
(No. 74 CC 2.—Respondent censured.)

In re CIRCUIT JUDGE WILLIAM A. GINOS, JR., of the Fourth Judicial Circuit, Respondent.

Order entered July 12, 1974.

SYLLABUS

On April 17, 1974, the Judicial Inquiry Board filed a four-count complaint with the Courts Commission, charging the respondent with willful misconduct in office, conduct that is prejudicial to the administration of justice and conduct that brings the judicial office into disrepute. In summary form, the allegations were: Count I alleged that the respondent entered the county jail, engaged in discussions with some of the prisoners, who were awaiting trial on criminal charges, and told them that he would arrange for the early or

immediate release of any prisoner who agreed to become an informer and that he would take reprisals against those prisoners who refused to cooperate with him in the matter of informing about criminal activities of other persons; and on that occasion, the respondent, after conversing with two prisoners, summarily raised the bond of one and released the other on his own recognizance.

Count II alleged that the respondent appointed his brother, an attorney, as guardian *ad litem* in numerous cases. Count III alleged that the respondent appointed said brother as acting probation officer. Count IV alleged that the respondent did not disqualify himself in cases in which said brother appeared as counsel or in which said brother had an interest as probation officer.

Held: Respondent censured.

William J. Scott, Attorney General, of Springfield, for Judicial Inquiry Board.

Anagnost & Anagnost, of Chicago, for respondent.

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

ORDER

The Complaint filed by the Judicial Inquiry Board in this case is as follows:

Count I

"1. On the evening of Saturday, October 27, 1973, at about the hour of 7:00 P.M., the Respondent, then a Judge of the Fourth Judicial Circuit of Illinois and purporting to act in the capacity of a judicial officer, caused the jailer of the Montgomery County Jail at Hillsboro, Illinois (the 'Jail') to admit him to the cellblock and the 'bullpen' of the Jail for the purpose, as the Respondent subsequently described it, of having a 'rap session' with the inmates of the Jail.

2. The Respondent's entry into the cellblock and bullpen of the Jail on said occasion was without prior disclosure of his intention to effect such entry or the purpose of such entry, or prior consultation, with the

Sheriff of Montgomery County, or any other persons connected with or possessing authority over the administration of the Jail.

3. Having entered the bullpen which is part of the detention quarter of the Jail, the Respondent engaged a number of the persons held in detention in the Jail (the 'prisoners') in conversation in the course of which the Respondent sought by various threats and inducements to persuade certain of the prisoners, including one Michael E. Walz, to become informers to the Judge about criminal activities in Montgomery County. He stated, in substance, to the prisoners in the bullpen that he would arrange for the early or immediate release of any prisoner who agreed to become an informer and that he would take reprisals against those prisoners who refused to cooperate with him in the matter of informing about the criminal activities of other persons.

4. (a) On the occasion described above, one of the prisoners in the Jail was one Francis Samuel Cravens ('Cravens') who was being held for trial on an indictment returned on September 26, 1973. Cravens, age 22, was and is a functional illiterate, unable to read or write. A brother of Cravens was, at the time of the Respondent's visit to the Jail on October 27, 1973, being sought on a warrant for his arrest. The Respondent on said occasion demanded of Cravens that he procure or induce the surrender of his brother and threatened that if the brother did not turn himself in immediately he, the Respondent, would see that Cravens went to the penitentiary and would raise his bond. He promised that if Cravens procured the surrender of his brother, the Respondent would immediately release Cravens on his own recognizance.

(b) Cravens was then held on a bond of $5,000. The Respondent had set this bond (on a reduction

from an earlier bond of $10,000) approximately one week prior to October 27, 1973, after a hearing in which Cravens had been represented by counsel. At the instance of the Respondent, Cravens accompanied the Respondent to the office of the Jail and there made a telephone call to his mother in an apparent effort to obtain the surrender of his brother, an effort which was unavailing.

(c) The Respondent then and there 'entered an order' summarily increasing Cravens' bond from $5,000 to $15,000, doing so without any prior notice to or consultation with the State's Attorney or Cravens' counsel, and without giving Cravens or his counsel any opportunity to be heard on the matter. He then ordered Cravens returned from the office to the detention area of the Jail.

5. On the occasion described above one of the prisoners in the Jail was one Robert Milligan ('Milligan'), who was being held for trial on an indictment returned on September 26, 1973 charging an offense of theft. The Respondent had previously set a bond of $2,000 for Milligan and Milligan had been unable to make bond. On the evening of October 27, 1973, in conjunction with the other events above described, the Respondent took Milligan from the bullpen into the office of the Jail, and then and there, without prior notice to or consultation with the State's Attorney or Milligan's counsel, wrote out on a sheet of paper a 'Recognizance Bond' and had Milligan sign it. The Respondent then endorsed an approval on the 'Recognizance Bond' and 'entered an order' releasing Milligan instanter. He then procured the release of Milligan, who promptly departed the scene.

Count II

7. During his tenure as a Judge of the Fourth Judicial Circuit, the Respondent, in violation of his

duty and responsibility to avoid nepotism and action tending to create suspicion of impropriety, appointed his brother, George E. Ginos, a lawyer, as a guardian ad litem in numerous cases and on numerous occasions, including the following appointments in probate cases pending before the Respondent:

Case Number	Date of Appointment
70-P-72	4/30/70
70-P-86	6/22/70
70-P-92	6/12/70
70-P-102	6/25/70
70-P-132	9/14/70
70-P-154	7/7/71
70-P-168	12/15/70
70-P-189	1/14/71

Count III

8. On or about May 1, 1967, during the Respondent's tenure as a Judge of the Fourth Judicial Circuit, the Respondent, in violation of his duty and responsibility to avoid nepotism and action tending to create suspicion of impropriety, appointed his brother, George E. Ginos, an attorney, as Acting Probation Officer of Montgomery County and caused his said brother to continue in the office of Probation Officer until approximately December 30, 1970.

Count IV

9. During the Respondent's tenure in office as a Judge of the Fourth Judicial Circuit, he failed, on a number of occasions, to disqualify himself in cases in which his brother had an interest as Probation Officer of Montgomery County; such cases include the cases mentioned in Count II in which the Respondent had appointed George E. Ginos as guardian ad litem and a number of cases (including 70-C-34 and 70-C-69) in which George E. Ginos, as Probation Officer, submitted probation reports."

The respondent did not dispute the basic charge in Count I of the Complaint. With respect to that count the Commission finds:

The respondent entered the Montgomery County Jail to engage in what he characterized as a "rap session" with the prisoners. His objective was to find out why burglaries, thefts, vandalism, cattle rustling and other crimes had increased in Montgomery County and to obtain ideas which he hoped could be used in crime prevention, and in working with, advising and helping young people in their early years.

While he was in the bullpen, the respondent attempted "to obtain the cooperation of" one of the prisoners, a young man of dubious mental capacity, with respect to the whereabouts of his brother for whose arrest a warrant was outstanding. The young man telephoned his mother in an effort to ascertain information as to the whereabouts of his brother, but she did not know where the brother was. The respondent thereupon increased the young man's bail from $5,000 to $15,000.

During the course of his visit to the jail, the respondent released another prisoner upon his own recognizance. The respondent testified that the prisoner had assured him that he had a job available on the following Monday and that he would faithfully appear when required to do so.

The respondent's justification for his conduct was that he attended the National College of the State Judiciary and had there participated in "rap sessions" with other judges and with inmates of the Nevada State Penitentiary. In this case, however, the situation was real. No one was seeking sociological insights or playing imaginary roles. The respondent was alone in the bullpen with the prisoners. None of the attorneys representing the prisoners was present.

Without pursuing further the evidence with respect

to this count, it is the opinion of the Commission that the conduct of the respondent was misguided and improper and that it was prejudicial to the administration of justice and tended to bring the judicial office into disrepute.

The Commission finds that the allegations of Count II were proved by clear and convincing evidence and that the conduct of the respondent was improper. It appears, however, that over the period of more than twenty years that he has held judicial office, the respondent has not heard cases in which his brother was involved either personally or as counsel with the exception of those instances noted in the Complaint. With respect to the eight cases in which his brother was appointed as guardian *ad litem*, the total compensation received by his brother was $330. In most of these cases, his fee was fixed at the sum of $20. The highest compensation paid was in one instance in which the fee was $50. These appointments were made in accordance with a plan of rotation of such appointments among the members of the bar of Montgomery County.

These appointments were improper. They violated Supreme Court Rule 61(c), paragraph 11 (Ill. Rev. Stat., ch. 110A, par. 61(c)(11)).

The Commission also finds that the allegations of Counts III and IV of the Complaint were established by clear and convincing evidence, and that the conduct of the respondent as described in those counts was improper. The impropriety of the appointment of his brother as acting probation officer was not eliminated by the fact that the chief judge of the circuit approved the appointment.

Upon the whole case, it is the judgment of the Commission that the respondent should be, and he is hereby censured.

Respondent censured.