

RESOURCE GUIDE - S4E2

Curing "Petty, Everyday Injustice" in Cook County



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ONE JAIL AT A TIME.

story

A brief introduction to **county clerkship** in the United States ...

Every filing, decision, and official action that a court takes must go through one official: the clerk of the circuit court (sometimes called a court clerk), who manages the court's record-keeping. In some jurisdictions, the handler of court documents is its own office, as is the case with Cook County; in others, there is a county clerk who handles *all* county records (such as property deeds and marriage licenses) in addition to the court records. These positions are integral to court proceedings, and related mistakes affect almost every case.

For example, records systems and information technology can be decades old, and there can be significant miscommunication and misplacements of paperwork—especially for those jurisdictions who use carbon-copy paper rather than online systems. Therefore, clerk offices are at times responsible for delays in expungements and appeals, as we saw in Cook County. This dysfunction, while symptomatic of a greater lack of urgency and integrity for those who are jailed, is uniquely troubling because it is reflective of a system that is antiquated, faulty, and lesser-known by design—rather than just being a matter of poor decision-making by individuals.

That said, the clerkship is an elected office, and one of the least understood on the ballot. That means when the clerk *is* failing, voters often don't know they can do something about it. Voter education efforts and voting especially in "down-ballot races," where big change can happen on the local level, are key for holding clerks accountable in the future.



IRIS MARTINEZ STANDS IN A HALLWAY OF HER OFFICE THAT WAS ONCE OVERFLOWING WITH BOXES OF MATERIALS. DALY CENTER, CHICAGO IL. PHOTO: LOREN TONEY.

**"I MEAN, THIS INVOLVES PEOPLE'S FREEDOM. I HAD CLERKS WRITE DOWN THE WRONG NUMBER OF DAYS OF CREDIT ON PEOPLE'S PAPERWORK WHEN THEY WENT TO PRISON, AND THEY SHOWED UP AND THEY WERE TOLD THEIR PRISON SENTENCES WERE LONGER THAN THEY SHOULD BE."
- SARAH STAUDT**

REFLECTION/DISCUSSION QUESTIONS

- Do you have any idea whether your local ballot includes an official who is partly responsible for making the legal system in your county run smoothly?
- If you've ever voted in that race, why did you choose to vote the way you did?
- After considering these, what if anything might want to change about how you approach voting—not just for that official but in general?
- Have you or somebody you know had an experience with a court in your area? If so, how did it go, and how did the efficiency of record keeping play a role in that experience? For example, have you tried to look up the details of a case or what to do next in a court process and encounter trouble finding that information?

GET INVOLVED

CHECK YOUR COUNTY'S STATUS

The National Association of Counties provided us data that indicates whether a given US county elects its clerk. To find your county's status, choose your state from the landing page. Note that counties are listed in alphabetical order and that data are unavailable for three states.

If your county has an election, we encourage you to educate yourself on who your current elected clerk is, what they have done in their term, and who upcoming candidates are. When the time comes, be sure to vote and encourage others to as well.

[VIEW DATA →](#)



DARNELL HIGGINS SPENDS TIME IN HIS BACKYARD AS HE AWAITS HIS RECORD EXPUNGEMENT. PHOTO: MARK BETANCOURT.

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LOCAL SUPPORT

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Keep Reading



ADAM KANEY REVIEWS PAPER COURT FILES IN HIS CAR OUTSIDE THE COOK COUNTY JAIL IN CHICAGO, IL. PHOTO: LOREN TONEY

GENERAL

[Record Delays. - Better Government Association.](#)

COOK COUNTY

[NEW DIRECTIONS FOR THE OFFICE OF THE CLERK OF THE COOK COUNTY CIRCUIT COURT: FIRST 100 DAYS PROGRESS REPORT](#)

[Waiting for Justice: An examination of the Cook County Criminal Court backlog in the age of COVID-19.](#)

OTHER AREAS IN THE U.S.

[Lancaster County commissioners regret clerical error that kept inmate in prison 17 months after his release date](#)

[Louisville Court Chaos Leaves Some Unaware They're Missing Court Dates](#)

[Hobbs vs. City of Horn Lake](#)

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