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Firm Wins Drug Testing Appeal for Cook County Sheriff in Illinois Appellate Court

Scharf Banks Marmor LLC represented the Sheriff of Cook County in a successful appeal before the Illinois Appellate Court, which on July 21, 2020, affirmed the discharge by the Sheriff's Merit Board of a former correctional officer who failed a random drug test and tested positive for cocaine. On appeal, the former officer challenged the Sheriff's internal and external drug testing protocols, as well as the admissibility and accuracy of the drug testing lab's records. In rejecting plaintiff's arguments, the Appellate Court held that the records met the evidentiary criteria for admission of business records and, consistent with the rule governing business record evidence, any question about accuracy of the tests went to the “weight” of the evidence, not its admissibility. The Appellate Court also discussed the standards that apply for appellate review of an agency decision, including the manifest weight of the evidence standard. The full Opinion, *Porter v. Cook Cnty. Sheriff's Merit Bd.*, 2020 IL App (1st) 192166, is attached [here](#). The attorneys on this appeal were [Stephanie Scharf](#), [George Sax](#) and [Rebecca Ford](#).