IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL L. SHAKMAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case Number: 69 C 2145
v.	)	
	)	Magistrate Judge Schenkier
CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al.,	)	
	)	
	)	
Defendants.	)	

AMENDED SUPPLEMENTAL RELIEF ORDER
FOR THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

In 1972, Defendant Clerk of the Circuit Court of Cook County ("Clerk of Court's Office") entered into a Consent Decree ("1972 Consent Decree") which, among other things, prohibited the Clerk of Court's Office from "conditioning, basing or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor." On April 4, 1983, this Court entered judgment ("1983 Judgment Order") against the Clerk of Court's Office and a number of other defendants which, among other things, prohibited the Clerk of Court's Office from "conditioning, basing, or affecting of the hiring of Governmental Employees (other than for Exempt Positions) upon or because of any political reason or factor . . . ." *See Shakman v. Democratic Org. of Cook County*, 569 F.Supp. 177, 179 (N.D. Ill. 1983). The 1972 Consent Decree and 1983 Judgment Order are collectively referred to as the "Clerk of Court's Decrees." The Clerk of Court's Decrees and this SRO address unlawful political discrimination and do not address any other form of employment discrimination, *e.g.* race, gender, national origin.

The Clerk of Court's Office and the Plaintiffs on behalf of classes of past, present, and future (i) candidates, (ii) voters, (iii) applicants for employment with the Clerk of Court's Office, and (iv) employees of the Clerk of Court's Office (the "Class Members") (collectively "the Parties") agree to the entry of this Supplemental Relief Order ("SRO") as follows:

1. Conditions Precedent to Final Approval Have Been Met. Prior to final approval of the SRO by the Court:

A. The Clerk of Court has promulgated an executive order forbidding unlawful political discrimination in all aspects of employment with the Clerk of Court's Office, except with respect to positions that are Exempt Positions under the 1983 Judgment Order, as modified from time to time by the Court, and (ii) adopting the provisions of the SRO. See Exhibit 2.

B. The executive order makes it a condition of employment, including but not limited to hiring, that any employee of the Clerk of Court's Office who learns of any unlawful political discrimination in connection with any aspect of government employment with the Clerk of Court's Office or seeking employment with the Clerk of Court's Office, except with respect to Exempt Positions, or who believes that such unlawful political discrimination has occurred or is occurring, must report all relevant information to the Director of Compliance for the Clerk of the Circuit Court of Cook County directly and without undue delay. The Director of Compliance shall immediately provide all complaints and reports to the Clerk of Court's Compliance Administrator appointed pursuant to Section I of this SRO. No person shall be compelled to report unlawful political discrimination in

violation of her or his constitutional rights. No person shall be subject to any negative employment action as a result of filing any such report in good faith.

C. The Clerk of Court has approved and consented to the terms of this SRO.

D. The Clerk of Court has adopted a written, effective whistleblower policy (the "Whistleblower Policy"), that forbids retribution for reporting any suspected violations of the Clerk of Court's Decrees or this SRO, so as to be fully protective of anyone who in good faith makes any complaint of any employment practice which the person may believe violates the Clerk of Court's Decrees or this SRO. See Exhibit 2.

2. No Effect on Other Parties to the Shakman Litigation. This SRO shall have no effect on any judgments or orders in this case as to defendants other than the Clerk of Court's Office (collectively, "Other Parties"), or individuals who opt out of the SRO to file their own lawsuits. This Court retains jurisdiction to hear and determine all claims and issues involving the validity of the Consent Judgments or the SRO.

3. Prior Judgments. The Clerk of Court's Decrees shall remain in full force and effect after the Court's approval of this SRO.

4. No Admission. The Parties understand, acknowledge, and agree that this SRO constitutes the settlement and compromise of disputed claims. This SRO is inadmissible as evidence against any of the Parties in this or any other litigation except to enforce the terms of the SRO, and it is not an admission of wrongdoing or liability on the part of any Party to this SRO.

The Parties further agree and the Court orders the following:

I. APPOINTMENT OF A SPECIAL MASTER

The Court hereby appoints a Clerk of Court's Compliance Administrator to ensure future compliance with the Clerk of Court's Decrees and the SRO.

A. Clerk of Court's Compliance Administrator Powers. The Clerk of Court's Compliance Administrator shall be an agent of the Court and shall have only the duties, responsibilities and authority conferred herein by the Court and by subsequent Court Orders. The Clerk of Court's Compliance Administrator, subject to the supervision and orders of the Court, shall with all reasonable diligence (i) audit all hires, promotions, and transfers in the Clerk of Court's Office since January 1, 2014, (ii) investigate any evidence of unlawful political discrimination, (iii) recommend measures that may be necessary or appropriate to prevent any recurrence of any unlawful political discrimination uncovered, and (iv) make recommendations for how to remedy any violations of the Clerk of Court's Decrees. The Clerk of Court's Compliance Administrator and the Clerk of Court's Compliance Administrator's staff members (including independent contractors, attorneys, non-attorneys, and their employees and agents) shall possess the same immunity from suit as the Court.

B. Initial Report. Within 90 days of being appointed, the Clerk of Court's Compliance Administrator shall file with the Court a report on the status of his or her activities. Thereafter, to the extent that his or her appointment has not been completed, the Clerk of Court's Compliance Administrator shall file reports with the Court quarterly. The Clerk of Court's Compliance Administrator's reports shall be filed as the record of the Special Master's activities. Any party may file

objections thereto with the Court within 14 days of filing, which shall be heard and resolved as the Court shall determine.

C. Compensation of Clerk of Court's Compliance Administrator. The Clerk of Court's Compliance Administrator and the Clerk of Court's Compliance Administrator's counsel shall be compensated at a rate of $250 per hour and the Clerk of Court's Compliance Administrator's staff at reasonable hourly rates that the Court shall set or by agreement between the Clerk of Court's Compliance Administrator and the Clerk of Court's Office. These rates may periodically be adjusted with Court approval or by agreement between the Clerk of Court's Office and the Clerk of Court's Compliance Administrator. Cook County (the "County") shall promptly pay any and all reasonable fees and costs necessary to fulfill the work of the Clerk of Court's Compliance Administrator.

D. Ex Parte Communications. The Clerk of Court's Compliance Administrator and the Clerk of Court's Compliance Administrator's counsel and staff shall be permitted to conduct *ex parte* communications with the Court, the Parties and their counsel, the Director of Compliance and employees of the Clerk of Court's Office. The Parties and their counsel shall be permitted to conduct *ex parte* communications with the Court.

E. Cooperation with the Clerk of Court's Compliance Administrator. The Clerk of Court's Office shall cooperate with the Clerk of Court's Compliance Administrator in connection with the Clerk of Court's Compliance Administrator's efforts to audit past employment practices, investigate evidence of unlawful political discrimination, and to oversee and ensure implementation of

the remaining portions of the Clerk of Court's Decrees and this SRO, including providing reasonable access to all relevant non-privileged documents and to current employees at all levels. The Clerk of Court's Compliance Administrator shall attempt to minimize disruption to the workplace during the course of the Clerk of Court's Compliance Administrator's activity. The Clerk of Court will designate an executive employee to act as a liaison with the Clerk of Court's Compliance Administrator and the Director of Compliance to ensure that they receive cooperation from all Clerk of Court's Office employees.

F. Confidentiality. Given the possibility that the Clerk of Court's Compliance Administrator may need to review confidential business information maintained by the Clerk of Court's Office, the Clerk of Court's Compliance Administrator, and anyone working in conjunction with the Clerk of Court's Compliance Administrator, shall sign a confidentiality agreement. The confidentiality agreement will be in form as agreed to by the Parties, or if they are unable to agree, shall be determined by the Court. The confidentiality agreement will not prohibit or interfere with the Clerk of Court's Compliance Administrator's obligation to perform the duties provided in this SRO. Within two weeks of receiving a request from the Clerk of Court's Compliance Administrator, the Clerk of Court's Office shall either produce all requested documents or provide a time frame for when documents will be produced. Documents produced to the Clerk of Court's Compliance Administrator may be subject to the confidentiality agreement. If necessary, the Clerk of Court's Compliance Administrator, the Clerk of Court's Office and the Plaintiffs shall agree to a Protective Order to be

entered by the Court to address disclosure of relevant employee information or documents absent authorization from the employee.

G. Review Employment Practices and Recommend Changes. The Clerk of Court's Compliance Administrator shall review the Clerk of Court's Office's employment practices including observing actual hiring sequences to determine whether the Clerk of Court's Office is complying with the Clerk of Court's Decrees and hiring procedures. The Clerk of Court's Compliance Administrator shall make recommendations for changes, if warranted, to the Clerk of Court's Office's hiring procedures. The Clerk of Court's Compliance Administrator shall work with the Clerk of Court's Office's employees to observe current employment practices, answer questions and provide guidance as deemed necessary.

The Court appointed Susan Feibus as Clerk of Court's Compliance Administrator on March 11, 2019.

II. NEW EMPLOYMENT PLAN.

A. Review of Current Employment Practices.

1. The Clerk of Court's Office and the Plaintiffs shall review the Clerk of Court's Office's employment practices for non-Exempt employees and shall make recommendations for change as warranted.

2. The Clerk of Court's Office and the Plaintiffs shall define appropriate and inappropriate employment practices, consistent with law, the Clerk of Court's Decrees and this SRO.

B. Notification to Current and Potential Employees; Training Employees.

1. The head of Human Resources and the Director of Compliance shall train the Clerk of Court's Office's employees in order to effectuate a culture

free of political consideration in all aspects of governmental employment for non-Exempt Positions, including but not limited to, hiring, promotion, discharge, overtime and transfers of the Clerk of Court's Office's employees.

2. The Clerk of Court's Office shall provide written notification to job applicants regarding the Clerk of Court's Office's employment practices and prohibitions as well as how to report allegations of non-compliance.

C. New Employment Plan Development. The Parties shall negotiate, in good faith, a new employment plan ("New Employment Plan") that will govern the Clerk of Court's Office's employment practices, policies and procedures, including, but not limited to, hiring, promotion, transfer, assignment of overtime, discipline and discharge. The New Employment Plan shall be presented to the Court for approval. When adopted and approved by the Court, the New Employment Plan shall be fully incorporated into the Clerk of Court's Decrees and SRO.

D. Application Tracking System. The Clerk of Court's Office, with the input of the Plaintiffs, shall implement an application tracking system that is user friendly and available to applicants through web-based access, to determine their current status in the hiring process in order to enhance the availability of information about the hiring process. All hiring activity for non-exempt positions shall employ the application tracking system.

E. Exemptions. A list of Exempt Positions (the "Exempt List") shall consist of those positions that under applicable law are exempt from consideration of political reasons or factors because political affiliation is an appropriate requirement for

the effective performance of the position. The Exempt List shall be filed with the Court for approval. The Clerk of Court's Office shall propose a list of Exempt Positions to Plaintiffs' Class Counsel for comment and discussion in a good faith effort to reach agreement on the list. Any disagreements shall be presented to the Court for resolution. The Parties may amend the Exempt List, including changes to position titles and job descriptions, from time to time. Prior to submitting any such amendments to the Court for approval, the party proposing the amendment shall present the amendment to the other party for comment and discussion in a good faith effort to reach agreement on the amendment.

F. Impasse Resolution. If, at any time prior to the adoption of the New Employment Plan, the Clerk of Court's Office and Plaintiffs reach an impasse regarding any component of the New Employment Plan, the Clerk of Court's Compliance Administrator shall report to the Court the nature of the unresolved issue(s) and may make a written recommendation as how to resolve such issue(s) for the Court's determination. The Parties shall have the right to be heard and make submissions concerning the resolution of any unresolved issue(s), and the Court shall then rule on the unresolved issue(s). Provisions as ordered by the Court pursuant to such ruling(s) shall become part of the New Employment Plan.

III. MONITORING AND ENFORCEMENT.

A. Covered Employees. The prohibitions of the Clerk of Court's Decrees cover all employment by or for the Clerk of Court's Office, or by or for any person or entity under the direction and control of the Clerk of Court's Office, except for Exempt Positions. For this purpose "employment" means the relationship that constitutes employment at common law by the Clerk of Court's Office or by or

for any person or entity under the direction and control of the Clerk of Court's Office except for Exempt Positions and includes probationary, temporary, part time and permanent employment, whether employed pursuant to a written contract or otherwise. The prohibitions do not apply to the retention of persons or firms functioning as independent contractors and retained for such purposes by the Clerk of Court's Office. Nothing in this SRO shall have any effect on any other consent decree applicable to any other governmental body or public office.

B. Continued Jurisdiction of the Court. The Court retains jurisdiction for purposes of enforcement and ongoing monitoring of the Clerk of Court's Office's compliance with the Clerk of Court's Decrees and the SRO, including auditing and monitoring by the Clerk of Court's Compliance Administrator and the Clerk of Court's Compliance Administrator's counsel and staff, until such time as the Clerk of Court's Decrees and the SRO terminate.

C. Clerk of Court's Compliance Administrator Reports. The Clerk of Court's Compliance Administrator shall prepare and file reports with the Court providing an update regarding the Clerk of Court's Office's compliance with the SRO, development and implementation of the New Employment Plan, and progress made toward substantial compliance. The Parties may provide input to the Court regarding information contained in the Clerk of Court's Compliance Administrator's reports.

D. Continued Clerk of Court's Compliance Administrator Monitoring. The Clerk of Court's Compliance Administrator, with the Clerk of Court's Compliance Administrator's counsel and staff, shall continue to actively monitor the Clerk of

Court's Office's compliance with the Clerk of Court's Decrees, the SRO, and the New Employment Plan until their termination.

E. Monitoring by Plaintiffs. Plaintiffs shall monitor the Clerk of Court's Office's performance under the Clerk of Court's Decrees, the SRO (including Post-SRO Complaint Procedures), and the New Employment Plan through counsel of their choice, may present matters to the Court including enforcement actions, and may petition the Court for payment of costs and attorneys' fees incurred as part of their reasonable, appropriate, non-duplicative monitoring and enforcement and for carrying out any of their obligations under this SRO.

F. Sunset Procedures.

1. Motion to Terminate. No sooner than one year after the New Employment Plan is implemented or at any time that the Court shall order, the Clerk of Court's Office may file a Motion to Terminate the Clerk of Court's Decrees and this SRO. The Clerk of Court's Office shall provide a copy of the Motion to Dissolve to Plaintiffs' Class Counsel and the Clerk of Court's Compliance Administrator thirty (30) days prior to filing the Motion to Terminate. The Clerk of Court's Office has the burden of showing that it is in Substantial Compliance (as defined below).

2. Certification of Substantial Compliance. As a condition precedent to filing a Motion to Terminate, the Clerk of Court, the Clerk of Court's Office's head of Human Resources, and the Director of Compliance must certify in writing in the form that is attached to the final SRO as Exhibit III.F.2, that, after appropriate review and inquiry, each believes that the

Clerk of Court's Office is in Substantial Compliance with the Clerk of Court's Decrees and this SRO and that there is no material non-compliance (together, the "Certifications of Substantial Compliance"). The Certifications of Substantial Compliance must be attached as exhibits to the Motion to Terminate.

3. Clerk of Court's Compliance Administrator's Opinion. Within fourteen (14) days after the Motion to Terminate is filed with the Court, the Clerk of Court's Compliance Administrator shall advise the Court whether, in the opinion of the Clerk of Court's Compliance Administrator ("Clerk of Court's Compliance Administrator's Opinion"), the Clerk of Court's Office is or is not in Substantial Compliance with the Clerk of Court's Decrees and the SRO. The Clerk of Court's Office and Plaintiffs' Class Counsel have the right to contest the Clerk of Court's Compliance Administrator's Opinion and to request a hearing from the Court.

4. Plaintiffs' Response. Within fourteen (14) days of service of the Clerk of Court's Compliance Administrator's Opinion, Plaintiffs may file a response to the Motion to Terminate.

5. Conditions to Termination of the Clerk of Court's Decrees and the SRO. The Clerk of Court's Decrees and the SRO shall terminate if (i) the Certifications of Substantial Compliance have certified that the Clerk of Court's Office is in Substantial Compliance, (ii) the Clerk of Court's Compliance Administrator has advised the Court of the Clerk of Court's Compliance Administrator's Opinion, and (iii) the Court has determined,

after such procedures as the Court deems appropriate, that the Clerk of Court's Office is in Substantial Compliance.

6. Effective Date of Termination. The effective date of termination shall be the date upon which all judicial proceedings, and expiration of rights to appeal, have concluded following a final judicial decision that Substantial Compliance has been achieved. Termination of the Clerk of Court's Decrees and the SRO shall have no effect on any claim or complaint under the terms of the Clerk of Court's Decrees or the SRO filed within one hundred eighty (180) days after the date the SRO and Clerk of Court's Decrees are terminated if based on alleged conduct occurring prior to termination.

7. Reinitiating Substantial Compliance Process. If the Clerk of Court's Decrees and SRO are not terminated after the filing of a Motion to Terminate by the Clerk of Court's Office, they shall remain in effect. In its order denying the Motion to Terminate, the Court, with the input of the Parties, shall set a new date after which the Clerk of Court's Office may reinitiate the above Substantial Compliance certification and Clerk of Court's Compliance Administrator Opinion process.

8. Substantial Compliance Definition. Substantial Compliance means:

   (1) the Clerk of Court's Office has implemented the New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance;

   (2) the Clerk of Court's Office has acted in good faith to remedy

instances of non-compliance that have been identified, and prevent a recurrence;

(3) the Clerk of Court's Office does not have a policy, custom or practice of making employment decisions based on political reasons or factors except for Exempt Positions;

(4) the absence of material noncompliance which frustrates the Clerk of Court's Decrees and the SRO's essential purpose. The Clerk of Court's Compliance Administrator and the Court may consider the number of post-SRO complaints that have been found to be valid. However, technical violations or isolated incidents of non-compliance shall not be a basis for a finding that the Clerk of Court's Office is not in substantial compliance; and

(5) the Clerk of Court's Office has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the Clerk of Court's Office.

9. Recommendations and Definition of Political Reasons and Factors. Nothing in the SRO shall limit the right of any citizen, including elected officials, to make recommendations not based on political reasons or factors, to personnel involved in making employment decisions on behalf of the Clerk of Court's Office. In the case of hiring for positions that are not Exempt Positions, recommendations from public office holders or political party officials that are based on such individual's personal

knowledge of the applicant's work skill, work experience or other job-related qualifications are permitted and may be considered. Recommendations based on political reasons or factors shall not be given any effect, and shall be reported as provided in the New Employment Plan. As used herein, the phrase "political reasons or factors" includes:

(1) Recommendations for hiring, promotion or other employment terms for specific persons from public office holders or political party officials that are not based on personal knowledge of the applicant or employment candidate's work skills, work experience or other job-related qualifications.

(2) The fact that the applicant or employment candidate worked in a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party. The fact that an applicant or employment candidate worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person insofar as the basis for that recommendation relates to the applicant's or employment candidate's relevant work experience.

(3) The fact that the applicant or employment candidate contributed money, raised money or provided something else of value to a candidate for public office or a political organization, or the fact

that the person chose not to contribute or raise money for a candidate for public office or a political organization.

(4) The fact that the applicant or employment candidate is a Democrat or a Republican or a member of any other political party or group, or the fact that the applicant or employment candidate is not a member.

(5) The fact that the applicant or employment candidate expressed views or beliefs on political matters such as which candidates or elected officials he or she favored or opposed, which public policy issue he or she favored or opposed, or which views on government actions or failures to act he or she expressed.

G. Waiver of Challenge to the Clerk of Court's Decrees and SRO Validity and Class Member Standing; Preservation of Other Defenses. The Clerk of Court's Office shall not seek to vacate, appeal or otherwise challenge the validity of the Clerk of Court's Decrees or the SRO. The Clerk of Court's Office expressly waives, covenants and agrees not to assert any argument or claim that any Class Member who seeks relief under the post-SRO complaint procedure lacks standing to enforce the Clerk of Court's Decrees or this SRO or to seek relief under the Clerk of Court's Decrees or the SRO. However, the Clerk of Court's Office is not precluded from defending a claim brought under the Clerk of Court's Decrees or the SRO on the basis that the individual is not entitled to relief on grounds other than standing. If any individual opts out of this SRO to pursue her or his claims,

the Clerk of Court's Office reserves the right to raise any and all defenses to such claims.

IV. PROCEDURES FOR ALLEGED VIOLATIONS IDENTIFIED BY THE CLERK OF COURT'S COMPLIANCE ADMINISTRATOR OR OCCURRING AFTER FINAL APPROVAL OF THE SRO.

The procedures set forth below shall govern investigations (i) by the Director of Compliance of complaints of alleged unlawful political discrimination occurring after approval of the SRO ("Post-SRO Complaints") and (ii) by the Clerk of Court's Compliance Administrator during the audit of the Clerk of Court' employment practices. Nothing in this SRO limits the right of any individual to file suit in any court of competent jurisdiction against the Clerk of Court's Office alleging unlawful political discrimination. However, any individual who submits a Post-SRO Complaint to the Director of Compliance agrees to follow these procedures.

A. Making a Post-SRO Complaint. Any individual may submit a Post-SRO Complaint of unlawful political discrimination in connection with any aspect of government employment with the Clerk of Court's Office alleged to have occurred during the period that this SRO is in effect. To toll the running of the limitations period for filing a lawsuit based on a claim of unlawful political discrimination ("Post-SRO Complainants") an individual asserting such claim (a "Complainant") must timely submit a Post-SRO Complaint Form (Form 1) to the Director of Compliance. The Post-SRO Complaint Form must be received by the Director of Compliance or be postmarked by a United States Post Office within one hundred eighty (180) days after the Complainant knew or should have known of the alleged unlawful conduct. A Post-SRO Complainant who submits a Post-SRO Complaint Form to the Director of Compliance may not file a lawsuit in federal court or state court until after the Director of Compliance issues a report

under Section IV.I and the Complainant participates in a mandatory settlement conference under Section IV.J.

B. Requirements for Post-SRO Complaint Forms. Complaints submitted on Post-SRO Complaint Forms shall include a sworn statement setting forth the Post-SRO Complainant's claims, and should include:

1. the date or dates of the alleged violation;
2. narrative description of the alleged violation;
3. a description of the alleged damages;
4. identifying information including the Post-SRO Complainant's name, address, telephone number;
5. copies of the appropriate supporting documentation, if in the possession of the Post-SRO Complainant; and
6. a statement of the relief requested by the Post-SRO Complainant including the amount of any damages, if known, the Post-SRO Complainant seeks to recover or the nature of the injunctive relief.

Nothing in this SRO shall restrict the Director of Compliance's authority or ability to investigate any allegations of unlawful political discrimination in connection with employment with the Clerk of Court's Office received in any other manner established by the Director of Compliance, including through the Director of Compliance's complaint hotline, through a website complaint system, by fax, by phone or by letter. The filing of a Post-SRO Complaint Form (Form 1) shall toll an individual's federal statute of limitations as described in Paragraph IV.L below.

C. Availability of Post-SRO Complaint Forms. Post-SRO Complaint Forms will be available from the Clerk of Court's Compliance Administrator, the Clerk of Court's Office, the Director of Compliance, and Plaintiffs' Class Counsel. Post-SRO Complaint Forms shall also be made available upon request to the Clerk of Court's Office's website and the Director of Compliance's website.

D. Director of Compliance and Clerk of Court's Compliance Administrator Investigation. The Clerk of Court's Compliance Administrator shall be responsible for investigating any evidence of unlawful political discrimination uncovered during the audit of the Clerk of Court's Office's employment practices. The Director of Compliance shall be responsible for conducting or directing the investigation of Post-SRO Complaints. Except as necessary to conduct an investigation or to confirm to the Clerk of Court's Office that a plaintiff in a lawsuit alleging political discrimination in connection with employment with the Clerk of Court's Office does not have a Post-SRO Complaint pending with the Director of Compliance and his or her agents shall not disclose the identities of Post-SRO Complainants to anyone other than the Court or Plaintiffs' Class Counsel.

E. Distribution of Post-SRO Complaints to Clerk of Court's Compliance Administrator. Within seven (7) days of receiving a Post-SRO Complaint, the Director of Compliance shall provide a copy of the Post-SRO Complaint to the Clerk of Court's Compliance Administrator and Plaintiffs' Class Counsel. The Post-SRO Complaint shall remain confidential and, except as provided herein, shall not be disclosed by the Director of Compliance except as provided for in this

SRO. The Clerk of Court's Compliance Administrator and his or her agents and Plaintiffs' Class Counsel shall not disclose the contents or existence of the Post-SRO Complaint to anyone other than the Court until (1) the Director of Compliance completes his or her investigation and issues his or her report, (2) the Post-SRO Complainant files a lawsuit, (3) as provided in Section IV.D, or (4) as necessary to carry out the duties under this SRO. The Director of Compliance shall, within fourteen (14) days of receipt of a Post-SRO Complaint Form, send a "Notice of Rights," (Exhibit IV.E) to any Post-SRO Complainant who submitted a Post-SRO Complaint Form.

F. Cooperation with Director of Compliance and Clerk of Court's Compliance Administrator. The Clerk of Court, the Clerk of Court's Office, its departments and its employees and agents shall fully cooperate with investigations conducted by the Director of Compliance or the Clerk of Court's Compliance Administrator, by, among other things, promptly providing all requested relevant, non-privileged documents and information to the Director of Compliance or Clerk of Court's Compliance Administrator, in a manner that will preserve the confidentiality of the investigation. No person shall be compelled to respond to any request for information in violation of her or his constitutional rights.

G. Director of Compliance's Resources. The Clerk of Court's Office shall provide the Director of Compliance with reasonable and fair resources to independently, effectively, and expeditiously investigate Post-SRO Complaints and shall maintain such resources until the Director of Compliance has completed his or her duties hereunder.

H. Timing of Director of Compliance Investigation. The Director of Compliance shall investigate Post-SRO Complaints expeditiously. The Director of Compliance shall attempt to complete its investigation within one hundred eighty (180) days after its initiation. If any investigation is not completed within one hundred eighty (180) days after its initiation, the Director of Compliance shall notify the Clerk of Court's Compliance Administrator, the Clerk of Court's Office General Counsel, Plaintiffs' Class Counsel, and the Post-SRO Complainant of the general nature of the complaint and the reasons for its failure to complete the investigation within one hundred eighty (180) days.

I. Investigation Report. At the conclusion of an investigation, the Director of Compliance or the Clerk of Court's Compliance Administrator shall report in writing the results of its investigation to the Post-SRO Complainant, any individual believed to be a victim of unlawful political discrimination, the Clerk of Court's Compliance Administrator, the Clerk of Court, Plaintiffs' Class Counsel, and counsel for the Clerk of Court's Office. If the Director of Compliance or the Clerk of Court's Compliance Administrator finds at the conclusion of an investigation that impermissible political factors were considered in an employment decision, the Investigation Report shall include the names of all individuals who, according to the investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Clerk of Court's Office and the names of any individuals responsible for such discrimination. The copy of the Investigation Report sent to the Post-SRO Complainant and the individuals believed to be victims of political discrimination

shall be accompanied by a Notice of Rights and Request for Settlement Conference (Form 2).

J. Mandatory Settlement Conference. Before any Post-SRO Complainant or individual identified as a potential victim of unlawful political discrimination by the Clerk of Court's Compliance Administrator or the Director of Compliance (collectively referred to as "Claimants") may seek relief for any injury suffered as a result of political discrimination in connection with any aspect of government employment with the Clerk of Court's Office, the Claimant must first participate in a mandatory settlement conference. A Claimant initiates the settlement conference by submitting a Request for Settlement Conference (Form 2) to the Clerk of Court's Office General Counsel within thirty (30) days of the date of the Director of Compliance's Report or the Clerk of Court's Compliance Administrator's Report. Within sixty (60) days of receipt of the Request for Settlement Conference, the Clerk of Court's Office and the Claimant shall hold an in person settlement conference for settlement purposes only. All statements made and the positions taken at such conference shall be deemed settlement discussions subject to Rule 408 of the Federal Rules of Evidence, and shall not be disclosed by the parties except as required to obtain settlement approval. The Claimant and the Clerk of Court's Office may agree in writing to an extension of the time to conduct such meeting. The Claimant may be represented at the settlement conference by counsel or any other representative of her or his choice. Settlement offers will be made at the discretion of the Clerk of Court's Office. Settlement offers may include, but are not limited to, monetary damages,

reinstatement, or other relief. If accepted by the Claimant, copies of executed settlement agreements shall be provided to the Director of Compliance, the Clerk of Court's Compliance Administrator and Plaintiffs' Class Counsel within seven (7) days of execution. The parties may agree to additional settlement conferences.

K. Director of Compliance Reports to the Court. No later than the fifteenth day of April, August, and December, the Director of Compliance shall file with the Court a report, accurate as of the last day of the preceding month, indicating: the number of Post-SRO Complaints received since the date of the last report and the general nature of those Complaints; the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report broken down by sustained and non-sustained cases and providing a summary of the findings and recommendations in the completed investigation; and the number of investigations pending as of the reporting date.

L. Tolling During Director of Compliance Investigation and Settlement Conference. The filing of a Post-SRO Complaint Form (Form 1) shall toll a Complainant's statute of limitations on any claims while the SRO investigation and settlement conference procedures are pending. A Claimant shall have thirty (30) days after termination of the mandatory settlement conference procedures required under Section IV.J to file a complaint in federal court. Pursuant to Local Rule 40.4, either party to a lawsuit alleging a violation of this SRO may file a motion to have the case reassigned to the judge presiding over case Number 69 C 2145 case as a related matter.

M. Audit Documentation. The Clerk of Court's Office shall maintain all documentation related to complaints, investigations, and lawsuits arising under Section V until two years after the SRO has terminated.

V. NO RETALIATION

No person shall take any unlawful retaliatory action against any individual who exercises any rights provided by, or who reports violations of, the Clerk of Court's Decrees or the SRO, including, but not limited to, rights under the Clerk of Court's Whistleblower Policy. Any individual who believes retaliation has occurred may seek relief under the post-SRO process.

VI. ATTORNEYS' FEES.

The Parties have not agreed to or discussed the amount of attorneys' fees awardable to Plaintiffs' Class Counsel or their reimbursable costs prior to entry of this SRO, but shall attempt to reach agreement as to such amount within forty-five (45) days of entry of the SRO for presentation to the Court for its review and approval. If the Parties are unable to reach agreement, the Plaintiffs' Class Counsel shall be entitled to petition for an award of fees and the Clerk of Court's Office shall be entitled to assert objections thereto. The County shall promptly pay any and all reasonable fees and costs awarded by the Court.

VII. TERMINATION OF THE SRO.

A. Effect of Non-Approval. If, for any reason, the SRO does not become final (that is, is finally approved and the time for appeal expires with no appeal being filed or all appellate review has been exhausted and the SRO remains in effect and unmodified), the Parties shall retain all of their rights and defenses as they existed immediately prior to the execution of the SRO.

B. Effect of Termination. If the SRO is terminated as provided for in Section III.F. above, the SRO shall have no further force and effect. All negotiations,

proceedings and statements made in connection therewith shall be without prejudice to any person or party thereto, shall not be deemed or construed to be an admission by any Party of any act, matter or proposition, and shall not be used in any manner or for any purpose in any subsequent proceeding in the Action or in any other action or proceeding.

VIII. ENTIRE AGREEMENT.

All prior negotiations and agreements between the parties hereto (other than the Clerk of Court's Decrees), with respect to the SRO, shall be superseded by the SRO. No representation, warranties, understandings, or agreements of the parties relating to the subject matter thereof, other than the Clerk of Court's Decrees and those expressly set forth in the SRO shall be binding upon the parties.

ENTER:

06-19-19

Hon. Sidney I. Schenkier
United States Magistrate Judge

EXHIBIT 2

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT

Richard J. Daley Center
Room 1001
Chicago, Illinois 60602
(312) 603-5030
FAX (312) 603-4557
www.cookcountyclerkofcourt.org

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXECUTIVE ORDER 2018-01

WHEREAS, the Office of the Clerk of the Circuit Court of Cook County ("Clerk of Court") is a non-judicial officer of the State judiciary created by the Illinois Constitution; and

WHEREAS, it is essential to the proper operation of the Clerk of Court, that public officials and employees be independent and impartial, that public office and employment not be used for personal gain, and that the public have full confidence in the fair and honest administration of government; and

WHEREAS, the Clerk of Court is committed to the highest standards of ethics, efficiency, honesty, and accountability; and

WHEREAS, it is the policy of the Clerk of Court to comply with all local, state and federal laws that protect the equal employment rights of applicants for employment and incumbent employees with the Clerk of Court; and

WHEREAS, the First Amendment to the Constitution of the United States and the policies of the Clerk of Court specifically protect applicants for positions with the Clerk of Court from discrimination on the basis of political association; and

WHEREAS, the Clerk of Court's hiring, promotion, and any other employment decisions must be made based on merit or another selection process that is free from influence from political reasons or factors, unless duly permissible by law; and

WHEREAS, it is the best interests of employees as well as the citizens of Cook County to promote fair and lawful employment and to enforce policies that prohibit political consideration in the hiring of non-exempt government employees; and

WHEREAS, by this Order, an unambiguous message about the Clerk of Court's commitment to rooting out and eliminating abuse, corruption, fraud, or other criminal activity will be conveyed; and

WHEREAS, on May 5, 1972 and April 4, 1983, the United States District Court for the Northern District of Illinois ("District Court") entered Consent Judgments ("Judgments") with respect to, among others, the Clerk of the Circuit Court of Cook County, prohibiting the conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor; and

WHEREAS, on May 24, 2018, Judge Sidney I. Schenkier appointed Clifford Meacham as the Clerk of Court Compliance Administrator to oversee the hiring processes and procedures for positions with the Clerk of Court; and

NOW THEREFORE, by virtue of the authority vested in me by the Constitution of the State of Illinois and the laws of the State of Illinois, I, Dorothy Brown, Clerk of the Circuit Court of Cook County hereby orders, as follows:

1. **Goal.**

This Executive Order seeks to ensure that the hiring, promotion, and any other employment decisions are free of influence from political reasons or factors, except in those limited circumstances where such influence is appropriate and lawful; i.e., for positions on the Exempt List.

2. **Prohibited Conduct.**

The Clerk of Court and those acting with it are prohibited from:

Conditioning, basing or knowingly prejudicing or affecting any term or aspect of government employment (other than for exempt positions) or offering employment (whether to a prospective or current employee) based upon or because of any political reason or factor, including, without limitation, any individual's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such individual's political sponsorship or recommendation; or assisting any other individual in engaging in any of the above-described conduct.

The above prohibitions do not apply to employment decisions concerning "Exempt Employees" which positions are listed at www.cookcountyclerkofcourt.org/ and are posted in 10th floor lobby of the Daley Center.

Impermissible political reasons or factors include:

(a) Recommendations for hiring, promotion or other employment terms for specific persons from public office holders or political party officials that are not based on personal knowledge of the person's work skills, work experience or other job-related qualifications.

(b) The fact that the person worked in a political campaign or belongs to a political organization or political party. Or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party.

(c) The fact that the person contributed money, raised money or provided something else of value to a candidate for public office or a political

organization. Or the fact that the person chose not to contribute or raise money for a candidate for public office or a political organization.

(d) The fact that the person is a Democrat or a Republican or a member of any other political party or group. Or the fact that the applicant is not a member.

(e) The fact that the person expressed views or beliefs on political matters such as what candidates or elected officials he or she favored or opposed, what public policy issue he or she favored or opposed, or what views on government actions or failures to act he or she expressed.

The foregoing represents the policy of the Clerk of the Circuit Court of Cook County. All personnel involved in the hiring, promotion, or supervision of employees are required to understand and are expected to apply the foregoing rules and principles.

3. Reporting Obligation/No Retaliation.

Any employee who learns of an allegation of unlawful political discrimination in connection with any aspect of government employment with the Clerk' of Court, or who believes that such unlawful political discrimination has occurred or is occurring, shall report this information to the Director of Compliance directly and without undue delay.

Employees and officials shall not retaliate against, punish, or penalize any job applicant, employee or official for making complaints, public disclosures, or reports about any alleged violation of the above prohibitions in this Executive Order.

Employees and officials shall not retaliate against, punish, or penalize any job applicant, employee or official for cooperating with or assisting the Compliance Administrator, the Director of Compliance, or law enforcement authorities investigating any alleged violation of the above prohibitions in this Executive Order.

4. Violations.

Any violation of this Executive Order shall be grounds for discipline, up to and including termination.

5. Pledge.

This Executive Order formally notifies employees and officials and members of the general public that the Clerk of the Circuit Court of Cook County is committed to effecting the long-term prevention of the use of political considerations in connection with non-exempt employment with the Clerk of Court and to fully cooperating with the Compliance Administrator and members of her staff and the Director of Compliance in changing, up-dating, and enforcing the Clerk of Court's employment processes and procedures.

6. Effective Date.

This order shall take effect upon its execution.

Dorothy Brown
Clerk of the Circuit Court of Cook County

EXHIBIT III.F(2)

Exhibit III.F(2)

CERTIFICATION OF SUBSTANTIAL COMPLIANCE

After due inquiry, based upon the information and documents that I have reviewed and the knowledge that I possess as the [Clerk of the Circuit Court of Cook County/Clerk of Court's Chief of Human Resources], I believe that the Office of the Clerk of the Circuit Court of Cook (the "Office") is in substantial compliance as required by the Consent Decrees and Supplemental Relief Order as evidenced by the fact that I certify, under penalty of perjury as provided by law, that, to the best of my knowledge:

1. The Office has implemented a New Employment Plan, including procedures designed to ensure compliance with the New Employment Plan and identify instances of non-compliance;

2. The Office has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;

3. The Office does not have a policy, custom or practice of making employment decisions based on political reasons or factors except for Exempt Positions;

4. The Office does not have a record of material noncompliance which frustrates the Consent Decrees and the SRO's essential purpose; and

4. The Office has implemented procedures intended to effect long-term prevention of the use of impermissible political considerations in connection with employment with the Office.

_____	_____	_____
Signature	Printed Name	Date

FORM 1

FORM 1
POST-SRO COMPLAINT FORM

SUPPLEMENTAL RELIEF ORDER FOR THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY ("SRO")

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et. al.* (the "Shakman Case")

Date:_____

To: Director of Compliance
Clerk of the Circuit Court of Cook County
69 West Washington
25th Floor
Chicago, Illinois 60602

I, _____, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. **Address:** _____

_____

_____

2. **Telephone:** _____

3. **Date(s) of Violation(s):** _____

4. **Current Position with the Clerk of Court:** _____

5. **If No Longer Employed with the Clerk of Court, State Last Position with the Clerk of Court and Last Date of Employment:**

_____

6. **Clerk of Court Department or Agency Involved:**_____

7. **Facts Supporting Complaint:** (Provide a narrative description of the facts supporting your claim that you have been politically discriminated against in connection with your employment or application for employment with the Clerk of Court. Include as much detail as possible. The following are examples of the kind of detail you should include where applicable: when you applied for a job or promotion, when you were terminated or demoted, when you were disciplined, or given other unfavorable treatment in employment due to politics, the name of any person who asked you to perform work in exchange for favorable treatment at work, the name of any person who threatened to retaliate against you if you did not perform political work, and conversations you had with people about political sponsorship of the successful applicant. If your claim focuses on a promotion or new hire, state whether you were interviewed for the job, the names of the interviewers, and the date of the interview. Please copy and attach additional pages if necessary.)

8. **What Damages Did You Suffer and What Relief Are You Seeking:** (Include as much detail as possible about your damages and the amount you believe you are entitled to recover. For example, the following are examples of the sort of damages that might be applicable: lost wages, lost overtime, increased time and expense caused by being reassigned to a new location, etc.)

_____

_____

_____

9. **Total Amount of Money Damages Sought: $**_____

10. **Documents that Support Your Claim:** (Identify any documents you believe support your claim of political discrimination and attach copies if the documents are in your possession.)

_____

_____

_____

_____

11. **Have you filed a grievance or lawsuit about any of the events listed in your SRO Complaint in any court, administrative agency or before any other entity?** If yes, please explain, including case number, court or agency. Also, state the status or outcome of the claim, grievance, or lawsuit.

_____

_____

_____

_____

(Signature of SRO Complainant)

SUBSCRIBED AND SWORN to

before me this ____day of _____, ____.

_____

Notary

EXHIBIT IV.E

Exhibit IV.E

NOTICE OF RIGHTS
POST-SRO COMPLAINTS

Pursuant to the

SUPPLEMENTAL RELIEF ORDER ("SRO")

Entered in *Shakman, et al v. Clerk of the Circuit Court of Cook County, et al.*
(the "Shakman Case")

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other aspect of employment with the Clerk of the Circuit Court of Cook County ("Clerk of Court") ***after*** August 9, 2018, you may seek relief for the alleged unlawful political discrimination as described below.

This Notice of Rights document should not be construed as legal advice. The Clerk of Court Compliance Administrator is not able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law. Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are not able to provide individual legal advice about claims to persons who may wish to file claims.

You may consult with a lawyer of your choice and at your own expense about whether you should pursue any remedies under the SRO or any other rights you may have either through the SRO or in court.

I. What Happens Now that I Have Filed a Post-SRO Complaint (Form 1)?

For details regarding the Post-SRO Complaint process, please review Section IV of the SRO, which is posted on the Clerk of Court's website, www.cookcountyclerkofcourt.org. A summary of the Post-SRO Complaint process is set out below.

The Director of Compliance for the Clerk of Court is responsible for investigating all timely SRO Complaints (within 180 days of when you knew or should have known of the alleged unlawful conduct). Once you submit a Post-SRO Complaint Form to the Director of Compliance, a copy will be provided to the Clerk of Court Compliance Administrator. All Post-SRO Complaints are otherwise confidential and will not be disclosed to anyone other than the Court except as provided for in the SRO.

The Director of Compliance will investigate Post-SRO Complaints expeditiously. The Director of Compliance will attempt to complete its investigation within 180 days after it receives a Post-SRO Complaint. If any investigation is not completed within 180 days after its receipt, the Director of Compliance will notify you of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of the investigation, the Director of Compliance will report in writing the results of its investigation to you, the Clerk of Court's Compliance Administrator, Class Counsel,

the Clerk of Court, and counsel for the Clerk of Court. If the Director of Compliance finds that impermissible political factors were considered in an employment decision, the Director of Compliance's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Clerk of Court and the individuals responsible for such discrimination. A copy of the Director of Compliance's report will be sent to you with an a Request for Settlement Conference Form (Form 2).

II. What Happens After the Director of Compliance Issues its Investigative Report?

You have 30 days after you receive the Director of Compliance's Report to submit a Request for Settlement Conference Form (Form 2) to the Clerk of Court's General Counsel. Please note that you **must** participate in a settlement if you would like to seek any form of relief for any claims of unlawful political discrimination.

III. Mandatory Settlement Conference

If you file a Post-SRO Complaint Form with the Director of Compliance, you must participate in a mandatory settlement conference before you can seek relief through a federal lawsuit. Within **30 days** of receiving the Director of Compliance's Report, you must submit a Request for Settlement Conference (Form 2) to the Clerk of Court's General Counsel.

Within **60 days** from the date upon which the Clerk of Court's General Counsel receives a Request for Settlement Conference, the Clerk of Court's General Counsel and you must hold an in-person Settlement Conference. The time for conducting this settlement conference can be extended by agreement between you and the Clerk of Court's General Counsel. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Clerk of Court. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Director of Compliance, Clerk of Court Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the Clerk of Court's General Counsel can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse, and you still wish to proceed with your claim, you must file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

IV. Lawsuit

If you are unable to reach a settlement with the Clerk of Court and would still like to pursue a remedy for your claim of unlawful political discrimination, you may file a lawsuit. If you submit a Post-SRO Complaint to the Director of Compliance, you may not file a federal lawsuit until after the Director of Compliance issues a report and you participate in a mandatory settlement conference. Once you submit a Post-SRO Complaint Form, however, this will toll the statute of limitation on any claims up until the end of the settlement conference (which is explained in more detail below).

There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in Clerk of Court employment. For example, lawsuits seeking to enforce the SRO without first submitting a Post-SRO Complaint Form to the Director of Compliance must be filed within 180 days after the alleged victim knew or should have known of the alleged unlawful conduct. Class members who elect to pursue a remedy outside of the SRO should act quickly to protect whatever rights they may have.

These statements should not be construed as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the Clerk of Court Compliance Administrator nor Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law.

FORM 2

FORM 2

REQUEST FOR SETTLEMENT CONFERENCE

SUPPLEMENTAL RELIEF ORDER FOR THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY ("SRO")

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.* (the "Shakman Case")

Date: _____

To: **Director of Compliance**
Clerk of the Circuit Court of Cook County
69 West Washington
25th Floor
Chicago, Illinois 60602

Name: _____

Address: _____

_____

_____

Telephone: _____

Director of Compliance Report No. _____

I demand a settlement conference as permitted under Section IV.J.

_____
(Signature)