
(No. 92 CC 1. — Complaint dismissed.)

In re CIRCUIT JUDGE ROGER M. SCRIVNER of
the Circuit Court of St. Clair County, Respondent.

Order entered July 29, 1993

SYLLABUS

On October 13, 1992, the Judicial Inquiry Board filed a multi-paragraph complaint with the Courts Commission, charging the respondent with willful misconduct in office, persistent failure to perform his duties according to law, conduct that is prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute. In summary form, the respondent was charged with authorizing and directing his clerk to arrange payment of juror fees to jurors for days on which jurors were available to be called into court but for which they did not actually attend court or deliberate on cases; and with authorizing and directing his clerk to prepare "Jury Duty" certificates for jurors who served on these trials, which certificates were false as they reflected jury service on dates on which no jury service was rendered; and that by such conduct the respondent violated Supreme Court Rules 61, 62A, and 63.

Held: Complaint dismissed.

Sachnoff & Weaver, Ltd., of Chicago, for
Judicial Inquiry Board.

Kuehn & Trentman, of Belleville, for
respondent.

Before the COURTS COMMISSION: HEIPLE,
J. chairman, MURRAY, RARICK, EGAN and SCOTT,
JJ., commissioners. ALL CONCUR.

ORDER

The complaint of the Judicial Inquiry Board (Board) in this matter charged the respondent, Roger M. Scrivner, a judge of the circuit court of St. Clair County, with willful misconduct in office, persistent failure to perform his duties according to law, conduct that is prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute. Specifically, the respondent was charged with authorizing and directing payment of jury fees for days on which jurors were available to be called into court, but for which they did not actually attend court or deliberate on cases.

Juror's compensation is authorized by 55 ILCS 5/4-11001 (West 1992), which states in pertinent part that:

"[e]ach county shall pay to grand and petit jurors for their services in attending courts *** the sum of \$10 per day [of necessary attendance] in counties [including St. Clair County].
*** The pay and travel expense shall be paid out of the county treasury. ***
The clerk of the court shall furnish to each juror without fee, whenever he is discharged, a certificate of the number

of days' attendance at court, and upon presentation thereof to the county treasurer, he shall pay to the juror the sum provided for his service."

By the very terms of the statute, the payment of the jurors is the responsibility of the clerk of the court and the county treasurer, not the trial judge. The respondent had no authority to authorize or direct payment of jury fees; thus, no actual ability to effectuate the acts alleged. The clerk was not bound to certify juror attendance for days on which they were not present, regardless of what the judge might suggest.

Parenthetically, we wish to note the *de minimis* nature of the charges brought against the respondent. The payments at issue occurred when a juror's attendance was unnecessary for the balance of the two-week period for which he was summoned. Typically, this would occur when a trial would end in the middle of the second week. Since it would be impractical to impanel a juror with such a short amount of time left in which he was available, the respondent informed the jurors that their attendance was not required. However, they were in a sense "on-call," since the court was still entitled to call them back. The payments were for a minimal amount (\$10 per day), directed by the clerk and acquiesced to by the county.

That the respondent was in error in directing the payment of the jurors in this case seems apparent. All errors in judgment, however, should not result in disciplinary charges being sought against judges. Mere error is a daily commonplace in the administration of justice. That is why we have courts of review. Similarly, administrative errors are correctable by directives from Chief Judges, the Administrative Office of the Illinois Courts or by the Supreme Court. The better procedure in this case

would have been for either the complaining party or the Board to bring the matter to the respondent's attention and to point out the perceived error. Absent an awareness of the impropriety of his conduct and absent his willful and contumacious continuation of an improper practice, this is not the sort of action which should precipitate the bringing of formal charges. The alleged misconduct here is truly *de minimis*. Beyond that, it is certainly not conduct that prejudices the administration of justice, nor conduct that brings the judicial office into disrepute.

Complaint dismissed.
