

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:)	
)	
MAURICIO BORIS ANDRES ARAUJO,)	
)	Commission No. 2022PR00026
Attorney-Respondent,)	
)	
No. 6215707.)	

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Melissa A. Smart, pursuant to Supreme Court Rule 753(b), complains of Respondent Mauricio Boris Andres Araujo, who was licensed to practice law in Illinois on November 4, 1993, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO ALL COUNTS

1. In 2008, Respondent was elected Judge of the Cook County Circuit Court, Sixth Judicial Subcircuit. At all times related to the allegations in this complaint, Respondent was a Cook County judge.

2. As a judge, Respondent maintained a position of trust, power and authority over others, including the parties to the matters heard before him and their counsel, police officers, court reporters and other court personnel and Cook County staff.

3. In September 2018, Respondent was placed on administrative leave in connection with the allegations as set forth in Counts I through III below. On June 5, 2019, the Judicial Inquiry

Board filed a three-count complaint against Respondent, and on September 28 and 29, 2020, the Illinois Courts Commission conducted a contested evidentiary hearing, at which the Commission heard witness testimony and considered admitted exhibits and stipulations of the parties. At the conclusion of the hearing, the Courts Commission orally ruled that the Judicial Inquiry Board had met its burden of proof, clear and convincing evidence, and continued the case to allow the parties to brief the issue of what sanction was appropriate for the proven conduct. In October 2020, Respondent retired from the bench. On November 6, 2020, the Courts Commission entered its written findings, in which it concluded that the Judicial Inquiry Board had proven Respondent's misconduct and concluding that the issue of Respondent's sanction was moot in light of his resignation from the bench. *In re: Circuit Judge Mauricio Araujo, of the Circuit Court of Cook County*, Courts Commission of the State of Illinois, No. 19 CC 1, (November 6, 2020).

COUNT I
(Battery and Assault of Police Officer Karen Rittorno)

4. At all times of the alleged acts in this complaint, there was in effect a criminal statute in Illinois, 720 ILCS 5/12-3, which provided, "Battery. (a) A person commits battery if that person intentionally or knowingly without legal justification and by any means, (1) causes harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual."

5. At all times of the alleged acts in this complaint, there was in effect a criminal statute in Illinois, 720 ILCS 5/12-1, which provided, "Assault. (a) A person commits an assault when, without lawful authority, that person engages in conduct which places another in reasonable apprehension of receiving a battery."

6. As of August 15, 2016, Respondent presided over a criminal courtroom at the Leighton Criminal Court Building at 2650 South California Avenue in Chicago (the “Criminal Court Building.”)

7. As of August 15, 2016, Officer Karen Rittorno was a fifteen-year veteran of the Chicago Police Department who was assigned to the gang investigations unit. Occasionally, Officer Rittorno’s duties required her to obtain search warrants which required not only approval from the State’s Attorney’s Office, but also a judge’s signature. Some warrants also required that an informant be presented to the judge for questioning. Officer Rittorno had access to the cell phone numbers of several judges, including Respondent, should she be required to obtain judicial authorization for a search warrant.

8. As of August 15, 2016, Officer Rittorno had professional interactions with Respondent, but had no personal relationship with Respondent.

9. On August 15, 2016, Officer Rittorno texted Respondent to ask if he was available to authorize a search warrant. Respondent replied that he was available and Officer Rittorno drove with her partner and an informant to the Criminal Court Building. Officer Rittorno’s partner stayed with the informant in their squad car and Officer Rittorno entered the building to have the warrant initially reviewed and assigned a number by the State’s Attorney’s Office, as required by police protocol, after which she went to Respondent’s courtroom. Court was not in session and Officer Rittorno crossed the courtroom to Respondent’s chambers and knocked on the door. Respondent was present alone in his chambers and invited Officer Rittorno to enter.

10. As Officer Rittorno entered Respondent’s chambers, Respondent approached her with his arms extended, moved his face close to hers and attempted to kiss her on the lips. Relying

on her training for potentially dangerous physical encounters, Officer Rittorno extended her arm to prevent Respondent from coming closer, stepped back and stated loudly “Back, sir.” Officer Rittorno then admonished Respondent, asking “Aren’t you married?,” to which Respondent said “Well, yeah” but that his marital status “did not matter.”

11. Because Officer Rittorno was extremely uncomfortable with Respondent’s actions and statements, she moved close to the window overlooking the courthouse parking lot, hoping to get the attention of her partner in their squad car, but she could not be seen because the windows in Respondent’s chambers were tinted. Officer Rittorno asked Respondent if he wanted her to bring the informant to him for questioning, or to accompany her to the squad car. Respondent told Rittorno that he wanted her to bring the informant to his courtroom. Respondent then preceded Officer Rittorno from his chambers to his courtroom, which required him to climb a set of stairs. While Respondent was walking up the steps in front of Officer Rittorno, she was holding the warrant in her left hand and Respondent reached out and grabbed her right hand, and told Officer Rittorno “Here, touch it.” Officer Rittorno pulled away her hand and asked, “Touch what?” Respondent answered, “Touch my butt.” As Officer Rittorno and Respondent entered the courtroom Officer Rittorno again pushed Respondent away from her, made her way around him and left the courtroom to go to her squad car. Officer Rittorno described the above actions by Respondent to her partner, who accompanied Officer Rittorno back to Respondent with the informant for Respondent to question. Respondent then signed the warrant.

12. At no time did Officer Rittorno consent to Respondent’s attempt to kiss her or to grab her hand, as described in paragraphs 10 and 11, above.

13. Officer Rittorno was distressed and traumatized by the events of the incident with Respondent referenced in paragraphs 10 and 11 above. After August 15, 2016, Officer Rittorno

took steps to avoid any contact with Respondent. When she had reason to expect to encounter Respondent, or was unable to avoid Respondent, in connection with performance of her professional duties, Officer Rittorno always arranged to be accompanied by another officer.

14. In early fall 2016, Officer Rittorno was with other members of her policing team on a routine search warrant and met Respondent at the 14th District Police Station. When Respondent approached Officer Rittorno's squad cars, Officer Rittorno offered Respondent her seat. Respondent said "Oh, I get to sit where you were sitting" and "Do I get to sniff your seat too?" Officer Rittorno was offended and embarrassed by Respondent's remarks, which were made in the presence of several other officers.

15. As a result of the conduct set forth above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including but not limited to making statements to Officer Rittorno which made her fearful that Respondent intended to commit a battery, grabbing Officer Rittorno's hand in an attempt to compel her to touch Respondent inappropriately and attempting to kiss Officer Rittorno, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010), by committing assault in violation of 720 ILCS 5/12-1, and battery in violation of 720 ILCS 5/12-3; and,

- b. conduct that is prejudicial to the administration of justice, by conduct including, but not limited to grabbing Officer Rittorno's hand in an attempt to compel her to touch him inappropriately, attempting to kiss her, grabbing her hand and making statements to her which made her fearful that Respondent intended to commit a battery, and making statements to her, including but not limited to, "[d]o I get to sniff your seat too?" which made Officer Rittorno offended and embarrassed during times in which she was interacting with Respondent in his official capacity as a judge, in order for Officer Rittorno or her colleagues to obtain judicial authorization for search warrants, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Assault and Sexual Harassment of Court Reporter Carolina Schultz)

16. At all times of the alleged acts in this complaint, there was in effect a criminal statute in Illinois, 720 ILCS 5/12-1, which provides, "Assault. (a) A person commits an assault when, without lawful authority, that person engages in conduct which places another in reasonable apprehension of receiving a battery."

17. In 2011, Respondent presided over a courtroom in the domestic violence courtroom in the Cook County Courthouse located at 555 West Harrison Street in Chicago (the "Harrison Street Courthouse").

18. As of Spring of 2011, Carolina Schultz, a Cook County Official Court Reporter who regularly worked at the Harrison Street Courthouse, was in the Harrison Street Courthouse for a professional assignment. Ms. Schultz had been introduced to Respondent and knew who he was but had no personal relationship with him.

19. In the spring of 2011, Respondent and Schultz were riding alone in an elevator together at the Harrison Street Courthouse when Respondent moved in close proximity to Schultz and, in a sexually suggestive manner, asked Schultz "how much money" she wanted to have sex

with him. Schultz moved away from Respondent and laughed in an attempt to defuse the situation. Respondent then said he was “not joking,” and asked her a second time “how much” it would take. Schultz refused to answer Respondent’s question and exited the elevator as quickly as she was able.

20. A few weeks after the incident referenced in paragraph 19 above, in Summer 2011, Schultz found herself alone with Respondent on an elevator on a second occasion. Respondent again moved near Schultz, asked her if she had thought about his previous request and “how much money” she wanted to have sex with him. Schultz did not respond but became alarmed because his remarks confirmed to her that the first incident was not an isolated instance of a poor joke, and that Respondent was serious. Schultz moved away from Respondent and told him that she had a boyfriend, to which Respondent replied that her relationship status did “not matter.” Schultz then remarked to Respondent that she knew him to be married, to which Respondent answered, “It’s OK.” Schultz refused to respond to Respondent further and exited the elevator at her first opportunity.

21. Schultz was distressed and traumatized by the incidents referred to in paragraphs 19 and 20 above but did not make any formal report about Respondent’s conduct because she knew Respondent was a sitting judge and she was concerned about possible negative ramifications to her career. After the second incident with Respondent, whenever possible Schultz took the stairs instead of the elevator at the Harrison Street courthouse. Whenever she was required to take an elevator due to carrying her court reporting equipment, Schultz would wait until other people were taking the elevator as well, in an effort to ensure that she would never be alone on an elevator. Schultz also avoided the second floor where Respondent’s courtroom was located, even though that was where the break room she had previously frequented was located. Finally, a few months

later, Schultz requested a transfer from the Harrison Street courthouse to the Daley Center because she found worrying about encountering Respondent to be too stressful.

22. As a result of the conduct set forth above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including but not limited to moving close to Schultz and making statements to her which made Schultz fearful that Respondent intended to commit a battery, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010), by committing assault, in violation of 720 ILCS 5/12-1; and,
- b. conduct that is prejudicial to the administration of justice, by conduct including, but not limited to moving close to Schultz and making statements to her which made Schultz fearful that Respondent intended to commit a battery, during times in which Respondent was a sitting judge and Schultz was a court reporter assigned to the same courthouse as Respondent, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Sexual Harassment of Assistant State's Attorney Nina Ricci)

23. Between 1990 and 1993, Respondent attended the Loyola University Chicago School of Law, where one of his classmates was Nina Ricci. During their time at the Loyola School of Law, Respondent and Ricci were acquainted with each other, and occasionally participated in social events at the same time, but they were not friends.

24. At one point during one of these social events with a large group of their fellow law students, Ricci was playing pool and Respondent approached her and whispered in her ear that he wanted to, or was going to, leave the bar with her, and then described a sexual act which he intended to perform on her. Ricci did not reply to Respondent's remark, did not leave the bar with him and had no further contact with him at that time.

25. In January 1998, Ricci was hired as an Assistant State's Attorney, and has held that position to the present.

26. As of September 11, 2018, Respondent was assigned to the Daley Center courtroom of a judge who recently retired.

27. Prior to September 11, 2018, Ricci had never formally appeared before Respondent in any matter. On or about September 11, 2018, Ricci appeared before Respondent together with Assistant State's Attorney Joseph Hodol on behalf of the People of the State of Illinois on a motion in a case in which the defendant was charged with first degree murder. Interactions between Ricci and Respondent at the court appearance were respectful and courteous. Ricci and Hodol left the courtroom, and Hodol remarked to Ricci that Respondent had seemed to know her and been surprised to see her. Ricci told Hodol that she knew Respondent from law school and that he had made a crude comment of a sexual nature to her at that time.

28. On September 11, 2018, immediately after Ricci left the courtroom, Respondent spoke angrily to his clerk and was overheard by Assistant State's Attorney, Christina Kye. Respondent told his clerk that "She [Ricci] acted like she didn't even know me, she didn't congratulate me or anything." Kye understood Respondent's statement to mean that Respondent had expected Ricci to be congratulated for his promotion to a new courtroom.

29. On September 11, 2018, following the above events, Assistant State's Attorney Akash Vyas went to Respondent's courtroom to obtain an authorization on a consensual overhear. Respondent met with Vyas into his chambers. In an agitated and frustrated tone, Respondent spoke to Vyas, saying "You would think that if you went to law school with someone, they would say 'hi' to you." Respondent did not name Ricci but referred to the lawyer as "a bitch." When Vyas

remarked that perhaps the lawyer had not recognized him, Respondent cut him off and said, “My law school class was only 50 people.” They then discussed the consensual overheard and Respondent signed some documents. Respondent then said, “Maybe it’s because I didn’t have sex with her.” Respondent paused and then said, “Or maybe it’s because I did have sex with her.” Vyas then left Respondent’s chambers.

30. Later that same day, Assistant State’s Attorney Vyas, Kye, and Hodal discussed Respondent’s demeanor and comments and they realized that Respondent’s comments made to Vyas referred to Ricci. Vyas then reported the incident to the State’s Attorney’s Office Chief and Deputy Chief of Prosecutions.

31. Hodal reported the comments Respondent made about Ricci and expressed concerns that Respondent might have a bias against her. Ricci was embarrassed and concerned that she might not receive a fair hearing by Respondent and met with her supervisor to seek guidance. Pursuant to the direction of her supervisor, Ricci subsequently filed a motion for a substitution of judge in the matter for which she had initially appeared before Respondent.

32. The events referenced in paragraphs 28 through 30 above received public and media attention and contributed further to Ricci’s embarrassment.

33. As a result of the conduct set forth above, Respondent has engaged in the following misconduct:

