

(No. 74 CC 5.—Respondent reprimanded.)

In re CIRCUIT JUDGE JOHN P. SHONKWILER of
the Sixth Judicial Circuit, Respondent.

Order entered July 12, 1974.

SYLLABUS

On June 18, 1974, the Judicial Inquiry Board filed a two-count complaint with the Courts Commission, charging the respondent with conduct that is prejudicial to the administration of justice and conduct that brings the judicial office into disrepute. In summary form, Count I alleged that the respondent failed to disqualify himself in a number of cases where his father appeared as counsel of record. Count II alleged that the respondent appointed his father as trustee in a case for unborn children and subsequently adjudicated the case.

Held: Respondent reprimanded.

William J. Scott, Attorney General, of Springfield,
for Judicial Inquiry Board.

Lyle W. Allen, of Peoria, for respondent.

Before the COURTS COMMISSION: SCHAEFER,
J., chairman, and EBERSPACHER, STAMOS, DUNNE
and FORBES, JJ., commissioners. ALL CONCUR.

ORDER

The Complaint filed by the Judicial Inquiry Board in
this case is as follows:

Count I

“During the Respondent’s tenure in office (since December 4, 1972) as a Judge of the Sixth Judicial Circuit of Illinois, the Respondent has failed to disqualify himself in a number of cases in which his father, Robert P. Shonkwiler, appeared as counsel and in one case in which his said father had an interest by virtue of appointment as a trustee for ‘unborn children.’ Such cases (by reference to their docket numbers as they appear in the records of the Piatt County

Circuit Court) include the following:

(a) 73-C-87 (an action for partition in which the father, Robert P. Shonkwiler, was appointed a trustee for unborn children).

(b) 73-C-73 (a divorce action in which the father, Robert P. Shonkwiler, appeared as counsel for the defendant).

(c) 73-L-60 (an application by the State for judgment on delinquent taxes in which Robert P. Shonkwiler appeared as counsel for one of the defendants and which was subsequently assigned for hearing of the tax objections to a judge other than the Respondent).

(d) The following probate matters in which Robert P. Shonkwiler appeared as counsel and in which the Respondent entered one or more orders: *Harper*, 71-P-12; *Harper*, 71-P-13; *Albert*, 71-P-56; *Thompson*, 71-P-79; *Hayes*, 71-P-94; *Beard*, 71-P-96; *Hill*, 71-P-103; *Selle*, 72-P-3; *Chumbley*, 72-P-49; *Remmers*, 72-P-51; *Biesecker*, 72-P-63; *Lemen*, 72-P-67; *Burgin*, 73-P-19; *Hammerschmidt*, 73-P-33; *Stout*, 73-P-37; *Carlyle*, 73-P-40; *Meagher*, 73-P-54; *Tynan*, 73-P-65; *Swift*, 74-P-11.

Count II

On or about November 20, 1973 the Respondent, while sitting as a Judge of the Sixth Judicial Circuit, entered an order in the case of *Nell Peterson v. Lynn A. Peterson, et al.*, No. 73-C-87 in which the plaintiff sought a partition of certain property, appointing his father, Robert P. Shonkwiler, as trustee for 'unborn children' and subsequently adjudicated the case. The appointment of Robert P. Shonkwiler was made at the suggestion of counsel for the plaintiff, with the concurrence of counsel for certain of the defendants. Whether or not the appointment was suggested or approved by counsel for certain of the parties, it was

improper as tending to give the appearance of nepotism and impropriety.”

The respondent admitted the allegations of each count of the Complaint, but by way of justification urged that none of the instances specified in the Complaint involved a contested matter, and that it was the custom of the respondent to refer to the chief judge of the circuit for reassignment any matter concerning which a controversy developed. The respondent also advanced as justification the fact that it would be difficult for another judge to travel to Monticello to hear matters in which his father was counsel.

In the opinion of the Commission, neither suggested justification is persuasive. From the record before the Commission, it is clear that none of the matters described in the Complaint involved an emergency, and the administrative problem was not difficult to solve. We do not regard the absence of objection to the respondent's participation in these matters as significant, for the reluctance of an attorney to voice an objection to the participation of a judge before whom he must continue to practice is obvious.

The Commission finds that the conduct of the respondent violated Supreme Court Rule 67 (Ill. Rev. Stat., ch. 110A, par. 67), was prejudicial to the administration of justice and brought the judicial office into disrepute. It is therefore ordered that the respondent, John P. Shonkwiler, be and he is hereby reprimanded.

Respondent reprimanded.