

Chicago Daily Law Bulletin®

Volume 159, No. 25

Brim's fate as judge likely rests with the Judicial Inquiry Board

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The criminal trial of Cook County Circuit Judge Cynthia Brim ended Monday with a verdict of not guilty by reason of insanity — raising questions about her mental capacity to serve as a judge.

Brim's attorney, James D. Montgomery Sr., said Brim "absolutely" wants to return to the bench, but that decision ultimately rests with the Judicial Inquiry Board, which is investigating a complaint on Brim it received in April regarding her behavior on the day of the incident.

Brim, a judge since 1994, was relieved of her judicial duties following her arrest March 9, but continues to collect a paycheck for her annual salary of \$182,429.

"The (JIB) investigated it themselves and ultimately came up with a number of charges in terms of ethical violations," said Montgomery, a partner at Cochran, Cherry, Givens, Smith & Montgomery LLC.

The JIB could ultimately file a complaint with the Illinois Courts Commission, which has the authority to discipline judges.

Brim, 54, was accused of shoving a sheriff's deputy outside the Daley Center on March 9. Though DuPage County Associate Judge Liam C. Brennan ruled Monday that the state proved that Brim committed the crime, he did not hold her criminally responsible because he ruled she was legally insane at the time of the offense.

Testimony at trial showed that Brim suffers from a bipolar type of schizoaffective disorder and experienced a "manic episode" on the day of the incident.

"This case is not about the

wisdom of allowing this defendant to serve as a judge," said Brennan, who presided over the case instead of a Cook County Circuit Court judge to avoid the appearance of impropriety.

"That is decidedly not the question before this court. That's a question for people smarter than me — the Judicial Inquiry Board."

The JIB could examine Brim's conduct and also whether she has the mental ability to perform judicial duties, said Robert P. Cummins, who served eight years as JIB chairman.

"I'm not sure we've had a case like this in Illinois in the past," he said.

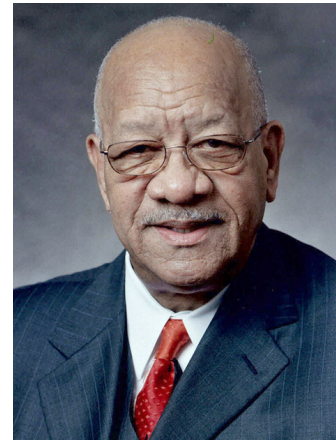
"Given the rather unusual circumstances surrounding this whole matter, including the way the case was resolved, it seems to me the board will investigate and evaluate those issues very carefully before making a decision," he said.

Pursuant to state law, Brennan set a hearing for March 15 to determine whether Brim should be involuntarily committed. He ordered that the Illinois Department of Human Services prepare a report on Brim's mental health needs in advance of the hearing.

From the beginning, Brim's case presented several "firsts" in Cook County. The sheriff's office couldn't confirm whether its deputies ever arrested a judge in a courthouse before Brim and Chief Cook County Circuit Judge Timothy C. Evans could not recall the Executive Committee ever removing a judge from his or her judicial duties.

Monday's verdict appeared to present another first.

"I've been practicing law in this town since 1954 and that has



James D. Montgomery Sr.

not happened in my memory, nor do I think anyone recalls any such case," said George B. Collins, who represents judges in JIB cases.

Even if Brim avoids any discipline from the Illinois Courts Commission, her reputation could still suffer, Collins said.

"I could predict there would be some lawyers who would not want to go to trial before her," said Collins, a partner at Collins, Bargione & Vuckovich. "They would feel she might not be up to the trial."

But Sheila M. Murphy, an adjunct professor at The John Marshall Law School and a former Cook County Circuit Court judge, said the public might feel sympathy for Brim.

"Just because there's that finding doesn't mean there's not redemption," said Murphy, who worked as the presiding judge in the Markham courthouse when Brim worked there in the 1990s.

"These are not easy issues for anybody," Murphy said. "But I think that we just have to think of each of us as a human being ... and have some compassion."