



ILLINOIS STATE
BAR ASSOCIATION

STANDING COMMITTEE ON GOVERNMENT LAWYERS

The newsletter of the ISBA's Standing Committee on Government Lawyers

Job evaluations and personnel files under the Freedom of Information Act*

By Phillip Lenzini, Peoria

I. The Illinois Freedom of Information Act

The Illinois Freedom of Information Act sets forth in its introductory section its purpose and limitations. Specifically, the Act is intended to provide all persons of this state "full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees"¹

The Act also specifically limits itself, stating that it is "not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly-

undertaken work of any public body independent of the fulfillment of any of the fore-mentioned rights of the people to access to information."²

The "restraints on information" are "limited exceptions to the general rule that the people have a right to know the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people."³

Most government work is done on paper, and work done verbally is often transcribed. So, as applied to documents, the Act defines "public records" as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials"⁴

The Act goes on to list seventeen (17) examples of public records specifically identified to be within that definition.⁵

II. The Copley Press case

The issue in the *Copley Press* case was whether the *Peoria Journal Star* newspaper was entitled to documents prepared by the Peoria School District Board of Education about the employment of its superintendent.

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See page 14 for details

IN THIS ISSUE

- Job evaluations and personnel files under the Freedom of Information Act 1
- Someone you should know: Lori G. Levin 4
- Case synopsis: *Southern Illinoisan v. Illinois Department of Public Health* 5
- Ethics corner: Recent censure of a public sector lawyer 6
- In-sites 7

Superintendent Kay Royster was placed on Administrative leave by the school board. Although the Board's action was taken at an open public meeting, and included some discussion by the individual Board members before voting on the motion, the Board did not further publicly explain why it placed Royster on leave, other than to say the decision was based on her two performance evaluations. The Board did say it sent a letter to Royster explaining the reasons for the decision.

The *Peoria Journal Star* newspaper, owned by the Copley Press, sent a FOIA request to the School District asking for copies of all documents pertaining to the employment action regarding the Superintendent, which from the FOIA reply of the District, amounted to the two performance reviews and the letter. The request to release those documents under FOIA was denied by the Board on the grounds that the documents were part of Royster's personnel file.

Copley Press, the parent company, and the *Peoria Journal Star*, sued the School District for relief under the Act. After filing an uncontested motion for an index of relevant documents (which index identified and listed the two evaluations, one from approximately five months prior and one approximately

17 months prior, and the letter to the employee), the hearing and arguments of the parties, and making an in camera inspection of the documents, the trial court granted the requested relief, finding that the evaluations and letter were not protected under FOIA. "A public body cannot make a non-exempt document exempt merely by placing it in a personnel file," the court held. "The superintendent's role is to carry out the policies of the Board. Its explanation to her why it feels she is no longer capable of performing that duty is neither a 'personnel matter' nor 'personal information.'"

Copley Press argued that the personnel file exemption in paragraph (b)(ii) was restricted by language in paragraph (b). Because the Superintendent engaged in public duties as a public employee, her evaluation and the letter explaining her effective dismissal could not reveal information that was an invasion of her privacy. Additionally, Copley argued that a public entity must provide more explanation than that the documents were part of her personnel file, or any public entity would be able to hold any document from disclosure as long as it was placed into a personnel file. Instead, Copley encouraged the court to restrict the protected information to that data that is confidential or private, not merely located in a personnel file.

The School District declined all requests for the documents under 7(1)(b)(ii), stating that the documents were part of the personnel file and therefore per se exempt. However, just because an entity declares documents per se exempt, does that make it so? Copley argued no, and the trial court agreed.

III. Freedom of Information Act precedent

The seminal case in Illinois FOIA jurisprudence is *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401, 680 N.E.2d 374 (1997), wherein the Supreme Court held that as long as a public body can prove that the information contained within the requested document falls within one of the specifically enumerated categories of exempted documents of Section 7, then the requested document is per se exempt from disclosure.⁶

In general, when a public body receives a request for information under the act, it must comply with that request unless one of the statutory exemptions

applies.⁷ If the public body claims that a requested document falls within one of the exemptions, the public body may deny the request. The requestor is then left with bringing a lawsuit challenging the exemption in the circuit court. The question then becomes what test must a circuit court judge apply in determining whether the public body was justified in refusing the request? Apparently, if the court agrees with the public body that the information requested is exempt, then the analysis ends.⁸

If the public body asserts an exemption that is not specifically included on the list within the Act, and is therefore not exempt per se, then the trial court must evaluate the particular information on a case by case basis.⁹ The Court then, and only then, evaluates the information by applying a balancing test.¹⁰ The balancing test requires the laying of four factors to decide whether disclosure should be permitted:

1. The plaintiff's interest in disclosure;
2. The public interest in disclosure;
3. The degree of the invasion of personal privacy; and
4. The availability of alternative means of obtaining the requested information.¹¹

The Act provides for certain exemptions from disclosure¹² and the issue was whether or not the documents requested were exempt from disclosure by the Act.

The statutory language at question in this case provides as follows:

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(ii) personnel files and personal information maintained with respect to employees, appointees, or elected officials of any public body or applicants for those positions.[.]¹³

Specific terms used within the statute are not defined within the statute.

For example, "public duties" are not defined within the statute. "Personnel files" is also not defined within the Act. "Invasion of personal privacy" is not specifically defined within the statute; however, the exemption itself does explain that the invasion of personal privacy does not include "information that bears on the public duties of public employees and officials."¹⁴ However of note, as the School District attempted to argue to the trial court, is the legislative intent in enacting FOIA, and specifically the personnel file exemption. On third reading of the original bill, May 25, 1983, the chief sponsor, Representative Barbara Flynn Currie, had expressly stated that: "job evaluation forms in personnel files should not be available for open public disclosure." Unfortunately, the trial court was not influenced by that legislative history or clear expression of legislative intent.

The School District, relying on the per se exemption provision of section 7(1)(b)(ii), did not argue that the release of the documents themselves would constitute an actual, unwarranted invasion of the employee's personal privacy, or that the documents contained such entries. The trial court's in camera inspection of the documents found they were as indexed and responsive to the FOIA request, and would not "constitute a clearly unwarranted invasion of personal privacy," nor that the employee would have any reasonable expectation that they would remain private, nor did they contain any personal information that required redaction. Upon request, the trial court sealed the documents pending a motion for stay, and later stayed the interim order pending appeal. The court made an award of approximately \$15,000 in attorneys fees under section 11 of FOIA which had been recently amended, such that the FOIA attorney fee provision now provides for an award of fees and costs if the requestor is regarded as a "prevailing party," unless the fundamental purpose of the request was to further the commercial interests of the requestor. The court rejected the District's argument that the newspaper had such a commercial interest in making the request, because it was a for profit enterprise, by relying on other sections of FOIA where news media are favorably treated in respect of the definition of "commercial benefit" so long as their requests are to "access and disseminate information regarding the health, safety,

and welfare or the legal rights of the general public..." Finally, the trial court certified the interim orders under Supreme Court Rule 304(a) and the appeal followed.

IV. The *Copley Press* decision

The Third District Appellate Court reversed the trial court's decision. *Copley Press, Inc. v. Bd. of Ed. For Peoria School District No. 150*, 359 Ill.App.3d 321, 834 N.E.2d 558, 296 Ill.Dec 1, (3rd Dist. 2005) [Lv, to app. Denied, December 1, 2005]. Not surprisingly, the court's analysis started with *Lieber*, recognizing the presumption that public records are open and accessible. The appellate court reaffirmed *Lieber's* holding that the per se analysis applied to personnel file documents, without having to consider a balancing test. The balancing test applies only after it is determined that the information is not per se exempt. The appellate court held that the Superintendent's evaluations and the letter communicating the Board's decision to put her on leave were both per se exempt. Therefore, whether or not the documents constituted an invasion of the employee's personal privacy did not need to be considered.

The next issue was whether the evaluations and the letter were properly placed in the file. As noted before, the Freedom of Information Act does not define the term "personnel file." Although the Illinois Freedom of Information Act does not define the term "personnel file," other jurisdictions have. For example, Massachusetts considers disciplinary reports as part as of individual personal information.¹⁵ However, the court did not rely on the definition provided by the Personnel Record Review Act, any federal statutes, or legal sources from any other state. Instead, the court applied a common sense realization of what personnel files are for and what they traditionally contain:

The performance evaluations clearly belong in the personnel file. The letter is a response to Royster's request for written justification for the Board's decision, and is both a summary of the performance evaluations and a record of disciplinary action. A document cannot be made part of a personnel file simply by placing it there. In this case, however, the requested

documents are precisely what one would expect to find in a personnel file and are thus per se exempt from disclosure.

Surprisingly, the court also relied on the Open Meetings Act to support its decision, even though neither party relied on that Act in making their arguments to the court. The panel recognized that Section 2 of the Open Meetings Act permits public bodies to hold closed meetings to determine, among other things, "[t]he appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body." 5 ILCS 120/2(c)(1). If the school board was allowed to meet in private about the Superintendent's performance and dismissal under the Open Meetings Act, allowing the newspaper access to her performance evaluations and the letter explaining her dismissal would effectively allow the public into the executive session, and nullify the prohibitions of the Open Meetings Act. As recognized earlier, because most government entities operate through documents, even in the transcription of the spoken word, and meetings held in private are often (if not always) reduced to a writing. The court's holding protected these documents as part of a personnel file, under the Freedom of Information Act, and reinforced the documentation of those decisions made while in executive sessions allowed by the Open Meetings Act.

All public employees should appreciate the decision in *Copley*. The court made no distinction between the personnel records of Superintendent Royster, the chief operating officer of the School District, and any other employee of the school system. As the School District had argued, there is no basis in the language of FOIA for such a distinction among public employees. Arguably, "public duties" may not include the more mundane responsibilities of public employment such as maintenance or janitorial service, but may be apply to other public jobs. For example, teachers arguably do perform a public duty in educating students. Taken down a slippery slope suggested by *Copley's* arguments, the press would be able to discover every teacher's performance evaluation and publish those results in the Sunday paper. The result of such open disclosure would be to discourage individu-

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als from the close scrutiny of teaching, add additional stress to an already stressful job, and create a chilling effect on providing candid and constructive performance reviews.

Having reversed the trial court's determination as to the application of the personnel file exemption under section 7(1)(b)(ii), as well as the proper per se analysis, the appellate court did not reach the attorney fee issues, and reversed the award without further discussion. Subsequently, the Supreme Court denied leave to appeal this decision. Upon remand to the trial court, Copley Press recently agreed to the dismissal of remaining claims in their

complaint.

*This article was originally published in the ISBA's Local Government Law newsletter, March 2006, Vol. 42, No. 9, and is reprinted with permission.

1. 5 ILCS 140/1.
2. 5 ILCS 140/1.
3. 5 ILCS 140/1.
4. 5 ILCS 140/2(c).
5. 5 ILCS 140/2(c).
6. *Lieber*, 680 N.E.2d at 377.
7. *American Federation of State, County & Municipal Employees v. County of Cook*, 136 Ill.2d 334, 341, 555 N.E.2d 361 (1990).
8. See *Lieber*, 176 Ill.2d at 409, 680

N.E.2d at 378, 223 Ill.Dec. at 645, adopting the holding in *Healey v. Teachers Retirement System*, 200 Ill.App.3d 240, 244-245, 558 N.E.2d 766 (4th Dist. 1990). See also *Gibson v. Illinois State Board of Education*, 289 Ill.App.3d 12, 683 N.E.2d 894, 225 Ill. Dec. 391 (1st Dist. 1997).

9. *Lieber*, 176 Ill.2d at 409, 680 N.E.2d at 378, 223 Ill.Dec. at 645.

10. See *Margolis v. Department of Revenue*, 180 Ill.App.3d 1084, 536 N.E.2d 827, 129 Ill.Dec. 777 (1st Dist. 1989).

11. *Margolis*, 536 N.E.2d at 830.

12. 5 ILCS 140/7.

13. 5 ILCS 140/7(b)(ii).

14. 5 ILCS 140/7(b).

15. *Wakefield Teachers Association v. School Committee of Wakefield*, 431 Mass.

Someone you should know: Lori G. Levin

By Andrea M. Witcher, Chicago

Lori G. Levin is unquestionably someone you should know. Her tenacity and curiosity have led to a very successful career in government. Her membership on various boards and committees ignite her interest in public policy, and her extensive legal background enabled her to gain experience in the courtroom and in the boardroom.

Levin was raised on the north side of Chicago. At 15, her family moved to Wilmette where she graduated from New Trier West High School. Levin attended the University of Illinois at Champaign-Urbana, receiving a degree in Journalism. Although she had a passion for writing, Levin also had an itch for the study of law. She was uncertain whether she wanted to be a journalist or an attorney, so she enrolled in law school to find out. Levin attended Georgetown University Law Center in Washington, D.C. to pursue her legal studies because of its renowned clinical program. Levin was excited about the opportunity to work with Bill Greenhalgh, who is considered the father of clinical education. Levin also knew that being in the heart of the nation's capital would provide all sorts of great opportunities. Boy, was she right.

During law school, Levin was able to try a broad range of misdemeanor and petty offense cases. In addition, she performed post conviction work

through the public defender's office. She was also one of four law students selected to work at the United States Attorney's Office in the Eastern District of Virginia in Alexandria. Levin considers this latter opportunity to have been a "pivotal point" in her future. Through this program, Levin was able to try two federal felony cases as a third-year law student, putting on witnesses, engaging in motion practice, and presenting arguments before the court. Through her work at the United States Attorney's Office, Levin also met a number of people that have risen to national prominence, including Karen Tandy, head of the United States Drug Enforcement Agency, and the Honorable Leonie Brinkema, United States District Court Judge for the Eastern District of Virginia (the federal judge overseeing the prosecution of Zacarias Moussaoui).

After graduating from law school, Levin returned to Illinois and began working at the Cook County State's Attorney's Office. Within a couple of years she was assigned to Juvenile Court. Then, after "working her way up the ranks" at 26th Street, Levin became the first chair in a felony court room. She was first chair for about a decade, and she ultimately became supervisor of the Cook County State's Attorney's Seniors and Persons with Disabilities Division. As supervisor, she oversaw cases involving the involuntary commitment of the mentally ill and addressing

elder abuse issues. She also worked on legislation through the Illinois State Bar Association's Mental Health Law Committee, a committee she later chaired.

In August of 2003, Levin was appointed Executive Director of the Illinois Criminal Justice Information Authority by Governor Rod Blagojevich. She strives to improve the administration of the criminal justice system in the State of Illinois. One such improvement is the computer integration of the state's criminal justice system. This change permits the integration of the computer systems of the state prosecutors, the state's law enforcement officers, and the clerks of the circuit courts. Levin primarily seeks grant moneys in order to fund improvements for various sectors of society, such as grants to benefit law enforcement, corrections, elder abuse, and violence against women. She is currently working to obtain grant money to expand the projects for mentally ill defendants at the Cook County Jail.

In her free time, Levin enjoys yoga, riding her bicycle, reading, and eating a good meal with friends. Although she loves her job, she does find herself missing the courtroom at times. However, Levin's work with public policy continues to drive her two passions regarding the law: criminal defense and mental illness. She is truly an incredible individual who has accomplished so much.

Case Synopsis: *Southern Illinoisan v. Illinois Department of Public Health*

By Lisle A. Stalter, *Waukegan*¹

It is not very often that an opinion thoroughly discussing the application of the Freedom of Information Act is published. On February 2, 2006, however, the Illinois Supreme Court issued such an opinion in *Southern Illinoisan v. Illinois Department of Public Health*.²

Introduction

As I am sure you are aware, the Freedom of Information Act (the Act or FOIA) provides a mechanism for someone to obtain copies of documents or records used and maintained in the course of business by a governmental entity or agency in the State of Illinois.³ Of course, this disclosure requirement is subject to specific exemptions.⁴ The *Southern Illinoisan* case discusses the exemption for disclosing information specifically prohibited from disclosure by state law and the Illinois Health and Hazardous Substances Registry Act's (Registry Act) prohibition from disclosing certain information. Although the case discusses a specific statute, there are many points of discussion by the Supreme Court important to any attorney advising his or her client on FOIA compliance.

The Case

The *Southern Illinoisan* is a daily newspaper published in Carbondale, Illinois (Plaintiff). The Plaintiff submitted a request for records, pursuant to the FOIA, to the Illinois Department of Public Health (Department) requesting data maintained in the Illinois Health and Hazardous Substances Registry (Cancer Registry).⁵ The specific data requested was: "type of cancer, zip code and date of diagnosis" to be delivered in this format.⁶ The Department denied the request and the denial was upheld by the Department Director.⁷ Subsequently, the Plaintiff filed a complaint in the circuit court seeking review of the Department's denial.⁸ While there was a long procedural road before the case reached the Illinois Supreme Court; the Supreme Court

identified one question which was the subject of the appeal before them:

whether the information requested from the Department by plaintiff pursuant to FOIA "tends to lead to the identity" of patients listed in the Cancer Registry, thereby violating section 4(d) of the Registry Act.⁹

The Department's main argument for claiming that the information was exempt under FOIA was that the Registry Act prohibits the disclosure of information which reveals the identity, or any group of facts which tends to lead to the identity, of any person whose condition is submitted to the Cancer Registry.¹⁰

In support of their denial, the Department argued that because the Registry Act prohibits disclosure, the information is exempt under section 7(1)(a) of FOIA.¹¹ The Department relied on the expert testimony of Dr. Latanya Sweeney to establish that the identity of persons could be determined from the data set requested. Dr. Sweeney is a professor of computer science and public policy at Carnegie Mellon University and is the director of the University's Laboratory for International Data Privacy.¹² Dr. Sweeney testified that she conducted an experiment to determine if persons listed on the Cancer Registry could be identified from only the three information fields requested by Plaintiff. She compared this data with information readily available to the general public. Using a personal computer and traditional software database, Dr. Sweeney was able to re-identify with a single correct name 18 of 20 sets of data provided—this corresponded to correctly identifying Cancer Registry names 80-87 percent of the time.¹³

The Department argued that it was this uncontested evidence that the Cancer Registry information requested by the Plaintiff tends to lead to the identity of cancer patients.¹⁴ And, as a result, disclosure of type of cancer, date of diagnosis and ZIP Code violates section 4(d) of the Registry Act and is therefore

exempt under section 7(1)(a) of FOIA.

The Court's Analysis

The Supreme Court noted that Dr. Sweeney's testimony also indicated that in order to accurately arrive at the 18 of 20 names listed in the Cancer Registry she used a multi-step process. She studied neuroblastoma,¹⁵ she purchased and used several publicly available data sets, costing about \$2,000. To obtain these data sets she had to complete proper forms, wait for the requests to be processed, and receive the data in the mail in CD-format. She also testified that she had to scrutinize the data sets to identify common factors for neuroblastoma cases, and at one point when she had discovered she made a mistake went back and focused on another factor. She then gathered information from other on-line sources, as well as from libraries and newspaper articles. Dr. Sweeney concluded that it was her opinion that "it is very easy to identify persons from the Cancer Registry using public data sets."¹⁶

The Court rejected the construction the Department sought citing to the public policy of the FOIA regarding open and accessible public records. The Court concluded that information in the Cancer Registry "tends to lead to the identity" of Cancer Registry patients only if that information can be used by the "general public to make those identifications."¹⁷ Further, the Court discussed the fact that the Department's expert had years of experience, specific knowledge of data systems and the ability to adeptly manipulate data; but, her testimony failed to establish that the general public could recreate what she accomplished. And, the Department did not adduce competent evidence of whether a non-expert could perform the procedure followed by its expert to identify Cancer Registry patients.¹⁸ Dr. Sweeney's conclusion that the general public could identify Cancer Registry patients was not supported by proof.¹⁹ Rather, the Court concluded that Dr. Sweeney's testimony supports the deter-

mination that her methodology was unique to her education, training and experience, and not easily duplicated by the general public.²⁰

Further, the Court noted that the Department did not demonstrate that the release of the Cancer Registry information requested by Plaintiff "tended to lead to the identity of the specific persons described in the data" and as such did not meet the burden under FOIA to establish that the requested material was exempt. Finding that in the absence of more definitive proof that members of the general public would have the ability to duplicate Dr. Sweeney's multi-step experiment, the Court relied on public policy to guide its analysis. The FOIA "encourages a free flow and disclosure of information between government and the people" and it is to be interpreted liberally, and the exemptions interpreted narrowly.²¹

Based on this analysis, the Court upheld the trial court's order instructing the Department to disclose the information in the FOIA request.²²

Conclusion

The *Southern Illinoisan* case reaffirms that courts hold public policy considerations in high regard when reviewing FOIA cases. Also, when exemptions are applied that look at the ability to

identify the exempted information, the determination will be based on the general public's ability . . . not that of an expert.

1. Lisle A. Stalter is an Assistant State's Attorney in the Lake County State's Attorney's Office, Waukegan, Illinois. She is a member of the ISBA Assembly, Government Lawyer Committee and Secretary of the Environmental Law Section Council. The opinions expressed herein are solely those of the author and are not those of the Lake County State's Attorney's Office.

2. *Southern Illinoisan v. Illinois Department of Public Health*, No. 98712, 2006 Ill. LEXIS 309 (Ill. Feb. 2, 2006).

3. 5 ILCS 140/1 et seq.

4. 5 ILCS 140/7(1).

5. 410 ILCS 525/1 et seq.

6. *Southern Illinoisan*, No. 98712 at 2, 2006 Ill. LEXIS 309 at *2.

7. *Id.*, No. 98712 at 3, 2006 Ill. LEXIS 309 at *3.

8. *Id.*, No. 98712 at 3, 2006 Ill. LEXIS 309 at *4.

9. *Id.*, No. 98712 at 15, 2006 Ill. LEXIS 309 at *29 (citations omitted).

10. Subsequent to the filing of the Complaint in this case, the legislature amended Section 4(d) of the Registry Act. The amendment listed facts that lead to the identity of a person, including: "name, social security number, address, and any other data element that, by itself or in combination with one or more other data elements, tends to identify any person" (as

amended by P.A. 90-607, § 20, eff. June 30, 1998). The Court determined that the analysis was the same under either version of the Registry Act. *Id.*, No. 98712 at 24 - 25, 2006 Ill. LEXIS 309 at *47 - 48.

11. 5 ILCS 140/7(1)(a).

12. *Southern Illinoisan*, No. 98712 at 9, 2006 Ill. LEXIS 309 at *16. Dr. Sweeney holds an undergraduate degree in computer science from Harvard University, a master's degree in computer science and electrical engineering from MIT and a Ph.D. in computer science from MIT. *Id.*

13. *Id.*, No. 98712 at 9, 2006 Ill. LEXIS 309 at *17.

14. *Id.*, No. 98712 at 17, 2006 Ill. LEXIS 309 at *32.

15. Plaintiff's request for documentation specifically referred to documents relating to the incidence of neuroblastoma. Neuroblastoma is a cancer of the peripheral nervous system typically developing in infants and young children. *Id.*, No. 98712 at 2, 2006 Ill. LEXIS 309 at *2.

16. *Id.*, No. 98712 at 12, 2006 Ill. LEXIS 309 at *21.

17. *Id.*, No. 98712 at 28, 2006 Ill. LEXIS 309 at *55.

18. *Id.*

19. *Id.*

20. *Id.*, No. 98712 at 28 - 29, 2006 Ill. LEXIS 309 at *56.

21. *Id.*, No. 98712 at 30 - 31, 2006 Ill. LEXIS 309 at *59 - 60.

22. *Id.*, No. 98712 at 31, 2006 Ill. LEXIS 309 at *60.

Ethics corner: Recent censure of a public sector lawyer

By Rosalyn B. Kaplan, Chicago

On January 13, 2006, the Illinois Supreme Court censured Justin T. Fitzsimmons for professional misconduct committed during the course of his employment as an assistant state's attorney in DuPage County. While he was so employed, the state's attorney had in place a policy regarding the ethics and conduct of his assistants; the policy provided, in part, that every employee of the office was to "refrain from misusing one's job or knowledge gained from that job for personal profit or gain or for the gain of one's family or friends." Fitzsimmons was aware of this policy.

In December 2003, Fitzsimmons was contacted by a friend who had formerly been his colleague at the state's attorney's office and who had entered private practice. The friend's new employer had recently received a traffic citation and had asked his new associate to represent him in connection with the citation. Fitzsimmons agreed to look into the matter.

As a favor to his friend, Fitzsimmons contacted the assistant state's attorney, Arnel Delosreyes, who was handling the traffic citation, and asked that the citation be dismissed, without stating a reason for the request. Under the policy of the state's attorney's office,

it was permissible for such a request to be made in connection with a plea agreement in another case, and Fitzsimmons assumed that Delosreyes would believe his request to have been made for this reason. In fact, when Delosreyes moved to nolle proes the citation, he represented to the court that his motion was being made on the basis of a plea agreement in another matter. When the state's attorney's office learned the reason for dismissing the citation, Fitzsimmons was permitted to resign his employment, and the traffic matter was reinstated in the circuit court.

In-sites

Over the years, the *Illinois Bar Journal* has provided some great research tips for those searching for government agency regulations, policies, interpretive letters, opinions, digests, forms, and other information. See, e.g., Phill Johnson, "Illinois Agencies on the Web" (IBJ, Sept 2004). In case you missed these articles, we thought an update might be useful to government attorneys.

State Web sites

One State Web site that is especially helpful is <http://www.illinois.gov/government/agency.cfm>. This site contains an alphabetical listing of links to state agency Web sites.

The Office of the Illinois Attorney General Web site may be found at <http://www.illinoisattorneygeneral.gov>.

Included on this site are the AG opinions from 1992 to present, as well as consumer complaint forms. The site contains information related to obtaining free credit reports and dealing with identity theft issues. A model ethics ordinance for units of local government may also be found on the Web site.

Information regarding adoption, foster care, day care licensing, and child abuse may be found on the Department of Children and Family Services Web site <http://www.state.il.us/dcf/index.shtml>.

The Illinois Commerce Commission Web site, <http://www.icc.illinois.gov/home.aspx>, contains the "e-Docket" system, that allows public access to information regarding the ICC's cases and rulemakings initiated on or after January 3, 2000. The "e-Agenda" portion of the Web site provides notice to the public of meeting dates and agendas for regular and special meetings of the Commission.

Prevailing wage rates, labor law complaint forms, and a listing of debarred contractors are among the information that may be found on the Illinois Department of Labor's Web site <http://www.state.il.us/agency/idol/>.

The Illinois Environmental Protection Agency Web site, <http://www.epa.state.il.us>, contains information regarding environmental statutes, rules, and regulations. In addition, the site has downloadable forms for various types

of permits required prior to engaging in a number of activities that impact the environment. The site also contains a statewide schedule for household hazardous waste collections.

State tax forms, law, rules, and regulations may be found on the Illinois Department of Revenue Web site <http://www.revenue.state.il.us/>. Units of local government can access information related to Personal Property Replacement Tax estimates, Rental Housing Support Program Fund, and property taxes. Qualifying Illinois residents may also e-file their state income taxes for free through the Web site.

The Illinois State Police Web site, <http://www.isp.state.il.us/sor.cfm>, provides access to the Illinois Sex Offender Registry.

Federal Web sites

The Federal government offers First Government as the "official U.S. government Web portal," there you can find federal, state, local, and tribal agency information, <http://www.firstgov.gov>.

The Department of Housing and Urban Development Web site, <http://www.hud.gov>, contains information, among other things, related to HUD grant applications and SuperNOFA funds available to units of local government.

Information regarding the Family and Medical Leave Act, the Fair Labor Standards Act, and OSHA may be found on the Department of Labor Web site, <http://dol.gov>.

The Department of Veterans Affairs Web site, <http://www.va.gov>, contains information regarding veterans' health benefits, burial and memorial benefits, as well as education, home loan, life insurance and pension benefits. The site also contains special program information for disabled veterans.

Information related to various types of discrimination, as well as an explanation on filing a charge of discrimination may be found on the Equal Employment Opportunity Commission's Web site, <http://eeoc.gov>.

The Internal Revenue Service, <http://www.irs.gov>, maintains forms and publications related to federal income tax filings. Additional tax infor-

mation may also be found for charities and not-for-profit organizations and governmental entities.

Information about the new Medicare prescription drug coverage program may be found on the Medicare Web site, <http://www.medicare.gov>.

The United States Postal Service Web site, <http://www.usps.com>, provides assistance in finding zip codes, calculating postage, and obtaining change of address and other postal service forms.

Finally, information about inmates at both federal and state correctional institutions is available on the Web through either: the Illinois Department of Corrections inmate search, <http://www.idoc.state.il.us/subsections/search/default.asp>, or the Federal Bureau of Prisons inmate locator, <http://www.bop.gov/iloc2/Locatelnmate.jsp>.

These are just a few of the readily available resources for your researching pleasure. Happy surfing!

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