

CANON 2, RULE 2.15

A judge shall perform the duties of judicial office impartially, competently, and diligently.

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

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- [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.