



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CYNTHIA A. GRANT
Clerk of the Court

(217) 782-2035
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April 14, 2023

FIRST DISTRICT OFFICE
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Jerrold Harris Stocks
Featherstun, Gaumer, Stocks, Flynn & Eck, LLP
101 S. State Street, Suite 240
P.O. Box 1760
Decatur, IL 62525

In re: Caulkins v. Pritzker
 129453

Dear Jerrold Harris Stocks:

Enclosed is an order entered April 14, 2023, by Justice O'Brien in the above-captioned cause.

Very truly yours,

A handwritten signature in black ink that reads "Cynthia A. Grant".

Clerk of the Supreme Court

cc: Adam Robert Vaught
 Attorney General of Illinois - Civil Division
 Brian David Eck
 Devon Campbell Bruce
 Leigh Jacqueline Jahnig
 Luke Andrew Casson
 Macon County Circuit Court
 Michael James Kasper
 Thomas Aloysius Haine
 Thomas Guy DeVore

129453

IN THE

SUPREME COURT OF ILLINOIS

Dan Caulkins, Perry Lewin, Decatur Jewelry)	
& Antiques Inc., and Law-Abiding Gun)	
Owners of Macon County, a voluntary)	
unincorporated association,)	Motion for Recusal/Disqualification
)	
Appellees)	
)	
v.)	
)	
Governor Jay Robert Pritzker, in his official)	
capacity, Kwame Raoul, in his capacity as)	
Attorney General, Emanuel Christopher)	
Welch, in his capacity as Speaker of the)	
House, and Donald F. Harmon, in his)	
capacity as Senate President,)	
)	
Appellants)	

ORDER

Before the court is a motion by plaintiffs asking that I recuse myself from participating in the above-entitled appeal.¹ The appeal concerns a constitutional challenge to the Protect Illinois Communities Act (Act), which was passed by the General Assembly and signed into law by the Governor in January 2023. See Pub. Act 102-1116 (eff. Jan. 10, 2023) (adding 5 ILCS 100/5-45.35). The Act contains a number of provisions that regulate firearms in this state.

¹The motion also requests alternative relief that the court disqualify me from participating in the appeal. I offer no opinion as to this alternative request, as it is specifically tendered to my colleagues.

Plaintiffs contend that I must recuse due to certain contributions made to the campaign committee supporting my election to this court. Plaintiffs argue that the contributions establish that I harbor personal bias with respect to the issue or Act presently before the court. Plaintiffs further allege that I “pledged to perform judicial duties to ban assault weapons which is an ‘actual’ indication or, at least, the appearance to the public, that impartiality on the instant issues of this appeal will not result.” At another point in their motion, plaintiffs allege that “[t]he Justices ([myself and Justice Rochford] then candidates), by allowing their campaign committees to accept the unreasonable campaign contributions and pledging a position on the issues now presented in this appeal, erode public confidence in their independence to consider this case.”

At the outset, plaintiffs acknowledge there is “no specific Illinois Supreme Court Rule specifying the disqualification remedy sought.” Instead, plaintiffs cite Rule 2.11(a)(1), (4) of the Illinois Code of Judicial Conduct of 2023, which provides:

“A judge shall be disqualified in any proceeding in which the judge’s impartiality might reasonably be questioned, including, but not limited to, the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer or personal knowledge of facts that are in dispute in the proceeding.

* * *

(4) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion that

commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.” Ill. Code Judicial Conduct (2023) Canon 2, R. 2.11(a)(1), (4) (eff. Jan. 1, 2023).

With respect to paragraph (4), it must be noted and emphasized that plaintiffs’ motion fails to identify any “pledge” I have made with respect to the issue or Act before the court. Plaintiffs’ motion also fails to identify a previous public statement I have made with respect to the issue or Act before the court. Plaintiffs, as movants, carry the burden of factually substantiating their claims. As pled, plaintiffs’ “pledge” claim amounts to nothing more than a sensationalized accusation.

Turning to paragraph (1), plaintiffs attempt to argue that the mere existence of certain campaign contributions somehow establishes my personal bias or prejudice as to the issue or Act before the court. Illinois Supreme Court Justice Lloyd A. Karmeier, in *Philip Morris USA Inc. v. Appellate Court, Fifth District*, No. 117689 (Ill. Sept. 24, 2014), previously addressed the same type of baseless accusations as the ones set out in plaintiffs’ motion here. Justice Karmeier noted that a judge’s campaign committee is free to solicit and accept “‘reasonable campaign contributions and public support from lawyers.’ ” *Id.* at 9 (quoting Ill. S. Ct. R. 67(B)(2) (eff. Mar. 24, 1994)). Likewise, the Illinois Judicial Ethics Committee has long advised that a judge has no obligation “to disqualify himself or herself *** merely because a lawyer or party appearing before the judge was a campaign contributor.” Ill. Jud. Ethics Comm. Op. 93-11 (Nov. 17, 1993).

Plaintiffs do not refute these principles.

Because plaintiffs have failed to sufficiently plead any facts that would require disqualification under Rule 2.11 of the Code of Judicial Conduct, I am required under Rule 2.7 to hear and decide the instant appeal. See Ill. Code Judicial Conduct (2023) Canon 2, R. 2.7 (eff. Jan 1, 2023). “A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.” *Id.* As Justice Karmeier correctly explained:

“Litigants must not be permitted to create the grounds for recusal by criticizing the judge or casting sinister aspersions [citation], nor may a party engage in ‘judge-shopping’ by manufacturing bias or prejudice that previously did not exist. [Citation.] Similarly, rumor, speculation, belief, conclusion, suspicion, opinion or similar non-factual matter are not sufficient. Rather, a judge has a duty to sit unless probative evidence is presented which establishes a reasonable factual basis to doubt the judge’s impartiality. [Citations.] A judge is as much obliged not to recuse himself when it is not called for as he is obliged to when it is. [Citation.] Indeed, where the standards governing disqualification have not been met, disqualification is not optional. It is prohibited. [Citation.]” *Philip Morris USA Inc.*, slip order at 6-7.

Order entered by Justice O’Brien.

FILED
April 14, 2023
SUPREME COURT
CLERK