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(No. 76 CC 4.—Complaint dismissed.)

*In re* CIRCUIT JUDGE ANGELO PISTILLI of the  
Twelfth Judicial Circuit, Respondent.

*Order entered March 11, 1977.*

SYLLABUS

On September 14, 1976, the Judicial Inquiry Board filed a two count complaint with the Courts Commission, charging the respondent with willful misconduct in office and other conduct that is prejudicial to the administration of justice and that brings the judicial office into disrepute. In summary form, the allegations were: Count I charged that the respondent violated Supreme Court Rule 61(c)(8) (Ill. Rev. Stat. 1975, ch. 110A, par. 61(c)(8)), in that he, during the course of a divorce proceeding at which the respondent presided, made statements which were "inconsiderate of and discourteous to, and were such as to embarrass and ridicule a young attorney" who represented one of the parties. Count II alleged that the respondent appeared before the Board on two occasions in connection with the above-described incident and, while under oath, did testify that certain in-court sidebar conversations took place between himself and the young attorney; that said conversations in fact did not occur; and that the respondent's statements "constituted willful, knowing and deliberate misrepresentations of fact."

*Held:* Complaint dismissed.

Devoe, Shadur & Krupp, of Chicago, for Judicial Inquiry Board.

Dunn, Stefanich, McGarry & Kennedy, Ltd., of Joliet, for respondent.

Before the COURTS COMMISSION: GOLDENHERSH, J., chairman, and EBERSPACHER, STAMOS, HUNT and MURRAY, JJ., commissioners. ALL CONCUR.

#### ORDER

In a two-count Complaint, the Judicial Inquiry Board charged the respondent, Angelo Pistilli, a circuit judge of the Twelfth Judicial Circuit, with "willful misconduct in office and other conduct that is prejudicial to the administration of justice and that brings the judicial office into disrepute." It was charged in Count I that on May 23, 1975, while conducting a hearing in the circuit court of Will County, "Respondent's conduct \* \* \* and statements made by Respondent \* \* \* were inconsiderate of and discourteous to, and were such as to embarrass and ridicule, a young attorney, \* \* \* who appeared on behalf of one of the parties" in violation of Illinois Supreme Court Rule 61(c)(8) (Ill. Rev. Stat. 1975, ch. 110A, par. 61(c)(8)) which in pertinent part provides:

"A judge should be considerate of, and courteous to, counsel, especially the young and inexperienced, jurors, witnesses, and others in attendance upon the court."

A transcript of the colloquy between the respondent and the attorney, and the testimony of the attorney and his client show that the respondent's conduct did not comport with that to be expected of a member of the judiciary. Indeed, the respondent has admitted that his comments were harsh and that he regrets the occurrence. Although the respondent's conduct was far from exemplary and is not to be condoned, the Courts

Commission finds that this isolated instance of failure to comport with the standards of courtesy and consideration to be expected from a member of the judiciary does not constitute willful misconduct in office, conduct prejudicial to the administration of justice or conduct which brings the judicial office into disrepute within the contemplation of article VI, section 15 of the Illinois Constitution.

It is charged in Count II that written and oral statements made by the respondent, under oath, in two appearances before the Judicial Inquiry Board "constituted willful, knowing and deliberate misrepresentations of fact." It is not necessary in this order to review the evidence adduced by the parties for the reason that the Courts Commission finds that the allegations of Count II were not, as required by Rule 11 of the Rules of Procedure of the Courts Commission, proved by clear and convincing evidence.

Motions made by the respondent at the close of the case for the Judicial Inquiry Board and at the close of all the evidence, and taken with the case need not be further considered and are denied.

It is ordered that all motions filed by the respondents be, and they are hereby denied.

It is further ordered that Counts I and II be, and they are hereby dismissed.

*Complaint dismissed.*