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(Supreme Court Docket No. N.R. 1177.—Complaint dismissed.)

*In re* ASSOCIATE JUDGE JAMES E. MURPHY of the  
Circuit Court of Cook County, Respondent.

*Order entered June 10, 1968.*

#### SYLLABUS

On June 21, 1967, the Supreme Court entered an order directing the Courts Commission to convene to enter a complaint against the respondent. The Chief Justice convened the Courts Commission and entered an order directing the Attorney General to prepare a complaint against the respondent. On August 29, 1967, the Attorney General filed a multi-paragraph complaint with the Courts Commission, alleging that the respondent, without the authority of the chief judge and in disregard of his judicial assignments, committed the following acts: set 702 bonds over a period of 21 months from August 1965 to May 1967; set bonds on holidays and weekends; set bonds in locations far removed from the location of his

assignment; set bonds in higher amounts than provided in circuit court rules; exercised and displayed total disregard for the laws of Illinois and the administrative orders of the chief judge; and was guilty of misconduct in office and conduct unbecoming a judicial officer and conduct which tended to bring the court system into disrepute.

*Held:* Complaint dismissed.

William G. Clark, Attorney General, of Springfield, for Courts Commission.

Raymond, Mayer, Jenner & Block, of Chicago, for respondent.

Before the COURTS COMMISSION: KLINGBIEL, J., chairman, and BURMAN, SMITH, DUNNE and BURT, JJ., commissioners. ALL CONCUR.

#### ORDER

This matter was instituted after a letter was mailed by John S. Boyle, chief judge of the circuit court of Cook County, on May 26, 1967, to the Supreme Court of Illinois. It recited that Associate Judge James E. Murphy had written 702 bail bonds during the period between August 1, 1965 and May 1, 1967. The letter stated that the bail bond writing activities of the judges showed that, aside from Judge Kizas, the judge closest in number to Judge Murphy, had written 77 bonds, the next judge 37 and that some of the other judges had set bail in a few instances.

It charged that Judge Murphy set bonds during evening hours or on holidays in locations far removed from his court assignment or his residence, and at times when "Bond Court" and "Holiday Courts" were in session for the specific purpose of setting bonds. A charge among other things was made that the type of crimes for which Judge Murphy set bail involved gambling, prostitution and narcotics which, it was alleged, may be classified as crimes of an organized nature: "That evidence uncovered by the office of Judge Boyle indicates that Judge Murphy responded regularly

to requests from three (3) former bondsmen to appear and obtain the release of defendants." The letter recited further that it was the belief of the executive committee of the court that the facts indicated that Judge Murphy was guilty of conduct unbecoming a judicial officer, which tended to bring the Illinois judicial system into disrepute, and warranted a convening of the Illinois Courts Commission to inquire into the matter.

An order was entered by the Illinois Supreme Court pursuant to Rule 59-2, effective January 1, 1964, and Rule 51, effective January 1, 1967, which recited that the Illinois Supreme Court determined from Judge Boyle's letter that there was reason to convene the Illinois Courts Commission, and it was convened. The Attorney General of the State of Illinois was directed by the Court to file a complaint. A complaint and an amendment to the complaint containing 15 counts was filed, a motion to dismiss was denied, and an answer was filed by Judge Murphy.

Judge Murphy was relieved of all his duties and assignments by special order of the circuit court which was entered on May 25, 1967. At the close of the evidence presented by the Attorney General, a motion was made by Judge Murphy to dismiss the Complaint, as amended, "on the ground that no evidence had been introduced to support the allegations of the complaint or any count thereof."

In pursuance to this motion, the members of the Commission have met and have reviewed the evidence. We must note first that no evidence was offered to support the allegations in the letter that "evidence uncovered by this office indicates that Judge Murphy responded regularly to requests from three (3) former bondsmen to appear and obtain the release of the defendants." Nor was there any evidence offered to show that Judge Murphy was in any way connected with organized crime or with the syndicate, and indeed the

Attorney General specifically disclaimed any knowledge of such activities by Judge Murphy.

We summarize the pertinent evidence. It shows that Judge Murphy set bail for 661 persons during the twenty-one months complained of which, for the most part, involved charges of gambling, prostitution and narcotics. These crimes were described by Lieutenant Joseph Mueller of the vice-intelligence division, Walter Debreux, chief investigator of the crime commission, and Robert J. Walker, chief investigator of the crime and investigation commission, as crimes which are substantially organized crimes. None of these witnesses, however, testified to any connection by Judge Murphy with any crime syndicate or organization people.

It was further established by the evidence that prior to the period in question, it was the practice of the judges to sign bonds at various police stations, and even during the months that Judge Murphy continued to sign bonds in this fashion, many other judges did likewise although in far less instances. The record further shows that most of the bonds signed by Judge Murphy occurred after his regular court hours and after the day "Bond Courts," the night "Bond Courts" and the "Holiday Courts" were closed.

The evidence establishes that Judge Murphy did not neglect his regular duties as a judge of the county division to sign the involved bail bonds. It shows that during only eight instances during the twenty-one month period had he left his courtroom to set bail at police stations. No evidence whatsoever was introduced of improper conduct by Judge Murphy as a judge nor was there any inference that he did not efficiently carry out his regular court assignments or that he neglected his regular work.

There is no evidence that Judge Murphy received any personal gain for himself or for others or that he acted with improper judicial motives.

We agree with the Attorney General that this hearing is not a criminal proceeding, but an investigation. Section 18 of article VI of the Illinois Constitution provides that a "judge may be \* \* \* removed for cause \* \* \*." What constitutes "cause" or "misconduct" by a judge must in each case depend upon the particular facts presented. Neither the constitution nor the statutes nor the rules of court prescribe what constitutes cause. In our opinion "cause" means some substantial shortcomings of a judge which render his continuance in his judicial duties to be detrimental to the discipline and efficiency of his service, or conduct unbecoming a judicial officer or tending to bring the court system into disrespect or disrepute.

The evidence clearly shows that Judge Murphy is competent and fit to continue his judicial duties. We are not persuaded that he intentionally and arbitrarily refused to abide by the rules of court or that he violated any statutes by his signing of bail bonds at police stations. The most that can be said is that he was indiscreet, unwise and mistaken in judgment in attending to these activities of setting bail at police stations in all parts of Chicago and at all times of the night to accommodate persons charged with crime.

Accordingly this Commission now finds:

- (1) That the action of Chief Judge Boyle in relieving this respondent of his duties and his letter suggesting to the Supreme Court that an investigation should be made by the Commission was a proper action;
- (2) That the Attorney General of the State of Illinois was directed by the Supreme Court to prepare a Complaint that reasonably informed the respondent-judge of the grounds upon which it is claimed he should be retired, suspended or removed and that the Attorney General has properly, faithfully and diligently complied with the letter and the spirit of that directive;

(3) That the respondent and his attorneys have properly, faithfully and diligently followed the letter and spirit of Rule 51 (Ill. Rev. Stat., ch. 110A, par. 51) in filing an answer and cooperating with the Commission as required by said rule;

(4) That the Complaint does not charge nor does the evidence support either directly or by reasonable inference that the respondent has been guilty of any fraud, crime, dishonesty or conduct as a judicial officer involving moral turpitude, personal or judicial lack of integrity or industry in the performance of his duties as a judge either on or off the bench or that the respondent, James E. Murphy, is directly or indirectly connected with organized or syndicated crime;

(5) That it is essential in the proper implementation of the Judicial Article (Ill. Const. 1870, art. VI (1962)) that rules for the guidance of judges must from time to time be promulgated as to their assignments, their duties and their activities. The proper administration of the judicial system will deteriorate without the proper cooperation of each judge in following such administrative rules, and violation of such rules is properly the subject of inquiry and may be proper cause for disciplinary action before this Commission;

(6) That the action of Chief Judge Boyle in relieving the respondent of his duties during the pendency of this hearing was proper;

(7) That the Complaint filed against the respondent is an accusation only and not in itself evidence;

(8) That the record in this case poses the single question as to whether or not the conduct of the respondent was conduct unbecoming a judicial officer or tending to bring the Illinois judicial system, and more specifically the circuit court of Cook County, into disrespect or disrepute. While the respondent's

conduct is appropriately denominated as neither politic, prudent nor discreet, it did arouse sufficient grounds for investigation. Nevertheless, it is not conduct unbecoming a judicial officer nor calculated to bring the judicial system into disrespect or disrepute, nor does the evidence, as a matter of law, establish sufficient grounds for the imposition of sanctions by this Commission.

Accordingly, it is the order of the Commission that this Complaint should be, and it is hereby dismissed.

*Complaint dismissed.*

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