

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

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

**ORDER APPOINTING COURT MONITOR AND COUNSEL**

In 1972, a Consent Judgment was entered into which, among other things, prohibited certain defendants 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 June 20, 1983, Defendants the City of Chicago and then Mayor Harold Washington, (hereinafter “the City”) entered into a Consent Judgment which incorporated the 1972 prohibitions and extended those prohibitions to include the City’s hiring practices, with certain exclusions. The 1983 Consent Judgment specifically empowers this Court to enforce the terms of both the 1972 Consent Judgment and the 1983 Consent Judgment. On January 24, 2002, Defendants City of Chicago and its current Mayor, Richard M. Daley, filed a Motion seeking to vacate the 1983 Consent Judgment. The Court denied that Motion and the City appealed that decision to the United States Court of Appeals for the Seventh Circuit. As of this date, no decision has been rendered by the Court of Appeals for the Seventh Circuit and thus, this

Court retains jurisdiction over the parties for the purposes of ensuring that the City is in compliance with the terms of the 1983 Consent Judgment.

On July 26, 2005 the Plaintiffs in this matter filed an Application to Hold the City of Chicago and its Mayor in Civil Contempt for Violations of the Court Orders. The Plaintiffs' Motion is based, in part, on recent developments in the criminal investigation currently underway in the United States Attorney's Office. As part of their Application, the Plaintiffs have requested appointment of a Special Master to investigate prior alleged violations of the Court's 1972 and 1983 Consent Judgments (hereinafter "Orders" or "Shakman Orders"). Plaintiffs also seek Court authorization for outside monitoring of future compliance of the Consent Judgments.

On July 17, 2005 the United States of America filed criminal complaints, numbered 05 CR 644 and 05 CR 646, against two former city officials, Robert Sorich and Patrick Slattery. The sworn statements contained in the criminal complaints allege systematic violations of this Court's Orders by senior city officials. Specifically, the complaints detail repeated instances of manipulation of the interviewing, selection and hiring processes to ensure preferential hiring and promotions for pre-selected candidates. According to the allegations in the criminal complaints, senior city officials pre-selected candidates based on pre-selected considerations, in direct violation of the Shakman Orders. Further, the sworn statements indicate that city officials falsely certified that pre-selected considerations did not enter into certain hiring decisions.

On July 29, 2005, Donald Tomczak, former Deputy Commissioner of the City of Chicago Water Department pleaded guilty to criminal charges regarding his role in the city's hiring and promotion practices. Tomczak's guilty plea includes admissions that he and

others awarded jobs and promotions to individuals based on political considerations, in direct violation of this Court's previous Orders. Tomczak stated in open court "I was involved with the illegal hiring process at City Hall."

In light of the evidence presented to the Court by the Plaintiffs, the sworn statements included in the criminal complaints filed by the United States and the public sworn admissions by Tomczak and others regarding previous violations of the Shakman Orders, this Court hereby appoints a Shakman Consent Judgment Decree Monitor ("Shakman Monitor") to ensure future compliance with this Court's previous Orders.

The Shakman Monitor, subject to the supervision and orders of this Court, shall study the Defendants' existing employment practices, policies and procedures for nonpolitical hiring, promotion transfer, discipline and discharge. The Monitor shall be an agent of the Court and shall only have the duties, responsibilities and authority conferred by this Order and subsequent Court Orders regarding such duties.

Defendants shall cooperate with the Shakman Monitor in connection with her efforts to oversee and ensure implementation of the Court's previous Orders, including providing reasonable access to all relevant documents, as well as reasonable access to current employees at all levels. The City shall also provide access to other sources of information, in whatever form they are maintained in the ordinary course of business, necessary or appropriate to the exercise of her authority. The Shakman Monitor shall make best efforts to minimize the disruption to the workplace during the course of her evaluation. Given the need of the Shakman Monitor to review confidential business information maintained by the City, the Monitor, and anyone working in conjunction with her, will sign a confidentiality agreement.

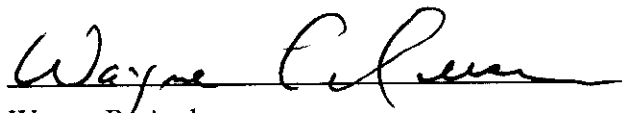
On September 6, 2005 the Shakman Monitor shall make a Preliminary Report to the Court which shall include:

- 1) A recommendation to the Court regarding the necessary powers that should be vested with the Shakman Monitor in order to ensure future compliance with this Court's previous Orders;
- 2) A recommendation regarding the necessary staffing needs required for the Shakman Monitor to fulfill her assigned duties; and
- 3) A proposed mechanism for ensuring future employment actions are in compliance with the Court's previous Orders.

The Court hereby appoints as the Shakman Decree Monitor, Noelle C. Brennan, of Brennan & Monte, Ltd. As Counsel to the Monitor, the Court hereby appoints Susan Cox, of Luke DeGrand & Associates and Ines M. Monte, also of Brennan & Monte Ltd. Defendants shall compensate the Monitor and Counsel to the Monitor, at their customary hourly rates and shall pay any and all reasonable costs necessary to fulfill the work of the Monitor and Counsel to the Monitor.

The Plaintiffs Application to Hold the City of Chicago and its Mayor in Civil Contempt for Violations of the Court's Orders is entered and continued until September 6, 2005 at 1:30 p.m.

Date: August 2, 2005

  
Wayne R. Andersen  
United States District Judge