WINDY CITY TIMES

Election 2002

Judging the Judges

BY TRACY BAIM

Judicial races are some of the most confusing for even the most educated voters, and the Code of Judicial conduct prohibits judges from expressing their views on almost all controversial issues.

Judicial candidates were sent the following seven questions by Windy City Times.

- 1) Would you pledge to apply the law without discrimination based on sexual orientation in:
- a) employment?
- b) housing?
- c) public accommodations?
- d) cases involving child custody visitation? adoption?
- 2) Would you pledge to apply the law without discrimination based on gender identity (otherwise known as transgendered issues) in:
 - a) employment?
- b) housing?
- c) public accommodations?
- d) cases involving child custody visitation?
- adoption?
- 3) Would you pledge to apply the law without discrimination based on HIV or AIDS status in:
- a) employment?
- b) housing?
- c) public accommodations?
- d) cases involving child custody visitation? adoption?
- 4) Do you believe that juveniles should be tried as adults when they commit certain

crimes

If so, what crimes, and at what age?

- 5) Do you favor hate-crimes legislation which adds penalties for certain crimes that are aggravated by the sexual orientation or gender identity of the victim?
- 6) What do you believe are the most significant legal issues affecting gays and lesbians?
- 7) Have you ever, as a judge or lawyer, been involved in a case in which the rights of gays or lesbians were at issue?

If so, describe the case and your involvement, and the case's outcome.

Every judicial candidate who completed the questionnaire responded yes to questions 1-3. Almost all of them declined to answer questions 4 and 5, citing the code of conduct that prohibits judges from commenting on issues that may come before them.

The candidates listed a range of issues in answering question 6, including: domestic-partner benefits, adoption and child custody, employment discrimination, hate crimes, legal protection from discrimination, HIV/AIDS and civil liberties.

The Lesbian and Gay Association (LAGBAC), in conjunction with nine other constituent members of the Alliance of Bar Associations for Judicial Screening, has completed its evaluation of all candidates who will be on the ballot in the March 19 primary seeking election to the Illinois Appellate Court (First District) and the Circuit Court of Cook County, as well as retention judges.

A comprehensive table setting forth the complete ratings of all of the members of the Alliance is available at the Web site

www.isba.org/2002judicialevaluations/2002allianceintro.htm.

Openly Gay Judge Patti Up for Retention

Openly gay Judge Sebastian Patti is up for retention in the Nov. 5 election. Every six years, judges must receive at least 60% of the votes cast in their election in order to be retained on the bench.

"My position is currently supervising judge of the Housing Section," Patti explained. "We generally hear cases related to buildings and land—demolition cases, drug and gang forfeiture matters, and landmark preservation."

The Housing Section—with seven judges supervised by Patti—is a section of the 1st Municipal Division in Cook County, with 90 judges. The Circuit Court of Cook County is the largest in world, with some 400 judges. Illinois has a unified court system, so there is only one kind of state trial court judge—not specific county or municipal judges. Therefore, all cook County judges are actually employees of the state of Illinois.

Patti was first appointed in 1995, becoming the state's second openly gay judge (he followed Tom Chiola, who won his retention bid last year, and preceded Nancy Katz, who comes up for retention next year). Patti won his race in 1996, and now is up for retention. He has been in the Housing Section since 1998, after two years in the Juvenile division.

Patti has solid recommendations from the various bar associations, but he wants to make sure that voters remember to make it down to

the judicial section of the ballot.

Why is it important to have openly GLBT judges? "Cook County is an extraordinarily diverse county," Patti said. "The population is huge—it would be something like the 14th largest state. It's important to have the judiciary, which is one-third of our government (the other being executive and legislative), be representative of the population as a whole, and certainly the GLBT community is a major portion of the population in Cook County. It is important to have us three (Chiola, Katz and Patti) on the bench. It's the same as having rep. Larry McKeon in Springfield, having a gay alderman, or a lesbian member of the Cook County Board."

Patti also explained that it is important for other judges to be around openly GLBT judges. "Judges are a very collegial group. It's a little bit of an ivory tower, because we are precluded from having a lot of interchange with the other branches of government, because they come before us—it might compromise our ability to be fair and impartial—or compromise the public's perception. That's why it's so important to have people like us in the club. ... I talk about my partner, what we are doing for the weekend ... it's a question of familiarization. It's so important that our colleagues know and understand and appreciate how we live and love."

Patti says he has "absolutely" seen judges make progress on this issue, and several other judges are close to "coming out" because of the examples set by their openly gay colleagues.

ALLIANCE OF BAR ASSOCIATIONS FOR JUDICIAL SCREENING

Alliance members: Asian American Bar Association (AABA), Black Women Lawyers Association of Greater Chicago (BWLA), Chicago Council of Lawyers (CCL), Cook County Bar Association (CCBA), Decalogue Society of Lawyers (DSL), Hispanic Lawyers Association of Illinois and Puerto Rican Bar Association (HLAI) (PRBA), Illinois State Bar Association (ISBA), Lesbian and Gay Bar Association of Chicago (LAGBAC), Women's Bar Association of Illinois (WBAI). The number before the name is their ballot number, if known.

— **CBA** = Chicago Bar Association. HQ = Highly Qualified, Q =

Qualified, NR = Not Recommended. * means they did not participate and were thus NR. Y or N is for Yes or No for Retention judges

etention juages – **NOW:** National Organization for Women of Illinois

— NOW: Nation endorsements

— WCT: Windy City Times questions, based on 4 out of 4 questions answered correct (4/4 being a perfect score). [N/A means No Answer to our questionnaire]

— **P-PAC:** Personal PAC, a pro-choice group

— **AFL** = AFL-CIO Labor organization

— **IVI** = Independent Voters of Illinois-Independent Precinct Organization (Y=Endorsed, N=Not end., NR=No rec. made)

NOW, WCT, P-PAC and AFL did not rate retention judges.

Legend: WQ: Well Qualified Q: Qualified NQ: Not Qualified HR: Highly Recommended R: Recommended

NR: Not Recommended

NR*: Not Recommended (did not participate)
-10: Candidate does not meet minimal
criteria of at least 10 years of practice
NE: Not Evaluated (no fault of candidate)

......AABABWLACCL........CCBA DSL.......HLAIISBA.....**LAGBAC**WBAI......NOW......IVIPPACCBAAFL....WCTPRBA Appellate Court (to fill vacancy of Hon. Robert Chapman Buckley) Appellate Court – 1st District (to fill vacancy of Hon. William Cousins) Appellate Court - 1st District (to fill vacancy of Hon. Thomas R. Rakowski) Circuit Court (to fill vacancy of Hon. Michael B. Bolan) Circuit Court (to fill vacancy of Hon. Thomas P. Durkin) Circuit Court (to fill vacancy of Hon. Thomas R. Fitzgerald) Circuit Court (to fill vacancy of Hon. Thomas A. Hett) Circuit Court (to fill vacancy of Hon. Aubrey F. Kaplan) Circuit Court (to fill vacancy of Hon. Leonard L. Levin) Circuit Court (to fill vacancy of Hon. Donald P. O'Connell) 216 Lewis Nixon (D)......Q.....R..... Second Subcircuit (to fill additional judgeship A) Third Subcircuit (to fill additional judgeship A) Fourth Subcircuit (to fill additional judgeship A) Fifth Subcircuit (to fill additional judgeship A) Sixth Subcircuit (to fill additional judgeship A) 228 Raul Vega (D)......NR*....NR*.NR*......NR*.....NR*.....NR*.....NR*.....NR*.....NR......NR......NR......N/a Seventh Subcircuit (to fill additional judgeship A) 225 Anthony Lynn Burrell (D)NR*NR* Eighth Subcircuit (to fill vacancy of Hon. Morton Zwick)