

(No. 87 CC 1.—Complaint dismissed.)

*In re* ASSOCIATE JUDGE DUANE G. WALTER  
of the Eighteenth Judicial Circuit, Respondent.

*Order entered August 10, 1987.*

SYLLABUS

The Judicial Inquiry Board filed with the Courts Commission, on January 21, 1987, a two-count complaint, 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 that on September 29, 1986, while presiding in two juvenile matters in the circuit court of DuPage County, the respondent made "racially disparaging, intemperate, injudicious, and discourteous" remarks in one proceeding and "rude, intemperate, disparaging, and injudicious" remarks in the other proceeding.

Count I stated that, while presiding in a juvenile matter involving a black youth, the respondent asked why the youth had been in DuPage County at the time of his arrest and when the youth's counsel said that it was summertime, the respondent said, "What does that have to do with it? The guy lives in Chicago, he should stay in Chicago. I don't invite Harold Washington out here. Harold never has invited me into Chicago and I wouldn't go if he did," and then the respondent asked the youth's parents if they would keep him out of DuPage County. Count I stated further that the respondent made these statements to the black youth: "Johnny, you come back to DuPage County, you have deep troubles. It's like the South, they never let you guys run around in the South. I was stationed there in World War II and it was tough on you. \*\*\* The petition is withdrawn but I don't want to see you again, Johnny. Go to school and become educated or go join Walter Payton."

Count II alleged that, while presiding in a juvenile matter involving a pregnant minor, the respondent made injudicious and improper remarks to the minor and her mother, such as, after the minor answered no to the respondent's question about whether or not she was married, "What are you advertising it for? Do you think it's something that is great? Do you think all the boys are going to come next to you so they can hop in your pants?" and, after the minor said that she planned to get married, "You haven't done such a good job, mom, I hate to tell you that."

The complaint alleged that the respondent's conduct described above violated Supreme Court Rules 61(b) (judge's conduct should be above reproach), 61(c)(4) (avoidance of impropriety), and 61(c)(8) (consideration to counsel and witnesses). (Ill. Rev. Stat. 1985, ch. 110A, pars. 61(b), 61(c)(4), 61(c)(8).) The respondent's term of office expired at the close of June 30, 1987, and, as well, the respondent, on May 1, 1987, resigned his judicial office, effective June 30, 1987.

*Held:* Complaint dismissed.

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

George P. Lynch, of Chicago, for respondent.

Before the COURTS COMMISSION: RYAN, J., acting chairman, and LORENZ, STOUDEUR, MURRAY and SCOTT, JJ., commissioners. MORAN, J., chairman, not participating. ALL CONCUR.

#### ORDER

This cause coming on to be heard on the Illinois Judicial Inquiry Board's response to a rule to show cause why this Commission should not dismiss the instant Complaint against the respondent, Associate Judge Duane G. Walter, and, in its response, the Judicial Inquiry Board, disagreeing with relevant holdings of this Commission, states "that it knows of no cause why this Commission should not dismiss the pending complaint against Judge Duane G. Walter in light of his resignation from judicial office;"

It is ordered that the Complaint heretofore filed by the Illinois Judicial Inquiry Board be and the same is dismissed.

*Complaint dismissed.*

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