



THE  
CHICAGO  
BAR  
ASSOCIATION

*Green Guide*

to judicial candidates in Cook County

The Chicago Bar Association's  
evaluations of judicial candidates  
running for judicial office in the  
February 2, 2010 Primary Election

Provided as a public service of The Chicago Bar Association

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**Produced by The Chicago Bar Association Office of Public Affairs, 321 South Plymouth Court, Chicago, Illinois 60604 (312) 554-2000.**

## **INTRODUCTION TO THE CHICAGO BAR ASSOCIATION'S JUDICIAL EVALUATION PROGRAM**

By Board resolution, the Judicial Evaluation Committee (JEC) is the semi-autonomous committee of The Chicago Bar Association that conducts evaluations of candidates for judicial offices and sitting judges seeking retention within Cook County. As a service to the public, The CBA reports the findings of the JEC for all elections. The evaluations are designed to inform the public and the courts of the qualifications, independence and integrity of judicial candidates. The CBA believes that the quality of the administration of justice in our courts is determined in large part by the quality of our judges.

### **History**

The Chicago Bar Association has a long history of judicial evaluation, dating before the turn-of-the-century, and taking many forms over the years -- from running a "Bar Ticket" in 1887 -- to the present comprehensive procedure adopted in 1976. At that time, a special committee of the Board of Managers, chaired by then CBA President John D. Hayes, recommended a total revamping of the process to minimize political and bar politics, and embrace the concepts of random selection of evaluators and investigators, and to assure the confidentiality of the process and sources.

The Association's Board of Managers regularly reviews and evaluates the procedures and operations of the JEC. The JEC's governing resolution and its guidelines were both revised in 1987. The current JEC governing resolution was amended on November 17, 2007.

### **Scope & Purpose**

Judicial candidates and sitting judges who participate in The CBA's screening process are evaluated on the basis of eight criteria: integrity, legal knowledge, legal ability, professional experience, judicial temperament, diligence, punctuality and health factors.

By providing these findings, along with "The Statements of Reasons," The CBA seeks to help inform and educate the public about the upcoming judicial contests in the general election.

The Association's 200-member Judicial Evaluation Committee annually invests thousands of volunteer attorney hours in this thorough, comprehensive and diverse peer review process evaluating more than 300 candidates for appointive and elective judicial positions within Cook County. The evaluation process for the primary candidates began in August 2009. The guidelines and standards developed by the 22,000-member Chicago Bar Association for rating judges have been adopted almost entirely by the American Bar Association as a model for local and state bar evaluation programs.

## **The Investigative Process**

The Committee's work begins when the candidate submits his or her completed questionnaire. The 16-page questionnaire for sitting judges, requires the candidate to list personal, professional and judicial references and to provide the names of lawyers who have recently appeared before him or her. Candidates with less than four years on the bench are also asked to identify adversaries with whom they worked before taking the bench. Lawyer candidates are asked to provide detailed information about their jury and non-jury trial experiences, the names of five judges before whom they have appeared and a list of at least 20 lawyers who have represented adverse positions in matters handled by them.

All candidates are also asked to relate any present or recent health problems and to submit written authorizations signed by their doctors. Complaints against a candidate to the Attorney's Registration and Disciplinary Commission and the Judicial Inquiry Board are to be described, and relevant reports and correspondence submitted with the questionnaire. Criticism of professional misconduct, in any formal civil or criminal proceeding or in the media, must also be reported by the candidate.

The Committee obtained written materials dealing with the candidates' judicial performance from the major newspapers. In several cases, transcripts and other relevant, publicly available documents relating to official investigations of judges and court personnel were obtained from official sources.

The complete file was then assigned to a two-person investigation team. The investigators conducted personal interviews with the listed legal references. A specially assigned team of investigators reviewed the files of the Attorney Registration and Disciplinary Commission and submitted to the investigators and the hearing panel a report on the information disclosed in those files. On completion of the interviews and a review of the file materials, the investigations team completed a comprehensive report regarding the qualifications of the candidate.

## **The Hearing Process**

Hearings were conducted on Tuesday and Thursday evenings and on Saturday mornings. Hearing division members were randomly assigned, in accordance with the Committee's resolution, to either of two hearing rooms by a blind drawing for room assignment. Typically, 18 to 20 members were assigned to each room. Only at that time did they learn which candidates they would be evaluating and who the other members of the panel were. Each member of the hearing panel was provided with a copy of the investigator's report, a copy of the completed questionnaire with all material submitted by the candidate, and copies of any other relevant documents including, in some cases, newspaper clippings and transcripts of court proceedings.

Each member and the candidate execute a written oath to keep the nature and content of the report and questioning and hearing confidential.

The Judicial Evaluation Committee included in its investigation all possible sources of information available to it. However, because the Committee cannot compel the production of evidence or the attendance of witnesses before it nor, understandably, expect disclosure by the authorities of evidence discovered in pending investigations, the Committee cannot be assured that it has uncovered all the evidence which, in the future, may lead to formal charges. Within its authority, the Committee develops the most complete record available and gives careful and thoughtful consideration to the available evidence.

A member of the Executive Committee chaired each hearing. The candidate was advised of the procedures to be employed at the hearing and then questioned at length by the chair in regard to abilities, experiences, perceived strengths and weaknesses and, where appropriate, specific problems disclosed in the investigation. The chair then invited questions from members of the hearing panel. The candidate was then given an opportunity to make any statement he or she chose in his or her own behalf. On excusing the candidate from the hearing room, the chair then opened the floor to discussion of the candidate's qualifications among the panel members. Only after the members had been given the opportunity to openly voice their opinions was the issue of the finding of the Committee put to a vote.

### **The Vote**

The hearing panel members voted by secret ballot and were asked to rate the candidate as "Highly Qualified," "Qualified" or "Not Recommended." A vote of 80 percent is required for a candidate to receive a "Highly Qualified" finding. A vote of 60 percent is required for a candidate to receive a "Qualified" finding. The failure of a candidate to receive 60 percent affirmative vote results in a finding of "Not Recommended." Each hearing panel member was also asked for written comments on the candidate's qualifications, areas worthy of commendation and areas of needed improvement. Following a tabulation of the vote, the chair reviewed and capsulized the written comments in preparing the statement of reasons given in support of the Committee's finding.

## **The Appellate Review Committee**

On July 12, 1990, The Chicago Bar Association's Board of Managers adopted procedures establishing a separate Appellate Review Committee to act independently from the Judicial Evaluation Committee (JEC).

The new Appellate Review Committee was recommended by a special committee appointed by past president Chester L. Blair. Made up of 30 lawyers, the committee hears appeals only from candidates who receive a "Not Recommended" rating from the JEC.

The candidate may request a re-evaluation by the appellate committee only on the basis that he or she believes that errors or omissions were made in the original screening process.

The Resolution adopted by the CBA's Board of Managers provides that:

A re-evaluation shall only be ordered on a determination that the Judicial Evaluation Committee's Hearing Division's finding was clearly erroneous. A re-evaluation shall not be ordered solely because the Appellate Review Panel disagrees with the Judicial Evaluation Committee's findings.

The Appellate Review Committee's authority will be limited to directing that the candidate be given a new hearing by the Judicial Evaluation Committee or denying the appeal.

Prior to the formation of the new Appellate Review Committee, all appeals were handled within the Judicial Evaluation Committee. These new appellate procedures only apply to candidates evaluated by the JEC after July 12, 1990.

## **Reporting of Findings**

The Association has always reported its JEC findings to the public for all elective judicial positions.

On February 19, 1987, The CBA Board of Managers amended the JEC governing resolution to provide publication of "Statements of Reasons" for all such elective positions and specified appointive positions, such as associate judgeships.