

ILLINOIS LAWYER NOW

Vol. 2 • No. 1

QUARTERLY

A PUBLICATION OF THE ILLINOIS STATE BAR ASSOCIATION

3

Mary Jane Theis reflects on her time on the ISBA Board and more as she joins the Illinois Supreme Court.

7

ISBA President Mark D. Hassakis issues call for ISBA office as 7 Board seats and 26 Assembly seats open for spring election.

12-13

Highlights from the upcoming Solo & Small Firm Conference in Springfield.

Capitol Chronicle summarizes legislation in Springfield that is of interest to ISBA members 5

Attorney Bryan Sims details online legal reviews and why lawyers need to be paying attention 8

Belleville lawyer Nick Kujawa describes his "Jerry Maguire" moment 10-11

The quiet revolution in access to justice across Illinois 14-15

Best Practice: How to use a firm retreat for planning 17

Bloomington lawyers win 1st Lawyers Care award for work with ISU mock trials 18

CLE Calendar 20-21

The problem for determination by the judge is not, 'Has this boy or girl committed a specific wrong?' but 'What is he, how has he become what he is, and what had best be done in his interest and in the interest of the state to save him from a downward career?' - Judge Julian Mack, one of the first judges of Cook County's Juvenile Court, writing in 1909

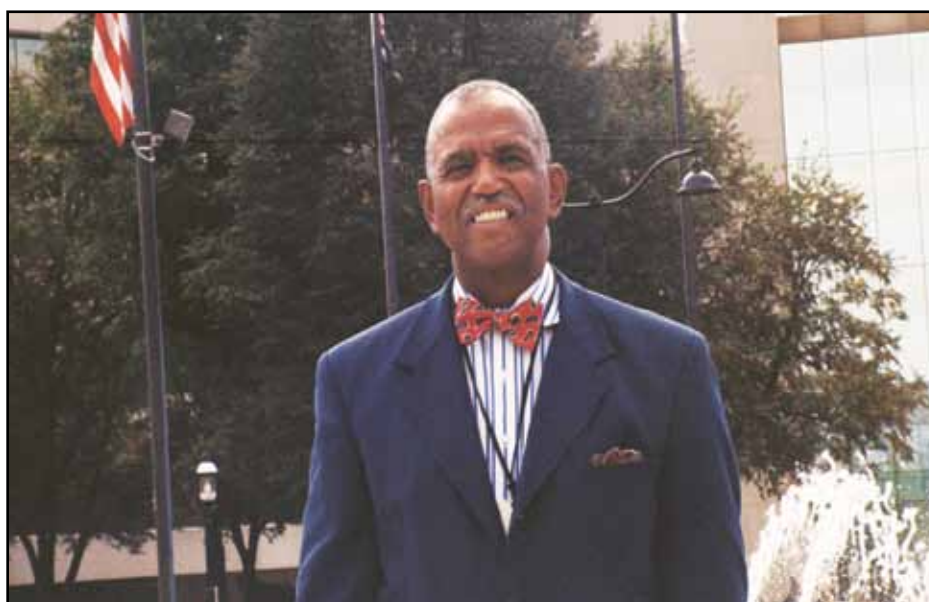
In the state that gave birth to the first court system devoted to juveniles, far too many children – a staggering number – turn up in the juvenile court system every year. A disproportionate number of them, as noted in Judge Milton Wharton's testimony on Page 4, are African-Americans and Latinos.

Not for the first time in its history, the Illinois State Bar Association is turning its attention to the issue of juvenile justice, driven by the intense, personal interest of President Mark D. Hassakis in the subject.

A special committee on Juvenile Justice Initiatives [see sidebar] is hard at work, with the aim of attracting the attention of lawyers and judges who are in a position to improve the handling of juvenile court matters. The key issue is to divert youth away from incarceration centers, often far from their homes, and into programs that can actually re-direct their lives.

"We already know what works," says Hassakis. "Leaders in Illinois communities of all sizes, including defense lawyers, prosecutors and judges, have implemented alternative treatment options that are producing results."

The special committee has mapped out plans for the next few months, including:



Judge Milton Wharton, a noted advocate for children enmeshed in the juvenile justice system, stands in front of the St. Clair County Courthouse in Belleville. Read excerpts from Judge Wharton's recent testimony on juvenile justice on Page 4.

- a CLE program on Thursday, December 8 during the Midyear Meeting focusing on pro bono representation of youth,
- a joint program with the Illinois Judges Association on Friday, December 9, keynoted by former New York state judge Michael Corriero, author of *Judging Children as Children*.
- cooperation with the Illinois Bar Foundation in printing and distributing the Juvenile Court Act,

- monitoring and participating in legislation involving juvenile justice issues, and
- touring juvenile detention facilities.

A century ago, Illinois pioneered the enlightened treatment of young offenders by establishing the Cook County Juvenile Court. It's time for Illinois to again take the lead by implementing workable solutions that can stop the "downward career," the sentence so many of our young citizens are facing in today's juvenile justice system.

Special Committee on Juvenile Justice Initiatives



Lawrence A. Wojcik Elizabeth E. Clarke

Wojcik and Clarke co-chair ISBA's special committee on Juvenile Justice Initiatives. Wojcik is a Partner at DLA Piper; Chicago and recipient of ISBA's 2009-10 Pro Bono Service Award. Clarke is President of Juvenile Justice Initiatives, Chicago.

Members of the special committee are:

Stephen W. Baker, Chicago
Michael G. Bergmann, Chicago
Hon. Darron E. Bowden, Homewood
Ann Breen-Greco, Chicago
Hon. Valerie B. Ceckowski, Gurnee
Hon. Harry E. Clem, Urbana
Kris Fitzpatrick, Champaign
Don C. Hammer, Bloomington
Terra C. Howard, Glen Ellyn
Frank J. Kopecky, Springfield
Cheryl Niro, Chicago
Catherine M. Ryan, Mt. Prospect
Hon. Mary S. Schostok, Libertyville
Laura M. Urbik-Kern, Elmhurst
Joseph F. Vosicky Jr., Chicago
Hon. Milton S. Wharton, Belleville
Mark D. Hassakis, Mt. Vernon
David N. Anderson, Springfield
Melinda J. Bentley, Springfield



ISBA MUTUAL

I N S U R A N C E C O M P A N Y

Another
Policyholder
Dividend
for 2009!



800-473-4722

www.isbamutual.com

From ISBA Board to state's high court

How often does an ISBA Board member get picked for the Supreme Court? Rarely, but it wasn't a surprise when Mary Jane Theis was selected to fill the seat of retiring Illinois Supreme Court Justice Thomas Fitzgerald. Theis began her judicial career in 1983 and served on the appellate court for 17 years and has been a stalwart of the bench and bar – something she continued in her time on the Board.



Mary Jane Theis

"The ISBA Board has been very welcoming to judges and it's been a great place for the bench and bar to work together," Theis said. "For me, that was a really big piece in my development as a lawyer – in terms of professionalism – and development as a judge to sit with really smart, committed lawyers who are passionate about issues that affect their practices. That really helps me understand bigger picture issues. It's been a great experience for me. (The Board) is one of the few places lawyers and judges can get together."

Theis grew up in a legal household, with a judge for a father. She reflected on that during a recent visit to Springfield.

"My dad [Kenneth Wendt] was also a state legislator so I spent a lot of time as a little kid coming down to Springfield, so today was really moving to me to come back (because I was at the Supreme Court Building) and got to go by some of the places that I remember with my mom and my dad. After my dad retired from the House of Representatives he became a judge and I would go out to 26th and California and watch him and watch the court. He sat in Narcotics Court which was a cutting edge area at the time with 4th Amendment issues really developing."

Something else that was developing on those trips to 26th and Cal had a long term effect on Justice Theis and helped shape her career thanks to the future dean of the DePaul College of Law.

"I was able to watch some truly great lawyers," Theis said. "I have this very specific memory of being a teenager and seeing a lawyer who stood out as being one of the best and I said to myself, 'I want to be a lawyer like Warren Wolfson.'"

Theis' appointment marks the first time that three women will be on the seven-member Illinois Supreme Court. That matches the number on the nine-member U.S. Supreme Court. But Justice Theis noticed a possible harbinger on her tour of the Springfield building.

"It's such an impressive place. It was very moving for me to walk up those stairs. It's such a historic, beautiful building," Theis said. "The murals that are there have a number of images of women as justice. It's certainly noted especially now that there will be three women on the court."

With her appointment to the high court, Justice Theis is reluctantly relinquishing her ISBA Board seat, thus ending an often confusing dynamic – especially for hotel staff. She is married to Chicago lawyer John Theis, while serving on the Board with Champaign attorney and ISBA 2nd Vice President John Thies.

"There has been more than once when we received no bills from a hotel after an ISBA meeting and other times when we received two bills," she said. "We also received fruit baskets and floral arrangements congratulating my husband on his election to the ISBA's 3rd Vice Presidency."

Justice Theis takes her seat on the Supreme Court on Oct. 26 for a two-year term.

A special bar luncheon celebrating the career of retiring Chief Justice Thomas R. Fitzgerald will be held on Wednesday, Nov. 3 at 11:30 a.m. at the Chicago Hilton, 720 S. Michigan. For reservations, contact Tamra Drees at (312) 554-2057 or tdrees@chicagobar.org.

ISBA stays put in Chicago, space to get facelift

After an exhaustive search and lengthy negotiations, the Illinois State Bar Association Board of Governors has voted to renew the lease for the Chicago Regional Office (CRO) at 20 S. Clark. The space will be renovated to serve the association's future needs and will include a studio for recording CLE offerings for online viewing.

"This was a great time to investigate the renegotiation of our lease and possible move because of the favorable climate for leased property in Chicago," said ISBA President Mark D. Hassakis. "We can use this to offer better service to our members and in the coming months you will see changes to the Chicago office that will bring it up to date for the foreseeable future."

A relocation committee will be formed in the coming weeks to explore the best possible uses of the space. The relocation committee will include ISBA Board members and staff.

The ISBA moved into 20 S. Clark in October of 1990 (see photo). It is the association's third Chicago location after opening a Windy City office in the early 1980s.



The first ISBA committee meeting in the Chicago Regional Office at 20 S. Clark was held on Oct. 12, 1990. Members on hand for the Committee on Media Law were (from left) Barry O. Hines, Beth Bennett and Donald G. Asher of Springfield and Jon A. Duncan of Chicago.

ILLINOIS LAWYER NOW QUARTERLY

www.illinoislawyernow.com



**ILLINOIS STATE
BAR ASSOCIATION**

**PUBLISHED BY THE
ILLINOIS STATE BAR ASSOCIATION**

♦ ♦ ♦
MARK D. HASSAKIS, *President*
ROBERT E. CRAGHEAD, *Executive Director*
DAVID N. ANDERSON, *Associate Executive Director*
CHRIS BONJEAN, *Editor*, cbonjean@isba.org
MARY MONAHAN, *Production Coordinator*

EDITORIAL OFFICE

20 S. Clark Street, Suite 900
Chicago, Illinois 60603-1802
Phone: (312) 726-8775
Fax: (312) 726-1422

ADVERTISING SALES COORDINATOR

♦ ♦ ♦
Nancy Vonnahmen
424 South Second Street
Springfield, Illinois 62701-1779
Phone: (217) 525-1760
Fax: (217) 525-9063

PUBLICATION OFFICE

♦ ♦ ♦
Illinois Bar Center
424 South Second Street
Springfield, Illinois 62701-1779
Phone: (217) 525-1760
(800) 252-8908

ON THE WEB

♦ ♦ ♦
www.IllinoisLawyerNow.com

♦ ♦ ♦
The ISBA does not provide members' e-mail addresses.

Illinois Lawyer Now Quarterly (ISSN 1547-0377) is published 4 times per year by the Illinois State Bar Assn., 20 S. Clark St., Chicago, IL 60603-1802, for distribution to its members. Subscription rates: \$1.74 annually for ISBA members (included in dues); \$120 annually in advance for non-members, non-lawyers and non-residents; back issues \$30 each. Periodicals postage paid at Chicago, IL, and additional mailing office. POSTMASTER: Send address changes to the Illinois Lawyer Now Quarterly, 424 S. Second St., Springfield, IL 62701-1779.

This is an excerpt of Judge Milton Wharton's testimony before Hon. John R. McClean, Jr. and Members of the Study Committee on Juvenile Justice on July 15, 2010.

I, personally, would respectfully recommend that the Conference support the establishment by our Illinois Supreme Court of a select committee on African-Americans in our Juvenile and Criminal Court systems. It would be charged with duty of comprehensively examining every aspect of each system's interaction with African-Americans and African-American communities, educating judges on unique issues presented, identifying disparities, and recommending remedial measures. It would be comprised of judges, regardless of race or ethnicity, who have established records of involvement in and knowledge of the affected communities. This committee would work parallel to the current legislative committee chaired by Illinois State Senator Mattie Hunter, which is investigating the disparate effect of drug convictions on African-Americans, and on which the Hon. Timothy Evans sits.

The criminal justice system has become a major contributor to the destabilization and destruction of Black families and communities. Sadly, the children bear the brunt of this juggernaut as they are groomed to fill prison cells in the future.

When I was first sworn in as a judge there were only 10,000 inmates incarcerated in the Illinois Department of Corrections facilities, with a Caucasian majority. The IDOC has bloated into a major state agency with a budget this year of \$1.3 billion, housing 45,500 inmates. It is the second largest employer in Southern Illinois.

African-American males constitute only 7 percent of the Illinois total population, yet from the ranks mostly of our young men, as a result of primarily drug or

drug-related convictions, we account for nearly 60 percent of those incarcerated in adult and over 50 percent in juvenile DOC facilities. ...

... Prison inmates are counted as residents of the community in which they are imprisoned, increasing their receipt of tax revenues based upon population, to the detriment of the communities which from which they came and will return. One study predicted prior to the 2000 U.S. Census that as a result "Cook County would lose nearly \$88 million in federal and state benefits during the last decade".⁴ Ironically, one writer touting prisons as a community asset noted that one prison town utilized tax funds to construct a recreational center.⁵ Ironically, the absence of positive recreational outlets, particularly for our young African-American males, is a major contributor to incarceration. ...

... I recognize that the Black conviction and incarceration rate is a complex issue with historical, political, social, educational, and economic facets, and that if there is a solution, in all probability, it is beyond the jurisdiction of the courts. I am merely asking that we acknowledge that the large and disproportionate number of African-Americans within our justice system and their rate of recidivism is irrefutable evidence that what we are doing isn't working, and that the effort to treat different infections with the same anti-biotic is doing more harm than good.

Judge Milton S. Wharton

⁴ Lawrence, Sarah and Jeremy Travis, "The New Landscape of Imprisonment: Mapping America's Prison Expansion" (Washington, DC: Urban Institute, April 2004), p. 3. http://www.urban.org/UploadedPDF/410994_mapping_prisons.pdf; ⁵ Vessel, Charles and Hoffman, Dennis, "Prisons and Southern Illinois," (Illinois Labor Market Review, Vol. 8, No.2, Summer 2002)

ILLINOIS BAR FOUNDATION

Gala 2010

The Illinois Bar Foundation extends our sincere thanks to our 2010 Gala Sponsors for making this year's event so successful!

PARTNERS

Jenner & Block
Power Rogers & Smith
Simmons Browder Gianaris
Angelides & Barnerd LLC

\$25,000 DONOR

Jerome Mirza Foundation

VIP RECEPTION SPONSOR

Illinois Trial Lawyer's Association

RECEPTION SPONSOR

Clifford Law Offices

RAFFLE SPONSOR

Foote, Meyers, Mielke & Flowers

WINE SPONSOR

ISBA Mutual Insurance Company

CHAMPAGNE SPONSOR

ATG, Inc.

MARTINI BAR SPONSOR

Hartigan & O'Connor

PROGRAM BOOK SPONSOR

Winston & Strawn

VALET SPONSOR - \$5,000

Lupel Weininger LLP

VIOLIN TRIO SPONSOR

Codilis & Associates

COAT CHECK SPONSOR

Kelly and Associates

PATRONS

Amari & Locallo
Alderman Edward M. Burke
Cassiday Schade, LLP
Cogan & McNabola
Cook, Yursa, Bartholomew,
Shevlin & Brauer Ltd.
Cooney & Conway
DLA Piper
Garofalo & Thiersch
Hassakis & Hassakis
Hinshaw & Culbertson
Hurley, McKenna & Mertz
John Marshall Law School
Komie & Associates
Kralovec, Jambois & Schwartz
Leahy & Hoste
Monico, Pavich and Spevack
Morici, Figlioli & Associates
Mullen Law Offices
Russell Scott
Shefsky & Froelich
Tabet, DiVito & Rothstein
Williams, Montgomery & John

TABLE SPONSORS

Illinois State Bar Association
Romanucci & Blandin

Capitol Chronicle



by **Jim Covington**

Director of Legislative Affairs

This is a summary of things going on in Springfield that may interest you.



Medicaid-eligibility rules. The Illinois Department of Healthcare and Family Services (HFS) has proposed rules that drastically change Medicaid eligibility for seniors and people with disabilities. HFS characterizes the proposed rules simply to be an effort to “close loopholes” to implement the federal Deficit Reduction Act of 2005 (DRA). Information about the proposed rules may be found at HFS’ website at <http://www.hfs.illinois.gov/>. In September HFS conducted two public hearings on the proposed rules, and HFS has stated that it will publish the written testimony on its website. HFS will then submit the proposed rules in final form to the Joint Committee on Administrative Rules. The 12 legislators on the JCAR Committee have the final say on the proposed rules.

ISBA’s Elder Law Section Council thinks that the proposed rules are unfair and more restrictive than what is required by the DRA. The Section’s written testimony is available at this link: <http://www.illinoislawyernow.com/2010/09/13/legislative-alert-on-estate-planning/>

The Section’s concerns about the proposed rules may be summarized as follows. (1) Because they are retroactive, seniors and their families are penalized for making decisions that were lawful and appropriate when those decisions were made. (2) They abandon Illinois’ long-standing policy of allowing seniors credit for partially returning disqualified gifts. (3) They make it a prohibited transfer for a senior to purchase an annuity if it pays out in a time period that is less than the life expectancy of the senior. (4) They abolish the right of a *community spouse* who is not in the nursing home from refusing to disclose his or her own assets to HFS. This right is designed to protect marriages. (5) Under current law HFS takes a “snapshot” of a senior’s assets on the date that *HFS decides* that a senior may receive Medicaid. This allows seniors to make certain allowable expenditures within three months before applying for Medicaid without being penalized. The proposed rule changes the “snapshot” date to when the *senior applies* for Medicaid. (6) They do not

specifically define what constitutes non-allowable transfers. The proposed rules are vague and require seniors to prove a negative on what transfers are prohibited. Seniors should not be penalized for ordinary and reasonable family, charitable, educational, and religious gifts. (7) Federal law mandates that undue-hardship waivers be available in all cases of severe need. The proposed rules restrict special-needs trusts, insert complicated requirements penalizing family members for good-faith efforts to care for their seniors, and rewrite well-established law by treating real estate as annuities.

Condos and solar energy. PA 96-1436 creates the Homeowners’ Solar Rights Act that prohibits governing boards of condominiums and other associations from banning solar-energy systems. It applies to deed restrictions and covenants of associations as well. It exempts buildings that are taller than 30 feet. Effective January 1, 2011.

Adoption. PA 96-1461 makes four changes in the Adoption Act. (1) It creates a consent form for adoption to a specified person or persons in non-DCFS cases. (2) If an adoption to a specified person in a non-DCFS case does not occur, the birth parent is given notice of this within 10 business days. The birth parent has within 10 business days from the date that the written notice was sent to respond. (3) It requires consenting birth parents to read or have read to them a new statutory form entitled “Birth Parent Rights and Responsibilities-Private Form.” (4) It creates a surrender form to an agency that involves a specified person who is to adopt the child. Effective January 1, 2011.

Uniform Arbitration Act. PA 96-1476 creates three standards to use in the substance of a dispute. (1) The arbitrators must decide the dispute following any rules of law (substantive not conflict-of-law rules) that are chosen by the parties as applicable to the substance of the dispute. (2) If the parties do not make such a designation, the arbitrators must apply the law as determined by the applicable conflict of laws. (3) In all cases, the arbitrators must decide according to the terms of the contract and take into account the usages of the trade applicable to the transaction. Effective January 1, 2011.

Open Meetings Act. PA 96-1473 requires that (1) public bodies approve minutes of open meetings

within 30 days after the meeting or at its second regularly scheduled subsequent meeting, whichever is later; (2) those minutes must be posted within 10 days (now 7 days) after approval of the minutes; and (3) any person be permitted an opportunity to address public officials under rules established and recorded by the public body. Effective January 1, 2011.

Mortgage foreclosure. House Bill 5055 makes several changes to foreclosure law affecting notices and judicial sales. Governor Quinn amendatorily vetoed it to delay the effective date to Jan. 1, 2011, which procedurally may kill the bill. House Bill 5055 does the following. (1) Units of government are required under current law to publish on their websites or post at their main offices where notices of foreclosure and confirmation orders are to be sent to them for residential foreclosures. If a unit of government doesn’t do this, House Bill 5055 creates a default procedure where these notices and orders may be sent by first-class mail to certain designated county or municipal officers. (2) For judicial sales, it allows a party to name the person who is to conduct the sale in the complaint or by separate §15-1506(f) motion as a special matter in the judgment of foreclosure. If no person is appointed by a §15-1506(f) motion, the plaintiff may choose any person to conduct the sale who must be either (a) previously appointed in any matter under §15-1506(f) before this new law’s effective date, (b) any judge, or (c) the sheriff in the county where the real estate is located. (3) For residential real estate, it requires a copy of the confirmation order to be sent by first-class mail to the last-known property insurer of the foreclosed property.

Electronic notice. Public Act 96-971 (Reboletti, R-Addison; Wilhelmi, D-Joliet) allows the circuit court clerk to give “notice” to a party by “hard copy” or by “electronic notice” under a uniform and standard policy adopted by the clerk. Gives the recipient an option to receive notices by hard copy or electronic notice. Requires the clerk to keep a copy of the electronic content and a delivery receipt. Effective July 2, 2010. ♦

Jim Covington is Director of Legislative Affairs for the Illinois State Bar Association. He is a 1976 graduate of Eastern Illinois University and a 1979 graduate of the University of Oklahoma College of Law.

WHEN RESULTS MATTER.. WHY CHOOSE ANYONE ELSE?

\$11.4 Million when a man died when doctors negligently performed a cervical fusion surgery

\$10.1 Million JURY VERDICT for a 72 year old woman severely injured by a truck

\$10.1 Million RECORD HIGH JURY VERDICT for a teenager killed by a Greyhound bus

\$7.8 Million for a woman who suffered a severe stroke after a delayed diagnosis of meningitis

\$7.65 Million for a man seriously injured when a piece of construction equipment malfunctioned

\$6.8 Million for a woman brain damaged after a tracheotomy was negligently managed

\$6 Million RECORD HIGH JURY VERDICT for a teenager injured when a truck crashed into her motorcycle

\$5.8 Million when a wheel assembly dislodged from a semi-trailer truck

\$5.5 Million when a baby suffered permanent brain damage as a result of wrongly administered drug

\$5.5 Million JURY VERDICT for a woman killed when her vehicle crashed into an improperly maintained construction area

\$5.3 Million JURY VERDICT when a 12 year old died when doctors and nurses negligently managed her airway

\$5 Million when a man suffered a herniated disc while undergoing physical therapy.

\$5 Million RECORD HIGH SETTLEMENT when a worker was severely injured in a farming incident

\$5 Million when a newborn was left brain damaged when the hospital failed to diagnose fetal distress

- Over \$350 million for our clients
- Competitive and prompt referral fees in accordance with the rules of conduct

COGAN & McNABOLA, P.C.
ATTORNEYS AT LAW

55 WEST WACKER DRIVE, NINTH FLOOR CHICAGO, ILLINOIS 60601 312.629.2900 WWW.COGAN-MCNABOLA.COM

PERSONAL INJURY • TRUCKING NEGLIGENCE • MEDICAL MALPRACTICE • PRODUCT LIABILITY • AVIATION LAW

The door is open ... to ISBA leadership

by **Mark D. Hassakis**

ISBA President

Here is a simple fact. The leaders of the ISBA are elected in an open election by ISBA members. Another fact is that it is easy to become a candidate for ISBA office.

In fact, ISBA members in early 2011 will elect 26 new members of the 201-member Assembly, 7 seats on the 25-member Board of Governors, and a new Third Vice-President who will be president three years later. Members who seek office will be required to file nominating petitions with



the requisite number of signatures of eligible voters no later than 4:30 p.m. on Monday, January 31, 2011. More details are below, and full details are available on the ISBA website www.isba.org.

The Assembly is the policy making body of the Association. It meets twice a year, and members serve three-year terms. The Board of Governors functions as the administrative and managing body with full authority to act between Assembly meetings consistent with positions of the Assembly. The Board typically meets five times a year, and Board members serve three-year terms.

Your Association depends on the active involvement of members representing the full spectrum of the profession. The opportunity is here, and the door is open.

Consider becoming a candidate!

**ISBA depends
on the active
involvement of
members . . .
Full details are
available on the
ISBA website
www.isba.org.**

NOTICE OF ISBA ELECTION

Office of Third Vice-President
7 – Seats on the Board of Governors
26 – Seats on the Assembly (Cook County)
0 – Seats on the Assembly (Outside Cook County)

There follows a listing of the offices in the Illinois State Bar Association to be filled by the 2011 annual election. Those elected to the Board of Governors and Assembly take office on June 16, 2011, and the third vice-president takes office on June 18, 2011.

Office and Term	No. to be elected	Incumbent(s)
<u>Third Vice-President</u> -	1	No incumbent ¹
<u>Board of Governors, 3 year term</u> Cook -	4	Umberto S. Davi James J. Morici, Jr. ² Naomi H. Schuster ² Vacancy ³
Area 7 (Circuits 1, 2, & 4) -	1	Shari R. Rhode
Under Age 37 - Downstate -	1	April G. Troemper - Springfield ⁴
Under Age 37 - Cook -	1	Frank A. Sommario - Chicago
<u>Assembly, 3 year Term</u> Cook County -	26	Thomas J. Ahern - Rolling Meadows ² Dawn E. Bode - Glenview ² David L. Buffen - Chicago ² Cheryl D. Cesario - Chicago ² Peter D. Corti - Chicago Sandra Crawford - Chicago Gina M. Di Bella - Chicago Bridget Duignan - Chicago Al Durkin - Chicago Celia G. Gamrath - Chicago Michael T. Gill - Chicago Belle Lind Gordon - Chicago ² Annemarie E. Kill - Chicago Stephen M. Komie - Chicago ² Scott D. Lane - Chicago Stephen I. Lane - Chicago Lori G. Levin - Chicago ² Samuel H. Levine - Chicago ² Timothy E. Moran - Chicago Brian Murphy - Chicago

Office and Term	No. to be elected	Incumbent(s)
Cook County -	26	Angela Peters - Arlington Heights Arlette G. Porter - Chicago John W. Powers - Chicago Jeanne M. Reynolds - Chicago ² Steven J. Rizzi - Chicago Alexander P. White - Des Plaines ²

¹ Under the bylaws the third vice-president automatically succeeds to the office of second vice-president; therefore there is no incumbent for this office.

² Ineligible to succeed due to term limitations.

³ At the time of publication, a vacancy existed on the Board of Governors that will be filled by the Board at its October 15, 2010 meeting.

⁴ Ineligible to succeed due to age.

NOMINATION

Members who wish to be candidates for office must reside in the proper geographic jurisdiction, must meet other requirements for particular office, and must be in good standing with the ISBA at the close of the nominating period.

Voting Address: Bylaws Sec. 1.11 reads: For purposes of voting and candidacy for ISBA elected office, a member's voting address shall be his or her primary legal office as designated by the member. If a member's primary legal office is not within the state of Illinois, such member may designate their Illinois residence as their voting address; if no voting address is designated, the member shall be considered a non-resident.

Nominating petitions must be in writing and in the substantial form set forth in Para. 3.2. (See Election Policy Para. 3.2.) Printed copies of the nominating petitions are available upon request at the Office of the Executive Director, Illinois State Bar Association, 424 South 2nd Street, Springfield, IL 62701. (Telephone toll free 800/252-8908, fax 217/525-0712 or visit the ISBA website, either under "About>Leadership" or directly at www.isba.org/leadership.)

Nominating petitions may be filed no earlier than Monday, January 3, 2011 and must be filed by 4:30 p.m. on Monday, January 31, 2011 at either the Illinois Bar Center, 424 South 2nd Street, in Springfield or the ISBA Chicago Office at 20 S. Clark Street, 9th Floor, Chicago. Petitions must be physically submitted with original signatures. Petitions submitted via email or fax will not be accepted. (See Election Policy Para. 3.4.)

The ISBA Election Policy and Procedures, additional pertinent information and petition forms for each category of candidacy may be found on the ISBA website, either under "About>Leadership" or directly at www.isba.org/leadership.

VOTING

All members of the Association in good standing (except law student members) are eligible to vote for the office of third vice-president.

Eligible members residing in the areas in which there are contested elections may vote in the appropriate Board of Governors and Assembly race.

The 2011 Elections will be conducted by electronic voting for the first time. Paper ballots will be utilized in some instances. Full details on the voting process will be provided to the full active membership well in advance of the formal elections.

By policy, a member's dues must be paid by March 1, 2011 for the period ending June 30, 2011, in order to be eligible to vote in ISBA Elections.

October 2010

Robert E. Craghead, Executive Director

Online reviews: They're now for lawyers

by Bryan Sims

Sims Law Firm, Ltd., Naperville

Before I buy just about anything new, I research it on the internet. This is especially true for things that are expensive. One of the things that I check online are reviews that others have posted. I have found that reviews from others who have experience with the product can give me a good idea about whether the product is right for me.

Recently, websites have been created that allow the public to post reviews of attorneys. Further, the attorney information and the posted reviews are then available for search and review by those seeking legal services.

The question that arises, of course, is how can attorneys make themselves found on these websites?

In this column, we look at two of these websites: Yelp and Avvo.

Yelp

Yelp, which is found at www.yelp.com, is perhaps best known for its restaurant reviews. However, the site is not limited to just restaurants. It includes a variety of categories including shopping, real estate, automotive, etc.

In its professional services category, Yelp includes the subcategory Lawyers. This means that the public can now search Yelp when they are looking for an attorney. It also means that the public can comment on attorneys who are listed with the service.

If you are not currently listed on Yelp, you can easily add a listing for your business. Go to www.yelp.com. Scroll to the bottom of the page and click the link for Business Owners. Yelp includes a short video that explains the Yelp process for adding your business. Watch the video, and then click the Getting Started button to begin entering your information.

The danger of allowing the public to review products and services on a forum such as Yelp is that sometimes there will be negative reviews that the business owner will disagree with. Yelp includes suggestions for how to handle negative reviews. This can be done both publicly and privately.

The private method allows you to use Yelp to directly contact the person who posted the negative review. Alternatively, you can post a public response to the review. This comment appears directly following the review that you are commenting on. Again, Yelp provides a variety of suggestions for



how to best respond publically to both positive and negative reviews.

Services such as Yelp are not going to go away. Because of this, it makes sense for attorneys to avail themselves of these services for two reasons. One, you can use the sites as an additional way to let potential clients know that you exist. This increases the likelihood that they will be able to find and hire you.

Second, you can manage the online information available about you. You may not be able to change a review that someone left about you. However, by monitoring sites such as these, you can see if anyone is posting reviews about you. If those reviews are negative, you may be able to respond in a way that blunts the negativity. Further, a negative review may provide you with a possible way you can improve your business.

Avvo

Unlike Yelp, which covers a wide variety of products and services, Avvo limits itself only to attorneys. Avvo can be found at www.avvo.com. Started in 2006, Avvo has information on attorneys in all 50 states. Much of the basic information comes from publicly available information.

For example, in Illinois the ARDC website has information on attorneys that reveals their mailing address, any disciplinary action taken against them, and whether they have malpractice insurance. Avvo collects this data and makes it publicly available for all states in one location.

Avvo allows you to search for an attorney by name, location, or practice area. This makes it easy for consumers to find attorneys. It also makes it possible for attorneys to find local counsel in areas in which they don't know anyone.

In addition to the basic information that Avvo collects from public records, it also allows attorneys to claim their profile and add their own information. To claim your profile, simply search for yourself on Avvo. You then click on the link to claim the profile. Avvo then uses a verification process to ensure that you are the person who should be claiming the profile.

Once you claim your profile, you can add further information, such as practice areas, fee information, cases you have worked on, etc.

One of the most controversial things about Avvo is that it assigns a rating to an attorney based on a scale of 1 to 10. The exact formula that Avvo uses is a secret, however, Avvo explains that its calculation includes years in practice, disciplinary history, industry recognition, and professional achievements.

Like Yelp, Avvo also allows clients to post reviews about attorneys. Avvo does not incorporate these reviews into their rating scale. However, it does include the client reviews on the attorney's page. Avvo also allows other attorneys to post endorsements. Like reviews, these show up on the attorney's Avvo page.

In addition to allowing you to claim your profile for free, Avvo also lets you purchase additional features. For example, you can purchase advertisements for practice areas and regions. These listings are similar in concept to the sponsored links found in Google results.

Avvo also includes a plan called Avvo Pro. This service gives you greater control over your profile, as well as giving you more detailed information about people who view your Avvo page. The idea is that you can then use this information to better target potential clients.

You can also increase your visibility on Avvo by answering questions that visitors post. Further, you can create a legal guide. A legal guide is essentially a primer on a particular area of law. These are often presented as a how-to guide or a frequently asked questions section. Avvo provides basic templates to allow you to concentrate on the content rather than the design of the guide.

Both Yelp and Avvo are changing the way in which potential clients search for attorneys. By understanding how these services work, attorneys can use them to increase their profile and increase the likelihood that a potential client will select them. If you are not familiar with either of these sites, I encourage you to visit each and learn how they work. ♦

Joint Task Force to hold roundtables on “unbundling”

The Illinois State Bar Association, the Chicago Bar Association and the Illinois Judges Association are jointly reviewing the issue of limited scope legal representation. Limited scope representation is the provision of legal services by a lawyer only on a discrete portion of a client’s legal matter, as opposed to a traditional representation where a lawyer handles all aspects of a matter. The Illinois Supreme Court’s recent revisions to the Rules of Professional Conduct – specifically Rule 1.2(c) – make it clear that such a practice is ethical. However, many practical questions remain about how to facilitate such representations, particularly in a litigation context. In this regard, many states that have adopted rules similar to Rule 1.2(c) have also adopted substantive rule changes to facilitate the provision of limited scope representation. Rules adopted by other states to implement the unbundling of legal services may be found at tiny.cc/LimitedRepOtherStates. The Illinois Lawyers Trust Fund (LTF) has proposed rule changes to address some of the practical impediments to providing limited scope representation. The LTF proposals can be found at tiny.cc/ILLimitedRepProposal.

To study and consider the issues surrounding the provision of limited scope representation, the Illinois State Bar Association, the Chicago Bar Association, and the Illinois Judges Association has formed a Joint Task Force on Limited Scope Legal Representation. The Task Force is co-chaired by John Thies, ISBA 2nd V.P., Diane Klotnia, CBA, and 4th Circuit Judge Ronald Spears. The specific charge of

the Joint Task Force is to: examine the issue; collect and consider the views of the bar and judiciary; report its findings; and to recommend or support, if warranted, revision to rules that may facilitate the use of limited scope representation.

According to co-chair, John Thies, “the Task Force is interested in having a full discussion on this important issue. The ISBA embraces the goals of addressing unmet legal needs, improving the administration of justice, and facilitating the implementation of RPC 1.2(c). We want to be sure we thoroughly evaluate the ethical and professional liability issues associated with the LTF’s proposal.”

The Joint Task Force has scheduled three roundtable forums to hear from the legal community on this topic. These roundtables will be open to all in the legal community. The roundtables are scheduled for:

October 21, 2010

3:00 – 5:00

Springfield

Abraham Lincoln Hotel
& Conference Center
701 East Adams St.

October 27, 2010

3:00 – 5:00

Chicago

Chicago Bar Association
321 S. Plymouth Ct.

November 11, 2010

3:00 – 5:00

Fairview Heights

Four Points Sheraton
319 Fountains Pkwy

The Roundtables will be informal. If you would like to attend and address the Task Force, brief comments would be welcome. Information on the Task Force and limited scope representation can be found at tinyurl.com/27swnhh. ♦

★ Lawyers Rock Legends ★



**Do you think you're good enough
to play at Buddy Guy's Legends?**

Now is your chance to prove it.

**Wednesday, February 3rd, 2011
7:00 p.m. - 11:30 p.m.**

ANNOUNCING AUDITIONS FOR LAWYERS ROCK LEGENDS

The IBF has begun accepting audition applicants for this great event! To be considered, please submit the audition application, a promotional photo and one audition CD/DVD to us in MPeg4 format only, and send it to **20 S. Clark Street, Suite 910, Chicago, IL 60603 by October 29, 2010.**

Winning bands/performers will be announced in a special press conference at the ISBA Mid-Year Meeting on Friday, December 10, 2010!

These bands/musicians will be featured from 7:00-10:00 p.m. at Lawyers Rock Legends, and will each have 25 minutes to perform at the event. They will also be the lead-in bands for the featured Buddy Guy's Legends band, Brother John!



Questions?

Please call the IBF at 312.726.6072!
www.illinoisbarfoundation.org

My Jerry Maguire moment

It's not always about the money

by Nick Kujawa

What are our obligations as lawyers? Does the justice system work? What is our mission as solo or small firm practitioners? Is it fewer clients and less money as Jerry Maguire suggested in his Mission Statement? Or is it something else?

When I began practicing law I would often ask myself those questions, and just as Jerry Maguire had his epiphany – I had mine. It's about the sincere desire to help people and the following story is what led me to believe we as solo or small firm practitioners have a special obligation.

On March 18, 2008, the Illinois State Police sent a letter to registered adjudicated juvenile delinquent sex offenders in Illinois informing them of a change in the law pertaining to their registration requirements. The change in 730 ILCS 150/3-5 would allow them to petition the court for removal from the sex offender list and their registration requirements. In late March 2008, I received a call at my office from a potential client. The client called to inquire whether I handled juvenile cases and I stated yes. As the conversation continued, I discovered this young man had called my office as a result of the letter he had received from the Illinois State Police. I learned he had already called numerous other attorneys and none would accept his case or even offer a consultation. I decided to meet with him.

Before the consultation, I reviewed the statute and spoke with a few other attorneys who were vaguely familiar with the statute but had never filed a petition.

This young man presented himself to my office on April 1, 2008, and introduced himself as Jake. Jake was a polite and soft-spoken young man 24 years of age. During the interview I gathered a substantial amount of background information while keeping in mind the requirements of the statute and discovered this statute was written for people in Jake's position in life.

The relevant criteria is set forth in 735 ILCS 150/3-5(d) and (e):

- (d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e).
- (e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors:
 - (1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board;
 - (2) the sex offender of history of the adjudicated juvenile delinquent;
 - (3) evidence of the adjudicated juvenile delinquent's rehabilitation;
 - (4) the age of the adjudicated juvenile delinquent at the time of the offense;
 - (5) information related to the adjudicated juvenile delinquent's mental, physical education, and social history;
 - (6) victim impact statements; and
 - (7) any other factors deemed relevant by the court.

Since completing his juvenile probation Jake had received two certificates from Southwestern Illinois College and had been working as a welder for the past five years. In addition, he was recently engaged and it was my belief he wanted to move on with his life and get a sense of closure on his tumultuous adolescent life.

On July 13, 2000, a Petition for Adjudication of Wardship was filed alleging Jake committed three acts of sexual penetration of a minor who was at least nine (9) years old but under the age of 17 in violations of 720 ILCS 12-15(b) the criminal sexual abuse statute. He was also charged with aggravated battery in violation of 720 ILCS 5/12-4(b)(1) which was related to the criminal sexual abuse in that the alleged battery was in retaliation of another minor proposing he was going to report the sexual incident. According to the police report Jake admitted to the alleged acts.

On August 10, 2000 Jake appeared in juvenile court and pled guilty to the petition and was placed on one year of probation and was sentenced to 30 days of detention with 18 days stayed as he had already served 12 days. In addition, he was ordered to have sexual offender treatment.

On April 22, 2008, I filed a Petition for Termination of the Term of Registration pursuant to 730 ILCS 150/3-5 as Jake had fulfilled the requirements of his probation and had complied with the requirements of the Illinois Sex Offender Registration Act since August 21, 2000. Per requirement of the statute I then had a

(Continued on page 11)

**Old-Fashioned Service
You Can Trust.**





Your clients turn to you as a trusted adviser for counsel with some of life's most important decisions. Through ATG Trust, you can add trust and investment planning to the list. Contact us for information.

877-674-7878
INFO@ATGTRUST.COM

WWW.ATGTRUST.COM

ATG TRUST IS A SUBSIDIARY OF
ATTORNEYS' TITLE GUARANTY FUND, INC.
CHICAGO, IL

Illinois Worker's Compensation

Research at your fingertips

Q-Dex On-Line®

- 20+ years of expert IL WC case law analysis
- up-to-date case law
- 10,000+ case copies accessible 24/7
- easy & fast access to on-point case law
- easy & fast access to Commission PPD awards
- visit us at www.qdex.com

The Damien Corporation
(630) 369-3549 ■ Damien@qdex.com

risk assessment performed on Jake by a clinical psychologist, who must be an approved evaluator by the Sex Offender Management Board.

To fully understand why I took this case when no one else would, I must explain Jake's social history and my sincere desire to help this young man when no one else would even meet with him. Jake's family was a military family and he had moved around during his childhood. Jake was born in Idaho and grew up in New York, England, Oklahoma, and finally southern Illinois when he was 15 years old. Jake was home schooled for most of his childhood until the family moved to Oklahoma. He said this contributed to a sense of aloneness and depression and a lack of any real social skills.

Jake also suffered from Tourette's Syndrome. This made his adjustment to the regular school in Oklahoma all the more difficult as he was often teased about his twitches and the sounds he made. In addition, he would endure discipline from his teachers for actions beyond his control. Though he was teased and felt uncomfortable while attending school, he did graduate from high school and went on to attend Southwestern Illinois College and studied welding and art.

Struggling with feelings of isolation during adolescence Jake often found refuge in drugs. Jake began

using marijuana at age 13 and used it on a daily basis. He also used cocaine and LSD, using the latter as frequently as every other weekend. During his court-ordered mental health treatment Jake was diagnosed with 1) Tourette's Disorder, 2) Psychotic Disorder, 3) Major Depression by History, 4) Dysthymia, 5) ADHD by History, and 6) History of Polysubstance Abuse. As result of these diagnoses he was placed on a variety of medications including Risperdal, Haldol, Celexa, Zoloft, and Zyprexa.

All of Jake's treatment occurred after being adjudicated as a juvenile delinquent at the age of 16, including outpatient sexual therapy. When Jake turned 18 he had successfully completed his probation, stopped all his mental health treatment and had not taken any psychotropic medication since the beginning of the probationary period. I asked him to explain his abrupt cessation of treatment and his explanation was simple, "I was a troubled child, but not more than anyone else and I was busy working and going to school." Since 2002, Jake had been employed as welder by the same employer and had not been charged with any other crimes.

I remember the morning of the hearing. Jake met me at the courthouse with his mother and fiancée. He was very nervous even though I had no intention

of him testifying. I had the clinical psychologist testify to the factors set forth in the statute. The Court found by a preponderance of the evidence that Jake posed no risk to the community and Jake no longer had to register as a sex offender.

Does the system work? In this case it did. It became a source of treatment for a young man who had a difficult time finding his place in society.

What is our obligation as solo or small firm practitioners? We are the last bastion for clients like Jake. We need to find time for clients like Jake. While some of our cases may not be monetarily rewarding there are other rewards such as the satisfaction of representing someone like a Jake and getting the results they deserve to continue on with their life.

Jerry Maguire was right—it's not about the money, it's about a different type of satisfaction. It's the reward of helping people. Just as Jerry Maguire's mentor, Dickey Fox, says, "It's all about personal relationships." ♦

Nick Kujawa is a solo practitioner in Belleville at Dominic Kujawa, P.C. with his primary emphasis in the areas of personal injury and criminal law. He hoisted his own shingle in 2007 after graduating from law school. Nick has been a member of the ISBA General Practice, Solo & Small Firm Section Council since 2008.



What will your legacy be?

IF YOU HAVE PROVIDED A GIFT to the Illinois Bar Foundation in your estate plan, you are eligible for membership in the IBF Lincoln Legacy Society.

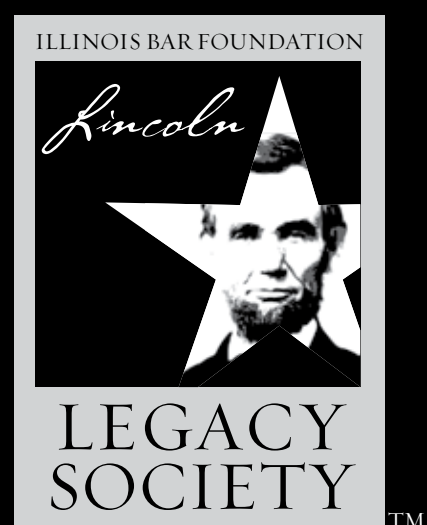
The Illinois Bar Foundation created the Lincoln Legacy Society to honor and recognize individuals who have agreed to support the Foundation's vision to be the statewide leader in advancing equal justice in Illinois by providing for the Foundation in his or her estate plan.

Abraham Lincoln, the state's most famous lawyer, left an indelible mark on the Illinois legal system. So too will Lincoln Legacy Society members leave their mark on the legal system through their legacy gifts to the Illinois Bar Foundation.

Please notify the Illinois Bar Foundation of your intentions today to enjoy the benefits of membership in the Lincoln Legacy Society by emailing IBFLincolnLegacySociety@isba.org.

ILLINOIS BAR FOUNDATION

20 S. Clark St., Suite 910, Chicago, IL 60603 • (312) 726-6072



If you are interested in information about how to include the Illinois Bar Foundation in your estate plan, please call Lisa Corrao at (312) 726-6072 for a complete brochure on planned giving opportunities.

DON'T MISS OUT ON THIS YEAR'S PREMIER EVENT FOR SOLO & SMALL FIRM LAWYERS IN ILLINOIS

EARN UP TO 14 HOURS OF MCLE CREDIT, including all 4 hours of PMCLE credit!

**Join us this fall as we explore best practices for solo and small firm lawyers
and provide you with “THE RIGHT STUFF” to help launch your practice to the next level!**

THE RIGHT STUFF

ILLINOIS STATE BAR ASSOCIATION



SPRINGFIELD • October 21-23, 2010

SOLO & SMALL FIRM CONFERENCE

**Best Legal Practices
To Help Your Career Soar**

**If you are a solo or small firm lawyer,
you won't want to miss this year's line-up at the
2010 ISBA Solo & Small Firm Conference.**

We've packed this year's Conference with outstanding national and local speakers who will address best practices in the field and how to stay competitive as a solo or small firm lawyer. You can choose from three tracks of programming – Effective & Ethical Practice, Legal Technology, and Substantive Law – and earn up to 14 hours of MCLE in the process. You also have plenty of time to network with your colleagues and browse our exhibit hall, which will be loaded with products and practice tools.

Thursday morning we kick off the Conference with introductory and advanced training programs on Fastcase – the ISBA's free online legal research tool for members. You will also be able to get a free professional business portrait taken by Daniels-Ackerman Photography.

On Friday we hear from NYT bestselling author Mark Curriden about the first and only criminal trial ever held in the history of the U.S. Supreme Court and learn from “Master Practice Advisor” Dustin Cole about how to effectively use new technology tools. Later that evening we gather for a reception at the Illinois Executive Mansion where you can spend time with other solo and small firm lawyers from around the state.

Saturday we conclude the breakout sessions and adjourn at lunchtime. You can then visit Springfield's historical sites, including the Abraham Lincoln Presidential Museum and Library just down the street from our hotel.

**Come ready to be inspired by the best practices you'll learn
and the connections you'll make with other attendees.**

For more information and to register please visit: WWW.ISBA.ORG/SOLOCONFERENCE



ILLINOIS STATE BAR ASSOCIATION

2010 Registration & Hotel Information

REGISTRATION PRICING:

Regular Registration (August 28 – October 7)	\$300 ISBA Member / \$600 Non-Member
Late Registration (October 8 – October 17)	\$350 ISBA Member / \$650 Non-Member
Past Late or On-Site Registration (After October 17)	\$400 ISBA Member / \$700 Non-Member
Special Pricing for ISBA Law Student Members	\$50
Adult Guests	\$40 (includes Breakfast and receptions)
Friday Lunch for Adult Guests	\$25
Teen Guests	\$20 (includes Breakfast and receptions)
Guests under 12 years	Complimentary

REGISTRATION INFORMATION:

No registration accepted without payment. Visa, MasterCard, American Express and Discover accepted. Fee includes attendance at sessions of choice, admission to all meal functions, and a CD-ROM containing all of the course materials. Registrants will also be able to download any or all of the course materials online free of charge. Print materials are available for an additional \$75 if pre-ordered prior to October 11, or for an additional \$100 if ordered at or after the conference. **To register, please visit www.isba.org/soloconference and fill out the online registration form.**

HOTEL INFORMATION:

The conference will be hosted at the **Hilton Springfield**. The Hotel is located at 700 East Adams Street, in downtown Springfield. A limited number of rooms are blocked at the Hotel through Wednesday, September 29th at the conference rate of \$95 single/double per night. **Registrants can arrange their hotel accommodations by going to the Conference website (www.isba.org/soloconference) and clicking on "Book your hotel reservations now!"** You can also reserve a room by calling the hotel directly at 217-789-1530; be sure to ask for the ISBA rate.



OUR HOST CITY:

For more information about Springfield, including Lincoln sites and local events, please visit the Springfield Convention and Visitors Bureau website at www.visit-springfieldillinois.com.



THE RIGHT STUFF

ILLINOIS STATE BAR ASSOCIATION



SPRINGFIELD • October 21-23, 2010

SOLO SMALL FIRM CONFERENCE
Best Legal Practices
To Help Your Career Soar

Thank You
to our
Sponsors
for making this Conference possible!

Super Nova Sponsor

ISBA MUTUAL
INSURANCE COMPANY
ISBA Mutual Insurance Company

GEICO
GEICO

ATG TRUST
COMPANY
ATG Trust Company

Silver Star Sponsor

Hoffman and Pomerantz, LLP
Injury Case Funding LLC

*** New session just added! ***

"Market Your Practice Like You Mean It ... and on a Shoestring Budget!"

Looking for new ways to expand your practice? Have a marketing strategy? ISBA's longtime marketing and PR specialist, Chris Ruys, will be available to provide tips, tricks, and advice in short, one-on-one sessions! Get ideas on how to attract more client who will pay the fees you deserve through a dignified and cost-effective marketing program. (Complimentary to Registered Attendees) Sponsored by President Mark D. Hassakis, Hassakis & Hassakis, Mt. Vernon

The quiet revolution in access to justice

Joseph Dailing

Executive Director, Illinois Coalition for Equal Justice

From Cairo to Galena, from Belleville to Watseka, a quiet revolution is taking place in circuit courts throughout Illinois. Thanks to collaborative working relationships among state-wide organizations and local courts, unrepresented individuals have a new resource for getting current and accurate information on Illinois law either at the courthouse or their local library.

Currently there are 46 internet-based legal self-help centers and more on the way. Since May 2007, when the first of these centers opened in Winnebago County, staff from two Illinois nonprofit organizations, the Illinois Coalition for Equal Justice (a joint effort of the ISBA, The Chicago Bar Association and The Chicago Bar Foundation) and Illinois Legal Aid Online, have been crisscrossing the state and working with local court systems, public libraries, bar associations, domestic violence victim advocates, legal aid programs and others to set up local centers using the Illinois Legal Aid Online website as the platform for the local centers. And, individuals with access to an internet-enabled computer can access the centers from any location as well.

Legal self-help centers are not unique to Illinois - but the Illinois approach is different and innovative. The animating principle behind the centers is that access to justice, or more correctly the absence of meaningful access to the justice system, is a community problem and not just a problem for the courts or lawyers. While the local chief or presiding judge takes a leadership role in convening the planning committees to set up a new center, the membership of the committees goes beyond the courts and reaches out into the community for involvement.

The location of the legal self-help centers usually depends on the size of the county and the potential number of unrepresented litigants using the center. In larger counties where volume is likely to be high, the centers are placed in county courthouses and a full - or part-time staff member - called a "navigator" - is employed to help people locate the information on computers in the center. In smaller counties where the demand is likely to be less, cooperating public libraries house the centers.

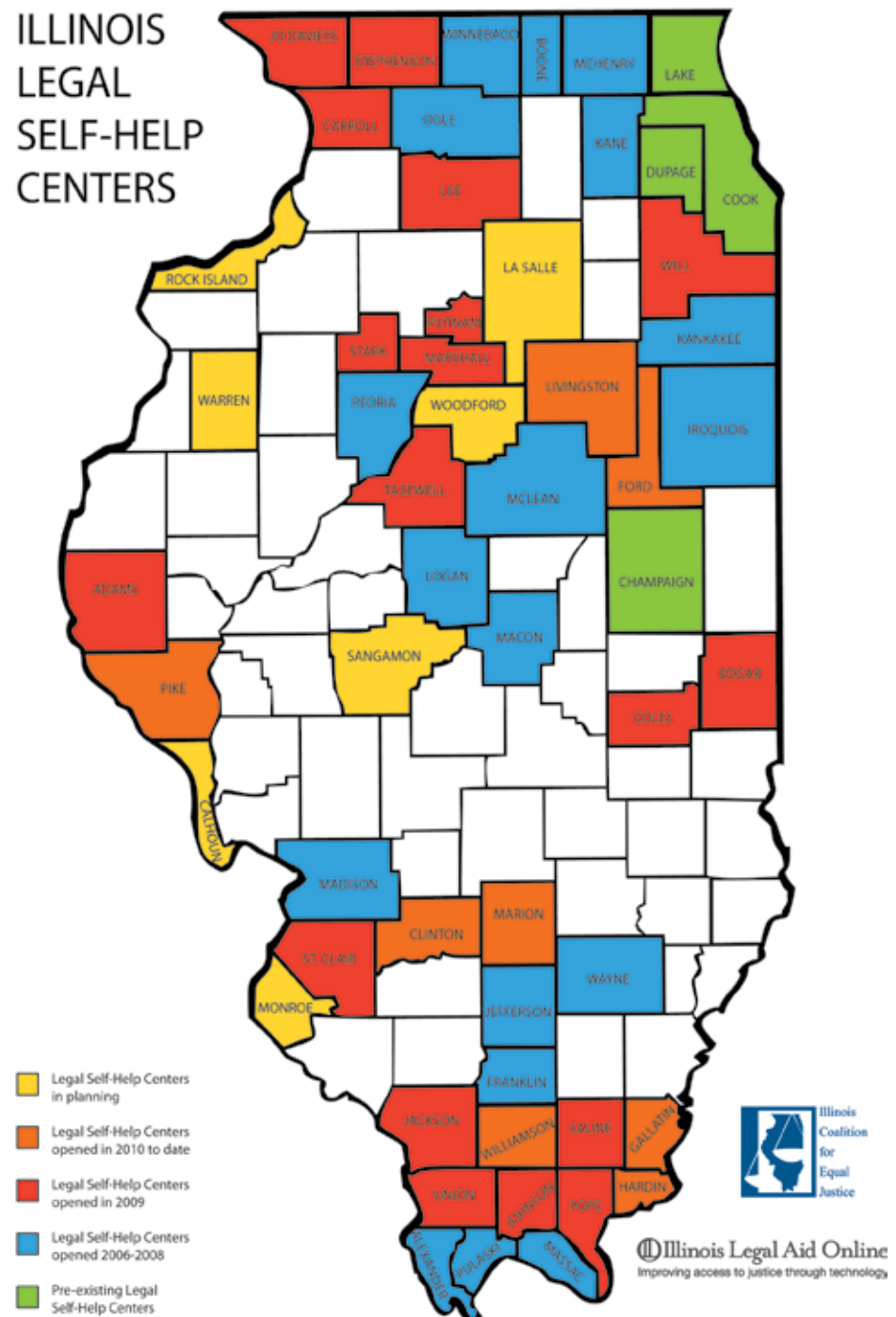
In both instances the navigators or navigator/librarians are trained on using the website so that they can assist patrons to find the information that they need. In some instances, local circuit clerks provide access to the center in their offices. The information is presented in many formats including videos, automated court pleadings (think Turbo Tax), articles written in question and answer format, and fill-in-the-blanks court forms. Wherever possible, the materials are written at the fifth- or sixth-grade reading level.

The legal self-help centers provide only information. The site provides no legal advice. Patrons need to decide what to do after reading the material or they may choose to consult a lawyer.

The wizard behind the curtain is Illinois Legal Aid Online. For the past 10 years, ILAO staff and volunteer lawyers have been building a sophisticated, multi-media, accessible website on Illinois law that is aimed at providing usable legal information to lower income individuals who must go to court but who cannot find a lawyer to represent them. The entire site is set up as a search engine, similar to Google or Yahoo. Early research demonstrated that for most people, the traditional menu approach to finding legal information was incomprehensible.

The partnership between ILAO and the Illinois Coalition for Equal Justice has proven to be an effective way to get out the word, increase local involve-

ILLINOIS LEGAL SELF-HELP CENTERS



ment and ownership and, most importantly, ensure that unrepresented individuals are aware of the legal self-help centers. Localized signage, brochures and handouts help to ensure a consistent message: get a lawyer if you can but if you can't, here's is an option that might help you in court, *if you prepare carefully for your hearing.*

Why legal self-help centers?

A 2005 study of the legal needs of lower income Illinoisans found that, among other things, legal aid and pro bono projects served only about one in every six households with a legal problem. The study also disclosed that the most com-

(Continued on page 15)

mon response in the five out of six households which couldn't get representation was to go to court on their own, often with little or no information about their legal problem or the workings of the court system.

In response to this situation, the Lawyers Trust Fund decided to allocate funds to develop new approaches to bridging the equal access gap. LTF financed a full time staff person for the Illinois Coalition for Equal Justice. From that, a collaborative partnership with Illinois Legal Aid Online was born. Because Cook County already had a number of help desks and self-help centers, the Coalition and ILAO have focused on counties outside of Cook. The result has been, to date, the 46 legal self-help centers.

No one claims that these legal self-help centers are adequate substitutes for a lawyer. Individuals are encouraged to get a lawyer whenever possible and litigants are provided information on how to locate an attorney. But the reality is that far too many people will not find a lawyer and, in the absence of any alternative, the legal self-help center provides critical information to lower income individuals.

Access to a lawyer is worse in rural counties where geography is a real and continuing barrier to access to all kinds of services, including legal aid. In these counties in particular, technology can make a real difference, particularly when the local public library provides access to the technology. Now people in the most rural and remote places in Illinois have the same access to legal information as someone in more urban counties.

What does the future hold in a time of diminished resources?

The staff members of Illinois Legal Aid Online and the Illinois Coalition for Equal Justice continue to plan more centers, relying on funding and support from such organizations as the Lawyers Trust Fund of Illinois, the Illinois Equal Justice Foundation, the Illinois Bar Foundation and The Chicago Bar Foundation. And when money has not been available to buy new computers and printers, local communities have banded together and have set up legal self-help centers coordinating existing resources and developing local networks to ensure that unrepresented litigants and people seeking legal information find their way from the court to the local library where help is available.

Lack of funding stimulates creative thinking and forces people to develop new alternatives to reaching their goals. Planning for new centers continue as local courts ask for assistance in setting up legal self-help centers, with or without additional funding. Even with less money, the goal remains the same, a sustainable legal self-help center in every Illinois county.

Members of the Illinois Coalition for Equal Justice are Judge Michael B. Hyman, Circuit Court of Cook County, Chair, and Eileen M Letts, Chicago; Jennifer Nijman, Chicago; ISBA Board member Russell Scott, Swansea; and ISBA 2nd Vice President John Thies, Urbana.

To check out a rural library-based legal self-help center go to <http://hardin.illinoislegalaid.org> or <http://clinton.illinoislegalaid.org>. To view a courthouse-based homepage, go to <http://winnebago.illinoislegalaid.org> or <http://madison.illinoislegalaid.org>. ♦

New Professional Responsibility MCLE Requirements

The Illinois Supreme Court amended MCLE rule 794 effective October 1, increasing to 6 hours the minimum of Professional Responsibility MCLE credit, rather than 4 hours, as previously required. This new requirement applies to attorneys reporting 30 hours of MCLE credit on June 30 of 2012, 2013 and beyond. Attorneys in the N - Z reporting group reporting on June 30, 2011 are still subject to the 4 hour requirement.

Plan Now to Attend the ISBA Midyear Meeting!

Joint Meeting of the Illinois State Bar Association and the Illinois Judges Association Annual Convention



December 9 - 11, 2010
Sheraton Chicago Hotel & Towers
301 East North Water Street,
Chicago



Meeting Overview

Thursday, December 9

- Program – “Pro Bono Basics for Assisting Youth in Need”
- Opening Reception for Joint Meeting
- “Who Me? A Law School Professor?” Sponsored by SIU School of Law

Friday, December 10

- CLE Master Series Programs Exhibits - Services for Members
- Illinois Bar Foundation - Fellows Awards Breakfast

- Joint IJA/ISBA Program – “Illinois Juvenile Justice: A Work in Progress”
- Joint Meeting Luncheon – Featured Speaker: Rikki Klieman, Trial Attorney, best-selling author, television anchor and legal analyst.
- Law School Alumni Receptions
- Reception and Dinner Honoring Supreme Court of Illinois

Saturday, December 11

- ISBA Assembly Meeting

Meeting Registration

Onsite registration for the ISBA Midyear Meeting opens
Thursday, December 9 at 7:30 a.m.

Hotel Reservations

Sheraton Chicago Hotel & Towers
301 East North Water Street
Chicago, IL 60611

Call 800.325.3535 and advise that you are attending the ISBA/IJA Meeting when making your reservation or make your reservation online at <http://www.starwoodmeeting.com/Book/isba2010> Room rate is \$179 single or double (plus tax). Deadline for reservations is November 6, 2010.

1st YLD Children's Assistance Fund Intern reflects on summer of service

by Michael G. Bergmann and Susanna Bucaro

The ISBA YLD Children's Assistance Fund, in concert with the Illinois Bar Foundation, seeks to provide grants to organizations across the state related to children and law. Through a variety of social events and fundraisers, the YLD raises money each year to support this Fund, giving out approximately \$25,000 annually.

One such grant was made in 2010 to the Public Interest Law Initiative (PILI), the purpose of which is to cultivate a lifelong commitment to public interest law among law students and lawyers. PILI operates a Law Student Internship Program that places law students at public interest law organizations for 300 hours each summer. There are 20 organizations that participate in PILI's Internship Program. A handful were identified as having work specifically focused on children, and Chicago Volunteer Legal Services (CVLS) was ultimately selected to host the first-ever ISBA YLD Children's Assistance Fund Intern in the Summer of 2010 – Susanna Bucaro of Loyola University School of Law.

While serving as a PILI Intern at CVLS, Susanna worked in their Guardian *ad litem* for Minors Division. Susanna began her summer with a CVLS staff attorney explaining to her what “*ad litem*” meant – a concept she was not yet familiar with. However, by the end of June, Susanna was objecting as the Guardian *ad litem* in a trial. And, by the end of the July, she was handing a judge a GAL report that she had written, for a case that she had investigated, with a recommendation she had prepared.

Susanna explains that throughout the summer she investigated parties; she called schools; she spoke to counselors; she read countless DCFS reports. She notes that “I often took a position between two family members – literally between them – standing before a judge with a mouthful of facts and a heart full of anxiety.” But, Susanna points out that CVLS and PILI provided her with the training, guidance and tools to do the job well. She explains that “I received constant supervision and feedback from the staff attorney GALs at CVLS. My initial case reports were all edited, re-written and sent back to me so that I could learn from the revisions. I observed from the courtroom gallery nearly a dozen times before ever approaching the bench.”

During the summer, PILI provided Interns and Graduate Fellows with luncheon programming, exposing Interns and Fellows to the plethora of public interest organizations in Illinois and the services they provide. PILI also provided opportunities to socialize and network with other Interns and Fellows working at organizations throughout the state. As part of the PILI Internship Program, there is also a mentoring component that matches current Interns with former Interns (PILI Alumni) or PILI Board Members.

While PILI and CVLS are certainly grateful for the support of the ISBA YLD Children's Assistance Fund, there is no doubt that the children who benefited from Susanna's work this summer are also very grateful. PILI is also extremely grateful to have been approved for another such grant in 2011. More information about the Fund and the application process can be found on the ISBA's website at www.isba.org/sections/yld/childrensassistancefund. ♦

Michael G. Bergmann is the Director of Programs for PILI, the Public Interest Law Initiative. Michael also serves on the ISBA YLD Council and the ISBA Assembly and is the Immediate Past Chair of the Standing Committee on the Delivery of Legal Services.

Susanna Bucaro is a third-year law student at Loyola University School of Law and the 2010 ISBA YLD Children's Assistance Fund PILI Intern.



Susanna Bucaro



13TH ANNUAL ISBA YLD HOLIDAY PARTY

Please join the YLD in supporting the 13th Annual Holiday Party to benefit the Illinois Bar Foundation/Young Lawyer's Division Children's Assistance Program. Over \$150,000 has been raised to establish children's waiting rooms throughout the State of Illinois and to provide assistance to other child related legal programs. Please join us this year in person or support of our event with your generous contribution.

The IBF/YLD Children's Assistance Fund is a 501 (c)(3) charitable entity

When: Friday, December 3, 2010, 6:00 p.m. – 10:00 p.m.

Where: Cubby Bear Lounge, 1059 W. Addison, Chicago

What: Open Bar, Warm Appetizers, Live Music by BLACK BETTY, and FuN!

Cost: \$35.00 per person, for tickets purchased prior to November 20
\$40.00 per person, for tickets purchased after November 20
\$30.00 per student, per ticket purchased prior to November 20

Questions? Contact Anna Krolikowska, anna@kandrfamilylaw.com, Jean Kenol, jkenol@msclawfirm.com, or Chris Niro, cwniro@yahoo.com

Our success is due in large part to the generosity of many law firms and individuals who have supported our “Friends of the Children” sponsorship campaign:

\$5000 – Honorary Host (30 Tickets) **\$2500 – Benefactor** (20 Tickets)

\$1000 – Sponsors (10 Tickets) **\$500 – Patrons** (5 Tickets) **\$250 – Supporters** (2 Tickets)

Yes, I/my firm will contribute to the 2010 Holiday Party to benefit the Illinois Bar Foundation/Young Lawyer's Division of the Illinois State Bar Association Children's Assistance Program as part of the “Friends of the Children” sponsorship campaign. Enclosed is our contribution for \$_____.

☐ Yes, I would like to support the Children's Assistance Program. I would like _____ tickets ☐ \$35.00 ☐ \$40.00 ☐ \$30.00
Check for \$_____ enclosed.

Name: _____

Address: _____

Phone: _____

Please make checks payable to, “IBF/YLD Children's Assistance Fund”

and return to: IBF/YLD Children's Assistance Fund
c/o Janet Sosin • 20 S. Clark • Suite 900 • Chicago, IL 60603

Please reply by November 20, 2010

**For more information and to register online visit
WWW.HOLIDAYPARTY.ORG**

Using a firm retreat to plan for the next decade

by John W. Olmstead, MBA, Ph.D., CMC

It is 2010. Is your firm ready for the opportunities and challenges? During this decade major demographic changes will occur as Americans evolve into a different people that are older and more ethnically and racially diverse. As the baby boom generation moves into middle age the following trends will have major impact upon law firms:

- An aging society requiring new products and services
- Higher levels of savings
- Key social issues including education, dependent care, aging parents, quality of life, and the environment
- Increased concerns about health care and retirement
- Continued shifts in population centers
- Changing local and global markets
- Changing governmental regulations
- Continued decline of the American middle class
- Demands for new legal service offerings and delivery methods

Law firms that fail to plan for these demographic changes may find themselves out in the cold and not properly prepared for the future. As the profit squeeze, competition and the maturing marketplace for legal services continue, law firms must be on top of every new opportunity and aware of every possible threat in order to survive in the changing 2010s. Markets will be changing. Consequently, legal services will also be changing.

The majority of law firms engage in short term (operational) planning. Such a vehicle is fine for day-to-day operational problems but not appropriate for long term strategic issues. The Firm Retreat is becoming the most widely used forum used by law firms to facilitate longer range strategic planning. A firm retreat is a weekend conference of the principals and staff which takes place away from the office usually at a hotel or resort in a rural setting. A retreat differs from the typical firm meeting in that it is a specific structured program with an agenda of topics and procedures agreed to in advance. A retreat is often facilitated by a professional consultant. The purpose of the retreat is to help facilitate change. For example:

Solving problems.

- Evaluating internal procedures
- Designing long range plans
- Formulating marketing plans
- Determining where the firm is and where it is going
- Practice Expansion and Diversification
- Partner Compensation

- A retreat agenda usually incorporates both business and social sessions

A properly conducted retreat can be invaluable to the law firm. However, many firm retreats end up being a “waste of time” and do not live up to their initial expectations because of the following:

- Attorneys treat the retreat like any other firm meeting
- Poor planning and preparation
- Failure to focus on strategic (long term) issues rather than day-to-day operational issues
- Neglecting to agree upon an agenda, procedural rules, and a retreat coordinator
- Lack of follow-up and implementation

Setting up a retreat involves all of the following steps:

Gather Ideas

The first step involves key members getting together to discuss their initial thoughts about the firm, its structure, and its organizational problems to brainstorm for possible topics. Partners and other members of the firm can also provide written suggestions for the agenda. Tentative retreat objectives can be formulated at this time.

Prepare Preliminary Program

A preliminary program is formulated. The retreat coordinator develops the preliminary program including tentative:

- Dates
- Times
- Location
- Ground Rules
- Participants
- Agenda

The coordinator works with the consultant, if used, on further defining goals and objectives of the retreat, how it is to be coordinated and who will be responsible for various functions and activities. The consultant may interview key members to obtain a feel of personalities and needs of the firm. The consultant outlines his own proposed role in the retreat. Coordination checklists and timetables are developed.

A consultant is often used when the retreat will be the firm’s first retreat, when partners disagree as to the format and nature of the retreat, when dramatic personal differences exist among partners and progress at the retreat may be hampered, and when a specialist is needed to help the group evaluate objectively.

Approve and Finalize Program

The preliminary program is circulated for comments and suggestions. Changes are accommodated

and the finishing touches are put on the program. The partners agree on all details of the agenda and the program is finalized.

Background Research

The brainstorming process will require background data. Internal data such as firm financial reports, client lists, lawyer productivity reports, etc. and external information such as demographic and census data, information on competitors, business trends, etc. should be compiled and organized into appropriate presentation formats such as transparencies, slides, flip charts and handouts.

Retreat Facilitation

A moderator should be assigned to the retreat. The moderator can be a member of the firm if the firm has a member who can be objective and has the skills to properly facilitate a retreat or the moderator can be an objective outsider who has the requisite skills. The moderator serves as the “tour guide” and keeps the retreat on track, in focus, and provides resource information when required. The moderator should be given the authority to control the retreat and enforce the ground rules.

Implementation of Decisions

A retreat will not be successful unless an implementation plan is formulated during the actual retreat and made a part of the proceeding. Specific assignments and completion dates must be agreed upon during the retreat itself and schedules for reporting on progress must be determined.

At the conclusion of the retreat the outcome of the retreat and the implementation plan should be summarized.

Within two weeks after the conclusion of the retreat, a retreat report should be written and distributed to all firm members in attendance. Completion dates should be placed on the firm’s docket control system. A retreat follow-up item should be on each and every firm meeting. A post retreat evaluation should be conducted six months after the conclusion of the retreat. ♦

John W. Olmstead, MBA, Ph.D., CMC,

(www.olmsteadassoc.com) is a past chair and member of the ISBA Standing Committee on Law Office Management and Economics. For more information on law office management please direct questions to the ISBA General ListServ, which the John and other committee members reviews, or view archived copies of *The Bottom Line Newsletters* at <http://www.isba.org/sections/loe/newsletters.asp>. John may be contacted via e-mail at johnmstead@olmsteadassoc.com.

Get your local high school involved in mock trials

Do the high schools in your community participate in the Illinois State Bar Association Law-Related Education (LRE) committee's mock trial program? In any mock trial program?

If not, is the reason one you can address? You could inform the principal or the social studies chair of the program. All the information needed will be posted on the website at www.isba.org/teachers. The next newsletter will contain the mock trial rules and registration process. The Mock Trial problem will be posted on the ISBA website on Nov. 01, 2010.

You could also offer to help the team learn about trial procedure. That may be the encouragement needed to join the program. Some lawyers coach the teams, an effort that may involve a few weekly meetings, followed by daily practices. Other lawyers offer one or two sessions to explain the rules of evidence.

Assisting schools is a great project for young lawyers in government practice or for any lawyer concerned about youth.

High schools need to form a team, learn the materials, and practice the trial. They find a local team and prac-

tice. Then they come to Springfield and compete in a two-day program in March, 2011, with some 40 schools from across the state.

Many schools practice by performing the trial for local parent or civic groups. Contact the local newspaper to obtain great publicity for the school and the bar.

The goal of the mock trial program is to help students better understand our legal system. We all benefit if students learn the difficulties of proving the elements of a crime beyond a reasonable doubt. We all benefit if students learn that "legal technicalities" are really treasured rights under the Bill of Rights.

The Law Related Education strives to build an understanding of the law beyond trials. One part of the competition involves students taking a test on the law involved in the problem.

Perhaps your school is not ready to enter the state-wide competition but would like students to learn about the legal system. The LRE website has many mock trial problems for schools to use.

Call your school today and initiate a discussion about how mock trials can broaden students' education. ♦



Hinsdale Central High School was the winning 2010 Mock Trial team from Illinois. They also placed 2nd at the National High School Mock Trial Championships.



First "Lawyers Care" award goes to Bloomington attorneys, ISU

Bloomington attorneys Scott Kording (left) and Mick Hall (second from right), as well as Thomas McClure, a professor and director of legal studies at Illinois State University in Normal, display the "Lawyers Care" plaques they received from Illinois State Bar Association President Mark D. Hassakis (right) at a reception on September 9 at the Bone Student Center on the university campus. Kording, Hall and the university were honored for their many hours of pro bono service to the ISU Mock Trial Program. The ISBA Lawyers Care Program pays homage to attorneys and judges who have made noteworthy, volunteer contributions. If you would like to nominate someone for a "Lawyers Care" award, contact ISBA Associate Executive Director Dave Anderson at danderson@isba.org.

A valuable resource for health insurance

One of the less visible health care issues today is the lack of easily accessible coverage. Marsh Global Consumer has a solution. Through the ISBA Health Insurance Mart, a service of Seabury & Smith, Inc., consumers can benefit from both online and offline access to coverage.

Great products are available for consumers at every stage in life – recent law school graduates, starting your own law practice or looking for coverage for your employees in your existing practice – Marsh Global Consumer can help them access quality coverage.

Our easy to use health insurance site provides access to health insurance for individuals, families, and businesses with less than 20 employees. The user-friendly Web site <http://isbahealth.com> not only offers quality coverage choices, but also provides key information and professional advice that helps everyone make the best decisions. The

Web site links directly to carrier sites, providing access to more than 1,500 health insurance products online.

Health Insurance Mart offerings can also be accessed through our customer service representatives (CSR's) who are trained specifically for this program and are experts in coverage options. Our CSR's average 10 years experience, and most are licensed in all 50 states. These professionals can even help applicants with pre-existing conditions, by providing information about states that make pooled coverage available. These CSR's can be reached at 877-249-7868. ♦

Marsh Global Consumer is the Illinois State Bar Association's Insurance Program Administrator. For more immediate details, please call Marsh Global Consumer at 877-249-7868 or visit us at <http://isbahealth.com>.

IN MEMORIAM

Jack O. Asher, Paris, IL
Admitted 1957
Date of Death: 7/9/10

Joseph R. Bartylak, Alton, IL
Admitted 1947
Date of Death: 8/26/10

Nathan G. Brenner Jr., Morton Grove, IL
Admitted 1956
Date of Death: August 10, 2010

Donald E. Brilley, Decatur, IL
Admitted 1981
Date of Death: 7/16/10

David N. Dailey, Moline, IL
Admitted 1974
Date of Death: 6/25/10

Edward F. Diedrich, DeKalb, IL
Admitted 1960
Date of Death: 3/22/10

Stewart Dolin, Glencoe, IL
Admitted 1977
Date of Death: 7/15/10

Richard Fehrenbacher, Dunlap, IL
Admitted 1979
Date of Death: 8/9/10

John R. Gehlbach, Elkhart, IL
Admitted 1949
Date of Death: 8/23/10

Gilbert Gordon, Deerfield Beach, FL (formerly Chicago, IL)
Admitted 1933
Date of Death: 7/6/10

Clarence K. Graves, Elmhurst, IL
Admitted 1943
Date of Death: 4/24/10

John J. Healy, LaGrange, IL
Admitted 1985
Date of Death: 7/29/10

John T. Holmstrom Jr., Rockford, IL
Admitted 1948
Date of Death: 7/20/10

Donald F. Jurewicz, Blue Island, IL
Admitted 1975
Date of Death: 8/14/10

William I. Kohn, Cleveland, OH (formerly of Chicago, IL)
Admitted 1976 (OH); 1994 (IL)
Date of Death: 2/24/10

Joseph Lamendella, Evanston, IL
Admitted 1964
Date of Death: 6/29/10

David P. Madigan, Elmhurst, IL
Admitted 2004
Date of Death: 2/18/10

Barry McNamara, Chicago, IL
Admitted 1969
Date of Death: 6/28/10

Clyde E. Murphy, Chicago, IL
Admitted 1976
Date of Death: 8/17/10

Peter Paolucci, Lacon, IL
Admitted 1955
Date of Death: 7/13/10

P. Neill Petronella, Chicago, IL
Admitted 1964
Date of Death: 2/1/10

G. William Richards, Aurora, IL
Admitted 1957
Date of Death: 11/23/09

Richard W. Robinson, South Elgin, IL
Admitted 1998
Date of Death: 6/29/10

Arthur J. Sabin, Highland Park, IL
Admitted 1930
Date of Death: 8/2/10

Jacques W. Scott, Bethany, IL
Admitted 1952
Date of Death: 7/10/10

Angela C. Simon, Dubuque, IA
Admitted 1985
Date of Death: 7/31/10

Wellington S. Smith, Joliet, IL
Admitted 1946
Date of Death: 7/2/10

Douglas F. Spesia, Joliet, IL
Admitted 1965
Date of Death: 6/18/10

Robert K. Sullivan, Orland Park, IL
Admitted 1970
Date of Death: 6/1/10

Steven D. Vernon, Chicago, IL
Admitted 2006
Date of Death: 8/15/10

Barry Ward II, Wheaton, IL
Admitted 1998
Date of Death: 7/2/10

Timothy S. Wiltsie, Belleville, IL
Admitted 1994
Date of Death: 7/12/10



ILLINOIS BAR FOUNDATION

20 S. Clark Street, Suite 910, Chicago, IL 60603 • 312.726.6072

THERE ARE SO MANY MILESTONES IN LIFE. Commemorations, memorials, so many opportunities to celebrate, honor or remember someone.

Special occasions require a thoughtful gesture, such as celebrating a graduation, paying tribute to someone's memory, or recognizing a job well done. Anniversaries, promotions, the list goes on. When these occasions arise, please consider a donation to the Illinois Bar Foundation as an appropriate acknowledgment that will help make a difference to many people.

ILLINOIS STATE BAR ASSOCIATION

Our state has a history of some pretty good lawyers. We're out to keep it that way.



MEET ME AT THE BAR
www.isba.org/mmatb

For a limited time we're offering our members the opportunity to present a **Free 6 months trial membership** to any colleague who is currently not a member.

As a sponsor, you'll not only be helping to ensure the future of our organization in providing affordable benefits – like free online legal research through Fastcase – but **you will also be eligible to receive a discount on your dues for the 2011-12 bar year.**

OFFER GOOD THROUGH 2010.

For more information, and to sign-up to become a sponsor and receive your own special code number to provide to non-members, please visit:

www.isba.org/mmatb

Eligibility Requirement: Only lawyers who are listed as "active" with the ARDC, and who've not been a member of the ISBA within the last 2 years are eligible for this promotion.
Sponsor Discount: For each new member that signs-up under your special code number and who also renews their membership at the end of the trial period, you will receive a 25% discount on your 2011-12 dues, up to 100% off.

CLE calendar

ISBA Announces its 4th Session of the New Admittee Virtual Coffeehouse: Basic Skills and More

Since its debut in February 2010, ISBA's New Admittee Virtual Coffeehouse: Basic Skills and More has helped many new attorneys fulfill their Basic Skills requirement, and has been recognized with ACLEA's top CLE award, "The 2010 Best Program Award of Professional Excellence."

**Registration for the
next Fall session is now open!**

Earn your Basic Skills credit while waiting to be sworn in to the Illinois Bar!

A person may complete a basic skills course after taking the Illinois bar examination, but before being sworn in to the Illinois Bar. For a complete overview of this rule, please visit: www.mcleboard.org

The ISBA's New Admittee Virtual Coffeehouse: Basic Skills and More program is an innovative online course for new admittees completing the Illinois Supreme Court requirement of 15 hours of Basic Skills instruction in the first year of practice. The core of the program is ISBA's studio-produced basic skills online streaming video content, which offers both required and optional selections to new admittees as if they are selecting items from a menu in a coffeehouse. The program is served in small sips over the course of three weeks and includes 45-minute interactive live weekly webinars with experienced attorney panelists. Also included are the Communal Coffeepot (an interactive discussion forum), practice-specific video tips, high-quality/practical education, healthy living tips, balanced lifestyle ideas... and much more! Required webinars are scheduled for October 26, November 2, 9, and 16. Other features are completed at your leisure during the three week session. For more information and to register for the upcoming October/November session, please visit: www.isba.org/cle/newadmittees.

Can't participate at this time?

You can still order the ISBA Basic Skills DVD set online at www.isba.org/basicskills or by calling Janice Ishmael at 800-252-8908.



■ OCTOBER 2010

18-22 – Chicago

40 Hour Mediation/ Arbitration Training

Master Series Presented by the Illinois State Bar Association and the ISBA Alternative Dispute Resolution Section

40.0 MCLE credit hours, including 4.0 APPROVED Professional Responsibility MCLE credit hours



19 – Teleseminar



2010 American with Disabilities Act Update

1.0 MCLE credit hour

21-23 – Springfield

6th Annual Solo & Small Firm Conference

Presented by the Illinois State Bar Association

Up to 14.0 MCLE credit hours, including 4.0* PMCLE credit hours



22 – Webinar



Advanced Legal Research on Fastcase

Presented by the Illinois State Bar Association

.75 MCLE credit hours, including .75 APPROVED Professional Responsibility MCLE credit hour
Complimentary to ISBA Members

26 – Teleseminar



Innocent Spouse Defense

1.0 MCLE credit hour

26 – Webinar



New Admittee Virtual Coffeehouse Session Begins

15.0 MCLE credit hours, including 7.0* PMCLE credit hours

ISBA LAW ED
CLE FOR ILLINOIS LAWYERS

FALL 2010

www.isba.org/lawed

28 – Teleseminar



Dangers of Using "Units" in LLC Planning

1.0 MCLE credit hour

28 – Chicago

Raising the Bar by Promoting Greater Diversity in the Judiciary

Presented by the ISBA Committee on Racial and Ethnic Minorities in the Law;

Co-sponsored by the Standing Committee on Sexual Orientation and Gender Identity; Standing Committee on Women and the Law; and the ISBA Diversity Leadership Council

1.5 MCLE credit hours, including 1.5 APPROVED Professional Responsibility MCLE credit hours

28 – Webcast



Raising the Bar by Promoting Greater Diversity in the Judiciary

Presented by the ISBA Committee on Racial and Ethnic Minorities in the Law;

Co-sponsored by the Standing Committee on Sexual Orientation and Gender Identity; Standing Committee on Women and the Law; and the ISBA Diversity Leadership Council

1.5 MCLE credit hours, including 1.5 APPROVED Professional Responsibility MCLE credit hours

29 – Bloomington-Normal

Bankruptcy Basics from the Experts

Presented by the ISBA Commercial, Banking and Bankruptcy Law Section

5.75 MCLE credit hours

29 – Chicago

Insurance Law: Commercial Coverage Controversies

Presented by the ISBA Insurance Law Section

3.75 MCLE credit hours

■ NOVEMBER 2010

2 – Teleseminar



Maximizing Tax Benefits in Real Estate, Part 1

1.0 MCLE credit hour

3 – Teleseminar



Maximizing Tax Benefits in Real Estate, Part 2

1.0 MCLE credit hour

3 – Chicago

Due Diligence in Mergers & Acquisitions

Presented by the ISBA Business Advice & Financial Planning Section

6.0 MCLE credit hours, including 1.0* PMCLE credit hour

4 – Lombard

Real Estate Update 2010

Presented by the ISBA Real Estate Section

6.0 MCLE credit hours, including 1.0* PMCLE credit hour

4 – Chicago

Bankruptcy Basics from the Experts

Presented by the Commercial, Banking and Bankruptcy Law Section

5.75 MCLE credit hours

5 – Chicago

Trial Practice From Voir Dire Through Post Trial

Presented by the ISBA Civil Practice and Procedure Section

7.0 MCLE credit hours, including 1.0* PMCLE credit hour

5 – Bloomington

Current Issues in Criminal Law

Presented by the ISBA Criminal Justice Section; co-sponsored by the ISBA Traffic Laws and Courts Section

5.75 MCLE credit hours

9 – Teleseminar



Uniform Commercial Code Toolkit, Part 1: Promissory Notes

1.0 MCLE credit hour

10 – Teleseminar





Uniform Commercial Code Toolkit, Part 2: Equipment Leases

1.0 MCLE credit hour


For more information and registration:
PHONE: 217-525-1760 or 800-252-8908;
ONLINE: www.isba.org/cle


11 – Teleseminar 
**Uniform Commercial Code
 Toolkit, Part 3: Secured
 Transactions**
 1.0 MCLE credit hour

11 – Webcast 
Ethics in Estate Planning
*Presented by the ISBA Trust and Estates
 Section*
 1.0 MCLE credit hours, including
 1.0 APPROVED Professional
 Responsibility MCLE credit hour

12 – Teleseminar 
Ethics for Business Lawyers
 1.0 MCLE credit hour

12 – Chicago
**Federal Tax Conference - Fall
 2010**
*Presented by the ISBA Federal Taxation
 Section*
 6.25 MCLE credit hours, including
 1.0* PMCLE credit hour


16 – Teleseminar 
**Tax Concepts for Closely Held
 Companies**
 1.0 MCLE credit hour

18 – Teleseminar 
**Estate Planning to Avoid
 Probate**
 1.0 MCLE credit hour

18 – Carbondale
**Mechanics Liens and
 Construction Claims**
*Presented by the ISBA Special Committee
 on Construction Law; Co-Sponsored by the
 ISBA Commercial, Banking and Bankruptcy
 Section*
 5.25 MCLE credit hours

19 – Teleseminar 
**Claims, Liens and Surety in
 Construction Law**
 1.0 MCLE credit hour


19 – Chicago
Current Issues in Criminal Law
*Presented by the ISBA Criminal Justice
 Section; co-sponsored by the ISBA Traffic
 Laws and Courts Section*
 5.75 MCLE credit hours

23 – Teleseminar 
**Role of Insurance in Real
 Estate
 Transactions**
 1.0 MCLE credit hour


30 – Teleseminar 
**Advanced Techniques in
 Charitable Giving**
 1.0 MCLE credit hour

30 – Chicago
**Ethics for Government
 Lawyers**
*Presented by the ISBA Standing Committee
 on Government Lawyers*
 4.0 MCLE credit hours, including 4.0*
 PMCLE credit hours

■ DECEMBER 2010

1 – Teleseminar 
**Estate Planning for Family
 Businesses, Part 1**
 1.0 MCLE credit hour


2 – Teleseminar 
**Estate Planning for
 Family Businesses,
 Part 2**
 1.0 MCLE credit hour

7 – Teleseminar 
Offers-in-Compromise
 1.0 MCLE credit hour


8 – Teleseminar 
**Structuring Real Estate
 Investment Vehicles**
 1.0 MCLE credit hour


9 – Chicago
**Green-Surfing the Internet:
 A Practical Guide for the
 Environmental Practitioner**
*Presented by the ISBA Environmental Law
 Section; Co-Sponsored by USEPA Region V*
 2.0 MCLE credit hours


9 - 10 – Chicago
**Mid-Year Meeting Law Ed
 Programming**
Presented by the Illinois State Bar Association


13 – Teleseminar 
**Employees v. Independent
 Contractors: Employment &
 Tax Implications**
 1.0 MCLE credit hour

14 – Teleseminar 
**What Employment Lawyers
 Need to Know About Social
 Media**
 1.0 MCLE credit hour

15 – Teleseminar 
**Partnership/LLC Agreement
 Drafting, Part 1**
 1.0 MCLE credit hour

16 – Teleseminar 
**Partnership/LLC Agreement
 Drafting, Part 2**
 1.0 MCLE credit hour

21 – Teleseminar 
Family Feuds in Trusts
 1.0 MCLE credit hour

22 – Teleseminar 
**Structuring Joint Ventures in
 Business**
 1.0 MCLE credit hour

■ JANUARY 2011

7 – Chicago
2011 Family Law CLE Fest
Presented by the ISBA Family Law Section
 MCLE credit - TBD

**Become a
 Champion Attorney:
 Practice Tips for all
 Lawyers from a
 Family Law Specialist***



Friday, December 10, 2010
(During ISBA's Midyear Meeting)
Sheraton Hotel
301 East North Water Street
Chicago, Illinois
8:30 a.m. – 4:30 p.m.
6.50 hours MCLE credit,
including PMCLE* credit

**Don't miss this opportunity to
 hear from one of America's
 most entertaining and
 informative CLE speakers!**

In his unique and engaging style, Master Series Presenter **Larry Rice** will provide you with practical skills to improve your law practice, whether you practice family law or some other area of law. Topics include: getting, keeping, and sometimes controlling those people who pay the bills (a.k.a. the clients); acquiring information from clients while convincing them how great their lawyer is; drafting pleadings from the client interview; understanding how an ounce of discovery can be worth a pound of gold; negotiating the best agreement for your client; the joy of cross-examination; alternative dispute resolutions; prenuptial agreements; and much more. The program moves from basic practice tips to advanced practice skills and is designed for all lawyers with a sense of humor!

Larry Rice is a board certified Family Law Specialist and partner at Rice, Amundsen & Caperton, L.L.P.C. in Memphis, Tennessee. He has lectured at eight American Bar Association conventions and to lawyers in 24 states, as well as Canada and the Caribbean, on topics ranging from Law Office Management to Ethics to Trial Practice. He is the author of several articles and books including, *The Complete Guide to Divorce Practice, Forms and Procedures for Lawyers, 1st, 2nd, and 3rd Editions*, the text for the program. Mr. Rice holds a B.A. in communication arts and history, was a British Studies student at University College, Oxford, England, and completed the American Trial Lawyer Association National College of Advocacy. He is listed in *Who's Who in American Law* and *Who's Who in the World*.

**For more information and to
 register, please visit the online
 calendar at:**

<http://www.isba.org/cle/upcoming>

**Certified as Specialist in Tennessee*

* Professional Responsibility MCLE credit is subject to approval.

NEED IT NOW?
Fastbook
is available in many
of these books.

ILLINOIS STATE BAR ASSOCIATION

ISBA Books

Two great books – one low price!

COMBO PACK: Illinois Client Interview Forms and 2010 Guide to Illinois Statutes for Attorneys' Fees

Buy both together and save 20%

ILLINOIS STATUTES FOR ATTORNEYS' FEES:

The 2010 edition of this handy book lists provisions in the Illinois Compiled Statutes that authorize the court to order one party to pay the attorney fees of another. No matter what your practice area, this book will save you time – and could make you money!

ILLINOIS CLIENT INTERVIEW FORMS:

Get this third edition (updated in '08) and interview your clients the easy way! 28 basic forms covering family law, estates and wills, real estate, p.i., and more.

Get both publications for the low COMBO price of: \$48 Members/\$68 Non-Members



HOW TO ORDER

All prices include tax and postage unless otherwise noted.

ONLINE:

Go to "Bookstore" under "Publications" at [isba.org](http://www.isba.org) (<http://www.isba.org/store>)

E-MAIL:

Contact Janice at jishmael@isba.org

PHONE:

Call Janice at 217-525-1760 or 800-252-8908.

For a complete list of titles, visit <http://www.isba.org/store>

GENERAL TOPICS

NEW!

2011 Daily Diary

The ISBA Daily Diary is an attractive book, with a sturdy, flexible sewn binding, ribbon marker, and elegant navy cover. It includes useful reference information, ample space for daily appointments and client record-keeping and month-at-a-glance calendars with plenty of space for phone numbers and addresses. **\$27.95**

Environmental Law for Non-Environmental Lawyers: Vols. 1 & 2

Written for "nonexperts," these books contain thumbnail sketches of common environmental issues prepared by Illinois and USEPA attorneys and other environmental-law practitioners. Each volume is **\$24.50 mbr./\$34.50 nonmbr.** Buy both for **\$39.50 mbr./\$49.50 nonmbr.**

A Practical Guide to the Illinois Domestic Violence Act

Designed primarily for private matrimonial and other attorneys, this 2009 book is also valuable for assistant state's attorneys and criminal law practitioners. A clear and comprehensive review of the Act. **\$40.00 mbr./\$50.00 nonmbr.**

Guide to Illinois Statutes of Limitation

This new, updated Guide contains Illinois civil statutes of limitation enacted and amended through September 2009. **\$35.00 mbr./\$45.00 nonmbr.**

Handbook of Illinois Administrative Law

A how-to, when, and where guide to Illinois administrative law covering rulemaking, due process, administrative hearings, attorney's fees, and much more. **\$50.00 mbr./\$60.00 nonmbr.**

CRIMINAL LAW

NEW!

Illinois Handbook of CRIMINAL LAW DECISIONS 2009 Edition

A must for all criminal-law practitioners—the first new edition of this classic in 10 years! Contains thousands of case summaries, with a topical index to help you quickly find the one you need. Compiled and edited by Deputy State Appellate Defender David Bergschneider and Daniel Yuhas, and Assistant Defenders Elizabeth Botti and Kerry Bryson. **\$110.00 mbr./\$150.00 nonmbr.**

NEW!

Guide to Illinois Decisions on Search and Seizure 2010 Edition

A comprehensive compendium of cases by respected scholars John F. Decker of DePaul and Ralph Ruebner of John Marshall. A great starting point for your research. **\$40.00 mbr./\$55.00 nonmbr.**

DUI and Traffic-Related Decisions

All new edition of digested traffic court decisions, conveniently categorized, back to 1986. Handy softcover format travels well. By Hon. Daniel Locallo. **\$30.00 mbr./\$40.00 nonmbr.**

Sentencing and Disposition Guide – 2008 Update

Former appellate court justice Gino L. DiVito's guide is relied on throughout the state by trial judges, prosecutors, and criminal defense attorneys. **\$30.00 mbr./\$35.00 nonmbr.**

FROM OTHER PUBLISHERS

Practical Lawyering

From Kaplan Press by award-winning Chicago lawyer Jerry Goldberg. Learn how to communicate with clients, develop winning marketing materials, quote and collect fees, and more. **\$24.50 ISBA mbr.**

Illinois Evidence with Objections

Get a 20% ISBA discount on the National Institute for Trial Advocacy's only Illinois-specific book.

At 4-by-6 inches, this complete guide to Illinois evidence travels easily to the courtroom or classroom. The text and format of this handy volume are based on NITA's bestselling book, Federal Rules of Evidence with Objections. **\$32.00 ISBA mbr.**

ABA Books

ISBA members get 15% off all ABA books.

CCH Books

ISBA members get 20% off all CCH Books, including their great 2011 tax titles. Watch ISBA Web site for listing or call Janice for more information.

ISBA events calendar

October 15 (Friday, 6:30 p.m.) Chicago

Illinois Bar Foundation Gala, Four Seasons Hotel;
IBF 312-726-6072 or email lcorrao@isba.org.

October 21-23 (Thursday – Saturday) Springfield

ISBA Solo and Small Firm Conference; more information at
www.isba.org/soloconference

November 3 (Wednesday, 11:30 a.m.) Chicago

Retirement luncheon for Chief Justice Thomas R. Fitzgerald,
Chicago Hilton; (312) 554-2057 or email tdress@chicagobar.org

November 6-13, Rome

Monumental Rome – Group Travel

December 3 (Friday, 6 p.m.) Chicago

YLD Holiday Party, Cubby Bear, 1059 W. Addison

December 8 (Wednesday, 11:15 a.m.) Chicago

Luncheon honoring Class of 1960 Distinguished Counsellors;
Sheraton Chicago Hotel and Towers

December 9-11 (Thursday – Saturday) Chicago

ISBA Midyear Meeting and Illinois Judges Association
convention; Sheraton Chicago Hotel and Towers.
(800) 252-8908

January 21 (Friday) Chicago

ISBA Board of Governors Meeting

February 3 (Thursday, 7 p.m.) Chicago

Illinois Bar Foundation Lawyers Rock Legends;
IBF 312-726-6072

Visit www.illinoislawyernow.com/bar-calendar for a list of
bar events from around the state.

FIRM ANNOUNCEMENTS

• New Partner/Associate • Received an Award • New Office Space



Tell your fellow 33,000 ISBA members your good news with an ad in the *Illinois Lawyer Now Quarterly*. Rates and sizes to fit every budget, and ISBA members receive member benefit discounts on advertising. Call today to reserve your space in the next issue.



ILLINOIS STATE BAR ASSOCIATION

Nancy Vonnahmen • 800-252-8908 ext. 1437 • nvonnahmen@isba.org

UNITED STATES POSTAL SERVICE®			Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)	
1. Publication Title Illinois Lawyer Now Quarterly		2. Publication Number 1 0 5 8 - 1 8 6 3		3. Filing Date 9/21/10
4. Issue Frequency Quarterly		5. Number of Issues Published Annually 4		6. Annual Subscription Price \$1.74
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) Illinois State Bar Association 20 S. Clark Street, Suite 900, Chicago, IL 60603-1802				Contact Person Doug Barringer Telephone (include area code) 217-525-1760
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Illinois State Bar Association 424 South Second Street, Springfield, IL 62701				
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) Publisher (Name and complete mailing address) Illinois State Bar Association 424 South Second Street, Springfield, IL 62701 Editor (Name and complete mailing address) Christopher Bonjean, Illinois State Bar Association 20 S. Clark Street, Suite 900, Chicago, IL 60603-1802 Managing Editor (Name and complete mailing address)				
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)				
Full Name Illinois State Bar Association		Complete Mailing Address 424 S. 2nd St., Springfield, IL		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None				
Full Name		Complete Mailing Address		
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)				

13. Publication Title Illinois Lawyer Now Quarterly		14. Issue Date for Circulation Data June 2010	
15. Extent and Nature of Circulation Quarterly		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		31,662.50	32,050
b. Paid Circulation (By Mail and Outside the Mail)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	26,726.25	26,698
	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	N/A	N/A
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	N/A	N/A
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	N/A	N/A
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		26,726.25	26,698
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	(1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541	4,581.50	4,785
	(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	N/A	N/A
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	N/A	N/A
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	N/A	N/A
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		4,581.50	4,785
f. Total Distribution (Sum of 15c and 15e)		31,307.75	31,483
g. Copies not Distributed (See instructions to Publishers #4 (page #3))		354.75	567
h. Total (Sum of 15f and g)		31,662.50	32,050
i. Percent Paid (15c divided by 15f times 100)		85.3%	84.8%
16. Publication of Statement of Ownership <input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed in the Fall 2010 issue of this publication. <input type="checkbox"/> Publication not required.			
17. Signature and Title of Editor, Publisher, Business Manager, or Owner 		Date Sept 21, 10	
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).			
PS Form 3526, September 2006 (Page 2 of 3)			

ATG is a lawyer service organization that helps you build your practice — and your income. By becoming a member, you can issue title insurance and handle real estate closings. Through our subsidiaries, members also provide comprehensive trust services and more. Check us out on the web, or in person at one of our convenient locations. Join ATG today.

Make your
real estate practice
bigger



800.252.0402
WWW.ATGF.COM

Contact us for more information:
Phil Krawiec *Business Development Representative*
312.752.1219 | pkrawiec@atgf.com

ATG Offices: Champaign | Chicago Loop
Chicago North Side | Frankfort | Libertyville | Lombard
Mt. Prospect | Oak Lawn | Wheaton | Belleville | Madison, Wis.
NLT Title (ATG Subsidiary): Belvidere | Crystal Lake | Rockford



St. Clair County Circuit Judge Milton S. Wharton, who has dedicated much of his spare time to giving opportunities to disadvantaged children, is a member of the ISBA special committee on juvenile justice. Credit: Zia Nizami



424 South Second Street
Springfield, Illinois 62701
www.isba.org



FALL 2010

ILLINOIS LAWYER
NOW
Vol. 2 • No. 1
QUARTERLY