

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC PENSIONS - ILLINOIS

Johnson v. Municipal Employees', Officers', & Officials' Annuity & Benefit Fund of Chicago

Appellate Court of Illinois, First District, Second Division - December 26, 2018 - N.E.3d - 2018 IL App (1st) 170732 - 2018 WL 6844033 - 2018 Employee Benefits Cas. 478, 046

Counsel for plaintiffs who filed action challenging constitutionality of amendments to Pension Code filed petition, seeking attorney fees against city, Municipal Employees' Annuity and Benefit Fund (MEABF), and Laborers' and Retirement Board Employees' Annuity and Benefit Fund (LABF), under Civil Rights Act, as well as additional sum from alleged common fund created by plaintiff's action.

The Circuit Court denied petition. Counsel appealed.

The Appellate Court held that:

- Counsel was not entitled to attorney fees under Civil Rights Act;
- Pension Code exempts retirement annuities from attachment for the payment of any debt of an annuitant, which includes attorney's fees; and
- Common fund was not created in plaintiff's action, and thus counsel was not entitled to attorney fees from alleged common fund in connection with action.