

**Judicial Reform**  
**LWVIL Issues Briefing, February 5, 2011**  
**Michelle Jordan, Issues Specialist**

To: Attendees of the 2011 LWVIL Issues Briefing  
From: Michelle Jordan Issues Specialist Judicial Reform  
Re: Cook County Judicial Reform Commission

**The Judicial Performance Commission of Cook County—Pilot Project**

Since 1977, Illinois judges have been required to seek retention in office in an election every six years. While almost all judges are retained, the process itself has led to increasing levels of judicial campaign fundraising from lawyers who appear before the judges. The public has lost faith and interest in the judicial retention process—sometimes fewer than 50% of people who vote in the election cast ballots for judges.

Chicago Appleseed Fund for Justice, in cooperation with the Chicago Council of Lawyers, with grants from the Joyce Foundation established the Judicial Performance Commission of Cook County (JPC) in an effort to better inform voters and to improve the quality of the judiciary. The League of Women Voters of Illinois had two members serve as Commissioners.

The Commissioners made the decisions concerning retention recommendations and needed judicial performance improvement. The judicial evaluation research efforts were overseen by Anne Heinz, a PhD political scientist with expertise in survey research and program evaluations, and Professor Jack Heinz, a research professor and former Executive Director of the American Bar Foundation. All judges were notified that they were being evaluated by the JPC and were asked to inform us whether they were currently the subject of disciplinary action. The judges were evaluated by the members of the JPC using several independent sources of information.

The Clerk of Court of Cook County, under authorization from Chief Judge Timothy Evans, gave the Commission the names of lawyers who had appeared before each judge during the last two years. Each lawyer received an electronic survey to be submitted confidentially online. Respondents provided both quantitative answers and written commentary. 2600 surveys and interviews of attorneys were completed. In some cases, there was court watching. Commissioners also reviewed the candidate's appellate records and various databases for media mentions of the judges.

Commissioners used all of these sources of information in determining whether a judge would be Recommended or Not Recommended for retention. Next, Commissioners determined if a judge, whether or not recommended for retention, would receive performance improvement commentary. The Commission sometimes found a judge recommended for retention, but in need of some improvement. The factors considered were: legal ability (follows the law, keeps abreast of recent developments in the law, reasons for ruling are clear), fairness, diligence (including punctuality), integrity, temperament and courtroom management.

Those judges found Not Recommended were given an opportunity to appear in person before the Commission to appeal the decision. One judge appealed and the commission reversed his not recommended status to recommended with an improvement plan.

For the five appellate and supreme court justices standing for retention, we culled attorney and firm names from the reported decisions of cases. To supplement the email surveys and structured phone interviews, pro bono attorneys conducted unstructured interviews with attorneys having professional experience with more than one of the judges seeking retention.

The JPC has two purposes. The first is to educate Cook County voters about which judges should not be retained. The second is to identify judicial performance issues which, while not disqualifying, are things that the JPC believes can and should be remedied. These issues include temperament and courtroom management and the remedies can be such things as peer mentoring, continuing education, and court watching. A report was sent to the presiding judges where the 22 judges with judicial performance issues sit, we have met with Chief Judge Evans, and have designed a court watching program. We are in the process of identifying court watchers for the program. The League will be spearheading this effort.

If you are interested in participating please contact LWVIL Issues Specialist Michelle Jordan at [issues@lwwil.org](mailto:issues@lwwil.org)

There will be a training:

February 10,

Time: 3:00

Place: 750 North Lake Shore Drive, 4th Floor  
Chicago, IL 60611