

IVI-IPO 2006 COOK COUNTY SUBCIRCUIT COURT QUESTIONNAIRE – Section 1

DATE December 27, 2005 PARTY Democratic

DISTRICT 11th Judicial Sub Circuit CANDIDATE FOR Vacancy "A" VACANCY

NAME: Mary Colleen Roberts

WEB SITE: www.marycolleenrobertsforjudge.com

CAMPAIGN ADDRESS: Citizens to Elect Mary Colleen Roberts 1131 Lake Street #241 Oak Park, IL 60301

CAMPAIGN PHONE: 708-601-6279 FAX: 708-848-4820

CAMPAIGN MANAGER: Erin Peot

NUMBER OF PETITION SIGNATURES FILED: approx 1200 NUMBER REQUIRED: 500

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

Appointed as a Circuit Court of Cook County Hearing Officer, Juvenile Court. Served from March 1996 to October 1998.

Other elective offices for which you have been a candidate.

N/A

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

Professional

Assistant State's Attorney 2003 to present
Cook County State's Attorney's Office, 2650 S. California, Chicago, IL 1989-1996

Senior Attorney & Assistant Corporation Counsel 1998-2003
City of Chicago, Department of Law, 30 N. LaSalle, Chicago, IL

Hearing Officer, Juvenile Court 1996-1998
Circuit Court of Cook County, Office of the Chief Judge, Juvenile Court, 1100 S Hamilton, Chicago, IL

Civic

Ravenswood Run 5k Race - Founded race in 1996, acted as race director until 2001. Since that time I have continued to volunteer in various capacities. The Ravenswood Run is a community event that raises funds for a local community food pantry and health care center serving a local public high school.

Community Policing Award 2004 – Received award for work with the Chicago Police Department's CAPS program operating in the 21st District of the Chicago Police Department.

All Saints Episcopal Church Vestry – In 2000 I completed a five year tenure on the Church's lay governing board. The first year of that tenure I was a board member and the remaining four I was one of the co-presidents. Since that time I have remained active with the Church's outreach activities focused on providing basic assistance such as food to the homeless and the needy in the surrounding community.

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

Prior to attending law school, I worked at a residential social service agency which provided care to behaviorally and emotionally disturbed children who were wards of the court. The five years that I worked with these children, first as a direct care worker and subsequently as a manager of my own residential home gave me hands on experience with the court system and the laws of the state of Illinois. These experiences convinced me that I should go to law school. I reasoned that with a law degree I could more effectively represent and serve the needs of others.

When I graduated from law school in 1989, I returned to work in the public sector. I began my law career as an Assistant State's Attorney with the Cook County State's Attorney's Office. During the ensuing sixteen years I have also served as a Hearing Officer in the Juvenile Division of the Circuit Court of Cook County and as an Assistant Corporation Counsel with the City of Chicago's Law Department. These experiences have allowed me to cultivate a diverse legal background with significant practice in civil, criminal and administrative law.

Outside of my professional life I have continued my commitment to public service. I founded and directed the Ravenswood Run 5K race in 1996 and continued in the position of race director until 2001. The mission of this event is to raise money to support the efforts of a local community food pantry and a Chicago public high school's on campus health center. Now moving into its tenth year, I am still involved as a volunteer working to ensure that the event generates more awareness to serving the needs of each of the communities it was designed to benefit. Additionally, I am active in the community outreach programs sponsored by my church which focuses on serving the homeless and less fortunate in the Ravenswood area of Chicago.

I believe that serving as a judge is an act of public service. The experiences that I have had in my professional and personal life have provided me with a solid foundation from which I can draw as I serve as a judge in the Circuit Court of Cook County. I believe that my experiences and commitment to public service are what make me qualified to sit as a judge.

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

In 2002, I sat on a "kitchen cabinet" of a friend who was considering a run for judicial office. My involvement included sitting in on monthly meetings, discussing campaign strategy and attending fundraisers. The friend disbanded the group after approximately four months when she failed to get slated by the regular Democratic party.

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?

The IVI-IPO should endorse me over the other candidates because I have the requisite legal experience, qualifications and dedication to fairly and honestly serve the citizens of Cook County.

Since graduating from law school in 1989 I have worked in the public sector. I began my career as an Assistant State's Attorney with the Cook County State's Attorney's Office. During the ensuing sixteen years I have also served as a Hearing Officer in the Juvenile Division of the Circuit Court of Cook County and as an Assistant Corporation Counsel with the City of Chicago's Law Department. These experiences have allowed me to cultivate a diverse legal background with significant practice in civil, criminal and administrative law.

I have spent my 16 year legal career gaining the experience, qualifications and knowledge required to become a fair, hardworking and impartial judge. One of my opponents has only been licensed as an attorney for ten years. In 2004, he ran for judicial office and in 2000 he ran unsuccessfully for Water Reclamation District Commissioner. Another opponent is an attorney who has also spent his career specializing in personal injury litigation and mediation. The third opponent is a Public Defender who has focused her entire legal career in the practicing criminal law.

My opponents do not have the diverse legal background that I have developed over the last sixteen years. Additionally, I have dedicated both my personal and professional life to public service. I believe I am

the most qualified candidate because of my well grounded legal background and dedicated commitment to public service.

The fair and impartial administration of justice is the most important goal that I would seek to achieve as a judge. As an out lesbian, I have experienced bias from members of the judiciary, court personnel, and co workers as I have worked in the courts these last sixteen years. This discrimination has been both subtle and outrageous. These experiences have helped me to hone a sensitivity for how discrimination is expressed in even its most subtle forms. I have also developed an ability to confront the source of bias or discrimination as it is initially expressed so that an expectation of respect for diversity is set up. With such an expectation in place, it has been my experience that the bias and discriminatory behavior diminishes and tolerance of diversity increases. As a judge it will be my goal to set the expectation that all who appear in my courtroom are to be treated equally. In doing so it is my goal that those who work and appear in the courtroom will resist expressing bias and discrimination, even in its most subtle form, towards those who are differently situated. I believe that it is the judge who is responsible for setting expectations and structure and communicating that information to those who appear before the court. My goal as a judge will be to make sure that all who appear in my courtroom are able to experience the fair and impartial administration of justice by insuring that diversity is respected.

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>
<i>N/A</i>			

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 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.

Having carefully considered this question, I respectfully adopt the following comments as my answer:

“Should I be elected, I will uphold the law and administer justice wholly independent of political influence and regardless of my personal views on any number of political, social or moral issues. The standards of judicial conduct embodied in Illinois Supreme Court Rules 61-68 are not intended to be and are not the only ethical guidelines by which the conduct of judges and judicial candidates should be evaluated. Rather, they are intended to be instructive and to assist judges and candidates in maintaining the highest standards of judicial conduct. While it may be contended that I am perfectly free to announce or express my views on the various topics you address in this IVI-IPO

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.

questionnaire, it is my conviction that to do so may well denigrate the fundamental principles of integrity, independence and impartiality which are the cornerstone of the judicial office. Recognizing that partisan elections are often vexed by misinformation and misperception, it is also my conviction that any expression of my personal views on various so-called “hot button” issues—views which will have absolutely no bearing on my impartial and independent application of the law including adherence to established and binding precedent—may lead to an erroneous conclusion that such expressions constitute a commitment as to my adjudicative responsibilities or performance.

The fundamental mission articulated by the IVI-IPO is to achieve social justice by, among other things, increasing voter knowledge and by enhancing the informed participation of the voting public. This being the case, is it not more critically important that the IVI-IPO educate the voter to understand that an evaluation of a candidate’s qualifications for judicial office should be based on one’s integrity, knowledge, experience and on an ability to be fair, impartial and independent and that the personal views of an otherwise qualified judicial candidate on the questions identified above should be and are wholly irrelevant.”

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.

Having carefully considered this question, I respectfully adopt the following comments as my answer:

“Should I be elected, I will uphold the law and administer justice wholly independent of political influence and regardless of my personal views on any number of political, social or moral issues. The standards of judicial conduct embodied in Illinois Supreme Court Rules 61-68 are not intended to be and are not the only ethical guidelines by which the conduct of judges and judicial candidates should be evaluated. Rather, they are intended to be instructive and to assist judges and candidates in maintaining the highest standards of judicial conduct. While it may be contended that I am perfectly free to announce or express my views on the various topics you address in this IVI-IPO questionnaire, it is my conviction that to do so may well denigrate the fundamental principles of integrity, independence and impartiality which are the cornerstone of the judicial office. Recognizing that partisan elections are often vexed by misinformation and misperception, it is also my conviction that any expression of my personal views on various so-called “hot button” issues—views which will have absolutely no bearing on my impartial and independent application of the law including adherence to established and binding precedent—may lead to an erroneous conclusion that such expressions constitute a commitment as to my adjudicative responsibilities or performance.

The fundamental mission articulated by the IVI-IPO is to achieve social justice by, among other things, increasing voter knowledge and by enhancing the informed participation of the voting public. This being the case, is it not more critically important that the IVI-IPO educate the voter to understand that an evaluation of a candidate’s qualifications for judicial office should be based on one’s integrity, knowledge, experience and on an ability to be fair, impartial and independent and that the personal views of an otherwise qualified judicial candidate on the questions identified above should be and are wholly irrelevant.”

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.

Having carefully considered this question, I respectfully adopt the following comments as my answer:

“Should I be elected, I will uphold the law and administer justice wholly independent of political influence and regardless of my personal views on any number of political, social or moral issues. The standards of judicial conduct embodied in Illinois Supreme Court Rules 61-68 are not intended to be and are not the only ethical guidelines by which the conduct of judges and judicial candidates should be evaluated. Rather, they are intended to be instructive and to assist judges and candidates in maintaining the highest standards of judicial conduct. While it may be contended that I am perfectly free to announce or express my views on the various topics you address in this IVI-IPO questionnaire, it is my conviction that to do so may well denigrate the fundamental principles of integrity, independence and impartiality which are the cornerstone of the judicial office. Recognizing that partisan elections are often vexed by misinformation and misperception, it is also my conviction that any expression of my personal views on various so-called “hot button” issues—views which will have absolutely no bearing on my impartial and independent application of the law including adherence to established and binding precedent—may lead to an erroneous conclusion that such expressions constitute a commitment as to my adjudicative responsibilities or performance.

The fundamental mission articulated by the IVI-IPO is to achieve social justice by, among other things, increasing voter knowledge and by enhancing the informed participation of the voting public. This being the case, is it not more critically important that the IVI-IPO educate the voter to understand that an evaluation of a candidate’s qualifications for judicial office should be based on one’s integrity, knowledge, experience and on an ability to be fair, impartial and independent and that the personal views of an otherwise qualified judicial candidate on the questions identified above should be and are wholly irrelevant.”

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.

Having carefully considered this question, I respectfully adopt the following comments as my answer:

“Should I be elected, I will uphold the law and administer justice wholly independent of political influence and regardless of my personal views on any number of political, social or moral issues. The standards of judicial conduct embodied in Illinois Supreme Court Rules 61-68 are not intended to be and are not the only ethical guidelines by which the conduct of judges and judicial candidates should be evaluated. Rather, they are intended to be instructive and to assist judges and candidates in maintaining the highest standards of judicial conduct. While it may be contended that I am perfectly free to announce or express my views on the various topics you address in this IVI-IPO questionnaire, it is my conviction that to do so may well denigrate the fundamental principles of integrity, independence and impartiality which are the cornerstone of the judicial office. Recognizing that partisan elections are often vexed by misinformation and misperception, it is also my conviction that any expression of my personal views on various so-called “hot button” issues—views which will have absolutely no bearing on my impartial and independent application of the law including adherence to established and binding precedent—may lead to an erroneous conclusion that such expressions constitute a commitment as to my adjudicative responsibilities or

performance.

The fundamental mission articulated by the IVI-IPO is to achieve social justice by, among other things, increasing voter knowledge and by enhancing the informed participation of the voting public. This being the case, is it not more critically important that the IVI-IPO educate the voter to understand that an evaluation of a candidate's qualifications for judicial office should be based on one's integrity, knowledge, experience and on an ability to be fair, impartial and independent and that the personal views of an otherwise qualified judicial candidate on the questions identified above should be and are wholly irrelevant."

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.

Having carefully considered this question, I respectfully adopt the following comments as my answer:

"Should I be elected, I will uphold the law and administer justice wholly independent of political influence and regardless of my personal views on any number of political, social or moral issues. The standards of judicial conduct embodied in Illinois Supreme Court Rules 61-68 are not intended to be and are not the only ethical guidelines by which the conduct of judges and judicial candidates should be evaluated. Rather, they are intended to be instructive and to assist judges and candidates in maintaining the highest standards of judicial conduct. While it may be contended that I am perfectly free to announce or express my views on the various topics you address in this IVI-IPO questionnaire, it is my conviction that to do so may well denigrate the fundamental principles of integrity, independence and impartiality which are the cornerstone of the judicial office. Recognizing that partisan elections are often vexed by misinformation and misperception, it is also my conviction that any expression of my personal views on various so-called "hot button" issues—views which will have absolutely no bearing on my impartial and independent application of the law including adherence to established and binding precedent—may lead to an erroneous conclusion that such expressions constitute a commitment as to my adjudicative responsibilities or performance.

The fundamental mission articulated by the IVI-IPO is to achieve social justice by, among other things, increasing voter knowledge and by enhancing the informed participation of the voting public. This being the case, is it not more critically important that the IVI-IPO educate the voter to understand that an evaluation of a candidate's qualifications for judicial office should be based on one's integrity, knowledge, experience and on an ability to be fair, impartial and independent and that the personal views of an otherwise qualified judicial candidate on the questions identified above should be and are wholly irrelevant."

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? *The Circuit Court is a very large system that accomodates tens of thousands of people each year. I think the size of the system is its major strength as well as its weakness. I think that the system functions fairly well, but there is always room for improvement. Given the right information about the various needs of the system and those that it serves I would take that information and implement it to improve the way it functions.*

7. How should the Chief Judge of the Circuit Court be chosen? *The manner in which the Chief Judge is currently chosen appears to be satisfactory and appropriate.*
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 be assigned to divisions where they can best exercise their experience, qualifications and knowledge. If elected, I would like to be assigned to Juvenile Court. I believe that as a judge in Juvenile Court I could put my experience, qualifications and knowledge to it best use.*
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? *Regardless of my personal views, if elected to judicial office I will uphold my oath of office to apply the law of the State of Illinois to the facts of the case before me. I believe that as a judge upholding my personal views are secondary to my duty to honor the oath of office I would be sworn to upon taking office. That said, I would follow the 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 I were a sitting judge and were indicted I would take a leave of absence until the matter was resolved knowing that I enjoyed a presumption of innocence.*