

(No. 89 CC 2.—Respondent censured.)

*In re* CIRCUIT JUDGE GLYNN J. ELLIOTT, JR.  
of the Circuit Court of Cook County, Respondent.

*Order entered December 7, 1989.*

#### SYLLABUS

On June 22, 1989, the Judicial Inquiry Board filed with the Courts Commission a multi-paragraph complaint, charging the respondent with 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 or about January 13, 1989, 20 high school students toured courtrooms at the Richard J.

Daley Center on a class field trip, arranged through the circuit court's public service office; that the teacher of the class advised the students of the serious nature of the court proceedings and admonished the students to behave appropriately; that the teacher took the students into the respondent's courtroom where, from the public seating section, the students observed the proceedings over which the respondent was presiding; and that the respondent singled out and called one of the students before the bench, castigating the student for creating a disturbance even though no disturbance had occurred in the courtroom.

The complaint stated further that the respondent ordered the student taken into custody and the student was taken into the respondent's chambers by a deputy sheriff and handcuffed to a piece of furniture; that the respondent further castigated the student in chambers while the student remained handcuffed; that after the respondent returned to the bench, the respondent had the student brought before him, again castigated the student for his manner in approaching the bench, and ordered the student be held in custody; that the deputy sheriff again escorted the student to the respondent's chambers and handcuffed him; that the respondent later had the student brought before him and required the student to apologize before releasing him; and that at no time did the respondent explain his actions to the teacher.

The complaint alleged that the respondent's conduct "unjustifiably humiliated and embarrassed" the student and his teacher, and violated Supreme Court Rules 61 (integrity and independence), 62(A) (avoidance of impropriety) and 63(A)(4) (performance of duties) (Ill. Rev. Stat. 1987, ch. 110A, pars. 61, 62(A), 63(A)(4)). On October 16, 1989, the Judicial Inquiry Board and the respondent filed a conditional stipulation and agreement in which the respondent admitted the violations contained in the complaint and the Judicial Inquiry Board agreed that a sanction no more severe than a censure would be recommended.

*Held:* Respondent censured.

Winston & Strawn, of Chicago, for Judicial Inquiry Board.

Martin & Breen, of Chicago, for respondent.

Before the COURTS COMMISSION: MILLER, J., chairman, and LORENZ, STODER, MURRAY and SCOTT, JJ., commissioners. ALL CONCUR.

### ORDER

The Complaint filed by the Judicial Inquiry Board in this case charged the respondent, Judge Glynn J. Elliott, with unjustifiably and improperly castigating, humiliating and detaining a student visiting his courtroom on January 13, 1989, in violation of the Code of Judicial Conduct as set forth in Illinois Supreme Court Rules 61, 62(A) and 63(A)(4). 107 Ill. 2d Rules 61, 62(A); 113 Ill. 2d R. 63(A)(4).

On October 16, 1989, by written agreement, the Judicial Inquiry Board (Board) and the respondent, Judge Glynn J. Elliott, offered to stipulate to the following facts conditioned on the acceptance by the Courts Commission (Commission) of the Judicial Inquiry Board's recommendation that no sanction more severe than a censure is warranted by the facts of the case:

1. The respondent, Glynn J. Elliott, acknowledges that he has been charged in the Complaint in this matter with the violation of the Standards of Judicial Conduct as set forth in Illinois Supreme Court Rules 61, 62(A) and 63(A)(4). 107 Ill. 2d Rules 61, 62(A); 113 Ill. 2d R. 63(A)(4).
2. The respondent fully understands the nature and elements of the violations of the Standards of Judicial Conduct with which he has been charged.
3. The respondent voluntarily admits that he violated the Standards of Judicial Conduct as alleged in the Complaint.
4. In making the admission, the respondent acknowledges that:
  - A. On or about the morning of January 13, 1989, a group of approximately 20 students from the adult living class at Oak Forest High School toured several courtrooms at the Richard J. Daley Center on a class field trip. The teacher of the class

arranged the tour through the Public Service Office of the Cook County circuit court. She was given a list of several courtrooms in which matters of interest to her class might be heard and she was told that her class could observe the proceedings from the public spectating seats in those courtrooms. Prior to commencing the courtroom tour, the teacher advised the students of the serious nature of the court proceedings and instructed them to behave appropriately while in the courtrooms.

B. As part of the tour, the teacher took the class to courtroom 1401 in which the respondent was presiding over the proceedings. The teacher led the students into the respondent's courtroom and they assumed public spectating seats to observe the proceedings.

C. Soon thereafter, the respondent singled out one of the students and called him before the bench. The respondent then reprimanded the student for allegedly creating a disturbance in the courtroom and improperly held the student in contempt of court and ordered that the student be taken into custody. A Cook County deputy sheriff escorted the student to the respondent's chambers where, outside the presence of the respondent, the student was handcuffed to a piece of furniture.

D. The respondent called for the student to be brought before him again. The student appeared before the court and the respondent admonished him for his manner in approaching the bench. The respondent ordered that the student again be held in custody. The deputy sheriff again escorted the student to the respondent's chambers and handcuffed him.

E. The respondent left the bench and escorted the class and teacher to the court computer room.

When passing his chambers he saw the student handcuffed to the chair, unattended by the deputy sheriff. After directing the group to the computer room, he returned to his chambers and again admonished the student.

F. The respondent eventually called for the student to be brought before him again and he was. The respondent required that the student apologize before ordering him released, after having had him detained approximately 45 minutes. The respondent's actions were never explained to the teacher of the class.

5. The respondent understands that the violations to which he admits carry with them the potential penalties of removal from office, suspension without pay, censure or reprimand, pursuant to article VI, section 15 of the Illinois Constitution of 1970. Ill. Const. 1970, art. VI, sec. 15.

The parties further agreed that by entering into the stipulation the respondent surrendered certain rights including a due process hearing on the merits of the Complaint filed against him by the Board and that in the event the Commission rejected the stipulation and the recommendation by the Board that no sanction more severe than a censure is warranted, the Commission would be free to impose any sanction provided by law after a hearing on the merits of the issues presented by the pleadings. The parties further agreed that should the Commission reject the stipulation, including the recommended sanction, the stipulation would become null and void and neither party would be bound by the stipulation.

In mitigation of the sanction to be imposed, the respondent, Judge Elliott, submitted the following:

1. The respondent is 63 years of age and his place of birth is Chicago, Illinois.

2. The respondent has been married to his wife, Joy, since 1957. The respondent and his wife have 10 children: Maureen (age 30), Katherine (age 28), Sheila (age 27), Laurie (age 25), Delia (age 24), Glynn (age 23), Brian (age 22), Patrick (age 20), Michael (age 18) and Thomas (age 13).

3. The respondent served in the United States Air Force from 1944 to 1946.

4. The respondent attended Loyola University and graduated in 1948 with a Bachelor of Philosophy degree. The respondent attended Loyola University School of Law and graduated in 1950.

5. The respondent practiced law in the firms of Allen, Darlington & Elliott, and Elliott, Carrane, Friefeld and Urbua.

6. The respondent became a circuit judge in 1983.

7. The respondent has, since 1983, been assigned to the Municipal Department of the circuit court of Cook County, Illinois.

8. The respondent has presided over tens of thousands of matters involving citations to discover assets, rules to show cause, body attachments, garnishments, judgments by confession, *pro se* collections, replevins, revivals of judgments and foreign judgments.

9. The respondent presides over a courtroom which has eight assigned full-time clerks to handle the volume of cases which appear on the call.

10. If Richard Nowell were called upon to testify, he would state that he is an attorney licensed to practice law in the State of Illinois and is an assistant Attorney General for the State of Illinois. That as an assistant Attorney General, he regularly appears before the respondent.

Richard Nowell would further testify that he has, on numerous occasions, observed the respondent's demeanor and manner while on the bench.

Further, that in his opinion, the respondent shows great patience, fairness and understanding while performing his judicial duties.

11. The respondent has suffered two heart attacks, one in 1970 and another in 1987. The respondent's wife, Joy, suffers from Graves disease.

The Judicial Inquiry Board presented no evidence in aggravation.

The Commission, after considering the pleadings in this cause, the conditional stipulation of the parties, and the matters offered in mitigation, finds that the recommendations of the Judicial Inquiry Board that no sanction more severe than censure is warranted by the facts of this matter is reasonable and proper when considered with the matters offered in mitigation, and the Commission therefore accepts the stipulation of the parties.

Because of the nature of the respondent's actions on the day in question, the Commission rejects reprimand, the lesser of the two sanctions available on the Commission's acceptance of the stipulation of the parties and the recommendation of the Judicial Inquiry Board, and instead imposes the sanction of censure.

On consideration of the entire case, it is the judgment of the Commission that the conduct of the respondent, Judge Glynn J. Elliott, was contrary to acceptable judicial standards and was unjustified and without excuse and that such conduct violated the Code of Judicial Conduct as set forth in Illinois Supreme Court Rules 61, 62(A) and 63(A)(4) (107 Ill. 2d Rules 61, 62(A); 113 Ill. 2d R. 63(A)(4)) in the manner set forth in the stipulation of the parties, accepted by the Commission, and that the respondent, Judge Glynn J. Elliott, should be, and he is hereby, censured for his conduct.

*Respondent censured.*