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**COUNTY OF COOK
DEPARTMENT OF ADMINISTRATIVE
HEARINGS**

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State of Illinois
County of Cook

**COOK COUNTY ILLINOIS
DEPARTMENT OF ADMINISTRATIVE HEARINGS**

GENERAL ORDER NO. 2009 – 2

It is hereby ordered that a Model Code of Judicial Conduct for Administrative Law Judges of Cook County is hereby adopted to govern the conduct of administrative law judges employed by or under contract with the Department of Administrative Hearings and is published as follows

Entered: *June 16 2009*

Jack John RW Weinrauch
Chief Administrative Law Judge



MODEL CODE OF JUDICIAL CONDUCT FOR COOK COUNTY ADMINISTRATIVE LAW JUDGES

PREAMBLE

Our county administrative legal system is based on the principle that an independent, fair and competent administrative judiciary will interpret and apply the laws that govern consistent with American concepts of justice. Intrinsic to all sections of this Code are the precepts that the Cook County Administrative Law Judge, individually and collectively, must respect and honor their office as a public trust and strive to enhance and maintain confidence in our legal system. The Cook County Administrative Law Judge decides questions of fact and law for the resolution of disputes and is a highly visible symbol of government under the rule of law.

This Code of Judicial Conduct for Cook County Administrative Law Judge is intended to establish standards for ethical conduct. The Canons and Sections contained in this code are rules of reason. They should be applied consistent with constitutional requirements, statutes, administrative rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as to not impinge on the essential independence of the Cook County Administrative Law Judge in making judicial decisions.

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

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CANON 1

A Cook County Administrative Law Judge Shall Uphold the Integrity and Independence of the Administrative Judiciary

An independent and honorable administrative judiciary is indispensable to justice in our society. Cook County Administrative Law Judge shall participate in establishing, maintaining and enforcing high standards of conduct and shall personally observe those standards of conduct so that the integrity and independence of the administrative judiciary will be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2

A Cook County Administrative Law Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A Cook County Administrative Law Judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the administrative judiciary.

B. A Cook County Administrative Law Judge shall not allow family, social, political or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of the office to advance the private interests of the judge or others, nor convey or permit others to convey the impression that they are in a special position of influence. A judge shall not testify voluntarily as a character witness.

C. A Cook County Administrative Law Judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.

CANON 3

A Cook County Administrative Law Judge Shall Perform the Duties of the Office Impartially and Diligently

The judicial duties of a Cook County Administrative Law Judge take precedence over all other activities. Judicial duties include all the duties of the office prescribed by law. In the performance of these duties, the following standards apply:

A. ADJUDICATIVE RESPONSIBILITIES

1. A Cook County Administrative Law Judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

2. A Cook County Administrative Law Judge shall maintain order and decorum in proceedings.

3. A Cook County Administrative Law Judge shall be patient, dignified, and courteous to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers or other representatives, staff members and others subject to the judge's direction and control.

4. A Cook County Administrative Law Judge shall accord to all persons who are legally interested in a proceeding, or their representatives, full right to be heard according to law. A Cook County Administrative Law 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 Cook County Administrative Law Judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and
 - ii. the Cook County Administrative Law Judge makes provisions promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond.
 - b. A Cook County Administrative Law Judge may obtain the advice of a disinterested expert on the law applicable to the proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.
 - c. A Cook County Administrative Law Judge may consult other judges and support personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities.
 - d. A Cook County Administrative Law 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.
 - e. A Cook County Administrative Law Judge may initiate or consider any *ex parte* communications when expressly authorized by law to do so.
 - f. Decisions of a Cook County Administrative Law Judge shall be based exclusively on evidence in the record of the proceeding and material that has been officially noticed.
5. A Cook County Administrative Law Judge shall dispose of all judicial matters promptly, officially and fairly.
 6. A Cook County Administrative Law Judge should prohibit broadcasting, televising, recording or photographing in hearing rooms and areas immediately adjacent to the hearing rooms during hearings or recesses between hearings, except that under rules prescribed by an appropriate authority, a Cook County Administrative Law Judge may authorize broadcasting, televising, recording and photographing of proceedings in hearing rooms and areas immediately adjacent thereto consistent with the right of the parties to a fair hearing and subject to express conditions, limitations and guidelines which allow such coverage in a manner that will be unobtrusive, will not distract the hearing participants and will not otherwise interfere with the administration of justice.
 7. A Cook County Administrative Law Judge shall require participants in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.
 8. A Cook County Administrative Law Judge shall not, while a proceeding is pending or impending, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair hearing. The Cook County Administrative Law Judge shall require similar abstention on the part of agency personnel subject to the judge's direction and control. This Section does not prohibit Cook County Administrative Law Judge from making public statements in the course of their official duties or from explaining for public information the procedures of the agency. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity.
 9. A Cook County Administrative Law Judge shall not disclose or use, for any purpose unrelated to judicial duties, information acquired in a judicial capacity that by law is not available to the general public.

10. A Cook County Administrative Law Judge should not be subject to the authority, direction or discretion of one who has served as investigator, prosecutor or advocate in a proceeding before the judge or in its pre-adjudicative stage.

B. ADMINISTRATIVE RESPONSIBILITIES

1. A Cook County Administrative Law Judge shall diligently discharge assigned administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration and facilitate the performance of the administrative responsibilities of other Cook County Administrative Law Judges..

2. A Cook County Administrative Law Judge shall require staff and other persons subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

3. A Cook County Administrative Law Judge shall take appropriate action or initiate appropriate disciplinary measures against a Cook County Administrative Law Judge, lawyer, representative or others for unprofessional conduct of which the judge may become aware.

C. DISQUALIFICATION

1. A Cook County Administrative Law Judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

a. the Cook County Administrative Law Judge has a personal bias or prejudice concerning a party or a party's lawyer or other representative involved in the proceeding;

b. the Cook County Administrative Law Judge served as lawyer or representative in the matter in controversy, or a lawyer with whom the judge practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it.

c. the Cook County Administrative Law Judge has served in other governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

d. the Cook County Administrative Law Judge, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a more than de minimis financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

e. the Cook County Administrative Law 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 or representative in the proceeding.

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

2. Cook County Administrative Law Judge should be aware of their personal and fiduciary financial interests, and make a reasonable effort to keep informed about the personal financial interests of their spouse and minor children residing in the judges' households.

3. For the purposes of this section, the following words or phrases shall have the meaning indicated:

- a. the degree of relationship is calculated according to the civil law system;
- b. "fiduciary" includes such relationships as executor, administrator, trustee and guardian;
- c. "financial interest" means ownership of more than a de minimis legal or equitable interest, however small, or a relationship as director, advisor or other active participant in the affairs of a party, except that:
 - (i) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the Cook County Administrative Law Judge participates in the management of the fund;
 - (ii) an office in an educational, religious, charitable, fraternal or civic organization is not a "financial interest" in securities held by the organization;
 - (iii) the proprietary interest of a policyholder in a mutual insurance company or a depositor in a mutual savings association or a similar proprietary interest is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
 - (iv) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.
- d. "proceeding" includes pre-hearing or other stages of litigation.

D. REMITTAL OF DISQUALIFICATION

A Cook County Administrative Law Judge disqualified by the means of Canon 3 C. may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers or representatives, independently of the judge's participation, all agree that the judge should not be disqualified and the judge is willing, the Cook County Administrative Law Judge may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.

CANON 4

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

A Cook County Administrative Law Judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so doubt is not cast on the capacity to decide impartially any issue that may come before the judge:

- A.** Speak, write, lecture, teach and participate in other activities concerning the law, the legal system and the administration of justice.
- B.** May appear at a hearing before an executive or legislative body or official and may otherwise consult with an executive or legislative body or official, unless otherwise prohibited by law.
- C.** 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. A Cook County Administrative Law Judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. A Cook County Administrative Law Judge 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.

CANON 5

A Cook County Administrative Law Judge Shall Regulate the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Duties

A. EXTRA-JUDICIAL ACTIVITIES IN GENERAL

A Cook County Administrative Law Judge shall conduct all of the judge's extra-judicial activities so that they do not:

1. cast reasonable doubt on the judge's capacity to act impartially as a judge;
2. demean the judge's office; or
3. interfere with the proper performance of the judge's duties.

B. AVOCATIONAL ACTIVITIES

A Cook County Administrative Law Judge may write, lecture, teach and speak on non-legal subjects and engage in the arts, sports and other social and recreational activities.

C. CIVIC AND CHARITABLE ACTIVITIES

A Cook County Administrative Law Judge may participate in civic and charitable activities that do not reflect adversely upon impartiality or interfere with the performance of judicial duties. A Cook County Administrative Law Judge may serve as an officer, director, trustee or 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 Cook County Administrative Law 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 before any agency in which the judge serves.
2. A Cook County Administrative Law Judge should not use or permit the use of the prestige of the judge's office for the purpose of soliciting funds for any educational, religious, charitable, fraternal or civic organization, but the judge may be listed as an officer, director or trustee of such an organization. The Cook County Administrative Law Judge should not be a speaker or the guest of honor at an organization's fund raising events, but may attend such events.

D. FINANCIAL ACTIVITIES

1. A Cook County Administrative Law Judge shall refrain from financial and business dealings that tend to reflect adversely on impartiality, interfere with the proper performance of judicial duties, exploit the judge's official position or involve the judge in frequent transactions with lawyers or persons likely to come before the agency in which the judge serves.
2. Subject to the requirements of subsection (1), a Cook County Administrative Law Judge may hold and manage personal investments, including real estate, and engage in other remunerative activity.

3. A Cook County Administrative Law Judge shall manage the judge's investments and other financial interests to minimize the number of cases in which the judge is disqualified. As soon as judges can do so without serious financial detriment, judges shall divest themselves of investments and other financial interests that might require frequent disqualification.

4. Neither a Cook County Administrative Law Judge nor a member of the family residing in the judge's household should accept a gift, bequest, favor or loan from anyone except as follows:

a. A Cook County Administrative Law 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 function or activity devoted to the improvement of the law, the legal system or the administration of justice.

b. A Cook County Administrative Law Judge or a member of the family residing in the household may accept ordinary social hospitality; a gift, bequest, favor or loan from a relative or close personal friend; 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 administrative law judges; or a scholarship or fellowship awarded on the same terms applied to other applicants.

c. A Cook County Administrative Law Judge or a member of the family residing in the 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, or the gift is otherwise consistent with relevant agency rules and is reported to the extent required by such rules and other applicable laws.

5. For purposes of this section "member of the family residing in the household" means any relative of the Cook County Administrative Law Judge by blood or marriage, or a person treated by a judge as a member of the family, who resides in the household.

6. A Cook County Administrative Law Judge is not required by this Code to disclose income, debts or investments, except as provided by law.

7. Information acquired by Cook County Administrative Law Judge in their judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

E. FIDUCIARY ACTIVITIES.

A Cook County Administrative Law Judge shall not serve as an executor, administrator, trustee, guardian or other fiduciary if such service will interfere with the proper performance of judicial duties or 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 an agency in which the judge serves or one under its appellate jurisdiction. While acting as a fiduciary, a Cook County Administrative Law Judge is subject to the same restrictions on financial activities that apply to the judge in the judge's personal capacity.

F. ARBITRATION.

A Cook County Administrative Law Judge may act as an arbitrator or mediator if such activity does not affect the independent professional judgment of the Cook County Administrative Law Judge or the conduct of his official duties. A Cook County Administrative Law Judge shall not be an arbitrator or mediator over a matter which the Cook County Administrative Law Judge may later preside.

G. PRACTICE OF LAW.

A Cook County Administrative Law Judge may practice law if such activity would neither affect the independent professional judgment of the Cook County Administrative Law Judge nor the conduct of the judge's official duties. An attorney who is a Cook County Administrative Law Judge shall not accept the representation of a client who is a litigant before the tribunal for whom the Cook County Administrative Law Judge serves or if there is a likelihood that such person will appear before the judge. A Cook County Administrative Law Judge shall not practice law before the administrative tribunal for which the judge serves.

H. EXTRA-JUDICIAL APPOINTMENTS.

A Cook County Administrative Law Judge may accept appointment to a governmental committee, commission or other position that is concerned with issues of policy on matters which may come before the judge if such appointment neither affects the independent professional judgment of the Cook County Administrative Law Judge nor the conduct of the judge's official duties.

CANON 6

A Cook County Administrative Law Judge Shall Limit Compensation Received for Quasi-Judicial and Extra-Judicial Activities

A Cook County Administrative Law Judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in the judge's official duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. COMPENSATION.

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a Cook County Administrative Law Judge would receive for the same activity.

B. EXPENSE REIMBURSEMENT.

Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by the Cook County Administrative Law Judge and where appropriate to the occasion, by the judge's spouse or guest. Any payment in excess of such an amount is compensation.

CANON 7

A Cook County Administrative Law Judge Shall Refrain from Political Activity Inappropriate to the Judicial Office

POLITICAL CONDUCT IN GENERAL.

1. A Cook County Administrative Law Judge shall not act as a leader or hold an office in a political organization or party, the principal purpose of which is to further the election or appointment of candidates to political office.
2. A Cook County Administrative Law Judge shall not solicit funds for or be compelled to pay an assessment to a political organization or candidate or purchase tickets for political dinners or other similar functions.

3. A Cook County Administrative Law Judge shall resign from judicial office when the judge becomes a candidate either in a party primary or in a partisan general election except that the judge may continue to hold office, while being a candidate for election to or serving as a delegate in a state constitutional convention, if otherwise permitted by law to do so.

4. A Cook County Administrative Law Judge should not engage in any other partisan political activity except with the intent to improve the law, the legal system or the administration of justice.

CANON 8

Compliance with the Code of Judicial Conduct for Cook County Administrative Law Judge

Anyone employed by a county governmental agency or an instrumentality of a county or municipal corporation, who is empowered to preside over statutory or regulatory fact-finding hearings or appellate proceedings arising within, among or before public agencies, is a Cook County Administrative Law Judge for the purposes of this Code.

EFFECTIVE DATE OF COMPLIANCE

A person to whom this Code becomes applicable should arrange his or her affairs as soon as reasonably possible to comply with it.

6/09