
2. Without committing or appearing to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, 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.
3. Without committing or appearing to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, 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.
4. Without committing or appearing to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, please “announce” your position concerning treating juveniles 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.
5. Without committing or appearing to commit yourself with respect to cases, controversies, or issues within cases that are likely to come before the court, please “announce” your position concerning gay rights. Next, putting aside whether it 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? Please explain your reasoning on this issue.

Response to Questions 1-5.

After carefully reading *Minnesota v. White*, a Mercer law review article on the impact of the *Minnesota* case, the Code of Judicial Conduct Rule, 67A(3)(d), as well as the Advisory Opinion of the Illinois Judicial Ethics Committee, and then applying that information to your thoughtfully posed questions, I do not believe that as a judicial candidate, I can ethically answer the five questions that you posed. As a member of IVI-IPO, I have great respect for the organization and would covet an endorsement by the group. However, I believe that by answering those questions, I run the risk of violating the Code of Judicial Conduct, and may undermine the appearance of an impartial and independent judiciary, the cornerstone of our system of justice. Therefore, I must respectfully decline to answer those questions. I would add that as a judge, I would carefully listen to all sides of the issue(s) before me, carefully research the law as it applies to the facts, and render a well thought-out, opinion. Fairness, honesty, courtesy, integrity, courage to do the right thing, and impartiality, as well as careful research and understanding of the law, would be the driving force in any courtroom where I would be privileged to sit.

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

I believe that the Court's greatest strength is its ability to handle an enormous number of cases each year and resolve many of them. A major weakness is the antiquated systems that are still in use and the failure of the court to avail itself of modern technology. Because of the lack of electronic filing systems, attorneys and court personnel still create great mountains of paper work, and attorneys spend countless hours milling around in courtrooms, essentially filling out forms.

A system similar to that used in the Federal Courts where the litigants develop their own case management plans, would help streamline the circuit court case management system. Litigants would set their own discovery deadlines, including deposition schedules, agree on a trial date, and only rely on the intervention of the court for issues in which they could not reach an agreement. Such a system could initially be introduced for a limited number of lower exposure cases, in which the litigants voluntarily agree to participate. If the system works, and it has worked well elsewhere, then the system could be more widely implemented.

In addition, a system of electronic filing, would make the court more efficient, as well as ecologically friendly.

7. How should the Chief Judge of the Circuit Court be chosen?

I believe that the chief judge should be chosen by the associate and full circuit court judges.

8. How should judges be assigned to the various divisions of the Court? If you are elected, to what division would you like to be assigned and why?

Judges should initially be assigned to the division where they have the most legal experience. After becoming a more experienced judge, I think it would be possible for a judge to be assigned to a division where he/she had more limited experience.

I would enjoy initially being assigned to a misdemeanor branch court, the type of court where I spent two years as a prosecutor. The ability that a judge has to affect the perception of the judiciary with the public is incredible in the branch courts, because most of the defendants and many of the plaintiffs, are *pro se* litigants. Early in my career, I had the privilege of serving as a prosecutor in the misdemeanor courtroom of a wonderful judge, William O'Malley, who is a role model for fairness, integrity, and courtesy to all parties. I believe that the judge made a difference in many of the litigants' lives, because of the courtesy, attention and understanding that he gave their cases. He set a high bar for the way the court should interact with all litigants.

After gaining judicial experience in the branch courts, I would like to be a motion or trial judge in the Law Division. To me, the best of all possible worlds would be to have a calender call in the Law Division. That would be the perfect place for me to exercise my legal experience and management experience. Of course, I would be prepared to go wherever I was assigned.

9. As a circuit court judge, how would you balance any moral or ethical/philosophical disagreements that you may have with any existing statutes or legal precedents?

The job of a circuit court judge is to uphold the law without regard to my personal beliefs. As a circuit court judge, I would uphold the law, whether I agreed with it or not. If I were in a situation where I was uncomfortable with the issues presented, I would recuse myself from the case. If those types of issues were re-occurring in my courtroom, I would ask the Chief Judge for re-assignment to a calendar where those types of issues were not likely to be heard.

10. If a sitting judge were indicted, should the judge remain on the bench, resign or take a leave of absence? Please explain.

At a minimum, the judge should be re-assigned to an administrative function, and not have any courtroom responsibilities until the matter is resolved. Depending on the circumstances, it may be appropriate for the judge to take a leave of absence while the matter is pending. One would hope that if the judge were guilty, he or she would resign to spare the court the scandal.