



## Supreme Court of Illinois

March 4, 2024

### **ILLINOIS SUPREME COURT TO HEAR ORAL ARGUMENTS AT NORTHERN ILLINOIS UNIVERSITY ON MARCH 21**

The Illinois Supreme Court will leave the Illinois Supreme Court Building in Springfield behind for a day and “ride the circuit” to hear oral arguments at Northern Illinois University in DeKalb on March 21.

The Supreme Court will hear arguments in two cases starting at 10 a.m. (all guests are asked to be seated by 9:30 a.m.), on Thursday, March 21, at the Holmes Student Center at Northern Illinois University, located at 340 Carroll Avenue in DeKalb. The cases before the court will be *People v. Flournoy* and *Andrew W. Levenfeld & Assoc. v. O’Brien*.

“The Court is so excited to continue its tradition of Riding the Circuit and bring oral arguments to Northern Illinois University,” Chief Justice Mary Jane Theis said. “It is such a pleasure to hold court in front of hundreds of students who are likely observing the work we do for the first time. My colleagues and I look forward to welcoming them and other local residents to DeKalb on March 21.”

Students and teachers from local schools have been invited to participate in the March 21 program either by attending the arguments live, or watching via a live stream at <https://vimeo.com/event/4041658>.

“We are honored to be hosting the Supreme Court of Illinois for the first time at NIU,” said NIU College of Law Dean Cassandra L. Hill. “The Supreme Court’s practice of hearing oral arguments is a crucial aspect of the American legal system, offering a dynamic interaction between the Court and those directly involved in a case. This valuable opportunity serves as not only a unique educational opportunity but also as a critical component of the legal process that can inspire a deeper appreciation for the legal system and its role in society.”

A limited number of public tickets for the event are available. Please contact John Lupton at [john.lupton@illinoiscourthistory.org](mailto:john.lupton@illinoiscourthistory.org) to request tickets. Those attending are asked to RSVP for a reserved seat by March 18. Those who have reserved tickets are asked to arrive early as all guests should be seated by 9:30 a.m. Backpacks and other large items or bags will not be allowed. A question-and-answer session will follow the oral arguments.

In *People v. Flournoy*, the defendant was convicted of first-degree murder and armed robbery for shooting and killing a car dealer while robbing a car dealership in 1991. In 2021, defendant filed a pleading, claiming he has newly discovered evidence that: (1) demonstrates his actual innocence; (2) shows the State concealed and fabricated evidence; and (3) shows that he received ineffective assistance of counsel at trial. The lower courts denied relief to the defendant.

At issue before the Illinois Supreme Court is whether this newly discovered evidence may be used both to support defendant's claim of actual innocence and to supplement his constitutional claim that the State concealed and fabricated evidence.

In *Andrew W. Levenfeld & Assoc. v. O'Brien*, two law firms sued their former clients to recover attorney fees for their services in an estate dispute. The clients had fired the law firms two months before the clients, represented by new counsel, settled their dispute. The law firms sought to recover the value of their legal services based on their contingency fee agreement with the clients. However, the contingency fee agreement did not specify how the law firms would split the contingency fee, an omission that violates the Illinois Rules of Professional Conduct. The trial court found that the law firms were entitled to a reasonable fee, consisting of the contingency fee minus the amount the clients paid to new counsel.

The appellate court held that the violation of the Illinois Rules of Professional Conduct renders the contingency fee agreement unenforceable, and thus, the reasonable fee for the law firms cannot be based on the contingency fee. The appellate court remanded the case to the trial court to determine the reasonable value of the law firms' services.

At issue before the Illinois Supreme Court is whether the law firms' failure to specify how they would split the contingency fee renders the contingency fee agreement unenforceable and whether this failure prevents a court from considering the contingency rate when determining the reasonable value of the law firms' services.

The program is sponsored by the Illinois Supreme Court, Northern Illinois University and Northern Illinois University College of Law, the Administrative Office of the Illinois Courts, the Supreme Court Historic Preservation Commission and the DeKalb County Bar Association.

**(FOR MORE INFORMATION, CONTACT: James Brunner, Public Information Officer of the Illinois Supreme Court at 217.208.3354 or [jbrunner@illinoiscourts.gov](mailto:jbrunner@illinoiscourts.gov).)**