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Scharf Banks Marmor LLC Wins Appeal Upholding Cook County Sheriff’s Merit Board Decision Under De Facto Officer Doctrine

On August 29, 2018, the Appellate Court of Illinois (First District) upheld a decision by the Sheriff’s Merit Board of Cook County to fire a correctional officer after he had violated Sheriff’s rules and regulations, even though a previous appellate court had found the board to be improperly constituted. Miguel Lopez v. Thomas J. Dart, et al., 2018 IL App (1st) 170733-U. The Lopez decision is the first to be issued by the Appellate Court after its May 2017 decision in Taylor v. Dart, 2017 IL (1st) 143684, which reversed the discipline of a Sheriff’s officer on the ground that a member of the Merit Board was acting without a proper appointment. A key factor in the Lopez decision was to safeguard the public interest, and avoid “the upheaval that would doubtlessly result if we were to invalidate the merit board’s decision,” not only in the case of this one officers but also in the dozens of other disciplinary cases decided by the Merit Board during a time when it was alleged to be improperly constituted. The Appellate Court also upheld Lopez’s dismissal on the merits. [For a copy of the opinon click here.](#)

The Firm’s attorneys representing the Sheriff on this appeal are [Stephanie A. Scharf](#) and [Sarah R. Marmor](#).