

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

DATE 10 January 2006 PARTY Democratic
CANDIDATE FOR Cook County Circuit Court Judge, Travis VACANCY
NAME Martha A. Mills
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NUMBER OF PETITION SIGNATURES FILED Aprox. 10,600 NUMBER REQUIRED 3498

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

Appointed by the Illinois Supreme Court as a Judge of the Circuit Court of Cook County to fill a vacancy, 1995-96. Appointed by Mayor Charles Evers of Fayette, MS, to be City Attorney to straighten out problems the outgoing administration left, 1969.

Other elective offices for which you have been a candidate.

Judge of the Circuit Court of Cook County, 1996, 2000.

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

PROFESSIONAL

Executive Director, Transforming Communities, an Illinois not-for-profit corporation educating, training and consulting on restorative justice, violence prevention and interruption and conflict resolution, 1998 - present

Chief Legal Counsel, Cook County Treasurer's Office, 1999 - 2005

Illinois State Bar Association, Laureate, Academy of Illinois Lawyers, ISBA, 1999 - present; member, Council on State and Local Taxation, 2001 - present.

Chicago Bar Association, Member, Board of Governors, 2005 - present; Chair, Human Rights Committee, 2005 - present; Alliance for Women, Co-Vice Chair of Alliance, 1999 - 2000; Chair, Long Range Planning for Alliance, 1998 - 1999; Co-chair of the Alliance Subcommittee on Violence, 1993 - 1999

Commissioner, Committee on Character and Fitness, Illinois Board of Admissions to the Bar, 1997 - present

Board of Directors, Lawyers Assistance Program, 1997 - 2001

Member, Board of Directors, Hellenic Bar Association, 1997 - present

Member, Illinois Restorative Justice Steering Committee, 1999 - 2001

Organized and participated in Joint Program of the Illinois State Bar Association and the Illinois Judicial Association on Balanced and Restorative Justice, December 1999

Member Mayor Daley's Oversight Implementation Committee to ensure the effectuation of the Citywide Violence Prevention Strategic Plan, subsequently called "Prevent Violence!" 1999 - 2000

Board of Directors, University of Minnesota Law Alumni Association, 1996 - 2002

Instructor, Cook County Arbitrators, Cook County Mandatory Arbitration Program, 1995 - 1999

Adjunct Professor, Northwestern Law School, 1995 - 1999

Board of Directors, Legal Assistance Foundation, 1990 - 1995

Member, Female Advisory Council, Sheriff of Cook County, Illinois, to look systemically at women's treatment in the justice system, to increase women's competencies and reintegration into the community; and to explore intermediate sanctions as alternatives to incarceration, 1996 - 1999

Member, IICLE Civil Litigation Curriculum Advisory Group, 1990 - 1998

Federal Defender Panel, United States District Court for the Northern District of Illinois, 1974 - 1995

National Institute for Trial Advocacy, teaching team member (e.g., University of Chicago, Northwestern University, University of Illinois, Harvard Law School and Widener University), 1970 - present

Participation in various law school moot court competitions, 1971 - present

Facilitating restorative justice and conflict resolution circles for schools and organizations, 1999 - present

Training community groups in the circle model of conflict resolution and restorative justice, 1999 - present, including:

- Building the Path Toward Restorative Justice: Gathering Power, 4 day training session, Chicago, IL, January 2003 & November 1999
- Black on Black Crime, Institute for Social Justice & College of Arts and Sciences, Chicago State University, organized and ran workshop, March 2001
- Juvenile Gang Intervention, Chicago Police Department, trainer, September 2000
- Regional Conference on Restorative Justice, Illinois Restorative Justice Steering Committee, organized and ran workshop, Bloomington, IL, September 2000
- Regional Conference on Restorative Justice, Illinois Restorative Justice Steering Committee, an organizer of conference, Aurora, IL, February 2000

Speaking:

Real Estate

- Speaker, ISBA State and Local Taxation Council Real Estate Taxation Seminar, Chicago, April 2002

Technology and Discovery

- Speaker, Hellenic Bar Association, Topic: "Why Lawyers Are Behind the Times, Or, Static Cling in Electronic Discovery," Chicago, May 1998
- Speaker, LegalTech '97, January 1997 in New York City, and November 1996 in Chicago. Topic: "Retention and Discovery of Electronically Stored Information: A Legal Perspective"
- Speaker, Illinois Judges Association, Topic: "The Internet: What is it? How do we Connect? What can we do with it?," Chicago, December 1996
- Speaker, Midwest Women in Law Regional Conference, Topic: "Technology: You Don't Have to Be a Techie," Milwaukee, WI, October 1996
- Speaker, IICLE Program on How to Discover and Use Computer-Stored Materials in Litigation, Chicago, February 1996
- Speaker, ABA Annual Meeting, General Practice Section, Individual and Small Firm Practice Committee, Topic: "The Many Roles of Technology in the Changing Law Practice," Chicago, August 1995

Restorative Justice

- Speaker on Restorative Justice, Governor's Commission on Women, Chicago, September 2000
- Speaker, Seminar on Restorative Justice, CBA, Alliance for Women, Committee on Violence, Chicago, March 2000
- Participant in Illinois Law cable television program: Restorative Justice for Victims with Cheryl Niro and Hon. Steve Pacey, Chicago Cable Channel 21, February 2000
- Organized and participated in a Presidential Showcase Program at the Joint Meeting of the ISBA and Illinois Judges Assn on Balanced and Restorative Justice, December 1999

Dispute Resolution

- Speaker, CBA Committee on Alternative Dispute Resolution, Topic: Restorative Justice Models, Chicago, November 1999
- Speaker, CBA Young Lawyers Seminar on Arbitration from A to Z, Topic: "What Arbitrators Are Taught," May 1998
- Instructor at United States Air Force Quality Facilitators Course, Patrick Air force Base, Cocoa Beach, FL, September 1996
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Civil and Voting Rights

- Speaker, Voting Rights, Northwestern University Voting Rights Class, 2004, 2005
- Panelist, 30 Year Reunion of the Chicago Lawyers' Committee for Civil Rights Under Law, Chicago, December 2004
- Speaker on Women in Justice, The Institute for Social Justice Award Luncheon, Chicago, October 2000
- Panelist, 30 Year Reunion of the Lawyers' Committee for Civil Rights Under Law, Jackson, MS, September 1995

Miscellaneous

- Speaker, National Association of Women Judges Annual Meeting, Topic: "Hot Issues in Domestic Violence," Memphis, TN, September 1996

Publications:

Real Estate Taxation

- Administrative Sales in Error in Connection with County Annual and Scavenger Tax Sales, ISBA Tax Trends, Vol 47, No. 1, July 2003
- Payment of Real Estate Taxes on an Undivided PIN: The Necessity to Pay by Legal Description, ISBA Tax Trends, Vol 45, No. 4, October 2001

Litigation Related

- Restorative Justice for Juveniles, IICLE Alternative Dispute Resolution, Ch. 27, 2001

COMMUNITY AND SOCIAL

Organizing domestic violence response and program for Orthodox Christian Churches and Clergy, 1998 - present

Board of Directors, Faith Net, Inc., an Illinois not-for-profit organization promoting Pan-Orthodox Christian Sources and Resources, including, inter alia, the Heaven on Earth Exhibit and coordinated events at the Field Museum of Natural History, Chicago, 1995, and the first Pan-Orthodox Arts and Music Festival at the Gray's Lake Serbian Monastery, Grayslake, IL, 2003-2004, 1995 - present

Tutor to Ethiopian (Tigrinyan) students in English as a second language 1993 - 1995

Choir, St. Andrew's Greek Orthodox Church 1980 - 1997

Psalti, St. Andrew's Greek Orthodox Church 1992 - present

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

My practice as a trial lawyer for 40 years, a judge, and Chief Legal Counsel to the Cook County Treasurer have equipped me with the breadth of experience necessary to ensure a well-rounded and able judge. In the brief period of time I sat in the Traffic Court, and even more so in the Juvenile Court, Child Abuse and Protection Division, I demonstrated not only judicial skills such as handling large calls effectively and efficiently, and deciding difficult legal matters, from non dispositive motions to trials, but also the ability to work with a diverse courtroom staff, and the ability to treat people before me, lawyers, parties and witnesses, with respect, dignity and compassion, all without sacrificing control over the proceedings before me or the legal or procedural requirements of the case. I read the files; I was prepared; I knew the law or learned it. The Chicago Council of Lawyers, in evaluating my performance on the bench, found that I was "diligent, even-tempered and impartial."

On graduation from law school in 1965, I was the first woman attorney with White & Case, on Wall Street, in New York City. There I worked in the litigation and corporate departments, obtaining exposure to large, complex cases and top quality legal work. That exposure stood me in very good stead when I left to join the staff of the Lawyers' Committee for Civil Rights Under Law in Jackson,

Mississippi, in 1966. During the time I was with Lawyers' Committee in Mississippi (until the end of 1969), I tried numerous cases, both civil and criminal, state and federal, trial court and appellate. I won a jury verdict of \$1,021,500 for the estate of Ben Chester White, murdered by the Klan -- the first such jury verdict since Reconstruction. I also handled two landmark U.S. Supreme Court cases, Fairley v. Patterson, a landmark 1964 Voting Rights Act case, and Griffin v. Breckenridge, holding that a private conspiracy to deprive persons of civil rights was within the purview of the 1871 Civil Rights Acts.

When Charles Evers was elected the first black Mayor of Fayette, Mississippi, I became city attorney to train city officials and police and to straighten out certain legal problems left by the outgoing white administration. When that work was finished, I was appointed Chief Counsel of the Lawyers' Committee office in Cairo, Illinois. There I handled a large number of civil and criminal cases, began a legal program for migrant workers, as well as wrote a legal column and engaged in community education and fundraising.

I returned to Chicago in 1971, where I was head of a legal services office in Lawndale for a time, and then an associate or partner in several firms including my own firm for more than 10 years.

During my career I have handled every kind of case, from simple cases to complex business litigation involving millions of dollars. I have handled civil and criminal cases in both state and federal courts. I have done trial and appellate work. I have represented every kind of client, from plaintiffs to defendants, from sophisticated business clients to those who barely understood why they were caught in the legal web. In 1989, I was the second woman from Illinois and among the first 11 women nationally to be inducted into the prestigious American College of Trial Lawyers for being an outstanding advocate and exhibiting the highest standards of professionalism, ethics and civility. That organization accepts only the top 1 percent of lawyers from each state.

More recently, from 1999 through May of 2005, I managed the legal department of the Cook County Treasurer's office and supervised a large staff, as well worked closely with other governmental offices, politicians, bar associations and taxpayers. This has given me an experience similar to that of "house counsel," planning and monitoring legal positions. It has also given me administrative, policy making and legislative experience.

Both before and after my stay in the Cook County Treasurer's Office I have been Executive Director of a not-for-profit corporation, Transforming Communities, which is engaged in consulting, educating and training in restorative justice, violence intervention and prevention for adults and children. My interest in violence prevention and peaceful conflict resolution came to the fore shortly after leaving the bench. I became passionately interested in restorative justice as a method of resolving wrongs. Restorative justice is a philosophy, value or program approach to crime and wrongs (not only criminal matters) in which victims, wrong-doers and communities actively, voluntarily and equally work together to support and empower those harmed to re-take control of their lives and seek closure, to instill in wrong-doers the real human impact of their behavior and to promote restitution to victims and communities. The process is one of dialogue and negotiation that is aimed at restoration and future problem solving, not imposing blame for past behavior. It is often referred to as "balanced and restorative justice" to emphasize that a balance is sought between the needs of the victim, the community and the offender, to enhance community protection, increase the competencies of the wrong-doer and thereby the ability of the wrong-doer to become a valuable participant in the community, and to provide direct accountability of the wrong-doer to the victim and the victimized community. Although restorative justice is often thought of in a "crime" context, it is equally important for schools, organizations, workplaces and families. It is useful wherever conflict may occur and peaceful and productive conflict resolution would be helpful.

I have held a number of positions and offices of responsibility with national and local bar associations. I was for more than twenty years a member of the Federal Defender Program. I have written and published many articles, on both legal subjects and other areas of interest. I have had a long standing interest in legal services for those who cannot afford lawyers. I was on the Board of Directors of the Legal Assistance Foundation of Chicago from 1990 to the time I took the bench. For more than 40 years I have taught at law schools and for the National Institute for Trial Advocacy.

From 1992 - 1994 I completed 40 hours (all the course work required) for a master's degree in media arts from the New School for Social Research in New York. I decided not to write the thesis to actually obtain the degree as I did not need the credential, but all of my grades were A. This is really an aside from the experience above, but I have had an interest in computers and high technology capabilities since the 1970's. As the courts come into the modern record-keeping and communications world, this additional experience will stand me in good stead.

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

Except for work with the Democratic Party and Democratic Farmer-Labor Party in pre-law school years (and that was extensive, including working full time for the Liberal Causus in the Minnesota House of Representatives and helping to manage a U.S. Congressional campaign for the Minnesota 7th District) most of my political activity has been in connection with voting rights. For example, in 1968 in Mississippi I helped write the brief to the National Democratic Party Credentials Committee that got the all white Mississippi regulars unseated in favor of the Loyalists. I also worked on landmark U.S. Supreme Court Voting Rights case Allen v. State Board of Elections, 393 U.S. 544, 89 S. Ct. 817, 22 L. Ed. 2d 1 (1969), which determined that private litigants did not have to go to the District of Columbia for a three-judge court (which was required to challenge a statute), could compel a state to seek prior approval from the U.S. Attorney General without depending on the U.S. Attorney General to decide to do so, and gave a broad interpretation to what might be a standard, practice, or procedure with respect to voting. More recently, in connection with the 1990 state redistricting I briefed and argued the position in the Illinois Supreme Court in favor of an alternative that would ensure a critical mass of women in the state legislature where the original proposed Republican plan would have put at risk 78 per cent of the seated women.

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 by the IVI-IPO because of my already demonstrated capabilities as a judge and practicing lawyer and my breadth of experience, as well as my diverse legal background as discussed above.

My temperament, on the bench and in practice, is stable and mature. It is even-handed, equable, yet firm. Both on the bench and in practice I have demonstrated that I am hard working, efficient, well-organized and conscientious. I am concerned about disputes being resolved in ways that are as expeditious as possible with due regard to the needs of the parties and the case, and as inexpensively as possible.

My skills as a trial lawyer have been recognized. I was the second woman from Illinois inducted into the American College of Trial Lawyers in 1989. I have tried, literally, hundreds of cases. Every bar association that has evaluated me for the position of Circuit Court Judge, of every general and special interest, has found me qualified, most with their highest ratings.

I bring to the bench an open mind, a willingness to listen, common sense and a love of learning. I bring the ability to follow precedent regardless of my personal feelings on any subject. I bring a high sense of honesty and integrity and a moral character that is well aware that it should not change with position or power.

Most of all, I bring a great love for our legal system, a great love of people and a sense of humor. Courts, which are the immediate interface of our justice system with people in difficult situations, need all of these

qualities. Our justice system needs to survive as an independent and respected branch of our democratic society. And it needs to be perceived by all those with contact with it as just that – an independent and respected branch of our government. In line with my strong feelings about an impartial and independent judiciary, I am not accepting financial contributions to my campaign from lawyers and law firms.

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>
2005	Circuit Judgeship	Hispanic Lawyers Assn Of Illinois	Highly Qualified
2004	Circuit Judgeship	Chicago Council of Lawyers	Highly Qualified
2004	Circuit Judgeship	Chicago Bar Assn	Qualified
2004	Circuit Judgeship	Black Women Lawyer's Assn of Greater Chicago	Recommended
2004	Circuit Judgeship	Puerto Rican Bar Assn	Highly Recommended
2004	Circuit Judgeship	Women's Bar Assn Of Illinois	Highly Recommended
2004	Circuit Judgeship	Lesbian and Gay Bar Assn	Highly Recommended
2004	Circuit Judgeship	The Decalogue Society of Lawyers	Highly Recommended
2004	Circuit Judgeship	Asian American Bar Assn of the Greater Chicago Area	Qualified
2000	Circuit Judgeship	Chi. Council of Lawyers	Highly Qualified
2000	Circuit Judgeship	Northwest Suburban Bar	Highly Qualified
2000	Circuit Judgeship	Chicago Bar Assn	Highly Qualified
1999	Circuit Judgeship	Asian American Bar Assn of the Greater Chicago Area	Qualified
1999	Circuit Judgeship	Black Women Lawyer's Assn of Greater Chicago	Recommended
1999	Circuit Judgeship	Chicago Council of Lawyers	Recommended
1999	Circuit Judgeship	Cook County Bar Assn	Recommended
1999	Circuit Judgeship	The Decalogue Society of Lawyers	Recommended
1999	Circuit Judgeship	Hispanic Lawyers Assn of Illinois	Recommended
1999	Circuit Judgeship	Puerto Rican Bar Assn	Recommended
1999	Circuit Judgeship	Illinois State Bar Assn	Well Qualified
1999	Circuit Judgeship	Lesbian and Gay Bar Assn	Recommended
1996	Circuit Judgeship	Northwest Suburban Bar Assn	Highly Qualified
1999	Circuit Judgeship	Women's Bar Assn of Illinois	Recommended
1995	Circuit Judgeship	Chicago Bar Assn	Qualified
1995	Circuit Judgeship	Cook County Bar Assn	Qualified
1995	Circuit Judgeship	Women's Bar Assn Of Illinois	Highly Recommended
1995	Circuit Judgeship	Northwest Suburban Bar	Highly Recommended
1979	Federal Judgeship	Chicago Bar Assn	Not recommended*

- The finding was for lack of experience though I had tried at that point hundreds of cases. The reason was that, in 1979, civil rights related litigation was considered as somehow inferior to complex commercial and other litigation.

IVI-IPO COOK COUNTY CIRCUIT 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 (7th 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.¹ 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.

A: **Preamble:** Republican Party v. White, 536 U.S. 765 (2003), did not definitively resolve the issues concerning what a judicial candidate may or may not permissibly say in a campaign. Buckley v. Illinois Judicial Board, 997 F.2d 224 (7th Cir. 1993), involved an “announce” clause similar to that before the court in White (and the “announce” clause was all that was before the White court). Following the Buckley case, the announce clause was removed from the Illinois Code of Judicial Conduct. The majority opinion in White did not declare that judicial candidates must be treated the same way as non-judicial candidates. An independent and impartial judiciary is not merely an ideal, it is required by the Due Process Clause of the United States Constitution as well as that of Illinois. The U.S. Supreme Court has repeatedly so held. *See, e.g., Concrete Pipe & Prods. v. Construction Laborers Pension Trust*, 508 U.S. 602 (1993) (“due process requires ‘a neutral and detached judge’”), citing Ward v. City of Monroeville, 409 U.S. 57, 61-62 (1972); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980) (“no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him”).

¹ 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.

A recent advisory opinion by the Illinois Judicial Ethics Council, dated January 3, 2006, says, “Even the majority in *Republican Party of Minnesota v. White* acknowledged that the First Amendment does not require campaigns for judicial office to sound the same as those for legislative office. [Citation omitted.] Because judicial candidates who answer issue-oriented questions may run the risk of violating the Code of Judicial Conduct, may undermine the appearance and potentially the existence of an impartial and independent judiciary, and may interfere with the efficient administration of justice, the UEC strongly urges candidates to refrain from answering the Questions.” While judicial candidates, as is conceded by IVI-IPO, may make no promises or commitments about rulings on matters which might come before them, the Buckley case expressly recognizes that such promises or commitments can be express or implied.

Common sense, as well as the use of such statements by various politically and socially active groups in our society belie the assertion that the responses to some of the questions IVI-IPO poses here will be used merely “to determine your political orientation in general, across a wide spectrum of issues.” Whatever IVI-IPO members will do, and I do not question their assurances, nevertheless IVI-IPO promises to post all questionnaires on its WEB site, and certainly other individuals or groups who may read the questionnaires have not, and many would not, make the same assurances.

The danger to an independent and impartial judiciary of election-by-questionnaire has not gone unnoticed. See, e.g., Brandenburg, Promissory Notes: How election-by-questionnaire is threatening independent judges, www.slate.com/id/2128354/. I have too often practiced before judges who who made no secret of their opinions, most often, *but not always*, in Mississippi in the 1960's. When a Mississippi judge announced, “I am a member of the Klan,” or “I believe that Mississippi’s policies on race are beneficial to the good order,” no one expected that judge to be fair in a race case – and not once was such a judge fair and impartial in my experience. When people’s lives and rights are at stake, an independent and impartial judiciary, not tied to the prevailing social orthodoxy (in that case racism), not tied to special interests, and not tied to personal beliefs, predilection or opinion is vital. What we need, as others have said, is a judge who has the knowledge and courage to appreciate what the law is, whether in agreement with it or not, and to enforce it.

I do not feel a simple refusal to answer IVI-IPO’s questions based on the Code of Judicial Conduct is appropriate in light of White and Buckley. I do feel that answers that could, and most likely would, be taken as implied positions which might compromise my being perceived as an independent, fair and impartial judge – which is what I will most of all strive to be -- would be in violation of the Code. My answers will reflect that belief.

Death Penalty: Regardless of my general personal views, I would follow the law, as set forth in statute and case authority. In any case that might come before me involving the question of the death penalty my personal views are subject to statute and case law, as well as arguments of counsel. The imposition – or not – of the death penalty pursuant to Illinois law is a complex issue involving an infinite variety of factual situations relating to crimes committed and their circumstances, victims, mental and physical states and other aggravating and mitigating factors set forth in statutes. If I could not impose the death penalty if the statutes required it, I should not be a judge as judges are sworn to uphold the constitution and laws of the State of Illinois and the United States. However, I will say that I am saddened by the death penalty. I do not believe it is a deterrent. While retribution is a recognized purpose in our criminal justice system and is important for victims and society, this purpose is an integral part of *all* of our sentencing statutes, including minor offenses and sentences, long term imprisonment, imprisonment without the possibility of parole, as well as the death penalty. Imprisonment without possibility of parole may, in fact, be more of a punishment than the death penalty. If the sentence is any other than the death penalty (which is the ultimate in incapacitation), rehabilitation should play some role in a prison’s policies toward inmates. Whatever one’s religious or secular values are, it is better for a person to understand the consequences of his or her acts, to accept responsibility for them, and to make amends however that is possible, even if it is only within or from prison. One thinks of the reports of victim-offender conferences in Texas between victim survivors and those convicted of the murder (even those on death row) in which victims are permitted to ask questions about what happened and there is give and take. Often this laying to rest of what is in the victim survivor’s imagination brings comfort and some degree of closure to an otherwise unmitigated horrible event. There are many ways a person, even from prison, can constructively affect the lives of others, and one can never predict when or how that might occur. Because of the uncertain

status of the law with relation to the death penalty, those issues are, and will continue to be, before the courts, if in no other form than being raised in every case in which the death penalty is requested.

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.

A: **Preamble:** Republican Party v. White, 536 U.S. 765 (2003), did not definitively resolve the issues concerning what a judicial candidate may or may not permissibly say in a campaign. Buckley v. Illinois Judicial Board, 997 F.2d 224 (7th Cir. 1993), involved an “announce” clause similar to that before the court in White (and the “announce” clause was all that was before the White court). Following the Buckley case, the announce clause was removed from the Illinois Code of Judicial Conduct. The majority opinion in White did not declare that judicial candidates must be treated the same way as non-judicial candidates. An independent and impartial judiciary is not merely an ideal, it is required by the Due Process Clause of the United States Constitution as well as that of Illinois. The U.S. Supreme Court has repeatedly so held. See, e.g., Concrete Pipe & Prods. v. Construction Laborers Pension Trust, 508 U.S. 602 (1993) (“due process requires ‘a neutral and detached judge’”), citing Ward v. City of Monroeville, 409 U.S. 57, 61-62 (1972); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980) (“no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him”).

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Abortion: Cases involving reproductive rights are before the courts with considerable frequency as people with various beliefs (and there are a wide variety of beliefs, each with rational bases, though those with some of those beliefs might not concede the possibility of a “rational” basis for others). The beliefs on the issues relating to reproductive rights are not limited merely to those “for” or “against” abortion. There are those who are against abortion at any time or for any reason. There are those who acknowledge the first trimester findings of the Roe v. Wade case, but differ on reasons which may be permissible, such as danger to the life of the mother, rape, incest or child pregnancy. Those with variant beliefs are continually lobbying for the passage of new laws, challenging existing or new laws, or taking other actions pursuant to their beliefs. Issues relating to reproductive rights are thus continually before the courts today, and most likely for the foreseeable future. Regardless of my personal views, I would follow the law, as set forth in statute and case authority.

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.

A: **Preamble:** Republican Party v. White, 536 U.S. 765 (2003), did not definitively resolve the issues concerning what a judicial candidate may or may not permissibly say in a campaign. Buckley v. Illinois Judicial Board, 997 F.2d 224 (7th Cir. 1993), involved an “announce” clause similar to that before the court in White (and the “announce” clause was all that was before the White court). Following the Buckley case, the announce clause was removed from the Illinois Code of Judicial Conduct. The majority opinion in White did not declare that judicial candidates must be treated the same way as non-judicial candidates. An independent and impartial judiciary is not merely an ideal, it is required by the Due Process Clause of the United States Constitution as well as that of Illinois. The U.S. Supreme Court has repeatedly so held. See, e.g., Concrete Pipe & Prods. v. Construction Laborers Pension Trust, 508 U.S. 602 (1993) (“due process requires ‘a neutral and detached judge’”), citing Ward v. City of Monroeville, 409 U.S. 57, 61-62 (1972); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980) (“no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him”).

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courage to appreciate what the law is, whether in agreement with it or not, and to enforce it.

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Minimum Mandatory Sentencing: Throughout the history of our jurisprudence, there have always been “minimum mandatory” sentences. For one crime it is one year and a day to five years; for another it is ten to fifty years. Minimum mandatory sentencing is not something one is necessarily for or against. The legislative branch, as it is supposed to do in our form of government, has listened to its constituencies, and has passed various – many – laws with minimum mandatory sentences. Minimum mandatory sentencing is one way of providing consistency in sentencing, and consistency is a good thing. Another way, not as absolute, is requiring particular findings of fact prior to the imposition of particular levels of sentence. There is, perhaps, a danger in relying solely on discretion or solely on minimum mandatory sentences to provide consistency, or necessarily appropriate sentences in any particular case.

If I had my preference based on the law as it is today, more judicial discretion should be permitted. Specific written findings of fact relevant to the case before a court should be required. The factors a court might well consider could be set forth in the statute if the legislature wished to do so. Every case is different as to the facts, circumstances and seriousness of the crime, the circumstances or physical or mental status of the victim, the harm to the victim and the community, the circumstances or physical and mental status of the offender, and the message a sentence that is either too lenient or too harsh sends to the victim and the community. It is more fair to everyone concerned with our criminal justice system that facts supporting the imposition of the level of sentence required be readily available to anyone concerned, rather than that there be mandatory sentences without regard to any factual findings other than guilt. I am not suggesting that total discretion be granted (we do not, after all, live in a perfect world, even when it comes to judges), but the trend in recent years has been towards more and more statutes imposing high end minimum mandatory sentences. Whether the legislature reviews the minimum mandatory sentence laws or not, as a judge faced with a statute with a minimum mandatory sentence, I would be obligated to follow that statute and case law without regard to the facts of the case before me.

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: **Preamble:** Republican Party v. White, 536 U.S. 765 (2003), did not definitively resolve the issues concerning what a judicial candidate may or may not permissibly say in a campaign. Buckley v. Illinois Judicial Board, 997 F.2d 224 (7th Cir. 1993), involved an “announce” clause similar to that before the court in White (and the “announce” clause was all that was before the White court). Following the Buckley case, the announce clause was removed from the Illinois Code of Judicial Conduct. The majority opinion in White did not declare that judicial candidates must be treated the same way as non-judicial candidates. An independent and impartial judiciary is not merely an ideal, it is required by the Due Process Clause of the United States Constitution as well as that of Illinois. The U.S. Supreme Court has repeatedly so held. See, e.g., Concrete Pipe & Prods. v. Construction Laborers Pension Trust, 508 U.S. 602 (1993) (“due process requires ‘a neutral and detached judge’”), citing Ward v. City of Monroeville, 409 U.S. 57, 61-62 (1972); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980) (“no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him”).

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Treatment of Juveniles as adults: Treatment of juveniles as adults is not something on which one might have a strictly “for” or “against” position. The legislative branch, as it is supposed to do in our form of government, has listened to its constituencies, and has passed several laws expanding the treatment of juveniles as adults. In general, I believe that juveniles should be treated as juveniles – Illinois was one of the leading states in such reforms many years ago, and the first state to create a separate juvenile court, an anniversary we celebrated in 1999. There are occasions when it may seem appropriate to treat juveniles as adults. I believe the presumption, however, should be in favor of treating juveniles as juveniles, not adults. The statutes used to set forth factors on which a judge had to hold a hearing and make specific written findings in order to treat juveniles as adults. It is now mandatory in some situations to treat a juvenile as an adult without regard to whether a juvenile meets any of the standards that used to be required by statute. I would personally favor a return to the requirement of specific findings. Many states that joined the bandwagon for treatment of juveniles as adults a few years ago are pulling back from that position. I would like the legislature to consider similar options. As a judge I would be obligated to follow the statutes and case law with regard to treatment of juveniles as adults whether or not the legislature revisits the issue.

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?

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Gay Rights, Gay Marriage: With respect to gay and lesbian rights in general, the constitutions and/or laws of the United States and the State of Illinois presently prohibit discrimination on the basis of race, sex, national origin, religion, sexual preference or disability. I believe strongly in those laws. I strongly support those laws. However, the mere allegation that discrimination has taken place on one of those grounds, does not make it true, any more than an allegation that someone ran a red light makes that allegation true. I would try the case fairly and impartially, as any other. It is essential to justice that every person, in every kind of case, gets a fair opportunity to present a case and to be heard impartially.

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 think the major strengths of the Circuit Court include:

- Encouragement and support of chief and supervising judges, court staff and related justice system organizations to be innovative and creative in identifying problems, and suggesting and implementing

- solutions, and in developing and testing new programs, processes, systems
- Substantial progress towards implementing major automation within the court system to, among other things, allow one court to know when a party or related problem is before another portion of the court, e.g., when a domestic violence case arises in criminal court, to know whether the parties or family are also before the domestic relations court, whether there is a civil order of protection, whether the family is involved in the Juvenile Court, whether justice system professionals have already done evaluations etc.
- Substantial progress toward implementing connectivity between the courts and others as needed, e.g., law enforcement, pretrial and probation, social service agencies, DCFS, lawyers, victims and witnesses and others
- Increasing the jurisdiction of the suburban courts so that people do not have to come into the City unnecessarily

Some areas where I would suggest change are:

- There should be more movement towards a single judge hearing a case from start to finish, rather than a case being heard piecemeal by various judges, none of whom come to a real understanding or knowledge of the case and, to the extent they try, are duplicating efforts; this would also alleviate the problem of an attorney asking for multiple continuances unnecessarily as one judge would be aware of when an attorney or party was failing to do what should be done
- There should be better communications avenues open within the court system, including not just the chief judge and judges in particular divisions, but also lawyers and public and private individuals and organizations interested in how particular specialized courts operate and related public policy issues
- There needs to be more cooperation and less politics among justice system professionals in addressing common issues
- There needs to be more cooperation and less politics between and among the various departments of government which touch the court system
- There needs to be more open communication and more exchange of information and ideas among sitting judges; now they are quite isolated and rarely have the opportunity to compare notes
- Steps should be taken to bring back something like the old Court Watchers organization; their criticisms were helpful. Even for good judges, if the Court Watchers did not understand something the judge thought he or she was handling well, that would be a useful thing to know

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

The present system permits the election of the Chief Judge by vote of all full Circuit Judges, each of whom is dependent upon the Chief Judge for where he or she sits and much more. That substantially favors the current chief judge and makes a challenge very difficult. On the other hand, a chief judge making difficult and needed changes should not be easy to remove. I do not know what I would suggest as an alternative. I do know that I would not want the selection process in the hands of politicians or others outside of the court system.

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?

I am not sure that assignment of judges at the whim of the Chief Judge is the best system, but if there is to be an effective chief judge, he or she has to have the power to move personnel around where needed, and to put unproductive or embarrassing judges in places where they can do the least harm. Perhaps the system could be alleviated by some kind of internal selection and appellate process after a judge has served in a particular place for some preset period of time.

I liked my prior assignment to Juvenile very much and would like to go back to that court. I would also like to be assigned to the Law Division, commercial division. I would be happy to serve in many other areas of the court if assigned, however.

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?

Statutes and appellate decisions interpreting such statutes and various cases carry great weight and are controlling where clearly applicable. As a judge I would be obligated to follow such statutes and cases regardless of my personal beliefs. Where the statutes or cases do not clearly govern the status of the case before a judge, nevertheless cases and statutes generally provide reasons, if not results, for the type of case at hand. In that latter case there is the necessity for permissible discretion which should be exercised by acting only on the reasons warranted by the law or cases as a basis for a decision. Those reasons should be examined in good faith and applied. Together, good faith and permissible discretion, exercised as described, allow a realistic scope for decision making while recognizing existing and conventional law.

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

If a sitting judge were indicted, the judge should not remain on the bench. My personal preference would be for the judge to resign, but in light of the presumption of innocence, conviction is almost certainly a prerequisite for requiring resignation.