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A Justice from Illinois

Some things you may not know about
John Paul Stevens

[Read Judge Michael B. Hyman's
review of "John Paul Stevens:
An Independent Life" on page 4]

Cubs fan At age 12, Stevens attended the 1932 game at Wrigley Field when Babe Ruth either did, or did not, "call" a home run by pointing to the center field wall. Stevens' judgment – "It happened."

Early taste of justice When Stevens was 13, his father was convicted for embezzlement involving the family-owned businesses, including the Stevens Hotel (now the Hilton Chicago), but the conviction was overturned by the Illinois Supreme Court.

Wartime intelligence Stevens received a Bronze Star for his service in the US Navy intelligence service, helping break Japanese military codes during World War II. He actually enlisted on December 6, 1941, one day before Pearl Harbor.

GPA record holder At the end of the war, Stevens enrolled in the Northwestern University School of Law, receiving his J.D. in 1947, graduating *magna cum laude* with the highest GPA in the school's history.

Prosecuting judicial corruption In 1969, the Illinois Supreme Court appointed the presidents of the Chicago Bar Association and Illinois State Bar Association to form a commission to investigate corruption allegations against Chief Justice Roy Solisberg and former Chief Justice Ray Klingbiel. The commission appointed Stevens, then practicing antitrust law, as its pro bono counsel. The commission's recommendations resulted in the two justices resigning from the Court.

Admirers in high places Faced with the retirement of Justice William O. Douglas, President Gerald Ford turned to his Attorney General, Edward



Justice Stevens is greeted by ISBA President Francis J. Householter of Kankakee prior to the ISBA's Centennial Dinner in Springfield on January 22, 1977. In his first public speaking engagement after his appointment to the Supreme Court, Stevens delivered the keynote address at the Association's commemoration of its 100th birthday.

Levi, for advice. Levi, former dean of the University of Chicago Law School, gave then - 7th Circuit Judge Stevens a strong recommendation, seconded by Donald Rumsfeld, Ford's defense secretary. Ford nominated Stevens to be the 101st justice of the Court, and he was confirmed by a 98-0 vote in the Senate.

Quote he'll be known for From his dissent in *Bush v. Gore*: "Although we may never know with certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law." ♦

The Box Score (and counting)	Majority Opinions	Dissents	Concurrences
John Paul Stevens U.S. Sup. Ct., 1976-2010	390	636	374

Supreme Court Justices from Illinois

Five Illinoisans have served as justices of the U.S. Supreme Court, including two presidents of the Illinois State Bar Association.

David Davis of Bloomington was appointed by **President Lincoln** and

served on the Court from 1862 until he resigned to return to Illinois in 1877. He served as president of ISBA in 1884.

Melville Fuller was born in Maine, but because most of his law practice was in Chicago, he is considered to be an Illinoisan, serving as president of ISBA in 1886. Appointed by **President Cleveland**, he served as Chief Justice

from 1888 until his death in 1910.

Arthur Goldberg, a Chicagoan appointed to the Court by **President Kennedy**, served only from 1962 until 1965 before being appointed (by President Johnson) to be Ambassador to the United Nations.

Harry Blackmun is generally considered to be from Minnesota but was

born in Nashville, Illinois. Appointed to the Court by **President Nixon**, he served from 1970 until his retirement in 1994.

John Paul Stevens of Chicago was appointed by **President Ford** in 1975. His retirement this summer at age 90 makes him the fourth longest-serving justice in the history of the Court. ♦



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Winners announced in ISBA Board of Governors races

The results from the Illinois State Bar Association's election are in and incumbents **Russell W. Hartigan** and **Mark E. Wojcik** have been re-elected to the Board of Governors. **Karen M. Enright** of Chicago picked up the third Cook County seat. **Jamie L. Bas** of Swansea was the winner in the Under 37 Downstate race.

Hartigan is a partner at Hartigan & O'Connor P.C. in Chicago. He focuses his practice in civil litigation, municipal, personal injury and real estate.

Wojcik is a professor at the John Marshall Law School where he has taught legal writing, torts, human rights and international subjects.

Enright is a partner at Winters Enright Salzetta & O'Brien, L.L.C. in Chicago. She focuses her practice in personal injury and won the 2009 ISBA Board of Governors Award.

Bas is an associate at DeFranco & Bradley P.C. in Swansea. She concentrates her practice in the areas of insurance

defense, plaintiff's nursing home negligence and general civil litigation.

Paula Hudson Holderman of Winston & Strawn was previously announced as the winner in the uncontested race for 3rd Vice President. She will become president of ISBA in 2013 after serving a year in each of the three vice presidential posts.

Full results from all contested races are available at IllinoisLawyerNow.com. ♦

2010/2011 ISBA Officers

President:

Mark Hassakis, Mt. Vernon

President-elect:

John Locallo, Chicago

2nd Vice President: John Thies, Champaign

3rd Vice President: Paula Hudson Holderman, Chicago



Bas



Enright



Hartigan



Wojcik

Lisa Corrao named executive director of Illinois Bar Foundation

Lisa Corrao has been selected to be Executive Director of the Illinois Bar Foundation (IBF), the charitable arm of the Illinois State Bar Association.

Corrao joined the Foundation in March, 2008, as Associate Executive Director. Her previous experience includes serving as the Director of Development for the Chicago Sinfonietta and Vice President of Advancement for the Illinois Saint Andrew Society in North Riverside. She was Director of Development and Communications of the Glenwood School for Boys and Girls from 1996 to 2000.

"Lisa's extensive experience fits well with the goals and programs of the Foundation," said Vincent Cornelius of Wheaton, IBF president. "We are looking forward to expanding the IBF's ability to channel funding



Lisa Corrao

to crucial legal and social services that are increasingly needed by Illinois citizens."

Established in 1951, the Illinois Bar Foundation's mission is to ensure meaningful access to the justice system, especially for those with limited means, and to assist lawyers who can no longer support themselves due to incapacity.

A native of Park Forest, IL, Corrao received her B.A. degree in Broadcast Communications from Columbia College, Chicago, in 1987. She resides with her husband, Giorgio, and their twins Alex and Mandi in Mokena.

The Illinois Bar Foundation is located at 20 S. Clark St., Suite 910, Chicago, IL 60603, and the phone number is (312) 726-6072. Further information also is available on-line at www.isba.org. ♦

Stevens' biography captures fascinating jurist

Reviewed by Judge Michael B. Hyman

*Circuit Court of Cook County and member of ISBA
Bench & Bar Section Council*

Turning 90 years old calls for reflection, especially if the individual happens to be a retiring justice of the United States Supreme Court. And when the Justice's career stretches over four decades, it also becomes a time of celebration. The Justice's judicial career, according to a knowledgeable observer, "has been a process of learning, a recognition that habits and principles change, that each truth must be born of someone's experience." Although that assessment applies to Justice John Paul Stevens, it was made on the occasion of another Justice reaching the same momentous milestones, Oliver Wendell Holmes, Jr.

In their illuminating biography of the 101st Justice, *Chicago Tribune* business writer Bill Barnhart, and former GOP State Rep. and lawyer Gene Schlickman, provide a much-appreciated glimpse into the life of the non-ecclesiastical John Paul and the force and clarity of his evenhanded approach to decision-making. They stir a fascination for a jurist in the mold of Holmes, whose influence may some day rival that of the great Holmes himself.

The authors have done their best to reveal the largely unknown life of the most obscure member of the Supreme Court. Although Stevens did not actively participate in the preparation of this biography, we can hope that will not be the case for the next one. Justice Stevens deserves a comprehensive study of his life and opinions.

Chicago Roots

Born and raised in Chicago's Hyde Park/Kenwood neighborhood, Stevens' father, Ernest, was a conservative Republican who built one of Chicago's landmark palaces - the 3,000 room Stevens Hotel (today, the Chicago Hilton and Towers). Partly financed with bonds purchased by an insurance company also owned by the Stevens

family, The Stevens Hotel opened in May 1927, when Stevens was seven.

During the Depression, the insurance company went into receivership, culminating in the indictment and arrest of Ernest, his brother and his father for embezzling from the insurance company to shore up The Stevens Hotel. A jury convicted Ernest after deliberating for just five hours. (Before trial, Ernest's brother committed suicide and his father suffered a debilitating stroke.) All was not lost, however. In unanimously overturning the verdict, the Illinois Supreme Court found in the record "not a scintilla of evidence of any concealment or fraud attempted."

Stevens followed an older brother into the profession. He completed law school at Northwestern University in two years, courtesy of an accelerated program directed at veterans (Stevens served in the Navy). Quite amusing is the authors' scrutiny of Stevens' answer to a constitutional law examination for hints of his subsequent respect for judicial restraint. Stevens' next stop was a clerkship with Supreme Court Justice Wiley Rutledge during the 1947 Term. A coin flip with another student netted Stevens the position. Stevens absorbed much from Justice Rutledge, including the tenets of judicial pragmatism and that cases should be decided based on a rigorous analysis of the facts.

Returning to Chicago, Stevens was hired by the law firm known today as Jenner & Block. The authors quote Stevens complaining in a letter to Rutledge about the firm's policy of docking the pay of new lawyers for attending the admission ceremony in Springfield. Name partner Edward R. Johnston, a preeminent antitrust defense attorney, took Stevens under his tutelage. Three years later, Stevens left the firm for a stint in Washington with the House Judiciary Committee. There, the life-long Chicago Cubs fan played a role in hearings scrutinizing baseball's antitrust exemption and led the questioning of Cubs owner Philip K. Wrigley, among others. (The book fails to mention that Stevens attended the 1932 World Series game in which Babe Ruth hit his "called" home run.)

Building a Practice

In July 1952, Stevens, a Protestant, formed a partnership with a Jewish and a Catholic lawyer. Barnhart and Schlickman give Stevens' legal practice short shrift, except for his representation of Charlie O. Finley, the legendary baseball entrepreneur, and his work as counsel, on a pro bono basis, to the committee that investigated charges of bribery against two Justices on the Illinois Supreme Court.

Due to the "expeditious, soft-spoken handling" of the scandal, "Stevens's star rose." Soon, as the result of

circumstances that only fate could have planned (and which the authors do a good job of tracing), Stevens joined the Seventh Circuit Court of Appeals. His 26th floor chambers were next to the Chicago office of the CIA.

The authors present an abbreviated overview of Stevens' five years on the Seventh Circuit. He participated in 542 decisions, and wrote 289 opinions, dissents, or concurrences. Despite the court's "reputation as a liberal bastion" (Not any more!), Stevens was called "moderate," "centrist," "balanced," "generally conservative," and [a] "careful craftsman."

Another Twist of Fate

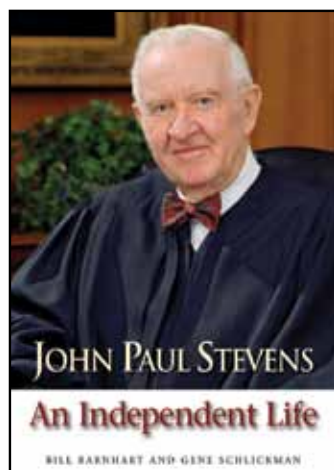
In 1975, President Ford "decided to place independence and professionalism over pandering and gamesmanship as a winning political strategy" for filling the William Douglas vacancy. In another twist of fate, ably reported by the authors, Stevens was tapped and then sailed through the Senate (the last Justice to do so).

The concluding three chapters, covering Stevens' 35 years as an Associate Justice, were disappointing. I believe the authors tried to avoid an overly legalistic focus to attract a general audience, while adding enough legal insight to interest lawyers. They do not succeed - both the lay reader and lawyer may come away feeling short-changed.

Barnhart and Schlickman contend that "Stevens was the reincarnation of his former boss," Justice Rutledge, and spend the remaining one-quarter of the book making this point, zeroing in on Stevens' decisions regarding gender discrimination, abortion, flag burning, and the death penalty.

In the final chapter, "The Independent Justice," the authors veer to a misplaced discussion of guidelines for appointing justices. They should have concentrated on pulling together the strands of Justice Stevens' private life and his prolific opinion writing to better assess the exemplary nature of his independence.

John Paul Stevens: An Independent Life lacks the smooth story telling and impact of *Becoming Justice Blackmun* by Linda Greenhouse. Nevertheless, Barnhart and Schlickman deliver an engaging account of Justice Stevens' life, and convincingly argue that once on the bench Stevens submitted to neither ideologies nor political allegiances, and preserved his independent thinking. Along the way they also demonstrate that what Benjamin Cardozo wrote of Justice Holmes on his 90th birthday equally can be said of Justice Stevens, "One cannot read [his] opinions without seeing honor and courage written down on every page." ♦



John Paul Stevens: An Independent Life by Bill Barnhart and Gene Schlickman, Northern Illinois University Press (2010) 324 pp. 43 illus. \$26.95

Capitol Chronicle



by **Jim Covington**

Director of Legislative Affairs

As the General Assembly nears adjournment this spring, these bills are still alive in the legislative process. (Go to www.ilga.gov to check updated bill status.)



Sexting. House Bill 4583 (Senger, R-Naperville; Sen. Silverstein, D-Chicago) provides that a minor who distributes indecent visual depictions of another minor may be subject to a petition for adjudication and adjudged a minor in need of supervision. If the minor is found in need of supervision, he or she may be ordered to obtain counseling or other supportive services or required to perform community service.

Constitutional amendments. HJRCA 31, which allows voters to recall a sitting governor, was the only constitutional amendment that passed. This proposed amendment will be on this November's ballot for the voters to approve or disapprove.

Illinois Power of Attorney Act. House Bill 6477 (McAsey, D-Lockport; Wilhelmi, D-Joliet) is a comprehensive update of the Illinois Power of Attorney Act. Its two goals were to make the forms and instructions more user-friendly and understandable but at the same time expand protections of the often-vulnerable principal. Among its many changes are as follows: (1) Elevates the agent's standard of care to the principal from "due care" to "acting in good faith using due care, competence, and diligence". (2) Creates a statutory notice to principals and agents explaining their rights and responsibilities under the PoA and the Act. (3) Expands the remedies against an agent who abuses his or her fiduciary responsibilities in taking care of the principal. (4) In a health care PoA, deletes the outdated term "irreversible coma" and replaces it with the medically accepted terms used in the Health Care Surrogate Act. (5) Expands the current Act's authorization for a principal to name a successor agent to give guidance on how to do that and provides forms to facilitate doing so. (6) Authorizes co-agents in non-statutory powers of attorney for property. Although co-agents are not permitted in the statutory short-form, principals often insist in naming co-agents, such as two or more of their children. This acknowledges current reality and provides guidance for people to

do this if they wish. (7) Amends the venue section to make it more convenient for the often-immobile principal. (8) Incorporates into the health care PoA the latest medical changes required by HIPAA and the new Disposition of Remains Act. (9) Protects relinants by creating a statutory form entitled "Agent's Certification and Acceptance of Authority" that the reliant may demand to ensure that the presented PoA is valid.

Home Repair and Remodeling Act. Senate Bill 2540 (Wilhelmi, D-Joliet; Thapedi, D-Chicago) gives the consumer a private remedy under the Consumer Fraud and Deceptive Business Practices Act. It repeals current language in the HRRRA in which any failure to abide by the Act is unlawful.

Trusts and Trustees Act. Senate Bill 2509 (Dillard, R-Westmont; Coladipietro, R-Bloomington) clarifies that a trust beneficiary who is given a power to withdraw trust assets is not considered to be a grantor of the trust simply because the power to withdraw lapses.

Post-trial motions in child support. Senate Bill 2570 (Righter, R-Mattoon; C. Gordon, D-Coal City) clarifies that a § 2-1203(b) motion does not stay enforcement of an order for child support or maintenance. It conforms this statute to § 413(a) of the Illinois Marriage and Dissolution of Marriage Act.

The Parentage Act of 1984. Senate Bill 2606 (Raoul, D-Chicago; Ford, D-Chicago) makes this Act consistent with modern scientific practice in the use of DNA for genetic testing. Makes other changes as well.

Tampering with public records. Senate Bill 3800 (Cullerton, D-Chicago; Lang, D-Skokie) creates a separate Class 3 felony against judges, clerks, public officials or employees, or court reporters for tampering with public records. Defines "public record" to expressly include, but is not limited to, court records pertaining to any civil or criminal proceeding in any court. It applies if any of these listed people knowingly and without lawful authority alter, destroy, deface, remove, or conceal any public record received or held by any judge or by a clerk of any court. Requires that anyone convicted of this offense must forfeit his or her public office or employment and pension. Authorizes any party "having an interest in the protection and integrity of any court record, whether such party be a public

official or a private individual shall have the right to request and, if necessary, to demand that an investigation be opened into the alteration, destruction, defacement, removal, or concealment of any public record." Gives the State Police and the Attorney General standing to investigate and prosecute if the local law enforcement and state's attorney do not.

Theft and retail theft. Senate Bill 3797 (Cullerton, D-Chicago; Lang, D-Skokie) increases the amount to charge a felony for theft from \$300 to \$500 and for retail theft from \$150 to \$300. If enacted it will take effect on Jan. 1, 2011.

DUI. Senate Bill 3732 (Crotty, D-Oak Forest; Mell, D-Chicago) allows the secretary of state to suspend the driver's license of a suspected DUI offender for one year for failing to submit to a chemical test if the driver was in a motor vehicle accident that caused serious personal injury or death to another.

Traffic law. Senate Bill 3796 (Cullerton, D-Chicago; D'Amico, D-Chicago) does two things. (1) Makes it a Class B misdemeanor to be convicted of speeding more than 30 miles per hour but less than 40 miles per hour above the speed limit. (2) Prohibits the court from awarding supervision to a driver for driving more than 40 miles per hour or more above the speed limit (Class A misdemeanor).

Common Interest Community Association Act. Senate Bill 3180 (Wilhelmi, D-Joliet; Cross, R-Oswego) creates a comprehensive statute governing real estate other than a condominium or cooperative in which the owners are obliged to pay for common areas that are administered by an association. It also creates the Service Member Residential Property Act to govern termination of leases and other related issues if the lessee goes on active duty military service for not less than 180 days.

Sex offenders. Senate Bill 3084 (Martinez, D-Chicago; Mell, D-Chicago) makes the Sex Offender Registration Act retroactive for all applicable convictions. ♦

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.

Looking for lawyers who care

Incoming ISBA President Mark D. Hassakis

Mark D. Hassakis is a lawyer on the go. From his home office in Mt. Vernon in Southern Illinois, Hassakis keeps appointments with clients in far-flung cities and towns on a regular basis; and to fulfill his ISBA responsibilities, he spends countless hours travelling to Chicago – a four hour, 10 minute one-way commute (with no pitstops) – and other points in Illinois. Catching him in his home office is a rarity these days.

“At least one day every month, sometimes more often, I’ll be in Mt. Carmel, Effingham, Belleville, Vandalia, Olney, and Marion meeting with clients, working on cases,” says Hassakis. “I also schedule meetings with clients up and down Interstate 57 on my frequent trips to Chicago, including a small number of clients in Chicago itself.”

Hassakis & Hassakis, P.C. began as the firm established in 1950 by his father, Demetri Hassakis, who engaged in a full service practice typical of the time. When Mark received his J.D. in 1976, he joined his father’s firm. “Back then, we did everything for clients, but over time, the practice evolved into what it is today,” Mark says.

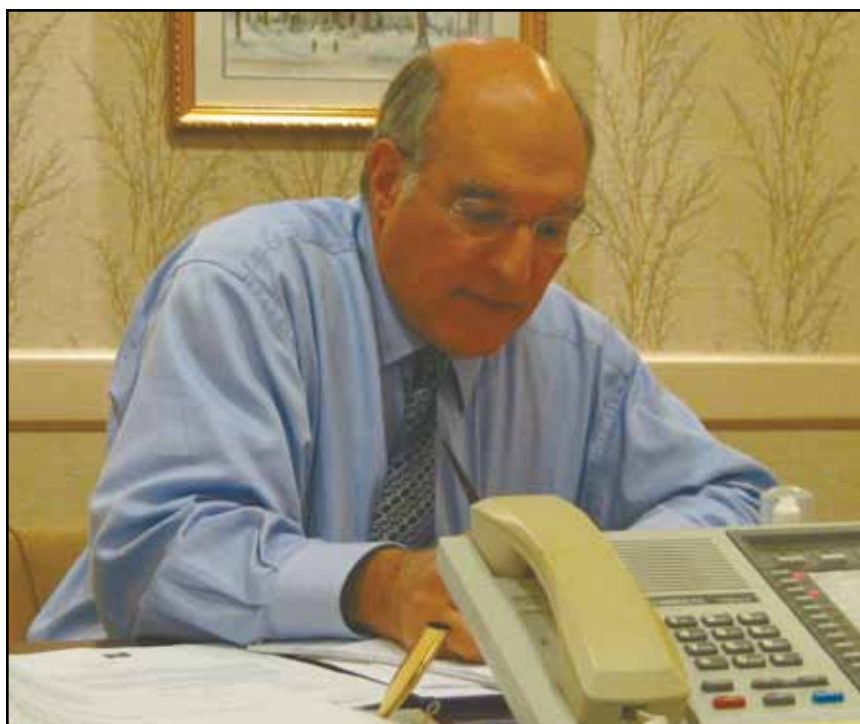
The Hassakis firm of 2010 concentrates in all types of injury and wrongful death cases, both work and non-work related. In addition the firm represents clients at administrative hearings before the Secretary of State for driving relief in DUI and other excessive violation cases. Mark has another lawyer in the practice and collaborates with other lawyers on special injury cases. With 60 years under its belt, Hassakis & Hassakis, P.C. describes itself as a “Distinguished Boutique Law Firm.”

Assuming leadership of the Illinois State Bar Association has special meaning for Hassakis, in part because of his Southern Illinois roots, in part because he’s the first Greek American president of the ISBA, but mostly because of the issues and programs he cares about.

Recognizing exceptional service by lawyers

As the 134th President of ISBA, his guiding theme will be “Lawyers Care,” demonstrating his pride in the profession and the extraordinary efforts lawyers make every day to go above and beyond in their service to their communities and to the profession. During his presidency, he will spotlight examples of the beneficial role lawyers voluntarily undertake to help shape a brighter future for our state and its citizens.

Looking ahead to a next generation of outstanding lawyers and bar leaders, Hassakis is creating the President’s Circle, made up of ISBA members admitted for less than 5 years who have already made noteworthy contributions to



Incoming ISBA President Mark D. Hassakis is rarely at his Mt. Vernon office. He keeps appointments with clients in far-flung cities and towns on a regular basis; and to fulfill his ISBA responsibilities, he spends countless hours travelling to Chicago – a four hour, 10 minute one-way commute.

the organized bar and to their communities in addition to being outstanding practitioners.

A different way forward for juvenile offenders

Underlying Lawyers Care will be a special emphasis on juvenile justice, a subject about which Hassakis is very passionate. “We must do something about the epidemic of juvenile crime, which is a symptom of our society’s loss of a lot of family structure and shortfalls in our education system. We build prisons and incarcerate juvenile offenders, but there is little in the way of rehabilitation. We spend money and resources we don’t have on solutions that don’t generally work.”

Partnering with such groups as Illinois Models for Change, which is supported by the John D. and Catherine T. MacArthur Foundation, and with other bench and bar organizations, ISBA will conduct a symposium this fall to raise the profile of the juvenile justice system in the

public’s mind. The goal will be to encourage a new and expanded manner in addressing juvenile offenders, by offering a financial incentive for communities that send fewer youth to prison. “There is a leading role to be played by lawyers and judges in reforming a system that can’t keep up with the tragedy of troubled youth and the pressure that that places on our schools. Lawyers who care can and will make a difference,” Hassakis says.

A central role in the juvenile justice project will be played by George Timberlake, a retired judge of the 2nd Circuit, who now works through the Illinois Models for Change Initiative. The Initiative has five demonstration sites in Illinois – in Cook, DuPage, Peoria, and Ogle counties, and in the 2nd Circuit.

“I want to help identify lawyers and judges in additional counties to implement community-based juvenile justice strategies that are proven to be more effective than incarceration,” Hassakis says. “With our acute fiscal crisis, Illinois can’t afford to waste financial resources that fail to produce results. It is my hope that these limited resources can be better allocated to achieve markedly improved results.”

The importance of family and Mt. Vernon

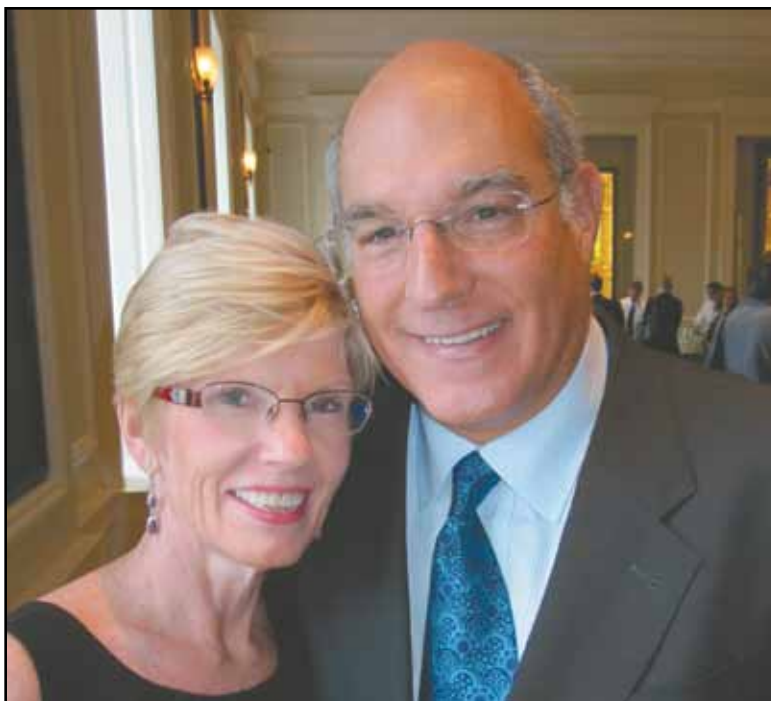
Mark started in practice with his father, who died in 2003, and now relies on his wife, Janet, and other staff to run the firm. “Janet is invaluable in the office when I’m gone, and we couldn’t begin to do everything without her,” he says. Most days find Janet at the office well into the evening.

(Continued on page 7)

Their daughter, Hallie, 28, holds a masters degree in International Relations and works for the federal government in Washington, D.C. Their son, Mark Denny, died in 2007 at age 23.

Community activities have played a big part in Mark's life, including service on the board of the Downtown Mt. Vernon Development Corporation, the leadership group revitalizing and redeveloping the downtown. He and Janet served previously as co-presidents of the Jefferson County Heart Association, and both are active members and sponsors at Cedarhurst, a nationally-renowned local art museum/sculpture park.

An outstanding community effort spearheaded by Mark was the dedication in 2008 of a statue of Abraham Lincoln in front of the historic Fifth District Appellate courthouse in Mt. Vernon, as part of the Lincoln Bicentennial. The statue project featured a dedication ceremony attended by all members of the Illinois Supreme Court and the Fifth District Appellate Court. The Illinois Supreme Court en banc also convened in ses-



Mark started in practice with his father, who died in 2003, and now relies on his wife, Janet, and other staff to run the firm. "Janet is invaluable in the office when I'm gone, and we couldn't begin to do everything without her," he says.

sion in the same courtroom where Abraham Lincoln argued a case in 1858.

With so many things going on in his law practice and bar activities, you won't often find Hassakis sitting still, but for relaxation, that's what he does. "My idea of winding down is to go to Chicago, sit on a couch, and watch TV – maybe a taped Cubs or Northwestern game, especially if I know they've won." He also uses such times to catch up on reading and staying on top of his bar work.

One thing is for sure. Mark D. Hassakis promises an exciting year of accomplishments as president of the Illinois State Bar Association. The ISBA, like Mark, will be on the go for the next 12 months. ♦



What will your legacy be?

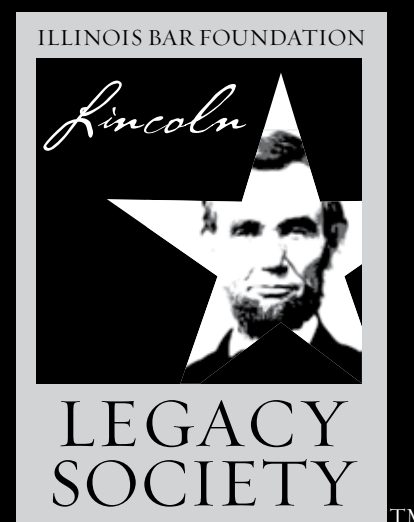
IF YOU HAVE PROVIDED A GIFT to the Illinois Bar Foundation in your estate plan, you are eligible for membership in the IBF Lincoln Legacy Society.

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.

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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.

New developments in legal research

by **Bryan Sims**

Sims Law Firm, Ltd., Naperville

The last several months have yielded some significant advances in the legal research field. Fastcase now allows you to do your legal research on your iPhone. Lexis integrates with Microsoft Office. With WestlawNext, West introduces a new way of searching. Finally, Google Scholar provides free legal research.

Below I briefly address each of these new developments.

Fastcase iPhone App

Not only does your ISBA membership provide you with free legal research, but now there is also an app for that. Fastcase recently released an app for the iPhone that allows you to perform legal research from anywhere your iPhone can access the internet.



I doubt that many people will be switching their primary research activities to their iPhones. However, it is comforting to know that, if you have an iPhone, you can easily run a quick search or pull up a case on the fly. I know that I have been in court before and wished I could run a quick search to pull up a case relating to an unexpected issue that arose. The Fastcase iPhone app gives you this ability.

The app also allows you to save your search history and customize other features. The app is free. So, if you have an iPhone, there is no reason not to try this app out. If nothing else, install the app so you have it in an emergency if the need arises.

Although this app is currently available only for the iPhone, Fastcase has stated that they plan to develop a similar app for both Android phones and Blackberries.

Lexis for Microsoft Office

Lexis for Microsoft Office is designed to integrate your Lexis research directly into Microsoft Word, Outlook and SharePoint. It works with both Office 2007 and 2010. However, it will not work with earlier versions of Microsoft Office.

The integration allows you to search the Lexis database from within Microsoft Office and have the results displayed within Office. In addition to searching for cases, the integration also allows you

to access background information on companies, people, cases, etc., that appear in your Word document or Outlook message.

I have not tried this product, but Lexis claims that it automatically indexes the document or email that you are working on and provides hyperlinks to information from both LexisNexis and the Internet. This information appears in a sidebar in the Office application.

One nice feature of this is the fact that this background searching will automatically display Shepard's information on the cases that it finds. If nothing else, the integration will make it very simple to access a case or a case's history. Being able to view that information without having to leave your word processing program is a great benefit.

For those who already use Lexis for legal research, this integration is definitely something to check out.

WestlawNext

I have watched with interest the information available for both the Fastcase iPhone app and the Lexis integration with Microsoft Office. However, I have not yet had the opportunity to try either. This is because I don't have an iPhone and I don't use Lexis. However, I have used WestlawNext and have nothing but good things to say about it.

With WestlawNext, West has redesigned how you search Westlaw. The best way I can describe it is that using WestlawNext is more like using Google than it is like using Westlaw. You no longer pick a particular database to search. Instead, you enter your search, and you get results in a variety of databases - including cases, statutes, regulations, administrative decisions, briefs, etc.

These results also include a short excerpt, thus allowing you to get an idea of what each result has to say. Additionally, the search will pull results from databases that are not included in your plan. You don't have to worry about accidentally choosing one of these out of plan results as they are clearly marked with an "Out of Plan" banner. However, seeing the result may allow you to conclude that you need to leave your plan to review a particular result.

WestlawNext has also added some small touches that make it more user-friendly. For example, when I email a case, both the subject of the email as well as the name of the attachment are the case name. With Westlaw, that same information was a useless document identification number.

If you are considering switching legal providers or if you are a current Westlaw customer, talk

to your representative about taking a test drive of WestlawNext.

If you are a Lexis customer, be patient. Lexis is performing a similar redesign of their service that is supposed to be rolled out in 2011. Previews of this new service show that it, like WestlawNext, treats searching more like Google does than like West and Lexis have done in the past.

Google Scholar

The final recent development in legal research is Google Scholar. At this point, Google Scholar is not meant to become your sole source of legal research.

However, it is an interesting experiment and may be a good place to start your research, especially if you have to do research on something outside of your plan.

Google Scholar (which is found at scholar.google.com) allows you to search cases and law journals. Obviously, it will search only those items that are available to Google. Thus it is not a complete collection of either cases or journal articles.

However, for a quick search to get started or to retrieve a case that is not within your research plan, it is a good option.

In addition to allowing you to view cases, Google Scholar also includes a "How cited" tab. This tab provides information about cases that have cited the case you are reviewing. Although this feature does not replace properly shepardizing a case, it is a nice feature.

Like the Fastcase iPhone app, Google Scholar is free. Thus, there is no downside to checking it out to see how it works.

I often hear attorneys talk about how much legal research has changed from when they went to law school and had to do all of their research by hand in books. There is no doubt that we have seen a significant shift from printed research to electronic. However, these recent developments in legal research reveal that we are still seeing significant changes. The new services described here are qualitatively different from the electronic legal research that was found in classic Westlaw and Lexis. ♦



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\$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

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How to get more business: 20 tips on marketing the small law firm

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

Gone are the days when attorneys simply practiced law. Today, they face increased competition, shrinking demand for services and increasing supply of professional talent, availability of service substitutes, and marketing of professional services. Marketing can no longer be ignored if small law practices are to survive in the future.

Based upon our observations drawn from working with client law firms over the past 18 years, we have concluded that marketing is poorly understood and ineffectively implemented in many small law firms. Attorneys are uncomfortable with marketing. This is primarily due to lack of understanding, training, and experience with the process.

We suggest the following tips for implementing marketing in your firm:

TIP 1: Without an effective marketing infrastructure, marketing at the firm, practice group or individual level is virtually impossible. A few essentials:

- A business and marketing plan for the firm, practice groups, and individual attorneys
- Someone assigned to coordinate the marketing activities of the firm. In a large firm, a marketing director and a team of marketing professionals are typically employed. In small firms, appoint a focal person such as the administrator or office manager, or a responsible attorney or secretary
- A firm identity plan that is used consistently in all external communication collateral marketing materials such as letterhead, business cards, web sites, PowerPoint presentations, brochures, newsletters, press releases, media kits, seminar handouts, etc. This plan should be developed to differentiate and reflect the image of the firm
- Quality collateral marketing materials
- A content-driven web site. The web site should be database driven to facilitate easy updating
- A contact database of clients, referral sources, target and prospective clients, media sources, etc.
- Content such as articles, case studies, recent verdicts, that demonstrate the unique capabilities of the firm

TIP 2: Don't copycat. Brand yourself. Look for ways to differentiate yourself and your firm from

your competitors. Become the only attorney that can do what you do. Make a decision - what do you want to be known and remembered for? Unique services, unique client groups, different service delivery strategy, personal style. Create a five-year plan to accomplish this goal.

TIP 3: Launch a program to obtain client feedback on client needs, opportunities, and quality of law firm services. A follow-up/problem resolution system must be part of the program.

TIP 4: Create the culture and environment. Marketing and client service needs to be incorporated into the culture of the firm. All attorneys and staff should have a role in marketing. Senior partners must walk the talk and consistently build and reinforce the marketing goals of the firm. Marketing goals and action plans should be formulated and team members held accountable. Over time a marketing mindset will emerge.

TIP 5: Provide marketing training/coaching for attorneys and staff.

TIP 6: Improve time management skills of everyone in the firm.

TIP 7: Establish daily marketing goals and measure your personal marketing results on a daily basis. Analyze successes and failures.

TIP 8: Get out of the office. Visit a client's place of business once a month. Take a client to lunch once a week.

TIP 9: Improve your communication skills with both clients and office teammates.

TIP 10: Prepare and submit press releases monthly to clients, prospective clients, media and the general legal community.

TIP 11: Learn how to become "solutions oriented" and become a trusted advisor to your clients as opposed to simply their attorney. Solutions may involve activities and services other than legal services. Think out-of-the-box and outside of typical frameworks in which you are comfortable.

TIP 12: Explore the feasibility of ancillary businesses.

TIP 13: Get your newsletter on track and on a consistent basis (at least quarterly). Send via e-mail.

TIP 14: Join a client's trade association and make contributions in the form of articles, speeches, conference attendance, etc. Learn the client's business from top to bottom.

TIP 15: Institute quarterly client service/marketing brainstorming sessions. Break the rules. Encourage all members in the firm to think out-of-the-box and innovate. Look for new ways to solve client problems. Look for new solutions.

No topic should initially be considered out-of-bounds.

TIP 16: Consider using a client advisory council. Once a year hold a client advisory council forum in which the firm solicits feedback from clients.

TIP 17: Create a new client niche and market your unique experiences intensely. Strive to develop a national reputation in the niche.

TIP 18: Develop and practice the following leadership behaviors:

- Formulate and articulate a shared vision for the firm
- Lead the fight for constructive organizational change
- Empower and develop other attorneys and support personnel and enable them to accept responsibility and make decisions
- Develop and foster an effective management team
- Develop problem-solving and multiple-options thinking skills
- Take intelligent risks
- Make tough decisions
- Establish both firm goals and performance goals for all attorneys and support personnel
- Seek input from others
- Coach and develop others
- Confront and deal directly
- Hold everyone in the firm accountable for actions and performance

TIP 19: Conduct an annual firm retreat. Include both attorneys and staff. The first few items on the agenda should include a review of:

- Things that the firm did well and could have done better
- Things done poorly
- Things the firm should have done but did not do

TIP 20: Do it now. Marketing and other developmental projects affect the future of your practice and are just as important as short-term production and billable hours. David Maister says it best. "Your billable time is your current income ... your non-billable time is your future." ♦

John W. Olmstead, MBA, Ph.D., CMC, 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 listserver discussion group (www.isba.org/discussions), which John and other committee members review. Contact John at jolmstead@olmsteadassoc.com.

Is a “legal holiday” - even if not observed - a legal holiday in Illinois?

by Donald L. Shriver, *Shriver, O'Neill & Thompson*

Many practitioners may have overlooked a recent decision reported out of the Second District Appellate Court, *Bertell v. Rockford Memorial Hospital* 913 NE 2d 123, 332 ILL Dec. 528 (2nd Dist. 2009), because West catalogued it under “Mental Health.” The case, which initiated in the Winnebago County trial court, arose out of the dismissal of Plaintiff’s suit against Defendant hospital for involuntarily committing Plaintiff after failing to file the petition within 24 hours of his detention in violation of 405 ILCS 5/3-611 (West 2006).

At first it would seem the plaintiff’s rights were violated because he was initially detained on Sunday, Feb. 12, 2006, and the petition was filed on Tuesday, Feb. 14, 2006. But Defendant immediately countered under the Statute on Statutes (5 ILCS 70/1.11 (West 2006)) that “Saturday or Sunday or ... a holiday as defined or fixed in any statute now or hereafter in force in this State,” shall be excluded from the computation. Therefore, since the State Commorative Dates Act (5 ILCS 490/60 (West 2006)) says Lincoln’s Birthday, *i.e.* the twelfth day of February, is a legal holiday; however, if the twelfth falls on a Sunday the following Monday will be observed as the legal holiday, the petition was indeed timely filed.

One might pause and say: “Well, that seems clear enough. How did this get up on appeal?” The Plaintiff quickly recountered that Monday could not be the “observed” legal holiday because the Winnebago County Courts were OPEN that day and

the Seventeenth Judicial Circuit published holiday calendar did not include February 13th. Both the trial and appellate courts held that, despite the courts being open, Monday was still a designated legal holiday and the petition was timely. The appellate court did not want to allow the lack of clear statutory language to turn into an interpretive nightmare with inconsistent rulings leading to a “house divided.”

Recently, this problem has been exacerbated by the economic downturn - which has caused counties to close offices on certain days or at least restrict hours.

So, appreciating the practical problems on the horizon, the court said: “Requiring an attorney or a party to ascertain how a statutory holiday is really being treated in a particular court – or in each one of a number of courts – could impose a potentially dangerous burden and a serious risk of erroneous guesswork on that attorney or party.”

Although finding no Illinois case, the court cited to *Jones & Laughlin Steel Corp. v. Gridiron Steel Co.*, 382 U.S. 32, 86 S.Ct. 152, 15 L.Ed.2d 26 (1965) and *Wilkins v. Kentucky Retirement Systems Board of Trustees*, 276 S.W.3d

812 (Ky.2009) which held that a notice of appeal would be considered timely when filed on the following day, even though the court was open on a clearly designated legal holiday.

But, what about the reverse when courts and/or circuit clerk’s offices are closed on a day that it is not a Saturday, Sunday or legal holiday? Will that day be excluded from consideration when determining whether filings are timely, especially for those challenged under a Statute of Limitation?

The Statute on Statutes says a “legal holiday” must be “defined or fixed in any statute now or hereinafter in force in this state.” These would include designated federal holidays plus the state designated holidays: Lincoln’s Birthday, Casimir Pulaski Holiday, Martin Luther King, Jr.’s Birthday, Veterans Day and Vietnam War Veterans Day, a “commemorative” holiday. Then there are those “extra judicial holidays” when the courts are closed as determined by circuits or counties within circuits, for example, there are times when a holiday may fall in the middle of the week and local court offices are closed on the following day(s). Recently, this problem has been exacerbated by the economic downturn — which has caused counties to close offices on certain days or at least restrict hours (Winnebago Circuit Clerk’s office and the courts close at 3:00 p.m. on Fridays). Are these federal holidays truly holidays within the Statute on Statutes or are they ignored and do not toll the filing period? **Do not take a chance. File before the “holiday”!** ♦

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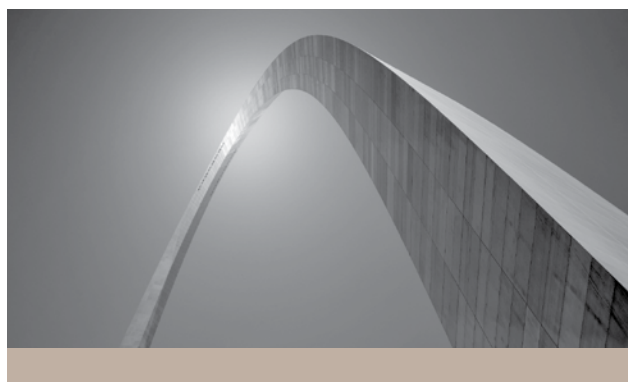


134th Annual Meeting • June 24-26

2010

CLE Fest Classic • June 24-25

BUILDING RELATIONSHIPS & A STRONG FOUNDATION FOR YOUR PRACTICE



The carved entrance to the old St. Louis courthouse.



The ISBA is proud to continue the tradition of the Annual Meeting – our 134th in 2010 – where Illinois lawyers who have volunteered their time to furthering and ensuring the future of the profession, and who have helped to educate the public about Illinois law through bar activities, can join together to continue their work and celebrate their accomplishments.

The Annual Meeting is also a great place to expand your network of colleagues and friends from around the state. Building strong relationships with other lawyers, both young and old, is essential in developing and maintaining a thriving law practice – and there's no better way to do that than to book some face-to-face time with your constituents at the ISBA's Annual Meeting.

We are also offering you the opportunity to earn up to 10 hours of MCLE credit, including all 4 hours of the required Professional Responsibility MCLE credit, just in time for the June 30th reporting deadline. Earn as little or as much as you need; you can purchase CLE in 2 hour segments so that you can tailor your registration to suit your own MCLE and educational needs. Keeping up with the newest practice issues in your field will keep you ahead of the game.

All this in a city that has itself built a strong foundation over the years. St. Louis is the home of gateway to the West (the iconic Arch), the world's first skyscraper (Louis Sullivan's Wainwright Building), the country's largest single courthouse building (Thomas F. Eagleton Courthouse), the western hemisphere's first World's Fair and Olympic Games, and America's oldest and largest outdoor musical theatre (The Muny). Outside of D.C., St. Louis offers more free attractions than any city in the country. And, since our last visit in 2008, the city has also built a \$30 million dollar urban sculpture garden – Citygarden – touted as "the best example of a public sculpture garden in downtown in any city in North America."

Come for the networking and educational benefits you'll receive at the Annual Meeting and CLE Fest Classic – but be sure to stick around and enjoy this monumental city as well.

It's Not Too Late To Attend/Register!

Join us this summer as we focus on **Building Relationships & A Strong Foundation for Your Practice** at the ISBA's **134th Annual Meeting** in St. Louis – an exciting city to discover as we explore the latest issues in our profession and network with friends, both new and old. In addition to the Assembly meeting, business meetings and great social events planned, we will also be hosting the **2010 CLE Fest Classic**, where you can earn up to 10 hours of MCLE credit in 2 hour segments, just in time for the next reporting period.

We hope to see you there!



John G. O'Brien
John G. O'Brien
President



Mark D. Hassakis
Mark D. Hassakis
President-Elect

THANK YOU!

We greatly appreciate the support of the following groups who have helped make the 134th Annual Meeting of the ISBA possible: **ISBA Mutual Insurance Company**; **Southern Illinois University School of Law**; the law firm of **Simmons Browder Gianaris Angelides & Barnerd**; and the **Hyatt Regency St. Louis at The Arch**.

ANNUAL MEETING PRICING, DEADLINES & OTHER INFORMATION

The deadline for advance registration is June 14.

Registration Fee: The registration fee for Annual Meeting is \$70 per ISBA member and \$30 per spouse/guest. The registration fee must be paid by anyone participating in Annual Meeting functions.

Ticketed Functions: Annual Meeting functions are priced as follows (priced per ticket): Awards Luncheon (\$25), Hospitality for Kids (\$35), Annual Meeting Dinner (\$100), 15th Annual Networking Breakfast (\$25), Continental Breakfast for Families (\$10), Breakfast for Children 12 and under (\$5). All other receptions, programs and events are complimentary with registration. Availability of tickets to Annual Meeting functions cannot be guaranteed after June 18.

Refunds: The Annual Meeting registration fee will be refunded for cancellations received by Friday, June 18. Refunds for other events and programs will be made on cancellations received 72 hours prior to the event.

Purchasing and Ticket Pick-Up: Tickets for all Annual Meeting functions may be picked up at the ISBA Registration Desk during the meeting. Tickets will not be mailed in advance. The deadline for purchasing tickets to meal functions is 72 hours prior to the event, depending on availability.

CLE FEST CLASSIC PRICING, DEADLINES & MATERIALS

The deadline for advance registration for the CLE Fest Classic is June 17.

Registration Fee: Lawyers who register only for the CLE Fest Classic are not subject to payment of the Annual Meeting registration fee. However, participation in any Annual Meeting function does require payment of the fee. Pricing for sessions is as follows:

MCLE Hours	ISBA Member / Non-Member
2	\$75 \$150
4	\$125 \$250
6	\$175 \$350
8	\$225 \$450
10	\$275 \$550

After June 17, registration prices will increase by \$15.

Materials: Registration includes materials in the following formats:

- Downloadable materials (available to registrants on the ISBA Website beginning June 21) Registrants will receive download information with registration confirmation via e-mail.
- Materials on CD-ROM (available at the event)

Printed materials are available, if pre-ordered, for an additional \$75.

REGISTRATION (ONLINE ONLY)

The deadline for advance registration for Annual Meeting is June 14.

The deadline for advance registration for CLE Fest Classic is June 17.

Registration for both the Annual Meeting and CLE Fest Classic can be found online at the following Webpages:

Annual Meeting Registration www.isba.org/annualmeeting
CLE Fest Classic Registration www.isba.org/clefest

Attorneys who are physically-challenged or have special dietary needs are welcome to contact JoAnn Hibbs

(800.252.8908) of the ISBA staff to determine how ISBA can accommodate their participation.

HOTEL INFORMATION

Our headquarters hotel – the Hyatt Regency St. Louis at The Arch – is located in downtown St. Louis at 315 Chestnut Street. For more information about the hotel, including directions, please visit stlouisarch.hyatt.com.

ST. LOUIS INFORMATION

For an insider's view of recreational areas, historical sites and restaurant recommendations, visit President-Elect Mark Hassakis' list of favorites at www.isba.org/annualmeeting.

And be sure to check-out the ISBA's online publications, *Illinois Lawyer Now*, at www.illinoislawyernow.com for more posts about interesting places to see, things to do, and fun factoids about our host city.

For a complete overview of the myriad of sites, events, restaurants, and nightlife available in St. Louis, please visit the St. Louis Convention & Visitors Commission Website at: www.explorestlouis.com.

To learn more about St Louis' wide array of restaurant options – including hot spots, local favorites, kid-friendly places and a variety of cultural fare – visit www.saucemagazine.com.

FOR MORE INFORMATION & TO REGISTER FOR THESE EVENTS, VISIT:

Annual Meeting ▪ www.isba.org/annualmeeting | **CLE Fest Classic** ▪ www.isba.org/clefest

"Eros Bendato" by Igor Mitoraj in the new Citygarden.



The Old Courthouse, site of the Dred Scott hearings.



Bridge along the lake in the Missouri Botanical Gardens.



After Provena: An uncertain future for non-profit hospital exemptions

by Leonard F. Amari & Vesna Marusic, *Amari and Locallo, Chicago*

Past President Amari is a member of the Senior Lawyers Section Council

We all recognize and understand that the burden of the cost of government falls on the shoulders of property owners. Especially as lawyers, we accept the fact that as owners of real estate we must all bear our fair share for real estate taxes. Yet we are all concerned that this burden be equitably distributed. Because of this, we have been reading about the *Provena Covenant Medical Center v. Department of Revenue*¹ case. Historically, by statute, hospitals that operate as a charitable organization are exempt from real estate taxes.²

But non-profit hospitals have been experiencing increased pressure to justify their real estate tax exemption by providing a greater percentage of charity care. The pressure has significantly increased following the March 18, 2010, decision of the Illinois Supreme Court to revoke the real estate tax exemption of Provena Covenant Medical Center in Urbana. According to the Illinois Property Tax Code, in order for a non-profit hospital to receive a real estate tax exemption, the property must meet two requirements - ownership by a charitable organization and primarily charitable use.

Provena's battle to maintain a real estate tax exemption began in 2002 when the Illinois Department of Revenue determined that neither the ownership nor use requirements were met. First, the Department determined that Provena's owner, Provena Hospitals, was not a charitable organization. Next, when Provena's charitable efforts amounted to less than 1% of total patient revenue, the Department determined that the property was not in charitable use. Provena

then sued to have its exemption restored, and the Sangamon County District Court did just that in 2007, only to have the decision overturned by a State Appellate Court in 2008.

In making its determination that Provena was not a charitable institution, the Illinois Supreme Court looked to the five *Korzen* factors that courts so often look to when identifying the distinctive characteristics of a charitable organization.³ The *Korzen* factors look to see whether the charitable organization: (1) has no capital, capital stock, or shareholders; (2) earns no profits or dividends but rather derives its funds mainly from private and public charity and holds them in trust for the purposes expressed in the charter; (3) dispenses charity to all who need it and apply for it; (4) does not provide gain or profit in a private sense to any person connected with it; and (5) does not appear to place any obstacles in the way of those who need and would avail themselves of the charitable benefits it dispenses.⁴

The Illinois Supreme Court held that Provena satisfied two out of the five *Korzen* criteria; only criteria (1) and (4). *Provena* failed to satisfy (2) because the funds were not derived from charity; rather, they are overwhelmingly generated by providing medical services at a cost. Criteria (3) was not satisfied because charity must be considered a gift, and when one is providing treatment for a fee, the treatment is not qualified as a gift, and therefore could not be charitable. Criteria (5) was not satisfied because the hospital did little to notify the public of the availability of charitable care. Patients were simply billed as a matter of course.

(Continued on page 15)

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ISBA to present awards to distinguished recipients at Annual Meeting

The Illinois State Bar Association will present awards in several categories at the Awards Luncheon on June 25 during the Annual Meeting St. Louis. President John O'Brien will honor the following recipients:

The Board of Governors Award will be presented to **Hon. Thomas R. Fitzgerald**, Chief Justice of the Illinois Supreme Court; **Hon. Alexander P. White**, Cook County Circuit Judge and **Sonni C. Williams**, attorney for the City of Peoria and chair of the Standing Committee on Racial and Ethnic Minorities and the Law.

The Matthew Maloney Tradition of Excellence Award will be given to **Langdon D. Neal**, Chairman of the Chicago Board of Elections and principal and owner of Neal & Leroy, LLC, one of the oldest minority-owned and operated law firms in the U.S.

State Rep. **Greg Harris** will receive the Sexual Orientation & Gender Identity Committee Community Leadership Award.

Gina Arquilla DeBoni, a member of the ISBA Board of Governors and founding and managing partner of Arquilla and Fink, Ltd., and **Diana M. Law**, managing partner of Law ElderLaw LLP, will receive ISBA Young Lawyer of the Year Awards.

This year's YLD/Law Student Division Public Service Award will be presented to DePaul Law Student **Jennifer Grobelski**.

Winners in the Lincoln Award Legal Writing Contest include: **Geoffrey T. Burkhart**, **Samuel G. Wiczorek**, **Paul A. Rodrigues** and **Nicholas P. Cholis**.

The **Hon. John R. DeLaMar** has been selected to receive the John C. McAndrews Pro Bon Service Award. ♦

On being a young lawyer: A retrospective

Justin Lee Heather, *Skadden Arps Slate Meagher and Flom LLP Chicago*

Approximately nine years ago I began my journey as a young lawyer. Now, as that time comes to an end, I find myself reflecting on the experiences and friendships I developed over the years as a member of the ISBA Young Lawyers Division (“YLD”). For those of you who find yourselves beginning that same journey I began nine years ago, I hope the following enlightens and inspires a desire to become active in the organized bar. For those of you a little longer in the tooth, I hope this reinvigorates your participation in the ISBA.

Building friendships and networking

Being active in the organized bar presents countless opportunities for networking and growing relationships. Networking for networking’s sake, however, should never be the primary goal. Although business development is essential to establishing a solid practice, bar activities more importantly provide lawyers with the opportunity to establish lasting relationships with other members of the legal community. Working closely with colleagues outside every day legal practice not only enhances your perspective, but helps your understanding of the legal community as a whole.

Recalling the first few YLD meetings that I attended reminds me of how important and influential these friendships are in developing your practice and your role in the legal community. My first few YLD events were daunting – not knowing anyone or what to expect of the organization – but my fellow YLD members were welcoming. I remember vividly several YLD past officers and members who made me feel at home in those early days and helped me get involved in the work of the YLD.

Service to the bar

As with any organized bar, one of the primary goals of the YLD is to be of service to its members and help them develop their legal careers. It has been my distinct pleasure to serve as co-editor of the YLD Newsletter with Debra Liss for the past four years. Together, numerous YLD members have made our publication an important tool for young lawyers in developing their skill sets and being generally informed about the legal community at large. YLD members have worked diligently over the years to develop networking and other activities to help young lawyers advance themselves and their practices, including numerous social events and CLE programs.

Whether it is at regular meetings or other events planned by the YLD, these activities are essential to providing the ISBA’s youngest members with the tools to succeed. No matter your practice area or your interests, the YLD (and the ISBA more generally) provides numerous opportunities for lawyers to serve the organized bar. These member service projects are essential to the continuing vitality of the ISBA and its members.

PROVENA (continued from page 14)

What can be learned from *Provena*? Illinois law specifically requires hospitals to provide charity care to the poor to qualify for their tax exemption, but it doesn’t specify the exact amount. It is still uncertain what the future holds for hospitals, ultimately the issue may have to be resolved with legislation. ♦

¹ No. 107328, 2010 WL 966858 (Ill. Sup. Ct.)

² 35 ILCS 200/ §15-65

³ See *Methodist Old Peoples Home v. Korzen* 39 Ill. 2d 149, 233 N.E.2d 537 (1968)

⁴ *Id.*

Service to the public

One of the most important aspects of being a member of the legal profession generally, and of an organized bar specifically, is the importance of serving the public good. The ISBA YLD provides countless opportunities for young lawyers to serve the community. For example, through its holiday parties, golf and bean bag tournaments and the summer soiree, the YLD raises tens of thousands of dollars annually to support the YLD Children’s Assistance Fund, which provides grants to organizations throughout the State of Illinois to provide assistance in children-related legal services such a courthouse children’s waiting rooms. The YLD also holds an annual volunteer day at the Chicago Food Depository where young lawyers help repack food for those in need.

Many of these projects are of relatively new vintage, and are the direct result of inspired leadership and planning from the YLD’s officers and members. It has been my pleasure to be involved in such endeavors over the years, and to work with these individuals.

Looking back over my nearly nine years as a member of the ISBA YLD, I am grateful to my fellow YLD members, both past and present, for their friendship and camaraderie. The relationships that developed over those years are part of who we are as lawyers and as people. In short, regardless of where you are in your legal career, I encourage everyone to get involved with the organized bar. ♦

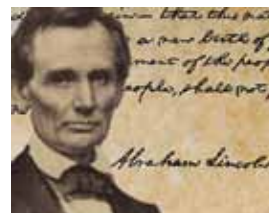
Justin Heather received the ABA’s National Outstanding Young Lawyer Award earlier this year. YLD is now on LinkedIn and Facebook! Join at tinyurl.com/29w5kwk (LinkedIn) and tinyurl.com/2akmyxy (Facebook).

Sponsored by and for members of the Young Lawyers Division



Announcing the 52nd Annual

\$3,500
in prizes!



Lincoln Award Legal
WRITING CONTEST

THE LINCOLN AWARD CONTEST

offers you a chance to enhance your reputation as a lawyer and earn cash at the same time. And whether your manuscript is a winner or not, it will be considered for publication in the *Illinois Bar Journal*.

WINNERS RECEIVE:

1st place – \$2,000, 2nd place – \$1,000,
3rd place – \$500.

Each winner will also get an attractive Lincoln Award plaque.

Your manuscript will be rated by a distinguished review panel of practicing lawyers, law professors or judges.

The ALA Contest is open to all ISBA lawyer members under 36 years of age on July 1, 2010 or admitted to the bar less than five years. ISBA law student members who are admitted to the bar on or before Dec. 31, 2010, are also eligible to enter.

All participants must file a notice of intent to enter the competition by July 15, 2010.

Contest rules and an entry form are at www.isba.org/ibj

If you have questions, contact Jean Fenski <jfenski@isba.org>
217/525-1760 or 800/252-8908

Nearly 700 new attorneys sworn-in around the state



New admittee Agnes Prindiville, 81 years old, (rear, center) and her family pose with Justices Charles Freeman (front, left), Thomas Fitzgerald and Anne Burke at the 1st District Admission Ceremony at McCormick Place West in Chicago.

Nearly 700 new attorneys were admitted to practice in Illinois in early May at five ceremonies around the state. The 691 men and women certified as candidates bring the total number of licensed attorneys in Illinois to nearly 88,000.



Illinois Supreme Court Justice Rita Garman with new admittees Meredith Fahrner and Cara Pratt at the 4th District Admission Ceremony held at the Supreme Court Building in Springfield.



ISBA member and Rockford attorney Albert Altamore, his wife Toni, his son, new admittee Agostino Altamore and Agostino's wife, Ashley, attend the 2nd District swearing-in ceremony at the Hemmens Memorial Building in Elgin.



New admittee Jon Giraudo, his wife, new admittee Kelly Giraudo and Appellate Court Justice Mary K. O'Brien at the 3rd District Admission Ceremony held at the Appellate Court Building in Ottawa.



Illinois Supreme Court Justice Lloyd A. Karmeier and new admittee Wesley Gozia of Breese attend the 5th District swearing-in ceremony at the Gateway Convention Center in Collinsville.

New Admittee MCLE Requirements and Deadlines

	Admitted to Practice in May 2008	Admitted to Practice in November 2008	Admitted to Practice in May 2009	Admitted to Practice in November 2009	Admitted to Practice in May 2010
Basic Skills Requirement must be completed by:	May 31, 2009	November 30, 2009	May 31, 2010	November 30, 2010	May 31, 2011
Certify Compliance to Supreme Court MCLE Board by:	July 1, 2009	December 31, 2009	July 1, 2010	December 31, 2010	July 1, 2011
General MCLE Carry Over Hours Possible To Earn (between Basic Skills compliance and the first day of your first reporting period) (Sup. Ct. Rule 794(c)(2))	10 Hours	10 Hours	10 Hours	10 Hours	10 Hours
First MCLE reporting period for last names beginning with A – M: (30 hours)	July 1, 2010 – June 30, 2012	July 1, 2010 – June 30, 2012	July 1, 2010 – June 30, 2012	July 1, 2012 – June 30, 2014	July 1, 2012 – June 30, 2014
First MCLE reporting period for last names beginning with N – Z: (30 hours unless noted.)	July 1, 2009 – June 30, 2011 (24 hours)	July 1, 2011 – June 30, 2013	July 1, 2011 – June 30, 2013	July 1, 2011 – June 30, 2013	July 1, 2011 – June 30, 2013

To find out more about MCLE requirements, visit the MCLE Board website at www.MCLEBoard.org, email the Board at MCLE@MCLEboard.org, or read the Illinois Supreme Court MCLE Board Basic Skills information sheet at <http://www.mcleboard.org/PDF/Basic%20Skills%20Course%20Notice.pdf>.

Legal aid picture is bleak – what you can do to help

by Michael T. O'Connor

Executive Director, Prairie State Legal Services

It will come as no surprise that the current economic downturn is straining the safety net in Illinois that provides civil legal aid to the poor and elderly. As the number of people who need help increases, the amount of funding available to finance legal services programs has decreased significantly.

The federal Legal Services Corporation (LSC) is the largest single funder of legal services nationwide. However, LSC is in desperate need of increased funding. Funding was raised from \$390 million to \$420 million last fiscal year – a sorely needed, greatly appreciated increase – but legal services' capacity is far from meeting the growing legal need among the nation's low-income communities. For FY11, LSC has requested a total of **\$516.5 million**, still over \$200 million short of what LSC received in 1981 (in real dollars), when LSC funding was at its peak. President Obama has recommended **\$435 million** for LSC in FY11.

The second largest funder of civil legal services is state-administered Interest on Lawyers Trust Accounts

(IOLTA) programs. In 2007, IOLTA income reached an all-time high of \$371.2 million nationally. But in 2008, IOLTA income fell to \$284 million, a *25 percent drop*, and fell another 32 percent in 2009, due to historically low interest rates. In Illinois, IOLTA funds are administered by the Lawyers Trust Fund. Good planning by LTF has allowed Illinois to avoid the steep drops seen in other states, but LTF still was forced to cut grants to Illinois legal aid programs by approximately one third last year, with no improvement in sight.

In addition to losses in IOLTA funding, many states have reduced their appropriations for civil legal services. In 2009, Illinois reduced funding for civil legal services by half. With the current budget troubles in Springfield, no one is expecting significant help from the State.

But what exactly does this mean for the poor and elderly in Illinois? Just as funding shortfalls impact legal aid programs, more families are falling into poverty and need legal assistance for civil legal matters. Today there are more Americans eligible for federally funded legal services, **about three million more than in 2007**. This number includes 18.5 million children and 20.7 million adult women.

With Illinois' poor being hit the hardest in the recession, there are many challenges ahead. But, Illinois attorneys are answering the call and helping to meet the challenges. In 2009, 27,200 attorneys indicated they provided 2.1 million pro bono legal service hours, including 1.1 million hours directly to people of limited means.

So, what can you do? Please consider volunteering your time to handle a pro bono case. Most legal aid providers will provide you with malpractice coverage, and will provide you with training and support if you are handling a case outside your normal practice area. Contact your local legal aid office or go to IllinoisProBono.org to learn about opportunities in your area. If each attorney in Illinois took just one case, thousands of families, mothers, fathers, children, and seniors would receive the help they so desperately need. In addition, please consider a financial contribution to your local legal aid organization. At a time when services are needed most, these organizations are facing a loss of funding. Contributions from individuals are particularly important in these difficult times in order to ensure that the programs, and organizations themselves, remain to serve those most in need. ♦

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

**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!**

**EARN UP TO 14 HOURS OF MCLE CREDIT,
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**CHOOSE FROM OVER 36 SEMINARS IN 3 PROGRAM TRACKS –
effective and ethical practice, legal technology, and substantive law.**

Conference highlights include:



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Introduction to Legal Research / Advanced Legal Research Training

*[*limited seating, pre-registration required for both sessions]*

Take part in one or both of the Fastcase seminars and receive training on how to use this FREE online legal research tool for ISBA members.



Featured Speaker Mark S. Curriden

PLENARY SESSION

"Contempt of Court: A Lynching That Changed the American Justice System"

Based on his New York Times bestseller book, this is a story of the only two African-American lawyers practicing law in Tennessee in 1906 and their representation of a black man falsely accused of rape and sentenced to death. The sequence of events lead to the first and only criminal trial ever held in the history of the Supreme Court of the United States. One of the two lawyers fled to East St. Louis, IL where he practiced law for 30 years.

BREAKOUT SESSION

"The News Media and Your Law Practice"

The news and electronic media are playing an ever increasing role in how legal matters are handled. Learn how you can use the media to help your clients and build your law practice. Mr. Curriden will also address the ethics, legalities and practicalities of dealing with the news media.



Networking Reception at the Illinois Executive Mansion

Share stories and swap best practices with other solo and small firm lawyers from around the state at this premiere event held at the official residence of Illinois' governors. *Sponsored by the ISBA Mutual Insurance Company.*

SAVE THE DATE!

Plan in advance and book your hotel room reservation at the Springfield Hilton now!

Visit the website below for room reservation information.

Be sure to look in the August edition of the *Illinois Bar Journal* for the full conference brochure!

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



ILLINOIS STATE BAR ASSOCIATION

IN MEMORIAM

James H. Bandy, Belleville, IL
Admitted 1947
Date of Death: 1/26/10

Roger W. Barrett, Palm Desert, CA (formerly Winnetka, IL)
Admitted 1940
Date of Death: 1/5/10

James T. Braendle, Cambridge, IL
Admitted 1966
Date of Death: 5/5/10

Louis Cainkar, Evergreen Park, IL
Admitted 1937
Date of Death: 4/20/10

Frederick H. Cohen, Chicago, IL
Admitted 1990
Date of Death: 5/4/10

Peter T. Dole, Paris, IL
Admitted 1972
Date of Death: 3/15/10

Frank Edelman, Chicago, IL
Admitted 1942
Date of Death: 01/30/10

Philip G. Feder, Belleville, IL
Admitted 1956
Date of Death: 3/25/10

Robert J. Fitzgerald, South Holland, IL
Admitted 1941
Date of Death: 4/17/10

Thomas R. Flood, Palm Beach Gardens, FL
Admitted 1949
Date of Death: 1/18/10

Arthur Gorov, Polson, MT
(formerly Rogers Park, IL)
Admitted 1954
Date of Death: 1/12/10

Van J. Herrero, III, Waukegan, IL
Admitted 1982
Date of Death: 2/12/10

Rosalyn Kaplan, Chicago, IL
Admitted 1981
Date of Death: 3/5/10

Edward W. Kowal, Lombard, IL
(formerly Glen Ellyn and Wheaton)
Admitted 1951
Date of Death: 1/26/10

Margaret L. Kreitlow, Rockford, IL
Admitted 1986
Date of Death: 4/7/10

Ellis E. Leighty, Macomb, IL
Admitted 1951
Date of Death: 1/23/10

Donald J. Meyer, St. Louis, MO
Admitted 1965
Date of Death: 3/6/10

Jules Meyering Jr., Wheaton, IL
Admitted 1950
Date of Death: 12/17/09

Patrick Moriarty, Chicago, IL
Admitted 1975
Date of Death: 3/24/10

Michael A. Orenic, Joliet, IL
Admitted 1950
Date of Death: 4/16/10

Gerald M. "Jerry" Penner, Chicago, IL
Admitted 1964
Date of Death: 1/21/10

Charles R. Purcell, Palos Heights, IL
Admitted 1956
Date of Death: 4/3/10

Irvin Richman, Evanston, IL
Admitted 1937
Date of Death: 6/26/09

Michael G. Rogers, LaGrange, IL
Admitted 1989
Date of Death: 1/27/10

Frank H. Schniederjon, Effingham, IL
Admitted 1942
Date of Death: 3/27/10

Hon. Harold J. Sullivan, Skokie, IL
Admitted 1951
Date of Death: 3/22/10

Robert Trimpe, Champaign, IL
Admitted 1956
Date of Death: 3/30/10

Frank M. Wright, Jr., Longview, TX
Admitted 1949
Date of Death: 1/24/10



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

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What is a Law Ed Teleseminar?

ISBA Teleseminars simply and conveniently bring continuing legal education seminars to your office via the telephone...they broadcast at noon...and they're one-hour in length. **This is an audio-only program that's delivered via telephone - no special software needed!**

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Convenience. Keep abreast of the latest legal trends and topics without leaving your desk! Avoid long commutes and parking garages on days you need to be in the office!

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Step 1 - Register for Topic of Your Choice.

Upon registering for an ISBA teleseminar, you will receive a confirmation e-mail containing a toll-free telephone number to call on the day of the seminar.

Step 2 - Check Your Email.

Registrants will receive all program materials via e-mail in PDF format prior to the program.

Step 3 - Attend the Program.

Simply call the toll-free number at the appropriate time, register your attendance with the operator, and listen to the lecture or panel discussion. Registrants will be given the opportunity to ask questions at the end of each program.

Step 4 - Certification.

MCLE Certificates of Attendance will be sent to each participant via postal mail one to two weeks after the close of a program. **It's that simple!**

For more information and a complete list of upcoming Teleseminar programs, please visit:
<http://www.isba.org/cle/teleseminar>



ISBA LAW ED
CLE FOR ILLINOIS LAWYERS

SUMMER 2010

www.isba.org/lawed

■ JUNE 2010

18 – Chicago

ISBA's Reel MCLE Series: Michael Clayton-- How Many Ethical Breaches Can You Spot?

Master Series Presented by the Illinois State Bar Association

4.0 MCLE credit hours, including 4.0* PMCLE credit hours



18 – Quincy

Legal Writing: Improving What You Do Every Day

Presented by the Illinois State Bar Association

4.0 MCLE credit hours, including 4.0 APPROVED PMCLE credit hours

21 – Webinar

Advanced Legal Research on FastCase

Presented by the Illinois State Bar Association

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

22 – Teleseminar

Buying and Selling Distressed Real Estate, Part 1

1.0 MCLE credit hour

22 – Teleseminar

Construction Contracts

1.0 MCLE credit hour

22 – Webcast

Women in the Criminal Justice System - Justice Delivered or Denied?

Presented by the ISBA Women in the Law Committee

1.25 MCLE credit hour

23 – Teleseminar

Buying and Selling Distressed Real Estate, Part 2

1.0 MCLE credit hour

23 – Teleseminar

Health Care Reform 2010- How it Will Impact Employers, Part 2

1.0 MCLE credit hour

24 – Teleseminar

Business Exit and Succession Planning for Closely Held Businesses

1.0 MCLE credit hour

24-25 – St. Louis

CLE Fest Classic St. Louis-2010

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Earn up to 10 MCLE credit hours and all 4 PMCLE credit hours!

29 – Springfield

Legal Writing: Improving What You Do Every Day

Presented by the Illinois State Bar Association

4.0 MCLE credit hours, including 4.0 APPROVED PMCLE credit hours

29 – Teleseminar

Negligent Hiring

1.0 MCLE credit hour

■ JULY 2010

6 – Teleseminar

Like-Kind Exchange of Businesses and Business Interests

1.0 MCLE credit hour

8 – Webinar

Conducting Legal Research on FastCase

Presented by the Illinois State Bar Association

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

13 – Teleseminar

Business Torts, Part 1

1.0 MCLE credit hour

14 – Teleseminar

Business Torts, Part 2

1.0 MCLE credit hour

FREE

22 – Webinar

Advanced Legal Research on FastCase

Presented by the Illinois State Bar Association

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

22 – Teleseminar

Health Care Reform 2010- How it Will Impact Employers, Part 2

1.0 MCLE credit hour

27 – Teleseminar

Goodwill in Business Transactions

1.0 MCLE credit hour

■ AUGUST 2010

FREE

12 – Webinar

Advanced Legal Research on FastCase

Presented by the Illinois State Bar Association

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

17 – Webinar

Conducting Legal Research on FastCase

Presented by the Illinois State Bar Association

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

Upcoming Fall Programs

■ SEPTEMBER 2010

10 – Webinar

Advanced Legal Research on FastCase

Presented by the Illinois State Bar Association

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

17 – Webinar

Conducting Legal Research on FastCase

Presented by the Illinois State Bar Association

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

16 – Chicago

GAIN THE EDGE!® Negotiation Strategies for Lawyers

Master Series Presented by the Illinois State Bar Association

(see program information below)

17 – Chicago

Hot Topics in Tort Law- 2010

Presented by the ISBA Tort Law Section

17 – Chicago

18 Months of HITECH: A Brave New HIPPA

Presented by the ISBA Healthcare Section

23 – Chicago

Experts and Litigators on Issues Impacting Children & Custody in Family Law

Presented by the ISBA Family Law Section

24 – Springfield

Don't Make My Green Acres Brown: Environmental Issues Affecting Rural Illinois

Presented by the ISBA Environmental Law Section

■ OCTOBER 2010

1 – Chicago

Countering Litigation Gamesmanship

Presented by the ISBA General Practice Solo & Small Firm Section, Co – Sponsored by the Federal Civil Practice Section

1 – Webcast

Countering Litigation Gamesmanship

Presented by the ISBA General Practice Solo & Small Firm Section, Co – Sponsored by the Federal Civil Practice Section

6 – Webinar

Continuing Legal Research on FastCase

Presented by the Illinois State Bar Association

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

8 – Carbondale

Divorce Basics for Pro Bono Attorneys

Presented by the ISBA Committee on Delivery of Legal Services

15 – Chicago

Meet the Experts 2010

Presented by the ISBA Labor & Employment Section

15 – Bloomington

Real Estate Update 2010

Presented by the ISBA Real Estate Section

18-22 – Chicago

40 Hour Mediation/Arbitration Training

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

21-23 – Springfield

6th Annual Solo & Small Firm Conference

Presented by the Illinois State Bar Association

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ISBA Members can now earn unlimited CLE credit with the new ISBA **Unlimited Law Ed Passports!**

Two Options – Unlimited Savings!

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The **ISBA Unlimited Law Ed Passport – Live** allows registered subscribers to attend all ISBA live onsite single-day programming for one low price of \$449 per year! As an added bonus, all registered ISBA Unlimited Law Ed Passport – Live subscribers will receive a \$10 discount when registering for any of the new ISBA Teleseminar programs. ISBA is the proud sponsor of nearly 100 live CLE on-site programs annually, meaning there's plenty to choose from throughout the year!

Unlimited Law Ed Passport – Online

The **ISBA Unlimited Law Ed Passport – Online** grants registered subscribers access to all ISBA online streaming, webcast, and podcast programs for one low price of \$499 per year! DVD's, CD-ROMs, and Teleseminars are excluded from this offer; however, subscribers receive a \$10 discount when registering for all ISBA Teleseminar programs. With over 160 online ISBA Law Ed programs to choose from, passport holders have the best opportunities to earn the most CLE credit in the widest variety of practice areas! And you can access the programming anytime, 24/7!



There are many advantages to purchasing the ISBA Unlimited Law Ed Passport subscription – from meeting your MCLE reporting requirements for a single, low price to networking with your peers and broadening the scope of your knowledge on a broad array of topics! Both the **ISBA Unlimited Law Ed Passport – Live** and the **ISBA Unlimited Law Ed Passport – Online** are good for the special introductory period **NOW through June 30, 2011** – so enroll and start saving on all your continuing legal education needs!

For more details and to register, please visit: <http://www.isba.org/cle/passport>



Martin Latz, Esq., negotiation expert and author of *Gain the Edge! Negotiating to Get What You Want*, will be a featured presenter of the upcoming ISBA Law Ed Master Series program titled, **"Gain the Edge!® Negotiation Strategies for Lawyers."**

As one of the nation's leading experts and instructors on negotiating techniques and the founder of the Latz Negotiation Institute, Mr. Latz has trained over 50,000 lawyers and business professionals around the world to become more effective negotiators. He was an adjunct professor on negotiations at Arizona State University College of Law from 1995 to 2005 and has appeared as a negotiation expert on CBS' *The Early Show*, as well as other national shows such as *Your Money* and *First Business*. He also writes a monthly negotiation column for *The Arizona Republic*. In addition to Marty's broad negotiation experience, he graduated *cum laude* from Harvard Law School.

Join us via live webcast or onsite at the Chicago History Museum, the city's oldest cultural institution, on Thursday, September 16, 2010 for an opportunity to learn superb negotiation skills from one of the country's leading negotiators. The six MCLE credit hour program will cover topics such as setting aggressive goals, using information to your advantage, increasing leverage through alternatives, controlling the negotiation agenda, information-gathering techniques, dealing with untrustworthy negotiators, and much more. Each attendee will receive a copy of Latz's book, *Gain the Edge! Negotiating to Get What You Want*, and an e-mail subscription to Latz's monthly negotiation column in *The Arizona Republic*.

To register and for more information, please visit: <http://www.isba.org/cle/upcoming>

Illinois Supreme Court disbars 12, suspends 26

The Illinois Supreme Court disbarred 12 lawyers, and suspended 26 in its latest disciplinary filing. Sanctions were imposed because the lawyers engaged in professional misconduct by violating state ethics rules. More information on each case is available at tinyurl.com/2cv723f

DISBARRED

Michael Robert Allen, St. Louis, was disbarred in Missouri for failing to prepare an order as directed by a court in a family law case and for not participating in the Missouri disciplinary process.

Norvel E. Brown, Jr., Kirkwood, Mo., was disbarred in Missouri after he was convicted in federal court of wire fraud and theft.

Karl W. Dickhaus, St. Louis, was disbarred in Missouri for neglecting four client matters and for failing to participate in the Missouri disciplinary process.

Martin Edward Doyle, Hanover, N.H., was permanently disbarred in Florida for fraud, misusing monies entrusted to his law firm trust account, and soliciting individuals to invest in non-existent investments.

Deron Baker Elliott, Morristown, N.J., was disbarred on consent after he was convicted of assaulting a police officer in Morris County, New Jersey. He also made profane and derogatory statements to ARDC and Illinois bar admission personnel.

Steven David Gustafson, Naperville, was disbarred. While a member of a Naperville law firm, he misappropriated more than \$675,000 in client funds and created false financial records in order to hide his use of a client account to pay his personal expenses.

James E. Hinterlong, Grand Ridge, was disbarred. He neglected a client's civil case, resulting in a \$582,000 default judgment being entered against the client's business.

Stephen George Kaludis, St. Louis, was disbarred in Missouri after he pled guilty to stealing over \$25,000 from clients after forging the clients' signatures on a settlement check.

Donald P. Lasica, Berwyn, was disbarred. He misappropriated approximately \$78,000 from a decedent's estate.

Robert Sheldon Monitz, Wilmette, was disbarred. He neglected a decedent's estate, misappropriated over \$100,000 in estate and trust funds, collected an unreasonable fee, made misrepresentations to a court and failed to cooperate in the disciplinary matter.

Michael Paul Reynolds, Chicago, was disbarred in South Dakota after he failed to disclose a prior suspension from the practice of law in South Dakota to a Chicago law firm in connection with an application for employment.

Laura Ann Sipes, St. Charles, Mo., was disbarred in Missouri for neglecting adoption matters and for filing a false affidavit in an adoption proceeding.

SUSPENDED

David Everette Bowden, Chicago, was suspended for one year and until further order of the Court. He possessed illegal drugs on three separate occasions and provided insufficient evidence to suggest that he was receiving appropriate treatment.

Nick F. Burgrabe, Lincoln, was suspended for two years and until further order of the Court. He videotaped sexual encounters that he had with five different women without their knowledge or consent.

Robert Edward Burrows, Chicago, was suspended for 90 days. He mishandled \$2,069.96 in funds that was due to another law firm from a mutual client's settlement proceeds.

Michael Peter Butler, Chicago, was suspended for two years. While he was a partner in the Chicago office of a New York-based law firm, he billed his firm's corporate client approximately \$100,000 for work he falsely claimed to have done.

Derrick Daniel, Chicago, was suspended for 6 months and until further order of the Court. He neglected two client matters and misrepresented the status of a case to one of the clients.

Dennis Dowe Fisher, Fargo, N.D., was suspended in North Dakota for two years after he was convicted of two instances of theft. He shoplifted knives.

Jess Evan Forrest, Park Ridge, was suspended for one year, with the suspension stayed after two months by a one-year period of probation with conditions. Through bad bookkeeping practices, he failed to preserve the identity of \$7,500 that he had been holding in escrow for six years.

Loren Elliotte Friedman, Urbana, was suspended for 3 years and until further order of the Court. He made a material misrepresentation on his application for admission to the Illinois bar by failing to disclose that he submitted altered law school transcripts to prospective law firm employers.

Scott E. Hansen, Appleton, Wis., was suspended in Wisconsin for 9 months and until he makes certain restitution for neglecting four separate criminal matters, making false statements to a court and to a client, failing to refund unearned fees, improperly depositing an advance fee into his business account, and not cooperating with the Wisconsin disciplinary authority.

James H. Himmel, Palos Heights, was suspended for 30 days. He agreed to represent a client in a claim against the builder of the client's home and then failed to file a complaint against the builder.

Kevin Carroll Kakac, Mt. Vernon, was suspended for 30 days. While serving as a state prosecutor, he failed to disclose exculpatory information to a defendant during the course of a criminal proceeding.

Don Paul Koeneman, Jr., Chester, was suspended for two years and until further order of the Court, with the suspension stayed after 60 days by a three-year period of probation with conditions. He pled guilty to two counts of disorderly conduct.

John Robert Klytta and **Anthony Michael Klytta**, Chicago, who are brothers, were both suspended for one year, with the suspension stayed after 90 days by probation for two years, subject to conditions. They mismanaged over \$10,000 entrusted to them for clients or third parties because they failed to balance their client trust account or timely review their bank statements.

James Edward Musial, Wheaton, was suspended for one year and until further order of the Court, with the sus-

pension stayed after 90 days by a two-year period of probation subject to conditions. He drove a vehicle while under the influence of alcohol on two occasions and also neglected four client matters.

Jaipal Singh Patheja, Valparaiso, was suspended in Indiana for at least 6 months after he pled guilty to fleeing law enforcement and driving while intoxicated in a manner that endangers a person.

Kristine Ann Peshek, Beloit, Wis., was suspended for 60 days. While serving as an Assistant Public Defender, she revealed protected client information in an internet blog.

David Andrew Pollock, St. Charles, was suspended for 60 days. He violated an order of protection that his ex-wife had obtained against him.

David Jack Rosenfeld, Chicago, was suspended for 60 days. While awaiting the Court's approval of a petition for discipline on consent against him in a prior disciplinary matter, he neglected a personal injury claim by failing to appear for several court hearings, causing the case to be dismissed for want of prosecution.

Andrew Joseph Rukavina, Mundelein, was suspended for 5 months and ordered to attend the Illinois Institute of Professional Responsibility. He failed to disclose his financial interests in a title insurance and in a survey company to his residential real estate clients.

Kelly A. Saindon, Chicago, was suspended for 30 days. Over a three year period, she neglected two civil cases and made false statements to her employer and a court regarding actions that she claimed to have taken on the matters.

Gary Eugene Stark, Anna, was suspended for 120 days and until he makes certain restitution. He failed to file a lawsuit on behalf of clients and then made false representations to the clients regarding the status of the matter.

Robert A. Suding Jr., Trafalgar, Ind., was suspended for one year and until further order of the Court. In order to gain a financial advantage in his own divorce proceeding, he withheld from his wife the fact that he had assigned to his cousin the right to collect on a pre-marital debt owed to him by his wife.

Laura Larsen Sullivan, Michigan City, Ind., was suspended in Indiana for 90 days without automatic reinstatement after she neglected several bankruptcy cases and failed to communicate with clients.

The following orders were entered by The Court in disciplinary cases before the May 2010 term but were not included in any previous information release:

Susan Grace Castagnoli, Naperville, was suspended on an interim basis and until further order of the Court. The Hearing Board earlier found that she overreached an attorney-client relationship, exerted undue influence on clients, charged in excessive fees without authorization from the bankruptcy court and, in some cases, without her clients' knowledge or consent, and engaged in dishonest conduct. **John Frank Harris**, Chicago, was suspended on an interim basis and until further order of the Court. He is the subject of a pending federal indictment alleging that he knowingly and intentionally participated in a scheme to commit wire fraud while employed by the State of Illinois as the Chief of Staff to then Governor Rod R. Blagojevich. ♦

ISBA meetings calendar

June 24-26 (Thursday – Saturday) St. Louis
ISBA Annual Meeting, Hyatt Regency St. Louis at the Arch

July 23 (Friday) Chicago
ISBA Board of Governors meeting

October 15 (Friday) Chicago
ISBA Board of Governors meeting

October 21-23 (Thursday – Saturday) Springfield
ISBA Solo and Small Firm Conference; more information at www.isba.org/soloconference

December 9-11 (Thursday – Saturday) Chicago
ISBA Midyear Meeting

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

ISBA events calendar

June 17 (Thursday, 5:30 p.m.) Chicago
Illinois Bar Foundation Lawyers Care Fund Reception, The Plaza at Park Grill (Millennium Park); IBF 312-726-6072 or email ldriscoll@isba.org

September 21-October 4 Greece and Turkey
President-elect Mark Hassakis takes his President's trip on an Aegean Adventures cruise

October 15 (Friday, 6:30 p.m.) Chicago
Illinois Bar Foundation Gala, Four Seasons Hotel; IBF 312-726-6072 or email lcorrao@isba.org.

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Supreme Court Justice John Paul Stevens is retiring this summer after 35 years on the bench. Stevens, one of five Illinoisans to have served as Supreme Court justice, spoke at the ISBA's Centennial Dinner in 1977.



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