

STATE OF ILLINOIS  
JUDICIAL INQUIRY BOARD



REPORT  
FISCAL YEAR 2011 and FISCAL YEAR 2012

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To the Citizens of the State of Illinois;

The Illinois Judicial Inquiry Board is pleased to present its Report for fiscal years 2011 and 2012.

The purpose of this report is to explain the constitutional basis of the Judicial Inquiry Board and to describe the Board's jurisdiction and procedures. The report contains information describing how the Board functions and the procedures utilized by the Board in processing complaints against Illinois state court judges.

The Illinois Constitution charges the Judicial Inquiry Board with the responsibility of receiving and investigating complaints of ethical misconduct or physical or mental incapacity made against judges serving in the state courts of Illinois. When warranted, it is the responsibility of the Judicial Inquiry Board to file a complaint against a judge with the Illinois Courts Commission. The Illinois Courts Commission has the authority to remove a judge from office, retire a judge, suspend the judge with or without pay, censure the judge, or issue a reprimand. The penalty assessed by the Illinois Courts Commission lies solely within its discretion and is not appealable.

An important role of the Judicial Inquiry Board is to not only prosecute complaints made against judges in the State of Illinois, when warranted, but also to determine which complaints have no merit. The closing of complaints against judges at the discretion of the Judicial Inquiry Board, relieves members of the judiciary from exposure to baseless public complaints that could undermine the independence of the judiciary. By both closing complaints against judges and bringing complaints against judges before the Illinois Courts Commission, the Judicial Inquiry Board meets its constitutionally mandated role in protecting the integrity and independence of the judiciary.

I hope you find this report useful.

Very truly yours,

A handwritten signature in black ink that reads "Donald C. Hudson".

Donald C. Hudson  
Justice of the Illinois Appellate Court, 2<sup>nd</sup> District  
Chair, Judicial Inquiry Board



# **JUDICIAL INQUIRY BOARD**

## **MEMBERSHIP**

Honorable Donald C. Hudson - Chair, Judicial Member

Attorney Cary J. Collins – Vice Chair, Legal Member

Attorney Tom Leahy – Legal Member

Attorney Bruce R. Meckler – Legal Member

Dr. Clem Mejia - Public Member

Gloria Morningstar - Public Member

Honorable Edward Washington, II - Judicial Member

## **STAFF**

Attorney Kathy D. Twine - Executive Director & General Counsel

Wade D. Crosson - Investigator

Scott Sullivant - Investigator

Vincent Phillip - Administrative Assistant

Sharmayne T. Adams – Secretary/Legal Assistant

## **TRIAL COUNSEL**

Attorney John N. Gallo - Sidley Austin LLP



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## **INTRODUCTION**

This Report is published by the State of Illinois Judicial Inquiry Board, the sole disciplinary entity with jurisdiction to inquire into allegations of misconduct and physical/mental incapacity of active Illinois state court judges.

After investigation and upon determination by the Judicial Inquiry Board that there is a reasonable basis to charge a judge with misconduct and/or incapacity, the Judicial Inquiry Board will file and prosecute a formal complaint before the Illinois Courts Commission.

## **CONSTITUTIONAL AUTHORITY**

Beginning in 1960 with California and concluding in 1981 with Washington, every state in the United States and the District of Columbia has established formal procedures to address questions of judicial misconduct and physical/mental incapacity. The majority of states created judicial disciplinary systems by constitutional provision and a minority have done so by legislation. The present Illinois system was established by Article VI of the Illinois Constitution adopted in 1970, effective July 1, 1971, as amended, effective November 23, 1998. There is no enabling legislation in Illinois affecting this constitutional scheme.

The applicable provisions of Article VI, Section 15, are as follows:

- (b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.
  
- (c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.
  
- (d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.



(e) An Independent Courts Commission is created consisting of one Supreme Court Judge selected by that Court as a member and one as an alternate, two Appellate Court Judges selected by that Court as members and three as alternates, two Circuit Judges selected by the Supreme Court as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District. Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any proceeding in which disqualification or recusal would be required of a Judge under rules of the Supreme Court, under rules of the Commission, or by law.

If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

If a member of the Commission is disqualified under this section with respect to any proceeding, that member shall be replaced by an alternate on a rotating basis in a manner provided by rule of the Commission. The alternate shall act as member of the Commission with respect to that proceeding only.

(i) The Commission shall have power to issue subpoenas.

(j) Members and alternates of the Commission who are not Judges shall receive per diem compensation and necessary expenses; members and alternates who are Judges shall receive necessary expenses only. The General Assembly shall provide by law for the expenses and compensation of the Commission.

## **MEMBERSHIP**

Biographies of current members and a listing of past members are located in **Appendices A and B.**

## THE COMPLAINT PROCESS

Any person may file a complaint with the Judicial Inquiry Board (“the Board”). A complaint form is located in **Appendix I** of this Report. Additional forms may be obtained by writing or calling the Board’s office or by downloading a form from the Board’s website - [www.illinois.gov/jib](http://www.illinois.gov/jib). The complaint, which is required to be submitted in writing, must state facts that substantiate the alleged misconduct and/or incapacity.

When a complaint is made against a judge, the Board acknowledges receipt of the complaint in writing. After an analysis by staff, the complaint and other relevant documents are forwarded to each Board member for review prior to its monthly meeting. At its meeting, the Board determines appropriate action, which may include the following:

- **Close** the complaint because the allegations did not constitute incapacity and/or misconduct under the law and standards of judicial conduct in Illinois. Most often these complaints concern a losing litigant’s subjective perception that justice was not obtained in his or her cause. By closing the complaint, the Board does not pass judgment on the merits of the case. This is the sole responsibility of the Appellate Court. A letter is sent to the complainant informing him or her that the complaint has been closed.
- **Investigate** the complaint. An investigation may entail writing a letter to the judge to request his or her explanation of the matter, reviewing court and non-court documents, interviewing the complainant as well as other witnesses, or monitoring courtrooms. Investigations are continued until the Board has sufficient information upon which to base a final determination.
- **Appear before the Board.** Require the judge to appear before the Board and respond to questions regarding allegations of misconduct and/or incapacity. In this instance, the judge is served with written notice setting forth the allegations against him or her.

After an **investigation** is completed, the complaint and investigative materials are forwarded to each Board member for review prior to its monthly meeting. At its meeting, the Board determines appropriate action, which may include the following:

- Close the complaint because of insufficient cause to take further action.
  - Close the complaint, but monitor the judge’s courtroom.
  - Close the complaint and issue the judge a private letter of admonishment or caution.
- Note:** In each of the above instances, a letter is sent to the complainant informing him or her that the complaint has been closed.
- Require the judge to appear before the Board and respond to questions regarding allegations of misconduct and/or incapacity. In this instance, the judge is served with written notice setting forth the allegations against him or her.

In instances where the Board requires the judge to **appear**, the Board may take the following action after the judge's appearance:

- Close the complaint.
- Close the complaint, but monitor the judge's courtroom.
- Close the complaint and issue the judge a private letter of admonishment or caution.

**Note:** In each of the above instances, a letter is sent to the complainant informing him or her that the complaint has been closed.

- File formal charges against the judge with the Courts Commission.

In those cases where the Board does **file a formal complaint** with the Courts Commission, the Board serves as prosecutor in the proceedings before the Commission. If the Commission sustains the Board's complaint, it has the sole authority to impose the following sanctions:

- Remove from office
- Suspend without pay
- Censure
- Reprimand
- Suspend, with or without pay, or retire a judge who is physically or mentally unable to perform his or her duties

A flow chart of the complaint process is located in **Appendix C**.

The Board has only limited authority to correct perceived shortcomings in the administration of justice. It cannot intervene in ongoing litigation, have a judge removed from a case, review judicial decisions, take action against judges for being "too hard" or "too soft" in sentencing or for setting bond "too high" or "too low". The Board has **no jurisdiction** to investigate allegations of misconduct and/or incapacity against retired judges, lawyers, police officers, court personnel, administrative law judges, federal judges, arbitrators, hearing officers, or anyone other than active judges of the State of Illinois.

Like most other states, the initial investigation by the Board is conducted on a confidential basis. The matter remains confidential until a determination is made to publicly charge a judge with misconduct and/or incapacity. Should someone other than a Board or staff member make public the existence of a Board inquiry or investigation, such disclosure is not within the authority of the Board to address. This constitutional requirement of confidentiality protects the judiciary from unjust criticism and protects those who furnish information to the Board. The confidentiality requirement also means, however, that the Board **cannot** discuss its investigations with third parties and **will not** engage in debate over why it did or did not publicly charge a judge in a particular situation.

The many grievances to the Board that do not result in charges being filed with the Courts Commission are nonetheless helpful in the improvement of the judicial system. Sometimes the judge under investigation will retire/resign prior to a Complaint being filed with the Courts Commission. Also, a complaint of a single instance of alleged judicial impropriety, standing alone,

may not be sufficient to publicly charge a judge before the Courts Commission, but subsequent complaints against the same judge may ultimately call for Board action. The availability of such a mechanism to the public for the expression of grievances is a very real, though intangible, benefit.

The Board has adopted Rules of Procedure pursuant to its Constitutional authority, which are set forth in this Report. The Rules of Procedure of the Courts Commission and the Code of Judicial Conduct are also contained in this Report.

## **IMPAIRMENT**

Alcohol or drug abuse by a judicial officer may suggest a possible impairment in the performance of judicial duties. In the absence of associated judicial misconduct, the Board initially pursues such matters with a view towards intervention. If it appears that instances of misconduct resulted from alcohol or drug abuse, the Board will emphasize treatment while mindful of its public responsibility to charge and prosecute aberrant conduct.

## **INCAPACITY**

A sensitive and difficult problem confronting the Board is the physically and mentally incapacitated judge. This issue can arise concerning a judge who has given many years of able service to the State. Most judges who become physically or mentally disabled retire without any action on the part of the Board. In other cases, the fact that an investigation was initiated may lead to a voluntary decision by the judge to retire.

**FISCAL YEAR 2011 (“FY11”) COMPLAINT INFORMATION  
(Fiscal Year 2011: July 1, 2010 through June 30, 2011)**

During fiscal year 2011, the Judicial Inquiry Board received/initiated **456** complaints against active Illinois state court judges. Statistical information regarding fiscal year 2011 complaints is listed in Tables 1 through 7 below.

**FISCAL YEAR 2012 (“FY12”) COMPLAINT INFORMATION  
(Fiscal Year 2012: July 1, 2011 through June 30, 2012)**

During fiscal year 2012 the Judicial Inquiry Board received/initiated **526** complaints against active Illinois state court judges. Statistical information regarding fiscal year 2012 complaints is listed in Tables 1 through 7 below.

**TABLE 1**

**NUMBER OF COMPLAINTS RECEIVED/INITIATED**

<b>Fiscal Year 2011</b>	<b>456</b>
<b>Fiscal Year 2012</b>	<b>526</b>

**Note: Some judges had more than one complaint filed against them.**

**TABLE 2**

**COMPLAINTS RECEIVED/INITIATED BY JUDICIAL POSITION**

<b>JUDICIAL POSITION</b>	<b>FY11</b>	<b>FY12</b>
Supreme Court Judge and Appellate Court Judge	34	25
<b>Circuit Court Judge</b>	<b>269</b>	<b>309</b>
Circuit Court Judge – Associate	152	191
<b>Total</b>	<b>455</b>	<b>525</b>
Candidate for Election	1	1
<b>Total Complaints</b>	<b>456</b>	<b>526</b>

**Note: See Appendix D for statistical information concerning number of authorized judgeships.**

**TABLE 3****COMPLAINTS RECEIVED/INITIATED BY COURT DIVISION**

	<b>FY11</b>	<b>FY12</b>
<b>Domestic Relations</b>	136	111
<b>Criminal</b>	163	224
<b>Law</b>	30	28
<b>Municipal</b>	26	26
<b>Probate</b>	17	24
<b>Juvenile</b>	11	7
<b>Small Claims</b>	20	20
<b>Traffic</b>	12	11
<b>Chancery</b>	13	28
<b>County</b>	0	0
<b>*Other</b>	28	47
<b>Total</b>	<b>456</b>	<b>526</b>

**\*Includes but is not limited to: Personal (off-bench) conduct, political activity, or civic/charitable activities.**

**TABLE 4****COMPLAINTS RECEIVED/INITIATED BY SOURCE**

	<b>FY11</b>	<b>FY12</b>
<b>Litigant/Family/Friend</b>	414	452
<b>Judge/Attorney</b>	20	35
<b>Other (e.g. news reports, anonymous letters, concerned citizens)</b>	22	39
<b>Total</b>	<b>456</b>	<b>526</b>

**TABLE 5**

**COMPLAINTS RECEIVED/INITIATED BY CIRCUIT**

CIRCUIT	FY11	FY12	CIRCUIT	FY11	FY12
Cook	202	243	11 <sup>th</sup>	12	23
1 <sup>st</sup>	15	8	12 <sup>th</sup>	18	17
2 <sup>nd</sup>	5	4	13 <sup>th</sup>	7	8
3 <sup>rd</sup>	5	7	14 <sup>th</sup>	6	9
4 <sup>th</sup>	14	5	15 <sup>th</sup>	7	12
5 <sup>th</sup>	5	14	16 <sup>th</sup>	18	18
6 <sup>th</sup>	11	14	17 <sup>th</sup>	19	16
7 <sup>th</sup>	13	27	18 <sup>th</sup>	14	13
8 <sup>th</sup>	5	7	19 <sup>th</sup>	12	16
9 <sup>th</sup>	9	5	20 <sup>th</sup>	10	7
10 <sup>th</sup>	8	11	21 <sup>st</sup>	3	9
			22 <sup>nd</sup>	3	7

Note: See Appendix E for counties within each circuit.

**TABLE 6**

**DISPOSITION OF COMPLAINTS**

	FY11	FY12
<b>Disposition After Initial Review by Board</b>		
Closed	379	438
Investigations Voted	77	88
<b>Number of Complaints Received/Initiated</b>	<b>456</b>	<b>526</b>
<b>Disposition After Investigation</b>		
Closed	68	62 (2)*
Closed After Request for Written Explanation	4	7 (2)*
*Closed with an Admonishment		
<b>Requests for Judge to Appear before the Board</b>	<b>5(1)*</b>	<b>19(7)*</b>
*Closed with an Admonishment after Appearance		
Retired/Resigned Prior to or After Appearance		2
<b>Note: Some Judges were requested to appear in regard to multiple complaints</b>		



**TABLE 7**  
**COMPLAINT ALLEGATIONS**

<b>TYPES OF ALLEGATIONS</b>	<b>FY11</b>	<b>FY12</b>
Administrative Misconduct	17	30
Alcohol/Drugs	3	3
Bias, Prejudice, Partiality	168	204
Delay in Scheduling or Deciding a Matter	27	26
Demeanor/Injudicious Temperament (e.g. impatient, rude, conduct that is intimidating and inappropriate language/commentary)	119	115
Ex Parte Communication (one-sided)	36	36
Failure to Recuse/Disqualify/Conflict of Interest	41	38
Illegal Activity	77	77
Judicial Decision/Discretion (e.g. dissatisfaction with court procedures or rulings, use or nonuse of evidence, criminal sentences, custody, general outcome of the case)	338	398
Mental Incapacity	1	7
Physical Incapacity	1	0
Inappropriate Political Activity (e.g. publicly endorsing/ opposing a candidate for public office, personal solicitation of funds, making speeches on behalf of a political organization, misrepresentation of qualifications)	5	8
Bias, Prejudiced or Discrimination (race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status)	37	42
Sexual Misconduct/Harassment	1	4
Inappropriate Conduct Off the Bench (e.g., prohibited charitable, business or personal conduct)	9	4
Violation of Constitutional Rights	134	151
Misconduct by a Candidate	1	1
Prejudgment of a Case	26	17
Abuse of Power	26	41
Comment on Pending/Impending Case	1	1
Other	3	6
<b>TOTAL</b>	<b>1071</b>	<b>1209</b>

**NOTE: Total exceeds number of complaints received/initiated because many complaints contained multiple allegations.**

**RULES OF PROCEDURE  
OF  
THE JUDICIAL INQUIRY BOARD**

(Established Pursuant to Article VI, Section 15 (b), (c) & (d), Illinois State Constitution, 1970)

**RULE 1 - DEFINITIONS**

When used in these Rules:

- (a) "Constitution" means the 1970 Constitution of the State of Illinois.
- (b) "Board" means the Judicial Inquiry Board created by the Constitution, Article VI, Section 15(b), (c) and (d).
- (c) "Commission" means the Courts Commission created by the Constitution, Article VI, Section 15(e), (f) and (g).
- (d) "Judge" means a judge or associate judge of the Supreme Court, the Appellate Court or any Circuit Court of the State of Illinois.
- (e) The term "misconduct" when used in reference to a judge or associate judge means and includes judicial misconduct (as distinguished from physical or mental disability) for which a judge is subject to discipline under the law and Constitution of Illinois and the rules adopted by the Supreme Court pursuant to Section 13(a) of Article VI of the Constitution.
- (f) The term "disability" when used in reference to a judge means a physical or mental disability to perform his duties.

**RULE 2 – BOARD PERSONNEL**

- (a) The Board shall, with the concurrence of at least five members, designate a Chair and a Vice-Chair, each to serve for a term of one year and until the designation, in like manner, of his or her respective successor.
- (b) The Chair shall be the chief executive officer of the Board, shall preside at all meetings of the Board, and shall perform such other duties and have such other authority as the Board may delegate.
- (c) The Vice-Chair shall, in the absence or disability of the Chair, perform the duties and exercise the authorities of the Chair.
- (d) The Board may hire a staff, including an Executive Director.

### **RULE 3 - MEETINGS**

- (a) Meetings shall be held from time to time pursuant to the call of the Chair or three members of the Board.
- (b) Written notice stating the time and place of meetings shall be given to members of the Board at least two days prior to each meeting.
- (c) Five members of the Board shall constitute a quorum of the Board. The act of a majority of the members present at any meeting at which a quorum is present shall be the act of the Board unless the act of a greater number is required by the Constitution or by these Rules of Procedure.
- (d) Any action, except a determination to file a complaint, required to be taken by the Board or at any meeting of the Board shall be deemed the action of the Board if all members of the Board execute, either before or after the action is taken, a written consent thereto and the consent is filed with the records of the Board.

### **RULE 4 - EXERCISE OF THE POWERS OF THE BOARD**

- (a) The Board (1) on its own motion, or (2) in response to information received by it tending to suggest that a judge is guilty of misconduct or is suffering from a disability, and which is not, on preliminary examination or inquiry, determined to be patently frivolous or unfounded, may initiate and conduct an investigation to determine whether a reasonable basis exists for the filing of a complaint with the Commission. During an investigation, the Board may request a judge voluntarily to appear and discuss issues relating to conduct under investigation.
- (b) Following an investigation, the Board may determine that a reasonable basis exists to charge a judge with misconduct or disability in a complaint filed with the Commission. Such determination shall require the concurrence of not less than five members of the Board.
- (c) In determining whether a reasonable basis exists to charge a judge with misconduct or disability, the Board will consider the rules of conduct for judges and associate judges adopted by the Supreme Court of Illinois, the provisions of Sections 15(c) and 15(e) of Article VI of the 1970 Illinois Constitution and Section 13(b) of Article VI of the 1970 Illinois Constitution.
- (d) The Board shall, before proceeding to a determination that a reasonable basis exists to charge the judge before the Courts Commission, give the judge written notice of the substance of the proposed charge. This written notice will set forth a date, place and time at which the judge shall be required to appear before the Board, accompanied by counsel if the judge so elects.
- (e) During this required appearance before the Board, the judge shall be questioned by the Board concerning the proposed charge, and the judge will be given the opportunity to make such statement in respect to the proposed charge as he/she may desire. In addition, the judge will be

given the opportunity to present to the Board such information, oral or written (including the names of any witness he/she may wish to have heard by the Board) in respect to the proposed charge as he/she may desire. Such written information and names of witnesses shall be forwarded to the Board not less than 5 days prior to the judge's appearance. A judge may, upon concurrence of the Board, in his/her own person or through counsel, in writing waive his/her required appearance before the Board to respond to charges. (Amended effective April 10, 1998.)

(f) No hearing of or appearance before the Board shall be continued except upon written motion supported by good cause. No hearing of or appearance before the Board shall be continued more than once except under extraordinary circumstances.

(g) The Board shall not disclose the identity of any informant or complainant or any witness unless the Board shall determine that such disclosure is required by the circumstances of the case.

(h) The Board shall not be bound by formal rules of evidence.

(i) Nothing contained in these Rules shall be construed as granting any judge the right to examine or cross-examine witnesses who may be heard by the Board or to have subpoenas issued by the Board on his behalf, provided, however, that the Board, in its discretion, may permit such action.

(j) Upon a finding by the Board that a reasonable basis exists for the filing of a complaint against a judge before the Commission, the Board shall designate one or more licensed attorneys-at-law who are not members of the Board to conduct the prosecution of the complaint before the Commission.

(k) Where the Board determines that a judge's conduct does not warrant initiation of formal proceedings at that time, the Board may issue a letter to the judge, calling the judge's attention to conduct which should be avoided in the future. (Adopted effective, April 10, 1998.)

## **RULE 5 - CONFIDENTIALITY**

(a) The proceedings of the Board and all information and materials, written or oral, received or developed by the Board in the course of its work, insofar as such proceedings and information or materials relate to the question of whether a judge is guilty of misconduct or suffers from disability, shall be confidential and privileged as a matter of law.

(b) When the Board has conducted an investigation but determined not to propose any charges to the judge in question, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made; provided, however, that no such information need be furnished to the judge unless it appears to the Board that he knows, or has reason to know, that a communication was made about him or her to the Board or that the Board conducted an investigation which involved the judge.

(c) When the Board has conducted an investigation and proposed charges to a judge, and subsequently determined that a reasonable basis does not exist for the filing of a complaint with the Commission, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made. The issuance of such letters does not mean that the repetition of such charged conduct, or other conduct violations coupled with the charged conduct or repetitions thereof, could not give rise to a future determination that a reasonable basis exists for the filing of a complaint with the Commission.

(d) In matters of contempt or perjury in Board proceedings, the Board may initiate appropriate action, including court proceedings, in order to protect the integrity of Board proceedings. When the Board takes such action, the Board may make such disclosures as are necessary to prosecute the action. **(Amended effective, April 10, 1998.)**

(e) After any disposition of a matter, the Board, if it believes that fairness and the public interest require it, may issue a public announcement of the Board's determination.

(f) When the Board is in the process of conducting an investigation based upon factors or complaints submitted by the subject judge's chief or factors already disclosed to the public by some other manner, and where that chief judge, pursuant to Supreme Court Rule 56, has temporarily assigned the judge to restricted duties or duties other than judicial duties, the Board may advise the chief judge when, and if, it is of the opinion that the judge subject to investigation may be returned to his or her regular assignment. Such disclosure may be made only upon the concurrence of the judge subject to investigation. In such circumstances, the chief judge shall be bound by the same rule of confidentiality and privilege as the Board itself. **(Adopted effective, April 10, 1998.)**

## **RULE 6 – SUBPOENA POWER**

(a) Pursuant to the subpoena power granted to the Board by the Constitution, subpoena and subpoena duces tecum may be issued in the name and upon the authority of the Board by any member of the Board. Every subpoena shall command each person to whom it is directed to attend and give testimony before the Board at a time and place therein specified. A subpoena duces tecum may also command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein.

(b) The testimony or deposition of any witness, whether or not compelled by subpoena, may be taken, and any witness (and any books, records, papers or other documents) may be examined, on behalf of the Board, by or before:

- (i) the Board;
- (ii) a panel of the Board Consisting of one or more members of the Board;
- (iii) the Executive Director or any staff investigator designated for that purpose by the Chair or Executive Director;
- (iv) any person as a delegate of the Board designated for that purpose by the Chair.

(c) In the performance of any of its responsibilities as set forth in paragraph 6(b) above, any Board member, the Executive Director, staff investigator or person delegated by the Chair, may administer oaths or affirmations.

(d) The fees of witnesses for attendance and travel shall be the same as the fees to witnesses before the Circuit Courts of Illinois. A subpoena or subpoena duces tecum shall be served in the same manner as a subpoena issued out of a Circuit Court of Illinois.

#### **RULE 7 – SERVICE OF NOTICES**

Any notice permitted or required to be given by the Board may be served by personal delivery, certified mail or registered mail.

#### **RULE 8 – AMENDMENT OF RULES**

These Rules may be altered, amended or repealed and new Rules may be adopted at any meeting of the Board by an affirmative vote of not less than five members present at any such meeting; provided however, that notice of a proposed new Rule, as the case may be, shall have been given to all members of the Board at least ten days prior to the meeting at which such action is to be taken

#### **CONFLICT OF INTEREST POLICY**

Any member of the Judicial Inquiry Board shall disqualify himself or herself from participating in any action of the Board where there exists a conflict of interest or an appearance thereof; as a guide in this area, the members of the Board will consider the standards of conduct applicable to Illinois judges.

**RULES OF PROCEDURE  
OF  
THE ILLINOIS COURTS COMMISSION**

**PREAMBLE**

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2. Place of Filing

**RULES**

3. Procedures
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5. Secretary of the Commission
6. Alternate Commission Members
7. Complaints, Pleadings – Filing and Notice
8. Hearings
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10. Subpoena of Witnesses
11. Witness' Right to Representation
12. Transcript of Proceedings
13. Conclusion of Proceedings – Orders Entered by Commission

Agency Note: These rules shall be effective June 27, 1999. This effective date has been established in accordance with Section 15(g) of Article VI of the Illinois Constitution, as amended. (1970 Ill Const., Art.VI, sec. 15(g)). This stipulation will apply to any future amendment.

## **PREAMBLE**

### **1. Authority and Purpose**

These rules are established pursuant to Article VI, section 15(g) of the 1970 Illinois Constitution. (1970 Ill. Const., Art., VI, sec. 15(g)). These rules set forth the procedure by which all proceedings before the Illinois Courts Commission shall be governed.

### **2. Place of Filing**

All pleadings and notices shall be filed with the Secretary of the Illinois Courts Commission at the Administrative Office of the Illinois Courts, 3101 Old Jacksonville Rd., Springfield, Illinois 62704.

## **RULES**

### **3. Procedures**

The Rules of Procedure of the Illinois Courts Commission shall govern all proceedings of the Commission.

### **4. Definitions**

“Alternate Member” means a Supreme Court judge selected by the Supreme Court, a Circuit Court judge selected by the Supreme Court, an Appellate Court judge selected by the Appellate Court, or a citizen selected by the Governor to act in place of a specific member of the Commission who is unable to participate for any reason.

“Board” means the Judicial Inquiry Board created by the Constitution.

“Chairperson” means that member of the Commission selected by the members to serve as Chairperson of the Commission for a two-year term.

“Commission” means the Courts Commission created by the Constitution.

“Complaint” means a formal written charge filed by the Judicial Inquiry Board.

“Constitution” means the 1970 Constitution of the State of Illinois, as amended, effective November 3, 1998.

“Judge” means a judge of the Supreme, Appellate, or Circuit Court, or an associate judge of the Circuit Court.



“Member” means the Supreme Court judge and the two Circuit Court judges selected by the Supreme Court, the two Appellate Court judges selected by the Appellate Court, and the two citizens selected by the Governor to serve on the Commission.

“Secretary” means the person designated by the Commission to perform that function.

The terms “Service” and “Notice” shall include service or notice by personal delivery, certified mail, or registered mail.

#### 5. Secretary of the Commission

The Director of the Administrative Office of the Illinois Courts is designated as Secretary in all proceedings before the Commission. The Director is empowered to perform those duties ordinarily performed by a clerk of a court of record in this state and such other duties as may be delegated by the Commission. The Director shall keep and preserve all records of the Commission. The Director may designate an individual from the Administrative Office to serve in his or her stead at hearings and meetings of the Commission.

#### 6. Alternate Commission Members

(a) If a member is absent or unable to participate in a given proceeding or is disqualified from participation in any proceeding pursuant to sub-paragraph (h) of Section 15 of Article VI of the Constitution, an alternate member shall replace him or her.

(b) When a member who is an appellate court judge is absent or unable to participate in a proceeding or is disqualified from participating, an alternate appellate court judge shall replace him or her. Alternate appellate court judges shall serve on a rotating basis. The numerical order of the Judicial Districts from which the alternates were selected (1 through 5) shall determine the order of the alternates' rotation. If an alternate is also disqualified, absent, or unable to participate, the next alternate shall serve. Any alternate who is disqualified, absent, or unable to participate shall be placed at the end of the rotation.

(c) When a member who is a circuit judge is absent or unable to participate in a proceeding or is disqualified from participating, an alternate circuit judge shall replace him or her. Alternate circuit judges shall serve on a rotating basis. The numerical order of the Judicial Districts from which the alternates were selected (1 through 5) shall determine the order of the alternates' rotation. If an alternate is also disqualified, absent, or unable to participate, the next alternate shall serve. Any alternate who is disqualified, absent, or unable to participate shall be placed at the end of the rotation.

(d) If a member selected by the Governor is absent or unable to participate in a proceeding or disqualified from participating, an alternate member selected by the Governor shall replace him or her.

7. Complaints, Pleadings – Filing and Notice

(a) Formal disciplinary proceedings respecting any judge shall be commenced by the filing of a complaint by the Judicial Inquiry Board in the Office of the Courts Commission Secretary in Springfield. The complaint shall specify in plain and concise language the charges against the judge and the allegations of fact upon which such charges are based, and it shall advise the judge of his or her right to file responsive pleadings to the charges within twenty-one (21) days after service of notice upon the judge. No other process or summons shall be necessary to institute said proceedings.

(b) Service of notice of filing of a complaint shall be made by the Secretary by sending the notice with a copy of the complaint to the judge at the judge's chambers or to the address of the judge's last known residence. In the alternative, service may be made in a manner consistent with rules for service of process in civil cases in Illinois.

(c) Notice of the date, time and place of the hearing shall be served upon the judge and an attorney who files an appearance on behalf of the judge not less than twenty-one (21) days prior to the date upon which the hearing is set.

(d) The judge shall file responsive pleadings in the Office of the Secretary in Springfield not more than twenty-one (21) days following the service of the notice and the copy of the complaint upon him or her. For good cause shown, the Commission may extend the time for filing such pleadings. The pleadings shall be in clear and concise language designed to fairly respond to the charges brought against the judge.

8. Hearings

(a) The Commission shall conduct public hearings at such place or places in the state as it shall determine will best serve the public interest.

(b) Notwithstanding the failure of any judge to file responsive pleadings or to appear at the hearing set by the Commission, the Commission may proceed with the hearing, provided that all evidence in support of the complaint shall be heard by the Commission in a public hearing.

9. Conduct of Proceedings

(a) All proceedings before the Commission shall be conducted as expeditiously as possible. The Commission may delegate to any member such matters for preliminary determination as it may deem desirable or necessary to expedite the proceedings.

(b) The provisions of the *Code of Civil Procedure*, Illinois Supreme Court Rules, and the rules of evidence applicable in civil cases in Illinois shall govern Commission proceedings, except as otherwise provided by these rules or by law. The allegations of the complaint must be proved by clear and convincing evidence.

(c) The Commission shall have the right to take judicial notice of matters of which courts of record of this state may take judicial notice.

10. Subpoena of Witnesses

The Secretary shall prepare and cause to be issued subpoenas returnable before the Illinois Courts Commission at the request of any party. Witnesses shall be entitled to witness fees and expenses as provided for in the Code of Civil Procedure.

11. Witness' Right to Representation

Any witness at any hearing of the Commission shall, upon leave of the Commission, have the right to be represented by counsel, but such counsel shall not participate in the hearing, or cross-examine witnesses, except by permission of the Commission. The examination of all witnesses shall be conducted by counsel for the parties, and may also be conducted by any member of the Commission.

12. Transcript of Proceedings

A transcript of proceedings shall be made and kept whenever the Commission meets as a body to receive evidence, hear testimony, or hear the arguments of counsel regarding matters pending before the Commission. However, a transcript will not be made and kept where the Commission delegates to any member matters for preliminary determination unless a party or the Commission requests a transcript of such proceeding. All proceedings of the Courts Commission and all orders entered by the Commission, except deliberations of the Commission or as otherwise noted herein, shall be matters of public record. All orders of the Commission shall be in writing and shall be preserved by the Secretary in the permanent records of the Commission.

13. Conclusion of Proceedings – Orders Entered by Commission

At the conclusion of a hearing, the Commission shall, within a reasonable time, enter an appropriate order, exercising the authority vested in it by sub-paragraph (e) of Section 15 of Article VI of the Constitution. The concurrence of at least four members of the Commission shall be necessary for a valid order. The decision of the Commission shall be final.

## CODE OF JUDICIAL CONDUCT

### **Preamble**

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all provisions of this code are precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It consists of broad statements called canons, specific rules set forth in lettered subsections under each canon, and Committee Commentary. The text of the canons and the rules is authoritative. The Committee Commentary, by explanation, and example, provides guidance with respect to the purpose and meaning of the canons and rules. The Commentary is not intended as a statement of additional rules.

The canons and rules are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through disciplinary agencies. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

The canons are not standards of discipline in themselves, but express the policy consideration underlying the rules contained within the canons. The text of the rules is intended to govern conduct of judges and to be binding upon them. It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text of the rules and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.

The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended, however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

**Adopted eff. Aug. 6, 1993.**

## Terminology

“Candidate.” A candidate is a person seeking public election for or public retention in judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support.

“Court personnel” does not include the lawyers in a proceeding before a judge.

“*De minimis*” denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality.

“Economic interest” denotes ownership of a more than *de minimis* legal or equitable interest, or a relationship as officer, director, advisor or other active participant in the affairs of a party, except that:

(i) ownership of an interest in a mutual or common investment fund that holds securities is not an economic interest in such securities unless the judge participates in the management of the fund or a proceeding pending or impending before the judge could substantially affect the value of the interest;

(ii) service by a judge as an officer, director, advisor or other active participant in an educational, religious, charitable, fraternal or civic organization, or service by a judge's spouse, parent or child as an officer, director, advisor or other active participant in any organization does not create an economic interest in securities held by that organization;

(iii) a deposit in a financial institution, the proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association or of a member in a credit union, or a similar proprietary interest, is not an economic interest in the organization unless a proceeding pending or impending before the judge could substantially affect the value of the interest;

(iv) ownership of government securities is not an economic interest in the issuer unless a proceeding pending or impending before the judge could substantially affect the value of the securities.

“Fiduciary” includes such relationships as executor, administrator, trustee, and guardian.

“He.” Whenever this pronoun is used it includes the feminine as well as the masculine form.

“Judge” includes circuit and associate judges and judges of the appellate and supreme court.

“Knowingly,” “knowledge,” “known” or “knows” denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

“Law” denotes court rules as well as statutes, constitutional provisions and decisional law.

“Member of a candidate's/judge's family” denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the candidate maintains a close familial relationship.

“Member of the judge's family residing in the judge's household” denotes any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household.

“Political organization” denotes a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.

“Public election.” This term includes primary and general elections; it includes partisan elections, non-partisan elections and retention elections.

“Require.” The rules prescribing that a judge “require” certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term “require” in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control.

“Third degree of relationship.” The following persons are relatives within the third degree or relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

**Adopted eff. Aug. 6, 1993.**

## **RULE 61 - CANON 1**

### **A Judge Should Uphold the Integrity and Independence of the Judiciary**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended eff. Aug. 6, 1993; Oct. 15, 1993.

## **RULE 62 - CANON 2**

### **A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities**

A. A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow the judge's family, social or other relationships to influence the judge's judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended eff. Oct. 15, 1993.

## **RULE 63 - CANON 3**

### **A Judge Should Perform the Duties of Judicial Office Impartially and Diligently**

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

#### **A. Adjudicative Responsibilities.**

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar

conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.

(5) A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

(a) Where circumstances require, *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:

- (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and
- (ii) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond.

(b) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(c) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(d) A judge may initiate or consider any *ex parte* communications when expressly authorized by law to do so.

(6) A judge shall devote full time to his or her judicial duties; and should dispose promptly of the business of the court.

(7) A judge should abstain from public comment about a pending, or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This paragraph does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(8) Proceedings in court should be conducted with fitting dignity, decorum, and without distraction. The taking of photographs in the courtroom during sessions of the court or recesses between proceedings, and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the supreme court. This rule is not intended to prohibit local circuit courts from using security cameras to monitor courtrooms, provided that cameras are



controlled by designated court personnel. For the purposes of this rule, the use of the terms "photographs," "broadcasting," and "televising" include the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices.

(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

(10) Proceedings before a judge shall be conducted without any manifestation, by words or conduct, of prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, by parties, jurors, witnesses, counsel, or others. This section does not preclude legitimate advocacy when these or similar factors are issues in the proceedings.

## **B. Administrative Responsibilities.**

(1) A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3)(a) A judge having knowledge of a violation of these canons on the part of a judge or a violation of Rule 8.4 of the Rules of Professional Conduct on the part of a lawyer shall take or initiate appropriate disciplinary measures.

(b) Acts of a judge in mentoring a new judge pursuant to M.R. 14618 (Administrative Order of February 6, 1998, as amended June 5, 2000) and in the discharge of disciplinary responsibilities required or permitted by canon 3 or Article VIII of the Rules of Professional Conduct are part of a judge's judicial duties and shall be absolutely privileged.

(c) Except as otherwise required by the supreme court rules, information pertaining to the new judge's performance which is obtained by the mentor in the course of the formal mentoring relationship shall be held in confidence by the mentor.

(4) A judge should not make unnecessary appointments. A judge should exercise the power of appointment on the basis of merit, avoiding nepotism and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered.

(5) A judge should refrain from casting a vote for the appointment or reappointment to the office of associate judge, of the judge's spouse or of any person known by the judge to be within the third degree of relationship to the judge or the judge's spouse (or the spouse of such a person).

### **C. Disqualification.**

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

(c) the judge was, within the preceding three years, associated in the private practice of law with any law firm or lawyer currently representing any party in the controversy (provided that referral of cases when no monetary interest was retained shall not be deemed an association within the meaning of this subparagraph) or, for a period of seven years following the last date on which the judge represented any party to the controversy while the judge was an attorney engaged in the private practice of law;

(d) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than *de minimis* interest that could be substantially affected by the proceeding; or

(e) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person;

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have a more than *de minimis* interest that could be substantially affected by the proceeding; or

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.

### **D. Remittal of Disqualification.**

A judge disqualified by the terms of Section 3C may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for

disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. This agreement shall be incorporated in the record of the proceeding.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended June 12, 1987, eff. Aug. 1, 1987; eff. Nov. 25, 1987; Aug. 6, 1993; Oct. 15, 1993; eff. March 26, 2001; April 1, 2003, eff. immediately; Dec. 5, 2003, eff. immediately; April 16, 2007, eff. immediately; amended June 18, 2013, eff. July 1, 2013.

## **RULE 64 - CANON 4**

### **A Judge May Engage in Activities to Improve the Law, the Legal System and the Administration of Justice**

A judge, subject to the proper performance of his or her judicial duties, may engage in the following law-related activities, if in doing so the judge does not cast doubt on his or her capacity to decide impartially any issue that may come before him or her.

A. A judge may speak, write, lecture, teach (with the approval of the judge's supervising, presiding, or chief judge), and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he or she may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of a bar association, governmental agency, or other organization devoted to the improvement of the law, the legal system, or the administration of justice. He or she may assist such an organization in planning fund-raising activities; may participate in the management and investment of the organization's funds; and may appear at, participate in, and allow his or her title to be used in connection with a fund-raising event for the organization. Under no circumstances, however, shall a judge engage in direct, personal solicitation of funds on the organization's behalf. Inclusion of a judge's name on written materials used by the organization for fund-raising purposes is permissible under this rule so long as the materials do not purport to be from the judge and list only the judge's name, office or other position in the organization and, if comparable designations are listed for other persons holding a similar position, the judge's judicial title.

D. A judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987; amended June 4, 1991, eff. Aug. 1, 1991; Committee Commentary amended October 15, 1993, eff. immediately; amended September 30, 2002, eff. immediately; amended May 24, 2006, eff. immediately.

## **RULE 65 - CANON 5**

### **A Judge Should Regulate His or Her Extrajudicial Activities to Minimize the Risk of Conflict With the Judge's Judicial Duties**

#### **A. Avocational Activities.**

A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the judge's office or interfere with the performance of the judge's judicial duties.

#### **B. Civic and Charitable Activities.**

A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit or permit his or her name to be used in any manner to solicit funds or other assistance for any such organization. A judge should not allow his or her name to appear on the letterhead of any such organization where the stationery is used to solicit funds and should not permit the judge's staff, court officials or others subject to the judge's direction or control to solicit on the judge's behalf for any purpose, charitable or otherwise. A judge may be a speaker or the guest of honor at an organization's fund-raising events.

#### **C. Financial Activities.**

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of the judge's judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.

(2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in the activities usually incident to the ownership of such investments, but a judge should not assume an active role in the management or serve as an officer, director, or employee of any business.

(3) A judge should manage his or her investments and other financial interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, the judge should divest himself or herself of investments and other financial interests that might require frequent disqualification.

(4) Neither a judge nor a member of the judge's family residing in the judge's household should accept a gift, bequest, favor, or loan from anyone except as follows:

(a) a judge may accept a gift incident to a public testimonial to the judge; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and the judge's spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a judge or a member of the judge's family residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

(c) a judge or a member of the judge's family residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before the judge, including lawyers who practice or have practiced before the judge.

(5) Information acquired by a judge in the judge's judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to the judge's judicial duties.

#### **D. Fiduciary Activities.**

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of the judge's judicial duties. As a family fiduciary a judge is subject to the following restrictions:

(1) The judge should not serve if it is likely that as a fiduciary the judge will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(2) While acting as a fiduciary a judge is subject to the same restrictions on financial activities that apply to the judge in his or her personal capacity.

**E. Arbitration.**

A judge should not act as an arbitrator or mediator.

**F. Practice of Law.**

A judge should not practice law.

**G. Extrajudicial Appointments.**

A judge should not accept appointment to a governmental committee, commission or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, State, or locality on ceremonial occasions or in connection with historical, educational and cultural activities.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987; amended Oct. 15, 1993, eff. immediately; amended May 24, 2006, eff. immediately; amended December 7, 2011, eff. immediately.

**RULE 66 - CANON 6**

**Nonjudicial Compensation and Annual  
Statement of Economic Interests**

A judge may receive compensation for the law-related and extrajudicial activities permitted by this Code if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety subject to the following restrictions:

**A. Compensation.**

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

**B. Expense Reimbursement.**

Expense reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse. Any payment in excess of such amount is compensation.

**C. Annual Declarations of Economic Interests.**

A judge shall file a statement of economic interests as required by Rule 68, as amended effective August 1, 1986, and thereafter.

Adopted Dec. 2, 1986, eff. Jan. 1, 1987; amended June 4, 1991, eff. Aug. 1, 1991; amended April 1, 1992, eff. Aug. 1, 1992; amended Oct. 15, 1993, eff. immediately; amended Dec. 13, 1996, eff. immediately; amended Sept. 30, 2002, eff. immediately.

**RULE 67 - CANON 7**

**A Judge or Judicial Candidate Shall Refrain  
from Inappropriate Political Activity**

**A. All Judges and Candidates.**

(1) Except as authorized in subsections B (1) (b) and B(3), a judge or a candidate for election to judicial office shall not:

- (a) act as a leader or hold an office in a political organization;
- (b) publicly endorse or publicly oppose another candidate for public office;
- (c) make speeches on behalf of a political organization;
- (d) solicit funds for, or pay an assessment to a political organization or candidate.

(2) A judge shall resign from judicial office upon becoming a candidate for a nonjudicial office either in a primary or in a general election.

(3) A candidate for a judicial office:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under the provisions of this Canon;

(c) except to the extent permitted by subsection B(2), shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under the provisions of this Canon;

(d) shall not:

- (i) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues within cases that are likely to come before the court; or
- (ii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent; and

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate subsection A (3)(d).

## **B. Authorized Activities for Judges and Candidates.**

(1) A judge or candidate may, except as prohibited by law:

(a) at any time

- (i) purchase tickets for and attend political gatherings;
- (ii) identify himself or herself as a member of a political party; and
- (iii) contribute to a political organization.

(b) when a candidate for public election

- (i) speak to gatherings on his or her own behalf;
- (ii) appear in newspaper, television and other media advertisements supporting his or her candidacy;
- (iii) distribute pamphlets and other promotional literature supporting his or her candidacy; and
- (iv) publicly endorse or publicly oppose other candidates in a public election in which the judge or judicial candidate is running.

(2) A candidate shall not personally solicit or accept campaign contributions. A candidate may establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate's committees may solicit contributions and public support for the candidate's campaign no earlier than one year before an election and no later than 90 days after the last election in which the candidate participates during the election year. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

(3) Except as prohibited by law, a candidate for judicial office in a public election may permit the candidate's name: (a) to be listed on election materials along with the names of other candidates for elective public office, and (b) to appear in promotions of the ticket.

## **C. Incumbent Judges.**

A judge shall not engage in any political activity except (i) as authorized under any other provision of this Code, (ii) on behalf of measures to improve the law, the legal system or the administration of justice, or (iii) as expressly authorized by law.



#### **D. Applicability.**

Canon 7 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct. A lawyer who is a candidate for judicial office is subject to Rule 8.2(b) of the Rules of Professional Conduct.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987; amended April 20, 1987, eff. Aug. 1, 1987; amended eff. Aug. 6, 1993; March 24, 1994.**

#### **RULE 68 - [Declaration of Economic Interests]**

A judge shall file annually with the Clerk of the Illinois Supreme Court (the Clerk) a verified written statement of economic interests and relationships of the judge and members of the judge's immediate family (the statement).

As statements are filed in the Clerk's office, the Clerk shall cause the fact of that filing to be indicated on an alphabetical listing of judges who are required to file such statements. Blank statement forms shall be furnished to the Clerk by the Director of the Administrative Office of the Illinois Courts (the Director).

Any person who files or has filed a statement under this rule shall receive from the Clerk a receipt indicating that the person has filed such a statement and the date of such filing.

All statements filed under this rule shall be available for examination by the public during business hours in the Clerk's office in Springfield or in the satellite office of the Clerk in Chicago. Original copies will be maintained only in Springfield, but requests for examination submitted in Chicago will be satisfied promptly. Each person requesting examination of a statement or portion thereof must first fill out a form prepared by the Director specifying the statement requested, identifying the examiner by name, occupation, address and telephone number, and listing the date of the request and the reason for such request. The Director shall supply such forms to the Clerk and replenish such forms upon request. Copies of statements or portions of statements will be supplied to persons ordering them upon payment of such reasonable fee per page as is required by the Clerk. Payment may be by check or money order in the exact amount due.

The Clerk shall promptly notify each judge required to file a statement under this rule of each instance of an examination of the statement by sending the judge a copy of the identification form filled out by the person examining the statement.

The contents of the statement required by this rule shall be as specified by administrative order of this court.

**Adopted eff. March 15, 1970. Amended April 1, 1986, eff. Aug. 1, 1986.**

IN THE SUPREME COURT OF  
THE STATE OF ILLINOIS

ADMINISTRATIVE ORDER

Order entered April 1, 1986; amended September 23, 2005:

The verified statements of economic interests and relationships referred to in our Rule 68, as amended effective August 1, 1986, shall be filed by all judges on or before April 30, 1987, and on or before April 30, annually thereafter. Such statements shall also be filed by every person who becomes a judge, within 45 days after assuming office. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30. The form of such statements shall be as provided by the Administrative Director of the Illinois Courts, and they shall include all information required by Rule 68 and this order, including:

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. In listing his or her personal residence(s) in response to this paragraph 1, the judge shall not state the address(es). Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.

2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts or account numbers need be listed in response to this paragraph 2. In listing his or her personal residence(s) in response to this paragraph 2, the judge shall not state the address(es).

3. The names of all creditors to whom amounts in excess of \$500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

(a) not more than \$5,000;

- (b) greater than \$5,000 but not more than \$15,000;
- (c) greater than \$15,000 but not more than \$50,000;
- (d) greater than \$50,000 but not more than \$100,000;
- (e) greater than \$100,000 but not more than \$250,000; and
- (f) greater than \$250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than \$5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge or members of the judge's immediate family (spouse or minor children residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of \$250 must be reported. All other gifts having a value in excess of \$100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity, other than those listed in numbered paragraphs 1 to 8 hereof.

Prior to the first Monday in March of each year the Director shall inform each judge by letter of the requirements of this amended rule. The Director shall similarly inform by letter each person who becomes a judge of the requirements of the rule within 10 days of such person assuming office. The Director shall include with such letter instructions concerning the required statements, two sets of the statement forms and one mailing envelope preaddressed to the Clerk. The Clerk shall redact personal residence addresses contained in any statement filed pursuant to Supreme Court Rule 68. The letter, instructions, and statements shall be in substantially the form set forth below:

[Letterhead of Administrative Office of the Illinois Courts]

\_\_\_\_\_, 20\_\_.

TO: MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS  
RE: Compliance with Supreme Court Rule 68

As a member of the judiciary, you are required to file an annual statement of economic interests pursuant to Supreme Court Rule 68. Enclosed are the necessary forms and envelopes to be used in complying with Rule 68 on or before \_\_\_\_\_, 20\_\_.

In this packet are:

(A) One copy of "Instructions Concerning Required Statements for Members of the Judiciary of the State of Illinois."

(B) Two copies of the form entitled "Statement Required of Members of the Judiciary of the State of Illinois." [One copy to be filed with the Clerk of the Supreme Court, one copy to be retained for your records.]

(C) One 9 x 12 mailing envelope preaddressed to the Clerk of the Supreme Court.

The Supreme Court requests you follow these instructions carefully and asks that you be certain to return the original of your statement in the mailing envelope furnished herewith preaddressed to the Clerk of the Supreme Court.

Forms for compliance with public act 77-1806, "Illinois Governmental Ethics Act," will be mailed to you under separate cover and must be filed separately with the secretary of state.

Very truly yours,

Director

INSTRUCTIONS CONCERNING REQUIRED STATEMENTS FOR MEMBERS OF  
THE JUDICIARY OF THE STATE OF ILLINOIS

On or before April 30, 1987, and on or before April 30, annually thereafter, every judge of the Supreme Court, the Appellate Court and every judge and associate judge of the Circuit Court shall file a verified written statement (the statement) of economic interests and relationships which may create conflicts of interest, with the Clerk of the Illinois Supreme Court. Such statements shall be filed by every person who becomes a judge or associate judge within 45 days after assuming office and on or before each April 30 thereafter. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30.

The statements required shall include the following information which, except where noted, shall include information as of the date of verification of the statement.

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. In listing his or her personal residence(s) in response to this paragraph 1, the judge shall not state the address(es). Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.

2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts or account numbers need be listed in response to this paragraph 2. In listing his or her personal residence(s) in response to this paragraph 2, the judge shall not state the address(es).

3. The names of all creditors to whom amounts in excess of \$500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

- (a) not more than \$5,000;
- (b) greater than \$5,000 but not more than \$15,000;
- (c) greater than \$15,000 but not more than \$50,000;
- (d) greater than \$50,000 but not more than \$100,000;
- (e) greater than \$100,000 but not more than \$250,000; and
- (f) greater than \$250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than \$5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest, and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge and members of the judge's immediate family (spouse and any minor child residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of \$250 must be reported. All other gifts having a value in excess of \$100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity other than those listed in numbered paragraphs 1 to 8 hereof.

The Statements required herein shall be in substantially the form titled "STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS," which is attached hereto as Exhibit A.

(SAMPLE)  
EXHIBIT A

STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS

1. My current economic interests and the current economic interests of my immediate family (spouse and minor children residing with me) are as follows:

(Here list current economic interests specified in numbered paragraph 1 of the instructions setting forth the date (within 30 days of the date of filing) as of which said interests are being reported.)

2. My former economic interests and the former economic interests of my immediate family (spouse and minor children residing with me) held during the year preceding the date of verification:

(Here list former economic interests specified in numbered paragraph 2 of the instructions.)

3. Creditors to whom amounts in excess of \$500 are owed as of the date of verification or were owed during the year preceding the date of verification by me or members of my immediate family (spouse and minor children residing with me), exclusive of revolving charge accounts with an outstanding liability equal to or less than \$5,000, the amount of each such obligation outstanding as of the date of verification and the maximum amount of each such obligation during such preceding year within the categories set forth in paragraph numbered 3 of the instructions:

(Here list in accordance with numbered paragraph 3 of the instructions.)

4. The name of any individual personally known by me to be licensed to practice law in Illinois who is a co-owner with me or members of my immediate family (spouse and minor children residing with me) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

(Here list in accordance with numbered paragraph 4 of the instructions.)

5. My offices, directorships, and salaried employments and the offices, directorships and salaried employments of my immediate family (spouse and minor children residing with me) are as follows:

(Here list in accordance with numbered paragraph 5 of the instructions.)

6. Pending cases in which I or members of my immediate family (spouse and minor children residing with me) have an interest are as follows:

(Here list pending cases in which you or members of your immediate family are parties in interest, or an economic entity to which you or they have an interest is a party, in accordance with numbered paragraph 6 of the instructions.)

7. My fiduciary positions, including executorships and directorships, and the fiduciary positions of the members of my immediate family (my spouse and minor children residing with me) are as follows:

(Here list fiduciary positions in accordance with numbered paragraph 7 of the instructions.)

8. The name of the donor of gifts received by me or members of my immediate family (spouse and minor children residing with me) during the year preceding the date of verification, are as follows:

(Here list gifts in accordance with numbered paragraph 8 of the instructions.)

9. My economic interests and relationships and those of my immediate family (spouse and minor children residing with me), other than those listed in numbered paragraphs 1 to 8 hereof, which could create conflicts of interest for me in my judicial capacity are as follows:

(Here insert any economic interest or relationship which might or could create a substantial conflict of interest.)

#### VERIFICATION

Pursuant to Supreme Court Rule 68, I declare that this statement of economic interest, including any accompanying schedules and statements, as it relates to me and members of my immediate family, has been examined by me and to the best of my knowledge and belief is true, correct and complete.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

**Order adopted April 1, 1986. Order amended April 20 1987, eff. August 1, 1987; order amended Dec. 30, 1993, eff. Jan.1, 1994; order amended Dec.1, 1995, effective immediately; order amended September 23, 2005, effective immediately.**



**RULE 69-70 - Reserved.**

**RULE 71 - Violation of Rules.**

A judge who violates Rules 61 through 68 may be subject to discipline by the Illinois Courts Commission.

Adopted Jan. 30, 1970, eff. March 15, 1970; amended eff. Oct. 1, 1971; amended June 24, 1976, eff. July 15, 1976; Dec. 2, 1986, eff. Jan. 1, 1987.

## Appendix A

### BIOGRAPHIES PRESENT BOARD MEMBERS

**Honorable Donald C. Hudson**, a Judicial Member of the Board and the **Board's Chair**, is a Justice of the Illinois Appellate Court, Second District. He received his undergraduate degree from DePaul University and his law degree from John Marshall Law School. Justice Hudson was appointed to the bench as an Associate Judge in 1993 and in the year 2000, he was elected to the position of Circuit Judge. In December 2004, Justice Hudson was elected to the position of Chief Judge of the Sixteenth Judicial Circuit and he was re-elected Chief Judge in 2006. Justice Hudson is a former First Assistant State's Attorney of Kane County. Justice Hudson has served on the Illinois State Bar Association's Criminal Justice Section Council and has also served several terms as the Chairman of the Kane County Bar Association's Criminal Law Committee. He has lectured at a number of bar association seminars over the years and he has also authored several articles for the Kane County Bar Association's Bar Journal. In January 2005, Justice Hudson was appointed by the Illinois Supreme Court to be Chairperson of the Illinois Supreme Court's Statewide Committee on Criminal Law and Probation Administration. In 2006 and 2007, he was reappointed by the Supreme Court as Chairperson of that committee. Justice Hudson has also served as a faculty member for the Illinois Education Conferences. The National Center for State Courts has selected Justice Hudson to serve on a national working group to meet and develop policies on using risk and needs assessment information in implementing evidence-based practices at sentencing hearings in criminal cases. In December 2008, Justice Hudson was appointed to be the Chair of a Special Supreme Court Committee whose work culminated in the adoption of codified rules of evidence in the State of Illinois. Justice Hudson was appointed to the Judicial Inquiry Board in April 2007 and was elected Chair of the Board in April 2008. He also serves as Chair of the Illinois Appellate Administrative Committee.

**Attorney Cary J. Collins**, appointed in December 2009, is a legal member of the Board and the Board's current **Vice Chair**. Mr. Collins graduated from John Marshall Law School in 1979 and joined the law firm of Hill, Van Santen, Steadman and Simpson, an intellectual property firm where he became a Shareholder. In January 1985, he opened his own practice in Hoffman Estates, Illinois where he became active in the community. Mr. Collins has served as Chairperson of the Hoffman Estates and Northwest Suburban American Cancer Society, Legal Counsel to the Hoffman Estates Chamber of Commerce and he is a founding member of the Hoffman Estates Park District Foundation. He was elected to two terms with the Hoffman Estates Park District where he served as Vice President and President; and he also served on several committees with the State of Illinois Park and Recreational Association. Mr. Collins was selected to two terms as Hoffman Estates Village Trustee and served as Deputy Mayor. His professional career following the opening of his own practice in 1985 became a concentration in municipal law with a concentration in Fire and Police Pension Law and employment practice. Mr. Collins has a number of publicized opinions on cases involving Fire and Police Pension cases and serves on the Illinois department of Insurance Pension Advisory Panel and is an author and nationally known speaker on Administrative Law and expertise in Fire and Police Pension Issues.

**Attorney Tom Leahy** is a legal member of the Board, appointed in May 2007. He was raised in Highland Park, Illinois and later attended college at the University of Notre Dame, from which he received a Bachelor of Arts in 1973. He graduated from Loyola School of Law in Chicago in 1977 after taking a year off to travel across the country on a motorcycle. He began his legal career as a law clerk with Clausen, Miller, Gorman, Caffrey & Witous in Chicago and later with Philip H. Corboy & Associates. He remained with the Corboy firm after graduation from law school until 1980 when he became a sole practitioner. Attorney Leahy served in the American Bar Association House of Delegates for over 10 years where his special interest was legal education. During that time, he served on the Wahl Commission which was charged with redrafting the Standards for Legal Education. He was President of the Illinois State Bar Association from 1993-1994 and Chairman of the Board of the I.S.B.A. Mutual Insurance Company from 1995-1996. In 2002, his firm became known as Leahy & Hoste. Attorney Leahy is a trial lawyer specializing in personal injury actions on behalf of the plaintiff. He is married to Gaile Beaurline Leahy, who earned her Master of Business Administration from Harvard University in 1981. They have a daughter, Taylor, who graduated in 2011 from Tulane University in New Orleans. They are members of Saint Clement Parish on the near north side of Chicago. Attorney Leahy's hobbies include reading, pets, wine, and art.

**Attorney Bruce R. Meckler** is a legal member of the Board, appointed in October 2009. He received his B.A. from Bradley University and his J.D. with high distinction from the John Marshall Law School. Mr. Meckler is a member of the Illinois bar and trial bar of the U.S. District Court for the Northern District of Illinois and was a long standing appointee to the Illinois Supreme Court's Standing Committee on Professional Responsibility as well as serving on the boards of several community development projects in Chicago. He is a Fellow of the American Bar Foundation and a Trustee of the John Marshall Law School. He also served as Director and Vice-Chairman of Metropolitan Pier and Exhibition Authority, Chicago, Illinois. Mr. Meckler serves as the Co-Chair of Meckler Bulger Tilson Marick & Pearson LLP Executive Committee and is the founder of its Legal Audit Practice Group, one of the nation's largest full-service practice of its kind. A former prosecutor, Mr. Meckler has been providing clients and the legal community with litigation and counseling services for almost three decades. As an active litigator, his practice consists of high profile, complex commercial, employment insurance, reinsurance, criminal (white-collar crime) and professional liability litigation. Mr. Meckler also serves as counsel to a number of Fortune 500 companies. As an adjunct to his professional liability practice, he frequently serves as an attorney's fee expert and has testified before state and federal tribunals. He has also led and supervised numerous non-fee related corporate and governmental investigative/legal audits involving issues ranging from financial fraud and malfeasance to alleged abuses in government hiring. Mr. Meckler enjoys an AV Martindale Peer Review Rating and has been consistently named by his peers as one of Illinois' "Leading Lawyers" and "Super Lawyers" in commercial and reinsurance litigation and Crain's Business "Who's Who in Chicago Business."

**Dr. Clem Mejia** is a public member of the Board, appointed in August 2010. He retired in 2007 after serving for 15 years as the Kane County Regional Superintendent of Schools. He served over 30 years as a local district teacher, coach, and administrator. Dr. Mejia has served on many State, regional and local boards, commissions and task forces, including: the Governor's Literacy Advisory Board, the Governor's Commission to revise the Illinois School Code, and the Attorney General's task force on gangs and drugs. He has also been a past President of the Illinois Association of County Officials, past President of the Northern Illinois Education Alumni Association, and past President of the NIU chapter of Phi Delta Kappa. He is presently on the Board of Directors of the University of Texas at El Paso Alumni Association. Dr. Mejia is a veteran of the U.S. Air Force, having served from 1966 to 1970. He received a B.S. in Education and Political Science in 1973 and a M.Ed. in Administration and Supervision in 1976, both from the University of Texas at El Paso; his Ed.S from Northern Illinois University in Leadership and Educational Policy studies in 1989; and a doctorate of Human Letters from Aurora University in 2002. Dr. Mejia is presently a part-time educational consultant and serves on the board of the Association for Individual Development in the Aurora/Elgin area. He is married to Susan, a retired St. Charles East High School teacher. They have three children, Benjamin, Monica and David. Monica is a 2009 graduate of the University of Nebraska and is presently a chemical engineer with CH2MHill in Chicago. She is attending Tufts University in Boston completing her Master's degree. David is a 2011 graduate of Eastern Illinois University, and is currently working as a paralegal in Chicago.

**Gloria Morningstar** is a public member of the Board, appointed in August 2010. She is a graduate of the University of South Dakota with a degree in Industrial Relations. Interested in the Southland community, Ms. Morningstar has been the Treasurer of the City of Harvey for 17 years. In addition, she has been a director of the Abby Foundation for 26 years. She is an active member of the PAC and Governmental Affairs Committee of the Chicago Southland Chamber of Commerce. Ms. Morningstar is also a director on the board of the Chicago Southland Convention and Visitors Bureau and the South Suburban College Foundation board. Additionally, she is also a member of the board of the Center for Creative Aging for the City of Chicago. Ms. Morningstar is a member of the Archaeological Society, American Indian Center and Native American Council Fire. She has twice been the recipient of the Woman of Achievement Award from Women in Management; and was awarded Community/Business Advocate of the year from the Chamber of Commerce for her tireless work on behalf of the Chicago Southland. She is one of the first women to be named One of Chicagoland's Finest by the Abby Foundation, a philanthropic association that gives money to women and children's issues. Ms. Morningstar received the first "Woman of Honor" award from the Thornton Township Commission on Human Relations. Previous activities found her chairing the Creative Woman Foundation and the Multicultural Diversity Board for South Suburban College. She has also served on the Business Advisory Board of Governor's State University. Ms. Morningstar's talent of painting bison skulls and deerskins, as well as her collection of Native American artifacts, has been the subject of many area interviews and articles. She was featured on the cover of the Creative Woman magazine; and has appeared on numerous television programs including Art on Access and Wild Chicago. Her bone art has been on exhibit in several galleries around the Chicagoland area. Ms. Morningstar has the distinction of being one of the faces on the Crown Fountain in Millennium Park in Chicago.

**Honorable Edward Washington II**, is a judicial member of the Board, appointed in December 2010. Judge Washington became a judge in 2002 and was elected to the bench in 2004; he serves in the Law Division, presiding over jury trials. Judge Washington also serves as a member of the I.P.I. Committee on Jury Instructions in civil cases; and served as Chairman of the Public Relations Committee for the 2010 Retention Judges. Prior to becoming a judge, he was a partner with two major national law firms, Foley & Lardner (f.k.a. Hopkins & Sutter) and McGuire-Woods, doing complex litigation and government relations work. He also served as Division Chief of the Public Interest Division with the Illinois Attorney General's Office, and as an administrative law judge with the Illinois Commerce Commission. In addition, he has served as a senior attorney and lobbyist with MCI Telecommunications. Early in Judge Washington's career he represented indigent families in Juvenile Court, and helped to establish a committee to assist lawyers with small community based offices to resolve formal disciplinary complaints. As a Lawyer, he tried and argued cases on appeal in many venues outside of Illinois. In 1989, he was a founding member of the Cook County Bar/ARDC Liaison Committee; and selected as Chairman of the Chicago Bar Association Public Utility Law Committee in 1999. He is a certified mediator for the Cook County Circuit Court. Judge Washington is a graduate of Creighton University – B.S.B.A. Finance and Washington University where he received his J.D. in 1982.

**Attorney Kathy D. Twine** was appointed by the Judicial Inquiry Board as its Executive Director and General Counsel in January 1998. She received her B.B.A. in Accounting from Loyola University of Chicago and her J.D. from Loyola University of Chicago School of Law. Prior to her appointment, she served as the Deputy Director of Elections for the Cook County Clerk's Office. She also worked for the Office of the Illinois Attorney General, General Law Section, as an Assistant Attorney General and for a private law firm. Attorney Twine is a member of the Association of Judicial Disciplinary Counsel and served on its Board of Directors. She has also been a panelist for various organizations concerning judicial ethics.

## Appendix B

### PAST BOARD MEMBERS

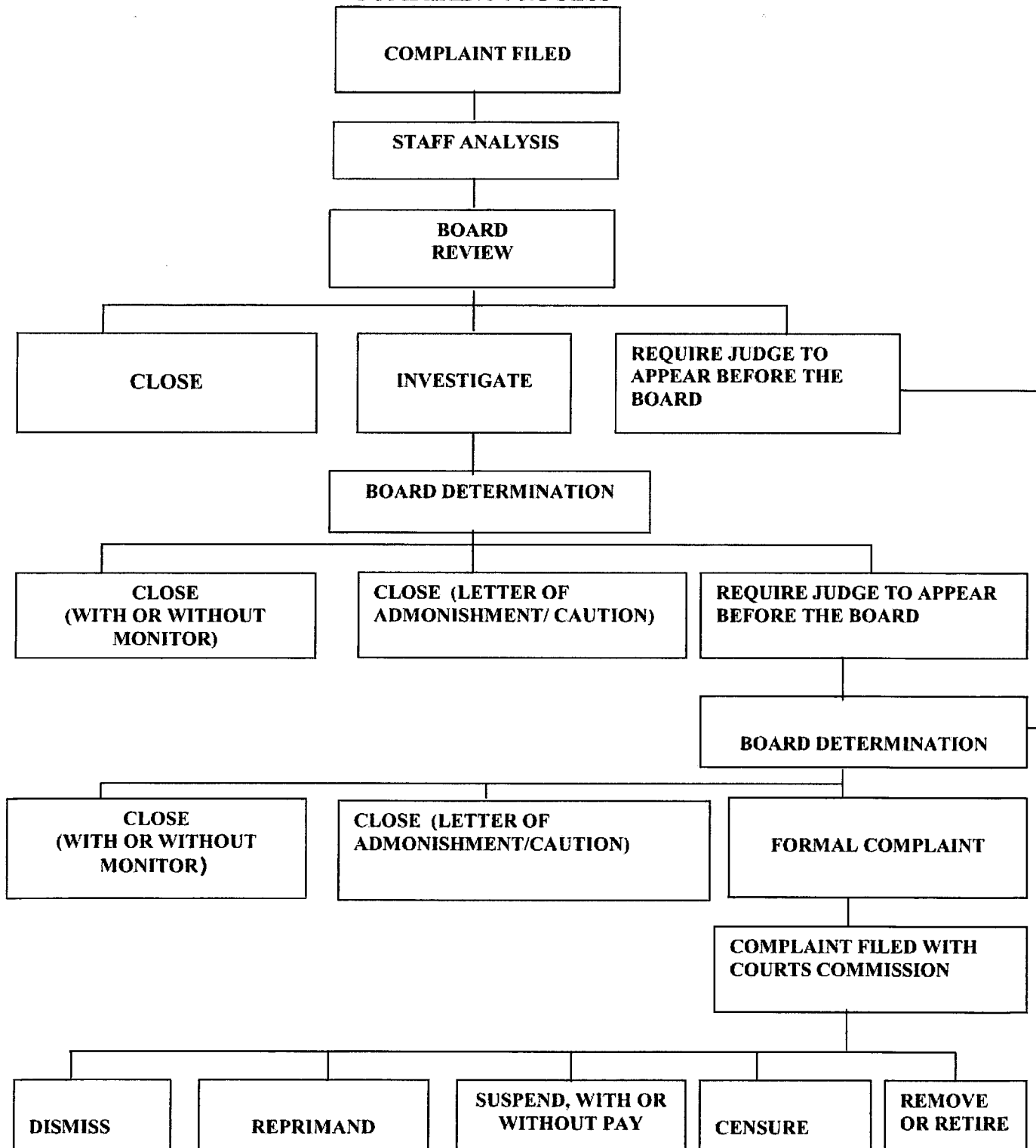
Name	Term of Office
Judge Walter P. Dahl	07/15/71-07/15/79
Judge John T. Reardon	07/15/71-12/06/76
<b>Richard T. Dunn, Esq.*</b>	09/21/71-09/21/75
Frank Greenberg, Esq.	09/21/71-09/23/79
Dr. Charles Hurst	09/21/71-09/21/75
Gordon F. Moore, M.D.	09/21/71-09/21/75
Harold B. Steele	09/21/71-09/10/77
Wayne W. Whalen, Esq.	09/21/71-09/21/75
Anne Willer	09/21/71-01/04/75
Prof. Rubin G. Cohn, Esq.	09/23/75-09/23/79
Ernest T. Collins	09/23/75-09/23/79
<b>C. George Niebank, Jr., Esq.*</b>	09/23/75-09/23/79
Willard C. Scrivner, M.D.	09/23/75-09/23/79
Judge Lloyd A. VanDeusen	01/08/77-07/22/80
Carl L. Sadler	02/02/78-06/15/79
Judge Philip A. Fleischman	07/15/79-11/26/80
Donald M. Carlson	12/27/79-01/22/80
Judge Robert C. Buckley	11/26/80-11/24/82
Renee Hansen	03/04/75-04/13/83
Helen S. Harshbarger	04/08/81-04/08/85
Ronald Williams	11/09/79-12/11/85
<b>Robert P. Cummins, Esq.*</b>	11/09/79-12/14/87
William J. Kuhfuss	11/09/79-12/14/87
Darrell McGowen, Esq.	11/09/79-12/14/87
Prof. Jon R. Waltz, Esq.	12/29/79-12/27/87
Judge Philip B. Benefiel	07/22/80-07/22/88
Judge Edward H. Marsalek	11/26/82-11/24/90
Joyce E. Moran, Esq.	12/15/87-12/15/91
Mary Sue Hub	02/23/84-02/23/92
Nancy Sage	04/02/92-04/03/96
Frances K. Zemans	01/28/88-01/28/92
William A. O'Connor, Esq.	01/22/88-01/22/92
Joel D. Gingiss	01/22/88-01/22/92
<b>Tyrone C. Fahner, Esq.*</b>	01/13/88-01/13/92
Patrick F. Mudron	07/05/85-07/08/93
Judge Harold Jensen	07/22/88-07/22/96
Judge Edward G. Finnegan	11/00/90-03/14/97
Judge Fred S. Carr	07/22/96-02/06/97

## PAST BOARD MEMBERS

Name	Term of Office
<b>William F. Conlon, Esq.*</b>	04/06/92-06/17/97
Fred V. Randazzo	03/14/94-03/15/98
Vincent Trosino	07/07/92-11/98
<b>Sandra R. Otaka, Esq.*</b>	04/07/92-07/27/99
Milton H. Gray, Esq.	04/07/92-04/03/00
Gloria C. Morningstar	06/04/96-04/03/00
Sharon Gist Gilliam	04/07/92-04/03/00
Judge John W. Rapp, Jr.	03/11/97-11/30/01
Rodney R. Gholson	06/05/98-03/15/02
Judge Lester D. Foreman	05/28/97-03/28/03
Christine I. Takada	04/04/00-04/03/04
Michael Pittman	08/30/02-04/03/06
<b>William "Tony" Sunderman, Esq.*</b>	05/01/98-05/01/06
Myrna H. Mazur	10/18/02-10/18/06
Judge Michael J. Murphy	05/20/03-12/03/06
<b>Judge Frederick J. Kapala*</b>	12/01/01-04/22/07
Lindsay A. Parkhurst, Esq.	09/27/99-09/27/07
<b>Jill Landsberg, Esq.*</b>	04/04/00-04/03/04
	06/02/04-06/02/08
Judge John O. Steele	12/04/06-11/08
Raymond J. McGury	11/29/05-11/29/09
John E. Kreisler	08/30/02-08/30/06
	10/10/06-10/10/10
Judge Cheryl A. Starks	12/01/08-10/31/10
Patricia ("Pat") Costello	04/11/08-04/11/12

**\*Board's Chair**

**Appendix C  
COMPLAINT PROCESS**





## Appendix D

**STATE OF ILLINOIS ---- JUDICIAL OFFICERS**  
**NUMBER OF AUTHORIZED JUDGESHIPS AS OF JUNE 30, 2011: 972**  
**NUMBER OF AUTHORIZED JUDGESHIPS AS OF JUNE 30, 2012: 983**  
**(PER ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS)**

Court	Total Authorized Judgeships
Supreme	7
Appellate	54

Circuit	Circuit-Non Associate	Circuit Associate	Total Authorized Judgeships	Circuit	Circuit-Non Associate	Circuit Associate	Total Authorized Judgeships
<b>Cook</b>	255	152/146*	407/401*	<b>11<sup>th</sup></b>	11	9/10*	20/21*
<b>1<sup>st</sup></b>	13	7	20	<b>12<sup>th</sup></b>	16	17/22*	33/38*
<b>2<sup>nd</sup></b>	15	6	21	<b>13<sup>th</sup></b>	8	6	14
<b>3<sup>rd</sup></b>	9	13	22	<b>14<sup>th</sup></b>	12	10	22
<b>4<sup>th</sup></b>	12	8/7*	20/19*	<b>15<sup>th</sup></b>	8	8	16
<b>5<sup>th</sup></b>	12	6	18	<b>16<sup>th</sup></b>	18/19*	19/25*	37/44*
<b>6<sup>th</sup></b>	14	11	25	<b>17<sup>th</sup></b>	10	14	24
<b>7<sup>th</sup></b>	12	10	22	<b>18<sup>th</sup></b>	14	32/33*	46/47*
<b>8<sup>th</sup></b>	10	5	15	<b>19<sup>th</sup></b>	15	24	39
<b>9<sup>th</sup></b>	10	5	15	<b>20<sup>th</sup></b>	12	13	25
<b>10<sup>th</sup></b>	10	10	20	<b>21<sup>st</sup></b>	7	4/5*	11/12*
				<b>22<sup>nd</sup></b>	8/9*	11/13*	19/22*

**Note: Totals include - 2 Unallocated Authorized Non- Associate Judgeships (19<sup>th</sup> Circuit) and 2 Unallocated Authorized Associate Judgeships (22<sup>nd</sup> Circuit) as of June 30, 2011. 1 Unallocated Authorized Non- Associate Judgeship (22<sup>nd</sup> Circuit) and 2 Unallocated Associate Judgeships (22<sup>nd</sup> Circuit) as of June 30, 2012.**

**\*As of June 30, 2012.**

## Appendix E

### COUNTIES WITHIN JUDICIAL CIRCUITS

<b>CIRCUIT</b>	<b>COUNTIES</b>
<b>Cook</b>	Cook
<b>1<sup>st</sup></b>	Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, and Williamson
<b>2<sup>nd</sup></b>	Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Lawrence, Richland, Wabash, Wayne, and White
<b>3<sup>rd</sup></b>	Bond and Madison
<b>4<sup>th</sup></b>	Christian, Clay, Clinton, Effingham, Fayette, Jasper, Marion, Montgomery, and Shelby
<b>5<sup>th</sup></b>	Clark, Coles, Cumberland, Edgar, and Vermilion
<b>6<sup>th</sup></b>	Champaign, DeWitt, Douglas, Macon, Moultrie, and Piatt
<b>7<sup>th</sup></b>	Greene, Jersey, Macoupin, Morgan, Sangamon, and Scott
<b>8<sup>th</sup></b>	Adams, Brown, Calhoun, Cass, Mason, Menard, Pike, and Schuyler
<b>9<sup>th</sup></b>	Fulton, Hancock, Henderson, Knox, McDonough, and Warren
<b>10<sup>th</sup></b>	Marshall, Peoria, Putnam, Stark, and Tazewell
<b>11<sup>th</sup></b>	Ford, Livingston, Logan, McLean, and Woodford
<b>12<sup>th</sup></b>	Will
<b>13<sup>th</sup></b>	Bureau, Grundy, and LaSalle
<b>14<sup>th</sup></b>	Henry, Mercer, Rock Island, and Whiteside
<b>15<sup>th</sup></b>	Carroll, Jo Daviess, Lee, Ogle, and Stephenson
<b>16<sup>th</sup></b>	DeKalb, Kane, and Kendall
<b>17<sup>th</sup></b>	Boone and Winnebago
<b>18<sup>th</sup></b>	Du Page
<b>19<sup>th</sup></b>	Lake
<b>20<sup>th</sup></b>	Monroe, Perry, Randolph, St. Clair, and Washington
<b>21<sup>st</sup></b>	Iroquois and Kankakee
<b>22<sup>nd</sup></b>	McHenry

## Appendix F

### COMPLAINT INFORMATION FISCAL YEARS ("FY") 2005, 2006, 2007, 2008, 2009, & 2010

#### NUMBER OF COMPLAINTS RECEIVED/INITIATED

Fiscal Year 2005 (July 1, 2004 – June 30, 2005)	439
Fiscal Year 2006 (July 1, 2005 – June 30, 2006)	450
Fiscal Year 2007 (July 1, 2006 – June 30, 2007)	459
Fiscal Year 2008 (July 1, 2007 – June 30, 2008)	430
Fiscal Year 2009 (July 1, 2008 – June 30, 2009)	449
Fiscal Year 2010 (July 1, 2009 – June 30, 2010)	376

**Note: Some Judges had more than one complaint filed against them.**

#### COMPLAINTS RECEIVED/INITIATED BY JUDICIAL POSITION

JUDICIAL POSITION	FY05	FY06	FY07	FY08	FY09	FY10
Supreme Court Judge and Appellate Court Judge	20	16	28	19	18	17
Circuit Court Judge	253	279	275	294	244	200
Circuit Court Judge – Associate	166	155	154	117	185	159
<b>Total</b>	<b>439</b>	<b>450</b>	<b>457</b>	<b>430</b>	<b>447</b>	<b>376</b>
Candidate for Election	0	0	2	0	2	0
<b>Total FY05, FY06, FY07, FY08, FY09, &amp; FY10 Complaints</b>	<b>439</b>	<b>450</b>	<b>459</b>	<b>430</b>	<b>449</b>	<b>376</b>

**Note:**

- Number of authorized judgeships during FY 2005 - 961
- Number of authorized judgeships during FY 2006 - 962
- Number of authorized judgeships during FY 2007- 966
- Number of authorized judgeships during FY 2008- 966
- Number of authorized judgeships during FY 2009 - 966
- Number of authorized judgeships during FY 2010 - 983

## COMPLAINTS RECEIVED/INITIATED BY COURT DIVISION

	FY05	FY06	FY07	FY08	FY09	FY10
Domestic Relations	110	121	100	105	120	108
Criminal	201	174	180	188	191	118
Law/Municipal	20	31	19	20	18	8
Municipal	13	24	29	33	35	23
Probate	13	11	22	19	21	19
Juvenile	14	14	9	8	10	15
Small Claims	10	16	18	9	22	18
Traffic	20	13	18	5	7	10
Chancery	16	14	14	6	7	27
County	3	0	0	0	0	0
**Other	19	32	50	37	18	30
<b>Total</b>	<b>439</b>	<b>450</b>	<b>459</b>	<b>430</b>	<b>449</b>	<b>376</b>

**\*\*Includes, but is not limited to: Personal (off-bench) conduct, political activity, or civic/charitable activities.**

## COMPLAINTS RECEIVED/INITIATED BY SOURCE

	FY05	FY06	FY07	FY08	FY09	FY10
Litigant/Family/Friend	412	409	422	394	418	336
Judge/Attorney	13	18	11	20	17	19
*Other	14	23	26	16	14	21
<b>Total</b>	<b>439</b>	<b>450</b>	<b>459</b>	<b>430</b>	<b>449</b>	<b>376</b>

**\*Includes, but is not limited to: News reports, anonymous letters, or concerned citizens.**

## COMPLAINTS RECEIVED/INITIATED BY CIRCUIT

Circuit	FY05	FY06	FY07	FY08	FY09	FY10
Cook	184	204	199	194	212	158
1 <sup>st</sup>	15	4	5	7	9	7
2 <sup>nd</sup>	7	2	4	2	11	4
3 <sup>rd</sup>	13	12	11	7	3	6
4 <sup>th</sup>	12	8	5	5	8	9
5 <sup>th</sup>	6	5	12	15	2	5
6 <sup>th</sup>	15	12	11	10	7	8
7 <sup>th</sup>	9	11	8	9	11	17
8 <sup>th</sup>	4	1	5	7	5	3
9 <sup>th</sup>	4	5	4	2	5	4
10 <sup>th</sup>	6	17	11	8	12	9
11 <sup>th</sup>	11	19	12	5	21	12
12 <sup>th</sup>	16	14	14	12	28	17
13 <sup>th</sup>	8	3	5	10	5	4
14 <sup>th</sup>	3	7	19	15	3	7
15 <sup>th</sup>	2	7	4	9	5	5
16 <sup>th</sup>	9	12	4	12	14	18
17 <sup>th</sup>	31	15	17	13	7	7
18 <sup>th</sup>	12	18	30	16	13	11
19 <sup>th</sup>	39	42	23	26	21	26
20 <sup>th</sup>	10	13	16	18	10	13
21 <sup>st</sup>	3	3	7	3	12	6
22 <sup>nd</sup>			3	6	5	3

## DISPOSITION OF COMPLAINTS

	FY05	FY06	FY07	FY08	FY09	FY10
<b>Disposition After Initial Review by Board</b>						
Closed	368	355	368	353	364	298
Investigations Voted	69	94	91	77	85	78
Requests for Judge to Appear before the Board	2*(2)	1				
<b>Number of Complaints Received/Initiated</b>	<b>439</b>	<b>450</b>	<b>459</b>	<b>430</b>	<b>449</b>	<b>376</b>
*Closed with an Admonishment						
<b>Disposition After Investigation</b>						
Closed	55	73	61*(1)	61*(3)	60*(5)	61*(4)
Requests for Judge to Appear before the Board	14*(8)	21*(3)	30*(11)	16*(8)	25*(5)	17*(5)
Requests for Written Explanation						
*Closed with an Admonishment						
Retired/Resigned Prior to or After Appearance		4	3	1	2	2

## COMPLAINT ALLEGATIONS

TYPES OF ALLEGATIONS	FY05	FY06	FY07	FY08	FY09	FY10
Administrative Misconduct	15	12	37	37	20	14
Alcohol/Drugs	5	1	8	8	4	0
Bias, Prejudice, Partiality	129	133	146	138	159	129
Bribe						
Delay in Scheduling or Deciding a Matter	33	34	26	24	48	39
Demeanor/Injudicious Temperament (i.e. impatient, rude, conduct that is intimidating and inappropriate language/commentary)	96	109	85	80	90	104
Ex Parte Communication (one-sided)	30	46	33	39	34	33
Failure to Recuse/Disqualify/Conflict of Interest	25	23	35	23	45	18
Illegal Activity	72	55	64	78	60	53
Judicial Decision/Discretion (i.e. dissatisfaction with court procedures or rulings, use or nonuse of evidence, criminal sentences, custody, general outcome of the case)	302	319	300	322	348	287
Mental Incapacity	4	6	2	12	7	4
Physical Incapacity	2	1	6	6	5	0
Inappropriate Political Activity (i.e. publicly endorse or oppose a candidate for public office, personal solicitation of funds, make speeches on behalf of a political organization, misrepresentation of qualifications)	4	2	2	10	0	2
Racial/Ethnic/Gender Bias or Discrimination	30	30	26	27	32	46
Sexual Misconduct/Harassment	1	6	7	1	0	0
Inappropriate Conduct Off the Bench (i.e. prohibited charitable, business or personal conduct)	2	9	17	12	6	11
Violation of Constitutional Rights	93	87	102	98	80	85
Misconduct by a Candidate	0	0	2	0	2	0
Prejudgment of a Case	10	11	15	19	15	16
Abuse of Power	21	17	22	39	32	28
Comment on Pending/Impending Case	0	1	0	1	0	1
Other	1	4	7	3	2	2
<b>Total</b>	<b>875</b>	<b>906</b>	<b>942</b>	<b>977</b>	<b>989</b>	<b>872</b>

NOTE: Total exceeds number of complaints received because many complaints contained multiple allegations.

## Appendix G

### SUMMARIES OF COMPLAINTS FILED WITH THE ILLINOIS COURTS COMMISSION (As of July 2013)

**1. 72 CC - 1 Filed December 15, 1972**

**Paul R. Durr, Circuit Judge, 8th Circuit, Calhoun County**

The Complaint alleged that Respondent owned and operated an abstract company; practiced law, filed false statement of economic interest; and did not advise litigants or attorneys that opposing counsel was a business partner.

**Order entered August 1, 1973: Respondent suspended for one year without pay. Respondent then resigned from office.**

**2. 73 CC - 1 Filed March 3, 1973**

**John J. McDonnell, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent: 1) Threatened man and wife with handgun; 2) Struck another man and pushed his wife; 3) Interfered with Board investigation.

**Order entered June 29, 1973: 1) Respondent suspended for four months without pay; 2) Dismissed; 3) Dismissed.**

**3. 73 CC - 2 Filed March 16, 1973**

**Francis T. McCurrie, Circuit Judge, Circuit Court of Cook**

The Complaint alleged mental and physical disability.

**Order entered April 10, 1973: Complaint dismissed upon resignation from office.**

**4. 73 CC - 3 Filed July 20, 1973**

**Franklin I. Kral, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent: 1) Accepted favors from attorney who appeared before him; 2) Made cash transaction in chambers.

**Order entered December 18, 1973: 1) Respondent suspended for two months without pay; 2) This count inherent in first count: dismissed.**

**5. 73 CC- 4 Filed October 15, 1973**

**Robert J. Sulski, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent found three defendants in two criminal cases guilty before the defense was fully presented.

**Order entered February 19, 1974: Respondent reprimanded.**

**6. 73 CC - 5 Filed November 19, 1973 and**

**7. 74 CC - 4 Filed May 7, 1974**

**George Kaye, Circuit Judge, 11<sup>th</sup> Circuit, Ford County**

The Complaints alleged that Respondent: 1) Interfered with attorney-client relationship; 2) Refused to sign decrees; 3) Usurped authority of Chief Judge; 4) Abused attorneys and litigants; 5) Received money to convene special jury; 6) Filed false application for judgeship.

**Order entered July 12, 1974: 1) Dismissed; 2) Dismissed; 3) No jurisdiction; 4) Dismissed; 5) Respondent censured; 6) No jurisdiction.**

**Board Motion to Reconsider Re: Count 6 – denied September 4, 1974.**

**8. 73 CC - 6 Filed November 19, 1973**

**Robert D. Law, Circuit Judge, 15<sup>th</sup> Circuit, Stephenson County**

The Complaint alleged three incidents involving driving while intoxicated.

**Order entered February 21, 1974: Respondent censured.**

**9. 74 CC - 1 Filed January 28, 1974**

**Randall S. Quindry, Circuit Judge, 2<sup>nd</sup> Circuit, Wayne County**

The Complaint alleged that Respondent attempted altering of absentee ballots; consistently engaged in partisan politics; and adjudicated cases in which his nephew was counsel.

**Order entered April, 11 1974: Respondent removed from Office.**

**10. 74 CC- 2 Filed April 17, 1974**

**William A. Ginos, Circuit Judge, 4<sup>th</sup> Circuit, Montgomery County**

The Complaint alleged that Respondent pressured jail inmates to be his informants; raised bond because inmate would not be informant; released inmate on personal recognizance who then fled; appointed his brother guardian ad litem and acting probation officer.

**Order entered July 12, 1974: Respondent censured.**

**11. 74 CC - 3 Filed May 3, 1974**

**George H. Bunge, Circuit Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged Respondent improperly and repeatedly used judicial process, including writs of body attachment and the power of contempt, for the collection of civil judgments.

**Order entered July 24, 1974: Complaint dismissed.**



**12. 74 CC - 5 Filed June 18, 1974**

**John P. Shonkwiler, Circuit Judge, 6<sup>th</sup> Circuit, Piatt County**

The Complaint alleged that Respondent failed to disqualify himself in a number of cases where his father appeared as counsel of record; and that he appointed his father as trustee in a case for unborn children and subsequently adjudicated the case.

**Order entered July 12, 1974: Respondent reprimanded.**

**13. 74 CC- 6 Filed August 14, 1974**

**Keith Sanderson, Associate Judge, 9<sup>th</sup> Circuit, Henderson County**

The Complaint alleged that Respondent assessed court costs against defendants after charges were dismissed or findings of not guilty, knowing he was without authority.

**Order entered October 15, 1974: Respondent suspended for one month without pay.**

**14. 74 CC- 7 Filed September 17, 1974**

**Charles J. Durham, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent dismissed criminal charges upon defendants giving civil releases to arresting police officers.

**Order entered December 11, 1974: Respondent reprimanded.**

**15. 75 CC - 1 Filed March 7, 1975**

**James L. Oakey, Jr., Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent assumed an active role in the management of a business and received compensation therefore in 1971 and 1972, and attempted to conceal the receipt of this compensation in his 1972 Federal income tax return.

**Order entered July 16, 1975: Respondent removed from office.**

**16. 75 CC- 2 Filed July 24, 1975**

**Philip F. Locke, Circuit Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that Respondent failed to disqualify himself in presiding over litigation where one of the parties was a close friend and with whom he had a business interest.

**Order entered October 21, 1975: Respondent suspended for six months without pay.**

**17. 75 CC- 3 Filed August 21, 1975**

**Robert A. Sweeney, Associate Judge, Circuit Court of Cook County**

The Complaint alleged he drove while intoxicated, interfered with police investigation, resisted arrest and lawful police processing.

**Order entered October 30, 1975: Respondent reprimanded.**

**18. 75 CC- 4 Filed September 19, 1975**

**James Maher, Jr., Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent made improper statements to a woman in chambers.

**Order entered January 16, 1976: Complaint dismissed upon resignation of judicial office.**

**19. 76 CC - 1 Filed March 22, 1976**

**William D. Vanderwater, Associate Judge, 16<sup>th</sup> Circuit, Kane County**

The Complaint alleged that Respondent detained a former tenant with the aid of a hand gun, had him arrested and charged with theft, procured a guilty plea and jury waiver, conducted a midnight proceeding in the police station and sentenced the tenant to 8 months in jail.

**Order entered April 26, 1976: Respondent removed from office.**

**20. 76 CC- 2 Filed May 27, 1976**

**David Cerda, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent improperly employed the bail system as a means of punishing defendants in prostitution-loitering cases and had a prejudiced attitude towards such defendants and their attorneys, as evidenced by his setting excessive bail, continuing motions to reduce bail until the case was set for trial and excluding a defense attorney from his courtroom.

**Order entered September 13, 1976: Respondent suspended for one month without pay.**

**21. 76 CC- 3 Filed July 30, 1976**

**Samuel G. Harrod, III, Circuit Judge, 11<sup>th</sup> Circuit, Woodford County**

The Complaint alleged that Respondent ordered male defendants to have their hair cut as short as his and additionally ordered those who were probationers to surrender their driver's license to the court to be issued in lieu thereof a card identifying them as probationers; and committed a defendant to jail without bail on a bailable offense; directed defendants charged with alcohol violations to pick up cans and bottles beside the road.

**Order entered December 3, 1976: Sustained as to haircuts and drivers' licenses. Dismissed as to bail and bottles and cans. Respondent suspended for one month without pay.**

**Suspension vacated by Illinois Supreme Court on appeal November 30, 1977. Board Motion to reconsider denied January 11, 1977. (See 69 Ill.2d 445; 372 N.E. 2d 53).**

**22. 76 CC- 4 Filed September 14, 1976**

**Angelo F. Pistilli, Circuit Judge, 12<sup>th</sup> Circuit, Will County**

The Complaint alleged that Respondent embarrassed and ridiculed a young attorney and misrepresented to the Judicial Inquiry Board that there had been two sidebar conversations with the young attorney prior to the alleged embarrassment and ridicule.

**Order entered March 11, 1977: Complaint dismissed.**

**23. 77 CC- 1 Filed March 17, 1977**

**Paul F. Elward, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent published advertisements for his retention prior to a retention election which advertisements materially misrepresented a bar association recommendation that he not be retained, giving the impression that he had been recommended for retention.

**Order entered June 23, 1977: Complaint dismissed. Board Motion for Reconsideration denied August 31, 1977.**

**24. 77 CC- 2 Filed June 1, 1977**

**James A. Condon, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent caused two traffic tickets that were not assigned to him for adjudication to be nonsuited without compliance with the regular processes of law.

**Order entered August 25, 1978: Respondent reprimanded.**

**25. 78 CC- 1 Filed March 8, 1978**

**Dexter A. Knowlton, Associate Judge, 15<sup>th</sup> Circuit, Stephenson County**

The Complaint alleged that Respondent found a spectator in his courtroom guilty of criminal contempt for wearing a T-shirt with the words "Bitch Bitch Bitch," without affording her an effective hearing and without her being represented by counsel or having an adequate opportunity to defend herself, and sentenced her to three days in jail, which she served.

**Order entered August 13, 1979: Complaint dismissed.**

**26. 78 CC- 2 Filed August 21, 1978**

**L. Keith Hubbard, Circuit Judge, 7<sup>th</sup> Circuit, Greene County**

The Complaint alleged that contrary to settled and established law of Illinois, the Respondent refused to grant motions duly made and timely filed for change of venue or substitution of judge, required the attorneys presenting the motions to appear in person and argue the motions, attempted to inquire into the motives behind the motions and denied the motions but granted a change of venue or substitution of judge on his own motion. By such procedure he prevented effective review of his actions as evidenced by an unsuccessful mandamus action.

**Order entered September 17, 1979: Complaint dismissed.**

**Board Motion to Reconsider denied November 17, 1979**

**27. 79 CC- 1 Filed March 27, 1979**

**Eugene R. Ward, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent directed and permitted a court clerk to conduct part or all of the court calls on two days and enter orders disposing of matters on the calls; failed and refused to consider relevant evidence; acknowledged that procedures he followed and substantive legal

principles he applied were contrary to determined law; gave judgments for plaintiffs where defendants were not present and where a careful examination would dictate otherwise; gave judgments for plaintiffs who presented no evidence; granted judgment for plaintiff in a case that had been settled; and by not explaining a ruling he misled parties.

**Order entered July 10, 1980: Complaint dismissed.**

**Board Motion to Reconsider denied August 26, 1980.**

**28. 79 CC- 2 Filed September 21, 1979**

**Keith E. Campbell, Circuit Judge, 11<sup>th</sup> Circuit, McLean County**

The Complaint alleged that Respondent expelled two reporters from his courtroom when one began sketching a witness, when they were not disrupting the proceedings or interfering with the conduct of a trial in progress; was intemperate, sarcastic and rude in so doing; ordered the courtroom doors locked for the remainder of the trial without motion or consent of the defendant, prosecution or any witness; and without a hearing excluded all members of the public from the courtroom for the remainder of the trial, refusing to allow even a paralegal assistant of the defendant's attorney to enter the courtroom.

**Order entered July 15, 1980: Complaint dismissed.**

**29. 80 CC- 1 Filed April 28, 1980**

**John W. Nielsen, Associate Judge, 17<sup>th</sup> Circuit, Winnebago County**

The Complaint alleged that three pro se defendants filed written demands for jury trials. When they did not produce written jury instructions, Respondent ordered them to sign jury waiver forms. When they objected to signing because a printed statement on the form stated they were voluntarily waiving a jury, he induced their signatures under threat of a court order and then announced in open court that all present were witnesses that the signatures were voluntary. He later told the Chief Judge that he had talked the defendants into signing the forms. He further said the defendants had not filed jury demands which statement he knew was false when he made it.

**Order entered December 29, 1980: Complaint dismissed.**

**Board Motion for Reconsideration denied February 13, 1981.**

**Board Mandamus Petition to Illinois Supreme Court to direct Courts Commission to act, denied 4/16/82. (See 91 Ill.2d 130; 435 N.E. 2d 486.)**

**Board Motion to Reconsider denied May 27, 1982.**

**30. 80 CC- 2 Filed June 10, 1980**

**Samuel G. Harrod, III, Circuit Judge, 11<sup>th</sup> Circuit, Woodford County**

The Complaint alleged that Respondent used the U.S. mails and other means to cause unauthorized, sham and bogus subscriptions to periodicals, reports and other publications, to be sent to Judicial Inquiry Board's members and counsel and a Courts Commission member who had taken action against him in 76 CC-3, and to the state's attorney who in 76 CC-3 had advised him against issuing haircut orders and who had refused to file a brief in support thereof; sent anonymous letters to the attorney for the wife of this same state's attorney in a divorce action, suggesting ways to discover the state's attorney's assets and informing him of a newly enacted

divorce law; mailed an anonymous letter to a candidate for state's attorney, charging him with corruption and threatening to cause an investigation unless he withdrew his candidacy; engaged in the practice of law on behalf of his father, an attorney; mailed will forms, admonishments on the selection of attorney, memoranda, news clips, press releases, sympathy cards, etc., to persons unknown to him and who were unreceptive to receipt of such items, using the County postage machine for franking; had printed at public expense the sympathy cards and admonishments on the selection of attorneys; made regular press releases on his activities, one of which concerned a minor he had sentenced and which matter by statute was confidential; employed press releases, public commentary and "wooden nickels" to convey the impression of a "law and order" judge without regard to a reasonable standard of individualized punishment; attempted to intervene with prosecutors on behalf of certain defendants; and was not prompt in attending to judicial duties but fined and jailed attorneys who were late in matters before him, irrespective of the justification they offered. By all of this conduct Respondent, demonstrated an incapacity and mental inability to perform his duties.

**Order entered June 23, 1980: Complaint dismissed upon resignation of judicial office.**

**Board Motion to modify Order Re: Mootness, denied August 26, 1980.**

**31. 80 CC- 3 Filed July 11, 1980**

**Charles A. Alfano, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that on September 5, 1977, in the presence of a group of third party witnesses, who knew that Respondent was a judicial officer, he sought to and did interfere with the performance and fulfillment of a police officer's duties and responsibilities. Having unsuccessfully sought to dissuade the officer from performing certain duties involving the issuance of traffic citations to two youths (one youth being his son), he became angry and thereafter verbally abused and physically assaulted the officer in the presence of such third party witnesses. Following these occurrences all relevant parties assembled at a police facility. At that location and based on apologies, assertions of professional embarrassment and indications of the likelihood of sanctions being imposed on him should criminal charges be filed against him for his misconduct, he sought to compromise the filing of such charges. Despite such efforts, he was criminally charged and later acquitted of such charges.

**(During criminal proceedings, Illinois Supreme Court affirmed confidentiality of Board records July 14, 1978. See 72 Ill.2d 225; 380 N.E. 2nd 801.)**

**Order entered July 16, 1981: Complaint dismissed.**

**Board Motion for Reconsideration denied June 8, 1982.**

**32. 80 CC- 4 Filed July 11, 1980**

**John M. Karns, Jr., Appellate Judge, 5<sup>th</sup> Appellate District**

The Complaint alleged that on the night of September 21, 1978, the Respondent was stopped and arrested by an officer of the Caseyville, Illinois police department for driving under the influence of alcohol and weaving from lane to lane. At the time of his arrest and during his subsequent processing, Respondent, after advising the arresting officer that he was a judicial officer, cursed

and orally abused the arresting police officer and other police personnel and refused to cooperate with police personnel who were processing him. He further made threats to fight and challenged one or more of the police personnel to engage in such fighting. The following day he aided and abetted violations of Illinois law and participated in the circumvention, frustration and obstruction of the appropriate legal and judicial process whereby the charges would otherwise have been legally and properly adjudicated. As but one aspect of such misconduct, he and his counsel took custody of all pertinent records of his arrest; such records are no longer available and he has never been prosecuted for the charges placed against him on the night of September 21, 1978.

**Order entered December 17, 1982: Respondent reprimanded.**

**Respondent Petition for Rehearing denied February 25, 1983.**

**33. 82 CC- 1 Filed February 1, 1982**

**Thomas M. Daley, Associate Judge, 20<sup>th</sup> Circuit, St. Clair County**

The Complaint alleged that from 11/13/79 to 12/11/79, Respondent failed to devote full time to his judicial duties and received nonjudicial compensation while employed as a watchman. He falsified judicial duty reports to the Administrative Office of the Courts showing he was performing judicial duties during the time of his employment as a watchman; and his verified Statement of Economic Interests filed with the State for 1979 falsely failed to show this employment and income.

**Order entered August 3, 1983: Respondent suspended for two months without pay.**

**34. 82 CC- 2 Filed March 10, 1982**

**John J. Teschner, Circuit Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that from December 1975 to March 1981 in the course of Respondent's judicial duties he regularly used intemperate and injudicious remarks, addressing defendants in vile, obscene, insulting and demeaning language.

**Order entered August 3, 1983: Complaint Dismissed. Motion for reconsideration denied September 20, 1983.**

**35. 84 CC- 1 Filed April 27, 1984**

**Francis P. Butler, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent conducted a hearing while intoxicated and made intemperate and injudicious sexual remarks, which were insulting and demeaning to a 17-year-old girl and her parents.

**Order entered January 29, 1985: Respondent suspended for one month without pay.**

**36. 84 CC- 2 Filed August 20, 1984**

**Bruce R. Fawell, Circuit Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that Respondent retained fees for solemnizing marriages outside of the regular session of the court's marriage division.

**Order entered April 12, 1985: Complaint dismissed upon respondent's termination of office.**

**37. 84CC- 3 Filed August 20, 1984**

**Lewis V. Morgan, Jr., Associate Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that Respondent retained fees for solemnizing marriages outside of the regular session of the court's marriage division.

**Order entered June 25, 1985: Respondent reprimanded.**

**38. 84 CC- 4 Filed August 20, 1984**

**Duane G. Walter, Associate Judge, 18th Circuit, DuPage County**

The Complaint alleged that Respondent retained fees for solemnizing marriages outside of the regular session of the court's marriage division.

**Order entered June 25, 1985: Respondent reprimanded.**

**39. 84 CC- 5 Filed October 19, 1984**

**John G. Laurie, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent failed to report offers of bribes he received from attorneys and engaged in ex parte discussions with attorneys concerning the merits of cases pending before him.

**Order entered May 15, 1985: Respondent suspended for one month without pay.**

**40. 86 CC- 1 Filed June 20, 1986**

**Robert J. Dempsey, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent maintained a fee-splitting arrangement with an attorney, presided in court cases involving property in which he had a financial interest, purchased property with four attorneys from whose cases he did not recuse himself when they appeared before him (nor did he disclose the relationship), and failed to report income from his real estate investments to the IRS or state revenue department or make full disclosure on his financial disclosure statements. (Respondent submitted his resignation during the investigation. The Board petitioned the Supreme Court that it not accept the resignation. The Court ruled that the resignation was effectuated upon submission.)

**Order entered January 28, 1987: Complaint dismissed because Respondent resigned his office. Charges stand admitted by Respondent by his failure to deny. They are not moot because he could be reassigned as a retired judge and can perform marriages. The Courts Commission strongly suggests to the Supreme Court that Respondent not be recalled or reassigned to judicial duties. Board Mandamus Petition to Illinois Supreme Court to direct Courts Commission to assume jurisdiction, denied March 26, 1987. (Supreme Court #64945).**

**41. 87 CC- 1 Filed January 21, 1987  
Duane G. Walter, Associate Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that Respondent made racially disparaging remarks to a black youth and his parents during a juvenile proceeding, and made rude and injudicious comments to a pregnant woman and her mother during a judicial proceeding.

**Order entered August 10, 1987: Complaint dismissed after Respondent lost his retention election and was no longer in office.**

**42. 87 CC- 2 Filed January 21, 1987  
Arthur J. Cieslik, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent made intemperate, rude and sexist remarks to women attorneys during official proceedings

**Order entered July 30, 1987: Stipulation of the parties on the facts accepted and Respondent reprimanded.**

**43. 87 CC- 3 Filed November 6, 1987  
Keith E. Campbell, Circuit Judge, 11<sup>th</sup> Circuit, McLean County**

The Complaint alleged 1) that Respondent maintained a long-standing personal, romantic and sexual relationship with his judicial secretary and terminated her employment when she discontinued that relationship 2) he impaneled a jury in the absence of the parties and counsel for the parties and 3) that he failed to cooperate during the investigation into these allegations.

**Order entered August 17, 1988: Sustained all three charges. Respondent suspended without pay for six months. Order denying motion for reconsideration entered September 2, 1988.**

**44. 87 CC- 4 Filed November 24, 1987  
Robert L. Sklodowski, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that to obtain a mortgage loan in Florida, Respondent executed and caused to be delivered to a bank certain documents which falsely claimed the existence of a \$15,000 down payment, and to which offense he pled guilty to a criminal information in Florida and was convicted, sentenced and required to pay investigative costs.

**Order entered April 15, 1988: Respondent reprimanded.**

**45. 88 CC- 1 Filed March 8, 1988  
R. Eugene Pincham, Appellate Judge, 1<sup>st</sup> Appellate District**

The Complaint alleged that Respondent engaged in political activity when he was not himself a candidate for judicial retention or election in violation of Supreme Court Rules 67(A)(2).

The Respondent brought a civil rights action in the Federal courts to enjoin the disciplinary proceedings brought against him. The Illinois Judicial Inquiry Board then brought a motion to dismiss with leave to reinstate its Complaint and the Respondent brought his motion to dismiss for want of prosecution.



**The Courts Commission made no decision as to the merits of any aspect of the controversy because the Respondent resigned from judicial service.**

**Order entered January 28, 1992: Complaint dismissed upon resignation of judicial office.**

**Order denying Motion to vacate and for reconsideration entered April 6, 1992,**

**46. 89 CC- 1 Filed June 22, 1989**

**James E. Murphy, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent received free use of cars from an attorney's car rental client while attorney's law firm was appearing before the Respondent in pending litigation.

**Order entered February 9, 1990: Respondent suspended for two months without pay.**

**47. 89 CC- 2 Filed June 22, 1989**

**Glynn J. Elliott, Jr., Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that while high school students were observing courtroom proceedings as part of a tour, Respondent singled out and called one of the students before the bench. The student was castigated for creating a disturbance even though no disturbance had occurred. The student was ordered into custody and held in Respondent's chambers by handcuffing to a chair. When the student was brought a second time before the bench, the student was castigated again for the manner in which he approached the bench. The student was again ordered into custody and handcuffed to a chair in chambers. The student was required to apologize in open court before being released.

**Order entered December 7, 1989: Respondent censured.**

**48. 90 CC- 1 Filed August 16, 1990**

**George H. Ray, Associate Judge, 7<sup>th</sup> Circuit, Sangamon County**

The Complaint alleged that the judge was arrested for driving under the influence of alcohol and refusing to cooperate with the deputy sheriff. The Respondent stipulated to the facts; as a result, the Courts Commission found Respondent had engaged in conduct bringing the judicial office into disrepute.

**Order entered October 30, 1991: Respondent reprimanded.**

**49. 90 CC- 2 Filed September 25, 1990**

**John P. Tully, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent, while a candidate for the nomination to the office of Appellate Court judge in the 1990 primary election, authorized and approved improper campaign advertisements and failed to properly oversee his campaign finances.

**Order entered October 25, 1991: Respondent reprimanded.**

**50. 91 CC- 1 Filed April 18, 1991**

**Robert C. Buckley, Appellate Judge, 1<sup>st</sup> Appellate District**

The Complaint alleged that Respondent approved and used campaign literature during his campaign for election to the Supreme Court, which cast doubt upon his capacity to impartially decide issues that may come before him. The Complaint alleged that as a result, Respondent's conduct violated Illinois Supreme Court Rules 61, 62A, and 67B(1)(c) (before amendment).

**Order entered October 25, 1991- Motion for reconsideration denied December 11, 1991.**

Although the Courts Commission found a violation of the Code, the Commission stated that the violation was insubstantial, insignificant, and did not warrant the imposition of a reprimand. **Note: Initially, respondent moved to dismiss the Board's complaint on constitutional grounds. The respondent based his argument on that portion of Supreme Court Rule 67B(1) (c) (before amendment) which admonished judicial candidates from announcing their views on disputed legal or political issues. The Courts Commission found that the Board's complaint related solely to the so-called pledges and promises provision of Supreme Court Rule 67B(1) (c). Thus, the Commission found that it did not need to address the constitutionality of the disputed legal or political issues provision of Supreme Court Rule 67B(1)(c). Subsequent to the Courts Commission's decision, the respondent filed suit in the federal court challenging the constitutionality of Supreme Court Rule 67B(1)(c) and seeking declaratory and injunctive relief. The U.S. Court of Appeals for the Seventh Circuit held that the rule violated the first amendment of the U.S. Constitution. Rule 67 was subsequently amended. Buckley v. Illinois Judicial Inquiry Board, 997 F. 2d 224 (7<sup>th</sup> Cir.1993).**

**51. 92 CC- 1 Filed October 13, 1992**

**Roger M. Scrivner, Circuit Judge, 20<sup>th</sup> Circuit, St. Clair County**

The Complaint alleged that Respondent directed his court clerk to give jurors credit for days they did not perform jury service and to issue work affidavits for employers certifying that jurors were on jury service when they were not.

**Order entered July 29, 1993: Complaint dismissed.**

**52. 92 CC- 2 Filed October 15, 1992**

**Arthur Rosenblum, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent embarked on a course of conduct that exploited his judicial position, improperly used the prestige of his judicial office to advance his private interests and improperly assumed an active role in the management of one of his investments.

**Order entered July 29, 1993: Complaint Dismissed.**

**53. 93 CC-1 Filed July 10, 1993**

**John R. Keith, Associate Judge, 7<sup>th</sup> Circuit, Sangamon County**

The Complaint alleged that Respondent sent some defendants to jail without due process, improperly jailed others for contempt and failed to treat litigants and others in his courtroom with patience, dignity and courtesy.

**Order entered January 21, 1994: Respondent removed from office. Motion to reconsider denied February 18, 1994.**

**54. 93 CC- 2 Filed June 10, 1993**

**Michael C. Close, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent made derogatory and demeaning ethnic and nationality-based statements about defendants and witnesses who appeared before him.

**Order entered March 9, 1994: Complaint Dismissed. Motion to reconsider denied March 9, 1994.**

**55. 95 CC-1 Filed April 14, 1995**

**Michael O'Brien, Circuit Judge, 16<sup>th</sup> Circuit, Kane County**

The Complaint alleged that Respondent created and allowed others to maintain the false impression that he is a recipient of the Congressional Medal of Honor.

**Order entered July 24, 1995: Respondent censured.**

**56. 96 CC-1 Filed September 11, 1996**

**Steven Vecchio, Associate Judge, 17<sup>th</sup> Circuit, Winnebago County**

The Complaint alleged that Respondent engaged in a pattern of conduct whereby he intervened in a number of matters involving police action on behalf of his personal friends and acquaintances, using his position or status as judge to affect or influence police conduct in matters not before him.

**Order entered February 19, 1998: Complaint dismissed.**

**57. 96 CC- 2 Filed October 17, 1996**

**Frank D. Edwards, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent engaged in conduct where he possessed a controlled drug, namely, 4.9 grams of marijuana, while traveling through Phillip Golden International Airport, Ladyville, Belize. In addition, the Complaint alleged that Respondent refused to appear before the Board in response to its request for his testimony under Rule 4 (d) of the Board's Rules of Procedures.

**Order entered January 17, 1997: Complaint dismissed for lack of jurisdiction (Respondent withdrew from election and resigned from office).**

**58. 97 CC-1 Filed January 23, 1997**

**James D. Heiple, Chief Justice of the Supreme Court of Illinois**

The Complaint alleged that Respondent failed to cooperate with and disobeyed law enforcement officials who were investigating him for violations of local traffic laws. In addition, Respondent volunteered information that he was a member of the judiciary after being detained by police officers who suspected that he had violated traffic laws. The Complaint alleged in doing so, Respondent knew or should have known that communicating such information was likely to influence the officers who were investigating him and would be perceived by them as an effort to use his judicial office to keep from being charged with a traffic violation.

**Order entered April 30, 1997: Respondent censured.**

**59 & 60. 97 CC- 2 Filed September 12, 1997**

**Harry R. Buoscio and Paul Sheridan, Associate Judges, Circuit Court of Cook County**

The Complaint alleged that Judge Buoscio approached Judge Sheridan and discussed with him an overweight truck citation that had been issued to an individual for driving an overweight truck; Judge Buoscio showed Judge Sheridan a copy of the citation and provided Judge Sheridan with written information about the citation. It is also alleged that Judge Sheridan acknowledged to Judge Buoscio that the overweight truck citation was scheduled to be heard in his courtroom. Prior to the court proceeding and dismissal of the citation, it is alleged that Judge Sheridan had ex parte conversation with the Assistant State's Attorney ("ASA") assigned to prosecute the case. It is alleged that during that ex parte conversation, Judge Sheridan provided the ASA with the written information about the case that had been provided to him by Judge Buoscio, asked the ASA to dispose of and dismiss the case, and told the ASA that he was making the request based upon a request that he had received from another judge.

**Order entered July 30, 1999: Complaint dismissed after Respondents resigned from office.**

**61. 97 CC- 3 Filed December 2, 1997**

**James M. Radcliffe, Associate Judge, 20<sup>th</sup> Circuit, St. Clair County**

The Complaint alleged that Respondent presided over a hearing for a preliminary injunction in which a Special Agent for the Illinois Liquor Control Commission was forced to reveal publicly that the FBI was investigating the attorney's client who sought the injunction. It is alleged that the Special Agent learned of the hearing only 15 minutes prior to the hearing, was not served with process or any other notice of the nature of the proceedings before being called as a party-witness, and was not allowed the opportunity to present any defense whatsoever. In addition, it is alleged that Respondent denied the Special Agent's requests for time to obtain a lawyer or to make a telephone call. The Complaint further alleged that Respondent issued the preliminary injunction with no expiration date, without bond and without setting forth any specific findings of fact. Respondent stipulated to and admitted each of the allegations of fact contained in the Board's complaint. During an April 2, 2001 hearing before the Courts Commission, the Board and the

Respondent presented their joint stipulation of facts and submitted a joint recommendation for imposition of a three-month suspension from office without compensation. The Courts Commission accepted the stipulation and discipline recommendation.

**Written order entered August 23, 2001. Respondent suspended for three months without pay.**

**62. 98 CC-1 Filed May 13, 1998**

**Oliver Spurlock, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent engaged in a pattern of sexually intimidating and inappropriate conduct, made a variety of sexually intimidating and inappropriate comments, and engaged in sexually intimidating and inappropriate physical conduct toward female attorneys who appeared before him in his capacity as an Associate Judge. In addition, it is alleged that the Respondent failed to recuse himself from cases handled by a victim's assistance coordinator with whom he had a romantic relationship, he improperly used his judicial chambers to engage in sexual acts with a court reporter, and that he refused to answer any questions by the Judicial Inquiry Board concerning the proposed charges. A hearing was held on the allegations: June 4, 2001 through June 8, 2001.

**Order entered December 3, 2001: Respondent removed from office.**

**63. 98 CC- 2 Filed June 23, 1998**

**John R. Goshgarian, Circuit Judge, 19<sup>th</sup> Circuit, Lake County**

The Complaint alleged that Respondent berated in a loud voice a juror for the jury's verdict in a criminal matter calling the jury "stupid" and "gutless" for its verdict of "not guilty" on one of the offenses, and stated that the verdict was the "worst" verdict Respondent had seen in years. In addition, it is alleged that Respondent raised his voice and said to an Assistant State's Attorney from the bench in open court, " \_ \_ \_ you and your office." Respondent is also alleged to have refused to sign a court reporters voucher for payment of services in retaliation against her for signing a petition against Respondent concerning his disregard for following the ordinary selection process in selecting his permanent courtroom court reporter. It is alleged that when respondent eventually signed the voucher and returned it to the court reporter it stated, "Maybe you better think before signing petitions." The Complaint also alleged that on at least five occasions, Respondent referred to a female judge in a derogatory manner in or around his chambers or courthouse with various Assistant State's Attorneys whose cases were pending before him. Respondent stipulated to and admitted each of the allegations of fact and the alleged violations of the Code of Judicial Conduct contained in the Board's complaint. Based upon the Stipulation, the Board and Respondent submitted a joint recommendation that the Illinois Courts Commission impose the discipline of a three-month suspension from office without compensation.

**Order entered November 18, 1999: Joint Stipulation and Recommendation adopted. Respondent suspended for three months without pay.**

**64. 99 CC-1 Filed June 29, 1999**

**Edwin A. Gausselin, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent had been drinking alcohol and was under the influence of alcohol at a time when he was stopped by a law enforcement officer, refused to take field sobriety and breathalyzer tests, and volunteered information that he was a member of the judiciary after being detained by police officers. Respondent stipulated to and admitted each of the allegations of fact contained in the Board's complaint. Based upon the Stipulation, the Board and Respondent submitted a joint recommendation that the Illinois Courts Commission impose the discipline of reprimand.

**Order entered November 18, 1999: Joint Stipulation and Recommendation adopted. Respondent reprimanded.**

**65. 99 CC- 2 Filed June 29, 1999**

**Cynthia Raccuglia, Circuit Judge, 13<sup>th</sup> Circuit, LaSalle County**

The Complaint alleged that Respondent had been drinking alcohol and was under the influence of alcohol at a time when she was stopped by a law enforcement officer, that Respondent failed field sobriety tests, and Respondent refused to take a breathalyzer test. The Complaint also alleged that Respondent communicated information to law enforcement officers, which she knew or should have known would be perceived by the officers as an effort to use her judicial office to influence the officers to not charge her with a traffic violation. The Respondent and the Board agreed to a Stipulation of Facts. The Board stipulated that the clear and convincing evidence did not establish that Respondent intended to use her judicial office to influence the actions of the officers. Respondent stipulated to and admitted each of the remaining allegations of fact contained in the Board's Complaint and admitted that she violated the Code of Judicial Conduct. Based upon the Stipulation, the Board and Respondent submitted a joint recommendation that the Illinois Courts Commission impose the discipline of reprimand.

**Order entered October 9, 2001: Joint Stipulation and Recommendation adopted. Respondent reprimanded.**

**66. 99 CC- 3 Filed October 26, 1999, Amended June 6, 2001**

**Lambros J. Kutrubis, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that Respondent forged the signature of a former friend on twenty (20) federal and state income tax returns for himself and entities in which he and/or his wife had a beneficial interest, and on one additional return, Respondent forged the name "Richard J. Kutrubis" as the paid tax preparer; failed to disqualify himself from adjudicating a case against an individual that he had a personal relationship with wherein the individual was charged with a municipal violation for gambling; failed to disqualify himself from adjudicating a municipal violation case against his friend and business partner (the municipal violation involved gambling on a video-poker machine at a tavern owned and operated by Respondent's friend and business partner - the video poker machine at issue was placed in the tavern by respondent's wife); knowingly failed to disclose on his 1996 Statement Required of Members of the Judiciary of the State of Illinois ("Judicial Statement") a loan that he and his wife received from his wife's

personal friend in the amount of \$14,000; knowingly failed to disclose on his 1991 Judicial Statement that he had been sued in an action relating to his ownership of a condominium; in connection with his action relating to his ownership of a condominium, caused a false statement to be submitted to the Judicial Inquiry Board in advance of his hearing before the Board wherein he falsely and misleadingly stated that he had not been served with process in the action; knowingly failed to disclose on his 1991 and 1992 Judicial Statements that he had been sued in an action under the Illinois Liquor Control Act, Chapter 43, Section 135, involving his wife's tavern; knowingly failed to disclose on his 1996, 1997, and 1998 Judicial Statements that he had been sued in a second action under the Illinois Liquor Control Act, 235 ILCS 5/6-21, involving his wife's tavern; and engaged in an ex parte communication with a Circuit Court judge and attempted to use his judicial position to obtain an outcome-influencing continuance in a case that had been marked "final" for trial. The Board and Respondent agreed to a Stipulation of Facts and made a Joint Recommendation that Respondent be suspended without pay for six months. Respondent also made a Submission in support of the Joint Recommendation.

**Order entered August 29, 2002: Stipulation of Facts, the Joint Recommendation, and Respondent's Submission in Support of the Joint Recommendation adopted. Respondent suspended for six months without pay.**

**67. 01 CC- 1 Filed January 3, 2001**

**Adam D. Bourgeois, Jr., Associate Judge, Circuit Court of Cook County**

The Complaint alleged that on December 29, 1999, and again on April 15, 2000, the Respondent verified and filed two statements of economic interest that were false and misleading because they failed to disclose certain debts and lawsuits. Specifically, the statements (1) failed to disclose Respondent's debts in excess of \$500 to the IRS, the State of Illinois and other creditors; and (2) failed to disclose lawsuits to which Respondent was a party. The Complaint further alleged that the debts and lawsuits were required to be disclosed by Supreme Court Rules 66 and 68 and were known to respondent when he filed the statements. Respondent filed an answer to the complaint, admitting the allegations, requesting that the Courts Commission enter a judgment against Respondent on the allegations set forth in the complaint, and to set the matter for oral argument on the appropriate sanction to be imposed. The Courts Commission allowed the motion for oral argument on the sole issue of sanctions and heard arguments, after entering Judgment on the pleadings in favor of the Board and against Respondent.

**Order entered May 25, 2001: Respondent suspended for one month without pay.**

**68. 01 CC- 2 Filed February 5, 2001**

**Susan J. McDunn, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that in 1998 and early 1999, Respondent presided over two adoption cases in the Adoption Court involving lesbian partners. In each case, the child's birth mother and her lesbian partner petitioned for adoption of a child by the mother's lesbian partner. In each case, both the Guardian Ad Litem and the Cook County Department of Supportive Services recommended that the adoption petition be granted. But Respondent, whose conduct suggests that she is

prejudiced against homosexuals and believes they should not be permitted to adopt children, attempted to thwart both adoptions. Respondent was eventually removed from the two cases by the presiding judge of the Adoption Court, who then granted each petition. Notwithstanding the presiding judge's orders granting the adoptions and even though Respondent had already been removed from the cases, Respondent took further judicial steps calculated to frustrate and void the adoptions. Respondent's bias against homosexuals resulted in her making rulings contrary to Illinois law and in her advancing her own personal beliefs over the legal rights of the parties who appeared before her.

**Oral ruling entered September 27, 2002 and Written Order filed November 27, 2002: Complaint dismissed.**

**69. 01 CC- 3 Filed February 9, 2001**

**William G. Schwartz, Circuit Judge, 1<sup>st</sup> Circuit, Jackson County**

The Complaint alleged that in late 1999 or early 2000, Respondent's stepson applied for admission to the Southern Illinois University School of Law (the "Law School"). Respondent, an alumnus of the Law School, sought the advice and assistance of certain Law School faculty members and administrators with respect to his stepson's application. Despite Respondent's efforts, in July 2000, his stepson was denied admission to the Law School. Immediately following his stepson's rejection, Respondent banned all law students from appearing in his courtroom pursuant to Illinois Supreme Court Rule 711, which permits specified law-students ("711 students") to render client services, including appearing in trial courts, under the supervision of an attorney. The only law students affected by this ban were students at the Law School. The Complaint alleged that Respondent's prohibition on 711 students in his courtroom was in retaliation for the rejection of his stepson's application to the Law School, or created the appearance that it was in retaliation for the rejection of his stepson's application. The Board and Respondent agreed to a Stipulation of Facts and made a Joint Recommendation that Respondent be reprimanded. Respondent also made a Submission in support of the Joint Recommendation of reprimand.

**Order entered November 30, 2001: Stipulation of Facts, the Joint Recommendation, and Respondent's Submission in support of the Joint Recommendation adopted. Respondent reprimanded.**

**70. 02 CC-1 Filed May 15, 2002, Amended June 13, 2003**

**Francis X. Golniewicz III, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that the Respondent addressed an African-American criminal defendant as "boy;" warned a criminal defendant to "Be careful. Be real \_\_\_\_\_ careful;" and showed his dissatisfaction with a jury verdict by tearing up juror appreciation certificates while uttering words to the effect of, "They don't deserve these." In addition, the Complaint alleged that the Respondent knowingly misrepresented facts about his residency in his campaign literature, knowingly violated state constitutional residency requirements, knowingly registered to vote and voted in the wrong election district, and knowingly filed a false statement regarding his residency with the Illinois Secretary of State. The Parties entered into a partial stipulation of facts and a hearing was held on August 23, 2004.

**Order entered November 15, 2004: Respondent removed from office.**



**71. 02 CC- 2 Filed June 26, 2002**

**Charles M. Travis, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that on at least three occasions, the Respondent used his status as a judge, or appeared to use his status as a judge, to advance his own personal interests. First, the respondent used an unofficial "judicial badge" to avoid receiving a speeding ticket. Second, in a separate incident, the Respondent attempted to induce a police officer to cite a motorist for traffic violations based solely upon his requests and without further investigation. In a third incident, Respondent called the Chief Judge of another judicial circuit and sought redress over a warrant that had been issued for his daughter's arrest for failure to pay a fine. The Board and Respondent agreed to a Stipulation of Facts and made a Joint Recommendation that Respondent be suspended without pay for one month. Respondent also made a Submission in support of the Joint Recommendation.

**Order entered February 28, 2003: Stipulation of Facts, the Joint Recommendation, and Respondent's Submission in support of the Joint Recommendation adopted. Respondent suspended from for one month without pay.**

**72. 03 CC- 1 Filed February 21, 2003**

**Gregory J. Householter, Circuit Judge, 21<sup>st</sup> Circuit, Kankakee County**

The Complaint alleged that the Respondent failed to promptly dispose of the business of the court in time-sensitive cases and to diligently discharge his administrative responsibilities (after taking 12 cases under advisement, the Respondent rendered his decision in excess of ninety days, ranging from 147 days to 640 days). The Board and Respondent agreed to a Stipulation of Facts and made a Joint Recommendation that Respondent be reprimanded. Respondent also made a Submission in support of the Joint Recommendation of reprimand.

**Order entered August 25, 2003: Stipulation of Facts, the Joint Recommendation, and Respondent's Submission in support of the Joint Recommendation adopted. Respondent reprimanded.**

**73. 04 CC-1 Filed September 9, 2004**

**Mark W. Dwyer, Associate Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that from March 2003 to March 2004, Respondent conducted an unsuccessful campaign in the Republican primary for a Circuit Court Judge position in DuPage County, Illinois. In connection with this campaign, the Respondent circulated numerous campaign materials that contained graphic and sensational images, several misrepresentations, and statements that committed and appeared to commit the Respondent with respect to certain issues. The Board and Respondent agreed to a Stipulation of Facts and made a Joint Recommendation that Respondent be censured.

**Order entered January 4, 2005: Stipulation of Facts, the Joint Recommendation, and Submission of Counsel Stating Facts in Mitigation adopted. Respondent censured.**

**74. 05 CC-1 Filed February 16, 2005, Amended February 28, 2006  
James T. Doyle, Circuit Judge, 16<sup>th</sup> Circuit, Kane County**

The Complaint alleged that during Respondent's assignment to Kane County Drug Court in 2000, Respondent abused the powers of his office by systematically violating the constitutional and statutory rights of criminal defendants, systematically violating several Judicial Canons and statutory provisions, and engaging in intemperate acts of intimidation, retribution, and vindictiveness in response to those who disagreed with the manner in which he presided over judicial proceedings. The Complaint also alleged that Respondent attempted to conceal the systematic violations of defendants' rights by questioning defendants either without a court reporter present or after instructing the court reporter to go off the record; and while presiding over the Kane County Drug Court, Respondent systematically failed to discharge his adjudicative and administrative responsibilities. The Complaint further alleged that Respondent interfered with the operation of the Kane County Drug Court after his removal as Presiding Judge of the Kane County Drug Court. An Agreed Motion to Dismiss was filed on August 17, 2006 - the parties agreed that Respondent voluntarily vacated his judicial position, that the Supreme Court of Illinois filled that vacant position with a new judge, and that because Respondent was no longer a state judge, the Illinois Courts Commission no longer had jurisdiction over the matter.

**Order entered August 28, 2006: Action dismissed for want of jurisdiction.**

**75. 05 CC-2 Filed March 16, 2005  
Kurt P. Klein, Circuit Judge, 16<sup>th</sup> Circuit, DeKalb County**

The Complaint alleged that between 2003 through 2004, the Respondent engaged in the following improper conduct: (a) permitted an *ex parte* communication with an army recruiter concerning a criminal case not pending before him, caused the case to be transferred to his court call, then allowed the *ex parte* communication to influence his judicial conduct and judgment regarding the case; and (b) publicly endorsed another judicial candidate at a time when Respondent was not a candidate for office. Respondent admitted to the truth of the allegations as stated in the Complaint. The Board and Respondent made a Joint Recommendation that Respondent be reprimanded.

**Order entered June 16, 2005: The Joint Recommendation and Mitigation Statement adopted. Respondent reprimanded.**

**76. 06 CC-1 Filed December 5, 2006  
Donald A. Behle, Associate Judge, 11<sup>th</sup> Circuit, Logan County**

The Complaint alleged that Respondent committed misconduct in 2003 by dating a litigant while presiding over her divorce and child custody case and he committed misconduct again in 2005 by engaging in frequent, personal *ex parte* contact with a witness who testified in her sister's child custody dispute, a matter over which the Respondent presided. On April 5, 2007 the Board filed a Motion to Dismiss the Complaint without Prejudice, asserting that because Respondent was no longer a sitting Illinois judge (resigned from office), the Illinois Courts Commission no longer had jurisdiction over the matter.

**Order entered May 2, 2007: Complaint dismissed.**

**77. 07 CC-1 Filed January 22, 2007**

**Steven L. Nordquist, Associate Judge, 17<sup>th</sup> Circuit, Winnebago County**

The Complaint alleged that on June 30, 2006, Judge Steven L. Nordquist (“ Respondent”) was arrested for driving under the influence of alcohol and was issued citations for driving under the influence of alcohol, driving with an alcohol concentration above .08, and speeding. On July 26, 2006 Respondent pled guilty to driving under the influence of alcohol. Respondent was sentenced to court supervision for a period of twelve months and restricted driving privileges for ninety days, was fined \$2300, and was ordered to attend a victim impact panel and complete treatment pursuant to an alcohol evaluation. The speeding violation was dismissed. The Complaint also alleged that Respondent volunteered his status as a judge to the DUI Investigator. Respondent stipulated to and admitted to each of the allegations of fact and each of the alleged violations of the Code of Judicial Conduct in the Board’s Complaint. Based upon Respondent’s Stipulation, the Board and Respondent tendered a joint recommendation that the Illinois Courts Commission discipline Respondent with a reprimand.

**Order entered August 9, 2007: Stipulation and Joint Recommendation adopted. Respondent reprimanded.**

**78 & 79. 07 CC-2 Filed October 2, 2007**

**Jan V. Fiss, Circuit Judge, 20<sup>th</sup> Circuit, St. Clair County**

**Patrick Young, Circuit Judge, 20<sup>th</sup> Circuit, St. Clair County**

The Complaint alleged that on December 3, 2006, Judge Patrick Young drove a car while under the influence of alcohol and was involved in an accident in which the driver of another car sustained injuries. Judge Young received traffic citations for driving while under the influence of alcohol and for failure to yield while turning left. On March 2, 2007, Judge Young was found guilty by stipulated bench trial of the offense of driving under the influence of alcohol; he was sentenced to court supervision for a period of two years; fined \$1500; and ordered to complete treatment pursuant to an alcohol evaluation. Judge Young’s citation for failure to yield while turning left was dismissed. The Complaint further alleged that on December 3, 2006, Judge Jan V. Fiss was a passenger in Judge Young’s vehicle; was aware that Judge Young was driving the vehicle after Judge Young had been drinking alcohol for much of the day; and illegally transported open alcohol as a passenger in Judge Young’s vehicle. On March 20, 2007, Judge Fiss pled guilty to illegal transportation of alcohol by a passenger and was sentenced to court supervision for a period of sixty days and was fined \$500.00. In regard to the Board’s Complaint against Judge Fiss (“Respondent”), the Board and the Respondent filed a Stipulation and Joint Recommendation wherein Respondent stipulated to and admitted each of the allegations of fact and each of the alleged violations of the Code of Judicial Conduct as stated in the Board’s Complaint. Based upon Respondent’s Stipulation, the Board and Respondent tendered a joint recommendation that the Illinois Courts Commission discipline Respondent with a reprimand. The Respondent also filed a Submission of Facts in Support of the Joint Stipulation and Recommendation of Reprimand.

**Order entered December 20, 2007: Stipulation and Joint Recommendation adopted. Respondent reprimanded.**

As to the Board's Complaint against Judge Young ("Respondent"), the Board and the Respondent filed a Stipulation and Joint Recommendation wherein Respondent stipulated to and admitted each of the allegations of fact and each of the alleged violations of the Code of Judicial Conduct as stated in the Board's Complaint. Based upon Respondent's Stipulation, the Board and Respondent tendered a joint recommendation that the Illinois Courts Commission discipline Respondent with a reprimand. The Respondent also filed a Submission of Facts in Support of the Joint Stipulation and Recommendation of Reprimand.

**Order entered December 20, 2007: Stipulation and Joint Recommendation adopted. Respondents reprimanded.**

**80. 08 CC-1 Filed February 25, 2008**

**Michael J. Chmiel, Circuit Judge, 22<sup>nd</sup> Circuit, McHenry County**

The Complaint alleged that on Saturday, June 16, 2007, Judge Michael J. Chmiel ("Respondent"), a juvenile-court judge not on duty that day, was told by Robert Miller – a friend, former client, and political ally – that Miller's brother David had been arrested that morning on felony charges and would have to remain in jail until the following Monday absent a special bond hearing. In response, Respondent agreed to preside over such a special bond hearing, thereby enabling David Miller to be released on bond that same day. In addition, the Complaint alleged that subsequent public outcry of political favoritism for the locally-powerful Miller family caused Respondent's fellow circuit judges to inquire into the reasons why Respondent had held such a hearing; in response, Respondent failed to disclose Robert Miller's involvement. The Complaint further alleges that later, on October 12, 2007, during sworn testimony before the Board regarding the aforementioned special bond hearing, Respondent made false and misleading statements, and otherwise failed to disclose Robert Miller's involvement in causing that hearing to have occurred.

**Order entered November 19, 2010: Conduct of Respondent in holding a bond hearing on June 16, 2007 created the appearance of impropriety. The Board did not prove by clear and convincing evidence that Respondent committed actual impropriety by conducting the June 16, 2007 bond hearing, engaged in ex parte communication or gave false and misleading testimony to the Board. Respondent reprimanded.**

**81. 09 CC - 1 Filed June 3, 2009**

**Sheila M. McGinnis, Circuit Judge, Circuit Court of Cook County**

The Complaint alleged that on May 9, 2008, Judge Sheila M. McGinnis rear-ended a vehicle at a stoplight, which resulted in damage to the motorist's vehicle; a police officer, who responded to the scene of the accident, detected alcohol on the judge's breath when he attempted to question her. The Complaint also alleged that Judge McGinnis declined to take a field sobriety test at the scene; refused to answer questions; and failed to provide the officer with proof of valid automobile insurance. Judge McGinnis was subsequently arrested for driving under the influence of alcohol and issued citations for driving under the influence of alcohol, failure to reduce speed to avoid an accident, and failure to provide proof of valid insurance. The Complaint further alleged that while at the police station, Judge McGinnis again declined to take a Breathalyzer test. On January 20,

2009, Judge McGinnis pled guilty to driving under the influence of alcohol and she was sentenced to court supervision for a period of eighteen months, fined \$1000.00, and ordered to attend a victim impact panel and complete treatment pursuant to an alcohol evaluation. Respondent stipulated to and admitted each of the allegations of fact and each of the alleged violations of the Code of Judicial Conduct contained in the Board's Complaint. Based upon Respondent's Stipulation, the Board and Respondent tendered a joint recommendation that the Illinois Courts Commission discipline Respondent with a reprimand.

**Order entered November 18, 2009: Stipulation and Joint Recommendation adopted.  
Respondent reprimanded**

**82. 09 CC-2 Filed December 4, 2009**

**Albert L. Purham, Jr., Associate Judge, 10<sup>th</sup> Circuit, Peoria County**

The Complaint alleged that on June 27, 2009, Judge Albert L. Purham, Jr. drove a car while under the influence of alcohol and was pulled over by a police officer because he was swerving and drifting between lanes. The Complaint also alleged that the officer detected the order of alcohol upon questioning Judge Purham and although he refused to take several field sobriety tests, he offered to take a Portable Breath Test and agreed to take a Breathalyzer test while at the Washington Police Station. Judge Purham was subsequently arrested for driving under the influence of alcohol and was issued citations for improper lane usage, driving under the influence of alcohol, and driving under the influence of alcohol – BrAC over Legal Limit of 0.08. On September 3, 2009, Judge Purham pled guilty to driving under the influence of alcohol and he was sentenced to court supervision for a period of twelve months, fined \$750.00, and ordered to complete all required treatment and counseling pursuant to an alcohol evaluation. Respondent stipulated to and admitted each of the allegations of fact and each of the alleged violations of the Code of Judicial Conduct contained in the Board's Complaint. Based upon Respondent's Stipulation, the Board and Respondent tendered a joint recommendation that the Illinois Courts Commission discipline Respondent with a reprimand. Respondent also submitted facts in mitigation.

**Order entered September 14, 2010: Stipulation and Joint Recommendation adopted.  
Respondent reprimanded.**

**83. 10 CC-1 Filed September 24, 2010**

**Kenneth L. Popejoy, Circuit Judge, 18<sup>th</sup> Circuit, DuPage County**

The Complaint alleged that on Tuesday, June 29, 2010, the Respondent, while driving a 2003 Jeep Liberty, struck an unattended parked car and then, with willful and wanton disregard for the safety of persons and property, drove from the scene at a high rate of speed while the passenger-side front tire of his car was nearly off the rim, disobeyed multiple stop signs, and caused a thirteen-year old girl to move away from the road quickly in order to avoid being struck by his car.

**Order entered May 9, 2012: Respondent suspended without compensation for 60 days.**

**84. 10 CC-2 Filed November 8, 2010**

**Christopher G. Perrin, Associate Judge, 7<sup>th</sup> Circuit, Sangamon County**

The Complaint alleged that on or about April 30, 2010, Respondent's daughter received a traffic citation (the "Citation") in a city located within the Seventh Judicial Circuit and five days prior to the scheduled June 7, 2010 court hearing on the Citation, Respondent spoke to a then sitting judge ("Judge A") of the Seventh Judicial Circuit who was scheduled to preside over the matter. The Complaint also alleged that during the conversation between Respondent and Judge A, the topic arose of the many traffic cases scheduled to be heard by Judge A on June 7, 2010. Thereafter, it is alleged, among other things, that Respondent informed Judge A that Respondent's daughter's traffic case was one of those cases; and on the scheduled date of her hearing on the Citation, she was going to be out of state on a mission trip. The Complaint additionally alleges that Judge A then asked Respondent his daughter's name, wrote her name down, and told Respondent that he would continue Respondent's daughter's hearing date and she would not be required to appear in court on June 7, 2010. The Complaint further alleged that on June 7, 2010, Judge A dismissed the Citation on his own motion, without first consulting the State's Attorney's Office and without ever conducting a hearing on the Citation, and falsely docketed that the Citation had been dismissed for insufficient evidence based upon a motion of the State.

**Order entered September 9, 2011: Complaint dismissed.**

**85. 11 CC - 1 Filed February 18, 2011**

**Douglas J. Simpson, Associate Judge, Circuit Court of Cook County**

The Complaint alleged that on the morning of September 23, 2010, Respondent went into a detail shop and spoke to the shop's Owner regarding getting his car detailed; during the course of their conversation, Respondent informed the Shop Owner that he worked at the Markham courthouse. The Complaint also alleged that the Shop Owner then volunteered to Respondent that he had a case pending at the Markham courthouse (the "*Shop Owner* matter") and a court hearing was scheduled for that morning; thereafter, the Shop Owner showed Respondent an Order dated August 12, 2010 noticing the *Shop Owner* matter for hearing. The Complaint additionally alleged that Respondent left the detail shop; went to the Markham courthouse; and after arriving at the courthouse, Respondent went to the courtroom of the judge presiding over *Shop Owner* matter ("Judge A"). At the time of Respondent's arrival in Judge A's courtroom, Judge A was in the process of conducting his *pro se* call. After Respondent informed Judge A that he wanted to speak with him, Judge A recessed his call and met with Respondent in Judge A's chambers. The Complaint alleged that while in Judge A's chambers, Respondent showed Judge A the August 12, 2010 Order, informed Judge A that he (Judge A) had the case associated with the Order, that one of the parties was a mechanic who had done work for another judge, and that the mechanic was a "good guy;" Judge A then stood up and Respondent told Judge A that he was not asking him to do "anything improper." The Complaint also alleged that Judge A returned to the bench immediately following the conversation with Respondent in his chambers and after finishing his call and trial, Judge A informed the Presiding Judge of the morning's events. The Complaint further alleged that later that morning, Respondent called Judge A's chambers and left a voicemail message; and that Judge A returned his call, during which Respondent apologized and said he "regretted" his actions. The

Respondent then asked Judge A to disregard their conversation that had taken place earlier that morning. On September 27, 2010, Respondent returned to Judge A's chambers and apologized for his conduct on September 23, 2010; Judge A informed Respondent that he was "uncomfortable" with the situation and he would report the matter to the Judicial Inquiry Board. The Complaint further alleged that Respondent asked Judge A if he could "talk him out" of doing so to which Judge A responded that he had to report the matter. Judge A ultimately recused himself from the *Shop Owner* matter and it was transferred to the Fifth Municipal District.

**Order entered November 7, 2011: Respondent censured.**

**86. 12 CC - 1 Filed July 13, 2012**

**Joseph C. Polito, Associate Judge, 12<sup>th</sup> Circuit, Will County**

The Complaint alleged that beginning in 2010 and periodically until August 2011, Respondent frequently used his Will County issued work computer to access pornographic websites during work hours in his chambers. The Complaint further alleged that Will County's policies prohibited its employees from using Will County's electronic communication systems for accessing explicit material.

**Order entered February 1, 2013: Respondent suspended without pay for 60 days.**

## Appendix H

### DISPOSITION OF PUBLIC DISCIPLINARY CASES

(As of July 2013)

DISPOSITION	TOTAL	NUMBERS
Removed	6	9, 15, 19, 53, 62, 70
Suspended	18	1, 2, 4, 13, 16, 20, 33, 35, 39, 43, 46, 61, 63, 66, 67, 71, 83, 86
Censured	8	7, 8, 10, 47, 55, 58, 73, 85
Reprimand	23	5, 12, 14, 17, 24, 32, 37, 38, 42, 44, 48, 49, 64, 65, 69, 72, 75, 77, 78, 79, 80, 81, 82
Complaint Dismissed	19	6, 11, 21*, 22, 23, 25, 26, 27, 28, 29, 31, 34, 50, 51, 52, 54, 56, 68, 84
Complaint Dismissed Upon Resignation From Office	10	3, 18, 30, 40, 45, 57, 59, 60, 74, 76
Complaint Dismissed-Term of Office Expired/Lost Retention Election	2	36, 41
Pending	0	
<b>Total</b>	<b>86</b>	

**\*Courts Commission suspended Respondent without pay, however, the Illinois Supreme Court vacated the suspension and the complaint was dismissed.**



## Appendix I

**State of Illinois  
Judicial Inquiry Board  
100 West Randolph Street, Suite 14-500  
Chicago, IL 60601  
(312) 814-5554, (800) 227-9429, TDD (312) 814-1881, Fax (312) 814-5719**

### COMPLAINT AGAINST A JUDGE

**Instructions:** Please type or print all information. If you wish to provide documents to support your allegations, please attach copies of those documents. **We cannot return documents.** You must designate specifically the particular words, diagrams or pictures contained in any documentation submitted which substantiates your allegations. Documentation without the required designation will not be considered. **The Board's jurisdiction extends only to active Illinois Supreme Court Justices, Appellate Court Justices, and Circuit Court Judges.** Return Complaint to the above address.

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime telephone:(    ) \_\_\_\_\_

Evening telephone:(    ) \_\_\_\_\_

**Note: To ensure the receipt of future correspondence after you have submitted your Complaint, you must provide the Board with any change of address information.**

I have information of possible misconduct or disability on the part of the following Illinois judge:

First and Last Name of Judge: \_\_\_\_\_

City and County: \_\_\_\_\_

Court Level:        \_\_ Supreme Court        \_\_ Appellate Court        \_\_ Circuit Court

**STATEMENT OF FACT**

1. When and where did this happen?

Date(s): \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

2. If your information arises out of a court case, please answer these questions:

(a) What is the name and number of the case?

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

(b) What kind of case is it? (Please check one below)

Criminal                       Probate

Domestic Relations         Law

Juvenile                       Municipal

Small Claims                 Chancery

Other (specify): \_\_\_\_\_

(c) What is your relationship to the case?

Plaintiff/Petitioner

Defendant/Respondent

Attorney for: \_\_\_\_\_

Witness for: \_\_\_\_\_

Other (specify): \_\_\_\_\_

(d) If you were represented by an attorney in this matter at the time of the conduct of the Judge, please identify the attorney:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number:(    ) \_\_\_\_\_

(e) Identify any other attorney(s) who represented you or any person involved in the case:

Name of Attorney: \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Telephone Number:(    ) \_\_\_\_\_

Attorney Represented: \_\_\_\_\_

3. List \*documents that help support your information that the Judge has engaged in misconduct or has a disability, noting which ones you have attached:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*NOTE: Documents will not be returned. Please send copies only.**

4. Identify, if you can, any other witnesses to the conduct of the Judge:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number:(    ) \_\_\_\_\_

5. Specify below the details of what the Judge did that you think constitutes misconduct or indicates disability: (Please type or print legibly - attach additional paper if necessary).

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Your Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix J

### FREQUENTLY ASKED QUESTIONS ABOUT JUDICIAL CONDUCT IN ILLINOIS

#### 1. What is the Judicial Inquiry Board?

It is an independent agency established by Article VI, Section 15 (b) of the 1970 Constitution of the State of Illinois to investigate and prosecute allegations of judicial misconduct or incapacity against Illinois state court judges.

The Judicial Inquiry Board ("the Board") is composed of four non-lawyers, three lawyers, and two judges who review complaints and determine if an investigation is appropriate and which matters will be prosecuted before the Courts Commission.

#### 2. What is the Courts Commission?

The Courts Commission **is not** part of the JUDICIAL INQUIRY BOARD, but is an independent constitutionally created body consisting of five judges and two citizens.

If after an investigation and upon determination by the Board that there is a reasonable basis to publicly charge a judge with misconduct or incapacity, the Board will file and prosecute a complaint before the Courts Commission. The Courts Commission hears the evidence at a public hearing and decides whether charges against a judge have been proven, and if so, whether the sanction should be reprimand, censure, suspend with or without pay, remove from office, or retire a judge.

#### 3. What is judicial misconduct?

Judicial misconduct usually involves conduct in violation of the Code of Judicial Conduct (Illinois Supreme Court Rules 61 through 68) which may include, but is not limited to: Impropriety; improper communication with only one of the parties in a case; injudicious temperament (such as rudeness, profanity, or yelling); improper election campaign conduct; or delay in performing judicial duties.

#### 4. Does the Board have jurisdiction over complaints against retired judges, lawyers, police officers, court personnel, administrative law judges, federal judges, arbitrators or hearing officers?

No. The Board only has jurisdiction over complaints against active Illinois Supreme Court Justices, Appellate Court Justices, and Circuit Court Judges.

**5. How do I file a Complaint against a judge?**

Request a Complaint form by contacting the Board at 100 Randolph Street, Suite 14-500, Chicago, Illinois 60601, (312) 814-5554 , (800) 227-9429, TDD (312) 814 -1881 or Fax (312) 814-5719. You may also download a Complaint form from our website – [www.illinois.gov/jib](http://www.illinois.gov/jib). Completely answer the questions on the form and return it to the above address.

or

You may write a letter detailing what the judge did that you believe constitutes misconduct or indicates incapacity. You must provide the judge's first and last name; the case number and name (if your complaint concerns a court case); type of case (e.g. criminal, domestic relations, small claims); your relationship to the case (e.g. plaintiff, defendant, witness); the names of any witnesses, including attorneys; date(s), time(s), and location of the misconduct; and your first and last name, address, and telephone number.

**Note: Please make a copy of all of your documents before submitting your Complaint in that documents will not be returned to you. Additionally, to ensure the receipt of future correspondence after you have submitted your Complaint, you must provide the Board with any change of address information.**

**6. Does the Board accept anonymous Complaints?**

Yes. Your Complaint should contain specific facts to support your allegations of misconduct or incapacity. Please include the judge's first and last name; case number and name (if your Complaint concerns a court case); all pertinent dates and times as well as the location of the misconduct; and names(s) of witnesses, if known.

**7. Do all Complaints result in an investigation?**

No. Please note that requests seeking intervention in ongoing litigation or the review of judicial decisions are beyond the authority of the Board to investigate.

**8. If the Board does not take action on my Complaint, what happens to it?**

Your written Complaint is retained in the files of the Board for future reference should other persons make subsequent allegations of the same nature against the same judge. Your file might then be reopened to determine if a pattern of misconduct is developing.

**9. Can I get a judge off my case if I file a Complaint?**

No. There are statutory provisions for litigants to seek a substitution of judge or a change of venue. Your Complaint is separate from your court case.

**10. How long does it take to resolve an investigation of judicial misconduct or incapacity?**

It may take many months for ultimate disposition of a case depending upon the complexity of the matter.

**11. Should I delay my appeal until the investigation of judicial misconduct or incapacity is disposed of?**

No. You must proceed with whatever remedy is available to you within the court system to correct any judicial errors you believe were committed in your case.

The investigation of judicial misconduct or incapacity is a matter totally independent of your litigation and is not a substitute for the appellate process.

**12. What role do I play in the investigation and prosecution?**

Once you file a Complaint and the Board determines it has jurisdiction to investigate, you may be contacted for further information.

In the event formal charges are brought against the judge, you may be called as one of the witnesses before and/or during the prosecution phase.

Formal charges are brought against a judge in the name of the Board and not in your name. You will only act as a witness.

**13. Have any Illinois judges been disciplined?**

The Courts Commission has disciplined Illinois state court judges. Additionally, judges have resigned from office during investigations and before any public hearings.

**14. Are Complaints confidential?**

Generally Complaints, and the fact that a Complaint has been made, are confidential. Judges are not routinely informed when a Complaint has been filed and judges are not usually contacted about a Complaint unless and until it becomes necessary to the investigation. Many Complaints are investigated (investigations may entail interviewing attorneys, court personnel and other witnesses) without notifying the judge of the investigation. In the course of an investigation, the judge may be provided an opportunity to respond to the Complaint while the proceeding is confidential.

In the event that the Board publicly charges a judge with misconduct, documents filed with the Courts Commission become public, as would your testimony if you were to be a witness at the public hearing.

In regard to Confidentiality, the Illinois Constitution and the Board's Rules of Procedure provide as follows:

**Illinois Constitution, Article VI, Section 15(c):**

"All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission."

**Rules of Procedure of the Judiciary Inquiry Board, Rule 5 – Confidentiality:**

"(a) The proceedings of the Board and all information and materials, written or oral, received or developed by the Board in the course of its work, insofar as such proceedings and information or materials relate to the question of whether a judge is guilty of misconduct or suffers from disability, shall be confidential and privileged as a matter of law.

(b) When the Board has conducted an investigation but determined not to propose any charges to the judge in question, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made; provided, however, that no such information need be furnished to the judge unless it appears to the Board that he knows, or has reason to know, that a communication was made about him or her to the Board or that the Board conducted an investigation which involved the judge.

(c) When the Board has conducted an investigation and proposed charges to a judge, and subsequently determined that a reasonable basis does not exist for the filing of a complaint with the Commission, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made. The issuance of such letters does not mean that the repetition of such charged conduct, or other conduct violations coupled with the charged conduct or repetitions thereof, could not give rise to a future determination that a reasonable basis exists for the filing of a complaint with the Commission.

(d) In matters of contempt or perjury in Board proceedings, the Board may initiate appropriate action, including court proceedings, in order to protect the integrity of Board proceedings. When the Board takes such action, the Board may make such disclosures as are necessary to prosecute the action. (Amended effective April 10, 1998.)

(e) After any disposition of a matter, the Board, if it believes that fairness and the public interest require it, may issue a public announcement of the Board's determination.



(f) When the Board is in the process of conducting an investigation based upon factors or complaints submitted by the subject judge's chief or factors already disclosed to the public by some other manner, and where that chief judge, pursuant to Supreme Court Rule 56, has temporarily assigned the judge to restricted duties or duties other than judicial duties, the Board may advise the chief judge when, and if, it is of the opinion that the judge subject to investigation may be returned to his or her regular assignment. Such disclosure may be made only upon the concurrence of the judge subject to investigation. In such circumstances, the chief judge shall be bound by the same rule of confidentiality and privilege as the Board itself. (Adopted effective, April 10, 1998.)"

**15. Does the Board give legal advice?**

No. The Board cannot give legal advice or assistance or represent individuals.