

(No. 72 CC 1.—Respondent suspended.)

In re CIRCUIT JUDGE PAUL R. DURR of the Eighth
Judicial Circuit, Respondent.

Order entered August 1, 1973.

SYLLABUS

On December 15, 1972, the Judicial Inquiry Board filed a multi-count complaint, amended on March 9, 1973, with the Courts Commission, alleging the following charges against the respondent: Count I recited section 13(b) of article VI of the 1970 Illinois Constitution, which provides that judges shall devote full-time to judicial duties, not practice law nor hold a position of profit, and Supreme Court Rule 63 (Ill. Rev. Stat., ch. 110A, par. 63), which provides that judges shall not have an active role in the management of any business. Count I alleged that the respondent solely owned and continued to own the Calhoun County Abstract and Title Company; that the office of said company was located in the respondent's chambers in a building which was owned by the respondent and for which the State of Illinois paid rent to the respondent; that said company made examinations of real property titles and issued abstract of titles which the respondent certified; and that the proceeds from the business of said company were deposited in the bank account of the respondent, styled "Paul R. Durr, Attorney at Law."

Count II alleged that since 1966, the respondent engaged in the practice of law by preparing wills, mortgages and deeds; that the respondent prepared the wills of seven persons and approved in probate six of the wills (§§ 3, 4(a) through (f) of Count II); and that the respondent prepared mortgages and deeds in 35 specific instances (§§ 5(a) through (d), 6(a) through (cc), 7(a) and (b) of Count II). Count III recited Supreme Court Rule 61(c)(4) and Rule 61(c)(23) (Ill. Rev. Stat., ch. 110A, pars. 61(c)(4), 61(c)(23)), which provide that a judge's official conduct should be free from impropriety and the appearance thereof and that a judge should avoid any action that tends reasonably to arouse suspicion that his business relations or friendships influence his judicial conduct. Count III further alleged that an attorney, who was a partner of the respondent in the ownership and management of a farm, appeared as attorney of record in 30 specific cases involving probate, divorce and chancery matters which were heard by the respondent (§ 3 of Count III), and that the respondent failed to recuse himself or to advise opposing counsel of his business relationship to the attorney.

Count IV alleged that the "Illinois Governmental Ethics Act" (Ill. Rev. Stat., ch. 127, par. 604A—101 *et seq.*) requires judges to file verified written statements of economic interest, and that the respondent filed a false statement for 1972 in that he did not disclose his ownership of the abstract and title company and his business partnership in the farm (§ 2(a), (b) of Count IV).

Held: Respondent suspended for one year without pay.

Klockau, McCarthy, Lousberg, Ellison & Rinden, of Rock Island, for Judicial Inquiry Board.

Grigsby & Irving, of Pittsfield, for respondent.

Before the COURTS COMMISSION: WARD, J., chairman, and BURKE, EBERSPACHER, DUNNE and FORBES, JJ., commissioners. ALL CONCUR.

ORDER

This matter coming on to be heard on the pleadings filed in this cause, the evidence of witnesses produced, examined and heard in open court, the stipulations and exhibits identified and received in evidence, the arguments of counsel and the authorities, and the Courts Commission being fully advised in the premises, on consideration finds:

1. That this Commission has been duly and properly convened;

2. That it has jurisdiction of the parties and the subject matter of this proceeding.

3. The Commission finds that the allegations of Count I of the amended Complaint are sustained by clear and convincing evidence.

4. The Commission finds that the allegations of paragraphs 4(a), 4(c), 4(e), 4(f), 6(a), 6(f), 6(h), 6(r), 6(s), 6(t) and 6(y) of Count II of the amended Complaint are sustained by clear and convincing evidence. Excepting paragraphs 1 and 2, the allegations of the remaining paragraphs of Count II

are not sustained by clear and convincing evidence and accordingly are dismissed.

5. The Commission finds that the allegations of Count III of the amended Complaint are sustained by clear and convincing evidence, except as to the following allegations or items set out in paragraph 3 of Count III:

PROBATE

72-P-3	Valeris Bick
71-P-7	Lillian Gerson
71-P-33	Una B. Suhling
72-P-4	Minerva L. Halemeyer
72-P-19	Cletus W. German

DIVORCE

68-C-17	Virginia Gress vs. James Gress
72-D-1	Nora Russell Gress vs. Forrest Raymond Gress
72-D-4	Bessie Goewey vs. Raymond Goewey
72-D-7	Monika Newcomer vs. Denver Newcomer

CHANCERY

72-C-21	Sieferman vs. Bremer
71-CH-1	Mississippi Valley Pro- duction Credit Assoc. vs. Walter Meyer
72-CH-2	James O. Ray vs. Jerome Corbett
72-LM-6	USS Agri. Chemicals vs. William Surgeon, et al
72-LM-5	Godar vs. Halemeyer

6. The Commission finds that the allegations set out in Count IV of the amended Complaint are sustained by clear and convincing evidence, except as to para-

graphs 2(c) and 2(d). The allegations of paragraphs 2(c) and 2(d) accordingly are dismissed.

It is therefore ordered that under the Commission's findings, Judge Paul R. Durr be and he hereby is suspended without pay for a period of one year, effective this date.

Respondent suspended for one year without pay.
