



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 18, 2020

The Honorable Gina Vonderheide
State's Attorney, Shelby County
301 East Main Street
Shelbyville, Illinois 62565

Dear Ms. Vonderheide:


I have your letter inquiring: (1) whether, in 2014, the Shelby County Board complied with section 4-2003 of the Counties Code (55 ILCS 5/4-2003 (West 2012)) when it approved a resolution appointing a private attorney to represent Shelby County in labor relations matters for Fiscal Year 2014-2015; (2) whether section 4-2003 of the Counties Code (55 ILCS 5/4-2003 (West 2018)) currently authorizes a county board to appoint a private attorney to serve as a Special Assistant State's Attorney and represent the county in labor relations matters; and (3) if so, whether a Special Assistant State's Attorney, who was appointed to that position pursuant to section 4-2003 of the Counties Code, should be compensated as a county employee, or whether he or she may bill the county on an hourly basis for his or her services.

It is the policy of the Office of the Attorney General not to issue opinions on matters scheduled for determination by the courts. See Statement of Policy of the Illinois Attorney General Relating to Furnishing Written Opinions, <http://www.illinoisattorneygeneral.gov/opinions/opinionpolicy.pdf>. This office recently became aware of a lawsuit that was filed against Shelby County and the Shelby County Treasurer by a law firm seeking payment for legal services rendered by the private attorney who was appointed by the Shelby County Board in 2014 to represent the county in labor relations matters. See *Featherstun, Gamur, Stocks, Flynn and Eck, LLP v. Shelby County*, Docket No. 2020-LM-22 (Circuit Court, Shelby County). Additionally, a declaratory judgment action has been filed concerning the validity of the county board resolution, that is the subject of your inquiry. See *Bennett v. Shelby County Board*, Docket No. 2020-MR-35 (Circuit Court, Shelby County). It appears that these cases will necessarily address certain aspects of the questions you have raised. Therefore, in accordance with our longstanding policy, we must decline to issue an opinion in response to your request.

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If you have any questions or require additional information, please advise.

Very truly yours,


LYNN E. PATTON
Chief, Public Access and Opinions Division
and Administrative Counsel

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