
(No. 84 CC 2.—Complaint dismissed.)

In re **CIRCUIT JUDGE BRUCE R. FAWELL**
of the Eighteenth Judicial Circuit, Respondent.

Order entered April 12, 1985.

SYLLABUS

On August 20, 1984, the Judicial Inquiry Board filed a multi-paragraph complaint with the Courts Commission, 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. The complaint alleged that, during 1982 and 1983, the respondent solemnized more than 200 marriages; that, with respect to 93 of these marriages, the respondent received \$4,665 in fees, and stated in his Federal and State income tax returns for 1982 and 1983 that he received \$5,320 in such fees; that the respondent was one of a number of judges in the Eighteenth Judicial Circuit who regularly officiated at weddings outside of the circuit court's marriage division's regular session, to whom court personnel would refer persons seeking to have their marriages solemnized other than at the times specified for the marriage division; and that such judges, including the respondent, or their representatives would arrange for the judge to perform the marriage at a specific place and time, and the judges would charge a fee of generally from \$50 to \$100.

The complaint further alleged that judges and retired judges are authorized by law (Ill. Rev. Stat., ch. 40, par. 209) to solemnize marriages; that Supreme Court Rule 40 (Ill. Rev. Stat., ch. 110A, par. 40) authorizes creation of a marriage division within a circuit court, the setting of times and places of marriages in the division, and the setting of a fee for such marriages not to exceed \$10 and to be collected by the court clerk but no "additional fee or gratuity will be

solicited or accepted"; that no other fee for the performance of marriages by a judge is authorized by law; that the Illinois Constitution provides that judges shall receive salaries provided by law and there shall be no fee officers in the judicial system (Ill. Const., art. VI, sec. 14) and that judges shall not hold positions of profit apart from their judicial positions (Ill. Const., art. VI, sec. 13(b)); and that the respondent's conduct was in derogation of Supreme Court Rule 40 and article VI, sections 13(b) and 14, of the Illinois Constitution, and violated Supreme Court Rule 65 (Ill. Rev. Stat., ch. 110A, par. 65), which prohibits a judge from accepting "compensation of any kind *** except as provided by law for the performance of his judicial duties or as provided by the Illinois Constitution ***", by accepting fees for solemnizing marriages. The respondent's term of office expired on December 3, 1984.

Held: Complaint dismissed.

Sidley & Austin, of Chicago, for Judicial Inquiry Board.

William J. Martin, Ltd., of Chicago, for respondent.

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

ORDER

It appearing that the respondent, Bruce R. Fawell, left office as a judge of the circuit court of the 18th Judicial Circuit on December 3, 1984, by reason of the expiration of his term of office as a circuit judge; and it further appearing that the respondent, by his attorney, William J. Martin, filed a motion to dismiss this action on January 9, 1985, and that the Judicial Inquiry Board, by its attorney, Jeffrey R. Tone, did file on January 21, 1985, its response to the motion to dismiss, and the Commission having considered the matter;

It is hereby ordered that the Complaint herein be dismissed.

Complaint dismissed.