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(No. 88 CC 1.—Complaint dismissed.)

In re APPELLATE JUDGE R. EUGENE PINCHAM
of the First Judicial District, Respondent.

*Order entered January 28, 1992.—Order denying motion to vacate
and for reconsideration entered April 6, 1992.*

SYLLABUS

On March 8, 1988, the Judicial Inquiry Board filed with the Courts Commission a multi-paragraph complaint, charging the respondent with willful misconduct in office and conduct that is prejudicial to the administration of justice and that brings the judicial

office into disrepute. The complaint, in summary form, alleged that on January 31, 1987, the respondent delivered the keynote speech at a regularly scheduled meeting of Operation PUSH, a Chicago-based organization that advocates civil rights; that the program was held at Operation PUSH headquarters in Chicago and was broadcast over three Chicago-based radio stations and a radio station in Des Moines, Iowa; that the program focused on the reelection of Harold Washington as Mayor of the city of Chicago; and that various speakers prior to the respondent urged support for Mayor Harold Washington's candidacy.

The complaint further alleged that when the respondent gave his speech, he discussed blacks' advances in civil rights and politics, and the hanging of slaves and white collaborators during the 1741 New York slave rebellion; and that the respondent also discussed the upcoming Chicago mayoral primary election and said:

"Harold Washington is running for mayor of the City of Chicago. And he got here on our shoulders. You've got to decide here and now whether or not your shoulders are broad enough to carry him in another time.

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And those of us who might be inclined to be traitors—you see, there is some who have slave mentalities—those of us who are inclined to be traitors who suspect that because you going to the secrecy of a voting booth, that you can vote for who you want to vote for, we know who you are. And be not confused about it. When the ballot comes out, we going to count. And 100 percent. Not 99 percent of the votes cast. Not 90 percent of the votes cast. Any man south of Madison Street who casts a vote in the February 24th election who doesn't cast a vote for Harold Washington ought to be hung as those were hung in New York."

The complaint charged that the respondent violated Supreme Court Rules 67(A)(2) (unless he is a candidate for judicial office, a judge may not participate in political campaigns or activities) and 67(A)(4) (a judge should not engage in other political activity except for improvement in the law, legal system or administration of justice). Ill. Rev. Stat. 1987, ch. 110A, pars. 67(A)(2), 67(A)(4).

Held: Complaint dismissed.

The respondent brought a civil rights action in the Federal courts to enjoin the disciplinary proceedings brought against him in the Courts Commission and Judicial Inquiry Board. (See *Pincham v. Illinois Judicial Inquiry Board* (N.D. Ill. 1988), 681 F. Supp. 1309,

aff'd (7th Cir. 1989), 872 F. 2d 1341, *cert. den.* (1989), 493 U.S. _____, 110 S. Ct. 497.) The respondent resigned his judicial office, effective December 6, 1989.

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

Robert E. Pincham, Jr., of Chicago, for respondent.

Before the COURTS COMMISSION: CUNNINGHAM, J., chairman, and STOUDEER, GREEN (alternate), SCOTT and REYNOLDS (specially appointed), JJ., commissioners. ALL CONCUR.

ORDER

This matter comes on for hearing upon: (1) the motion of the Illinois Judicial Inquiry Board (Board) to dismiss with leave to reinstate its Complaint in the above cause against the respondent, Appellate Judge R. Eugene Pincham; (2) the motion of the respondent to dismiss for want of prosecution; and (3) various responses or replies of each of the parties to the pleadings of the other.

The Courts Commission has made no decision as to the merits of any aspect of this controversy. The parties are in agreement that the respondent has resigned from judicial service. Accordingly, we no longer have jurisdiction to proceed. (*In re Dempsey* (1987), 2 Ill. Cts. Com. 100.) We must dismiss the pending Complaint but we have no jurisdiction to determine at this time as to whether the Complaint can be reinstated.

The Complaint against the respondent is dismissed for want of jurisdiction. The Board's request for a determination as to reinstatement and all other requests for relief by the parties are hereby denied. We so order.

Complaint dismissed.
