

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

DATE December 27, 2005

PARTY: DEMOCRATIC

CANDIDATE FOR: CIRCUIT COURT JUDGE 5TH SUBCIRCUIT---VACANCY: LLWELYN L.GREENE-THAPEDI NAME: STEPHEN STERN

WEB SITE: NONE

CAMPAIGN ADDRESS: P.O. BOX 6804, CHICAGO, ILLINOIS 60680-6804

CAMPAIGN PHONE: 773/633-7934 FAX; NONE

CAMPAIGN MANAGER: NONE PRESENTLY

NUMBER OF PETITION SIGNATURES FILED: 2500 NUMBER REQUIRED: 500

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

Member from 2004 to the present of the Illinois Supreme Court Committee on character and Fitness

Other elective offices for which you have been a candidate.

I attempted to get appointed to the State Senate seat vacated by Barack Obama

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

Business: From 1993 to 1999 I was the Chief of the Civil Rights Division of the Illinois Attorney General's Office. I supervised the response to and investigation of a wide variety of civil rights complaints lodged with the office. Also, I created and implemented a plan of operation for this Division which was newly created with my hire. From 1999 to the end of 2004 I was the Litigation Director for the Leadership Council for Metropolitan Open Communities (LCMOC), a Fair Housing Organization. I supervised the litigation handled by the pool of private attorneys and staff of LCMOC. Most the litigation involved claims of housing discrimination and some of predatory lending. I also supervised the investigation of claims of housing discrimination by staff of LCMOC and governmental agencies. Since the beginning of 2005 I have been a solo practitioner and have handled primarily discrimination cases in the areas of employment and public accommodations. Almost all of my activities during this time have been on behalf of the victims and as a plaintiff's attorney (the one exception was in the area of predatory lending where I would often represent a person in defense of a mortgage foreclosure proceeding and raise predatory lending counterclaims).

Professional:--Member of the Board, President, 1ST and 2nd Vice President of the Cook County Bar Association (CCBA); Also Chair of several committees of the CCBA;

Civic: --Member of the Board of the Legal Assistance Foundation of Chicago

- Member of the Board and Treasurer of the Center for Conflict Resolution (a free mediation services organization);
- President (for three years) of the South Side Gators Parents Organization (a swim team associated with the Southside YMCA);
- Presently on my third two year term as member of the Board of Trustees of the First Unitarian Church of Chicago;
- Assistant Coach in a Southside branch of American Youth Soccer Organization

Educational: Made several presentations on INTERVIEWING WITNESSES IN CONNECTION WITH INVESTIGATIONS at the 2000 US DEPT. OF HOUSING AND URBAN DEVELOPMENT NATIONAL FAIR HOUSING ASSISTANCE/INITIATIVES PROGRAMS POLICY CONFERENCE in San Antonio Texas; Made several presentations on CONDUCTING CONCILIATION UNDER THE FEDERAL FAIR HOUSING LAW at the 2001 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FHIP/FHAP REGIONAL TRAINING CONFERENCE in Chicago; and Made a presentation on FAIR HOUSING LAW at a Race and Law Symposium entitled “FAIR HOUSING OR NOT” LOOKING BACK AND MOVING FORWARD put on by Loyola Law School in 2003.

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

With over 28 years in the practice of law the length and breath of my experience is very extensive. For example, I have handled cases as a prosecutor for Villages and in private practice, as well as directed all of the litigation of a major Civil Rights Organization, as a Chief of the Civil Rights Division of the Illinois Attorney General’s Office and as a legal services attorney. Additionally, I have handled the full range of cases from criminal to civil in state and federal court and briefed and argued numerous cases in State and Federal Courts of Appeals. I am persistent and willing to spend long hours on the trail and in whatever place is necessary. I am very comfortable in working with people and can convince them to support me, as can be inferred from the numerous organizations I have been the head of during my career.

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

I have been a volunteer attorney numerous times for Project LEAP (I don’t remember the years) Since around 2002 I have been a Registrar through PUSH and have periodically registered voters I worked as an attorney volunteer for the “Election Protection” Organization in the last Presidential General Election

I worked as an attorney trouble shooter for the Cook County Clerk’s Office in the 2005 Consolidated Election.

I have been a volunteer attorney working the election for various candiates over the years, including: Carol Mosley Braun’s senatorial runs, Louis Gutierrez’s first aldermanic election, Roland Burriss’s (numerous times), Barack Obama’s primary election for the senate, Toni Preckwinkle (numerous times including her first sucessful run), both of William Cousins’ runs for the Supreme Court, Fredrenna Lyle’s last election, and Harold Washington’s first sucessful primary and general elections as Mayor to name the ones that come to mind immediately.

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 have much more experience and demonstrated interest in serving the public interest than the other candidates. I have a clear history of being independent (although it has been within the Democratic party) in the choices of candidates and organizations that I have chosen to donate my time to. I am clearly well qualified to hold the position. I hope that in bringing the perspective of someone who is a former poverty law and civil rights attorney to the bench I can make a significantly positive impact in the judicial system. I would make a concerted effort to see to it that the motto of “equal justice for all” is dilligently enforced in any courtroom and cases that I am assigned.

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>
2001*	Circuit Court Judge	Asian American Bar Assoc.	Not Qulaified
2001*	Circuit Court Judge	Black Women Lawyers Assoc. Of Greater Chicago, Inc.	Recommended
2001*	Circuit Court Judge	Chicago Bar Assoc.	Not Recommended (for failure to appear)
2001*	Circuit Court Judge	Chicago Council of Lawyers	Recommended
2001*	Circuit Court Judge	Cook County Bar Assoc.	Recommended
2001*	Circuit Court Judge	Hispanic Lawyers Assoc. & Puerto Rican Bar Assoc.	Recommended
2001*	Circuit Court Judge	Illinois State Bar Assoc.	Recommended
2001*	Circuit Court Judge	Lesbian and Gay Bar Assoc.	Recommended
2001*	Circuit Court Judge	Women’s Bar Assoc.	Recommended

* I was asked by the Supreme Court of Illinois to submit my name for consideration for appointment to the bench

IVI-IPO COOK COUNTY SUBCIRCUIT COURT QUESTIONNAIRE – Section 2

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.

I believe my personal views are irrelevant as I would be obligated to follow the law as a Judge and the current law in Illinois provides for the death penalty under certain circumstances. Also, while I respect IVI-IPO’s view that I am perfectly free under the law to “announce” my view on this topic, I believe to so may well undermine my ability to hear or even disqualify me from hearing issues related to this question on the basis that my impartiality might be reasonably questioned and this in effect would impede the efficient administration of justice by inviting motions to disqualify me. Finally, again while I respect IVI-IPO’s view, I have been recently informed that the Illinois Judges Association, all the organized bars as well as many other judiciary oversight groups believe that our Supreme Court Rule 67A(3)(d) does in fact prohibit candidates for election to the bench from providing this type of information and publicizing their personal beliefs because it may appear to commit them with respect to issues that may come before them. Therefore, based upon all of the above reasons and with all due respect to the IVI-IPO I respectfully decline to answer this question.

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.

Again, I believe my personal views are irrelevant as I would be obligated to follow the law as a Judge, as the superior state and federal courts have interpreted it. Also, while I respect IVI-IPO’s view that I am perfectly free under the law to “announce” my view on this topic, I believe to so may well

undermine my ability to hear or even disqualify me from hearing issues related to this question on the basis that my impartiality might be reasonably questioned and this in effect would impede the efficient administration of justice by inviting motions to disqualify me. Finally, again while I respect IVI-IPO's view, I have been recently informed that the Illinois Judges Association, all the organized bars as well as many other judiciary oversight groups believe that our Supreme Court Rule 67A(3)(d) does in fact prohibit candidates for election to the bench from providing this type of information and publicizing their personal beliefs because it may appear to commit them with respect to issues that may come before them. Therefore, based upon all of the above reasons and with all due respect to the IVI-IPO I respectfully decline to answer this question.

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.

Again, regardless of how I might feel personally about mandatory minimum sentencing, as a Judge if that is the law, I must follow it. Also, while I respect IVI-IPO's view that I am perfectly free under the law to "announce" my view on this topic, I believe to so may well undermine my ability to hear or even disqualify me from hearing issues related to this question on the basis that my impartiality might be reasonably questioned and this in effect would impede the efficient administration of justice by inviting motions to disqualify me. Finally, again while I respect IVI-IPO's view, I have been recently informed that the Illinois Judges Association, all the organized bars as well as many other judiciary oversight groups believe that our Supreme Court Rule 67A(3)(d) does in fact prohibit candidates for election to the bench from providing this type of information and publicizing their personal beliefs because it may appear to commit them with respect to issues that may come before them. Therefore, based upon all of the above reasons and with all due respect to the IVI-IPO I respectfully decline to answer this question.

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.

Again, whether I am personally for against treating juveniles as an adult would not in any way influence my decision as a Judge to do so if the law required that of me. Also, while I respect IVI-IPO's view that I am perfectly free under the law to "announce" my view on this topic, I believe to so may well undermine my ability to hear or even disqualify me from hearing issues related to this question on the basis that my impartiality might be reasonably questioned and this in effect would impede the efficient administration of justice by inviting motions to disqualify me. Finally, again while I respect IVI-IPO's view, I have been recently informed that the Illinois Judges Association, all the organized bars as well as many other judiciary oversight groups believe that our Supreme Court Rule 67A(3)(d) does in fact prohibit candidates for election to the bench from providing this type of information and publicizing their personal beliefs because it may appear to commit them with respect to issues that may come before them. Therefore, based upon all of the above reasons and with all due respect to the IVI-IPO I respectfully decline to answer this question.

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.

Again, whether I am personally in favor of “gay rights” gay marriage or civil unions is irrelevant, since I would follow the law as I understand it to be as announced by the legislature and superior courts, regardless of my personal views. Also, while I respect IVI-IPO’s view that I am perfectly free under the law to “announce” my view on this topic, I believe to so may well undermine my ability to hear or even disqualify me from hearing issues related to this question on the basis that my impartiality might be reasonably questioned and this in effect would impede the efficient administration of justice by inviting motions to disqualify me. Finally, again while I respect IVI-IPO’s view, I have been recently informed that the Illinois Judges Association, all the organized bars as well as many other judiciary oversight groups believe that our Supreme Court Rule 67A(3)(d) does in fact prohibit candidates for election to the bench from providing this type of information and publicizing their personal beliefs because it may appear to commit them with respect to issues that may come before them. Therefore, based upon all of the above reasons and with all due respect to the IVI-IPO I respectfully decline to answer this question.

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 large number of locations where court hearings are held is definitely one of our system’s strengths, because it makes our system much more accessible to the public. I also believe that dividing the courts into various substantive areas of the law e.g. chancery, divorce, forcibles, etc.(unlike the federal system) is another strength in that it allows judges to more quickly master their responsibilities than would be the case if they heard all types of cases. However, I think we could learn from the way the federal system is run in connection with forcing the parties early on to move the case by requiring them to enter into early disclosures and to formulate a timetable for pretrial matters.

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

I believe the current system is the best way, it allows the diverse factions of the judiciary to have a voice in the choice, which would not occur if the chief judge was elected (I assume if that were to happen he/she would have to run countywide and would be more under the thumb of the regular democratic organization). It also gives the people some indirect voice in the selection, as the persons who do the choosing are initially selected by them and serve at their pleasure.

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?

Ideally, they should have a basic understanding of (or have the background that indicates they can quickly grasp) the types of cases assigned to the division. Also, some thought should be given to not placing them in a division where they have had substantial contacts with the lawyers or parties who would be appearing before them in cases. I would love to be eventually assigned to the chancery division, as I believe they handle the types of cases that are most challenging and where my background would be of most use to the community from which I came both personally and professionally.

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?

First and foremost I would follow the law regardless of my personal views. Secondly, I do not believe I should impose my personal morality in any case. I think my main objective would be on doing justice in the particular case before me based upon the facts and the law as I understand it. The only appropriate avenue open to me as a Judge for airing my disagreements with any statute or precedent would be in publication of articles laying out my basis for such disagreement.

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

I think the Judge should take a leave of absence. The indictment casts a heavy cloud over any actions the judge may take as a judge and could also prevent the Judge from fulfilling his/her obligations. I believe suggesting that a Judge should resign under these circumstances, is inconsistent with our legal system, that requires us not to presume guilt simply because a person has been indicted.