COURTS COMMISSION OF THE
STATE OF ILLINOIS

In re JAN V. FISS, Circuit Judge of the Twentieth Judicial Circuit, and PATRICK YOUNG, Circuit Judge of the Twentieth Judicial Circuit	))))))	No. _____

COMPLAINT

Pursuant to the provisions of Section 15(c) of Article VI of the Constitution of the State of Illinois, the Judicial Inquiry Board complains against Respondents Jan Fiss and Patrick Young, both Circuit Judges of the Twentieth Judicial Circuit Court, and charges the respondents with conduct that was prejudicial to the administration of justice and brought the judicial office into disrepute.

Statement of Facts

1. On December 3, 2006, Respondent Young drove a car while under the influence of alcohol and was involved in an accident in which the driver of another car sustained injuries. At the same time, Respondent Fiss was a passenger in Respondent Young's vehicle; was aware that Respondent Young was driving the vehicle after Respondent Young had been drinking alcohol for much of the day; and illegally transported open alcohol as a passenger in Respondent Young's vehicle.

2. Specifically, on Sunday, December 3, 2006, the respondents drove together to the St. Louis Rams professional football game in St. Louis, Missouri.

3. Beginning before the game and periodically continuing until shortly before 5:00 p.m. that day, the respondents both drank alcoholic beverages. In particular,

Respondent Young during that period drank approximately eight beers and two Bloody Marys; Respondent Fiss drank approximately six beers and two Bloody Marys. Shortly before 5:00 p.m., the respondents left a Belleville tavern together in Respondent Young's vehicle, with Respondent Young driving and Respondent Fiss in the front passenger seat.

4. At approximately 5:05 p.m., Respondent Young, while making a left-hand turn, was involved in a collision with another motorist traveling in the opposite direction. The collision resulted in an injury to the other motorist and damage to that motorist's vehicle.

5. Belleville police officers dispatched to the scene detected alcohol on the breath of both Respondents Fiss and Young.

6. When asked by an officer to step out of the vehicle, Respondent Young was unstable as he exited and staggered side-to-side in an unbalanced motion while walking.

7. Respondent Young refused to answer an officer's query of whether he had been drinking and refused to submit to field sobriety tests. The officer arrested Respondent Young for driving under the influence of alcohol.

8. At or about the same time, Respondent Fiss exited Respondent Young's vehicle, pulled an open can of beer from the front passenger seat, and poured it on the ground. A Belleville police office would testify that Respondent Fiss made several attempts to conceal the can within the front of his jacket before finally succeeding in placing it within an inside jacket pocket.

9. Another Belleville police officer would testify that Respondent Fiss proceeded to an ambulance for treatment, where the officer located him and asked what he had

done with the beer can. Respondent Fiss stated that he "was told to get rid of it," and that he had disposed of the can "along the road." When asked, Respondent Fiss refused to identify who had told him to "get rid of" the can.

10. The police officers searched the area but were unable to locate the aforementioned beer can.

11. Respondent Young was transported to the Belleville police station, where he refused to submit to a breath alcohol test. Respondent Young subsequently received traffic citations for driving while under the influence of alcohol and for failure to yield while turning left.

12. On March 2, 2007, Respondent Young was found guilty by stipulated bench trial of the offense of driving under the influence of alcohol pursuant to 625 ILCS 5/11-501. He was sentenced to court supervision for a period of two years, fined $1500, and ordered to complete treatment pursuant to an alcohol evaluation. The citation for failure to yield while turning left was dismissed.

13. On March 20, 2007, Respondent Fiss pled guilty to illegal transportation of alcohol by a passenger pursuant to 625 ILCS 5/11-502. He was sentenced to court supervision for a period of sixty days and was fined $500.

Violations

14. The above-described conduct of respondents violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, which provides:

> 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.

15. The above-described conduct of respondents violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62(a), which provides:

> 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.

Prayer for Relief

WHEREFORE, the Judicial Inquiry Board, charging that the above-described conduct of Respondents Fiss and Young constitutes conduct that was prejudicial to the administration of justice and 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 1, 2007

Respectfully submitted,

JUDICIAL INQUIRY BOARD
OF THE STATE OF ILLINOIS

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