

CANON 2, RULE 2.3

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

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

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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.