

Mary Jane Heis
CHAIR

COURTS COMMISSION OF THE
STATE OF ILLINOIS

In re SHELDON A. HARRIS
Justice of the First District,
Appellate Court, State of Illinois

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) No. 22 - CC - 1
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COMPLAINT

Pursuant to Section 15(c) of Article VI of the Constitution of the State of Illinois, the Illinois Judicial Inquiry Board ("Board") complains against Justice Sheldon A. Harris, Justice of the Appellate Court, First District, Sixth Division, State of Illinois ("Respondent"), and charges Respondent with conduct that was prejudicial to the administration of justice and that brought the judicial office into disrepute.

SUMMARY OF ALLEGATIONS

1. On March 10, 2016, the Third Division of the Illinois Appellate Court entered an order in a case where Respondent's nephew was a party. The Justices of the Third Division who entered that order were Presiding Justice Mary Anne Mason, Justice Terrence Lavin, and Justice James F. Smith. Thereafter, in March 2016 Respondent initiated and engaged in an improper *ex parte* communication with Justice Lavin about the order.
2. On March 29, 2016 Respondent met with Presiding Justice Mary Anne Mason and engaged in an improper *ex parte* communication with her regarding the same order.
3. On February 14, 2020 Respondent made statements he knew to be false while

testifying before the Illinois Judicial Inquiry Board. The deceptions before the Board were made under oath and concerned facts Respondent knew were relevant to the Judicial Inquiry Board's investigation into his conduct.

STATEMENT OF FACTS

I. Respondent Initiated and Engaged In Ex Parte Communication With Justice Lavin

4. In March 2016 Respondent was an Appellate Court justice in the First District, First Division, State of Illinois. He remains an Appellate Court justice in the First District, Sixth Division as of the filing of this Complaint.

5. On March 10, 2016, in the matter of *Reava King v. Jason Harris*, 2016 IL App (1st) No. 1-14-3007, the Third Division of the Illinois Appellate Court, First Judicial District, entered an order denying Respondent's nephew, Appellant Jason Harris, leave to file his opening brief *instanter* and dismissed the appeal for want of prosecution. The order was decided and entered by Third Division Appellate Court Justices Mary Anne Mason, Terrence Lavin, and James F. Smith.

6. In March 2016, after the order of the Third Division had been entered, Respondent approached Justice Lavin and had a conversation with him. During that conversation, Respondent showed Justice Lavin a copy of the order, and told him that Jason Harris was his nephew, and asked Justice Lavin if he didn't think that the order was a "little harsh" or words to that effect.

7. In response to Respondent's question, Justice Lavin told him that perhaps Respondent should speak with Presiding Justice Mary Anne Mason because she was the one who drafted the order.

8. During his conversation with Justice Lavin, Respondent told him that he had already spoken with Illinois Supreme Court Justice Charles Freeman about the Illinois Supreme Court entering a supervisory order directing the Third Division to accept the brief.

II. Respondent Engaged In Ex Parte Communication With Justice Mason

9. On March 24, 2016 Presiding Justice Mason received a text message from Justice Lavin reading: "Let's talk before you consider the motion to reconsider our order to deny the filing of appellant's brief instanter in the case involving Jason Harris." As the Presiding Justice of the division, Justice Mason was usually the first to see any motions in cases assigned to her division that are in motion status, and she had not seen any motion to reconsider the March 10, 2016 order.

10. On March 28, 2016 Justice Lavin and Presiding Justice Mason spoke in Justice Lavin's chambers. Justice Lavin informed her that he had been approached by Respondent regarding the order. Justice Lavin further informed her that Respondent had told him that Jason Harris was his nephew and asked him if he didn't think the order was a "little harsh," or words to that effect. Justice Lavin also told Presiding Justice Mason that Respondent had told him that he had already spoken to Illinois Supreme Court Justice Freeman about the Illinois Supreme Court entering a supervisory order directing the Third Division to accept the brief.

11. On March 29, 2016 Presiding Justice Mason placed a telephone call to Respondent in his chambers but was unable to make direct contact with him at that time. When Respondent returned Presiding Justice Mason's call, he told her: "I think I have a good idea of what you want to talk about," or words to that effect, and agreed to meet Presiding Justice Mason in her chambers that afternoon at 1:00 p.m. In advance of that meeting, Justice Lavin went to Presiding Justice Mason's chambers with a copy of the Jason Harris motion to reconsider the March 10, 2016 order, and left it with her.

12. When Respondent arrived at Presiding Justice Mason's chambers that afternoon, he informed her that he had received a call from his nephew's mother. Presiding Justice Mason then interrupted Respondent and told him that she did not want to talk about his nephew and that she only met with him so that he could explain to her why his conversation with Justice Lavin was not unethical.

13. At that time, Respondent confirmed with Presiding Justice Mason that he did have a conversation with Justice Lavin about the *Harris* order and admitted that he had told Justice Lavin that Jason Harris was his nephew. Respondent also admitted to Presiding Justice Mason that he had talked to Justice Lavin about the March 10, 2016 order, that he thought the order was "too harsh," or words to that effect, and that he mentioned getting a supervisory order from the Illinois Supreme Court directing the Third Division to accept the brief.

14. Upon further questioning by Presiding Justice Mason, Respondent confirmed that the reason he cared about the order was because it concerned his nephew and that otherwise he would not pay attention to orders entered on motions by another division.

15. On March 29, 2016, because of the *ex parte* communication Justice Harris had with her, Presiding Justice Mason had the *Harris* case reassigned to a different appellate division.

III. Respondent's False and Misleading Testimony Before the Judicial Inquiry Board

16. On February 14, 2020, Respondent appeared before the Illinois Judicial Inquiry Board and testified under oath about the events at issue in the Board's investigation of his alleged misconduct.

17. Respondent testified before the Board that when he talked with Justice Lavin about the March 10, 2016 order on *Harris*, he did not discuss the fact that one of the parties to the appeal was his nephew. This testimony was false and Respondent knew it was false at the

time he made the statement. In his *ex parte* conversation with Justice Lavin in March 2016, Respondent told Justice Lavin that Jason Harris was his nephew.

18. Respondent testified before the Board that he did not meet with Presiding Justice Mason in her chambers on March 29, 2016 and discuss with her the Third Division's March 10, 2016 order in the *Harris* case. This testimony was false and Respondent knew it was false when he made the statement. Respondent went to Presiding Justice Mason's chambers on March 29, 2016 and had a conversation with her regarding the *Harris* case, a case in which his nephew, Jason Harris was a party.

19. Respondent further testified before the Board that the first time he spoke with Presiding Justice Mason about the *Harris* case was after a different appellate panel vacated her order and allowed his nephew, Jason Harris, to file his brief instanter. This testimony was false and Respondent knew it was false when he made the statement. Respondent met with Presiding Justice Mason in her chambers on March 29, 2016 and discussed the *Harris* case with her at that time.

20. Respondent testified before the Board that the fact that his nephew, Jason Harris, was involved was "incidental" and didn't concern him. This testimony was false and Respondent knew it was false when he made the statement. When Respondent spoke with Presiding Justice Mason on March 29, 2016, he told her that the reason he cared about the order was because it involved his nephew.

21. Respondent's false testimony before the Board was prejudicial to the administration of justice and brought his judicial office into disrepute.

VIOLATIONS

COUNT I

Initiated An Improper Ex Parte Conversation With Justice Lavin

22. The Board incorporates paragraphs 1-21 above.
23. In March 2016 Respondent initiated a discussion with Justice Terrence Lavin, an Appellate Court justice assigned to a division of which Respondent was not assigned, regarding a decision made by Justice Lavin, Presiding Justice Mason, and Justice Smith in a case where Respondent's relative was a party.

24. In doing so, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, which provides:

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.

25. Through this conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(A), which provides, in pertinent part:

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.

26. Through this conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(B), which provides, in pertinent part:

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...

27. The above-described conduct of Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63(A)(5), which provides, in part:

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.

COUNT II

Participated in an Improper Ex Parte Communication with Justice Mason

28. The Board incorporates paragraphs 1-27 above.

29. Respondent discussed with Presiding Justice Mary Anne Mason, an Appellate Court justice in a division other than the division to which Respondent was assigned, a decision made by Presiding Justice Mason, Justice Lavin, and Justice Smith, in a case involving a party who was a relative of Respondent.

30. In doing so, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, which provides:

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.

31. Through this conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(A), which provides, in pertinent part:

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.

32. Through this conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(B), which provides, in pertinent part:

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...

33. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63(A)(5), which provides:

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.

**Count III
False Testimony Before the Judicial Inquiry Board**

34. The Board incorporates paragraphs 1-33 above.

35. Respondent made what he knew were false and deceptive statements while testifying under oath before the Illinois Judicial Inquiry Board on February 14, 2020.

36. In so doing, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, which provides:

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.

37. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(A), which provides, in pertinent part:

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.

Prayer For Relief

WHEREFORE, the Judicial Inquiry Board, charging that the above-described conduct of Justice Sheldon Harris constitutes conduct that was prejudicial to the administration of justice and that brought the judicial office into disrepute, prays that the Illinois Courts Commission, after notice of public hearing, make such order in accordance with Section 15 of Article VI of the Illinois Constitution as the Commission may deem appropriate.

Dated: April 13, 2022

Respectfully submitted,

JUDICIAL INQUIRY BOARD
OF THE STATE OF ILLINOIS

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