

(No. 06 CC 1. - Complaint dismissed.)

In re ASSOCIATE JUDGE DONALD A. BEHLE
of the Circuit Court of the Eleventh Judicial Circuit, Respondent.

Order entered May 2, 2007

SYLLABUS

On December 5, 2006, the Judicial Inquiry Board filed a complaint with the Courts Commission, charging respondent with conduct that is prejudicial to the administration of justice and conduct that brings the judicial office into disrepute in violation of the Code of Judicial Conduct, Illinois Supreme Court Rules 61, 62, and 63. In summary form, the complaint alleged that respondent committed misconduct in 2003 by dating a litigant while presiding over her divorce and child custody case. The complaint further alleged that respondent committed misconduct again in 2005 by engaging in frequent, personal *ex parte* contact with a witness who testified in her sister's child custody dispute, a matter over which respondent presided.

Held: Complaint dismissed.

Sidley Austin LLP, of Chicago, for Judicial Inquiry Board.
William J. Martin, Ltd., of Oak Park, for respondent.

Before the COURTS COMMISSION: FITZGERALD, Chairperson, BYRNE, CRESWELL, McBRIDE, and WOLFF, commissioners. ALL CONCUR. FRANKS and TOOMIN, commissioners, did not participate in the final disposition of this matter.

ORDER

This cause coming to be heard on the Judicial Inquiry Board's Motion to Dismiss Complaint Without Prejudice, which was filed in this matter on April 5, 2007, and the Judicial Inquiry Board having asserted that because Respondent is no longer a sitting Illinois judge, the Illinois Courts Commission no longer has jurisdiction over this matter;
and the Illinois Courts Commission being fully advised in the premises;
NOW THEREFORE, it is hereby ordered that this action is dismissed without prejudice.

Complaint dismissed.