

A judge-to-be 'beat our flawed selection system

By Roy E. Hofer

Kristyna Colleen Ryan is the poster child of everything that can go wrong in the elective system used to select judges in Illinois.

When she ran in the judicial primary election earlier this year, Ryan did not seek endorsements from any of the bar associations in Chicago and Cook County. Her lack of experience or any other credentials that might have made up for her inexperience, as well as her demonstrated financial irresponsibility, almost certainly would have been publicly reported by the bar associations and accompanied by "unqualified" ratings.

So instead, Ryan elected an increasingly popular strategy—she ignored the bar associations altogether. Although this strategy still results in "unqualified" ratings, those bad ratings would lack the color commentary showing her unfitness to wear judicial robes. Thus, with the advantages of a quintessential Irish-Catholic name and the first position on the ballot, she won a Democratic primary for a judicial vacancy. Unopposed in the upcoming November general election, Ryan will become a judge in the Circuit Court of Cook County in December. She beat the system, and the people of Cook County lose.

More than 10 bar associations, individually or collectively, evaluate all judicial candidates for the Circuit Court of Cook County.

Until recently, judicial candidates submitted to review by the bar associations as a matter of course. The new strategy for those like Ryan, who would be publicly embarrassed by the review process, is to ignore the bar associations. If the strategy works, the payoff can be great—a job paying more than \$160,000 annually. And under our system, it's almost a guaranteed lifetime job. And if the strategy fails, there is no embarrassing public record of your shortcomings.

Ryan added a new twist. She and three equally unqualified wannabe judges devised a scheme to give themselves public credibility. They formed their own political action committee, called it "Citizens for an Independent Judiciary," and endorsed themselves.

In Ryan's case, the ruse worked! Despite all the negative bar association evaluations, not being endorsed by the Chicago Tribune, and spending less than \$6,000 on her campaign, Ryan pulled off the improbable by narrowly winning against two opponents, one of whom was an African-

American woman found qualified by all but one bar association.

Had Ryan gone through the bar association screening process, it would have been revealed that her only qualification is passing the Illinois bar exam—the bare minimum. Her professional experience is inadequate. The Chicago Bar Association's guidelines for judicial evaluation state: "Unless a candidate exhibits unusual qualifications and maturity, it should be an exception to recommend anyone with less than 12 years of [legal] experience." The 36-year-old Ryan has fewer than eight years of experience, and her courtroom experience is lackluster. In Ryan's two years of litigation experience, she tried only 19 cases before the Circuit Court, mostly collection matters.

She's unfit to wear judicial robes.

She also has a history of financial immaturity. The CBA guidelines state: "The financial responsibility of a candidate is one of the factors to be considered in determining ability to properly serve." Had she answered the CBA's questionnaire, Ryan's response would have revealed that she filed for bankruptcy in

2002 after racking up more than \$200,000 in debt. In addition to outstanding educational loans of about \$140,000, Ryan fell behind in payments to credit card companies, department stores, utilities, a health club and an animal hospital. She erased all her debt, including her educational loans, by filing for bankruptcy.

The elective system is not the best way for the citizens of Cook County to select the most qualified judges serving them. Ryan, a woefully unqualified candidate, was able to use this flawed system with cunning and guile.

She will soon be presiding over a Cook County courtroom.

If the voters approve a Constitutional Convention on the Nov. 4 ballot, our judicial selection system, or at least the subject of minimum qualifications for elected judges, should be a top priority on the convention's agenda.

Roy E. Hofer is a past president of the Chicago Bar Association.