

ILLINOIS COURTS COMMISSION

PUBLICATION OF RULES

RULES OF PROCEDURE OF THE ILLINOIS COURTS COMMISSION

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AGENCY NOTE: The rules shall be effective June 27, 1999. This effective date has been established in accordance with Section 15(g) of Article VI of the Illinois Constitution, as amended. (1970 Ill. Const., Art. VI, sec. 15(g)). This stipulation will apply to any future amendment.

Amended January 1, 2014

PREAMBLE

1. Authority and Purpose

These rules are established pursuant to Article VI, section 15(g) of the 1970 Illinois Constitution. (1970 Ill. Const., Art., VI, sec. 15(g)). These rules set forth the procedure by which all proceedings before the Illinois Courts Commission shall be governed.

2. Place of Filing

All pleadings and notices shall be filed with the Secretary of the Illinois Courts Commission at the Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, Illinois 62704.

RULES

3. Procedures

The Rules of Procedure of the Illinois Courts Commission shall govern all proceedings of the Commission.

4. Definitions

“Alternate Member” means a Supreme Court judge selected by the Supreme Court, a Circuit Court judge selected by the Supreme Court, an Appellate Court judge selected by the Appellate Court, or a citizen selected by the Governor to act in place of a specific member of the Commission who is unable to participate for any reason.

“Board” means the Judicial Inquiry Board created by the Constitution.

“Chairperson” means that member of the Commission selected by the members to serve as Chairperson of the Commission for a two-year term.

“Commission” means the Courts Commission created by the Constitution.

“Complaint” means a formal written charge filed by the Judicial Inquiry Board.

“Constitution” means the 1970 Constitution of the State of Illinois, as amended, effective November 3, 1998.

“Judge” means a judge of the Supreme, Appellate, or Circuit Court, or an associate judge of the Circuit Court.

“Member” means the Supreme Court judge and the two Circuit Court judges selected by the Supreme Court, the two Appellate Court judges selected by the Appellate Court, and the two citizens selected by the Governor to serve on the Commission.

“Secretary” means the person designated by the Commission to perform that function.

The terms “Service” and “Notice” shall include service or notice by personal delivery, certified mail, or registered mail.

5. Secretary of the Commission

The Director of the Administrative Office of the Illinois Courts is designated as Secretary in all proceedings before the Commission. The Director is empowered to perform those duties ordinarily performed by a clerk of a court of record in this state and such other duties as may be delegated by the Commission. The Director shall keep and preserve all records of the Commission. The Director may designate an individual from the Administrative Office to serve in his or her stead at hearings and meetings of the Commission.

6. Alternate Commission Members

(a) If a member is absent or unable to participate in a given proceeding or is disqualified from participation in any proceeding pursuant to sub-paragraph (h) of Section 15 of Article VI of the Constitution, an alternate member shall replace him or her.

(b) When a member who is an appellate court judge is absent or unable to participate in a proceeding or is disqualified from participating, an alternate appellate court judge shall replace him or her. Alternate appellate court judges shall serve on a rotating basis. The numerical order of the Judicial Districts from which the alternates were selected (1 through 5) shall determine the order of the alternates’ rotation. If an alternate is also disqualified, absent, or unable to participate, the next alternate shall serve. Any alternate who is disqualified, absent, or unable to participate shall be placed at the end of the rotation.

(c) When a member who is a circuit judge is absent or unable to participate in a proceeding or is disqualified from participating, an alternate circuit judge shall replace him or her. Alternate circuit judges shall serve on a rotating basis. The numerical order of the Judicial Districts from which the alternates were selected (1 through 5) shall determine the order of the alternates’ rotation. If an alternate is also disqualified, absent, or unable to participate, the next alternate shall serve. Any alternate who is disqualified, absent, or unable to participate shall be placed at the end of the rotation.

(d) If a member selected by the Governor is absent or unable to participate in a proceeding or is disqualified from participating, an alternate member selected by the Governor shall replace him or her.

7. Complaints, Pleadings – Filing and Notice

(a) Formal disciplinary proceedings respecting any judge shall be commenced by the filing of a complaint by the Judicial Inquiry Board in the Office of the Courts Commission Secretary in Springfield. The complaint shall specify in plain and concise language the charges against the judge and the allegations of fact upon which such charges are based, and it shall advise the judge of his or her right to file responsive pleadings to the charges within twenty-one (21) days after service of notice upon the judge. No other process or summons shall be necessary to institute said proceedings.

(b) Service of notice of filing of a complaint shall be made by the Secretary by sending the notice with a copy of the complaint to the judge at the judge's chambers or to the address of the judge's last known address. In the alternative, service may be made in a manner consistent with rules for service of process in civil cases in Illinois.

(c) Notice of the date, time and place of the hearing shall be served upon the judge and an attorney who files an appearance on behalf of the judge not less than twenty-one (21) days prior to the date upon which the hearing is set.

(d) The judge shall file responsive pleadings in the Office of the Secretary in Springfield not more than twenty-one (21) days following the service of the notice and the copy of the complaint upon him or her. For good cause shown, the Commission may extend the time for filing such pleadings. The pleadings shall be in clear and concise language designed to fairly respond to the charges brought against the judge.

8. Hearings

(a) The Commission shall conduct public hearings at such place or places in the state as it shall determine will best serve the public interest.

(b) Notwithstanding the failure of any judge to file responsive pleadings or to appear at the hearing set by the Commission, the Commission may proceed with the hearing, provided that all evidence in support of the complaint shall be heard by the Commission in a public hearing.

9. Conduct of Proceedings

(a) All proceedings before the Commission shall be conducted as expeditiously as possible. The Commission may delegate to any member such matters for preliminary determination as it may deem desirable or necessary to expedite the proceedings.

(b) The provisions of the Code of Civil Procedure, Illinois Supreme Court Rules, and the rules of evidence applicable in civil cases in Illinois shall govern Commission proceedings, except as otherwise provided by these rules or by law. The allegations of the complaint must be proved by clear and convincing evidence.

(c) The Commission shall have the right to take judicial notice of matters of which courts of record of this state may take judicial notice.

10. Subpoena of Witnesses

The Secretary shall prepare and cause to be issued subpoenas returnable before the Illinois Courts Commission at the request of any party. Witnesses shall be entitled to witness fees and expenses as provided for in the Code of Civil Procedure.

11. Witness' Right to Representation

Any witness at any hearing of the Commission shall, upon leave of the Commission, have the right to be represented by counsel, but such counsel shall not participate in the hearing, or cross-examine witnesses, except by permission of the Commission. The examination of all witnesses shall be conducted by counsel for the parties, and may also be conducted by any member of the Commission.

12. Transcript of Proceedings

A transcript of proceedings shall be made and kept whenever the Commission meets as a body to receive evidence, hear testimony, or hear the arguments of counsel regarding matters pending before the Commission. However, a transcript will not be made and kept where the Commission delegates to any member matters for preliminary determination unless a party or the Commission requests a transcript of such proceeding. All proceedings of the Courts Commission and all orders entered by the Commission, except deliberations of the Commission or as otherwise noted herein, shall be matters of public record. All orders of the Commission shall be in writing and shall be preserved by the Secretary in the permanent records of the Commission.

13. Conclusion of Proceedings – Orders Entered by Commission

At the conclusion of a hearing, the Commission shall, within a reasonable time, enter an appropriate order, exercising the authority vested in it by sub-paragraph (e) of Section 15 of Article VI of the Constitution. The concurrence of at least four members of the Commission shall be necessary for a valid order. The decision of the Commission shall be final.