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STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD

PRESS RELEASE

FOR IMMEDIATE RELEASE
October 25, 2018

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**JUDICIAL INQUIRY BOARD FILES COMPLAINT AGAINST PATRICK J. O'SHEA, CIRCUIT
JUDGE, 18TH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS**

On October 25, 2018, the Illinois Judicial Inquiry Board filed a Complaint with the Illinois Courts Commission against Patrick J. O'Shea, Judge of the Circuit Court, Eighteenth Judicial Circuit of the State of Illinois, charging Respondent with conduct that was prejudicial to the administration of justice and brought the judicial office into disrepute.

The Complaint alleges that On September 27, 2017, while being interviewed by detectives in connection with an investigation into Respondent's discharge of a firearm inside his apartment and firing a bullet into a neighboring apartment, Respondent made statements he knew to be false and deceptive, and knowingly omitted facts that were relevant to the matters the detectives were investigating. It is alleged that these misrepresentations, deceptions, and omissions concerned facts Respondent knew were relevant to an active criminal investigation.

It is also alleged that on April 13, 2018, Respondent again made statements he knew to be false and deceptive while testifying before the Illinois Judicial Inquiry Board, and knowingly omitted facts during his testimony that were relevant to matters the Board was investigating. The Complaint alleges that the misrepresentations, deceptions, and omissions before the Board were made under oath and concerned facts Respondent knew

were relevant to the Illinois Judicial Inquiry Board's investigation into his conduct.

Additionally, the Complaint alleges that on or about September 28, 2017, Respondent filed a "Formal Complaint" against a court employee who had lodged a complaint of sexual harassment against Respondent that was investigated, substantiated, and deemed to be a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures. It is alleged that Respondent filed the "Formal Complaint" in an attempt to retaliate against the court employee for lodging a sexual harassment complaint against him, and in an attempt to damage the court employee's standing with her employer and to discourage or dissuade her from raising future complaints.

The Complaint further alleges that during July and August 2016, Respondent took other negative employment actions against his former administrative assistant, including verbally complaining to her supervisors and co-workers about her appearance and job performance, demanding her termination, threatening to sue her, and threatening to hold her in contempt and take her into custody, after his assistant submitted information in support of a sexual harassment complaint against Respondent that was investigated, substantiated, and deemed to be a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures. It is alleged that Respondent took these actions in an attempt to retaliate against his assistant for lodging a sexual harassment complaint against him, and in an attempt to damage his assistant's standing with her employer and to discourage or dissuade her from raising future complaints.

The Board's trial counsel, Attorneys Kevin M. Fee and Joshua A. Fogarty of Sidley Austin LLP, will prosecute the Complaint.

-ATTACHED IS A COPY OF THE COMPLAINT-

**COURTS COMMISSION OF THE
STATE OF ILLINOIS**

In re PATRICK J. O'SHEA,)	
Judge of the Circuit Court,)	
Eighteenth Judicial Circuit of the)	No.
State of Illinois,)	

COMPLAINT

Pursuant to Section 15(c) of Article VI of the Constitution of the State of Illinois, the Illinois Judicial Inquiry Board ("Board") complains against Judge Patrick J. O'Shea, Judge of the Circuit Court, Eighteenth Judicial Circuit of the State of Illinois ("Respondent"), and charges Respondent with conduct that was prejudicial to the administration of justice and that brought the judicial office into disrepute.

SUMMARY OF ALLEGATIONS

1. On September 27, 2017, while being interviewed by detectives in connection with an investigation into Respondent's discharge of a firearm inside his apartment and firing a bullet into a neighboring apartment, Respondent made statements he knew to be false and deceptive, and knowingly omitted facts that were relevant to the matters the detectives were investigating. These misrepresentations, deceptions, and omissions concerned facts Respondent knew were relevant to an active criminal investigation.

2. On April 13, 2018, Respondent also made statements he knew to be false and deceptive while testifying before the Illinois Judicial Inquiry Board, and knowingly omitted facts during his testimony that were relevant to matters the Board was investigating. The misrepresentations, deceptions, and omissions before the Board were made under oath and concerned facts Respondent knew were relevant to the Illinois Judicial Inquiry Board's investigation into his conduct.

3. On or about September 28, 2017, Respondent filed a "Formal Complaint" against

a court employee who had lodged a complaint of sexual harassment against Respondent that Circuit Judge Robert Kleeman and the Administrative Office of Illinois Courts investigated, substantiated, and deemed to be a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures. Respondent filed the "Formal Complaint" in an attempt to retaliate against the court employee for lodging a sexual harassment complaint against him, and in an attempt to damage the court employee's standing with her employer and to discourage or dissuade her from raising future complaints.

4. During July and August 2016, Respondent took other negative employment actions against his former administrative assistant, including verbally complaining to her supervisors and co-workers about her appearance and job performance, demanding her termination, threatening to sue her, and threatening to hold her in contempt and take her into custody, after his assistant submitted information in support of a sexual harassment complaint against Respondent that Judge Ronald Sutter and the Administrative Office of Illinois Courts investigated, substantiated, and deemed to be a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures. Respondent took these actions in an attempt to retaliate against his assistant for lodging a sexual harassment complaint against him, and in an attempt to damage his assistant's standing with her employer and to discourage or dissuade her from raising future complaints.

STATEMENT OF FACTS

5. On November 6, 2012, Respondent was elected Judge of the Circuit Court for the Eighteenth Judicial Circuit of Illinois. He remains a Circuit Judge as of the filing of this Complaint.

I. Respondent Fired a Gun Into His Neighbor's Apartment

6. In September 2017, Respondent resided in a unit at the Courthouse Square

Apartments, 245 E. Willow Avenue, Wheaton, IL 60187 ("Apartment No. 1").

7. Respondent's Apartment No. 1 was located adjacent to, and immediately to the west of, a neighboring unit ("Apartment No. 2") occupied by two residents. The east wall of Respondent's bedroom in Apartment No. 1 is shared with Apartment No. 2.

8. On September 15, 2017 at or about 2:00 pm, Respondent removed a Smith & Wesson .38 Special Airweight revolver (the "revolver") from a dresser in his bedroom, removed the revolver from its holster, and fired the revolver.

9. When Respondent fired the revolver, it shot a bullet through a large mirror that then hung on the east wall of Respondent's bedroom ("the mirror"), through the wall behind the mirror, and into the living room of Apartment No. 2. Upon entering Apartment No. 2, the bullet left a hole in the west wall of the living room of Apartment No. 2, traveled through the living room, and struck and damaged the east wall of the room before stopping its trajectory and falling into the living room.

10. Soon after firing the revolver into Apartment No. 2, Respondent left his apartment building and entered the Courthouse Square Apartments office in a building nearby on Naperville Road. While in the office, Respondent told the Courthouse Square Apartments property manager and maintenance worker that he had damaged the wall of his apartment while trying to hang the mirror that day, and requested assistance with removing the mirror. The maintenance worker then accompanied Respondent back to Respondent's Apartment No. 1 to assist with the mirror, where Respondent informed the maintenance worker that the bullet hole in his wall was caused when Respondent accidentally pushed a screwdriver through the wall.

11. Respondent also spoke with the Courthouse Square Apartments Assistant Manager that same day and told her that he had damaged his wall by accidentally driving a

screwdriver through it. In a subsequent conversation, Respondent further told the Assistant Manager that he wanted to apologize to the residents of Apartment No. 2 and give them a gift card to make amends for damaging their wall. Respondent did not inform any of the Courthouse Square Apartments personnel that he had, in fact, discharged a firearm inside his bedroom and fired a bullet into his neighbors' apartment.

12. On September 15, 2017 one of the two residents of Apartment No. 2 returned home from work, observed the bullet hole in the west wall of her living room, and contacted the Courthouse Square Apartments office for help. Courthouse Square Apartments personnel informed the resident that Respondent reported that he had punctured a hole through the wall with a screwdriver while trying to hang a mirror, and the maintenance worker later repaired the damage Respondent's bullet caused to the walls in the living room in Apartment No. 2.

13. Respondent has never spoken to or otherwise communicated with the residents of Apartment No. 2 about his firing a bullet into their living room.

II. Respondent's False and Misleading Statements to Detectives

14. On September 24, 2017, the other resident of Apartment No. 2 found the bullet Respondent had fired through the wall into the living room of Apartment No. 2. The residents reported the incident to the Wheaton Police Department and provided the police with the bullet they had found. Wheaton Police Department Detectives Edward Waterous and Edward Fanning then spoke with the Courthouse Square Apartments personnel on September 26, 2017 and learned what Respondent had told them after the September 15, 2017 incident. The Detectives also spoke with the residents of Apartment No. 2 at their apartment later that day.

15. On September 27, 2017, Detectives Waterous and Fanning interviewed Respondent at his residence. When Respondent answered his door, Detective Waterous asked Respondent if he would speak to the detectives regarding the damage to Respondent's bedroom

wall. Respondent agreed to speak with the detectives and stepped partially into the hallway of the apartment building.

16. In the hallway, Detective Waterous asked Respondent what caused the hole through the wall from Apartment No. 1 into Apartment No. 2. Respondent answered that there were two holes in the wall, one made by a screwdriver and the other by a nail gun. Detective Waterous replied that their investigation to date suggested the damage had not been caused by a screwdriver or a nail gun. Respondent then invited the detectives into his bedroom to view the damage to the wall.

17. Respondent's statement in the hallway was false and misleading, and Respondent knew it to be false and misleading at the time he made it. As Respondent knew, he made one of the holes in the wall not with a screwdriver or a nail gun but with the revolver when he fired it in his bedroom on September 15, 2017.

18. Upon entering Respondent's bedroom on September 27, 2017, the detectives observed a dresser on the east wall. Above the dresser was a hole, approximately 1 inch in diameter, that was made by the bullet Respondent fired from the revolver on September 15, 2017. Above the bullet hole, the detectives also observed a drywall anchor and a second, smaller hole – approximately 1/2 inch in diameter – which had previously held another drywall anchor used to hold up the mirror.

19. Upon entering Respondent's bedroom on September 27, 2017, Respondent told the detectives that the drywall anchor hole above the dresser had been made by a nail gun, and that he made the larger hole with a screwdriver. Respondent stated that he had been taking down the mirror and in the process pushed the screwdriver through the wall, causing the larger hole.

20. These statements were false and misleading, and Respondent knew them to be

false and misleading at the time he made them. Respondent told the detectives that he made the larger hole in his wall with a screwdriver while removing the mirror from the wall. As Respondent knew, however, he in fact made the hole when he fired the revolver through his bedroom wall on September 15, 2017. He only later removed the mirror from the wall because he had fired a bullet through it.

21. Detective Waterous then told Respondent that he knew neither a screwdriver nor a nail gun caused the bullet hole, and that a bullet had been found on the other side of the wall in Apartment No. 2. Respondent replied that Respondent's son must have come into Respondent's bedroom and accidentally fired one of Respondent's firearms through the wall into Apartment No. 2.

22. These statements by Respondent were false and misleading, and Respondent knew them to be false and misleading at the time he made them. When Respondent told the detectives that his son may have fired a gun through the wall into Apartment No. 2, Respondent knew that he himself had fired the revolver through the wall on September 15, 2017.

23. After further discussion and questioning about the events of September 15, 2017 and the damage to Apartment No. 2, Respondent stated, "If you want me to say I shot the gun, then I shot the gun." After Detective Waterous clarified that the detectives wanted to know who shot through the wall and how it happened, Respondent stated that he had accidentally fired the revolver through his bedroom wall on September 15, 2017.

24. At no point before his police interview on September 27, 2017 did Respondent volunteer to the Wheaton Police Department or any other law enforcement agencies or officials that he shot the revolver through his bedroom wall on September 15, 2017. Even on September 27, 2017, Respondent only admitted that he shot the revolver through the wall after making at

least three false and misleading statements about the origin of the bullet hole, and only after the investigating officers told him they had already found the bullet he fired into Apartment No. 2.

25. Respondent's lies, misrepresentations, deceptions, and omissions related to facts that he knew were relevant to an active police investigation.

26. Respondent knew that each of the false and misleading statements and omissions noted above were false and deceptive when he made them.

27. Respondent's conduct during his September 27, 2017 interview with Wheaton Police Department detectives was prejudicial to the administration of justice and brought his judicial office into disrepute.

III. Respondent's False and Misleading Testimony before the Judicial Inquiry Board

28. On April 13, 2018, Respondent appeared before the Illinois Judicial Inquiry Board and testified under oath about the events at issue in the Board's investigation of his alleged misconduct.

29. Respondent testified before the Board that during his September 27, 2017 police interview, he volunteered to the detectives in the first instance that he made the larger hole in the wall above his dresser by firing a bullet into the wall. This testimony before the Board was false and misleading, and Respondent knew it was false and misleading when he gave it. During his September 27, 2017 police interview, Respondent did not admit to firing the gun until after he gave at least three false explanations for the bullet hole in his wall, and then only after the officers informed him they had found the bullet in Apartment No. 2.

30. Respondent further testified before the Board that, during his September 27, 2017 interview with police, he never told detectives that he made the bullet hole in his wall with a screwdriver. This testimony before the Board was false and misleading, and Respondent knew it was false and misleading when he gave it. During the September 27, 2017 interview,

Respondent repeatedly told the detectives that he made the larger hole in his wall with a screwdriver, rather than a gun.

31. Respondent further testified before the Board that, during his September 27, 2017 interview, he never told the detectives that his son may have fired a bullet into or through the wall. This testimony before the Board was false and misleading, and Respondent knew it was false and misleading when he gave it. During the September, 27, 2017 interview, after Detective Waterous told Respondent that a bullet had been found on the other side of the wall in Apartment No. 2, Respondent stated that his son may have come into his bedroom and accidentally fired a bullet through the wall into Apartment No. 2, even though Respondent knew he had himself shot through the wall on September 15, 2017.

32. Respondent further testified before the Board that he was truthful with the detectives during his September 27, 2017 interview. This testimony was false and misleading, and Respondent knew it was false and misleading when he gave it. As discussed above, Respondent was not truthful in his statements to the detectives about the firing of the revolver through his bedroom wall.

33. Respondent's false and misleading testimony before the Board was prejudicial to the administration of justice and brought his judicial office into disrepute.

IV. Respondent's Attempts to Retaliate Against Court Employees for Sexual Harassment Complaints

34. During the September 2017 time period discussed above, and for the two years leading up to it, Respondent also took actions against female court employees in attempted retaliation for sexual harassment complaints they had lodged against him.

A. Attempted Retaliation Against Deputy Clerk For Her Sexual Harassment Complaint

35. On August 17, 2017, a DuPage County Circuit Court Deputy Clerk (the "Clerk")

was assigned to work in an administrative capacity in Respondent's courtroom. After Respondent's afternoon court call was complete that day, Respondent and the Clerk were alone in Respondent's courtroom together. During that time, and after moving into close physical proximity to the Clerk, Respondent made comments about the Clerk's physical appearance that made her feel uncomfortable.

36. Later on the afternoon of August 17, 2017, the Clerk reported Respondent's statements and conduct to her supervisor. The Clerk's supervisor reported the incident upward within the DuPage County government, and it was ultimately reported to Kathryn Creswell, who was then Chief Judge of the 18th Judicial Circuit Court. The Clerk also requested a transfer from Respondent's courtroom because of Respondent's conduct. The Clerk's request was granted, and she was transferred from Respondent's courtroom less than a week after starting.

37. On August 22, 2017, another court employee reported to her supervisor that, while riding an escalator with Respondent in the courthouse, he made comments about her appearance that made her feel uncomfortable. She reported these remarks to her supervisor the following day. This matter was also ultimately reported upward to Judge Creswell.

38. Judge Creswell asked Judge Robert Kleeman and the Administrative Office of Illinois Courts ("AOIC") to conduct an investigation into both of these complaints against Respondent.

39. In September 2017, Judge Kleeman, with the assistance of the AOIC's Assistant Director of Human Resources, conducted an internal investigation regarding the two August 2017 complaints against Respondent. On September 13, 2017, Judge Kleeman and the AOIC completed their investigation and concluded in a written memorandum that the Clerk and the other court employee both raised credible and substantiated complaints of conduct by

Respondent that met the definition of sexual harassment as defined in the Illinois Supreme Court Sexual Harassment Policy and Procedures.

40. On September 18, 2017, Judge Kleeman, Judge Ronald Sutter, and the AOIC's Assistant Director of Human Resources met with Respondent and gave Respondent a copy of the Illinois Supreme Court Sexual Harassment Policy and Procedures and a copy of the September 13, 2017 memo, drafted by Judge Kleeman, summarizing the investigation and its findings. During this meeting, Respondent was specifically admonished that he was prohibited by the policy from retaliating against any complainant.

41. On or about September 28, 2017, Respondent nonetheless responded to the Clerk's complaint by delivering to the DuPage County Circuit Court Clerk and the DuPage County Human Resources Department copies of a "Formal Complaint" that he had drafted regarding the complaining Clerk.

42. The first portion of Respondent's document purported to lodge a "formal complaint about the unacceptable job performance of [the Clerk]" with allegations regarding, *inter alia*, her knowledge, skills, timeliness, and motivation. The second portion, however, directly attacked the Clerk's sexual harassment complaint against Respondent and requested that Respondent's "Formal Complaint" be incorporated as "part of [Clerk's] permanent employment history."

43. In his April 13, 2018 testimony before the Board, Respondent readily admitted that he created and filed his "Formal Complaint" because of the complaining Clerk's allegations of sexual harassment against Respondent. He described his "Formal Complaint" as a "response" to the complaining Clerk's sexual harassment allegation. When asked whether he filed the "Formal Complaint" hoping that the Clerk would be disciplined, Respondent testified, "I wanted

this to go in her file in case she ever tries it again. Yeah I think so.” Respondent was then asked to clarify: “In case she ever tries what again?” Respondent gave the following answer:

“She tries to pull this stuff oh, I didn’t like it. He came too close to me. I didn’t like that he said a compliment to me. If she tries that with regard to any kind of a work situation, I think they’ll look at this and say well, we have to determine whether or not it really was what she said or whether it was just another excuse to get out of the situation she’s in.”

44. Respondent lodged his “Formal Complaint” against the complaining Clerk in an attempt to retaliate against her for her raising a sexual harassment complaint that was investigated, substantiated, and deemed a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures by Judge Kleeman, and in an attempt to damage the Clerk’s standing with her employer and to discourage or dissuade her from filing future complaints. In so doing, Respondent abused his position in a manner that compromised the integrity of and public confidence in the judiciary, and failed to maintain professional competence in judicial administration and facilitate the performance of the administrative responsibilities of other judges and court officials.

45. Respondent’s conduct was prejudicial to the administration of justice and brought his judicial office into disrepute.

B. Attempted Retaliation Against Administrative Assistant For Her Sexual Harassment Complaint

46. The incident described above was not Respondent’s first attempt to retaliate against a female employee for filing a sexual harassment complaint against him. He had taken similar actions only a year before.

47. During 2016, Respondent and DuPage County Associate Judge Michael A. Wolfe shared an Administrative Assistant (“Assistant”). Between March and May 2016, Respondent made a number of comments to his Assistant, and to his Assistant and Judge Wolfe together, that made both Judge Wolfe and the Assistant uncomfortable.

48. On May 17, 2016, Judge Wolfe submitted a written complaint to Respondent's presiding judge, Circuit Judge Ronald Sutter, about Respondent's conduct. The Assistant also wrote her own account of Respondent's comments that made her uncomfortable, and Judge Wolfe submitted that document to Judge Sutter on May 17, 2016 as well. Judge Sutter then forwarded both documents to the AOIC for investigation.

49. Judge Sutter and the AOIC proceeded to investigate these complaints during late May 2016. As part of the investigation, an AOIC employee and Judge Sutter conducted in-person meetings with the Assistant, Judge Wolfe, and Respondent.

50. During an in-person meeting with Respondent on May 26, 2016, Judge Sutter informed Respondent that the investigation had substantiated the allegations against him, and that Respondent's conduct was in violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures. Judge Sutter provided Respondent with a copy of the Policy and Procedures.

51. On May 26, 2017, Judge Sutter submitted a memorandum to Chief Judge Creswell concerning the investigation. The memorandum stated that Judge Sutter had determined, based on the investigation he conducted along with the AOIC, that Respondent committed verbal acts of sexual harassment against his Assistant as defined by the Illinois Supreme Court Sexual Harassment Policy and Procedures, and that the appropriate action based on the nature of the incidents was a verbal reprimand.

52. During June and July 2016, in response to the complaint and investigation, Respondent dramatically reduced the amount of work he gave to his Assistant, and instead gave the work to other administrative assistants in the courthouse. Respondent also stopped allowing the Assistant to enter his office while he was present.

53. On Friday, July 15, 2016 the Assistant attempted to ask Respondent a question regarding a court document while he was in his office. When she tried to do so, Respondent shouted at the Assistant and instructed her not to enter his office. After his Assistant explained that she was trying to raise a question regarding a court document, Respondent had a verbal exchange with the Assistant at his office entryway, still refused to allow her to enter his office, and shut the door.

54. Later on July 15, 2016, Respondent met with the Assistant's secretarial supervisor and told her the Assistant had raised her voice at him, that he did not like her tattoos, that she was "nasty and loud," that he wanted the Assistant fired, and that he wanted to sue her. Respondent said that he was writing up "every single thing [the Assistant] does wrong" so that he could submit a complaint against the Assistant to the DuPage County human resources department and bring about disciplinary action.

55. On Monday, July 18, 2016, Respondent met with his Assistant's supervisor again, complained again about her tattoos and described them as "gang related," informed the supervisor that he did not want to work with his Assistant, and informed her that he was writing down things the Assistant did wrong in order to "build a case" against her that he could file with the DuPage County human resources department or ethics office. Respondent told the supervisor that he would hold the Assistant in contempt and have her taken into custody if he had to. In an attempt to defuse the situation and to stop Respondent from taking further action against the Assistant, the Assistant's supervisor admonished the Assistant that she should not have raised her voice at Respondent during the July 15, 2016 incident in his office.

56. Respondent's Assistant became fearful of Respondent during this time due to his erratic and aggressive behavior toward her. Shortly after the incident, after discussions with her

supervisors and at her request, the Assistant was transferred to the court reporting department on a different floor of the building so she could avoid interactions with Respondent.

57. Even after the Assistant had been transferred, Respondent continued to inform the Assistant's supervisor that he had submitted information about the Assistant that would remain in the Assistant's permanent file, and further complained about the Assistant's tattoos, reiterating that he thought one of them was a "gang tattoo."

58. Respondent took the actions described in paragraphs 46–57 above in an attempt to retaliate for his Assistant raising a sexual harassment complaint that was investigated, substantiated, and deemed a violation of the Illinois Supreme Court Sexual Harassment Policy and Procedures by Judge Sutter, and in an attempt to damage her standing with her employer and to discourage or dissuade her from filing future complaints. In so doing, Respondent abused his position in a manner that compromised the integrity of and public confidence in the judiciary, and failed to maintain professional competence in judicial administration and facilitate the performance of the administrative responsibilities of other judges and court officials.

59. Respondent's conduct was prejudicial to the administration of justice and brought his judicial office into disrepute.

VIOLATIONS

I. Count I: False and Misleading Statements to Detectives

60. The Board incorporates paragraphs 1–59 above.

61. During his September 17, 2017 interview with Wheaton Police Department Detectives Waterous and Fanning, Respondent made what he knew were false and deceptive statements regarding facts relevant to an active criminal investigation, and omitted facts that he knew were relevant to that investigation.

62. In so doing, Respondent violated the Code of Judicial Conduct, Illinois Supreme

Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

63. Through his conduct, Respondent also violated the Code of Judicial Conduct,

Illinois Supreme Court Rule 62, Canon 2, which provides in pertinent part:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

II. Count II: False and Misleading Testimony before the Judicial Inquiry Board

64. The Board incorporates paragraphs 1–59 above.

65. Respondent made what he knew were false and deceptive statements, and omitted what he knew were facts relevant to the Board investigation, while testifying under oath before the Illinois Judicial Inquiry Board on April 13, 2018.

66. In so doing, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

67. Through his conduct, Respondent also violated the Code of Judicial Conduct,

Illinois Supreme Court Rule 62, Canon 2, which provides in pertinent part:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

III. Count III: Attempt to Retaliate Against Court Clerk For Sexual Harassment Complaint

68. The Board incorporates paragraphs 1–59 above.

69. In response to and in retaliation for a complaint of sexual harassment lodged against him, Respondent filed a “Formal Complaint” against the complaining Clerk in an attempt to damage the Clerk’s standing with her employer and to discourage or dissuade her from raising future complaints.

70. In so doing, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

71. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62, Canon 2, which provides in pertinent part:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

72. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(B)(1) A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

IV. Count IV: Attempt to Retaliate Against Assistant For Sexual Harassment Complaint

73. The Board incorporates paragraphs 1-59 above.

74. In response to and in retaliation for his Assistant's participation in the filing of a sexual harassment complaint against him, Respondent took negative employment actions against his Assistant, including verbally complaining to her supervisors about her appearance and job performance, demanding her termination, threatening to sue her, and threatening to hold her in contempt and take her into custody. Respondent took these actions in an attempt to retaliate against his Assistant and in an attempt to damage his Assistant's standing with her employer and to discourage or dissuade her from raising future complaints.

75. In so doing, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

76. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62, Canon 2, which provides in pertinent part:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity

and impartiality of the judiciary.

77. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(B)(1) A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

PRAYER FOR RELIEF

WHEREFORE, the Judicial Inquiry Board, charging that the above-described conduct of Judge Patrick O'Shea constitutes conduct that was prejudicial to the administration of justice and that brought the judicial office into disrepute, prays that the Illinois Courts Commission, after notice of public hearing, make such order in accordance with Section 15 of Article VI of the Illinois Constitution as the Commission may deem appropriate.

Dated: October 24, 2018

Respectfully submitted,

JUDICIAL INQUIRY BOARD
OF THE STATE OF ILLINOIS

By:  _____

One of its attorneys

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