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Commission recommends 65 of 68 judges

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A recently formed group of lawyers, civic leaders and academics recommends retaining 65 of the 68 Cook County judges seeking new terms in early November.

The Judicial Performance Commission of Cook County "does not recommend" three Cook County Circuit Court judges pursuing new terms on the Nov. 2 ballot. Those judges are Dorothy F. Jones, Jeffrey Lawrence and Susan J. McDunn.

Among the judges found recommended by the commission were Chief Cook County Circuit Judge Timothy C. Evans, Criminal Division Presiding Judge Paul P. Biebel Jr., Law Division Presiding Judge William D. Maddux and Judges William D. O'Neal and Jim Ryan.

"I believe that the commission was pleased to be able to recommend 65 of the 68 judges for retention, which says something very positive about the way our legal system works," said Leonard Jay Schrager, the commission's chairman, who is professor emeritus and a former dean of The John Marshall Law School.

The 17-member commission, which includes nonlawyers, was formed earlier this year to evaluate and provide performance improvement plans for some of the 68 judges seeking retention. The commission is a joint effort of the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers.

The commission's evaluation process included e-mail surveys of lawyers, personal telephone interviews of lawyers who appeared before judges and informal interviews with lawyers who had broad-based knowledge about a variety of judges.

The commission used names of attorneys who appeared before the judges provided by the Cook County Circuit Court Clerk's office, which received authorization to release the names from Evans, said Malcolm C. Rich, executive director of the council and the Appleseed Fund.

As a result of the commission's evaluation process, more than 2,600 surveys and interviews of attorneys about their experiences practicing before judges pursuing new terms were completed. The commission assigned court watchers to the courtrooms of six judges, where attorneys who were interviewed identified problems, Rich said.

The commission's evaluation of Jones, who hears pro se cases in the 1st Municipal District, said, "The investigation revealed a lack of clarity and consistency in her decisions, as well as questions about her temperament and ability to manage the courtroom. Although Judge Jones has a reputation for honesty and efficiency, the commission does not feel those qualities outweigh the deficiencies of performance, temperament and management found in the investigation."

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Earlier this week, the Chicago Bar Association found Jones, McDunn and Ryan "not recommended" in its evaluations. The CBA's Judicial Evaluation Committee recommended Lawrence, who hears motions in the Law Division, for retention.

The commission said that those lawyers responding to questions about Lawrence noted that he issues detailed written rulings and has a good knowledge of the law, the evaluation said.

However, "the commission received numerous complaints about significant delays created when the judge does not take the bench promptly and is not prepared for hearings," the commission's evaluation said. "Judge Lawrence was made aware of complaints about his punctuality through bar association evaluations in previous retention elections, but the commission's investigation suggests he has not addressed the recurring problem."

The commission said that McDunn, who sits in the Law Division, "appears attentive to proceedings and is punctual for court."

"However, the commission notes significant concerns about her ability to handle difficult, complex matters," the commission's evaluation said. "She is described as unwilling to reconsider rulings when presented with additional case law and demonstrates an inappropriate temperament."

McDunn said Wednesday that the comments made by the commission in its evaluation of her "are simply unjustified statements not based in fact."

Jones and Lawrence could not be reached for comment Wednesday morning.

Despite some judges receiving negative bar group ratings leading up to each retention election, no Cook County judge has been removed from the bench by voters since 1990.

To be retained, each judge on the retention ballot must receive at least a 60 percent "yes" vote from voters who cast ballots in the nonpartisan elections held every two years.

The commission also issued judicial performance improvement comments for 19 judges it found recommended but had areas upon which to improve, Rich said.

The commission said of O'Neal, who sits in the 6th Municipal District in Markham: "Respondents generally felt that Judge O'Neal makes appropriate rulings. While the commission believes he should be retained, the commission notes that there have been some concerns raised about his temperament and ability to maintain order in the courtroom."

Ryan sits in the 1st Municipal District.

Ryan "manages his call efficiently and maintains a good relationship with court personnel," the commission's evaluation said. "He is praised for being fair to all defendants when making his rulings."

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"While the commission believes he should be retained, the commission notes significant reports that Judge Ryan sometimes seems impatient and inattentive during court."

About 40 percent of the commission's members are nonlawyers and about 40 percent of the members are minorities based on race or sexual orientation, Rich said.

Other commission members include Roy E. Hofer, a partner with Brinks, Hofer, Gilson & Lione in Chicago; Virginia Martinez, legislative staff attorney for the Mexican American Legal Defense and Educational Fund; and Randolph N. Stone, a clinical law professor at the University of Chicago Law School.

The Council of Lawyers is expected to issue its separate evaluations for the retention judges in about a week, along with nine other members of the Alliance of Bar Groups for Judicial Screening.

Council representatives helped plan the commission, along with the Appleseed Fund, which also provided research and evaluation assistance, Rich said.

"The members of the JPC are independent of both groups," Rich said.

The commission's evaluations and comments about the judges running on the retention ballot can be found at www.VoteForJudges.org.

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