

(No. 01-CC- 1 Respondent suspended.)

In re ASSOCIATE JUDGE ADAM D. BOURGEOIS, JR.
of the Circuit Court of Cook County, Respondent.

Order entered May 25, 2001

SYLLABUS

On January 3, 2001, the Judicial Inquiry Board filed a complaint with the Courts Commission charging respondent with conduct that is prejudicial to the administration of justice and conduct that brings the judicial office into disrepute in violation of the Code of Judicial Conduct, Illinois Supreme Court Rules 61, 62, 66 and 68. In summary form, the complaint alleged that on December 29, 1999, and again on April 15, 2000, respondent verified and filed his two statements of economic interest that were false and misleading in that they failed to disclose certain debts and lawsuits. Specifically, the statements failed to disclose respondent's debts in excess of \$500 to the IRS, the State of Illinois and other creditors; and failed to disclose lawsuits to which respondent was a party. The complaint further alleged that these debts and lawsuits were required to be disclosed by Supreme Court Rules 66 and 68 and were known to respondent when he filed the statements.

Held: Respondent suspended.

Sidley & Austin, of Chicago, for Judicial Inquiry Board.
Donald Hubert & Associates, of Chicago, for respondent.

Before the COURTS COMMISSION: McMORROW, Chairperson, BUCKLEY, KNECHT, CARR, JR., LAWRENCE and WOLFF, commissioners, CONCURRING; CUETO, commissioner, DISSENTING.

ORDER

Associate Judge Adam D. Bourgeois, Jr. of the Circuit Court of Cook County (Respondent) is charged with conduct that is prejudicial to the administration of justice and conduct that brings the judicial office into disrepute. The relevant facts are undisputed. The Respondent admits to owing debts of more than \$500 to the Internal Revenue Service and the Illinois Department of Revenue for back taxes and penalties, to Cheryl Bourgeois for child support payments and to Elliott Muse for office space rental. On both December 29, 1999, and April 15, 2000, he filed his required Statements of Economic Interest. By failing to report said debts the Respondent violated Supreme Court Rules 61, 62, 66 and 68. Respondent further admits that on the aforementioned dates he violated the same rules by failing to report his involvement in a lawsuit captioned *In re Marriage of Adam Bourgeois, Jr. and Cheryl Renita Bourgeois, 99 D 19103 (Circuit Court of Cook County, Illinois)*, having knowledge on both dates that he was a party to said lawsuit. The exact amount of each debt was not disclosed to the Commission by way of the complaint or during the course of oral argument.

Respondent argues that a reprimand would be the appropriate sanction, in light of the facts that he is relatively newly appointed, that the misconduct took place outside the courtroom, and that he answered the complaint quickly and admitted his wrongdoing without unduly extending the proceedings.

The Board, citing the cases of *In re Durr*, 1 Ill. Cts. Com. 13 (1973), *In re Daley*, 2 Ill. Cts. Com. 38 (1983), *In re Sklodowski*, 2 Ill. Cts. Com. 125 (1988) and *In re O'Brien*, 3 Ill. Cts. Com. 85 (1995), argued that a sanction comparable to that imposed in *Daley*, suspension for two months without pay, would be appropriate.

The Commission notes that the cases cited by the Board are readily distinguishable both on facts in this case and the holdings and sanctions related thereto. Some of the Commission's comments contained in the aforementioned cases, however, are apropos of characterization of respondent's conduct. "The Commission must consider the nature and the circumstance of the judicial misconduct, and the need for maintaining public confidence in the judiciary." *Sklodowski*, 2 Ill. Cts. Com. at 130. "The Commission recognizes [] that the conduct which occurred here took place outside of the respondent's official duties. *** Nevertheless, the respondent's conduct necessarily raises serious questions in the public mind concerning the reliability and credibility of a person entrusted with judicial duties. That is to say, can a judge who is himself flying under false colors be trusted to adjudicate judicial matters for others? It is an open question." *O'Brien*, 3 Ill. Cts. Com. at 89.

Interpreting Respondent's conduct in the light most favorable to him, it could be suggested that Respondent, in haste, following his appointment and dealing with the plethora of paperwork related thereto overlooked or misinterpreted the obvious in filing his first statement of economic interest. Even accepting that hypothesis, however, how does one excuse the second failure to report the obvious nearly four months later? Respondent has indeed raised serious questions as to his reliability and credibility. His conduct warrants more than the reprimand sought as an appropriate sanction, notwithstanding his timely admission and desire to put this matter behind him.

It is hereby ordered that the Respondent be suspended without pay for a period of one month, said suspension to take effect the first day of the month following entry of this order.

Respondent suspended.

CUETO, dissenting:

Today the majority suspended Associate Judge Adam D. Bourgeois, Jr. for one month without pay. The majority admits that the cases they cite are readily distinguishable on the facts, holdings, and sanctions, so it is safe to say that this excessive punishment is without legal precedent. It is always safer for the Commission to suspend but it should be remembered that Judge Bourgeois' wrongdoing took place outside the courtroom and never affected his performance on the bench.

The irony of the suspension is not only is it excessive and without legal precedent but it probably hurts the creditors the judge failed to report. A month's salary is \$10,000. What does that do to his child support obligation? For all those reasons a reprimand or a censure should have been issued. I respectfully dissent from the majority opinion.