



Cook County Clerk 2020 Election Guide

**Candidate:
Richard Boykin**



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Questions

Please answer the following questions in 400 words or less.

1. Given the myriad of issues a victim of gender-based violence faces when trying to access the criminal or civil court system, what is the Clerk of the Circuit Court's role in making information accessible to victims and ensuring immediate safety for victims?

The Clerk's role with respect to Domestic Violence is to ensure that victims of domestic violence are not re-traumatized when they first set out to access the system. And make no mistake- their first point of access will almost certainly be the Circuit Court Clerk's office. The Clerk's office is the front door of the justice system and I have made a commitment to ensure that front door is welcoming for all. For victims of Domestic Violence it's especially, critically important, that this initial contact take place in an atmosphere of sensitivity, and, most crucially, safety.

To that end, I will ensure that Clerk's staff is appropriately trained to handle these situations.

2. The clerk's website currently does not allow anyone to view court orders in protective order cases and clerks occasionally refuse to print copies of orders. Survivors often need copies of orders to give to school or work. Particularly in emergency situations, the ability of a school administrator or law enforcement officer to see the order without having to obtain it physically could save lives. Do you have plans to allow remote access to the court files or court orders?

I do plan to change this policy and permit remote access.

3. With the recent transition to e-filing, the clerk's office, particularly in the domestic relations division, is overwhelmed with pro se litigants who are attempting to sign up and use the e-file system. What are your plans to improve pro se litigants use of e-filing at the courthouse?

The e-filing transition has been difficult and particularly hard on those with the least resources. I understand that in federal court, pro se litigants are not even permitted to e-file, mainly because of the administrative difficulty and inequity that results. In order to make sure that the experience of pro se litigants in e-filing is smoother and more equitable, I will first take a hard look at the allocation of staff to this area, as well as the level of training that the staff has undergone. A well-trained staff should be able to assist pro se litigants on site and help those who encounter challenges. Finally, I think it is imperative that the Circuit Court Clerk have a strong relationship with the legal services community and legal aid organizations who can partner with the office to help surmount some of the difficulties with

e-filing specifically and other challenges encountered by pro se litigants generally.

4. A recurring problem experienced by both lawyers and pro se litigants is vague or inconsistent policies throughout the court system. Procedures for the same activity can vary courthouse to courthouse and even courtroom to courtroom. Is procedural and document consistency from courthouse to courthouse a priority?

Yes, procedural and document consistency is critically important.

- **If so what are your strategies to make procedures in the clerk's office transparent and consistent?**

My first priority will be to meet with the Chief Judge of the Circuit Court. There can be no consistent set of policies and procedures throughout courtrooms, courthouses and divisions unless the various responsible officials collaborate. I would work with the Chief Judge and his staff to set up an intergovernmental work group with the goal of systematizing policies and procedures throughout the different branches, courtrooms, and divisions.

- **If so, what role, if any, would technology investment have in the development of equitable and consistent access to justice?**

Technology must play a role, but as we see with e-Filing, it is not a cure-all. The technology must be consistent across all platforms and the staff charged with implementing and operating it must be appropriately trained. Finally, we cannot allow technology to result in poor litigants, and litigants with disabilities, to be disenfranchised.

5. Court orders are frequently handwritten by attorneys, advocates, and pro se litigants. This leaves important court outcomes both difficult to read and potentially inaccurate. What are your plans to ensure court orders document the judges' decisions and are accessible (understandable) to litigants?

In the short term, I believe there needs to be a process by which handwritten orders are appropriately reviewed by both the judge and the clerk, and confirmed with the litigants. In the long term, I believe we need to transfer to the use of digital ink. This technology allows handwritten orders to be scanned into a program that converts them to digitally printed orders. (This has been done in Lake County.)

6. How will you ensure that orders of protection, civil no-contact orders, stalking no contact orders and related court orders are properly transmitted to the sheriff's office in compliance with the Illinois Domestic Violence Act? How will you correct the issue of clerks not providing these orders in a timely manner?

This question is closely related to question #4 in that close and effective collaboration between the officials responsible for the operation of the system is essential. I would work with Sheriff Dart, with whom I collaborated closely as a County Commissioner, to set up a jointly coordinated system that ensures the proper transmission of these orders to the Sheriff. This is one of our most important responsibilities. Lives depend on it.

7. Per the Illinois Domestic Violence Act, the clerk of the issuing judge shall file a certified copy of that order with the sheriff charged with serving the order upon the respondent. Current practice is that if a respondent lives out of county, the clerks provide basic information to petitioners and require them to get the respondent served with orders of protection. What will you do to ensure clerks are complying with the law instead of putting the onus of service on the petitioner?

I would transition our clerks to contact out of jurisdiction sheriffs directly to ensure that service takes place. If this turns out to be problematic from a staff resource perspective, I would turn to a partnership with an agency that provides domestic violence legal services, such as Ascend Justice, and look to obtain the resources necessary to fund their assisting the clerk in ensuring that service takes place, regardless of jurisdiction.

8. How will you ensure that data (including how many petitions for protective orders have been filed, dismissed or issued) will be accessible to the community?

My goal is to make major strides in accessibility and transparency of data in the clerk's office. Right now, the biggest barriers to the above data being accessible are communication between judges and clerk's (i.e. clear policy guidelines), and effectiveness of technology. We need to vastly improve the office's software interfaces and remote digital technology. I will work experts to make sure these needed reforms take place.

9. What are your plans to ensure that court documents and clerk assistance are accessible in various languages so both victims and respondents understand court outcomes, particularly in cases where victim safety is tied to a court order only provided in English?

We need to make major improvements in this area, as availability of translators is a key complaint. I would argue that increasing the number and variety of translators in our courts is worth reallocating funds for that exclusive purpose. In a pinch, there are tools, such as the "translation phone" on the concourse level of the Daley Center that can connect litigants with translators remotely. But this is not ideal. It is better to have a real live translator on sight to ensure that the dynamics of a situation are being appropriately assessed. This is more difficult to do over the phone.

10. What are your plans to work with the victim advocacy community? How will you ensure that there are feedback processes that prioritize victim safety?

The Domestic Violence services network in Chicagoland is wide and deep. I will work with the service agencies (including legal services agencies) to understand where the Clerk's office is falling short. I will also solicit their advice regarding what additional training might help Clerk's staff more effectively handle these matters. Finally, I will create a system of regular check-ins with these important community players to assess how we are doing and how we can improve.