

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES R. BROWN,

Plaintiff,

v.

P. SCOTT NEVILLE, JR., *individually and in his official capacity as Chief Justice of the Illinois Supreme Court*, MARY JANE THEIS, *individually*, DAVID K. OVERSTREET, *individually and in his official capacity as Justice of the Illinois Supreme Court*, LISA HOLDER WHITE, *individually and in her official capacity as Justice of the Illinois Supreme Court*, JOY V. CUNNINGHAM, *individually and in her official capacity as Justice of the Illinois Supreme Court*, ELIZABETH M. ROCHFORD, *individually and in her official capacity as Justice of the Illinois Supreme Court*, MARY K. O'BRIEN, *individually and in her official capacity as Justice of the Illinois Supreme Court*, and SANJAY T. TAILOR, *in his official capacity as Justice of the Illinois Supreme Court*,

Defendants.

Case No. 26-cv-1825

Complaint

INTRODUCTION

1. This case challenges the unilateral removal of a sitting judge by the justices of the Illinois Supreme Court, who bypassed due process and free speech protections to terminate Judge James R. Brown in retaliation for an op-ed he authored as a private citizen before taking the bench that some people in the legal community did not like.

2. After eighteen years of judicial service and five years in retirement, Judge James R. Brown answered an urgent call for retired Illinois judges to return to the bench to fill vacancies in the Cook County Circuit Court. After reviewing Judge Brown's resume and statement of interest, the Illinois Supreme Court assigned him to duty as a judge in the Cook County Circuit Court.

3. Yet, just six weeks after appointing him back to the bench, the Illinois Supreme Court removed Judge Brown from the Cook County Circuit Court in retaliation for an article he wrote as a private citizen while retired from the judiciary and weeks before he even applied to return.

4. Judge Brown received no notice and no hearing prior to his removal. Instead, he was informed of his removal by telephone.

5. Judge Brown seeks declaratory relief that vacating his judicial appointment violated his First and Fourteenth Amendment rights, a preliminary and permanent injunction reinstating him to the bench, and monetary damages.

PARTIES

6. Plaintiff James R. Brown is an individual who resides in Scottsdale, Arizona and Chicago, Illinois.

7. Defendant P. Scott Neville, Jr. is the Chief Justice of the Illinois Supreme Court and is sued in both his individual capacity and his official capacity.

8. Defendant Mary Jane Theis is a former Justice of the Illinois Supreme Court and is sued solely in her individual capacity.

9. Defendant David K. Overstreet is a Justice of the Illinois Supreme Court and is sued in both his individual capacity and his official capacity.

10. Defendant Lisa Holder White is a Justice of the Illinois Supreme Court and is sued in both her individual capacity and her official capacity.

11. Defendant Joy V. Cunningham is a Justice of the Illinois Supreme Court and is sued in both her individual capacity and her official capacity.

12. Defendant Elizabeth M. Rochford is a Justice of the Illinois Supreme Court and is sued in both her individual capacity and her official capacity.

13. Defendant Mary K. O'Brien is a Justice of the Illinois Supreme Court and is sued in both her individual capacity and her official capacity.

14. Defendant Sanjay T. Tailor is a Justice of the Illinois Supreme Court and is sued solely in his official capacity.

JURISDICTION AND VENUE

15. This case raises claims under the First and Fourteenth Amendments of the U.S. Constitution and 42 U.S.C. § 1983. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

16. Venue is proper because a substantial portion of the events giving rise to the claims occurred within the Northern District of Illinois in Cook County. 28 U.S.C. § 1391(b)(2).

FACTS

Judge Brown's Career as a Cook County Judge

17. Judge Brown served as a Circuit Court Judge in Cook County, Illinois from December 2002 through December 2020.

18. During his time as a Circuit Court Judge in Cook County, Judge Brown adjudicated thousands of motions, trials, preliminary hearings, and bond hearings, and was recognized for courtroom efficiency, legal precision, and judicial temperament.

19. During his tenure, Judge Brown maintained a spotless judicial record with no disciplinary actions nor disqualifying events.

20. At Judge Brown's last judicial evaluation in 2014, every bar association in the Alliance of Bar Associations for Judicial Screening recommended that Judge Brown be retained. The Chicago Council of Lawyers rated him as "qualified" and noted that "Judge Brown is considered to be a diligent judge with a good demeanor . . . and is praised for being fair to all parties." The Chicago Council of Lawyers Evaluation Report is attached, in relevant part, as Exhibit 1, at 6.

21. Judge Brown retired in December 2020.

Judge Brown's Protected Speech

22. On September 5, 2025, Judge Brown published an opinion column on the John Kass News blog discussing the political use of the legal system against President Donald Trump. This column is attached as Exhibit 2.

23. On September 29, 2025, Judge Brown appeared for an interview on the John Kass podcast to discuss his opinion column and related topics.¹

Judge Brown's Reappointment to the Bench

¹ The September 29, 2025, episode of the podcast on which Judge Brown appeared is available at <https://podcasts.apple.com/us/podcast/chicago-way-w-john-kass-a-retired-judge-on-how-a/id1081158077?i=1000729186834>

24. The Illinois Supreme Court has authority to “assign a Judge temporarily to any court.” Ill. Const., art. VI, § 16.

25. Retired judges may be assigned by the Illinois Supreme Court to judicial service. Ill. Const., art. VI § 15(a).

26. On September 22, 2025, Judge Brown received an email from the Illinois Judges Association calling for retired Illinois Circuit Court and Appellate Court judges to apply for temporary recall appointments to fill twelve judicial vacancies in the Circuit Court of Cook County. This recall notice is attached as Exhibit 3.

27. The recall notice stated the positions would likely be in traffic court, municipal court, or other high-volume Circuit Court courtrooms.

28. To apply, retired judges were directed to submit a statement of interest and a resume of the applicant’s judicial experience by October 13, 2025.

29. The recall notice listed the salary for a Circuit Court judge as \$258,158.

30. The recall notice stated pensions for judges recalled from retirement are suspended.

31. The recall notice stated all timely applications would be sent to the Illinois Supreme Court for review and consideration.

32. The recall notice stated that three Illinois Supreme Court justices from Cook County would review the applications and make the judicial appointments.

33. Judge Brown submitted his resume and cover letter on October 3, 2025—four weeks after Judge Brown’s op-ed was published and nearly a week after his podcast appearance. Exhibit 4.

34. Judge Brown had no interview and no further communication with the Illinois Supreme Court until he was informed by email that he had been selected as a recall judicial appointment.

35. By an order entered on December 11, 2025, the Illinois Supreme Court assigned Judge Brown to a one-year recall term in the Circuit Court of Cook County beginning December 15, 2025, and terminating on December 7, 2026. This order is attached as Exhibit 5.

36. Judge Brown began his term on December 15, 2025, hearing cases primarily in Cook County Traffic Court.

Judge Brown's Termination

37. On December 29, 2025, the Cook County Bar Association published a statement opposing Judge Brown's assignment to the Circuit Court. Attached as Exhibit 6.

38. The Cook County Bar Association asserted that Judge Brown's opinion column and statements on the podcast ran afoul of the Illinois Code of Judicial Conduct and "demonstrate[d] a lack of civility, character, and sensitivity to diversity, while underscoring critical questions on whether he can fairly and impartially uphold the rule of law as a sitting judge serving the citizens of Cook County."

39. On January 5, 2026, Chicago Council of Lawyers wrote an open letter to the Illinois Supreme Court requesting that it "exercise [its] discretion to reverse an order you entered on December 11, 2025 recalling [Judge Brown] to the bench for a

year.” The letter pointed to the Judge Brown’s opinion column, arguing that “the stated views reflected bias and prejudice on race, gender, sexual orientation, and socioeconomic status.” The Chicago Council of Lawyers letter is attached as Exhibit 7.

40. On January 26, 2026, without any prior notice, Judge Brown was told via phone call from Cook County Circuit Court Chief Judge Charles Beach that his appointment was revoked and he would no longer serve as a judge on the Cook County Circuit Court.

41. By an order dated January 26, 2026, the Illinois Supreme Court unilaterally vacated Judge Brown’s assignment as a sitting judge in the Circuit Court of Cook County. This order is attached as Exhibit 8.

42. The Illinois Supreme Court’s order vacating Judge Brown’s assignment was accompanied by an unsigned statement acknowledging that Judge Brown was removed from the bench because of his speech made in retirement as a private citizen.²

43. Judge Brown was offered no pre-termination hearing.

44. Judge Brown was offered no post-termination hearing.

² The Illinois Supreme Court’s unsigned statement is referenced in multiple news stories. *E.g.* Melissa Dai, *Cook County judge removed after rebuke of conspiracy-filled blog post*, Chicago Sun Times (Jan. 27, 2026, 5:08 PM), <https://chicago.suntimes.com/news/2026/01/27/illinois-supreme-court-removes-cook-county-judge-james-brown-rebuke-conspiracy-filled-blog-post>; Ryan Boyson, *Ill. Judge Removed For Column Stating Pro-Trump Opinions*, Law360 (Jan. 27, 2026 4:02PM EST), <https://www.law360.com/articles/2434759/ill-judge-removed-for-column-stating-pro-trump-opinions>.

45. Judge Brown received no written notice of his termination other than a letter informing him that he had been overpaid in the pay period in which he was terminated.

COUNT I

Defendants violated Judge Brown's Fourteenth Amendment right to procedural due process when they fired him without any notice or hearing.

46. Plaintiff incorporates the preceding paragraphs by reference.

47. The Due Process Clause of the Fourteenth Amendment requires government officials to follow fair and established procedures before depriving individuals of a property interest. *Matthews v. Eldridge*, 424 U.S. 319, 332 (1976).

48. Procedural due process is violated when an individual (1) possesses a cognizable liberty or property interest; (2) that interest was deprived by some state action; and (3) that deprivation occurred without adequate procedures. *Galvan v. State*, 117 F.4th 935, 948 (7th Cir. 2024).

49. Judge Brown was appointed to a temporary recall judicial assignment with a one-year term by order of the Illinois Supreme Court.

50. Judge Brown holds a constitutionally protected property interest in his position as a Circuit Court judge.

51. The Constitution of the State of Illinois provides only two methods to remove a sitting judge: impeachment by the legislature or removal by the Courts Commission. Ill. Const., art. IV, § 14; art. VI, § 15.

52. The Courts Commission has the “authority after notice and public hearing to remove from office, suspend without pay, censure or reprimand a Judge or

Associate Judge for . . . conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute.” Ill. Const., art. VI, § 15(e).

53. Complaints are referred to the Courts Commission by the Judicial Inquiry Board. Ill. Const., art. VI, § 15(e).

54. Judge Brown was not impeached by the legislature.

55. No complaint about Judge Brown was formally referred to the Courts Commission by the Judicial Inquiry Board.

56. Judge Brown received no notice prior to his removal. Instead, he was unceremoniously fired by phone call and a one-sentence order by the Illinois Supreme Court.

57. Judge Brown was not afforded notice or public hearing at the Illinois Courts Commission. The Courts Commission played no role in Judge Brown’s removal.

58. Judge Brown received no hearing of any type in front of any adjudicating body prior to or after his removal from the Cook County Circuit Court.

59. To be protected from personal liability by judicial immunity, judges must have acted within their subject matter jurisdiction. *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011).

60. The justices on the Illinois Supreme Court clearly lacked the authority and subject matter jurisdiction to circumvent the removal procedures prescribed by the Illinois Constitution and unilaterally remove Judge Brown, a sitting judge.

61. Authority to remove sitting judges lies with the Courts Commission and Illinois legislature.

62. The unilateral removal of Judge Brown by the justices of the Illinois Supreme Court constitutes usurped authority to take such action.

63. To be protected from personal liability by judicial immunity, judges must have acted within their judicial capacity. *Dellenbach v. Letsinger*, 889 F.2d 755, 759 (7th Cir. 1989).

64. Whether the action in question was taken within a judge's judicial capacity includes analysis of whether the act is normally performed by a judge, the party's interactions with the judge, and expectations of the parties. *Stump v. Sparkman*, 435 U.S. 349, 362 (1978).

65. In Illinois, removal of sitting judges is normally performed by the Illinois Courts Commission or the Illinois legislature as prescribed by the Illinois Constitution. Removal is not normally performed by justices on the Illinois Supreme Court.

66. Judge Brown had de minimis interaction with the Illinois Supreme Court throughout the recall process and his subsequent removal.

67. Judge Brown expected any removal to be conducted in accordance with the procedures prescribed by the Illinois Constitution.

68. The individual Defendant Illinois Supreme Court justices acted outside their judicial capacity by unilaterally removing Judge Brown from the Cook County Circuit.

69. The individual Defendant Illinois Supreme Court justices are not entitled to absolute judicial immunity for denying Judge Brown due process.

70. When a state officer performs acts under authority he does not have, a suit may be maintained against the officer and is not an action against the state of Illinois. Sovereign immunity does not apply. *Murphy v. Smith*, 844 F.3d 653, 658 (7th Cir. 2016) (citing *Healey v. Vaupel*, 133 Ill. 2d 295, 309 (1990)).

71. Despite the specific and clear removal processes established by the Illinois Constitution, Judge Brown's removal lacked the minimum requirements of due process under the United States Constitution.

COUNT II

Defendants retaliated against Judge Brown because he exercised his First and Fourteenth Amendment free speech rights before he applied for a recall position.

72. Plaintiff incorporates the preceding paragraphs by reference.

73. The First Amendment, applicable to the states through the Fourteenth Amendment, protects public employees when speaking as private citizens on matters of public concern. *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006).

74. The Illinois Code of Judicial Conduct "establishes standards for the ethical conduct of judges and judicial candidates." Ill. S. Ct. Code of Judicial Conduct of 2023, Preamble and Scope ¶ 3.

75. A judicial candidate is one "seeking selection for or retention in judicial office by election or appointment." Ill. S. Ct. Code of Judicial Conduct of 2023, Terminology.

76. “A person becomes a candidate for judicial office as soon as such person makes a public announcement of candidacy; declares or files as a candidate with the election or appointment authority; authorizes or, where permitted, engages in solicitation or acceptance of contributions or support; or is nominated for election or appointment to office.” Ill. S. Ct. Code of Judicial Conduct of 2023, Terminology.

77. At the time Judge Brown wrote and published his opinion column, he was neither an active judge nor judicial candidate and therefore not subject to the Illinois Code of Judicial Conduct.

78. At the time Judge Brown appeared on the Kass podcast, he was neither an active judge nor judicial candidate and therefore not subject to the Illinois Code of Judicial Conduct.

79. Judge Brown wrote his opinion column and made his podcast appearance as a private citizen.

80. Political speech is a matter of public concern in the First Amendment context. *Zorzi v. Cnty. of Putnam*, 30 F.3d 885, 896 (7th Cir. 1994).

81. Judge Brown’s article and his discussion on the Kass podcast focused on political matters—primarily the political use of the legal system against President Trump.

82. Judge Brown’s speech was regarding a matter of public concern.

83. Defendants appointed Judge Brown to a recall position based on his nearly two-decade history of fulfilling his duties as a Circuit Court Judge honorably and within the confines of the Illinois Code of Judicial Conduct.

84. During Judge Brown's short time on the bench during his recall term, there was no breakdown of judicial efficiency. No litigants or attorneys before Judge Brown made complaints regarding Judge Brown's bias, political ideology, or impartiality in the Cook County Traffic Court.

85. The Cook County Bar Association and the Chicago Council of Lawyers complained to the Supreme Court purely about Judge Brown's First Amendment protected speech made when he was a private citizen.

86. The speech was publicly available on the internet during the pendency of Judge Brown's application for recall to the Circuit Court.

87. Subsequently, Defendants vacated Judge Brown's appointment with no notice, without indication of any wrongdoing, and without the process prescribed by the Constitution of the State of Illinois.

88. The Illinois Supreme Court's January 26 unsigned statement admits that Judge Brown's public statements made in retirement were the motivating factor for vacating his judicial appointment.

89. Vacating Judge Brown's judicial appointment was retaliation for Judge Brown's First Amendment protected speech made as a private citizen before applying for a recall judicial appointment.

90. Individual Defendant Illinois Supreme Court justices are not entitled to absolute judicial immunity for retaliating against Judge Brown for his protected speech made as a private citizen.

COUNT III

Alternatively, application of the Illinois Code of Judicial Conduct to limit the speech of a retired judge violates the First Amendment.

91. Plaintiff incorporates the preceding paragraphs by reference.

92. Application of the Illinois Code of Judicial Conduct to retired judges chills free speech of a sizeable population of private citizens in violation of the First Amendment.

93. When the government chills potential speech of a large number of people on a multitude of issues, the state carries a heavy burden. The state “must show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression's necessary impact on the actual operation of the Government.” *United States v. Nat'l Treasury Emps. Union*, 513 U.S. 454, 468 (1995) (cleaned up).

94. There is a sizable number of retired judges in Illinois. Since January 2019 alone, at least 320 judges have retired from the Illinois judiciary.³

95. Application of the Illinois Code of Judicial Conduct to Judge Brown and all retired Illinois judges forces a stark choice: refuse to speak on any matters of public concern during retirement or exercise one's First Amendment right and foreclose any future opportunity to return to the bench.

³ The cumulative number of retirements reported in the Illinois State Bar Association's Bench & Bar Newsletter “Recent Appointments and Retirements” section since January 2019. This number excludes the September 2024 issue that is not publicly accessible. Each newsletter is accessible at <https://www.isba.org/sections/bench/newsletter>.

96. Judge Brown's speech made during his retirement did not impact the operation of the Cook County Traffic Court.

97. Judge Brown did not link his speech to his temporary assignment on the Cook County Traffic Court bench. He had not even applied for temporary assignment, so to do so was impossible.

98. In his time presiding in Cook County Traffic Court, no complaints nor allegations of bias or partiality were filed against Judge Brown.

99. Vacating Judge Brown's temporary appointment through application of the Illinois Code of Judicial Conduct to speech made before his application to return to the bench exemplifies an unconstitutional prior restraint on speech.

100. Application of the Illinois Code of Judicial Conduct to speech of retired Illinois judges violates the First Amendment.

101. The individual Defendant Illinois Supreme Court justices are not entitled to absolute judicial immunity for applying the Illinois Code of Judicial Conduct to a retired judge in violation of the First Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Court grant the following relief:

- A. Under Counts I, II, and III, a preliminary injunction ordering Defendants in their official capacities to restore Judge Brown to his position as Cook County Circuit Court Judge for the duration of this litigation;
- B. Under Counts I, II, and III, a permanent injunction ordering Defendants in their official capacities to restore Judge Brown to his position as Cook County Circuit Court Judge for the remainder of his term;
- C. Under Count I, a declaratory judgment that Defendants violated Judge Brown's right to procedural due process under the Fourteenth Amendment;
- D. Under Count II a declaratory judgment that Defendants violated the First Amendment by retaliating against Judge Brown by removing him from the bench based on speech he made as a private citizen before he was appointed as a judge;
- E. Under Count III a declaratory judgment that application of the Illinois Code of Judicial Conduct to the speech of retired judges violates the First Amendment;
- F. Under Counts I, II, and III, monetary damages against Defendants in their individual capacities for Judge Brown's lost wages as a recalled Cook County Circuit Court judge, Judge Brown's lost appreciated pension value, and related economic loss;

G. Attorney's fees and costs as a prevailing party under Counts I, II, and III

pursuant to 42 U.S.C. § 1988; and

H. All further relief that the Court deems just, proper, or equitable.

Dated: February 18, 2026

Respectfully submitted,

/s/ Jeffrey M. Schwab

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** pro hac vice admission forthcoming*

Counsel for Plaintiff

Exhibit

1

The Chicago Council of Lawyers Evaluation Report:

Judges Seeking Retention in the November 2014 General Election and

Judicial Candidates Seeking to Fill Judicial Vacancies

September 15, 2014

The Chicago Council of Lawyers, in this report, releases its evaluation of the judges seeking retention in the November 4th general election. We also include in this report our evaluation of the candidates who won their primary election held in March 2014 and who are on the November ballot.

EVALUATION METHODOLOGY FOR RETENTION CANDIDATES

The criteria for the Council's evaluations are whether the retention candidate has demonstrated the ability to serve on the relevant court in the following categories:

- fairness, including sensitivity to diversity and bias
- legal knowledge and skills (competence)
- integrity
- experience
- diligence
- impartiality
- judicial temperament
- respect for the rule of law
- independence from political and institutional influences
- professional conduct
- character
- community service

If a candidate has demonstrated the ability to perform the work required of a judge in all of these areas, the Council assigns a rating of "qualified." If a candidate has demonstrated excellence in most of

these areas, the Council assigns a rating of “well qualified.” If a candidate has demonstrated excellence in all of these areas, the Council assigns a rating of “highly qualified.” If a candidate has not demonstrated that he or she meets all of the criteria evaluated by the Council, the Council assigns a rating of “not qualified.”

As part of the evaluation process, we require candidates to provide us with detailed information about their backgrounds, including any complaints filed against them with the Attorney Registration and Disciplinary Commission (“ARDC”) or the Judicial Inquiry Board (“JIB”).

In conducting these evaluations, the Council has participated in a joint investigation and interview process with the Alliance of Bar Associations for Judicial Screening (“Alliance”). The Alliance includes the following bar associations: Asian American Bar Association, Black Women Lawyers Association, Chicago Council of Lawyers, Cook County Bar Association, Decalogue Society of Lawyers, Hellenic Bar Association, Hispanic Lawyers’ Association of Illinois, Illinois State Bar Association, Lesbian and Gay Bar Association of Chicago, Puerto Rican Bar Association, and the Women’s Bar Association of Illinois.

The Council, in addition to participating in the evaluation process with the Alliance, also utilized the research conducted by the Judicial Performance Commission of Cook County (JPC). The JPC does not evaluate judges for the purpose of voter education. Rather, the JPC is a group of lawyers and non-lawyers who utilize electronic surveys and phone interviews with lawyers who have filed appearance forms in the courtrooms of those judges being evaluated within the past three years. There are additional interviews with judges, litigants, and others with professional experience with the judges seeking retention. The JPC utilizes its research results to prepare a research summary for each judge, containing strengths and weaknesses of the judge, and if appropriate a judicial performance improvement plan consisting of such suggestions as peer mentoring, court watching, and continuing education. The JPC reports are shared with the judges being evaluated, their presiding judges, and with the Chief Judge of the Circuit Court. The JPC will oversee a court watching program for these judges and will re-evaluate the judges within three years. The JPC shares its research results and findings with bar groups and others doing evaluations for the retention elections.

The Council’s evaluation process includes:

- (1) a review of a written informational questionnaire provided to the Alliance by the candidate, including details of the candidate’s career and professional development and information on any complaints filed against the candidate with the JIB or the ARDC;
- (2) a review of the candidate’s written responses to the supplemental essay questionnaire;
- (3) interviews of judges, attorneys, and others with personal knowledge about the candidate, including those who have and those who have not been referred to the Alliance by the candidate, and not restricted to Council members;
- (4) a review of the candidate’s professional written work, where available;
- (5) an interview of the candidate done jointly with the Alliance;
- (6) review of any information concerning the candidate provided by the ARDC or the JIB;

- (7) a review of any other information available from public records, such as the Board of Election Commissioners and prosecutorial agencies; and
- (8) an evaluation of all the above materials by the Council's Judicial Evaluation Committee;
- (9) submission of the proposed evaluation and write-up to the candidate prior to its public release, to provide an opportunity for comment, correction, or reconsideration.

The Council places special importance on interviews with attorneys who practice before the judge, particularly those who were not referred to the Council by the candidate. Most evaluations are based on information gathered and interviews held during the past few months.

In evaluating candidates, the Council expresses written reasons for its conclusions. Without knowing the reason for a recommendation concerning a candidate, the public cannot use the bar's evaluations intelligently to draw its own conclusions.

THE IMPORTANCE OF THE RETENTION ELECTIONS

The retention elections provide the voter with an opportunity to remove those judges whose judicial performance has been, in some respect, unsatisfactory. Retention elections provide the only practical opportunity for the voters as a whole to focus on the performance of judges, with a realistic opportunity to defeat those candidates who deserve to be defeated.

EVALUATION METHODOLOGY FOR JUDICIAL CANDIDATES IN CONTESTED ELECTIONS

Judicial candidates seeking election must run for specific vacancies. Candidates seeking election to the Circuit Court – which is the County's trial-level court for both civil and criminal matters – may run in either a countywide or a subcircuit race. Legislation creating the subcircuits provides that approximately one-third of the judges are elected by voters of the entire County, and each of the remaining judges elected by voters runs in one of fifteen geographical districts into which the County has been arbitrarily divided. Once elected, there is no distinction between a “countywide” judge and a “subcircuit” judge. Either kind can be assigned to any judicial post in the County.

The Council rates candidates as “*highly qualified*,” “*well qualified*,” “*qualified*,” or “*not qualified*.” If a candidate refuses to submit his or her credentials to the Council, that candidate is rated “*not recommended*” unless the Council is aware of credible information that would justify a “*not qualified*” rating. Because we believe a willingness to participate in bar association and other public evaluations is a key indicator of fitness for public office, no candidate who refuses to be screened can be found “*qualified*.”

We apply higher standards to candidates for the Supreme Court and the Appellate Court. Because these Courts establish legal precedents that bind the lower courts, their work has a broad impact on the justice system. Moreover, qualities of scholarship and writing ability are more important to the work of the Supreme and Appellate Court justices than they are to satisfactory performance as a trial judge.

The Council does *not* evaluate candidates based on their substantive views of political or social issues. Nor do we take into account the particular race in which a candidate is running or the candidates against whom a candidate is running. We apply a uniform standard for all countywide and subcircuit elections because judges elected through either method can be assigned to any judicial position in the Circuit Court.

It should be noted that a lawyer might be performing well or even very well without being qualified to be a judge. A good lawyer may be unqualified to be a judge, for instance, because of a narrow range of prior experience, limited trial experience, or limited work doing legal research and writing. A lawyer may have the temperament and intelligence to be a judge without yet having worked in a position that would allow the candidate to demonstrate that capacity. Accordingly, it should be recognized and expected that we will rate some good lawyers “not qualified.”

**Judges Seeking Retention in the November 2014
General Election**

Judge Mauricio Araujo--Qualified

Prior to becoming a judge, Mauricio Araujo was in-house counsel for American Family Insurance. In 1996, Judge Araujo was an attorney at the Chicago Housing Authority. Before that, in 1995, he was an associate at Cohn, Lambert, Ryab & Schneider after moving on from associate attorney general hearing Workers’ Compensation cases.

Judge Araujo is currently hearing Felony Narcotics cases at the Criminal Courts Building at 26th and California. Judge Araujo’s previous judicial assignments included multiple assignments in the First Municipal District in 2008 and hearing Independent Orders of Protection cases in 2011.

Judge Araujo is considered to be a diligent and capable jurist with good legal ability. He has been successful as a judge in learning new areas of law. He is praised for his patience on the bench, particularly with unrepresented parties. The Council finds him Qualified for retention.

Judge Edward A. Arce--Qualified

Prior to becoming a judge, Edward A. Arce had been a partner at the general civil litigation firm Whitcup & Acre since 1986. Judge Arce is currently assigned to the Domestic Relations Division in the Daley Center as a trial judge. Judge Arce’s previous judicial assignments include the Domestic Relations Division of the Sixth Municipal District in Markham from 2008 until March 2014. Judge Arce is considered to have good legal ability and courtroom management skills. He is praised for his temperament in dealing with unrepresented parties appearing before him. The Council finds him Qualified for retention.

Judge Andrew Berman—Well Qualified

Prior to becoming a judge, Andrew Berman was an Assistant Cook County Public Defender from 1979 to 1996. Beforehand, he was an assistant appellate defender for four years. Judge Berman has been assigned

since 2007 to the Juvenile Justice Division. Judge Berman has also served in the Chancery Division. Judge Berman is considered to have very good legal ability and is widely respected for his legal knowledge. He serves as a mentor to other judges and serves as the acting Presiding Judge when Presiding Judge Toomin is unavailable. He is especially praised for his professionalism. His temperament is considered to be excellent and he is praised for the way he manages his courtroom. His rulings are considered to be well-reasoned and he spends the necessary time explaining his rulings to the parties appearing before him. He is active in court reform efforts. The Council finds him Well Qualified for retention.

Judge Margaret Ann Brennan--Qualified

Prior to becoming a judge, Margaret Ann Brennan was Assistant General Counsel for Exelon Business Services from 1994 to 2002, when she was elected to the bench. In 1989, Judge Brennan began as an Assistant Corporation Counsel for the City of Chicago after serving as an associate with the general practice firm, Pierce, Yavitz & Eslick. Before that, she had been a legislative coordinator for the American Legal Services Institute and a law clerk for the ABA Private Bar Involvement Project.

Judge Brennan is currently assigned to a Commercial Calendar in the Law Division. Judge Brennan's previous judicial assignments include the Tax and Miscellaneous Remedies of the Law Division from 2011 to 2013, the Chancery Division from 2008 to 2011, and the Fifth Municipal district from 2002 to 2008. Judge Brennan is considered to have good legal ability and is praised for her courtroom management skills. A few respondents said she can get short-tempered on the bench but most lawyers appearing before her say she has a good temperament – appropriately holding lawyers to a high standard. The Council finds her Qualified for retention.

Judge Eileen Brewer—Well Qualified

Prior to becoming a judge, Eileen Brewer was the Chief Counsel to County Board President, John H. Stroger. From 1988 to 1994, Judge Brewer served as the Assistant Corporation Counsel for the City of Chicago. Before that, she worked for a year as an associate attorney at Jenner & Block. Judge Brewer was elected to the bench in 2002 and is currently sitting as a motion judge in the Law Division. She spent much of her judicial career in the Domestic Relations Division. Judge Brewer is considered to have very good legal ability and temperament. Practitioners report that she has successfully made the transition from the Domestic Relations Division to the motion call in the Law Division. She is praised for her court management skills and is reported fair to all parties. The Council finds her Well Qualified for retention.

Judge Janet Brosnahan--Qualified

Prior to becoming a judge, Janet Brosnahan was a senior associate at the general practice firm James J Roche & Associates from 1997 to 2002. Judge Brosnahan began civil litigation work as an associate at Whitfield, McGann & Ketterman in 1994. Before that she had been an associate at the now dissolved Hugh J McCarthy & Associates firm for four years.

Judge Brosnahan is currently serving in the motions section of the Law Division. Judge Brosnahan's previous judicial assignments included civil and criminal cases in the Fifth Municipal District Courthouse from 2003 to 2014.

Many lawyers report that Judge Brosnahan has improved as a jurist over the past three years. Respondents praise her efforts to be fair while moving cases through her courtroom. They note that she is prepared, having read the materials submitted to her. Most respondents with current experience before Judge Brosnahan are positive in their assessments of her as a judge. The Council finds her Qualified for retention.

Judge James Brown--Qualified

Prior to becoming a judge, James Brown worked as a solo practitioner, and an Assistant Cook County State's Attorney. Judge Brown is currently sitting at the Central Bond Court and preliminary hearings. His previous judicial assignments were in the First and Fourth Municipal districts from 2005 until 2009 presiding over traffic, misdemeanor and bail hearings as well as misdemeanor trials and felony preliminary hearings. Judge Brown is considered to be a diligent judge with a good demeanor. He is reported to be prompt in starting his call, and is praised for being fair to all parties. The Council finds him Qualified for retention to his current position.

Judge Thomas Byrne--Qualified

Prior to becoming a judge, Thomas John Byrne served as an Assistant Cook County State's Attorney, and was the supervisor in the Third Municipal District for 5 years. Judge Byrne is currently sitting at the Criminal Division of Cook County. Judge Byrne's previous judicial assignments included the Misdemeanor Branch Court of the First Municipal Division from 2008 to 2013. Judge Byrne is considered to have good legal ability. He is praised for his knowledge of the law and for his courtroom management skills. He is reported to provide well-reasoned rulings. Respondents say he is fair to all parties and that he has a low-key, effective demeanor on the bench. The Council finds him Qualified for retention.

Judge Diane Gordon Cannon – No Rating. Judge Cannon was unable to complete her evaluation.

Judge Evelyn B. Clay--Qualified

Prior to becoming a judge, Evelyn B. Clay served as an Assistant Cook County State's Attorney. Judge Clay is currently a supervising judge hearing felony trials. She was elected to the Circuit Court in 1996. The results of her current evaluation show that Judge Clay is considered to have good legal ability and temperament. She is praised for her courtroom management skills. The Council finds her Qualified for retention.

Judge Ann E. Collins-Dole--Qualified

Prior to becoming a judge, Ann E. Collins-Dole served six years as Chief Assistant Corporation Counsel for the City of Chicago. She has also worked as a supervising attorney, trial attorney and municipal

Exhibit

2

His Judgement Cometh and That Right Soon

By The Honorable Judge James R. Brown

HEAR YE! HEAR YE! HEAR YE!

The Court of Common Sense is finally back in Session after far too many years of adjournment. This Honorable Court hereby declares to all the good, decent, fair-minded and loyal readers of the legendary columnist John Kass and to anyone else who is interested, that there is again “*Probable Cause*” for renewed faith in the American Justice system.

Justice awaits those who brazenly and viciously demonized the 77 million Trump supporters. Accountability, in one form or another, is coming to the George Soros-funded progressive prosecutors who waged “lawfare” against President Trump. Prosecutors engaging in lawfare sent shockwaves not only through the legal community but also through our system of justice.

As President Trump said so many times during the campaign, “the only thing that stands between You and Them, is Me”. That statement was spot-on accurate.

It reminds me of a famous quote from one of the greatest movies ever made. In the movie, *The Shawshank Redemption*, Warden Norton’s corruption scheme has been revealed, the authorities are closing in on him, and he is about to be arrested. The camera pans to a picture of a quote hanging on the warden’s office wall, “*HIS JUDGEMENT COMETH and that RIGHT SOON*”



Ladies and Gentlemen, the evidence shows that the scales of justice have tipped, the tables have turned, and Judgement Day is Coming.

First, the ever-resilient American People have endured and survived the Obama, and Biden/Harris administrations and their inane policies.

We outlived the draconian Covid Lockdowns, and the Fauci lies.

We have persevered despite repeated attempts to censor our speech.

We watched two politically contrived and bogus impeachments.

We witnessed the freakish escapades of Hunter Biden, courtesy of his "laptop from hell."

Inconceivably, a bag of cocaine was found at the Whitehouse.

Social Media platforms manipulated our online searches.

Mail-in ballots and drop boxes, some say, were used to steal a

Presidential Election.

The January 6th Committee findings were so partisan based and erroneous that President Biden was compelled to issue a preemptive pardon to all committee members.

We tragically lost 13 U.S. service members in the botched Afghanistan withdrawal.

Statues were erected in honor of 8 time convicted felon George Floyd.

In the summer of 2020, the BLM riots caused more than \$1 billion dollars of damage.

Several major cities defunded their police departments.

Many prominent voices were canceled for voicing their opinions and many of our institutions were falsely accused of systemic racism.

Biological men were allowed to participate in women's sports and allowed to use their bathrooms and locker rooms. Tampons were put in boys' bathrooms at some schools.

A United States Supreme Court nominee could not articulate the definition of 'Woman" at her confirmation hearing."

The Biden Administration allowed millions of undocumented illegal immigrants into our country.

Deadly fentanyl, coming through our southern border, caused tens of thousands of deaths.

Conservative Supreme Court Justices have been doxed.

A Democrat aide filmed himself having sex in a Senate hearing room.

A transgender activist went topless at a Whitehouse event.

American citizens suffered through crippling inflation.

Russia invaded Ukraine on Biden's watch.

The Supreme Court's "Dobbs" decision (abortion) was illegally leaked, and no person has ever been held accountable. On several occasions President Biden fell down, shook hands with invisible people and wandered off aimlessly at events and was unable to answer questions without a teleprompter.

Democrats refused to hold a primary after Biden withdrew from the 2024 Presidential race. President Biden was investigated for illegally possessing classified documents. A Special Prosecutor declined to charge him, concluding in part, that he was an "elderly man with a poor memory."

Americans watched President Trump get shot on live television at a rally in Butler, Pennsylvania.

But the most serious and dangerous threat ever directed at the American system of Justice is the use of lawfare by the Left. Lawfare is defined as a strategic use of the legal system as a tool to achieve a political objective. Lawfare has been waged by Soros-funded prosecutors and has had a

Case: 1:26-cv-01825 Document #: 1-2 Filed: 02/18/26 Page 6 of 10 PageID #:30
chilling effect on our justice system. Using the law to destroy your political opponent or using the law to thwart the will of the People is un-American, unjust, unbecoming, untoward and illegal.

Progressive prosecutors have blatantly violated their oath to uphold the law. The use of lawfare has caused the American People to lose faith and trust in the justice system. According to a 2024 Gallup poll, confidence in the judicial system has declined to a record low of just 35%.

The most notable examples of Left's use of lawfare include Colorado Secretary of State and attorney Jena Griswold sued to keep President Trump off the Colorado ballot in the 2024 Presidential Election.

Griswold's futile efforts resulted in a unanimous 9 to 0 decision by the U.S. Supreme Court (Trump v Anderson) prohibiting Colorado and the remaining 49 states from removing President Trump from the ballot.

Soros-funded and Trump-hating New York Attorney General Letitia James sued President Trump for civil fraud. The flimsy case was a blatant attempt by AG James to bankrupt President Trump and keep him off the campaign trail. With the assistance of Leftist Judge Arthur Engeron, President Trump was found liable, and Engeron imposed an unprecedented \$465 million civil fine. Recently, the New York Court of Appeals vacated the fine because it violated the 8th Amendment which prohibits the imposition of excessive fines. Ironically, Letitia James is currently under investigation by the Justice Department for mortgage fraud.

Next, Soros-funded New York District Attorney Alvin Bragg indicted President Trump on 34 felony counts of falsifying business records. With the assistance of conflicted Judge Juan Merchan, the case resulted in a conviction on all counts. However, the overwhelming consensus in the legal community is that this case will eventually be overturned on appeal.

Case: 1:26-cv-01825 Document #: 1-2 Filed: 02/18/26 Page 7 of 10 PageID #:31
According to Bloomberg News more than 320 lawsuits have been filed against the Trump Administration this year alone. Through the use of lawfare the Left is hellbent on stopping President Trump from implementing his agenda.

Locally, the law-abiding citizens of Cook County have had to endure eight years of Soros-funded Cook County State's Attorney Kim Foxx.

Foxx deliberately ignored her oath of office. Foxx refused to prosecute felony retail theft cases unless the value of the merchandise exceeded \$1,000.00. Illinois law requires that the value of the stolen merchandise exceeds \$300.00 to make it a felony.

Most remarkably, Foxx allowed Jussie Smollett to get away with a hate crime hoax that stunned the nation. The case ultimately ended in the Illinois Supreme Court overturning Smollett's conviction not because the evidence of Smollett's guilt was insufficient but due to a legal technicality.

However, some good did come out of the Smollett hoax fiasco. The much-maligned Chicago Police Department Detective Division conducted a thorough and fair investigation. Their textbook investigation exposed Smollett's lies for the nation to see.

Retired Illinois Appellate Court Justice Sheila O'Brien, in a capacity as a private citizen, helped to expose and correct the injustice inflicted by Kim Foxx.

Judge Michael Toomin (now deceased), a widely respected Jurist, made a courageous ruling and reinstated the case that Foxx dismissed. That decision, did not sit well with the Democrat party and Judge Toomin was

targeted for defeat in his retention election by Cook County Board President Toni Preckwinkle. Despite those nefarious efforts, Judge Toomin was successfully retained.

Special Prosecutor Dan Webb, one of the finest trial lawyers in America, and his team did an outstanding job presenting the evidence. Webb prosecuted the case “pro bono.” Smollett Trial Court Judge James Linn, one of very best judges to ever wear a robe, conducted a fair and impartial trial.

Regrettably, Smollett was not held to account legally, but fortunately the Court of Public Opinion rendered a very negative verdict against him.

Some of the most prominent Soros-funded prosecutors have also met a bad fate.

Soros-funded Baltimore prosecutor, Marilyn Mosby, was convicted of perjury and is no longer a prosecutor.

Soros-funded San Francisco prosecutor Chesa Boudin was recalled and removed from office by voters halfway through his term.

Los Angeles County and Soros-funded prosecutor George Gascon lost his reelection bid in 2024.

Fulton County District Attorney Fani Willis, who engaged in lawfare, was disqualified from the Trump election interference case. She was ordered to pay \$54,000 in attorney fees and was found to have violated the Georgia Open Records Act. Willis was also humiliated in front of a nationwide audience after it was revealed that she hired her lover to prosecute a complex criminal case against President Trump and others though he had no prior criminal law experience. That case has since been dismissed.

Case: 1:26-cv-01825 Document #: 1-2 Filed: 02/18/26 Page 9 of 10 PageID #:33
Former prosecutor and current U.S. Senator from California Adam Schiff
is being investigated for mortgage fraud.

Former Soros-funded St. Louis Circuit Attorney Kim Gardner resigned from office in 2023 and was required to complete a diversion program for misusing public funds.

Former Soros-funded U.S. Attorney Rachael Rollins from the District of Massachusetts resigned from office after she committed ethical violations and her license to practice law was suspended.

Hillsborough County and Soros-funded State Attorney Andrew Warren was removed from office by Florida Governor Ron DeSantis after he refused to enforce valid existing law relating to restrictions on abortion and gender affirming care.

Finally, Kim Foxx chose not to run for reelection. Additionally, on December 1, 2024, Foxx's last day in office, the Illinois Attorney Registration and Disciplinary Commission suspended her law license for failing to complete mandatory continuing legal education requirements.

Wherefore, the Court of Common Sense can reasonably conclude that the American system of Justice is overwhelmingly rejecting the use of “*Lawfare*” as a political weapon much to the chagrin of George Soros and his sycophants.

Paraphrasing another line from that great movie The Shawshank Redemption and so aptly stated by Morgan Freeman’s character “Red,”

“It feels like we have crawled through 500 yards of shit smelling foulness we can’t even imagine, but we came out clean on the other side.”

The Honorable Judge James R. Brown, now retired, worked for 30 years in the Cook County Criminal Justice System. He began his career as an Assistant Cook County State's Attorney. He then worked for 8 years as a Criminal Defense Attorney. Brown was then elected to the Cook County Circuit Court in 2002 serving as a Circuit Court Judge for 18 years before retiring.



Exhibit

3

From: Illinois Judges Association <ija@memberclicks-mail.net>

Date: September 22, 2025 at 9:41:13 AM CDT

To: jrlaw@aol.com

Subject: Recall of Retired Judges

Reply-To: info@ija.org



September 22, 2025

Dear Retired Judge,

The Illinois Supreme Court has agreed that the Circuit Court of Cook County may fill approximately 12 vacant judicial seats by the Supreme Court's recall of retired circuit judges. The temporary recall term will conclude at or near the time of the installation of successful judicial candidates from the 2026 judicial elections.

Retired Circuit or Appellate Court Judges from any County of the State of Illinois may apply. Retired Associate Judges are not eligible, as they cannot be recalled as Circuit Judges.

The three Supreme Court justices from Cook County will review the applications and make appointments to fill these Cook County positions. The positions are likely to be in traffic, municipal, or other high-volume courtrooms.

The current salary for a Circuit Judge is \$258,158. No additional stipend will be available for living expenses. Serious candidates are encouraged to contact Angie Ackerson at the Judicial Retirement System to discuss implications regarding the judicial recall process. If you are recalled, your pension will be suspended during that recall period and then adjusted higher after it ends.

Please see attached Fact Sheet from the Judicial Retirement System for frequently asked questions regarding pensions and insurance.

To apply, please submit a statement of interest (250 words or less) and a bio or resume of your judicial experience to Margot Holland at info@ija.org by Monday, October 13, 2025. **No applications will be accepted after Monday, October 13, 2025.** All applications will be sent to the Illinois Supreme Court for review and consideration.

Sincerely,

Don Bernardi & Dan Webber

IJA Co-Chairs of Retired Judges Committee

Illinois Judges Association



Exhibit

4

Judge James R. Brown

Email: [REDACTED] | Phone: [REDACTED]

Sent via Email:

[REDACTED]

October 3, 2025

To: Justice Mary Jane Theis
Justice P. Scott Neville, Jr.
Justice Joy V. Cunningham

Re: Statement of Interest – Judicial Recall Application

Dear Justice Theis, Justice Neville, and Justice Cunningham:

I respectfully submit my application for recall to judicial service in Cook County, pursuant to the Illinois Supreme Court's authorization to fill vacant judicial seats. It would be a tremendous honor to once again serve the citizens of Cook County and contribute to the continued excellence of our Judiciary.

I served as a Circuit Court Judge from 2002 until my retirement in December 2020, having been elected from the 14th Judicial Subcircuit and retained Countywide in both 2008 and 2014. Over the course of 18 years, I presided in every Branch Court in the City of Chicago, including traffic, misdemeanor, felony preliminary hearings, domestic violence bond court, and 8.5 years in Central Bond Court. I am particularly skilled in managing high-volume courtrooms with fairness, punctuality, and legal precision.

Before my judicial service, I served as an Assistant State's Attorney for five years and practiced criminal defense for eight years. I remain an Attorney in Good Standing, am in excellent physical and mental health, and affirm that no disqualifying events have occurred since my retirement.

I am proud to have been rated "Qualified" by every evaluating Bar Association, with the Chicago Bar Association noting my legal ability and courtroom demeanor. If chosen, I understand the pension implications of recall and am prepared to serve immediately.

Thank you for your consideration.

Respectfully,

James R. Brown

Judge James R. Brown

Email: [REDACTED] | Phone: [REDACTED]

Retired Circuit Court Judge, Cook County, Illinois, Attorney in Good Standing |
Age: [REDACTED] | Physically and Mentally Fit for Judicial Service

Summary

Distinguished retired Circuit Court Judge with 18 years of judicial service in Cook County, Illinois. Known for presiding over high-volume courtrooms with fairness, punctuality, and deep legal knowledge. Rated “Qualified” by all evaluating Bar Associations, with consistent praise from both prosecutors and defense attorneys. Prior legal experience includes roles as both a prosecutor and a criminal defense attorney. Demonstrated commitment to judicial excellence, integrity, and public service. Experienced in traffic, misdemeanor, felony preliminary hearings, domestic violence, and bond courts. Proven ability to manage complex dockets and deliver timely, impartial rulings.

Judicial Service

Circuit Court Judge, Cook County, Illinois, December 2002 – December 2020

- Elected from the 14th Judicial Subcircuit; retained Countywide in 2008 and 2014
- Presided in every Branch Court in the City of Chicago, including:
 - Traffic Court-Adjudicated moving violations and conducted 100's of DUI trials
 - Misdemeanor Courtrooms
 - Felony Preliminary Hearing Courts
 - Domestic Violence Bond Court
 - Branch 46 Misdemeanor Jury Court
 - Central Bond Court (8.5 years)
- Assigned to the First Municipal District for the majority of tenure; served in the Fourth Municipal District (Maywood) from 2005–2006
- Adjudicated thousands of motions, trials, preliminary hearings, and bond hearings
- Recognized for courtroom efficiency, legal precision, and judicial temperament
- Skilled in managing high-volume dockets with professionalism and grace
- Known for punctuality, fairness, and deep respect for litigants and counsel
- Mentored newly appointed judges and collaborated with colleagues to promote courtroom efficiency, judicial ethics, and public trust in the legal system

Judge James R. Brown

Email: [REDACTED] | Phone: [REDACTED]

Judicial Evaluations and Leadership

- Rated “Qualified” for retention by the Chicago Bar Association and all members of the Alliance of Bar Associations
- Chicago Bar Association: “Praised by defense attorneys and prosecutors for his knowledge of the law, legal ability, and punctuality.”
- Served two terms on the Board of Directors, Illinois Judges Association
- Maintained a spotless judicial record with no disciplinary actions or disqualifying events

Legal Experience

James R. Brown, LTD Criminal Defense Attorney 1994 – 2002

- Represented clients in criminal matters throughout Cook County
- Handled misdemeanor and felony cases from arraignment through trial
- Built a reputation for thorough case preparation and strong courtroom advocacy
- Developed deep familiarity with Cook County court operations and procedures

Cook County State’s Attorney’s Office, Assistant State’s Attorney, Prosecutor, October 1989 – 1994

- Wrote appeals and handled juvenile cases involving abuse, neglect, and delinquency
- Conducted bench trials, preliminary hearings, and motion practice
- Collaborated with law enforcement and victim advocacy groups
- Gained foundational experience in courtroom management and legal ethics

Education

Chicago-Kent College of Law Juris Doctor, 1989

Loyola University Chicago, Bachelor of Science in Criminal Justice, 1986

Current Status

- Retired from the Circuit Court of Cook County in December 2020
- Illinois Attorney in Good Standing
- No disqualifying events since retirement
- Excellent physical and mental health
- Fully prepared to serve under judicial recall provisions

Exhibit

5

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 10th day of November, 2025.

Present: Justice P. Scott Neville, Jr., Chief Justice
Justice Mary Jane Theis Justice David K. Overstreet
Justice Lisa Holder White Justice Joy V. Cunningham
Justice Elizabeth M. Rochford Justice Mary K. O'Brien

M.R.003033

In re: Assignment of Retired Judge

Order

With the consent of Retired Circuit Judge James R. Brown of Cook County that he be assigned as a retired judge to duty in the Circuit Court of Cook County effective December 15, 2025, and terminating December 7, 2026;

And the Supreme Court having determined that the public necessity so requires;

It is ordered that the above-named judge is assigned to serve for the period indicated above and that he shall receive compensation for such active service at the rate normally paid Circuit Judges of the State of Illinois.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the seal
of said Court, this 11th day of December,
2025.

Cynthia A. Grant

Supreme Court of the State of Illinois

FILED

December 11, 2025

SUPREME COURT

CLERK

Exhibit

6



ROOTED IN LEGACY. RISING IN POWER.

COOK COUNTY BAR ASSOCIATION

America's Oldest Bar Association of Black Lawyers and Judges
 1718 E. 87th Street • Chicago, Illinois 60617
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December 29, 2025

FOR IMMEDIATE RELEASE

The Cook County Bar Association Expresses Serious Concern and Opposition to the Assignment of Retired Judge James R. Brown to the Circuit Court of Cook County

The statements made by Retired Judge James R. Brown (hereinafter “Judge Brown”) demonstrate a lack of civility, character, and sensitivity to diversity, while underscoring critical questions on whether he can fairly and impartially uphold the rule of law as a sitting judge serving the citizens of Cook County. The Cook County Bar Association (CCBA) draws attention to the issues outlined below and respectfully requests the Supreme Court of Illinois to reconsider the assignment of Judge Brown to the Circuit Court.

On December 11, 2025, the Supreme Court of Illinois issued an order assigning Judge Brown to duty in the Circuit Court of Cook County effective December 15, 2025, and terminating December 7, 2026. *See Order* attached hereto as Exhibit A. The Supreme Court’s Order determined that Judge Brown’s assignment was deemed a public necessity, and that throughout his assignment, he will receive compensation at the rate normally paid to Circuit Judges of the State of Illinois.

However, on or about September 5, 2025, Judge Brown published an article on johnkassnews.com entitled “His Judgement Cometh and That Right Soon,” with a statement indicating that the article was authored “By The Honorable Judge James R. Brown.” *See Article* attached hereto as Exhibit B. In the article, Judge Brown made numerous adverse comments that draw into question his ability to fairly and impartially serve the judiciary. These comments include, but are not limited to, the following:

- “Justice awaits those who brazenly and viscously demonized the 77 million Trump supporters.”
- “Accountability, in one form or another, is coming to the George Soros-funded progressive prosecutors who waged “lawfare” against President Trump.”
- “Prosecutors engaging in lawfare sent shockwaves not only through the legal community but also through our system of justice.”
- “Statues were erected in honor of 8 time convicted felon George Floyd.”

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 *Henry M. Porter
 *Edward H. Wright

*Deceased

- “Many prominent voices were canceled for voicing their opinions and many of our institutions were falsely accused of systemic racism.”
- “Biological men were allowed to participate in women’s sports and allowed to use their bathrooms and locker rooms. Tampons were put in boys’ bathrooms at some schools.”
- “A United States Supreme Court nominee could not articulate the definition of “Woman” at her confirmation hearing.”
- “American citizens have been senselessly murdered by illegal aliens.”
- “But the most serious and dangerous threat ever directed at the American system of Justice is the use of lawfare by the Left. Lawfare is defined as a strategic use of the legal system as a tool to achieve a political objective. Lawfare has been waged by Soros-funded prosecutors and has had a chilling effect on our justice system.”
- “Progressive prosecutors have blatantly violated their oath to uphold the law.”
- “Soros-funded and Trump-hating New York Attorney General Letitia James sued President Trump for civil fraud. The flimsy case was a blatant attempt by AG James to bankrupt President Trump and keep him off the campaign trail. With the assistance of Leftist Judge Arthur Engeron, President Trump was found liable, and Engeron imposed an unprecedented \$465 million civil fine.”
- “Next, Soros-funded New York District Attorney Alvin Bragg indicted President Trump on 34 felony counts of falsifying business records. With the assistance of conflicted Judge Juan Merchan, the case resulted in a conviction on all counts.”

On September 29, 2025, Judge Brown subsequently spoke on a [podcast segment](#) called “The Chicago Way” to promote the aforementioned article. *See Chicago Way w/ John Kass: A Retired Judge on How a Bad Apple Can Spoil the Bunch.* As of December 29, 2025, Judge Brown’s article and podcast segment are both available for public access.

Unquestionably, Judge Brown’s statements not only run afoul to the Illinois Code of Judicial Conduct and guidelines by which bar associations evaluate judges, but also damage the public trust that our esteemed judiciary so preciously uphold. Independence, fairness, and impartiality are the cornerstones of our justice system, and judges are to lead with integrity when interpreting and applying the law. More importantly, judges must respect and honor the judicial office as a public trust while striving to maintain and enhance confidence in the legal system. Judge Brown’s actions violate these standards. *See, e.g.,* pg. 1, Sec. 4 of the Preamble and Scope of the Illinois Code of Judicial Conduct (“The Code governs a judge’s personal and judicial activities conducted in person, on paper, and by telephone or other electronic means. A violation of the Code may occur when a judge uses the Internet, including social networking sites, to post comments or other materials such as links to websites, articles, or comments authored by others, photographs, cartoons, jokes, or any other words or images that convey information or opinion. . . . Judges must carefully monitor their social media accounts to ensure that no communication can be reasonably interpreted as suggesting a bias or prejudice...or an absence of judicial independence, impartiality, integrity, or competence.”).

Though his theory pivots the blame on “progressive prosecutors,” Judge Brown’s comments regarding “lawfare by the Left” consequently undermines confidence in the entire justice system, questions whether the *judiciary*—the same position to which he has been assigned—can properly interpret and uphold the law, and casts great doubt whether he can serve impartially without political motives, debunked theories, and other biases against marginalized communities. Notably, Judge Brown’s inflammatory comments about “Leftist Judge Arthur Engeron” “assisting” an attorney general to find a defendant liable and impose an unprecedented civil fine underscore the very reason why our country is fighting so hard to protect the independence of the judiciary and the rule of law. Such comments do not promote public trust in our justice system; rather, it erodes confidence, promotes harmful and divisive discourse, and damages the respect for our justice system. At a time when misinformation and disinformation cause mass chaos amongst many, the Courts should be free from individuals who harvest political bias or judges who willfully avoid following the law.

The diverse fabric of our legal community and citizens of Cook County deserve a competent judge who garners a sensitivity and cultural awareness to issues related to diversity. The population of Cook County includes over 1.15 million Black or African American residents, approximately 520,100 non-citizen residents, and over 2.5 million residents who identify as female. This is only a snapshot of the people from various backgrounds and communities that the judiciary serves. Not only are lawyers impacted by a judge who manifests a bias against marginalized groups, but also their clients who seek justice under the law. Despite this, Judge Brown’s statements regarding George Floyd, systemic racism, foreign nationals, issues related to gender identity, LGBTQIA+ individuals, and political affiliations are blatantly disrespectful, insensitive, harmful, and foul.

To be clear, political commentary and the legal protections granted by the First Amendment Freedom of Speech Clause are separate from the criteria used to evaluate candidates seeking the bench, namely CCBA’s Judicial Evaluation Guidelines and the Judicial Code of Ethics. For example, CCBA’s Guidelines evaluate a candidate’s sensitivity to diversity and hold that, “a judicial candidate should act and deal with others appropriately to reduce or eliminate conduct or speech which manifests bias based on race, ethnicity, gender, gender identity, religion, national origin, disability, age, sexual orientation, and/or socioeconomic status.” The common thread is whether an individual can uphold the requirements of an independent, fair, and impartial judiciary while interpreting and applying the law. The CCBA lacks confidence that Judge Brown can satisfy these requirements.

In full consideration of the issues discussed herein, the Cook County Bar Association strongly opposes the assignment of Judge Brown to duty in the Circuit Court of Cook County.

Respectfully,

/s/ *Executive Committee*
Cook County Bar Association

Enclosures: Exhibits A-B

Exhibit A

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 10th day of November, 2025.

Present: Justice P. Scott Neville, Jr., Chief Justice
Justice Mary Jane Theis Justice David K. Overstreet
Justice Lisa Holder White Justice Joy V. Cunningham
Justice Elizabeth M. Rochford Justice Mary K. O'Brien

M.R.003033

In re: Assignment of Retired Judge

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And the Supreme Court having determined that the public necessity so requires;

It is ordered that the above-named judge is assigned to serve for the period indicated above and that he shall receive compensation for such active service at the rate normally paid Circuit Judges of the State of Illinois.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the seal
of said Court, this 11th day of December,
2025.

Cynthia A. Grant

Supreme Court of the State of Illinois

FII FD

December 11 2025

December 11, 2018
SUPERIOR COURT

CLERK

Exhibit B



DAVOS/SWITZERLAND, 27JAN10 - GEORGE SOROS, CHAIRMAN, SOROS FUND MANAGEMENT, USA, CAPTURED DURING THE SESSION 'REBUILDING ECONOMICS' OF THE ANNUAL MEETING 2010 OF THE WORLD ECONOMIC FORUM IN DAVOS, SWITZERLAND, JANUARY 27, 2010 AT THE CONGRESS CENTRE. COPYRIGHT BY WORLD ECONOMIC FORUM SWISS-IMAGE.CH/PHOTO BY SEBASTIAN DERUNGS

His Judgement Cometh and That

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Right Soon

By The Honorable Judge James R. Brown

HEAR YE! HEAR YE! HEAR YE!

The Court of Common Sense is finally back in Session after far too many years of adjournment. This Honorable Court hereby declares to all the good, decent, fair-minded and loyal readers of the legendary columnist John Kass and to anyone else who is interested, that there is again “*Probable Cause*” for renewed faith in the American Justice system.

Justice awaits those who brazenly and viciously demonized the 77 million Trump supporters. Accountability, in one form or another, is coming to the George Soros-funded progressive prosecutors who waged “lawfare” against President Trump.

Prosecutors engaging in lawfare sent shockwaves not only through the legal community but also through our system of justice.

As President Trump said so many times during the campaign, “the only thing that stands between You and Them, is Me”. That

[The American Conservative](#)

[The National Interest](#)

[The Atlantic](#)

[Jacobin](#)

[The Federalist](#)

[National Review](#)

[NY Post](#)

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statement was spot-on accurate.

It reminds me of a famous quote from one of the greatest movies ever made. In the movie, *The Shawshank Redemption*, Warden Norton's corruption scheme has been revealed, the authorities are closing in on him, and he is about to be arrested. The camera pans to a picture of a quote hanging on the warden's office wall, "*HIS JUDGEMENT COMETH and that RIGHT SOON*"

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Ladies and Gentlemen, the evidence shows that the scales of justice have tipped, the tables have turned, and Judgement Day is Coming.

First, the ever-resilient American People have endured and survived the Obama, and Biden/Harris administrations and their

inane policies.

We outlived the draconian Covid Lockdowns,
and the Fauci lies.

We have persevered despite repeated
attempts to censor our speech.

We watched two politically contrived and
bogus impeachments.

We witnessed the freakish escapades of
Hunter Biden, courtesy of his “laptop from
hell.”

Inconceivably, a bag of cocaine was found at
the Whitehouse.

Social Media platforms manipulated our
online searches.

Mail-in ballots and drop boxes, some say,
were used to steal a Presidential Election.

The January 6th Committee findings were so
partisan based and erroneous that President
Biden was compelled to issue a preemptive
pardon to all committee members.

We tragically lost 13 U.S. service members in
the botched Afghanistan withdrawal.

Statues were erected in honor of 8 time convicted felon George Floyd.

In the summer of 2020, the BLM riots caused more than \$1 billion dollars of damage.

Several major cities defunded their police departments.

Many prominent voices were canceled for voicing their opinions and many of our institutions were falsely accused of systemic racism.

Biological men were allowed to participate in women's sports and allowed to use their bathrooms and locker rooms. Tampons were put in boys' bathrooms at some schools.

A United States Supreme Court nominee could not articulate the definition of 'Woman" at her confirmation hearing."

The Biden Administration allowed millions of undocumented illegal immigrants into our country.

Deadly fentanyl, coming through our southern border, caused tens of thousands of deaths.

American citizens have been senselessly murdered by illegal aliens.

Conservative Supreme Court Justices have been doxed.

A Democrat aide filmed himself having sex in a Senate hearing room.

A transgender activist went topless at a Whitehouse event.

American citizens suffered through crippling inflation.

Russia invaded Ukraine on Biden's watch.

The Supreme Court's "Dobbs" decision (abortion) was illegally leaked, and no person has ever been held accountable. On several occasions President Biden fell down, shook hands with invisible people and wandered off aimlessly at events and was unable to answer questions without a teleprompter.

Democrats refused to hold a primary after Biden withdrew from the 2024 Presidential race. President Biden was investigated for illegally possessing classified documents. A Special Prosecutor declined to charge him, concluding in part, that he was an "elderly man with a poor memory."

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Americans watched President Trump get shot on live television at a rally in Butler, Pennsylvania.

But the most serious and dangerous threat ever directed at the American system of Justice is the use of lawfare by the Left.

Lawfare is defined as a strategic use of the legal system as a tool to achieve a political objective. Lawfare has been waged by Soros-funded prosecutors and has had a chilling effect on our justice system. Using the law to destroy your political opponent or using the law to thwart the will of the People is un-American, unjust, unbecoming, untoward and illegal.

Progressive prosecutors have blatantly violated their oath to uphold the law. The use of lawfare has caused the American People to lose faith and trust in the justice system.

According to a 2024 Gallup poll, confidence in the judicial system has declined to a record low of just 35%.

The most notable examples of Left's use of lawfare include Colorado Secretary of State and attorney Jena Griswold sued to keep President Trump off the Colorado ballot in the 2024 Presidential Election. Griswold's futile efforts resulted in a unanimous 9 to 0

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decision by the U.S. Supreme Court (Trump v Anderson) prohibiting Colorado and the remaining 49 states from removing President Trump from the ballot.

Soros-funded and Trump-hating New York Attorney General Letitia James sued President Trump for civil fraud. The flimsy case was a blatant attempt by AG James to bankrupt President Trump and keep him off the campaign trail. With the assistance of Leftist Judge Arthur Engeron, President Trump was found liable, and Engeron imposed an unprecedented \$465 million civil fine. Recently, the New York Court of Appeals vacated the fine because it violated the 8th Amendment which prohibits the imposition of excessive fines. Ironically, Letitia James is currently under investigation by the Justice Department for mortgage fraud.

Next, Soros-funded New York District Attorney Alvin Bragg indicted President Trump on 34 felony counts of falsifying business records. With the assistance of conflicted Judge Juan Merchan, the case resulted in a conviction on all counts.

However, the overwhelming consensus in the legal community is that this case will eventually be overturned on appeal.

According to Bloomberg News more than 320 lawsuits have been filed against the Trump Administration this year alone.

Through the use of lawfare the Left is hellbent on stopping President Trump from implementing his agenda.

Locally, the law-abiding citizens of Cook County have had to endure eight years of Soros-funded Cook County State's Attorney Kim Foxx.

Foxx deliberately ignored her oath of office. Foxx refused to prosecute felony retail theft cases unless the value of the merchandise exceeded \$1,000.00. Illinois law requires that the value of the stolen merchandise exceeds \$300.00 to make it a felony.

Most remarkably, Foxx allowed Jussie Smollett to get away with a hate crime hoax that stunned the nation. The case ultimately ended in the Illinois Supreme Court overturning Smollett's conviction not because the evidence of Smollett's guilt was insufficient but due to a legal technicality.

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However, some good did come out of the Smollett hoax fiasco. The much-maligned Chicago Police Department Detective Division conducted a thorough and fair investigation. Their textbook investigation exposed Smollett's lies for the nation to see.

Retired Illinois Appellate Court Justice Sheila O'Brien, in a capacity as a private citizen, helped to expose and correct the injustice inflicted by Kim Foxx.

Judge Michael Toomin (now deceased), a widely respected Jurist, made a courageous ruling and reinstated the case that Foxx dismissed. That decision, did not sit well with the Democrat party and Judge Toomin was targeted for defeat in his retention election by Cook County Board President Toni Preckwinkle. Despite those nefarious efforts, Judge Toomin was successfully retained.

Special Prosecutor Dan Webb, one of the finest trial lawyers in America, and his team did an outstanding job presenting the evidence. Webb prosecuted the case "pro bono." Smollett Trial Court Judge James Linn, one of very best judges to ever wear a robe, conducted a fair and impartial trial.

Regrettably, Smollett was not held to account legally, but fortunately the Court of Public Opinion rendered a very negative verdict against him.

Some of the most prominent Soros-funded prosecutors have also met a bad fate.

Soros-funded Baltimore prosecutor, Marilyn Mosby, was convicted of perjury and is no longer a prosecutor.

Soros-funded San Francisco prosecutor Chesa Boudin was recalled and removed from office by voters halfway through his term.

Los Angeles County and Soros-funded prosecutor George Gascon lost his reelection bid in 2024.

Fulton County District Attorney Fani Willis, who engaged in lawfare, was disqualified from the Trump election interference case. She was ordered to pay \$54,000 in attorney fees and was found to have violated the Georgia Open Records Act. Willis was also humiliated in front of a nationwide audience after it was revealed that she hired her lover to prosecute a complex criminal case against

President Trump and others thought he had no prior criminal law experience. That case has since been dismissed.

Former prosecutor and current U.S. Senator from California Adam Schiff is being investigated for mortgage fraud.

Former Soros-funded St. Louis Circuit Attorney Kim Gardner resigned from office in 2023 and was required to complete a diversion program for misusing public funds.

Former Soros-funded U.S. Attorney Rachael Rollins from the District of Massachusetts resigned from office after she committed ethical violations and her license to practice law was suspended.

Hillsborough County and Soros-funded State Attorney Andrew Warren was removed from office by Florida Governor Ron DeSantis after he refused to enforce valid existing law relating to restrictions on abortion and gender affirming care.

Finally, Kim Foxx chose not to run for reelection. Additionally, on December 1, 2024, Foxx's last day in office, the Illinois Attorney Registration and Disciplinary

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Commission suspended her law license for failing to complete mandatory continuing legal education requirements.

Wherefore, the Court of Common Sense can reasonably conclude that the American system of Justice is overwhelmingly rejecting the use of “*Lawfare*” as a political weapon much to the chagrin of George Soros and his sycophants.

Paraphrasing another line from that great movie The Shawshank Redemption and so aptly stated by Morgan Freeman’s character “Red,”

“It feels like we have crawled through 500 yards of shit smelling foulness we can’t even imagine, but we came out clean on the other side.”

-30-

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*The Honorable
Judge James
R. Brown, now
retired,
worked for 30
years in the
Cook County
Criminal
Justice
System. He
began his career as an Assistant Cook
County State's Attorney. He then worked for
8 years as a Criminal Defense Attorney.
Brown was then elected to the Cook County
Circuit Court in 2002 serving as a Circuit
Court Judge for 18 years before retiring.*

Comments ⁴⁵



Helen Edwards

SEPTEMBER 5, 2025 AT 5:30 AM

Judgement is coming for us all. Forgiveness and
Judgement are the Lord's. We all will be judged.
George Sotos should have been in jail long ago with so
many of his friends.

[Log in to Reply](#)

Exhibit

7



**Chicago Council
OF LAWYERS**
Chicago's public interest bar association

January 5, 2026

Honorable Justices of the Illinois

Supreme Court

Supreme Court Bldg.

200 E. Capitol Avenue

Springfield,, IL 62701

RE: Retired Judge James R. Brown

Honorable Justices,

We are writing to call your attention to an article recently published by Retired Judge James R. Brown (hereafter “Judge Brown”) and to request that you exercise your discretion to reverse an order you entered on December 11, 2025 recalling him to the bench for a year.

In the article in question, published in September, 2025, Judge Brown expressed a number of statements about “lawfare” waged against President Trump and his supporters that are contrary to both the law and the facts related to Trump’s prior actions. Under the First Amendment, any private citizen is, of course, generally free to express their opinions, regardless of their accuracy or wisdom. However, members of the judiciary are held to a higher standard. Judges are required to avoid communications that suggest bias or prejudice on their part. In his article Judge Brown spouted conspiracy theories and propaganda the pervades right wing media in this country and expressed hostility and threats to people who hold political and legal views contrary to those he expressed. The stated views reflected bias and prejudice on race, gender, sexual orientation, and socioeconomic status. He subsequently repeated those sentiments in a podcast later in September. A copy of the article in question is attached.

The statements in question are wildly inappropriate for a member of the judiciary to be making. In our view they run afoul of the Illinois Code of Judicial Conduct. Just as significantly, they demonstrate that Judge Brown lacks the temperament, judgment, independence, competence, impartiality and respect for the rule of law necessary for those who serve in the judiciary.

On December 11, 2025 your Court issued an order recalling Judge Brown to the bench for one year, starting in

December. 2025. We believe that Judge Brown's conduct should preclude him from ever sitting in judgment of others again as a member of the Cook County judiciary. We are hereby requesting that you withdraw the December 11th order recalling him to the bench.

We are available to discuss any questions you may have regarding this matter.

The Chicago Council of Lawyers



By: David R. Melton

Acting Executive Director

david@chicagocouncil.org

312-636-3104

Exhibit

8

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 12th day of January, 2026.

Present: Justice P. Scott Neville, Jr., Chief Justice
Justice Mary Jane Theis Justice David K. Overstreet
Justice Lisa Holder White Justice Joy V. Cunningham
Justice Elizabeth M. Rochford Justice Mary K. O'Brien

M.R.003033

In re: Assignment of Retired Judge

Order

The assignment of Retired Circuit Judge James R. Brown to duty in the Circuit Court of Cook County by order of December 11, 2025, is vacated.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the seal
of said Court, this 26th day of January,
2026.

Cynthia A. Grant

Clerk,
Supreme Court of the State of Illinois

FILED

January 26, 2026
SUPREME COURT
CLERK