

1/18/93 Chi. Daily L. Bull. 1  
1993 WLNR 5240561

Chicago Daily Law Bulletin  
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January 18, 1993

Volume 139; Issue 11

### FORMER JUDGES PROMINENT IN ROTI TRIAL

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During the five-week bribery trial of former 1st Ward Ald. Fred Roti resulting in his conviction on Friday afternoon, at times it seemed like several former Cook County judges were on trial.

The voices of former judges Anthony J. Scotillo and P.A. Sorrentino were heard on undercover tape recordings discussing court-related matters several times with Pat Marcy, a 1st Ward political figure, during the trial.

Marcy also discussed his previous ability to have court cases assigned to favored judges, according to the testimony of Robert J. Cooley, a self-professed corrupt lawyer turned government witness, who was the government's chief witness in the trial, and the tape recordings.

Cooley also mentioned the names of Thomas J. Maloney, Lawrence A. Passarella, and the late Frank Wilson, all former Cook County judges who he said were involved in fixing court cases with Roti and/or Marcy.

With the exception of Maloney, none of the former judges named during the Roti trial have been charged with any wrongdoing and lawyers for Scotillo and Sorrentino have said the former jurists did not commit any offenses.

"We weren't putting [former] judges on trial" during the Roti case, First Assistant U.S. Attorney Thomas M. Durkin, the lead prosecutor in the case, said after the jury's verdict. The names of the former judges and one current jurist surfaced during the trial because of their dealings with Marcy and Roti, he added.

A federal court jury in Chicago convicted Roti, 72, of racketeering, bribery and extortion following 21 1/2 days of deliberations. The jury found that Roti helped fix a case filed secretly by

the FBI in the Cook County Circuit Court's Chancery Division in exchange for a share in \$10,000 in bribes and fixed a City of Chicago zoning matter.

However, the jury also found Roti not guilty of one of the three predicate acts in the racketeering count related to his alleged involvement in helping fix a murder case in the Criminal Division during 1991. Prosecutors said that Roti faces a 31/2-year prison sentence for the charges upon which he was convicted, and about a nine-year sentence for the murder case, and added that they planned to ask U.S. District Judge Marvin E. Aspen to impose the maximum sentence.

Roti told reporters after the verdict that he was pleased with the decision about the murder case charge. "It proves one thing, that I didn't take a bribe on the murder charge," he added.

Thomas M. Breen and **Marc W. Martin**, Roti's defense attorneys, said that an appeal is likely in the case. A woman juror said after the verdict that no undercover tape recording existed to clearly indicate that Roti fixed the murder case and that she "didn't like" Cooley.

U.S. Attorney Fred Foreman said following the verdict that it was a "total victory" and that Cooley has been a credible witness in the Roti trial and previous trials. He noted that David J. Shields, former presiding judge of the Chancery Division, Pasquale F. "Pat" De Leo, a former Loop lawyer, and John A. D'Arco Jr., a former Illinois state senator and law partner with De Leo, were previously convicted on bribery charges as part of the same investigation. Shields, De Leo and D'Arco are all currently serving prison sentences.

During closing arguments, Durkin referred to a poster board including the photos of the former judges, located near the jury box, as the "rogues' gallery of photographs" and added that Roti and Marcy were at "the top of the chain of corruption."

Prosecutors maintained that Marcy and Roti could rig the outcome of court cases and received thousands of dollars in bribes in return. Marcy, who was Roti's co-defendant in the trial until he suffered a mild heart attack in mid-December also stands accused of having helped arrange the selection of a Cook County associate judge in exchange for a payoff.

Following the verdict, Barry A. Miller, president of the Chicago Council of Lawyers, called for the elimination of the judicial panel used to select finalists for associate judge vacancies. "The Illinois Supreme Court should begin its response to the Roti trial by adopting rules for the merit selection of associate judgeships," he added.

A form of merit selection is currently used to select associate judges who are voted in by Circuit Court judges, John Madigan, a high court spokesman, said Monday.

The civil case in which Roti was involved was randomly assigned to Scotillo in 1989. Cooley testified that he asked Marcy to help fix the case and that Marcy enlisted Roti's assistance.

Roti and Marcy used Sorrentino, who at the time was presiding judge of the Law Division, "as an errand boy" to tell Scotillo to fix the case, Durkin said during closing arguments. The prosecution team also includes Assistant U.S. Attorneys Michael J. Shepard and Kathleen T. Murdock. U.S. v. Roti, No. [90 CR 1045](#).

Michael D. Monico, a lawyer representing Scotillo, said Friday afternoon that Scotillo did not receive bribes from any one during any case and that Scotillo's distinguished career as a judge had been "tarnished."

Thomas A. Demetrio, a veteran personal injury lawyer and president of the Chicago Bar Association, said Friday that he has "complete confidence in the integrity of 'Buck' Sorrentino" and that Sorrentino's reputation has been "tarnished."

Marcy, 79, is expected to be retried later this year. Maloney, who is charged with accepting bribes to fix several cases, including murder cases, is set to face trial next month.

Roti is scheduled to be sentenced April 8.

---- INDEX REFERENCES ---

COMPANY: FBI SA; XING TONG ZI XUN GU FEN YOU XIAN GONG SI; FRANCHISE BANCORP INC; CHICAGO BAR ASSOCIATION

NEWS SUBJECT: (Social Issues (1SO05); Violent Crime (1VI27); Criminal Law (1CR79); Legal (1LE33); Crime (1CR87); Judicial (1JU36))

REGION: (North America (1NO39); Americas (1AM92); Illinois (1IL01); USA (1US73))

Language: EN

OTHER INDEXING: (1ST WARD; 1ST WARD ALD; CHICAGO BAR ASSOCIATION; CIRCUIT COURT; COOK COUNTY; COOK COUNTY CIRCUIT COURT; DE LEO; FBI; ILLINOIS; ILLINOIS SUPREME COURT; LOOP; ROTI) (Anthony J. Scotillo; Barry A. Miller; Cooley; D'Arco; David J. Shields; De Leo; Durkin; Frank Wilson; Fred Foreman; Fred Roti; John A. D'Arco Jr.; John Madigan; JUDGES PROMINENT; Kathleen T. Murdock.; Lawrence A. Passarella; Maloney; Marc W. Martin; Marcy; Marvin E. Aspen; Michael D. Monico; Michael J. Shepard; P.A. Sorrentino; Pasquale F.; Pat; Robert J. Cooley; Roti; Scotillo; Shields; Sorrentino; Thomas A. Demetrio; Thomas J. Maloney; Thomas M. Breen; Thomas M. Durkin)

Word Count: 1097  
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