

Chicago Daily Law Bulletin

SINCE 1854

Volume 145, No. 224

Tuesday, November 16, 1999

Twenty-eight pages in two sections

Cellate Report — domination doctrine limitation period

SIS
IONS
ore Postel
itor

directors of Datronic was comprised of three directors. Lopinski, by virtue of his ownership of approximately 95 percent of the stock of Datronic, appointed all of the directors. From Dec. 31, 1988, through Sept. 30, 1989, the board consisted of Lopinski, Stephen S. Buckley and Gary B. Gebis. On Sept. 30, 1989, Gebis resigned from the board, questioning the propriety of various Datronic transactions, including a Bank of California transaction. On Dec. 12, 1989, Lopinski appointed Edmund C. Lipinski to the board. From Dec. 12, 1989, until May 1, 1992, the board was comprised of Lopinski, Buckley and Lipinski.

Plaintiffs alleged that during the period of Dec. 12, 1989, to May 1, 1992, the board "was not an independent body" and "was, in effect, a 'rubber stamp' for the corporate decisions of Lopinski."

Plaintiffs further alleged that Lipinski executed corporate resolutions and other corporate documents when directed to do so by Lopinski, without questioning the propriety of such actions.

On Oct. 31, 1997, plaintiff filed a one-count third amended complaint alleging conversion. **1** **AM** **REV** **AND**

Justices mull juveniles' right to trial

By **AARON CHAMBERS**
Law Bulletin staff writer

SPRINGFIELD — The legislature properly gave the right to trial by jury to violent and habitual juvenile offenders but not to juveniles charged with first-degree murder, and a 13-year-old boy's right to equal protection was not violated when he was denied a jury during his murder trial, an attorney for the state told the Illinois Supreme Court Tuesday.

Cook County Assistant State's Attorney Susan R. Schierl Sullivan told the high court that the issue was not whether the legislature deprived juveniles charged with murder of jury trials, but rather that it had afforded them to the violent and habitual juveniles.

Sullivan said the legislature granted jury trials to violent and habitual offenders to make the proceedings more close-

ly resemble criminal actions brought against adults.

"They did this to give these offenders a real taste of a criminal proceeding," Sullivan said. "The repeat, chronic offenders have already demonstrated that the rehabilitative measures of the system were not working on them."

Juveniles charged with murder, on the other hand, were spared the "clash and clamor ... the delay ... and all that comes with an adult jury trial" when the legislature decided not grant them a similar right, Sullivan said.

At issue is whether Cook County Circuit Judge Daniel P. Darcy properly denied a 13-year-old boy's request for a jury trial when the boy was charged with murder under the Juvenile Court Act, 705 ILCS 405/5-33(1.5).

The statute used to charge the boy,

identified in court records as G.O., does not grant — or deny — a jury trial, but his attorneys asked for one anyway. They argued that denying G.O. a jury trial, but affording juries to juveniles charged under the same law as violent or habitual offenders — sections 5-36(d) and 5-35(d) — violated his right to equal protection.

The 1st District Appellate Court in March agreed. But while the appeals court found that denying jury trials for juveniles charged under section 5-33(1.5) violates equal protection, it did not hold the law unconstitutional because it "neither grants nor denies a jury trial." *In the Interest of G.O., A Minor*, 304 Ill.App.3d 719, 710 N.E.2d 140 (1st Dist. 1999).

On Tuesday, G.O.'s pro bono attorney told the high court that there were other

County Board gets report on need for court construction

By **JOHN FLYNN ROONEY**
Law Bulletin staff writer



State mull juveniles' right to trial by jury

BERS
 legislature
 by jury to
 offenders
 with first-
 ear-old boy's
 s not violated
 y during his
 for the state
 ert Tuesday.
 State's Attor-
 van told the
 is not wheth-
 er juveniles
 ry trials, but
 them to the
 les.
 ture granted
 bitual offend-
 s more close-

ly resemble criminal actions brought against adults.

"They did this to give these offenders a real taste of a criminal proceeding," Sullivan said. "The repeat, chronic offenders have already demonstrated that the rehabilitative measures of the system were not working on them."

Juveniles charged with murder, on the other hand, were spared the "clash and clamor ... the delay ... and all that comes with an adult jury trial" when the legislature decided not grant them a similar right, Sullivan said.

At issue is whether Cook County Circuit Judge Daniel P. Darcy properly denied a 13-year-old boy's request for a jury trial when the boy was charged with murder under the Juvenile Court Act, 705 ILCS 405/5-33(1.5).

The statute used to charge the boy,

identified in court records as G.O., does not grant — or deny — a jury trial, but his attorneys asked for one anyway. They argued that denying G.O. a jury trial, but affording juries to juveniles charged under the same law as violent or habitual offenders — sections 5-36(d) and 5-35(d) — violated his right to equal protection.

The 1st District Appellate Court in March agreed. But while the appeals court found that denying jury trials for juveniles charged under section 5-33(1.5) violates equal protection, it did not hold the law unconstitutional because it "neither grants nor denies a jury trial." *In the Interest of G.O., A Minor*, 304 Ill.App.3d 719, 710 N.E.2d 140 (1st Dist. 1999).

On Tuesday, G.O.'s pro bono attorney told the high court that there were other

constitutional reasons to grant G.O. a jury trial.

Craig O. Donaldson, of the Chicago firm of Winston & Strawn, said that every person subject to a mandatory sentence of at least five years' imprisonment has a right to a trial by jury under the Sixth Amendment of the U.S. Constitution and Article I, section 8 of the state Constitution.

Donaldson noted that because G.O. was adjudged delinquent under section 5-33(1.5) of the Juvenile Court Act, he was committed to the state Department of Corrections, Juvenile Division, until his 21st birthday — more than five years of detention.

Donaldson also argued that the sentence was punitive, adding greater weight to the need for a trial by jury. The

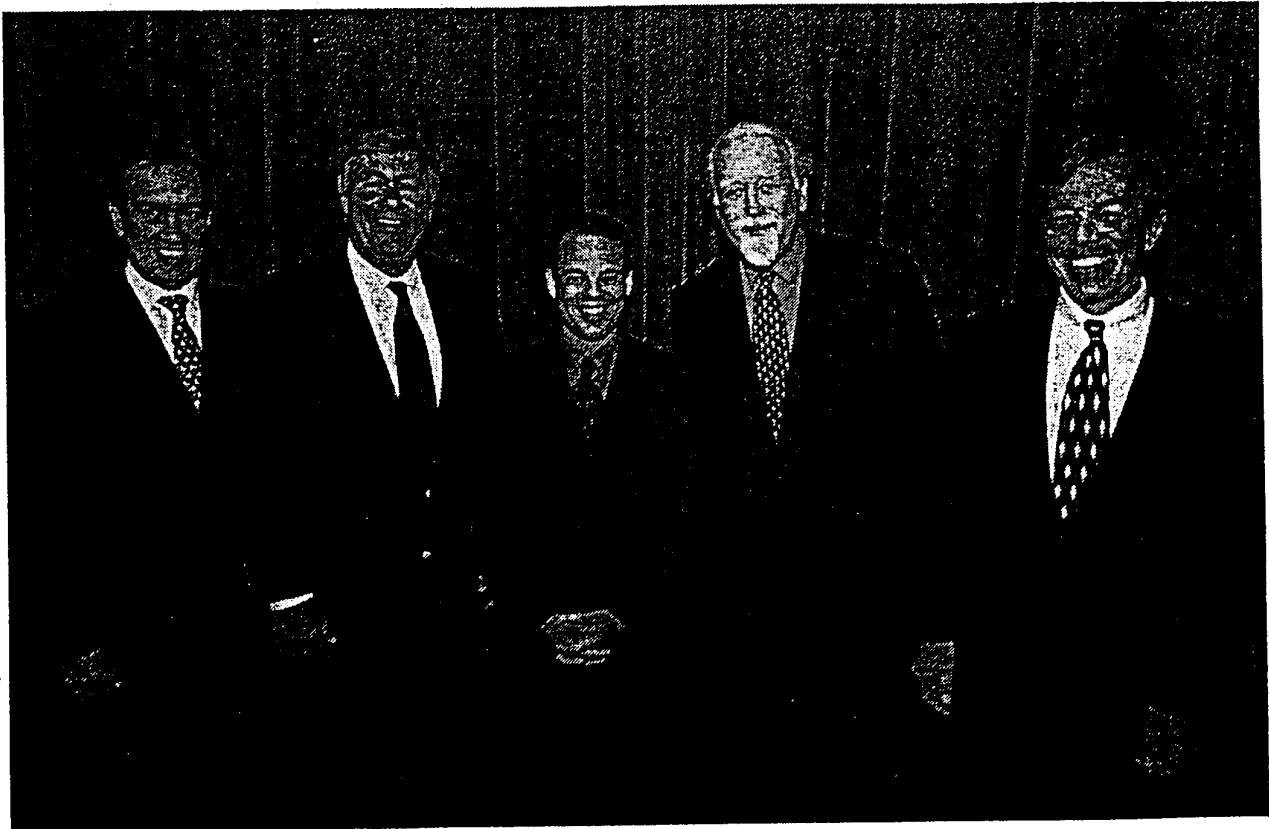
Jury trial — page 20

Board rt on court tion

OOONEY
 more than two
 needs of the
 submitted its
 ling for con-
 court facilities.
 mmittee on
 ry presented
 esday to Cook
 hn H. Stroger
 panel.
 er] will review
 s with special
 will carry some
 l. Hubert, the
 in a telephone

mation of the
 1996 and later
 resident of the
 as co-chair of
 y Eaton, the
 tion's 2d vice
 ee's other co-

s are going to
 Board and the
 ts plan for the
 Court into the
 ary, Stroger's



John Marshall students tipped on careers in health care law

The field of health care law was the topic of a workshop at The John Marshall Law School that brought in experts to share insights. Guests Kevin Burke (from left) of Corboy & Demetrio,

Rudy Schade of Cassidy, Schade & Gloor, and Grant Dixon of the Corboy firm were welcomed by Dean Robert Gilbert Johnston and William Chamberlain, director of career services.

Lawyer convicted in extortion scheme suspended by court

By JOHN FLYNN ROONEY
 Law Bulletin staff writer

The ARDC also filed a complaint in late October alleging that Minuskin com-

Ruben Castillo sentenced Minuskin to four months in prison and an additional four months of home confinement. Cas-