

(No. 73 CC 3.—Respondent suspended.)

In re CIRCUIT JUDGE FRANKLIN I. KRAL of the
Circuit Court of Cook County, Respondent.

Order entered December 18, 1973.

SYLLABUS

On July 20, 1973, the Judicial Inquiry Board filed a two-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. Count I recited Supreme Court Rule 61(c)(22) (Ill. Rev. Stat., ch. 110A, par. 61(c)(22)), which provides that a judge should not accept gifts or favors from litigants, lawyers practicing before him, or others whose causes are likely to be submitted to him for judgment. Count I also alleged that during the period from June 1, 1971 to December 31, 1971, the respondent was a judge in the housing section ("housing court") of the circuit court; that Attorney Forman, who frequently appeared before the respondent as an attorney for others and as a party-litigant, had acted as attorney for one Berland in litigation in the "housing court" and on occasion the respondent heard said litigation; and that Forman had been a business associate of Berland whose family owned wallpaper, paint and decorating stores which employed Berland.

Count I further alleged that during the aforementioned period, the respondent and Forman discussed in the courtroom the purchase by the respondent of wallpaper, etc., from Berland stores and Forman's acquaintance with Berland; that at the time of the discussion, the respondent knew that Forman had appeared, was appearing and might be expected to continue to appear before him as an attorney and as a party, and that Forman was or had been an attorney for and a business associate of Berland who was associated with Berland stores; that in a later discussion in the respondent's chambers, Forman offered, and the respondent accepted, to use his influence with Berland to obtain for the respondent from the Berland stores merchandise at a discount; that the respondent received the merchandise which had a retail value of about \$2900; and that the respondent paid \$2000 in cash to Forman in his chambers and in turn Forman arranged to discharge the respondent's indebtedness to the Berland stores.

Count II recited Supreme Court Rule 61(c)(4) (Ill. Rev. Stat., ch. 110A, par. 61(c)(4)), which provides in part that a judge's official

conduct should be free from impropriety and the appearance thereof and that his personal behavior on and off the bench should be beyond reproach. Count II then alleged that the respondent did not request or receive written evidence of the \$2000 transfer; that the lack of a written record of said cash payment created the appearance that the merchandise was not paid for; and that the respondent wished to conceal his dealings with Forman and Berland stores.

Held: Respondent suspended for two months without pay.

Ross, Hardies, O'Keefe, Babcock & Parsons, of Chicago, for Judicial Inquiry Board.

Wolfberg and Kroll, of Chicago, for respondent.

Before the COURTS COMMISSION: SCHAEFER, 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 set out in Count II of the amended Complaint are duplicative of the allegations set out in Count I. Count II is therefore dismissed.

It is therefore ordered that under the Commission's findings, Judge Franklin I. Kral be and he hereby is

suspended without pay for a period of two months, effective this date.

Respondent suspended for two months without pay.
