

## **CODE OF JUDICIAL CONDUCT OF ILLINOIS**

### **Preamble**

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all provisions of this code are precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It consists of broad statements called canons, specific rules set forth in lettered subsections under each canon, and Committee Commentary. The text of the canons and the rules is authoritative. The Committee Commentary, by explanation, and example, provides guidance with respect to the purpose and meaning of the canons and rules. The Commentary is not intended as a statement of additional rules.

The canons and rules are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through disciplinary agencies. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

The canons are not standards of discipline in themselves, but express the policy consideration underlying the rules contained within the canons. The text of the rules is intended to govern conduct of judges and to be binding upon them. It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text of the rules and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.

The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended, however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

**Adopted eff. Aug. 6, 1993.**

### **Terminology**

"Candidate." A candidate is a person seeking public election for or public retention in judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support.

"Court personnel" does not include the lawyers in a proceeding before a judge.

"De minimis" denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality.

"Economic interest" denotes ownership of a more than de minimis legal or equitable interest, or a relationship as officer, director, advisor or other active participant in the affairs of a party, except that:

- (i) ownership of an interest in a mutual or common investment fund that holds securities is not an economic interest in such securities unless the judge participates in the management of the fund or a proceeding pending or impending before the judge could substantially affect the value of the interest;
- (ii) service by a judge as an officer, director, advisor or other active participant in an educational, religious, charitable, fraternal or civic organization, or service by a judge's spouse, parent or child as an officer, director, advisor or other active participant in any organization does not create an economic interest in securities held by that organization;
- (iii) a deposit in a financial institution, the proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association or of a member in a credit union, or a similar proprietary interest, is not an economic interest in the organization unless a proceeding pending or impending before the judge could substantially affect the value of the interest;
- (iv) ownership of government securities is not an economic interest in the issuer unless a proceeding pending or impending before the judge could substantially affect the value of the securities.

"Fiduciary" includes such relationships as executor, administrator, trustee, and guardian.

"He." Whenever this pronoun is used it includes the feminine as well as the masculine form.

"Judge" includes circuit and associate judges and judges of the appellate and supreme court.

"Knowingly," "knowledge," "known" or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

"Law" denotes court rules as well as statutes, constitutional provisions and decisional law.

"Member of a candidate's/judge's family" denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the candidate maintains a close familial relationship.

"Member of the judge's family residing in the judge's household" denotes any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household.

"Political organization" denotes a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.

"Public election." This term includes primary and general elections; it includes partisan elections, non-partisan elections and retention elections.

"Require." The rules prescribing that a judge "require" certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term "require" in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control.

"Third degree of relationship." The following persons are relatives within the third degree or relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

**Adopted eff. Aug. 6, 1993.**

#### **RULE 61 - CANON 1**

##### **A Judge Should Uphold the Integrity and Independence of the Judiciary**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended eff. Aug. 6, 1993; Oct. 15, 1993.**

#### **RULE 62 - CANON 2**

##### **A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities**

- A. A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- B. A judge should not allow the judge's family, social or other relationships to influence the judge's judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended eff. Oct. 15, 1993.**

#### **RULE 63 - CANON 3**

##### **A Judge Should Perform the Duties of Judicial Office Impartially and Diligently**

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

###### **A. Adjudicative Responsibilities.**

- (1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) 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. 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 concerning a pending or impending proceeding except that:

(a) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

(b) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(c) 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.

(d) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

(5) A judge shall devote full time to his or her judicial duties; and should dispose promptly of the business of the court.

(6) A judge should abstain from public comment about a pending, or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This paragraph does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Proceedings in court should be conducted with fitting dignity, decorum, and without distraction. The taking of photographs in the courtroom during sessions of the court, or recesses between proceedings, and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the Supreme Court.

(8) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

(9) Proceedings before a judge shall be conducted without any manifestation, by words or conduct, of prejudice based upon race, sex, religion, national origin, disability, age,

sexual orientation or socioeconomic status, by parties, jurors, witnesses, counsel, or others. This section does not preclude legitimate advocacy when these or similar factors are issues in the proceedings.

## **B. Administrative Responsibilities.**

- (1) A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.
- (2) A judge should require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.
- (3) A judge having knowledge of a violation of these canons on the part of a judge or a violation of Rule 8.4 of the Rules of Professional Conduct on the part of a lawyer shall take or initiate appropriate disciplinary measures.
- (4) A judge should not make unnecessary appointments. A judge should exercise the power of appointment on the basis of merit, avoiding nepotism and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered.
- (5) A judge should refrain from casting a vote for the appointment or reappointment to the office of associate judge, of the judge's spouse or of any person known by the judge to be within the third degree of relationship to the judge or the judge's spouse (or the spouse of such a person.)

## **C. Disqualification.**

- (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:
  - (a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - (b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;
  - (c) the judge was, within the preceding three years, associated in the private practice of law with any law firm or lawyer currently representing any party in the controversy (provided that referral of cases when no monetary interest was retained shall not be deemed an association within the meaning of this subparagraph) or, for a period of seven years following the last date on which the judge represented any party to the controversy while the judge was an attorney engaged in the private practice of law;
  - (d) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, 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 in a party to the proceeding, or has any other more than de minimis interest that could be substantially affected by the proceeding; or

- (e) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person;
- (i) is a party to the proceeding, or an officer, director, or trustee of a party;
  - (ii) is acting as a lawyer in the proceeding;
  - (iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding; or
  - (iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) 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 and minor children residing in the judge's household.

**D. Remittal of Disqualification.**

A judge disqualified by the terms of Section 3C may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. This agreement shall be incorporated in the record of the proceeding.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended June 12, 1987, eff. Aug. 1, 1987; amended eff. Nov. 25, 1987; Aug. 6, 1993; Oct. 15, 1993; March 26, 2001.**

**RULE 64 - CANON 4**

**A Judge May Engage in Activities to Improve the Law, the Legal System and the Administration of Justice**

A judge, subject to the proper performance of his or her judicial duties, may engage in the following law-related activities, if in doing so the judge does not cast doubt on his or her capacity to decide impartially any issue that may come before him or her.

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice. However, a judge may not regularly engage in instructing or teaching a course of instruction on a business day unless:

- (1) the teaching or instructing will occur no earlier than 5:30 p.m.; and
- (2) he or she has filed with the Director of the Administrative Office of the Illinois Courts a certificate from the supervising judge which certifies that the contemplated teaching or instructing will not interfere with the proper performance of his or her judicial duties. Such certificate shall indicate the course of instruction to be taught or expected to be taught

and the number of semester or quarter hours of the course, shall be effective until the conclusion of the course, and shall be in the following form:

#### CERTIFICATION FOR TEACHING ACTIVITIES

Pursuant to Supreme Court Rule 64, Judge \_\_\_\_\_ has made known to me that he/she intends to teach or instruct a course in \_\_\_\_\_ during the \_\_\_\_\_ of 199\_\_\_\_\_, and that the course is \_\_\_\_\_ [ ] semester [ ] quarter hours. As his/her supervising judge, I hereby certify that the teaching or instructing as described to me will not interfere with the proper performance of the judge's judicial duties.

This certification expires at the completion of the above mentioned course.

\_\_\_\_\_ Supervising Judge

For purposes of this subsection A, "course of instruction" is a series of lessons or classes which are coordinated, arranged or presented to provide coverage of any subject; "business day" is any calendar day, except a Saturday or Sunday; and "supervising judge" is the chief circuit judge where the judge obtaining the certification is a circuit judge or an associate judge, the presiding judge where the judge obtaining the certification is an appellate court judge, and the chief justice of the Supreme Court where the judge obtaining the certification is a presiding judge or chief circuit judge or judge of the Supreme Court.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he or she may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He or she may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fundraising activities. He or she may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended June 4, 1991, eff. Aug. 1, 1991.**

#### RULE 65 - CANON 5

#### **A Judge Should Regulate His or Her Extrajudicial Activities to Minimize the Risk of Conflict With the Judge's Judicial Duties**

##### **A. Avocational Activities.**

A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the judge's office or interfere with the performance of the judge's judicial duties.

##### **B. Civic and Charitable Activities.**

A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.
- (2) A judge should not solicit or permit his or her name to be used in any manner to solicit funds or other assistance for any such organization. A judge should not allow his or her name to appear on the letterhead of any such organization where the stationery is used to solicit funds and should not permit the judge's staff, court officials or others subject to the judge's direction or control to solicit on the judge's behalf for any purpose, charitable or otherwise. A judge should not be a speaker or the guest of honor at an organization's fund-raising events, but he or she may attend such events.

### **C. Financial Activities.**

- (1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of the judge's judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in the activities usually incident to the ownership of such investments, but a judge should not assume an active role in the management or serve as an officer, director, or employee of any business.
- (3) A judge should manage his or her investments and other financial interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, the judge should divest himself or herself of investments and other financial interests that might require frequent disqualification.
- (4) Neither a judge nor a member of the judge's family residing in the judge's household should accept a gift, bequest, favor, or loan from anyone except as follows:

- (a) a judge may accept a gift incident to a public testimonial to the judge; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and the judge's spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;
- (b) a judge or a member of the judge's family residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;
- (c) a judge or a member of the judge's family residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are

likely to come before the judge, including lawyers who practice or have practiced before the judge.

(5) Information acquired by a judge in the judge's judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to the judge's judicial duties.

#### **D. Fiduciary Activities.**

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of the judge's judicial duties. As a family fiduciary a judge is subject to the following restrictions.

(1) The judge should not serve if it is likely that as a fiduciary the judge will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(2) While acting as a fiduciary a judge is subject to the same restrictions on financial activities that apply to the judge in his or her personal capacity.

#### **E. Arbitration.**

A judge should not act as an arbitrator or mediator.

#### **F. Practice of Law.**

A judge should not practice law.

#### **G. Extrajudicial Appointments.**

A judge should not accept appointment to a governmental committee, commission or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, State, or locality on ceremonial occasions or in connection with historical, educational and cultural activities. **Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended eff. Oct. 15, 1993.**

### **RULE 66 - CANON 6**

#### **Nonjudicial Compensation and Annual Statement of Economic Interests**

A judge may not receive compensation for the law-related and extrajudicial activities permitted by this Code; however, he or she may receive an honorarium and reimbursement of expenses if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety. For purposes of this canon, "compensation" is a sum of money or other thing of value paid by a person or entity to a judge for services provided or performed. Compensation shall not be construed to include investment or interest income or other income that is unrelated to the work or services provided or performed by the judge; nor shall compensation be construed to include a sum of money or other thing of value paid for writings.

#### **A. Honorarium.**

An honorarium should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity. The total honoraria received by a judge within a six-month period shall not exceed \$5,000.

**B. Expense Reimbursement.**

Expense reimbursement shall be limited to the actual cost of travel, food and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse.

**C. Annual Declarations of Economic Interests.**

A judge shall file a statement of economic interests as required by Rule 68, as amended effective August 1, 1986, and thereafter.

**Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended June 4, 1991, eff. Aug. 1, 1991; April 1, 1992, eff. Aug. 1, 1992; amended eff. Oct. 15, 1993; Dec. 13, 1996.**

**RULE 67 - CANON 7**

**A Judge or Judicial Candidate Shall Refrain from Inappropriate Political Activity**

**A. All Judges and Candidates.**

(1) Except as authorized in subsections B (1)(b) and B (3), a judge or a candidate for election to judicial office shall not:

- (a) act as a leader or hold an office in a political organization;
- (b) publicly endorse or publicly oppose another candidate for public office;
- (c) make speeches on behalf of a political organization;
- (d) solicit funds for, or pay an assessment to a political organization or candidate.

(2) A judge shall resign from judicial office upon becoming a candidate for a nonjudicial office either in a primary or in a general election.

(3) A candidate for a judicial office:

- (a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;
- (b) shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under the provisions of this Canon;

(c) except to the extent permitted by subsection B (2), shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under the provisions of this Canon;

(d) shall not:

(i) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues within cases that are likely to come before the court; or

(ii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent; and

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate subsection A (3)(d).

## **B. Authorized Activities for Judges and Candidates.**

(1) A judge or candidate may, except as prohibited by law:

(a) at any time

(i) purchase tickets for and attend political gatherings;

(ii) identify himself or herself as a member of a political party; and

(iii) contribute to a political organization.

(b) when a candidate for public election

(i) speak to gatherings on his or her own behalf;

(ii) appear in newspaper, television and other media advertisements supporting his or her candidacy;

(iii) distribute pamphlets and other promotional literature supporting his or her candidacy; and

(iv) publicly endorse or publicly oppose other candidates in a public election in which the judge or judicial candidate is running.

(2) A candidate shall not personally solicit or accept campaign contributions. A candidate may establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate's committees may solicit contributions and public support for the candidate's campaign no earlier than one year before an election and no later than 90 days after the last election in which the candidate participates during the election year. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

(3) Except as prohibited by law, a candidate for judicial office in a public election may permit the candidate's name: (a) to be listed on election materials along with the names of other candidates for elective public office, and (b) to appear in promotions of the ticket.

**C. Incumbent Judges.**

A judge shall not engage in any political activity except (i) as authorized under any other provision of this Code, (ii) on behalf of measures to improve the law, the legal system or the administration of justice, or (iii) as expressly authorized by law.

**D. Applicability.**

Canon 7 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct. A lawyer who is a candidate for judicial office is subject to Rule 8.2(b) of the Rules of Professional Conduct. **Adopted Dec. 2, 1986, eff. Jan. 1, 1987. Amended April 20, 1987, eff. Aug. 1, 1987; amended eff. Aug. 6, 1993; March 24, 1994.**

**RULE 68 - Declaration of Economic Interests**

A judge shall file annually with the Clerk of the Illinois Supreme Court (the Clerk) a verified written statement of economic interests and relationships of the judge and members of the judge's immediate family (the statement).

As statements are filed in the Clerk's office, the Clerk shall cause the fact of that filing to be indicated on alphabetical listing of judges who are required to file such statements. Blank statement forms shall be furnished to the Administrative Office of the Illinois Courts (the Director).

Any person who files or has filed a statement under this rule shall receive from the Clerk a receipt indicating that the person has filed such a statement and the date of such filing.

All statements filed under this rule shall be available for examination by the public during business hours in the Clerk's office in Springfield or in the satellite office of the Clerk in Chicago. Original copies will be maintained only in Springfield, but requests for examination submitted in Chicago will be satisfied promptly. Each person requesting examination of a statement or portion thereof must first fill out a form prepared by the Director specifying the statement requested, identifying the examiner by name, occupation, address and telephone number, and listing the date of the request and the reason for such request. The Director shall supply such forms to the Clerk and replenish such forms upon request. Copies of statements or portions of statements will be supplied to persons ordering them upon payment of such reasonable fee per page as is required by the Clerk. Payment may be by check or money order in the exact amount due.

The Clerk shall promptly notify each judge required to file a statement under this rule of each instance of an examination of the statement by sending the judge a copy of the identification form filled out by the person examining the statement.

The contents of the statement required by this rule shall be as specified by administrative order of this court. **Adopted eff. March 15, 1970. Amended April 1, 1986, eff. Aug. 1, 1986.**

IN THE SUPREME COURT OF THE STATE OF ILLINOIS ADMINISTRATIVE ORDER

Order entered April 1, 1986:

The verified statements of economic interests and relationships referred to in our Rule 68, as amended effective August 1, 1986, shall be filed by all judges on or before

April 30, 1987, and on or before April 30, annually thereafter. Such statements shall also be filed by every person who becomes a judge, within 45 days after assuming office. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30. The form of such statements shall be as provided by the Administrative Director of the Illinois Courts, and they shall include all information required by Rule 68 and this order, including:

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest to deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. Current economic interests shall be as of a date within 30 days proceeding the date of filing the statement.
2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts or account numbers need be listed in response to this paragraph 2.
3. The names of all creditors to whom amounts in excess of \$500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year proceeding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

- (a) not more than \$5,000;
- (b) greater than \$5,000 but not more than \$15,000;
- (c) greater than \$15,000 but not more than \$50,000;
- (d) greater than \$50,000 but not more than \$100,000;
- (e) greater than \$100,000 but not more than \$250,000; and

(f) greater than \$250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than \$5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge or members of the judge's immediate family (spouse or minor children residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of \$250 must be reported. All other gifts having a value in excess of \$100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity, other than those listed in numbered paragraphs 1 to 8 hereof.

Prior to the first Monday in March of each year the Director shall inform each judge by letter of the requirements of this amended rule. The Director shall similarly inform by letter each person who becomes a judge of the requirements of the rule within

10 days of such person assuming office. The Director shall include with such letter instructions concerning the required statements, two sets of the statement forms and one mailing envelope preaddressed to the Clerk. The letter, instructions, and statements shall be in substantially the form set forth below:

(Letterhead of Administrative Office of the Illinois Courts)

TO: MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS

RE: Compliance with Supreme Court Rule 68

As a member of the judiciary, you are required to file an annual statement of economic interests pursuant to Supreme Court Rule 68. Enclosed are the necessary forms and envelopes to be used in complying with Rule 68 on or before \_\_\_\_\_, 19\_\_\_\_.

In this packet are

- (A) One copy of "Instructions Concerning Required Statements for Members of the Judiciary of the State of Illinois."
- (B) Two copies of the form entitled "Statement Required of Members of the Judiciary of the State of Illinois." [One copy to be filed with the Clerk of the Supreme Court, one copy to be retained for your records.]
- (C) One 9 x 12 mailing envelope preaddressed to the Clerk of the Supreme Court.

The Supreme Court requests you follow these instructions carefully and asks that you be certain to return the original of your statement in the mailing envelope furnished herewith preaddressed to the Clerk of the Supreme Court.

FORMS FOR COMPLIANCE WITH PUBLIC ACT 77-1806, "ILLINOIS GOVERNMENTAL ETHICS ACT," WILL BE MAILED TO YOU UNDER SEPARATE COVER AND MUST BE FILED SEPARATELY WITH THE SECRETARY OF STATE.

Very truly yours,

Director

**INSTRUCTIONS CONCERNING REQUIRED STATEMENTS FOR MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS**

On or before April 30, 1987, and on or before April 30, annually thereafter, every judge of the Supreme Court, the Appellate Court and every judge and associate judge of the Circuit Court shall file a verified written statement (the statement) of economic interests and relationships which may create conflicts of interest, with the Clerk of the

Illinois Supreme Court. Such statements shall be filed by every person who becomes a judge or associate judge within 45 days after assuming office and on or before each April 30 thereafter. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30.

The statements required shall include the following information which, except where noted, shall include information as of the date of verification of the statement.

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty,

pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts need be listed in response to this paragraph. Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.

2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts need be listed in response to this paragraph 2.

3. The names of all creditors to whom amounts in excess of \$500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

- (a) not more than \$5,000;
- (b) greater than \$5,000 but not more than \$15,000;
- (c) greater than \$15,000 but not more than \$50,000;
- (d) greater than \$50,000 but not more than \$100,000;
- (e) greater than \$100,000 but not more than \$250,000; and
- (f) greater than \$250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than \$5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest, and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in

which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge and members of the judge's immediate family (spouse and any minor child residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of \$250 must be reported. All other gifts having a value in excess of \$100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity other than those listed in numbered paragraphs 1 to 8 hereof.

The Statements required herein shall be in substantially the form titled "STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS," which is attached hereto as Exhibit A.

(SAMPLE)

#### EXHIBIT A

#### STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS

1. My current economic interests and the current economic interests of my immediate family (spouse and minor children residing with me) are as follows:

(Here list current economic interests specified in numbered paragraph 1 of the instructions setting forth the date (within 30 days of the date of filing) as of which said interests are being reported.)

2. My former economic interests and the former economic interests of my immediate family (spouse and minor children residing with me) held during the year preceding the date of verification.

(Here list former economic interests specified in numbered paragraph 2 of the instructions.)

3. Creditors to whom amounts in excess of \$500 are owed as of the date of verification or were owed during the year preceding the date of verification by me or members of my immediate family (spouse and minor children residing with me), exclusive of revolving charge accounts with an outstanding liability equal to or less than \$5,000, the amount of each such obligation outstanding as of the date of verification and the maximum amount of each such obligation during such preceding year within the categories set forth in paragraph numbered 3 of the instructions.

(Here list in accordance with numbered paragraph 3 of the instructions.)

4. The name of any individual personally known by me to be licensed to practice law in Illinois who is a co-owner with me or members of my immediate family (spouse and

minor children residing with me) of any of the economic interests disclosed in paragraphs

1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

(Here list in accordance with numbered paragraph 4 of the instructions.)

5. My offices, directorships, and salaried employments and the offices, directorships and salaried employments of my immediate family (spouse and minor children residing with me) are as follows:

(Here list in accordance with numbered paragraph 5 of the instructions.)

6. Pending cases in which I or members of my immediate family (spouse and minor children residing with me) have an interest are as follows:

(Here list pending cases in which you or members of your immediate family are parties in interest, or an economic entity to which you or they have an interest is a party, in accordance with numbered paragraph 6 of the instructions.)

7. My fiduciary positions, including executorships and directorships, and the fiduciary positions of the members of my immediate family (my spouse and minor children residing with me) are as follows:

(Here list fiduciary positions in accordance with numbered paragraph 7 of the instructions.)

8. The name of the donor of gifts received by me or members of my immediate family (spouse and minor children residing with me) during the year preceding the date of verification, are as follows:

(Here list gifts in accordance with numbered paragraph 8 of the instructions.)

9. My economic interests and relationships and those of my immediate family (spouse and minor children residing with me), other than those listed in numbered paragraphs 1 to 8 hereof, which could create conflicts of interest for me in my judicial capacity are as follows:

(Here insert any economic interest or relationship which might or could create a substantial conflict of interest.)

## VERIFICATION

Pursuant to Supreme Court Rule 68, I declare that this statement of economic interest, including any accompanying schedules and statements, as it relates to me and members of my immediate family, has been examined by me and to the best of my knowledge and belief is true, correct and complete.

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Judge's Signature

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Date

**Order adopted April 1, 1986. Order amended April 20 1987, eff. August 1, 1987; order amended Dec. 30, 1993, eff. Jan. 1, 1994; order amended Dec. 1, 1995.**

**RULE 69-70 - Reserved.**

**RULE 71 - Violation of Rules.**

A judge who violates Rules 61 through 68 may be subject to discipline by the Illinois Courts Commission.

**Adopted Jan. 30, 1970, eff. March 15, 1970. Amended eff. Oct. 1, 1971; July 15, 1976; amended Dec. 2, 1986, eff. Jan. 1, 1987.**

**RULES 72 to 75 - Reserved.**

**RULE 76 - Military Service of Judges.**

A judge or associate judge may serve on active duty in the State militia or the armed forces of the United States for a period not to exceed 30 days in each year without loss of pay or vacation privileges and for a period not to exceed six months in any 24-month period without being disqualified from serving as a judge or associate judge.

**Adopted June 25, 1971, eff. July 1, 1971.**

**RULES 77 to 85 - Reserved.**