
(No. 73 CC 1.—Respondent suspended.)

In re ASSOCIATE JUDGE JOHN J. McDONNELL of
the Circuit Court of Cook County, Respondent.

Order entered June 29, 1973.

SYLLABUS

On March 9, 1973, the Judicial Inquiry Board filed a three-count complaint with the Courts Commission, charging the respondent with conduct that brings the judicial office into disrepute and with conduct that is prejudicial to the administration of justice. Count I recited Supreme Court Rule 61(c)(4) (Ill. Rev. Stat., ch. 110A, par. 61(c)(4)), which in part provides that a judge should avoid infractions of law and that a judge's personal behavior on and off the bench should be beyond reproach. Count I further alleged that on the evening of November 30, 1972, in the city of Chicago, the respondent appeared in a parking lot, which was near the apartment building where he resided, carrying on his person a hand gun, and approached the occupants in an automobile in the parking lot as said automobile passed near the respondent's automobile also in the parking lot, and the respondent pounded on said automobile and shouted, threatened, used profane language and ordered the occupants of the automobile to leave the parking lot. Count I additionally alleged that shortly after this incident, the respondent, when questioned in his apartment by

police officers and identified by the driver of the automobile, denied that he had been in the parking lot at the time of the incident. Count I also recited pertinent sections of the Municipal Code of the city of Chicago which prohibited breach of the peace by use of weapons and prohibited the carrying of concealed and unconcealed firearms.

Count II alleged that in December 1971 the respondent, while driving his automobile, made a sudden turn, causing two pedestrians in the intersection to evade being struck by the respondent's automobile, and as the respondent's automobile passed, one of the pedestrians struck the automobile with his hand, whereupon the automobile stopped, the respondent jumped out, struck the pedestrian in the face with his fist, and pushed the other pedestrian. When asked to identify himself, the respondent replied that his name was "Pete Smith." Count III recited Supreme Court Rule 61(c)(7) (Ill. Rev. Stat., ch. 110A, par. 61(c)(7)), which provides that judges should cooperate to promote the administration of justice. Count III also alleged that in January 1973 an acquaintance of the chairman of the Judicial Inquiry Board placed a telephone call to the chairman and told the chairman that he was calling at the respondent's request to inform the chairman of the respondent's character and reputation and to ascertain whether the respondent would receive a fair hearing by the Board in the investigation of the respondent's conduct.

Held: Respondent suspended for four months without pay.

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

Jenner & Block, of Chicago, for respondent.

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

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 Illinois 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, with Justice Burke dissenting, that the allegations of Count I of the Complaint have been sustained by clear and convincing evidence.

4. The Commission finds that the allegations of Count II of the Complaint have not been sustained by clear and convincing evidence and accordingly Count II is dismissed.

It is therefore ordered, with Justice Burke dissenting, that under Finding 3 above Associate Judge John J. McDonnell be and he hereby is suspended without pay for a period of four months, effective this date.

Respondent suspended for four months without pay.

BURKE, J., dissents.
