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Lawsuit claims discrimination in court

In divorce proceedings: Defendants are court clerk, administrator, state's attorney

By **Judy Masterson**

STAFF WRITER

Third in a series

Three women embroiled in long-running divorce and child custody disputes have filed a \$15 million discrimination suit against officials with the Lake County Circuit Court and the state's attorney.

Filed by Catherine Campbell of Gurnee, Erin McRaith of Glenview and Karol Magistrelli of Libertyville, the suit names as defendants Lake County Court Administrator Robert Zastany, Lake County State's Attorney Michael Waller and Clerk of the Circuit Court Sally Coffelt.

The women, who have been representing themselves in litigation in family court, say they are "involuntarily without legal counsel," due to discrimination and the violation of their constitutional rights during divorce proceedings.

The suit contends, among other things, that the women have been illegally forced to pay for selected court witnesses, in particular, child custody evaluators, from court-appointed preferred lists.

"These 604(b) evaluators and/or court witnesses are not assigned to poor and middle class women/moms in the family courts in Lake County, Illinois, as these women do not (have) the means to pay the court witnesses," the suit states.

The women also argue that while acting "pro se" they are held to the same standards and duties as attorneys by the clerk's office, the same office they say that has denied them the same rights it gives to attorneys, including access to attorney express lanes, self-help library check-out privileges, and open access to court and hearing dates.

McRaith and Magistrelli, both who lost custody of their children to their former husbands, in part based on testimony by court-appointed custody evaluators, have filed appeals of those decisions in the Illinois Appellate Court.

McRaith claims her two children are doing poorly in school and Magistrelli, once a stay-at-home-mom, now pays \$650 per month for four hours of supervised visits with her children per week. Campbell lives in subsidized housing in Gurnee with her only son, after losing a jointly-held engineering consulting firm to her husband in a divorce that she

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said was mishandled by both judges and attorneys in the 19th Judicial Circuit.

Campbell, who complains she has been refused a guideline child support order by Waller and his wife — presiding family law Judge Jane Drew Waller — as well as the Illinois Appellate Court, has filed petitions seeking redress in the Illinois Supreme Court.

The women allege that they have also been denied access to the Level the Playing Field Law, through which the court assigns interim attorney fees to the wealthier party in a divorce/custody hearing. They also said they have been denied access to some of their court records and that others have been altered or are missing.

State's Attorney Waller called the suit "frivolous."

"I don't understand their basis for recovery," Waller said. "I don't have any authority or jurisdiction or control over any of the things they've sued me for. They're alleging things in the court system."

Waller said his attorneys don't use the attorney express lane and that he didn't even realize one existed.

"He's the top law enforcement for the county and he should not allow any discriminatory practices," McRaith said. "Pro-se litigants are being treated like second class citizens. It's exactly what happened to Rosa Parks at the back of the bus. The Lake County Courthouse is a public building and you can't discriminate in a public building."

Waller said he plans a to file a motion to dismiss the suit and to seek reimbursement from the women for any fees incurred.

"They have to have a legal basis to proceed," Waller said.

"We do have a claim and we've backed it up with evidence," McRaith said. "This is not a frivolous suit. This has affected our livelihoods. If it's dropped, we're going directly to the Illinois Supreme Court because it's a matter of public interest."

While Waller said complaints of document tampering had been looked into and dismissed, the women say they were never notified of either an investigation into the matter or of the office's findings.

"We've brought our problems to his (Waller's) attention and he doesn't even respond," Campbell said.

Administrator Zastany declined comment on the suit. Attempts to reach Coffelt were unsuccessful.

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