

M.R. 3140

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

Order entered December 30, 2022.

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

Effective January 1, 2023, Illinois Supreme Court Rules 21, 44, and 58 are amended, and Rule 8.4 of the Illinois Rules of Professional Conduct of 2010 and Canon 2, Rule 2.15, of the Illinois Code of Judicial Conduct of 2023 are amended as follows. Additionally, the Statement of Economic Interests required by Canon 3, Rule 3.15, is amended as follows. Additionally, Rule 13 was amended on December 22, 2022, but contained a clerical error, which is corrected *nunc pro tunc*.

**Amended Rule 21**

**Rule 21. Circuit Court Rules and Filing of Rules; Administrative Authority; General Orders;**

**(a) Circuit Court Rules.** A majority of the circuit judges in each circuit may adopt rules governing civil and criminal cases, including remote appearances, which are consistent with these rules and the statutes of the State, and which, so far as practicable, shall be uniform throughout the State. All rules of court shall be filed with the Administrative Director within 10 days after they are adopted.

**(b) Administrative Authority.** Subject to the overall authority of the Supreme Court, the chief circuit judge shall have the authority, among other things, to determine the hours of court and of the judges in the circuit, the available leave time to which a judge is entitled, and, when the judge's conduct negatively affects the operations of the court or public confidence in the court, to direct how that judge must conduct himself or herself. In the exercise of this general administrative authority, the chief judge shall take or initiate appropriate measures to address the persistent failure of any judge to perform his or her judicial duties or to comply with a directive from the chief judge.

**(c) Voluntary Program to Address Certain Types of Judicial Conduct.** In accordance with paragraph (b) and the chief judge's responsibilities under Canon 2, Rule 2.15, of the Illinois Code of Judicial Conduct of 2023, ~~Supreme Court Rule 63B(3)~~, the measures available to a chief judge to address the persistent failure of any judge to perform his or her judicial duties or to comply with a directive from the chief judge may include participation by the judge in a voluntary program under this paragraph (c) if the chief judge concludes that (i) participation in the program will help the judge address the conduct in question; (ii) use of that measure will benefit and not harm the public, the courts, and the administration of justice; and (iii) the judge's conduct does not involve dishonesty, fraud, deceit, or misrepresentation.

**FILED**

DEC 30 2022

**SUPREME COURT  
CLERK**

(1) A voluntary program under paragraph (c) shall require the judge to complete one or more of the following activities:

- (A) a mentoring program;
- (B) attendance at the judicial training program;
- (C) testing, evaluation, and/or treatment by the Lawyers' Assistance Program or a provider of medical and psychological services; and
- (D) any other requirement agreeable to the chief judge and the judge.

(2) The terms of the voluntary program shall be set forth in a written agreement between the chief judge and the judge. The agreement shall specify the purpose of the program, the requirements of the program, the deadline by which the requirements shall be completed, and any responsibility of the judge for payment of costs.

(3) If the judge fails to comply with the requirements of the agreement and the conduct that prompted the agreement has persisted, the chief judge shall take or initiate appropriate measures under paragraphs (b) and (d).

(4) If the judge refuses to enter into a proposed voluntary agreement, the chief judge shall take or initiate other appropriate measures under paragraph (b).

**(d) Supreme Court Notice.** The chief judge shall notify the Supreme Court if, despite the measures taken by the chief judge pursuant to paragraphs (b) or (c), a judge continues to fail to perform his or her judicial duties or to comply with a directive from the chief judge following the later of at least 30 days or the deadline for completion of a program pursuant to paragraph (c).

**(e) General Orders.** The chief judge of each circuit may enter general orders in the exercise of his or her general administrative authority, including orders (i) providing for assignment of judges, general or specialized divisions, and times and places of holding court and (ii) specifying the nature of any needed court-related personnel, facilities, or resources.

**(f) Proceedings to Compel Compliance With Certain Orders Entered by a Chief Circuit Judge.** Any proceeding to compel a person or agency other than personnel of the circuit court to comply with an order of the chief circuit judge pursuant to paragraph (e) shall be commenced by filing a complaint and summons and shall be tried without a jury by a judge from a circuit other than the circuit in which the complaint was filed. The proceedings shall be conducted as in other civil cases.

Amended August 9, 1983, effective October 1, 1983; amended December 1, 2008, effective immediately; amended Nov. 24, 2020, eff. Jan. 1, 2021; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Dec. 30, 2022, eff. Jan. 1, 2023.

Committee Comments  
(Revised Jan. 1, 2021)

This rule includes paragraphs (2), (3), and (4) of former Rule 1, which was revised effective January 1, 1964.

Paragraph (b) clarifies that a chief circuit judge's administrative role includes the authority,

and the responsibility, to address the persistent failure of any judge to perform his or her judicial duties. Such failure may be due to, among other things, professional incompetence, poor case load management, or chronic absenteeism. The chief judge also has authority to direct how a judge must conduct himself or herself if the judge's conduct negatively affects the operations of the court or public confidence in the court. The chief circuit judge shall take or initiate appropriate measures if a judge persistently fails to perform his or her judicial duties or comply with a directive from the chief judge. Depending on the circumstances, "appropriate measures" may include, among other things, reassignment of the judge to administrative or other judicial duties, the provision of counseling, the assignment of a mentor, or referral to the Judicial Inquiry Board.

Paragraph (c) is new. Modeled on the diversion program for lawyers developed by the Attorney Registration and Disciplinary Commission, it authorizes a chief judge to address certain conduct by a judge that requires the chief judge to "take or initiate appropriate disciplinary measures" under paragraph (b) by affording the judge an opportunity to enter into a voluntary agreement intended to help the judge correct or terminate the conduct in question. Depending on the nature of the chief judge's obligation to "take or initiate appropriate disciplinary measures" under Supreme Court Rule 63B(3), it is anticipated that in most instances a voluntary agreement that results in the desired change to the judge's conduct will obviate any need for the chief judge to refer the judge to the Judicial Inquiry Board. In situations where a chief judge is required by Rule 63B(3) to refer the judge to the Judicial Inquiry Board, a voluntary agreement will not eliminate that obligation. See Illinois Judicial Ethics Committee Opinion No. 2003-04 (addressing a judge's ethical responsibility to "take or initiate appropriate disciplinary measures" with respect to a judge or lawyer's violation of the applicable ethics rules).

Paragraph (d) is also new. It provides for notice to the Supreme Court if measures taken by a chief judge to address a judge's persistent failure to perform his or her judicial duties or to comply with a directive from the chief judge do not result in improvement in the judge's behavior within 30 days or following completion of a voluntary program under paragraph (c).

Paragraph (e) has been revised to authorize the chief judge to issue orders specifying the nature of any needed court-related personnel, facilities, or resources. If deemed necessary by the chief judge, noncompliance with any such order can be addressed in a proceeding pursuant to paragraph (f), with a determination of the enforceability of the order requiring due regard for separation of powers and other relevant considerations. See *Knuepfer v. Fawell*, 96 Ill.2d 284 (1983) (addressing authority of chief judge to exercise the inherent power of the courts to require production of facilities, personnel, and resources reasonably necessary to enable the performance of judicial functions with efficiency, independence, and dignity).

## **Amended Rule 44**

### **Rule 44. Photography and Video in the Courtroom**

(a) Except as provided in paragraph (b) of this Rule, the taking of photographs in the courtroom during sessions of the court or recesses between proceedings and the broadcasting or televising of court proceedings are permitted only to the extent authorized by order of the

Supreme Court. For the purposes of this rule, the use of the terms “photographs,” “broadcasting,” and “televising” includes 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. This prohibition does not extend to areas immediately adjacent to the courtroom, but courts may by order regulate or restrict the use of those areas where the circumstances so warrant.

(b) The foregoing prohibition is not intended to prohibit local circuit courts from using security cameras to monitor their facilities. Additionally, photography and/or video in the following situations are explicitly permitted

(1) Where permitted pursuant to a court order under the Supreme Court’s Extended Media Coverage Policy;

(2) In any proceeding conducted remotely pursuant to Rules 45 and 241 and any other rules governing remote appearances;

(3) To live broadcast any proceeding that is conducted remotely, or at which remote attendance is permitted;

(4) If permitted by the judge, and on such conditions as ordered by the judge, for ceremonial events such as marriages, investitures, and graduations in problem solving courts;

(5) If permitted by the judge, for parties and counsel to make a copy of a court order or other paperwork received in court;

(6) If permitted by the judge, to make a broadcast available to interested persons, such as victims of crime or persons who have a statutory right to be present during court proceedings but who do not wish to attend in person.

(c) Nothing in this Rule permits the photographic recording, digital capturing, or other recording of a remote proceeding or a court broadcast of a proceeding except (1) a recording by the court or at the court’s direction or (2) pursuant to the terms of an order approving extended media coverage.

Adopted December 16, 2020, eff. immediately.

#### Committee Comments

(January 1, 2023)

Effective January 1, 2023, Rule 63 is repealed and replaced by the adoption of the Illinois Code of Judicial Conduct of 2023. Comments below are retained to document Rule 44’s history.

(December 16, 2020)

The prohibition against photographing courtroom proceedings was formerly part of Supreme Court Rule 63. It has been relocated and expanded for a number of reasons. First, Rule 63 is a part of the Canons of Judicial Ethics, and the matters covered by this Rule are not predominantly related to judicial ethics. Second, the increased use of remote court appearances required that the Court

provide additional guidance for the use of live streaming court appearances to preserve public access to the courts. Finally, the process of revising the Rule brought to light other instances in which courtroom photography or video are already permitted or are otherwise desirable.

## **APPENDIX**

M.R. No. 2634.

Order entered April 16, 2007; amended February 2, 2017.

Any security cameras installed in the courtrooms in the various circuits shall be in accordance with the following standards; (1) security cameras are to be placed in areas of the courtroom such that there is no video recording of the jury or witnesses; (2) audio recordings of the proceedings are prohibited in connection with security cameras; (3) use of such cameras is limited to security purposes and any video tape produced therefrom shall remain the property of the court and may not be used for evidentiary purposes by the parties or included in the record on appeal; (4) security cameras shall be monitored by designated court personnel only; and (5) signs shall be posted in and outside of the courtroom notifying those present of the existence of the court surveillance.

All recordings from security cameras monitoring court facilities are the property of the local circuit courts and are deemed to be in the possession of the local circuit courts notwithstanding actual possession by another party.

### **Amended Rule 58**

#### **Rule 58. Judicial Performance Evaluation**

##### **(a) Definitions.**

(1) Whenever the word “judge” is used in this rule, it includes only circuit and associate judges.

(2) Whenever the pronoun “he” is used in this rule, it includes the feminine as well as the masculine form.

**(b) Preamble.** The courts, the public and the bar have a vital interest in a responsive and respected judiciary. In its supervisory role and pursuant to its power over the court system and judges, the court has determined that the periodic evaluation of a judge’s performance is a reliable method to promote judicial excellence and competence. Accordingly, the court has authorized a program of mandatory judicial performance evaluation. The program shall be supervised by the court and shall be implemented and monitored by a committee appointed by the court designated as the Judicial Performance Evaluation Committee, which shall establish procedures to implement this program.

**(c) Purpose.** There shall be a mandatory program of judicial performance evaluation for the purpose of achieving excellence in the performance of individual judges and the improvement of the judiciary as a whole.

**(d) Confidentiality.** The program must be conducted candidly and in strict confidence so that evaluations may be based on objective criteria and the areas for improvement determined fairly. Except as provided herein, the disclosure of evaluation information would be counterproductive to the goals of the evaluation program, reduce the free flow of comment, and result in the termination of the program. The following rules of confidentiality are essential to the successful implementation of the judicial evaluation program.

(1) Information Obtained. Except as provided herein, all information, questionnaires, notes, memoranda, electronic and computer data, and any other data obtained and used in the course of any judicial performance evaluation shall be privileged and strictly confidential. For the purpose of self-improvement, only the individual judge evaluated and the agents assigned to present the data to the judge will be permitted to know to which judge particular information applies. However, under Illinois Supreme Court Rule 21(b)-(d), if a chief judge has reason to believe that a judge's conduct negatively affects the operations of the court or public confidence in the court and the judge continues to fail to perform his or her judicial duties or to comply with a directive of the chief judge within the prescribed time period under that rule (collectively the alleged unsatisfactory conduct or performance) and if the chief judge documents in writing this alleged unsatisfactory conduct or performance, the chief judge, in his or her discretion, may request the Supreme Court to approve the obtaining of any past judicial performance evaluations of that judge. Thereafter, in its discretion, the Supreme Court can approve or not approve the request. The chief judge's request and the Supreme Court's decision shall not be made public. If the Supreme Court approves the request, the chief judge and the judge will receive any such evaluations. The chief judge can only use any such evaluation for the purposes of Rules 21 and 58. Moreover, as part of this process and as part of its administrative and supervisory powers under the Illinois Constitution (article VI, section 16), the Supreme Court, in its discretion, may obtain and review any judicial performance evaluations of the judge. A request by a chief judge or the Supreme Court for access to any judicial performance evaluation applies only to those evaluations created after the effective date of this amendment. The information, in summary form only and without disclosing the names of individual judges, may also be used separately by the Supreme Court and its designated agents for the purposes of improvement of the judiciary, and for use in administering the courts and for the development of judicial education programs. The identity of any person who provides information shall be privileged and held confidential and shall not be made available to any person. In addition, information disclosing a criminal act may be provided to law enforcement authorities at the direction of the Supreme Court. Requests for such information shall be made by written petition setting forth in particularity the need for such information. All information and data provided to law enforcement authorities pursuant to this paragraph shall no longer be deemed privileged and confidential. As to all information and data obtained in the operation of the program for judicial performance evaluation, the members of the Oversight Committee are hereby exempted from the requirements of the following rules of this court: ~~Article I, Rule 63B(3)~~ Canon 2, Rule 2.15 (Illinois Code of

Judicial Conduct of 2023), (~~Code of Judicial Conduct~~), and Article VIII, Rule 8.3 (Illinois Rules of Professional Conduct), except as herein provided.

(2) Admissibility as Evidence. Except as disclosed pursuant to paragraph (d)(1) hereof, all information, questionnaires, notes, memoranda or other data declared to be privileged and confidential hereby shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.

Adopted September 30, 1988, effective October 1, 1988; amended April 1, 1992, effective August 1, 1992; amended March 1, 2011, effective immediately; amended Dec. 6, 2021, eff. Jan. 1, 2022; amended Dec. 30, 2022, eff. Jan. 1, 2023.

**Committee Comments**  
(December 6, 2021)

The changes to Rule 58 maintain the essential confidentiality of this evaluation process but add an exception to the rule. Amended Rule 58 allows the chief judges and the Supreme Court in limited circumstances to have access to the judicial performance evaluations of circuit court and associate judges whose conduct allegedly negatively impacts the operations of the courts or the public confidence in the courts or who persistently fail to perform satisfactorily or to comply with the directives of the chief judges.

Paragraph (d)(1) is amended and adopts and summarizes Rule 21(b)-(d). Now, if a chief judge has reason to believe that a judge's conduct negatively affects the operation of the court or public confidence in the court and the judge continues to fail to perform his or her judicial duties or to comply with a directive of the chief judge within prescribed time periods within that rule, and if the chief judge documents in writing this alleged unsatisfactory conduct or performance, the chief judge, in his or her discretion, may request the Supreme Court to approve the obtaining of any past judicial performance evaluations of that judge. (Previously, judges were subject to one such evaluation in their judicial careers; now they will be subject to more frequent evaluations.) Thereafter, the Supreme Court, in its discretion, may approve or not approve the request. If the request is approved, the chief judge and the judge will receive any such evaluations. A chief judge can only use such evaluations for purposes of Rules 21 and 58. The Supreme Court, in its discretion, may also obtain and review such evaluations. To maintain confidentiality, the chief judge's request and the Supreme Court's decision on the request shall not be made public.

Because this limited confidentiality exception is new, a request by a chief judge or the Supreme Court for access to the judicial performance evaluations of a circuit court or associate judge applies only to those judicial performance evaluations initiated after the effective date of this amendment.

**Amended Rule 8.4**

#### **RULE 8.4: MISCONDUCT**

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

(d) engage in conduct that is prejudicial to the administration of justice.

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law. Nor shall a lawyer give or lend anything of value to a judge, official, or employee of a tribunal, except those gifts or loans that a judge or a member of the judge's family may receive under Canon 3, Rule 3.13, of the Illinois Code of Judicial Conduct of 2023. ~~Rule 65(C)(4) of the Illinois Code of Judicial Conduct~~. Permissible campaign contributions to a judge or candidate for judicial office may be made only by check, draft, or other instrument payable to or to the order of an entity that the lawyer reasonably believes to be a political committee supporting such judge or candidate. Provision of volunteer services by a lawyer to a political committee shall not be deemed to violate this paragraph.

(g) present, participate in presenting, or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter.

(h) enter into an agreement with a client or former client limiting or purporting to limit the right of the client or former client to file or pursue any complaint before the Illinois Attorney Registration and Disciplinary Commission.

(i) avoid in bad faith the repayment of an education loan guaranteed by the Illinois Student Assistance Commission or other governmental entity. The lawful discharge of an education loan in a bankruptcy proceeding shall not constitute bad faith under this paragraph, but the discharge shall not preclude a review of the lawyer's conduct to determine if it constitutes bad faith.

(j) violate a federal, state or local statute or ordinance including, but not limited to, the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*) that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer's professional activities. No charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.

(k) if the lawyer holds public office:

(1) use that office to obtain, or attempt to obtain, a special advantage in a legislative matter for a client under circumstances where the lawyer knows or reasonably should know that such action is not in the public interest;

(2) use that office to influence, or attempt to influence, a tribunal to act in favor of a client;  
or

(3) represent any client, including a municipal corporation or other public body, in the promotion or defeat of legislative or other proposals pending before the public body of which such lawyer is a member or by which such lawyer is employed.

Adopted July 1, 2009, effective January 1, 2010; amended May 25, 2022, eff. immediately; amended Dec. 30, 2022, eff. Jan. 1, 2023.

### **Comment**

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.

[4] A lawyer may refuse to comply with an obligation imposed by law upon a good-faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good-faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role

of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

Adopted July 1, 2009, effective January 1, 2010.

### **Amended Canon 2, Rule 2.15**

#### **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.

#### **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 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~~June 5, 2000~~) 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 Statement of Economic Interests**

#### **STATEMENT OF ECONOMIC INTERESTS REQUIRED BY SUPREME COURT RULE 3.15**

#### **INSTRUCTIONS**

1. You (the "filing judge") are required to report economic interests owned by you or your spouse, domestic partner, or minor children living with you (collectively, "Covered Persons"). You shall keep informed about your economic interests and make a reasonable effort to keep informed about the economic interests of the other Covered Persons.
2. Economic interests must be reported as of the "Record Date," which is December 31 of the year before the date of this Statement.
3. For each category of economic interests, include all assets valued in excess of \$1,000 in which any Covered Person has an ownership interest, including those owned in an Individual Retirement Account (IRA), 401(k) plan, 403(b) plan, 457 plan, deferred compensation plan administered by the State of Illinois, 529 college savings plan, Uniform Gift to Minor Act account, or similar accounts (collectively, "Retirement/Investment Accounts").
4. With respect to dividends, interest, rent, royalties, or distributions (collectively, "income"), report any income received during the 12-month period before the Record Date. Only report whether income was received, and not any amount.
5. Attach additional pages if the space provided is insufficient.

---

1. NAME OF FILING JUDGE: \_\_\_\_\_

2. COURT: \_\_\_\_\_ DISTRICT/CIRCUIT \_\_\_\_\_.

3. CURRENT ECONOMIC INTERESTS.

a. FINANCIAL INSTITUTIONS.

- i. List each financial institution in which any Covered Person has assets valued in excess of \$1,000, including assets held in savings accounts, checking accounts, money market accounts, certificates of deposits, or "Retirement/Investment Accounts" (as defined in Paragraph 3 of the Instructions).
- ii. Do not provide account numbers. Multiple accounts at the same financial institution need not be separately listed.

<b>Financial Institution</b>

Check box if none.

b. STOCKS, BONDS, ETF, AND MUTUAL FUNDS.

- i. List stocks, bonds, exchange traded funds (ETF), and mutual funds valued in excess of \$1,000 owned by a Covered Person, including such assets held in a Retirement/Investment Account (as defined in Paragraph 3 of the Instructions).
- ii. Do not list (1) multiple holdings of the same security (e.g., multiple U.S. Treasury Notes), (2) multiple securities issued by the same issuer, (3) different mutual funds in the same mutual fund family, (4) assets owned by a mutual fund or ETF, or (5) deposits or proprietary interests held as a member of a mutual savings association or credit union.

Name of Issuer or Mutual Fund or ETF Family	Nature of Security (i.e., stock, bond, mutual fund, ETF)

Check box if none.

c. REAL ESTATE.

- i. List all real estate in which any Covered Person has an ownership interest, including a beneficial interest in a land trust.
- ii. For each personal residence of a Covered Person or a Covered Person’s family member, state “personal residence” and do not provide address.

Address (other than for a personal residence)	Type of Property (e.g., single-family residence, condominium, farmland, etc.)	Income Received? (Yes/No)

Address (other than for a personal residence)	Type of Property (e.g., single-family residence, condominium, farmland, etc.)	Income Received? (Yes/No)

Check box if none.

- d. PENSION PLANS. List any nonjudicial pension plan in which any Covered Person has an interest. This does not include (1) Individual Retirement Accounts, 401(k) plans, 403(b) plans, or 457 plans or (2) any benefits from the Social Security Administration.

Plan Sponsor/Administrator	Income Received? (Yes/No)

Check box if none.

- e. INTERESTS IN INTANGIBLE PROPERTY. List any interest valued in excess of \$1,000 in intangible property, not reported above, owned by any Covered Person. This includes, but is not limited to, an interest in any partnership, corporation, limited liability company, trust, copyright, trademark, or chose in action.

Description of Intangible Property	Nature of Interest	Income Received? (Yes/No)

Description of Intangible Property	Nature of Interest	Income Received? (Yes/No)

Check box if none.

- f. EMPLOYMENT. List every paid employment of a Covered Person, with the exception of the filing judge's judicial employment.

Name of Employer

Check box if none.

- g. NONINVESTMENT INCOME. List the nature of all noninvestment income, other than employment income, received by a Covered Person from any one source that totals at least \$1,000 in the 12-month period before the Record Date. Income includes, but is not limited to, fees, commissions, payments for personal services, and royalties. Do not include the amount.

Source of Noninvestment Income	Nature of Noninvestment Income (Commission, Royalty, etc.)

Check box if none.

4. INDEBTEDNESS.

- a. List all creditors to whom amounts in excess of \$1,000 were owed by any Covered Person on the Record Date and identify any sureties or guarantors of any such indebtedness.

- b. Do not include any debt, including credit card debt, that was paid in its entirety within 90 days of when it was incurred. For these purposes, medical or dental expenses are not considered to be incurred until the amount of the Covered Person's financial responsibility is determined after the application of any insurance benefits.
- c. The amount of each listed indebtedness shall be reported by reference to a letter category, as follows: Category A – \$1,000.01-\$5,000; Category B – \$5000.01-\$15,000; Category C –\$15,000.01- \$50,000; Category D – \$50,000.01-\$100,000; Category E – \$100,000.01-\$250,000; and Category F – greater than \$250,000. This categorization shall be reported as of the Record Date.

<b>Name of Creditor</b>	<b>Valuation Category on Record Date</b>	<b>Identity of any Surety or Guarantor of the Indebtedness</b>

Check box if none.

5. RELATIONSHIPS WITH LAWYERS.

- a. Identify all persons, other than Covered Persons, known by the filing judge to be licensed or registered to practice law who, at any time within the 12-month period before the Record Date, was a co-owner with a Covered Person of any economic interest, a co-obligor with or a creditor of a Covered Person, or the payor to a Covered Person of any income, payments, or benefits, required to be disclosed in Paragraphs 3 or 4. State the nature of each economic interest, indebtedness, or income, payments, or benefits and whether it is ongoing or terminated as of the Record Date.

Name of Lawyer	Nature of Economic Interest, Indebtedness, or Income, Payments, or Benefits	Ongoing or Terminated

Check box if none.

- b. Identify all lawyers with whom the filing judge was associated in the private practice of law within three years of the date of this filing. The name of the firm may be substituted where the association was with five or more lawyers.

Name of Lawyer or Law Firm	Address

Check box if none.

6. BOARD SERVICE. List every office or directorship held by a Covered Person, regardless of whether compensation is received. Do not include any uncompensated or honorary positions in educational, religious, charitable, fraternal, civic, social, or law-related organizations unless those organizations are either conducted for profit or regularly engaged in adversary proceedings in any court.

Name of Organization	Position Held	Compensation Received? (Yes/No)

Check box if none.

7. LITIGATION.

- a. List all court cases or arbitration proceedings known to the filing judge pending on or within 12 months before the Record Date in which a Covered Person either was a party or had more than a *de minimis* financial interest (*i.e.*, a monetary interest that could not raise a reasonable question as to the judge’s impartiality). Do not include (1) proceedings in which a Covered Person is a party solely in an official capacity, (2) class actions in which a Covered Person is not a named class representative, or (3) motor vehicle offenses that are punishable by fine only.

Case Name, Tribunal, and Case Number

Check box if none.

- b. List all cases in which the filing judge was a referring lawyer with an economic interest that are still pending on the Record Date or that were resolved within three years before the Record Date. Include the name of the lawyer or law firm to which the case was referred.

Case Name, Court Where Pending, and Case Number	Identity of Lawyer or Law Firm to Which the Case Was Referred	Pending Case? (Yes/No)

Check box if none.

8. FIDUCIARY POSITIONS. List all fiduciary positions held by the filing judge on the Record Date. Examples include service as a trustee, executor, estate administrator, guardian of the estate, or agent pursuant to a power of attorney for property. Do not include fiduciary positions held for the benefit of a family member of a Covered Person. Identify by name each person, other than a Covered Person, for whom the filing judge is serving as fiduciary.

Fiduciary Position	Name of Person for Whom the Filing Judge Is Serving as Fiduciary

Check box if none.

9. HONORARIA, REIMBURSEMENT OF EXPENSES, AND WAIVERS OF FEES. List all honoraria, reimbursement of expenses, and waivers of fees (collectively, “Benefits”) that (a) either individually or in the aggregate from the same provider of the Benefits exceed \$500, and (b) were received by a Covered Person, or a guest of the filing judge in connection with an event at which the Benefits were received, during the 12-month period prior to the Record Date. Do not report (a) waivers of fees to any unit of government or (b) reimbursement or payment of expenses, or provision of resources, by any unit of government. Identify the provider of each Benefit and state the type of the recipient of each Benefit (*i.e.*, filing judge, filing judge’s guest, spouse, domestic partner, or child) rather than the specific name.

The value of each Benefit shall be reported by reference to a letter category, as follows: Category A – \$500-\$2,500; Category B – \$2,500.01- \$5,000; Category C –greater than \$5,000.

Identity of Provider of the Benefit	Description of the Benefit	Type of Recipient of the Benefit	Value of the Benefit

Check box if none.

10. GIFTS. List all gifts that (a) either individually or in the aggregate from the same donor exceed \$500, and (b) were received by a Covered Person during the 12-month period prior to the Record Date. Do not include gifts between Covered Persons or between Covered Persons and any of their great-grandparents, grandparents, parents, uncles, aunts, brothers, sisters, grandchildren, great-grandchildren, nephews, and nieces. Identify the provider of each gift and state the type of the recipient of each gift (*i.e.*, filing judge, spouse, domestic partner, or child) rather than the specific name.

The value of each gift shall be reported by reference to a letter category, as follows: Category A – \$500-\$2,500; Category B – \$2,500.01- \$5,000; Category C –greater than \$5,000.

<b>Identity of Provider of the Gift</b>	<b>Description of the Gift</b>	<b>Type of Recipient of the Gift</b>	<b>Value of the Gift</b>

Check box if none.

11. ADDITIONAL DISCLOSURES. List any economic interest not previously disclosed in this Statement that could create a basis for disqualification of the filing judge under Supreme Court Rule 2.11. Identify the person whose economic interest could create a basis for disqualification, but if that person is a Covered Person state the type of that Covered Person (*i.e.*, filing judge, spouse, domestic partner, or child) rather than the specific name.

<b>Type of Covered Person or Identity of Other Person with an Economic Interest That Could Create a Basis for Disqualification</b>	<b>Nature of Economic Interest</b>

Check box if none.

## VERIFICATION

Pursuant to Supreme Court Rule 3.15, I declare that this Statement of Economic Interests, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct, and complete.

\_\_\_\_\_  
(Signature of Filing Judge)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name of Filing Judge)

### Corrected Rule 13

#### **Rule 13. Appearances—Time to Plead—Withdrawal**

**(a) Written Appearances.** If a written appearance is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

**(b) Time to Plead.** A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

**(c) Appearance and Withdrawal of Attorneys.**

(1) *Addressing the Court.* An attorney shall file a written appearance or other pleading before addressing the court unless the attorney is presenting a motion for leave to appear by intervention or otherwise.

(2) *Notice of Withdrawal.* Except as provided under paragraph (c)(7)(a)(7), an attorney may not withdraw his or her appearance for a party without leave of court and notice to all parties of record. Unless another attorney is substituted, the attorney must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, certified mail, or a third-party carrier, directed to the party represented at the party's last known business or residence address. Alternatively, the attorney may give such notice electronically, if receipt is acknowledged by the party. Such notice shall advise said party that to insure notice of any action in said cause, the party should retain other counsel therein or file with the clerk of the court, within 21 days after entry of the order of withdrawal, a supplementary appearance stating therein an address to which service of notices or other documents may be made.

(3) *Motion to Withdraw.* The motion for leave to withdraw shall be in writing and, unless another attorney is substituted, shall state the last known address(es) of the party represented. The motion may be denied by the court if granting the motion would delay the trial of the case, or would otherwise be inequitable.

(4) *Copy to be Served on Party.* If the party does not appear at the time the motion for withdrawal is granted, either in person or by substitute counsel, then, within three days of the

entry of the order of withdrawal, the withdrawing attorney shall serve the order upon the party in the manner provided in paragraph (c)(2) of this rule and file proof of service of the order.

(5) *Supplemental Appearance.* Unless another attorney is, at the time of such withdrawal, substituted for the one withdrawing, the party shall file in the case within 21 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of notices or other documents may be had upon him or her. A self-represented litigant may supply an e-mail address for service, pursuant to Rule 11(b). In the case of the party's failure to file such supplementary appearance, subsequent notices and filings shall be directed to the party at the last known business or residence address.

(6) *Limited Scope Appearance.* An attorney may make a limited scope appearance on behalf of a party in a civil proceeding pursuant to Rule of Professional Conduct 1.2(c) when the attorney has entered into a written agreement with that party to provide limited scope representation. The attorney shall file a Notice of Limited Scope Appearance, using an approved statewide form, identifying each aspect of the proceeding to which the limited scope appearance pertains.

An attorney may file a Notice of Limited Scope Appearance more than once in a case. An attorney must file a new Notice of Limited Scope Appearance before any additional aspect of the proceeding in which the attorney intends to appear. A party shall not be required to pay more than one appearance fee in a case.

(7) *Withdrawal Following Completion of Limited Scope Representation.* Upon completion of the representation specified in the Notice of Limited Scope Appearance filed pursuant to paragraph (6), the attorney shall withdraw from the Limited Scope Appearance through one of the methods provided in parts (i)-(ii) of this paragraph, each of which requires filing a Notice of Completion of Limited Scope Appearance, using an approved statewide form. A withdrawal for any reason other than completion of the limited scope representation shall be requested by motion under paragraphs (c)(2) and (c)(3).

(i) Method 1—In Open Court. If the attorney completes the representation at or before a court hearing attended by the party the attorney represents, the attorney may present the Notice of Completion of Limited Scope Appearance without prior notice to the party the attorney represents or to other parties. Upon presentment of the Notice of Completion of Limited Scope Appearance, the attorney's appearance is withdrawn without the necessity of leave of court. The court may require the attorney to give written notice of the completion of the limited scope representation to parties who were neither present nor represented at the hearing. If the party objects that the attorney has not completed the limited scope representation, the court must hold an evidentiary hearing on the objection, either immediately or on a specified later date. After hearing the evidence, the court must enter an order allowing the attorney to withdraw from the case unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

(ii) Method 2—Outside of Court. The attorney may also withdraw by filing an approved statewide form Notice of Completion of Limited Scope Appearance outside of open court and serving the Notice and an approved statewide form Objection to Completion

of Limited Scope Appearance on the party the attorney represents and other counsel of record and other parties not represented by counsel, unless the court by order excuses service on other counsel and other parties. The attorney must also serve the Notice on the judge then presiding over the case. The attorney must file proof of service in compliance with this paragraph. Upon filing the Notice of Completion of Limited Scope Appearance and Objection to Completion of Limited Scope Appearance, the attorney's appearance is withdrawn without necessity of leave of court.

Within 21 days after the service of the Notice and Objection, the party may file an Objection to Completion of Limited Scope Appearance, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix. The party must serve the Objection on the attorney and must also serve it on other counsel of record and other parties not represented by counsel unless the court by order excuses service on other counsel and other parties. If a timely Objection is filed, however, the attorney must notice a hearing on the Objection. If the ground for the Objection is that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance, the court must hold an evidentiary hearing. After the requisite hearing, the court must enter an order allowing the attorney to withdraw unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

Adopted June 15, 1982, effective July 1, 1982; amended February 16, 2011, effective immediately; amended Jan. 4, 2013, eff. immediately; amended June 14, 2013, eff. July 1, 2013; amended June 22, 2017, eff. July 1, 2017; amended Dec. 22, 2022, eff. Jan. 1, 2023.

Committee Comments  
(rev. June 14, 2013)

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. See Rule of Professional Conduct 1.16(c).

Committee Comments  
(rev. Jan. 1, 2023)

Paragraph (c)(6) addresses the provision of limited scope representation to clients under Rule of Professional Conduct 1.2(c). The paragraph is not intended to regulate or impede appearances made pursuant to other types of limited engagements by attorneys, who may appear and withdraw as otherwise provided by Rule 13.

An attorney making a limited scope appearance in a civil proceeding must first enter into a written agreement with the party disclosing the limited nature of the representation. The limited

appearance is then effected by using the approved statewide form Notice of Limited Scope Appearance appended to this Rule. Utilizing this approved statewide form promotes consistency in the filing of limited scope appearances, makes the notices easily recognizable to judges and court personnel, and helps ensure that the scope of the representation is identified with specificity.

A party on whose behalf an attorney has filed a Notice of Limited Scope Appearance remains responsible, either personally or through an attorney who represents the party, for all matters not specifically identified in the Notice of Limited Scope Appearance.

Paragraph (c)(6) does not restrict (1) the number of limited scope appearances an attorney may make in a case, (2) the aspects of the case for which an attorney may file a limited scope appearance such as, for example, specified court proceedings, depositions, or settlement negotiations, or (3) the purposes for which an attorney may file a limited scope appearance. Notwithstanding the absence of numeric or subject matter restrictions on filing limited scope appearances, nothing in the Rule restricts the ability of a court to manage the cases before it, including taking appropriate action in response to client or lawyer abuse of the limited scope representation procedures.

Paragraph (c)(7) provides two alternative ways for an attorney to withdraw when the representation specified in the Notice of Limited Scope Appearance has been completed. The first method—in-court presentment of an approved statewide form Notice of Completion of Limited Scope Appearance—can be used whenever the representation is completed at or before a hearing attended by the party the attorney represents. Prior notice is not required. The attorney should use this method whenever practical, because its use ensures that withdrawal occurs as soon as possible and that the court knows of the withdrawal. The attorney's withdrawal is automatic, and the court should enter an order to that effect.

The second method—filing an approved statewide form Notice of Completion of Limited Scope Appearance with the clerk of the court—enables the attorney to withdraw easily in other situations, without having to make a court appearance. The Notice and an approved statewide form Objection to Completion of Limited Scope Appearance must be served on the party represented and on other counsel of record and other parties not represented by counsel unless the court excuses service on other counsel of record and other parties not represented by counsel. The Notice must also be served on the judge then presiding over the case to ensure that the judge is made aware that the limited scope representation has been completed, subject to the client's right to object. The attorney's withdrawal is automatic, and the court should enter an order to that effect.

A client may contest an attorney's Completion of Limited Scope Appearance by filing an Objection to Completion of Limited Scope Representation within 21 days of service of a Notice of Completion of Limited Scope Appearance.

If the client files a timely Objection to Completion of Limited Scope Appearance pursuant to paragraph (c)(7)(ii), the court must allow the attorney to withdraw unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance. An evidentiary hearing is required if the client objects to the attorney's withdrawal based on the attorney's failure to complete the representation. A nonevidentiary hearing is required if the client objects on a ground other than the attorney's failure to complete the representation, although the primary function of such a hearing is to explain to the client that such an objection is not well founded. A court's refusal to recognize a properly presented

or filed Notice of Completion of Limited Scope Appearance, or even its encouragement of the attorney to extend the representation, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.

A limited scope appearance under the rule is unrelated to “special and limited” appearances formerly used to object to the lack of personal jurisdiction. The use of such appearances ended with the adoption of Public Act 91-145, which amended section 2-301 of the Code of Civil Procedure (735 ILCS 5/2-301) effective January 1, 2000.