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PRESIDENT'S PAGE

BY TIMOTHY S. TOMASIK

Keep Politics Out of the Courthouse – Maintain an Independent Judiciary



Judges are bound by the Constitution and the rule of law – not by partisan ideologies or special interests. And yet never before have these first principles of a properly functioning judiciary, and the independence of the judiciary as a whole, been under attack as they are today.

Combatting Misinformation Campaigns

Headline-grabbing incidents show judges at all levels of the judiciary being recklessly and ruthlessly threatened based upon political agendas or by those seeking retaliation for adverse or unpopular rulings. The incidents are happening more frequently. The voting public is being bombarded by misleading information through media ads about the alleged qualifications of candidates in judicial elections, which threaten to impair our citizenry's access to even-handed justice.

Worse still, since *Citizens United*, political contributions and spending in our elections has been "unleashed"; special interest organizations can now spend hundreds of millions of dollars on campaigns – includ-

ing judicial elections – without disclosing their funding sources. The Brennan Center for Justice publishes extensive research on the effects of "Dark Money" in politics, including its effects in state and local judicial elections, risks to judicial independence, and the threat of foreign funds in U.S. judicial elections. The Center has proposed reforms that would help better enforce the law and improve campaign spending transparency. And, as we all know, without transparency, voters can't identify who is trying to influence them, making it harder to reach informed decisions.

Doing Our Part: The CBA's Judicial Evaluation Committee

The CBA, as the fourth oldest bar association in the United States, has been evaluating judges since 1887. For decades we have been encouraging voters to review and rely upon the findings of our Judicial Evaluation Committee. In fact, the CBA guidelines and standards for rating judges have been adopted almost entirely by the American Bar Association as a model for local and state bar evaluation programs.

The CBA's "Judicial Voter's Guide" details for voters the CBA's recommendations for judicial candidates. The "Judge Smart" Pocket Guide is published in Spanish, Polish, and English. Our JEC does not investigate or question a candidate's position on political issues such as taxes, abortion, immigration, gun control, or pre-judgment interest legislation. Rather, the focus is properly placed on determining a candidate's qualifications to sit as a judge. Our JEC spends thousands of hours investigating the integrity, legal knowledge, legal ability, professional experience, judicial temperament, diligence, punctu-

ality, and financial responsibility of each judicial candidate in an effort to issue credible recommendations that voters can rely on. CBA investigators and members of the hearing committee prepare detailed confidential reports and conduct hearings to determine the qualifications of judicial candidates, sitting judges, and potential judges. If the investigation identifies an issue about a candidate's qualifications, the JEC will not ambush a candidate in a hearing. Rather, the JEC will provide the candidate with the information and give them ample time and a fair opportunity to respond.

Endorsing Judicial Independence

In October, the CBA participated in a press conference hosted by the Illinois Judges Association, where the IJA announced the issuance of its Declaration of Judicial Independence designed to keep politics out of our court system ahead of future elections. The Declaration states in part that "the court system can only function if it is viewed as impartial, which means that judges make decisions based solely upon the facts and the law." The CBA, along with 15 other bar associations and legal organizations from across Illinois, wholeheartedly supported this announcement, which emphasized the

importance of directing voters to the findings and recommendations of the CBA's JEC and other bar associations (www.youtube.com/watch?v=Z7tRbeYYPaA).

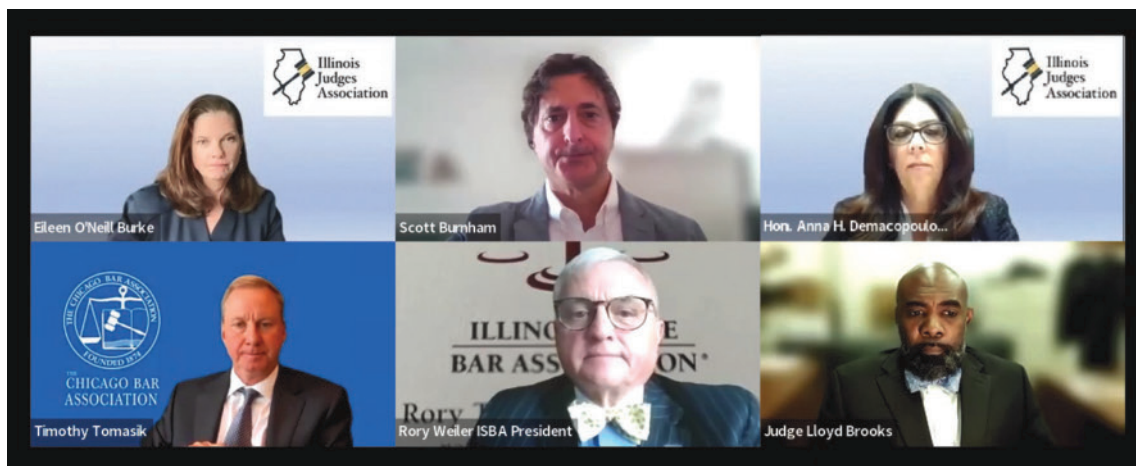
A Call to Action for Us All

Our judges must have the freedom to make important decisions based on facts and law without regard to their own personal political views or pressure from special interest groups. Unfortunately, special interest organizations with political agendas launch personal attacks on judges aimed at embarrassing, intimidating, harassing, and coercing them. This threatens our democracy and the viability of the judiciary as the third separate, but equal, branch of government. The reason these attacks are escalating is clear. Well-funded political organizations with political agendas are attempting to influence and intimidate courts by seeking retaliation for unpopular rulings and to influence future rulings.

Recent attacks on the judiciary's independence have eroded the public's confidence in our judicial system. As we all recognize, the ethical standards established in the code of judicial conduct generally preclude judges from speaking in public about matters over which they preside or may reasonably be expected to

consider in the future. As a result, when competent and fair judges are subjected to unfair criticism or retaliation in some matter, they cannot defend themselves. But the CBA and other organizations can and do speak on behalf of judges when unfair criticism is leveled against them, or political pressure or intimidation is applied in an effort to affect their impartiality.

We stand together with Illinois judges and lawyers in defending judicial independence as a means of safeguarding democracy and protecting the rights of our citizens. The CBA remains committed to the mission of bolstering public confidence in the judiciary by conducting judicial evaluations and speaking on behalf of members of the bench when they are unfairly attacked by responding to misinformation, political intimidation, or the unfair criticism of any judge or the judicial branch itself. The CBA and our members have a responsibility to stand together to fight for judicial independence to protect democracy and the rights of our citizens. We must restore confidence in our court system and defend against unfair attacks that misinform, mislead, and manipulate voters about the true qualifications and records of judicial candidates. ■



CBA President Timothy Tomasik participated in the Illinois Judges Association press conference announcing the Association's Declaration of Judicial Independence aimed at keeping politics out of America's court systems. Pictured top row (L-R): IJA President and Illinois Appellate Court Justice Eileen O'Neill Burke, Scott Burnham, a strategist with Serafin, Circuit Court of Cook County Judge Anna H. Demacopoulos. Bottom row (L-R): CBA President Timothy Tomasik, ISBA President Rory Weiler, and Circuit Court of Cook County Judge Lloyd Brooks.