
(No. 84 CC 5.—Respondent suspended.)

In re ASSOCIATE JUDGE JOHN G. LAURIE
of the Circuit Court of Cook County, Respondent.

Order entered May 15, 1985.

SYLLABUS

On October 19, 1984, the Judicial Inquiry Board filed with the Courts Commission a two-count complaint (later amended), charging the respondent with willful misconduct in office and with

conduct that is prejudicial to the administration of justice and that brings the judicial office into disrepute. In summary form, the complaint alleged, in Count I, that in March or April of 1983 the respondent was advised that a named attorney had left an envelope for him; that the respondent, believing the envelope contained money intended to influence his official actions, instructed that the envelope be returned to the attorney, but he took no official action concerning the "attempted bribe"; that in April of 1983 the respondent was approached by Terrence Hake, an attorney, who told him that he had a case coming before the respondent and that he wished to compensate the respondent for an anticipated favorable ruling; and that, although the respondent believed Hake was offering a bribe, he took no official action concerning the "attempted bribe."

Count II alleged that in December of 1981, and thereafter, the respondent engaged in *ex parte* communications with Hake, who represented the defendant in a shoplifting case, about the merits of the case; that the respondent did not report the discussions with Hake to any other party in the case or take any action to discourage the *ex parte* communications; that in February of 1982, the respondent engaged in *ex parte* communications with Hake, who represented the defendant in a criminal case, about the merits and disposition of the case; and that the respondent did not report the discussions with Hake to any other party in the case or take any action to discourage the *ex parte* communications.

The complaint alleged that the respondent's conduct described in Count I was in derogation of the statute requiring the reporting of a bribe attempt (Ill. Rev. Stat., ch. 38, par. 33—2) and violated Supreme Court Rules 61(c)(4) and 61(c)(10) (Ill. Rev. Stat., ch. 110A, pars. 61(c)(4), 61(c)(10)), and that his conduct described in Count II violated Supreme Court Rules 61(c)(4), 61(c)(15), and 61(c)(16) (Ill. Rev. Stat., ch. 110A, pars. 61(c)(4), 61(c)(15), 61(c)(16)). On May 2, 1985, the Judicial Inquiry Board and the respondent filed with the Courts Commission a joint stipulation of agreed facts and a joint stipulation regarding sanction.

Held: Respondent suspended for one month without pay.

Sidley & Austin, of Chicago, for Judicial Inquiry Board.

Patrick A. Tuite, Ltd., of Chicago, for respondent.

Before the COURTS COMMISSION: MORAN, J.,

chairman, and LORENZ, JONES, MURRAY and SCOTT, JJ., commissioners. ALL CONCUR.

ORDER

On October 19, 1984, the Judicial Inquiry Board (Board) filed a Complaint, which was later amended, with the Courts Commission (Commission), charging the respondent, John G. Laurie, an associate judge of the circuit court of Cook County, with willful misconduct in office and conduct that was prejudicial to the administration of justice and that brought the judicial office into disrepute. The amended Complaint alleged, in two counts, that the respondent violated Rules 61(c)(4), 61(c)(10), 61(c)(15), and 61(c)(16) of the Illinois Supreme Court (87 Ill. 2d Rules 61(c)(4), 61(c)(10), 61(c)(15), 61(c)(16)). The allegations were admitted in part and denied in part by the respondent in his answer.

The Board and the respondent, by their attorneys, have presented to the Commission a joint stipulation of agreed facts. The stipulation, like the amended Complaint, is in two counts, and it recites stipulated-to facts involving four instances of conduct by the respondent who, at all times, was acting in his capacity as an associate judge. Because the parties have stipulated that the respondent violated the prescribed norms of judicial conduct only a summary recitation of the agreed facts is necessary.

The stipulation as to count I concerns the respondent's conduct relating to two incidents in 1983. In March or April of 1983, after completing his court call, the respondent returned to his chambers. Present with the respondent were a deputy clerk of the circuit court, who had accompanied the respondent into his chambers, and an official court reporter, who was on a social visit. The

deputy clerk told the respondent that he had left something for the respondent which had been given to the deputy clerk by an attorney. When the respondent asked what it was, the deputy clerk pointed to an envelope. Whereupon the respondent, "in loud words spoken in anger," told the deputy clerk to pick up the envelope, return it to the person who had given it to him, and tell the attorney not to come back into the respondent's courtroom. The respondent believed the envelope left by the attorney was probably an attempt to do something unethical or illegal, but he never spoke with the attorney or reported it to "any authority."

The second incident occurred in April of 1983, and involved an attorney, Terrence Hake. (The stipulation identifies Hake as an employee of the Federal Bureau of Investigation and an "undercover agent," who appeared to represent clients who were actually FBI agents.) According to the stipulation, when the respondent entered a courthouse elevator, Hake got on the elevator and exchanged greetings with the respondent. Their conversation continued into the courtroom hallway and into the courtroom. Hake told the respondent he had a case before him. When Hake said he would like to give the respondent "something in appreciation for * * *," the respondent interrupted and rebuffed the offer. The respondent did not see Hake thereafter. The respondent did not report the incident to "any authority" even though he assumed Hake was offering something in return for an anticipated ruling in favor of Hake's client.

With respect to the respondent's above-described conduct, the parties stipulate that the respondent violated Supreme Court Rule 61(c)(10), that his conduct was not free from impropriety or the appearance of impropriety under Rule 61(c)(4), and that his conduct was prejudicial to the administration of justice within the

meaning of section 15(e), article VI, of the 1970 Illinois Constitution.

The stipulation as to count II relates to the respondent's conduct in regard to conversations he had with Hake about two criminal cases on the respondent's court call in which Hake ostensibly represented the defendants. During all of the conversations between the respondent and Hake no representative from the State's Attorney's office was present.

The first set of conversations occurred during December 17, 1981, and January 4, 1982, and concerned *People v. McClain*, a shoplifting case. The stipulation reveals that the substance of the December 17 conversation between the respondent and Hake revolved around Hake's obtaining from the respondent a not-guilty finding for his client, McClain; Hake's description to the respondent of the facts and the defendant's defense in the case; and the respondent's advice to Hake that he should object to certain evidence. On the same day, the respondent denied the State's motion for a continuance in the McClain case, and granted the State's motion to strike the case off the call. On January 4, 1982, after the State had reinstated the case, the stipulation describes a second conversation between the respondent and Hake. The stipulation shows that the substance of that conversation involved Hake's description of the facts in the McClain case to the respondent; Hake's suggestion that it might be better for the respondent if the case were tried; and Hake's questions about obtaining a not-guilty finding and the respondent's responses thereto. The stipulation then states that, after a trial at which the defendant testified, the respondent found the defendant not guilty.

The second set of conversations, held on February 9, 22, and 26, 1982, involved discussions between the

respondent and Hake about the case of *People v. Wilson*. The stipulation reveals that the substance of these conversations was as follows:

February 9: Hake told the respondent he wanted to see the respondent about a case coming up on his call. The respondent answered, "No, just talk to * * *," and Hake said "my friend?" According to the stipulation, the respondent recalls that he was referring to the assistant State's Attorney.

February 22: Hake told the respondent that he had heard that the respondent was to be transferred and that would be a problem to Hake. Hake suggested that he could move to advance the *Wilson* case, and the respondent said, "Sure, do that then * * * come in * * * why don't you stick around this afternoon." When Hake said he did not have his defendant present, the respondent told Hake what to say for the record in support of the motion to advance. Hake responded "okay," stated that he was thinking about making a formal motion and presenting it to the prosecution late the next day, and then said the State "probably won't notify [the State's witness] again or something * * *." The stipulation goes on to say that the respondent told Hake to see the clerk, to make sure to get the file into court, and to give notice to the State.

February 26: Hake told the respondent that he did

not believe he could try the case because it was "a dead bang loser." Hake discussed a plea of guilty, asking the respondent whether it would be possible to get supervision terminated *instanter* for his defendant. The respondent answered that would not be a problem. The respondent told Hake to talk to the State's Attorney, and suggested some mitigating circumstances about the defendant which Hake could tell the State's Attorney. Hake made a statement to the respondent about "charg-[ing] me [Hake] more for the convenience" of advancing the case, which the respondent interrupted by saying, "Don't be ridiculous."

The stipulation states the defendant in the Wilson case pleaded guilty and was placed on six months' supervision which was terminated *instanter*.

With respect to the respondent's conduct described in the stipulation as to count II, the parties stipulate that the respondent violated Rule 61(c)(16), that his conduct was not free from impropriety or the appearance of impropriety under Rule 61(c)(4), and that his conduct was prejudicial to the administration of justice under section 15(e), article VI, of the Illinois Constitution.

Each party to this matter has presented a "statement" to this Commission. The statements, in general, express the parties' views and conclusions about the respondent's conduct described above, and the circumstances surrounding his conduct. In large part, each statement seeks to amplify or explain, from the proponent's point of view, the agreed facts contained in

the joint stipulation. Given the posture of this case before the Commission, we find it unnecessary to consider these statements.

We now turn to the disposition of this case. As stated earlier, the Judicial Inquiry Board and the respondent have submitted a joint stipulation of facts wherein they agree that the respondent's conduct was prejudicial to the administration of justice and violated Supreme Court Rules 61(c)(4), 61(c)(10), and 61(c)(16). These rules are included within Rule 61(c)'s Standards of Judicial Conduct, and provide:

"(4) *Avoidance of Impropriety*. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and the performance of judicial duties, but also in his everyday life, should be beyond reproach.

* * *

(10) *Unprofessional Conduct of Attorneys*. A judge should criticize or discipline with prudence unprofessional conduct of attorneys in matters pending before him, and if such action is not a sufficient corrective, should refer the matter to the proper authorities.

* * *

(16) *Ex Parte Communications*. Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal.

A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties." 87 Ill. 2d Rules 61(c)(4), 61(c)(10), 61(c)(16).

Both the Board and the respondent agree that

sanctions must be imposed in this case. In this regard, the parties, by their attorneys, have submitted to the Courts Commission a joint "stipulation regarding sanction." Therein the Board takes the position that the sanction for the respondent's conduct described in the joint stipulation of facts should be "no less than a suspension without pay for a period of one month." The respondent states in the stipulation that the sanction for his conduct should be "no greater than a suspension without pay for a period of one month."

The Commission emphasizes that the parties here have stipulated that the respondent's conduct warrants imposition of a sanction that is not less than (Board) or not greater than (respondent) one month's suspension without pay. Suspension without pay is the most severe sanction, short of removal from office, that the Commission can impose under section 15(e), article VI, of the Illinois Constitution. *In re Oakey* (1975), 1 Ill. Cts. Com. 66, 77.

Pursuant to section 15, article VI, of the Constitution of Illinois, it is ordered that the respondent, John G. Laurie, be suspended for a period of one month without pay, effective June 1, 1985.

Respondent suspended for one month without pay.
