



Cook County Clerk 2020 Election Guide

**Candidate:
Michael Cabonargi**



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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 of Court's job is to make sure that everyone has access to services without needing to navigate opaque and inconsistent bureaucratic rules that make it impossible for people to fully utilize our court system. We need to reform the office's approach to technology, transparency and talent.

We will immediately begin the process of digitizing the courts records and implementing other digital solutions to move the office into the 21st century. We will also make the Clerk of the Circuit Court's website more user friendly and interactive and develop a mobile application with answers to common questions and the option for a live chat. We will develop and expand online tutorials and courthouse tours to feature interviews with judges about how to navigate the courtroom, how to prepare for a courthouse visit, and what to expect as a juror.

We will also establish teleconference, video, and electronic court appearances and allow for online dispute resolution, where appropriate.

Although all these digital solutions are technical and administrative, once implemented, they will increase the Court's transparency and ease of use so that the Court's services are accessible to everyone, especially victims, who rely on easy access to this information.

Transparency and consistency of court processes is also paramount. For example, currently someone seeking a protective order does not need to pay a filing fee, but this is not widely known, nor is it clear from the website. We must ensure that there is transparency around all fines and fees--sunset those that are no longer necessary, and provide accessible information to the public about how the Court system serves them.

Talent development is the other piece of the puzzle. As Clerk I would establish new training guidelines for all courtroom clerks so that they are trained a retrained on both the court's procedures, as well as receive cultural sensitivity training so they are competent interacting with people from all communities and backgrounds, understanding that no one wants to be in court, and they may be working with people who are undergoing significant hardship.

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?

Yes, as Clerk of the Courts I plan to transform an office frozen in amber and bring it into the 21st century. This includes a full-scale digitization effort that will enable the Clerk to provide copies of protective orders to petitioners and respondents via password protected access on web and mobile applications.

Additionally, the law states that upon notice/request from the petitioner, the clerk has 24 hours to send notice of an order of protection to schools and day-care facilities. I will ensure that we have both the proper systems and training in place to comply so that survivors are not continually in danger.

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?

From 2000 to 2002, I served as a law clerk to United States District Court Judge William J. Hibbler in Chicago. During my clerkship, I initiated and helped to establish the court's first help desk for pro se litigants, for which I received the Award for Excellence in Public Interest Service from the Federal Bar Association and the U.S. District Court in 2005.

To improve e-filing for pro se litigants, I will make various informational tools available online and at kiosks (in multiple languages) outside our court rooms. These tools will include informational videos, sample court filings so pro se litigants can see a correct filing, tutorials guiding people through the filing process and guidelines about filing fees.

Pro se litigants shouldn't overwhelm the system--with a combination of better online information and better training of clerk's to assist pro se litigants, we can make sure their filings seamlessly occur with minimal confusion and errors.

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?

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

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

Upon taking office, one of my first priorities will be to bring in the Civic Consulting Alliance to do a forensic investigation of the workings of the entire office to identify these inconsistencies and help us determine the best policies moving forward.

Transparency is a core part of my reform plan, and I intend to completely overhaul the Clerk's website and install help desk kiosks outside of court rooms so that information is both accessible and consistent.

When it comes to the rules of the courtrooms, our clerks should be trained as specialists and as generalists, so that they are informed of the system-wide procedures, as well as any specific procedures that only apply to their courtroom. Right now, inconsistent policies are particularly harmful to pro se litigants, who may not know, for example, that in some courtrooms they are allowed to leave the room whereas in other courts, like foreclosure court, they cannot leave. It's the clerk's responsibility to make sure that everyone in the courtroom is well-informed and knows how to access information.

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?

Cook County is the second largest unified court system in the country, and as such it must finally move away from a paper-based system. We have to look to the federal court system as well as to the surrounding counties that have all adopted digital processes for work that we still do on paper.

As Clerk I would implement the system the federal courts use for minute orders that are essentially digital templates the clerk fills out for a variety of administrative orders of the court. This ensures that people receive information about rescheduling hearing dates, or producing documents or witnesses in a timely and clear manner.

As Chair of the Cook County Board of Review, I currently lead a Cook County office where we overcame many of the same challenges that the Clerk of the Courts office currently faces. I took an office that was entirely paper based, embraced technology and switched over to a digital system. I lead a workforce that previously had people pushing carts and retrained this team into digital scientists.

I created this award-winning digital appeal review systems - on time and on budget - that replaced paper and offers homeowners a complete and reliable review of their appeals, ultimately saving taxpayer money in employee overtime and document storage. I came out

with my reform plan for this office early - and I'm the only person running who has the firsthand experience of how to modernize a government office.

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?

My office will prioritize more and better communication. The law states that the Clerk's office must provide this information to the sheriff on the same day the order is issued by the judge. Because these orders can be life saving and life changing for people, my office will not accept anything less than total compliance with the law.

When I take office, I will immediately establish weekly meetings between the Clerk's office and the Sheriff's Department to understand the historical context for these problems and agree on a path forward that includes investing in mutual software systems that talk to each other so that the notification process can be fully automated with a clear audit trail.

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?

The law is clear that it is the clerk's duty to provide law enforcement officials with certified copies of orders. The petitioner should never be responsible for navigating these complicated bureaucratic systems--it is enough that they are brave enough to come forward to demand justice. Our court's administrative system should not place further burden on survivors by forcing them to advocate for themselves with law enforcement agencies. As Clerk of the Courts, I will ensure that my office established a point of contact with Sheriff's offices across the state and that my staff is trained on how to proceed when sending information outside of the County.

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?

Part of my overhaul of the Clerk of the Court's website will be to install a publically available data portal so that the public has access to this information. Additionally, I've announced my plan to appoint a FOIA Officer to comply with all FOIA requests the office receives. Under current leadership, the office has maintained its exemption from FOIA and enabled years of

corruption. I believe in letting the light in and that the knowledge that people are watching will help hold the office accountable.

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?

When the Chief Judge appointed me to the Board of Review in 2011, the Board was entirely a paper based system and only in English. The first thing I did was to have the forms translated into Spanish, Polish, Korean and Mandarrin and began a robust outreach program, where my hearing officers and I go into the neighborhoods on nights and weekends and help homeowners file their complaints.

I plan to replicate what I've done at the Board of Review as Clerk of the Courts. It is critical that all court documents are available in the languages spoken by the residents of Cook County and that there is onsite assistance for people in their native languages. This can be done through the installation of help desk kiosks outside of courtrooms, where informational material and videos will be multilingual.

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?

I hope to build strong partnerships with organizations like the Chicago Alliance Against Sexual Exploitation that are providing pro bono counsel and guidance for how to navigate the justice system to survivors of sexual trauma. I will meet regularly with community advocacy organizations such as CAASE, Resilence, The Network and other organizations to listen to their concerns, improve the operations of the Clerk of the Court's office, and offer my support to them as they advocate for new legislative protections.

As Chair of the Cook County Board of Review, I drafted the Board's first ethics policy and implemented comprehensive sexual harassment training, which wasn't previously in place. As Clerk of the Court's I would do the same, and consult with advocacy organizations to help craft these policies to protect against workplace violence.