

# CONFUSING DATA ON JUDICIAL RACES KEEPS VOTERS GUESSING

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## ABSTRACT (ABSTRACT)

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## FULL TEXT

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Thanks to her political connections, Joyce Murphy will be sworn in as a Cook County judge later this year.

Only five years out of law school and with about two dozen cases in Circuit Court under her belt, Murphy won her March primary race thanks to a last-minute push for her candidacy by Southwest Side Democratic leaders.

Though Murphy had declined to submit her credentials for evaluation by bar groups, the field she bested in the primary included a sitting judge who had been ranked "highly qualified" by the Chicago Bar Association.

Murphy is running unopposed in Tuesday's general election, so the judicial post and its \$132,184 a year salary will be hers.

"She understands the law; she is well-grounded," said former 9th Ward Democratic Committeeman Robert Shaw, who headed Murphy's election run and employs her husband as a top aide. "You've had Supreme Court justices of the United States that have practiced less than Joyce Murphy. So I don't think that's necessarily a criteria."

Murphy, who could not be reached for comment, is only one of several contenders for judgeships in Tuesday's election in Cook County. But it's a testament to the state's highly politicized judicial selection process that Shaw's comments about Murphy may apply to many others on the ballot as well: Legal experience often doesn't matter.

Clout often does.

The backing of politicians like Shaw, 19th Ward Democratic Committeeman Tom Hynes or 11th Ward Democratic Committeeman John Daley often means more for the candidate than trial experience or the glowing ratings of lawyers groups.

"It's certainly frustrating when you get people who get elected if they're found not qualified," said CBA President William Linklater. "But we can't do anything about the system. The Bar Association can only work within the

system they're given, just like the public."

For nearly 30 years, the American Bar Association has urged that partisanship be weaned from the judicial selection process and replaced with a system that emphasizes the qualifications and legal expertise of potential jurists instead of their political connections. At least 38 states have adopted some method of so-called merit selection, which often involves the screening of candidates by panels of legal experts, with the final choices subject to some form of ratification by elected bodies.

Illinois is one of the holdouts, and Linklater doesn't see politicians here loosening their grip on picking judges anytime soon. "There's certainly a political basis and motivation for keeping the current system," he said.

Enhancing the influence of political leaders over the process is the sheer number of judicial candidates at any one election, far too many for even the most civic-minded of individuals to study up on.

Tuesday's ballot, for example, is drowning in names that are largely unknown to the average voter. Voters in Cook County will be asked to cast ballots in 12 countywide races for open judgeships. Some voters also will cast ballots in judicial subcircuit races.

On top of that, there are more than 70 sitting judges seeking new terms. In such cases, judges essentially run against themselves as voters are asked to choose whether to retain them. If less than 60 percent of voters OK the retention of a judge, he or she is bounced from the bench—but that rarely happens.

Given the confusing brew of politics and candidate volume, making an informed choice about judges is all but impossible.

Several lawyers groups try to guide voters through the thicket by issuing recommendations about judicial candidates. With few exceptions, however, the groups offer sparse explanations for their support. Worse yet, candidates recommended by some bar groups are rejected by others.

Chicago Council of Lawyers President Paul Mollica, whose organization along with the CBA does enhance its recommendations with a brief evaluation of candidates, nevertheless cautioned that "inflammatory" candidate reviews don't help the public and may taint the credibility of the association.

Besides, said Mollica, assessing a candidate's legal acumen can be tricky. "It's not like there is a [test] score for legal ability," said Mollica. "We can't publish bar scores." That means evaluations for many candidates end up "on the hazy side."

Meanwhile, candidates who did not earn across-the-board support from bar groups take comfort in knowing that voters have the ultimate say.

Colleen F. Sheehan, who helped start a now shuttered Wicker Park coffee shop and has ties to 33rd Ward Ald. Richard Mell, failed to win the recommendation of bar associations such as the CBA and the Council of Lawyers. But she did garner support from the Illinois State Bar Association and other bar groups.

"She has limited trial experience, and some attorneys question whether she has the legal ability or temperament required of a judge," wrote the Council of Lawyers.

Sheehan, 39, who has run unsuccessfully for Circuit Court judge once before, said voters can make what they will of the disparate bar association reviews of her qualifications. "I went through the [bar- review] process and it went my way about half the time," said Sheehan. "I don't think I got a raw deal."

Mell, too, said bar ratings are overrated. "She's a person from the community who is aware of community problems," said Mell. "I think she'll bring a sense of fairness to the bench."

Maura Slattery Boyle, who is running unopposed in a subcircuit race, skipped the bar evaluations altogether because she knew most groups won't consider any candidate for endorsement unless they've been in practice for at least 10 years. Boyle is only 33 and hasn't been out of law school long enough to meet that arbitrary criteria.

"I understand why they have the rules," she said. "It's not like I'm thumbing my nose at them."

A resident of the 11th Ward, she's secured the backing of Committeeman and county Commissioner John Daley, the brother of Mayor Richard Daley. "I've known her family all my life," John Daley said recently. "She has a very good background."

Boyle, who serves as deputy supervisor of the domestic violence division of the Cook County state's attorney's office, says her experience, which ranges from working for the prosecutor's office in Traffic Court to a brief stint in the felony trial division, has equipped her with the tools "to be the best, to do the best at my job."

Boyle said she also realizes that her ascension to the bench inevitably raises questions about whether she could have gotten there if Illinois had merit selection.

Many voters may think selecting judges at the ballot boxes is a better way to get good people on the bench than turning the process over to lawyers through merit selection, Boyle said. "[But] as a voter, I like the ability to choose," she said. "I don't think people vote by saying 'what's the Irish name here.'"

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