

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

MICHAEL L. SHAKMAN and	)	
PAUL M. LURIE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 69 C 2145
	)	
DEMOCRATIC ORGANIZATION	)	Honorable Wayne R. Andersen
OF COOK COUNTY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MONITOR’S REPORT OF DECEMBER 15, 2005**

Noelle C. Brennan (“the Monitor”), by and through her attorneys, Ines M. Monte of Brennan & Monte, Ltd. and Susan E. Cox, files this report to inform the Court of a recent violation of the Shakman Decree. As explained below, the City has cooperated in rectifying this issue and is in the process of taking all steps necessary to remedy the violation.

1. On August 2, 2005, the Court appointed the Monitor and her counsel “to ensure future compliance” with the Court’s prior order in *Shakman et al. v. The Democratic Organization of Cook County, et al.*, Case No. 69 C 2145. On September 6, 2005, in her first report to the Court, the Monitor recommended the development of a new Shakman Exempt list. “Shakman Exempt” positions are those titles within the City for which political considerations are relevant and can be taken into account by hiring officials. These positions are organized into various “Schedules” and are exempt from the requirements of the Shakman Decree.

2. The City and the Monitor agreed that, prior to the development of a new Shakman Exempt list, the City would provide the Monitor with forty-eight (48) hour notice prior to making any Shakman Exempt hires covered under the various schedules, including "Schedule G".

3. Schedule G of the existing Shakman Exempt list has been amended several times by the Court. It contains a finite number of Shakman Exempt titles within each City department. Pursuant to Paragraph N of the 1983 Consent Decree, these titles cannot be interchanged, nor can exempt positions be moved from one department to a different department, without first providing notice to all parties to this action and without first filing an amendment with the Court reflecting the proposed changes.

4. A Deputy Chief of Staff ("DCOS") in the Mayor's Office was placed in charge of overseeing Shakman Exempt hires while the proposed list was being developed by the City. Notwithstanding the express agreement between the City and the Monitor, this individual authorized the hiring of Shakman Exempt employees without providing the agreed upon notification to the Monitor. After this occurred, the Chief of Staff informed the Monitor that a limited number of individuals had been hired without the agreed upon notification to the Monitor.

5. Once the Monitor's office was notified that a number of hires had been processed without the agreed upon notice, the Monitor requested a complete list of all the individuals whom the City had hired as Shakman Exempt employees since her appointment. After the Monitor and her counsel examined the list and compared it to the existing list of available Shakman Exempt titles under Schedule G and its amendments, the Monitor discovered that approximately ten employees had been hired into Shakman

Exempt positions which did not exist in the departments into which the employees had been hired. The assigned DCOS authorized moving the positions from departments with current Shakman Exempt vacancies to departments that had no Shakman Exempt vacancies. This was done without the express approval of the City's Department of Law and without first notifying all parties and seeking an appropriate amendment with the Court. Although the number of overall Exempt positions did not change, the movement of slots from one department to a different department is a violation of the Shakman Decree.

6. Once the Monitor's office raised concerns about this violation, the City instituted a temporary freeze on Shakman Exempt hires until the violations could be resolved. That freeze has now been lifted.

7. To correct the current violation of the Decree, the City shall, as soon as possible, file a proper amendment with the Court. In addition, because the City has not maintained an accurate updated list of Schedule G Shakman Exempt positions as required by the Decree, the City will prepare this list within twenty-one days and make such list available for public examination.

8. To avoid this type of violation in the future, the City's Department of Personnel, with the advice and counsel of the City's Law Department will be responsible for verifying the existence of vacant Shakman Exempt slots prior to the processing of any such hires.

9. Moreover, the City has agreed to comply with the forty-eight hour notice to the Monitor's office prior to processing any further Shakman Exempt hires.

10. In addition to these remedial measures, the City has voluntarily taken additional remedial steps. For example, the City has provided to the Monitor resumes for each of these hires, along with certifications executed by the Chief of Staff, affirming that these hires were not influenced by political considerations. Upon review, there is no evidence that any of these positions were filled as a result of political considerations. The City also has removed the DCOS who was involved, along with one other employee working under her direction, from any involvement in hiring decisions. The City also has instituted administrative procedures to prevent any future violations of the Shakman Decree with respect to Shakman Exempt hires.

Respectfully submitted,

\_\_\_\_\_/s/ Noelle C. Brennan\_\_\_\_  
**NOELLE C. BRENNAN**  
Shakman Decree Monitor

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