

M.R. 31329

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered May 17, 2023.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Canon 2, Rule 2.11, of the Illinois Code of Judicial Conduct of 2023 is amended, as follows.

**Amended Canon 2, Rule 2.11**

**CANON 2**

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

**RULE 2.1: GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE**

The duties of judicial office, as prescribed by law,\* shall take precedence over all of a judge's personal and extrajudicial activities.

**COMMENTS**

- [1] To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities, including their use of social media or participation on social networking platforms, to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.
- [2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.
- [3] Judges are reminded that article VI, section 13(b), of the Illinois Constitution of 1970 requires that a judge "shall devote full time to judicial duties." See Rule 3.1 concerning a judge's ability to participate in teaching.

**FILED**

**MAY 17 2023**

**SUPREME COURT  
CLERK**

## **RULE 2.2: IMPARTIALITY AND FAIRNESS**

A judge shall uphold and apply the law\* and shall perform all duties of judicial office fairly and impartially.

### **COMMENTS**

- [1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.
- [2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.
- [3] Good-faith errors of fact or law do not violate this Rule.
- [4] It is not a violation of this Rule for a judge to make reasonable accommodations, consistent with the law and court rules, to ensure *pro se* litigants the opportunity to have their matters fairly heard.

## **RULE 2.3: BIAS, PREJUDICE, AND HARASSMENT**

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, religion, national origin, ethnicity, pregnancy, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- (C) Proceedings before the court shall be conducted without manifesting bias or prejudice or engaging in harassment, based upon attributes including but not limited to race, sex, gender, gender identity, religion, national origin, ethnicity, pregnancy, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, by or against lawyers, parties, witnesses, or others.
- (D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.
- (E) A judge shall not retaliate against those who report violations of Rule 2.3.

- (F) A violation of the Supreme Court of Illinois Non-Discrimination and Anti-Harassment Policy is a violation of this Rule.

#### COMMENTS

- [1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
- [2] Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.
- [3] Harassment is verbal, nonverbal, or physical conduct that denigrates or shows hostility or aversion toward a person based on the characteristics or classes identified in paragraphs (B) and (C).
- [4] Harassment based on sex includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.
- [5] Rule 2.15 requires judges to take “appropriate action” when they learn of another judge’s misconduct. In considering this obligation, judges should recognize that failing to inform court leadership of an incident may allow a pattern of misconduct to go undetected. Judges may have specific reporting obligations under the Supreme Court of Illinois Non- Discrimination and Anti-Harassment Policy.
- [6] Retaliation is an adverse action, performed directly or through others, that would deter a reasonable person from reporting or participating in the investigation of conduct prohibited by this Rule. The duty to refrain from retaliation includes retaliation against former or current court personnel.

#### **RULE 2.4: EXTERNAL INFLUENCES ON JUDICIAL CONDUCT**

- (A) A judge shall not be swayed by public clamor or fear of criticism.

- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- (C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

#### COMMENTS

- [1] An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decisionmaking is perceived to be subject to inappropriate outside influences.

#### **RULE 2.5: COMPETENCE, DILIGENCE, AND COOPERATION**

- (A) A judge shall perform judicial and administrative duties competently and diligently.
- (B) A judge shall cooperate with other judges and court officials in the administration of court business.

#### COMMENTS

- [1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.
- [2] A judge should seek the necessary docket time, court staff, and resources to discharge all adjudicative and administrative responsibilities.
- [3] Prompt disposition of the court's business requires a judge to be punctual in attending court and expeditious in determining matters under advisement and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate to achieve that end.
- [4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge shall monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

## **RULE 2.6: ENSURING THE RIGHT TO BE HEARD**

- (A) 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.\*
- (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but a judge shall not act in a manner that coerces any party.

### **COMMENTS**

- [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.
- [2] The judge plays an important role in overseeing the settlement of disputes but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law.
- [3] Judges should be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decisionmaking during trial, and in such instances, the judge should consider whether disqualification may be appropriate. See Rule 2.11(A)(1).

## **RULE 2.7: RESPONSIBILITY TO DECIDE**

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.\*

### **COMMENTS**

- [1] Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

**RULE 2.8: DECORUM, DEMEANOR, AND COMMUNICATION WITH JURORS**

- (A) A judge shall require order and decorum in proceedings before the court.
- (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- (C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

**COMMENTS**

- [1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.
- [2] Commending or criticizing jurors for their verdict, including on social media or social networking platforms, may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.
- [3] A judge may meet with jurors who choose to remain at the completion of trial so long as the judge does not make any remarks that would adversely affect the judge's impartiality.

**RULE 2.9: *EX PARTE* COMMUNICATIONS**

- (A) 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 or their lawyers concerning a pending\* or impending matter,\* except as follows:
  - (1) When circumstances require it, *ex parte* communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:
    - (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication; and

- (b) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and gives the parties an opportunity to respond.
- (2) [Reserved]
- (3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record and does not abrogate the responsibility personally to decide the matter.
- (4) 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.
- (5) A judge may initiate, permit, or consider any *ex parte* communication when expressly authorized by law\* to do so.
- (B) If a judge inadvertently receives an unauthorized *ex parte* communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- (C) A judge shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may properly be judicially noticed.
- (D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

## COMMENTS

- [1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.
- [2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.
- [3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, or other persons who are not participants in the proceeding and communications made or posted on social media

or social networking platforms. A judge must make reasonable efforts to ensure that law clerks, court staff, court officials, and others under the judge's direction and control do not violate this Rule.

- [4] A judge may initiate, permit, or consider *ex parte* communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.
- [5] A judge may consult with other judges on pending matters but must avoid *ex parte* discussions of a case with judges who have previously been disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter.
- [6] The prohibition against a judge investigating the facts in a matter extends to information available in every medium, including electronic.
- [7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code.
- [8] Judges who maintain a presence on social media or social networking platforms should be aware of the potential for these sites to become an unintended vehicle for *ex parte* communications.

#### **RULE 2.10: JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES**

- (A) A judge shall not make any public statement about a matter pending\* or impending\* in any court.
- (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial\* performance of the adjudicative duties of judicial office.
- (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).
- (D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of performing official duties or giving scholarly presentations for purposes of legal education, may explain court procedures, and

may comment on any proceeding in which the judge is a litigant in a personal capacity.

- (E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

## COMMENTS

- [1] This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.
- [2] This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of *mandamus*, the judge must not comment publicly.
- [3] Depending on the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter. The Rule does not prohibit a judge from responding to allegations concerning the judge's conduct in a proceeding that is not pending or impending in any court.
- [4] Judges who are active on social media or social networking platforms should understand how their comments in these forums might be considered "public" statements implicating this Rule. Judges should be aware of the nature and efficacy of privacy settings offered by social media or social networking platforms.

## RULE 2.11: DISQUALIFICATION

- (A) A judge shall disqualify himself or herself ~~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.
  - (2) The judge knows\* that the judge, the judge's spouse or domestic partner,\* a person within the third degree of relationship\* to either of them, or the spouse or domestic partner of such a person is:

- (a) a party to the proceeding or an officer, director, general partner, managing member, or trustee of a party;
  - (b) acting as a lawyer in the proceeding;
  - (c) a person who has more than a *de minimis*\* interest that could be substantially affected by the proceeding; or
  - (d) likely to be a material witness in the proceeding.
- (3) The judge knowingly, individually, or as a fiduciary\* or the judge's spouse, domestic partner, 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 is a party to 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.
- (5) The judge:
- (a) served as a lawyer in the matter;
  - (b) represented any party to the matter while engaged in the private practice of law within a period of seven years following the last date on which the judge represented the party;
  - (c) within the preceding three years was associated in the private practice of law with any law firm or lawyer currently representing any party in the matter (provided that referral of cases when no monetary interest was retained shall not be deemed an association within the meaning of this paragraph);
  - (d) served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the matter or has publicly expressed in such capacity an opinion concerning the merits of the particular matter;
  - (e) was a material witness concerning the matter; or
  - (f) previously presided as a judge over the matter in another court.

- (B) 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 or domestic partner and minor children residing in the judge's household.
- (C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

## COMMENTS

- [1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply. For example, the participation in a matter involving a person with whom the judge has an intimate relationship or a member of the judge's staff may require disqualification.
- [2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.
- [3] The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.
- [4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under paragraph (A) or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge's disqualification is required.
- [5] A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

[6] “Economic interest,” as set forth in the Terminology section, means ownership of more than a *de minimis* legal or equitable interest. Except for situations in which a judge participates in the management of such a legal or equitable interest or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:

- (1) an interest in the individual holdings within a mutual or common investment fund;
- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge’s spouse, domestic partner, parent, or child serves as a director, officer, advisor, or other participant;
- (3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
- (4) an interest in the issuer of government securities held by the judge.

[7] A judge’s use of social media or social networking platforms may create the appearance of a relationship between the judge and litigants or lawyers who may appear before the judge. Whether a relationship would cause the judge’s impartiality to “reasonably be questioned” depends on the facts. While the labels used by the social media or social networking platform (*e.g.*, “friend”) are not dispositive of the nature of the relationship, judges should consider the manner in which the rules on disqualification have been applied in traditional contexts and the additional ways in which social media or social networking platforms may amplify any connection to the judge.

#### **RULE 2.12: SUPERVISORY DUTIES**

- (A) A judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under this Code.
- (B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

## COMMENTS

- [1] A judge is responsible for personal conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge.
- [2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that supervised judges administer their workloads promptly. See Ill. S. Ct. R. 21(b) (eff. Oct. 1, 2021).

## **RULE 2.13: ADMINISTRATIVE APPOINTMENTS AND HIRING**

- (A) In making or facilitating administrative appointments and hiring court employees, a judge:
  - (1) shall exercise the power of appointment or election impartially\* and on the basis of merit; and
  - (2) shall avoid nepotism, favoritism, and unnecessary appointments.
- (B) A judge shall refrain from casting a vote for the appointment or reappointment to the office of associate judge of the judge's spouse, domestic partner, or of any person known by the judge to be within the third degree of relationship to the judge, the judge's spouse, or domestic partner (or the spouse or domestic partner of such a person).
- (C) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

## COMMENTS

- [1] Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

## **RULE 2.14: DISABILITY AND IMPAIRMENT**

A judge having knowledge\* that the performance of a lawyer or another judge is impaired by drugs or alcohol or by a mental, emotional, or physical condition shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

#### COMMENTS

- [1] “Appropriate action” means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include, but is not limited to, speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.
- [2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge’s responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge’s attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority,\* agency, or body. See Rule 2.15.
- [3] A judge having reliable information that does not rise to the level of knowledge that the performance of a lawyer or another judge is impaired by drugs, alcohol, or other condition may take appropriate action.

#### **RULE 2.15: RESPONDING TO JUDICIAL AND LAWYER MISCONDUCT**

- (A) A judge knowing\* that another judge has committed a violation of this Code that raises a substantial question regarding the judge’s honesty, trustworthiness, or fitness as a judge in other respects shall inform the Illinois Judicial Inquiry Board.
- (B) A judge knowing that a lawyer has committed a violation of the Illinois Rules of Professional Conduct of 2010 that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the Illinois Attorney Registration and Disciplinary Commission (ARDC).
- (C) A judge knowing that another judge has committed a violation of this Code that does not raise a substantial question regarding honesty, trustworthiness, or fitness of a judge shall take appropriate action.

(D) A judge knowing that a lawyer has committed a violation of the Illinois Rules of Professional Conduct of 2010 (Ill. S. Ct. Rs., art. VIII) that does not raise a substantial question regarding honesty, trustworthiness, or fitness of a lawyer shall take appropriate action.

(E) The following provisions apply to judicial mentoring:

(1) Acts of a judge in mentoring a new judge pursuant to M.R. 14618 (Administrative Order of February 6, 1998, as amended Nov. 30, 2010) and in the discharge of disciplinary responsibilities required or permitted by Canon 3 or the Illinois Rules of Professional Conduct of 2010 are part of a judge's judicial duties and shall be absolutely privileged.

(2) Except as otherwise required by the Illinois Supreme Court Rules, information pertaining to the new judge's performance that is obtained by the mentor in the course of the formal mentoring relationship shall be held in confidence by the mentor.

## COMMENTS

[1] A judge having knowledge of misconduct committed by another judge or an attorney must take appropriate action to address the misconduct. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

[2] A judge having knowledge of a violation of the Code or the Illinois Rules of Professional Conduct of 2010 that does not raise a substantial question regarding honesty, trustworthiness, or fitness of a judge or lawyer, respectively, is required to take appropriate action under paragraphs (C) or (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Illinois Rules of Professional Conduct of 2010 may include but are not limited to communicating directly with the lawyer who may have committed the violation when communicating is consistent with Rule 2.9 ("Ex

*Parte Communications*”) and other provisions of this Code, initiating contempt proceedings, or reporting the suspected violation to the appropriate authority. In both cases, the Rule does not preclude a judge from taking or initiating more than a single appropriate disciplinary measure.

**RULE 2.16: COOPERATION WITH DISCIPLINARY AUTHORITIES**

- (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.
- (B) A judge shall not retaliate, directly or indirectly, against a person known\* or suspected to have assisted or cooperated with an investigation of a judge or lawyer.

COMMENTS

- [1] Cooperation with investigations and proceedings of judicial and lawyer disciplinary agencies, as required in paragraph (A), instills confidence in judges’ commitment to the integrity of the judicial system and the protection of the public.

Adopted July 1, 2022, eff. Jan. 1, 2023; amended Dec. 30, 2022, eff. Jan. 1, 2023; amended May 17, 2023, eff. immediately.