

# The Law of Contempt

Jerry Brown

The Law Office of Jerry Brown

201 West Lake Street

Suite 142

Chicago, Illinois 60606

Telephone: (773) 331-5574

Email: [jdb4463@runbox.com](mailto:jdb4463@runbox.com)

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# The Law of Contempt

- The contempt powers of the courts are inherent powers.
- They are necessary to the execution of all other court functions.
- They exist independently of specific statutory authorization.

# The Law of Contempt

“A court has the inherent power to punish, as contempt, conduct that is calculated to impede, embarrass, or obstruct the court in its administration of justice or derogate from the court's authority or dignity, or to bring the administration of the law into disrepute.” *People v. Ernest*, 141 Ill.2d 412, 421, 152 Ill.Dec. 544, 566 N.E.2d 231, 235 (1990).

# The Law of Contempt

“It is well established law that all courts have the inherent power to punish contempt; such power is essential to the maintenance of their authority and the administration of judicial powers.” *People v. Loughran* (1954), 2 Ill.2d 258, 262, 118 N.E.2d 310.

# The Law of Contempt

“Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates.” *Anderson v. Dunn*, 6 Wheat. 204, 227, 5 L.Ed. 242 (1821).

# The Law of Contempt

“These powers are “governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630–631, 82 S.Ct. 1386, 1388–1389, 8 L.Ed.2d 734 (1962).

# The Law of Contempt

## **United States v. Hall, 472 F.2d 261.**

The appellant challenged a contempt finding, arguing that FRCP 65(d) prevented the court's order from binding him because he was not a party to the original action, nor an officer, agent, servant, employee, or attorney of a party, and denies that he was acting in "active concert or participation" with any party to the original action.

# The Law of Contempt

## **United States v. Hall, 472 F.2d 261.**

The 5<sup>th</sup> Circuit Court of Appeals affirmed, concluding that FRCP 65(d) was as a codification rather than a limitation of courts' common-law powers, and therefore could not be read to restrict the inherent power of a court to protect its ability to render a binding judgment. *Id.*

# The Law of Contempt

Federal courts may use their inherent powers to punish parties who abuse the judicial process. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991).

# The Law of Contempt

These inherent powers include the power to “assess attorney's fees when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons” (e.g. when a party attempts to work a fraud upon the court, delay proceedings, or delay or inhibit enforcement of a court order. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991)).

# The Law of Contempt

Inherent powers are not displaced by statutes and rules that cover the same conduct. *Id.* at 43, 46. However, the court's inherent powers “must be exercised with restraint and discretion.” *Id.* at 44.

# Contempt Sanctions

Under Illinois law, “compensatory damages may not be awarded in a civil contempt proceeding.” *Keuper v. Beechen, Dill & Sperling Builders, Inc.*, 301 Ill. App. 3d 667, 669-70, 704 N.E.2d 915, 235 Ill. Dec. 342 (1998).

# Contempt Sanctions

"In Illinois, it is well established that civil contempt is an affront to the authority of the court and not a private remedy, that any fine imposed pursuant to the contempt is payable to the public treasury and not a plaintiff, and that a plaintiff may not recover compensatory damages in a civil contempt proceeding.... Because a sanction in a civil contempt proceeding is strictly coercive, **the court is without the authority to compensate an aggrieved party for its damages.**" *Keuper*, 301 Ill. App. 3d at 669-70. (emphasis added)

# Contempt Sanctions

“A court may properly assess attorney fees as a sanction in a contempt proceeding provided that the fees have been shown to be reasonable through detailed time records submitted to the court.” *Welch v. City of Evanston*, 181 Ill. App. 3d 49, 56, 129 Ill. Dec. 816, 536 N.E.2d 866 (1989).

# Direct Contempt

“In the case of direct contempt, the offending conduct takes place in the presence of the judge and allows the trial court to summarily punish a contemnor.” *Pryweller v. Pryweller*, 218 Ill.App.3d at 629, 161 Ill.Dec. 884, 579 N.E.2d 432.

# Direct Contempt

“Direct contempt occurs in presence of the judge, and the trial court acts instantly to impose corrective steps and regain control of the proceedings.” *Johnson v. Mississippi*, 403 U.S. 212, 214, 91 S.Ct. 1778, 29 L.Ed.2d 423 (1971).

# Direct Contempt

“Due process is satisfied if the trial court advises contemnor of the offending conduct before imposing sentence, the trial court makes a sufficient record for review, and the trial court provides contemnor with an explanation of the right to appeal.” *In re Marriage of Betts*, 200 Ill.App.3d 26, 49-52, 146 Ill.Dec. 441, 558 N.E.2d 404 (1990).

# Indirect Contempt

“In contrast, indirect contempt is not committed in the actual presence of the court... The judge does not have full personal knowledge of the elements, and proof of facts of which the court cannot take judicial notice must be presented in order for the court to make a finding of contempt.” *Pryweller*, 218 Ill.App.3d at 629, 161 Ill.Dec. 884, 579 N.E.2d 432, citing *In re Marriage of Betts*, 200 Ill.App.3d 26, 146 Ill.Dec. 441, 558 N.E.2d 404 (1990).

# Indirect Contempt

The existence of an order of the court and proof of willful disobedience of that order are required for a finding of indirect contempt. *People v. Wilcox*, 5 Ill.2d 222, 228, 125 N.E.2d 453, 456 (1955).

# Indirect Contempt

Whether a party is guilty of contempt is a question of fact for the trial court, and its decision will not be disturbed on appeal unless it is against the manifest weight of the evidence or the record reflects an abuse of discretion. *In re Marriage of Logston*, 103 Ill.2d 266, 286–87, 82 Ill.Dec. 633, 469 N.E.2d 167, 176 (1984).

# Indirect Contempt

“Indirect contempt proceedings require the court to inform the potential contemnor of the nature of the allegations in advance of the hearing. Further, the contemnor has the right to answer the charges and present evidence at a hearing.” *Pryweller*, 218 Ill.App.3d at 629, 161 Ill.Dec. 884, 579 N.E.2d 432; *In re Marriage of Betts*, 200 Ill.App.3d at 52-53, 146 Ill.Dec. 441, 558 N.E.2d 404.

# Indirect Contempt

“While a trial court can punish direct contempt summarily, indirect contempt requires the due process rights of notice, opportunity to answer, and a hearing.” *People v. Kaeding*, 239 Ill.App.3d 851, 854, 180 Ill.Dec. 511, 607 N.E.2d 580 (1993).

# Indirect Contempt

“However, if the acts constituting indirect contempt are admitted to in open court, the conduct is punishable as direct contempt.”

*In re Marriage of Marshall*, 278 Ill.App.3d 1071, 1081, 215 Ill.Dec. 599, 663 N.E.2d 1113 (1996).

# Indirect Contempt

***FTC v. Trudeau*, 606 F.3d 382; 2010 U.S. App. LEXIS 10263 (7<sup>th</sup> Cir. 2010).**

Defendant exhorted his radio audience to send e-mails on his behalf directly to the court e-mail address of District Judge Gettleman, posted the radio broadcast on his web site, and sent an e-mail blast asking that e-mails be sent to the judge. The judge informed the marshal of the incoming e-mails, and the marshal performed a threat assessment to determine if the judge was in danger. The judge received over 300 e-mails within a span of roughly 36 hours.

When the judge realized that the e-mails were arriving at Defendant's behest, he summoned Defendant's counsel (and the lawyer for the FTC) into court the next morning. During that morning's session, the judge notified Defendant's counsel that Defendant could be facing a criminal contempt sanction and ordered Defendant to appear that afternoon.

Judge Gettleman summarily found Defendant guilty of criminal contempt and, a week later, imposed a 30-day sentence. *Id.*

# Indirect Contempt

Judge Gettleman found that because he could read the e-mails on the court's computers and his PDA, which he carried with him, the offending conduct had occurred in the Court's presence.

The 7<sup>th</sup> Circuit overruled, concluding that Rule 42's "presence" requirement had not been satisfied, resisting the district court's suggestion that the term "presence" should be extended beyond the judge's actual, physical presence. *Id.*

# Indirect Contempt

## **Federal Rule of Criminal Procedure 42(b)**

Summary Disposition. Notwithstanding any other provision of these rules, the court (other than a magistrate judge) may summarily punish a person who commits criminal contempt in its presence if the judge saw or heard the contemptuous conduct and so certifies; a magistrate judge may summarily punish a person as provided in 28 U.S.C. §636(e). The contempt order must recite the facts, be signed by the judge, and be filed with the clerk.

# The Law of Contempt

Sanctions for criminal contempt are appropriate to ensure that:

- (1) judges and other court officials are shown the respect to which they are entitled when performing their judicial duties;
- (2) judicial proceedings are conducted in an orderly fashion;
- (3) court orders are obeyed; and
- (4) individuals are not permitted to commit fraud upon the court.

# Indirect Contempt

A party may be found in direct criminal contempt when, in the judge's presence, that party's action is disrespectful, disruptive, deceitful, or disobedient to a degree that disrupts the court's proceedings.

*In re Marriage of Betts*, 200 Ill.App.3d 26, 45, 146 Ill.Dec. 441, 558 N.E.2d 404, 416 (1990).

# Civil Contempt

In general, civil contempt is “a sanction or penalty designed to compel future compliance with a court order.” *People v. Warren*, 173 Ill.2d 348, 368, 219 Ill.Dec. 533, 671 N.E.2d 700 (1996).

Civil contempt is a coercive sanction rather than a punishment for past contumacious conduct. *Warren*, 173 Ill.2d at 368, 219 Ill.Dec. 533, 671 N.E.2d 700.

For this reason, a valid purge condition is a necessary part of an indirect civil contempt order. *In re Marriage of Logston*, 103 Ill.2d 266, 289, 82 Ill.Dec. 633, 469 N.E.2d 167 (1984).

A contemnor must be able to purge the civil contempt by doing that which the court has ordered him to do. *Logston*, 103 Ill.2d at 289, 82 Ill.Dec. 633, 469 N.E.2d 167 (“the civil contemnor must be provided with the ‘keys to his cell’ ”).

# Civil Contempt

Civil contempt proceedings have two fundamental attributes: (1) the contemnor must be capable of taking the action sought to be coerced, and (2) no further contempt sanctions are imposed when contemnor complies with court order. *Betts*, 200 Ill.App.3d at 44, 146 Ill.Dec. 441, 558 N.E.2d 404.

# Civil Contempt

A court's "civil contempt power rests in its inherent limited authority to enforce compliance with court orders and ensure judicial proceedings are conducted in an orderly manner." *United States v. Dowell*, 257 F.3d 694, 699 (7th Cir.2001). To be held in civil contempt, a person must have violated an order or decree that sets forth in specific detail an unequivocal command. *Id.* at 699.

It is not necessary to a finding of contempt that a violation was "willful." Rather, it is sufficient that a party "has not been reasonably diligent and energetic in attempting to accomplish what was ordered." *Goluba v. School Dist. of Ripon*, 45 F.3d 1035, 1037 (7th Cir.1995). Finally, the party asserting a violation of a judicial order has the burden of proof by clear and convincing evidence. *Maynard v. Nygren*, 332 F.3d 462, 469 (7th Cir.2003).

# Civil Contempt

Commitment for civil contempt, lawful when ordered, may lose its coercive effect, however. (*Soobzokov v. CBS, Inc.* (2d Cir.1981), 642 F.2d 28, 31 (“When it becomes obvious that sanctions are not going to compel compliance, they lose their remedial characteristics and take on more of the nature of punishment”).

# Civil Contempt

As a requirement of due process, then, a civil contempt order will be vacated once it is evident that the sanction imposed is no longer fulfilling its original, coercive function. *In re Dickinson* (2d Cir.1985), 763 F.2d 84, 87; *In re Crededio* (7th Cir.1985), 759 F.2d 589, 590-91; *In re Grand Jury Investigation* (3d Cir.1979), 600 F.2d 420, 424-25; *Lambert v. Montana* (9th Cir.1976), 545 F.2d 87, 89-90.

# Civil Contempt

“Judicial sanctions in civil contempt proceedings may, in a proper case, be employed for either or both of two purposes; to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained.... Where compensation is intended, a fine is imposed, payable to the complainant. Such fine must of course be based upon evidence of complainant's actual loss, and his right, as a civil litigant, to the compensatory fine is dependent upon the outcome of the basic controversy.”

*United States v. United Mine Workers*, 330 U.S. 258, 303–04 (1947) (citations omitted);

# Civil Contempt

Where there has been a finding of civil contempt, a court may order reimbursement of the complainant's attorney's fees incurred in bringing the violation to the court's attention. ( *Frank B. Hall & Co., Inc. v. Payseur* (1981), 99 Ill.App.3d 857, 862, 54 Ill.Dec. 785, 425 N.E.2d 1002).

# The Law of Contempt

*In re Dellinger*, 461 F.2d 389 (7th Cir. 1972) (Chicago Seven Trial)

Judge Julius J. Hoffman found various defendants and certain counsel involved in anti-riot prosecution guilty of contempt and they appealed. The Court of Appeals held that the trial judge, who had received repeated and unprecedented attacks and insults by counsel, including comments challenging his honesty and integrity, **and who waited until the conclusion of the trial during which the attacks and insults conduct occurred before proceeding with contempt citations**, was required to disqualify himself from hearing contempt proceedings, and that defendants found to be in contempt at end of trial and whose sentences aggregated more than six months were entitled to jury trial on contempt charges. *Id.*

# The Law of Contempt

Each appellant whose sentences aggregated more than 6 months was entitled to a jury trial. *Bloom v. Illinois*, 391 U.S. 194, 88 S.Ct. 1477, 20 L.Ed.2d 522.

# The Law of Contempt

Supreme Court noted in *McConnell*, 370 U.S. at 236, 82 S.Ct. at 1292, “[W]hile we appreciate the necessity for a judge to have the power to protect himself from actual obstruction in the courtroom \* \* \* it is also essential to a fair administration of justice that lawyers be able to make honest good-faith efforts to present their clients' cases. An independent judiciary and a vigorous, independent bar are both indispensable parts of our system of justice. To preserve the kind of trials that our system envisages, Congress has limited the summary contempt power vested in courts to the least possible power adequate to prevent actual obstruction of justice \* \* \*.”

# Criminal Contempt

When reviewing a finding of direct criminal contempt, a court considers whether there was sufficient evidence to support the contempt finding. *People v. Simac*, 161 Ill.2d at 306, 204 Ill.Dec. 192, 641 N.E.2d 416.

# Direct Contempt

“Direct criminal contempt is contemptuous conduct occurring ‘in the very presence of the judge, making all the elements of the offense matters within [her] own personal knowledge.’ ” *Simac*, 161 Ill.2d at 306, 204 Ill.Dec. 192, 641 N.E.2d 416, quoting *People v. Harrison*, 403 Ill. 320-24, 86 N.E.2d 208 (1949). “Direct contempt is ‘strictly restricted to acts and facts seen and known by the court, and no matter resting upon opinions, conclusions, presumptions or inferences should be considered.’ ” *Simac*, 161 Ill.2d at 306, 204 Ill.Dec. 192, 641 N.E.2d 416, quoting *People v. Loughran*, 2 Ill.2d 258, 263, 118 N.E.2d 310 (1954). Direct criminal contempt must be proved beyond a reasonable doubt. *In re Marriage of Bartlett*, 305 Ill.App.3d 28, 31, 238 Ill.Dec. 357, 711 N.E.2d 460 (1999).

# The Law of Contempt

A federal court has the power and discretion to punish contempt of its authority, including acts of disobedience or resistance to its orders or commands. 18 U.S.C. § 401(3). To support a federal contempt conviction, “the government must prove: (1) that the court entered a lawful order of reasonable specificity; (2) the order was violated; and (3) the violation was willful.” *United States v. Burstyn*, 878 F.2d 1322, 1324 (11th Cir.1989) (citations omitted); *see also United States v. Kozel*, 908 F.2d 205, 208 (7th Cir.1990) (Sanctions for criminal contempt depend on proof of a willful violation of a lawful, definite, and specific court order.). Whether an order is reasonably specific “is a question of fact to be resolved with reference to the context in which the order is entered and the audience to which it is addressed.” *Burstyn*, 878 F.2d at 1324.

# The Law of Contempt

“Criminal contempt is a crime in the ordinary sense,” *Bloom v. Illinois*, 391 U.S. 194, 201, 88 S.Ct. 1477, 1481, 20 L.Ed.2d 522 (1968), and “criminal penalties may not be imposed on someone who has not been afforded the protections that the Constitution requires of such criminal proceedings,” *Hicks v. Feiock*, 485 U.S. 624, 632, 108 S.Ct. 1423, 1429–1430, 99 L.Ed.2d 721 (1988). See *In re Bradley*, 318 U.S. 50, 63 S.Ct. 470, 87 L.Ed. 608 (1943) (double jeopardy); *Cooke v. United States*, 267 U.S. 517, 537, 45 S.Ct. 390, 395, 69 L.Ed. 767 (1925) (rights to notice of charges, assistance of counsel, summary process, and to present a defense); *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 444, 31 S.Ct. 492, 499, 55 L.Ed. 797 (1911) (privilege against self-incrimination, right to proof beyond a reasonable doubt). For “serious” criminal contempts involving imprisonment of more than six months, these protections include the right to jury trial. *Bloom*, 391 U.S., at 199, 88 S.Ct., at 1481, see also *Taylor v. Hayes*, 418 U.S. 488, 495, 94 S.Ct. 2697, 2701–2702, 41 L.Ed.2d 897 (1974).

# The Law of Contempt

At trial of a charge of serious direct criminal contempt, respondent is entitled to counsel, including appointed counsel if indigent, the right to be present at trial if he or she is not disorderly, and the right to have the trial held in a public place. (See *State v. Roll* (1973), 267 Md. 714, 730-31 & n. 12, 298 A.2d 867, 877 & n. 12, 69 A.L.R.3d 483, 495 & n. 12;

Respondent is also entitled to have his guilt proved beyond a reasonable doubt. (See *Marcisz*, 65 Ill.2d at 209-10, 2 Ill.Dec. at 312, 357 N.E.2d at 479; *Betts IV*, 190 Ill.App.3d at 966-67, 138 Ill.Dec. at 523, 547 N.E.2d at 690.)

# The Law of Contempt

A defendant in an indirect criminal contempt case is entitled to know:

- the nature of the charge against him;
- to have the charge definitely and specifically set forth by citation;
- to have an opportunity to answer, to be able to invoke the privilege against self-incrimination, to be presumed innocent, and the right to be proved guilty beyond a reasonable doubt.

*People v. Covington*, 395 Ill. App. 3d 996, 334 Ill. Dec. 792, 917 N.E.2d 618 (4th Dist. 2009) (notice for rule to show cause in indirect contempt case was insufficient); *City of Quincy v. Weinberg*, 363 Ill.App.3d 654, 844 N.E.2d 59, 300 Ill.Dec. 387 (2006).

Petition initiating an indirect criminal contempt proceeding should be titled "Petition for Adjudication of Criminal Contempt." *City of Quincy v. Weinberg*, 363 Ill.App.3d 654, 844 N.E.2d 59, 300 Ill.Dec. 387 (2006).

# The Law of Contempt

***PEOPLE ex rel. THE CITY OF CHICAGO, v. LE MIRAGE, INC.*, 961 N.E.2d 332; 2011 Ill. App. LEXIS 1176; 2011 IL App (1st) 93547; 356 Ill. Dec. 236.**

Defendants were convicted of criminal indirect contempt and given 2 year prison sentences for alleged failure to comply with building court order appearing to forbid occupancy of part of night club premises after 21 patrons were trampled to death. *Id.*

On appeal, the convictions were overturned because the building court order was not sufficiently specific to sustain a finding that defendants had willfully violated the order. *Id.*

# The Law of Contempt

## The Collateral Bar Rule

The collateral bar rule provides that court orders, even those later determined to be unconstitutional, must be complied with until amended or vacated. “[T]he collateral bar doctrine prevents the loser from migrating to another tribunal in search of a decision he likes better.” *Homola v. McNamara*, 59 F.3d 647, 651 (7th Cir.1995) (citing *Celotex Corp. v. Edwards*, 514 U.S. 300, 313, 115 S.Ct. 1493, 131 L.Ed.2d 403 (1995)).

# The Law of Contempt

In general, an order entered by a court having jurisdiction is not “void.” Although it may be declared erroneous, it must be obeyed, and will support a contempt order. See, e.g., *U. M. W. Hospital v. U. M. W.*, 52 Ill.2d 496, 501, 288 N.E.2d 455 (1972); *Bd. of Trustees v. Cook Co. Teachers Union*, 42 Ill.App.3d 1056, 1063, 356 N.E.2d 1089 (1976); *People v. Mulgrew*, 19 Ill.App.3d 327, 332, 311 N.E.2d 378 (1974). See also *Walker v. City of Birmingham*, 388 U.S. 307, 87 S.Ct. 1824, 1829, 18 L.Ed.2d 1210 (1967).

# The Law of Contempt

- *Walker v. Birmingham*, 388 U.S. 307, 312 (1967).
- In *Walker*, the Supreme Court upheld contempt convictions of civil rights activists who disobeyed an Alabama circuit court's order enjoining street demonstrations without a permit.
- The judge imposed sentences of five days in jail and a \$50 fine. The Supreme Court later held that the ordinance under which the order in *Walker* was issued violated the first amendment. *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

# The Law of Contempt

The *Walker* decision, however, implicitly recognized two important exceptions to the collateral bar rule: (1) when the injunction is transparently invalid, and (2) when the court lacks jurisdiction to issue the injunction.

# The Law of Contempt

- An order entered by a court without subject matter jurisdiction is void. *In re Estate of Steinfeld*, 158 Ill.2d 1, 12, 196 Ill.Dec. 636, 630 N.E.2d 801, 806 (1994).
- A party cannot be held in contempt for violating a void court order. *In re Marriage of Santa Cruz*, 179 Ill.App.3d 611, 620, 128 Ill.Dec. 454, 534 N.E.2d 636, 642 (1989).
- Whether a court has subject matter jurisdiction is a question reviewed *de novo*. *Keller v. Walker*, 319 Ill.App.3d 67, 70, 253 Ill.Dec. 99, 744 N.E.2d 381, 383 (2001).

# The Law of Contempt

## **Tory v. Cochran, 544 U.S. 734.**

California does not recognize the "collateral bar" rule, and thus permits collateral challenges to injunctions in contempt proceedings. *People v. Gonzalez*, 12 Cal. 4th 804, 818, 50 Cal. Rptr. 2d 74, 910 P.2d 1366, 1375 (1996) (a person subject to an injunction may challenge "the constitutional validity of the injunction when it is issued, or . . . reserve that claim until a violation of the injunction is charged as a contempt of court"). *Id.*

# The Law of Contempt

"Whether a judgment of civil contempt is appealable at the time entered, rather than later, at the windup of the entire case in the court of first instance, depends on the appealability of the underlying order, the order the judgment of civil contempt is intended to coerce the contemnor to obey." *In re Rimsat, Ltd.*, 98 F.3d 956, 963 (7th Cir. 1996); *see also Cleveland Hair Clinic, Inc. v. Puig*, 106 F.3d 165, 167 (7th Cir. 1997)("An adjudication of civil contempt used to enforce a judicial order is not appealable if the underlying order is itself not appealable.").

# The Law of Contempt

## Appeals

An order finding a non-party witness in contempt is may be appealed, even if there is no final judgment in the underlying action. *United States v. Ryan*, 402 U.S. 530, 532 (1971); *Cobbedick v. United States*, 309 U.S. 323, 328 (1940).

# The Law of Contempt

“It is well settled that the correctness of a discovery order may be tested through contempt proceedings. Accordingly, when an individual appeals contempt sanctions for refusing to comply with a discovery order, the discovery order itself is subject to review.”  
*Wisniewski v. Kownacki*, 221 Ill. 2d 453 (citing *Norskog*, 197 Ill. 2d at 70).

# The Law of Contempt

A preliminary order in a pending case is not appealable because it is reviewable on appeal from the final order.

An order from a contempt proceeding imposing sanctions is a final and appealable order and has been held to be an appropriate method for testing pretrial discovery orders.

The imposition of a sanction for contempt is final and appealable because, although it occurs in the context of another proceeding and thus appears to be interlocutory, it is an original special proceeding, collateral to and independent of, the case in which the contempt arises.

*Silverstein*, 87 Ill. 2d at 171-72.

# The Law of Contempt

## **What About Criminal Contempt?**

Generally, criminal contempt cannot be prosecuted by the litigants because of due process and ethical considerations.

Most states recognize an exception for violations of civil orders of protections.

# The Law of Contempt

## **Who Can Bring a Contempt Proceeding?**

Litigants can bring a civil contempt proceedings.

THANK YOU