



**Board of Commissioners of Cook County
Finance Subcommittee on Litigation Minutes**

Tuesday, January 12, 2016

11:00 AM

**Cook County Building, Board Room, Rm 569
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

Also Present: Donald J. Pechous, Deputy State's Attorney, Chief, Civil Actions Bureau; Special State's Attorney William B. Obertis; Special State's Attorney Robert T. Shannon.

Court Reporter: Anthony W. Lisanti, C.S.R.

PUBLIC TESTIMONY

There were no public speakers

Commissioner Boykin, seconded by Commissioner Suffredin, moved to convene to Executive Session. The motion carried.

Commissioner Suffredin seconded by Commissioner Gainer, moved to return to Regular Session. The motion carried.

16-0992

COMMITTEE MINUTES

Approval of the minutes from the meeting of 12/15/2015

A motion was made by Commissioner Suffredin, seconded by Commissioner Boykin, that this Committee Minutes be approved. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

CASE DISPOSITION SUMMARY REPORTS

Conflicts Counsel Unit Report, November 1, 2015 – December 25, 2015

A motion was made by Commissioner Suffredin, seconded by Commissioner Boykin, that the Case Disposition Summary Reports be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

Medical Litigation Section Report, December 15, 2015 – January 12, 2016

A motion was made by Commissioner Suffredin, seconded by Commissioner Boykin, that the Case Disposition Summary Reports be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

PROPOSED LITIGATION PENDING

16-0887

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: Edward Rodgers v. Cook County and Sheriff of Cook County, et al.

Case Number: 11 C 5118

COB Number: 314539

A motion was made by Commissioner Gainer, seconded by Commissioner Boykin, that this Litigation Pending be concur with the recommendation of the State's Attorney. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

16-0890

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: Shultz v. Thomas Dart, et al.

Case Number: 13 C 3641

COB Number: 323957

A motion was made by Commissioner Gainer, seconded by Commissioner Boykin, that this Litigation Pending be concur with the recommendation of the State's Attorney. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

16-0891

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: Pindak v. Public Building Commission, et al.

Case Number: 10 C 6237

COB Number: 309788

A motion was made by Commissioner Gainer, seconded by Commissioner Boykin, that this Litigation Pending be concur with the recommendation of the State's Attorney. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

For Informational Purposes Only

Kiara Smalley, minor, by Caprice Smalley v. County of Cook and Dr. Batson-Cox

A motion was made by Commissioner Boykin, seconded by Commissioner Schneider, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

Jimmy Doe v. County of Cook, Appeal of Intervenor Teamsters Local Union 700

A motion was made by Commissioner Boykin, seconded by Commissioner Schneider, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

SPECIAL STATE'S ATTORNEY'S INVOICES FOR APPROVAL

A motion was made by Commissioner Suffredin seconded by Commissioner Boykin, to concur with the recommendation of the State's Attorney and authorize invoice payments for special counsels (Tabs #1 through #10 in Volume 2) which are in compliance with the County's Attorney-Fee Guidelines. The motion carried.

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

Tab #1 Special State's Attorney Matthew R. Henderson and the firm of Hinshaw & Culbertson, LLP
Alberto Martinez, et al. v. City of Chicago, et al.
Case No: 09 C 5938

Tab #2 Special State's Attorney Steven Puiszis and the firm of Hinshaw & Culbertson LLP
Level Assessment Litigation
Case Nos. 2004 Tax Obj. No. 05 COTO 3938
2005 Tax Obj. No. 07 COTO 1618
2006 Tax Obj. No. 07 COTO 0779
2007 Tax Obj. No. 08 COTO 5700
2008 Tax Obj. No. 09 COTO 6258

Tab #3 Special State's Attorney Steven Puiszis and the firm of Hinshaw & Culbertson LLP
Cook County Board of Ethics v. Joseph Berrios
Case No: 14 CH 4951

Tab #4 Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, LLC
United States of America, et al. v. Triad Isolopes, Inc., et al.
Case No: 11 C 8098

- Tab #5** Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, LLC
Adrienne Moss, et al. v. Edgar Singleton, et al.
Case No: 14 C 6424
- Tab #6** Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, L.L.C.
Greer v. Lynch, et al.
Case No: 15 C 2550
- Tab #7** State's Attorney William B. Oberts and the firm of Tribler Orpett & Meyer P.C.
Avalos v. Robert Vais, et al.
Case No: 14 L 1734
- Tab #8** Special State's Attorney Terrence F. Guolee and the Firm of Querrey & Harrow, Ltd.
Hernandez v. Cook County Sheriff's Department, et al.
Case No: 07 C 855
- Tab #9** Special State's Attorney Robert Shannon and the firm of Hinshaw & Culbertson LLP
Chatman v. City of Chicago, et al.
Case No: 14 C 2945

SUPPLEMENTAL AGENDA

16-0692

Sponsored by: BRIDGET GAINER, PETER N. SILVESTRI and LARRY SUFFREDIN, County Commissioners

PROPOSED ORDINANCE AMENDMENT

CODE OF CONDUCT FOR SETTLEMENTS IN THE FINANCE SUBCOMMITTEE ON LITIGATION OF THE BOARD OF COMMISSIONERS OF COOK COUNTY

BE IT ORDAINED, by the Cook County Board of Commissioners that Part 1 General Ordinances, Chapter 2 - Administration, Article 3 - County Board, Division 2 - Rules of Organization and Procedure, Section 2-103 of the Cook County Code is hereby amended as follows:

Section 2-103 Interpretation, force and effect

(e) Specific Rules for Finance Subcommittee on Litigation. The Cook County State's Attorney's Office shall, for each settlement of \$500,000.00 and above submit the following:

1. Any actual legal conflicts of interest of any party to the suit, as well as opposing counsel of which the State's Attorney is aware at the time it makes its settlement recommendation;
2. Any actual violations of the Cook County Ethics Ordinance of which the State's Attorney's Office is aware, subject to its responsibilities under the Illinois Rules of Professional Conduct.
3. Current status of employee stakeholders named in the proposed settlement;

4. Any significant tangible evidence (i.e., photos, videos) that the State's Attorney's Office believes is relevant to its recommendation.
5. At the end of each fiscal year:
 - a. the State's Attorney's Office will provide an annual summary of all settlements, case dispositions and invoices approved in excess of \$500,000.00 entered into during that fiscal year;
 - b. the County offices whose employees are named defendants in any such cases shall report on the employment status of such employees and any resulting disciplinary actions.

...

Effective date: This ordinance shall be in effect immediately upon adoption (or give specific date)

Legislative History: 12/16/15 Board of Commissioners referred to the Finance Subcommittee on Litigation

A motion was made by Commissioner Gainer, seconded by Commissioner Suffredin, that this Resolution be accepted as substituted. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

16-0692 Substitute

Sponsored by: BRIDGET GAINER, County Commissioner and PETER N. SILVESTRI, LARRY SUFFREDIN TIMOTHY O. SCHNEIDER, RICHARD R. BOYKIN, County Commissioners

PROPOSED ORDINANCE AMENDMENT

CODE OF CONDUCT FOR SETTLEMENTS IN THE FINANCE SUBCOMMITTEE ON LITIGATION OF THE BOARD OF COMMISSIONERS OF COOK COUNTY

BE IT ORDAINED, by the Cook County Board of Commissioners that Part 1 General Ordinances, Chapter 2 - Administration, Article 3 - County Board, Division 2 - Rules of Organization and Procedure, Section 2-103 of the Cook County Code is hereby amended as follows:
Section 2-103 Interpretation, force and effect

(e) Specific Rules for Finance Subcommittee on Litigation. The Cook County State's Attorney's Office shall, for each settlement of \$500,000.00 and above, submit the following:

1. Any legal conflicts of interest of any party to the suit, as well as opposing counsel, of which the State's Attorney's Office is aware at the time it makes its settlement recommendation;
2. The current employment status of employee stakeholders named in the proposed settlement;
3. Any significant tangible evidence (i.e., photos, videos) that the State's Attorney's Office believes is relevant to its recommendation; and
4. At the end of each fiscal year;

- a. the State's Attorney's Office will provide an annual summary of all settlements, case dispositions and invoices approved in excess of \$500,000.00 entered into during that fiscal year; and
- b. the County offices whose employees are named defendants in any such cases shall report on the employment status of such employees and any resulting disciplinary actions.

Further, on or before the submittal deadline for the Subcommittee meeting at which a proposed settlement of \$500,000.00 or more will be discussed, the State's Attorney's Office shall provide the Director of the Cook County Department of Human Rights and Ethics ("Director") with the following information for each such settlement:

1. The identity of all counsel appearing in the case and their respective firms;
2. A copy of the complaint, with the case number;
3. The name of each party and, for individual County defendants, their employer; and
4. The Assistant State's Attorney(s) responsible for the case.

At such Subcommittee meeting, the Director shall report to the Subcommittee any potential issues arising under the Cook County Ethics Ordinance presented by the proposed settlement based on the information provided to the Director by the State's Attorney's Office.

This ordinance shall be in effect immediately upon adoption.

A motion was made by Commissioner Gainer, seconded by Commissioner Suffredin, that this Resolution be recommended for deferral as substituted. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

ADJOURNMENT

A motion was made by Commissioner Gainer, seconded by Commissioner Boykin, that this committee be adjourned. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, and Suffredin (4)

Absent: Vice Chairman Fritchey, Commissioners Schneider, and Tobolski (3)

Respectfully submitted,



Chairman



Secretary

*The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602.