COURT CLERKS FACE LAWSUIT OVER FINES FOR JUVENILES CLASS ACTION CALLS FOR RETURN OF MONEY

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Illinois' 102 county Circuit Court clerks are the defendants in a class-action suit filed Friday alleging the clerks collected fines against juveniles who were denied proper legal representation in court.

The lawsuit, filed in DuPage County Circuit Court, said the Circuit Court clerks violated Illinois law and an Illinois Supreme Court rule that requires an attorney for defendants under 18 before they plead guilty to allegations with penalties harsher than just a fine.

Vincent DiTommaso, attorney for a man who, as a minor in 1997, pleaded guilty to marijuana possession, said the class action could include more than 50,000 juveniles and more than $5 million in fines.

"This is clearly a wake-up call," DiTommaso said. "The statute is very clear."

The complaint asks the clerks to return all the money--with interest--to all juveniles who pleaded guilty without adequate legal representation as early as 1997. The lawsuit also claims the dispositions of those cases should be thrown out because the minors were prosecuted without adequate legal representation.

But DuPage County Circuit Court Clerk Joel Kagann said DiTommaso has targeted the wrong defendants.

"The clerk is responsible for collecting fines, but our office doesn't collect fines on our own initiative," Kagann said. "I don't understand where they're going with this. We collect every penny of the fines we are ordered to by the court."

DiTommaso said previous court rulings have determined that if the clerk holds money from illegal prosecutions, the clerk must return the money.

"He didn't prosecute these people, but he collected the fines," DiTommaso said. "That's the fruit from a tainted tree so you have to give the fruit back."