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Scharf Banks Marmor LLC Wins Second Appeal in Favor of Cook County Sheriff

On December 17, 2018, the Appellate Court of Illinois (First District) held that the de facto officer doctrine should be applied to bar a challenge by a correctional officer to the constitution of the Cook County Sheriff’s Merit Board. *Steven Cruz v. Thomas J. Dart, et al.*, 2018 IL App (1st) 170915-U. The Cruz decision is the second 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. The Firm represented the Cook County Sheriff in both appeals.

As the Chicago Daily Law Bulletin observed, the decision “closed the door on future cases challenging merit board decisions on grounds of the board’s since-corrected unlawful formation.” [For a copy of the opinion click here.](#)

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