

# ILLINOIS LAWYER NOW

Vol. 4 • No. 1

QUARTERLY

A PUBLICATION OF THE ILLINOIS STATE BAR ASSOCIATION

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## Lincoln and the founders of the ISBA

### Illinois' most famous attorney rode 8th Circuit with future ISBA leaders

by Guy C. Fraker

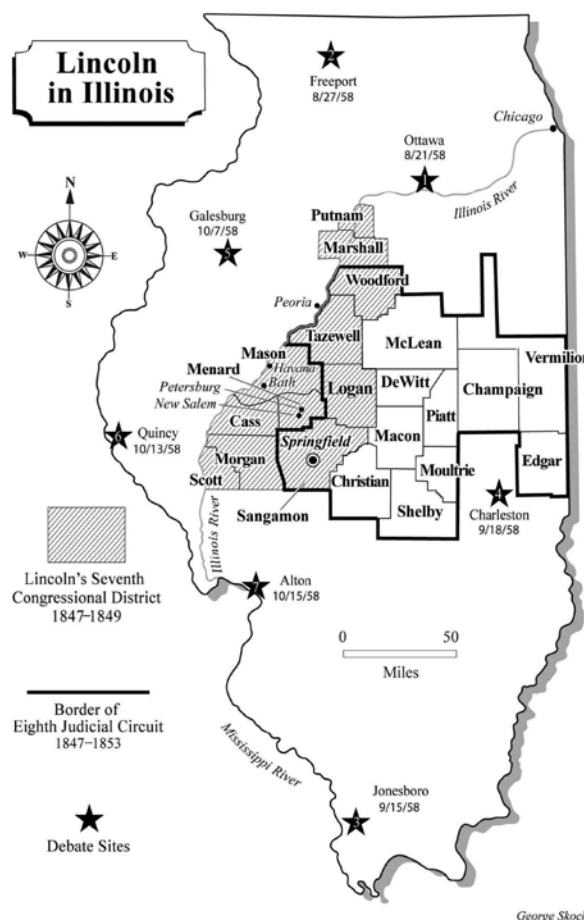
Law Office of Guy C. Fraker, P.C., Bloomington

**T**he Illinois State Bar Association was founded in 1877 – 12 years after Lincoln's murder and 17 years after his rise to the Presidency removed him from the practice of law. Perhaps more than any other president, Lincoln was a working lawyer representing a wide variety of clients with a wide variety in the cases he handled. His practice had no agenda except to make a living and to serve his clients and his profession. In the 23 years that he traveled the Eighth Judicial Circuit, he became embedded in the practicing bar of each of the Circuit's counties.

Nine of the 88 founders of the Illinois State Bar Association practiced with Lincoln on the Circuit. Five of the first 15 presidents of the organization had prominent roles in Lincoln's professional and political careers, as well as his personal life. The ISBA's first president was **Anthony Thornton** of Shelbyville who served from 1877-1879. Born in Kentucky in 1814, he graduated from Miami of Ohio and came to practice law in Shelbyville in 1836. Tall like Lincoln, he was an imposing figure. He rode a portion of the



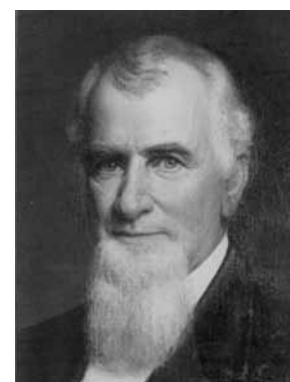
Anthony Thornton



Circuit with Lincoln and associated with or opposed Lincoln in cases in Macon, Moultrie, Christian, and Piatt, as well as Shelby, counties. Lincoln and Thornton began as political allies in the Whig party. Thornton was elected to the Illinois legislature in 1850, after serving in the Mexican War. Raised on his grandfather's plantation in Kentucky with 100 slaves, Thornton's sympathies, like most citizens of Shelby County, were pro-slavery and he and Lincoln parted company over the issue.

Lincoln campaigned extensively for the Republican's first Presidential candidate, John C. Fremont, in 1856. This brought him to Shelbyville to debate Thornton and another Shelby County Democrat, Samuel Moulton, on Aug. 9, 1856. Lincoln's well-known magnanimity is demonstrated by Thornton's representation of Lincoln on a fee collection case in the Shelby County Court in December of that same year. Thornton was elected to Congress in 1864 as a Democrat and to the Illinois Supreme Court in 1870, from which he resigned to resume the practice of law in 1873.

Another Circuit friend and associate was **Benjamin Edwards**, eighth President of the Illinois State Bar Association. Edwards was born in Edwardsville in 1818, the son of territorial and elected Governor of Illinois, Ninian Edwards. A graduate of Yale, he became a partner with John Todd Stuart, Lincoln's first political and legal mentor. Lincoln and Stuart were partners from 1837 to 1841. When that partnership dissolved by mutual consent, Stuart and Edwards formed a partnership that lasted from 1843 until Stuart's death in 1885. Edwards practiced in Springfield and traveled a portion of the Circuit. He was involved with Lincoln in cases in Tazewell, Macon, DeWitt, Christian, and Logan Counties, as well as Sangamon. Edwards was elected Circuit judge and served for one year in 1869. He was elected President of the Bar in 1885, a year



Benjamin Edwards

(Continued on page 4)

**mu • tu • al** [myoo'choo el] *adj.* -  
1 held in common 2 for each other 3 shared



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# Keeping the ISBA relevant

by John E. Thies



John E. Thies

I am ever-mindful of the need for this Association to remain relevant to the lawyers and judges of this state. This focus – relevance – is what drives the decisions we make about, e.g., membership services; continuing legal education offerings; legislative priorities; and, how best to address the particular challenges facing our profession at any given time. It is, of course, also what provides value to our members for the dues they pay.

A very important part of the value we provide our membership will always be through the hard work of our seventy-two section councils and standing committees. Year in and year out (with the help of our terrific ISBA staff), these groups produce a wide array of newsletters, CLE offerings, legislative input and other work product of great benefit to our members. As I prepared for the 2012-13 year, I met the officers of these groups (either collectively or in one-on-one meetings). I can report that these groups have ambitious agendas for the year, motivated first and foremost by a desire to serve our membership as best they can.

In the category of the work we are doing on the “challenges” facing our profession at this particular time, I also want to update you on the activities of my special committees – each of which is making terrific progress even a few months into the year.

Our Special Committee on Fair and Impartial Courts (chaired by Judge Patricia P. Golden and Justice James M. Wexstten) has been charged with identifying and publicizing threats to our courts due to lack of public funding. This committee, comprised of lawyers, judges and court personnel throughout Illinois is also considering measures to address the problem. One subcommittee is planning a CLE program for the joint ISBA/IJA Mid-Year meeting in December – drawing on resources from the American Bar Association’s Task Force on Preservation of the Courts System and the National Center for State Courts. Another will work on enhancing the lines of communication between our Association and lawyer-legislators in order to lay the foundation for an appropriate legislative response. And, a third subcommittee is structuring how the Committee will disseminate the information it collects. This includes information concerning other states that have succeeded in full court funding, and the results of a survey recently conducted of chief judges around the state. We will receive a preliminary report from this committee at the ISBA Assembly in December.

The Special Committee on Judicial Disqualification Standards (chaired by retired Justice Gino L. DiVito and Warren Lupel) is working on recommendations for revisions to our state’s judicial disqualification standards. This group has been researching similar work in other states, reviewing scholarship on the subject, considering applicable ABA recommendations and circulating draft proposals. I expect that

the committee will present its recommendations to the Board of Governors in October and the Assembly in December.

Our Special Committee on the Impact of Law School Debt on the Delivery of Legal Service (chaired by Justice Ann B. Jorgensen and Dennis J. Orsey) has now scheduled public hearings at five locations around the state, the purpose of which is to collect information as to the impact on various demographic and geographical regions of the state from a variety of lawyers, judges, academics and others. These hearings are slated for:

- October 23 (Wheaton) – 2 p.m. at DuPage County Court House (Attorney Resource Center)
- October 24 (Peoria) – 2 p.m. at Four Points by Sheraton
- November 15 (Fairview Heights) – 2 p.m. at Four Points by Sheraton
- November 16 (Champaign) – 2 p.m. at Hilton Garden Inn & Suites
- December 12 (Chicago) – 2 p.m. at ISBA Chicago Regional Office

After these hearings are completed, this committee will complete a white paper containing the committee’s findings and recommendations. I anticipate the presentation of a preliminary report at our December Assembly.

Last but not least, our Lawyers Feeding Illinois Special Committee (chaired by my wife, Terry Thies) has made great progress in preparing for our food bank campaign during the last two weeks in February. This campaign will involve law firms and others competing against each other to raise non-perishable food items and cash donations to benefit the eight regional food banks. Subcommittees for this committee have been working hard on outreach, awards and the kick off to take place on Wednesday, November 14th. We are working with Illinois Attorney General Lisa Madigan on this project. More information about how you can become involved with this important project will be available in the coming weeks.

Another area of significance to our members is the work we have been doing at a national level on the issue of non-lawyer ownership and fee-splitting with non-lawyers. As you will recall, in March, our Board of Governors voted unanimously to re-affirm ISBA policy *against* such non-lawyer involvement in the practice of law. Consistent with this policy, the Association has joined with the ABA Senior Lawyers Division, the ABA Young Lawyers Division, the National Conference of Womens Bar Associations and numerous states across the country to urge the ABA to maintain the same position. We continue to work with these and other organizations to see that our ethical standards are not “watered down” at great cost to the core values of our profession and the client good.

In the space available, I have only been able to cover a few of the things the ISBA is doing of late to remain relevant to its members – but, there are *so many more*. Thanks to all those who have made the ISBA what it is today – one of the preeminent voluntary bar associations in the United States. With your continued help, we will keep it this way! ♦

## ILLINOIS LAWYER NOW QUARTERLY

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ILLINOIS STATE  
BAR ASSOCIATION

PUBLISHED BY THE  
ILLINOIS STATE BAR ASSOCIATION

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The ISBA does not provide members’ e-mail addresses.

Illinois Lawyer Now Quarterly (ISSN 1547-0377) is published 4 times per year by the Illinois State Bar Assn., 20 S. Clark St., Chicago, IL 60603-1802, for distribution to its members. Subscription rates: \$1.90 annually for ISBA members (included in dues); \$120 annually in advance for non-members, non-lawyers and non-residents; back issues \$30 each. Periodicals postage paid at Chicago, IL, and additional mailing office. POSTMASTER: Send address changes to the Illinois Lawyer Now Quarterly, 424 S. Second St., Springfield, IL 62701-1779.



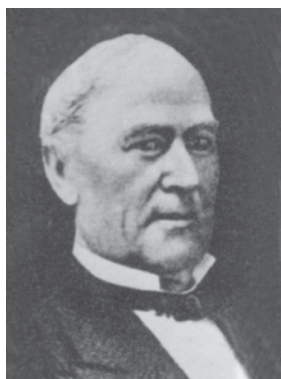
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before his death. His elegant home is now the home of the Springfield Art Association.

Two Presidents of the Illinois State Bar Association who were Republicans and anti-slavery advocates like Lincoln were **Orville H. Browning**, and **Lyman Trumball**, the ISBA's third and 15th Presidents, respectively. Browning was born in 1806 in Kentucky. Like Lincoln, he fought in the Blackhawk War, a year after he came to Quincy in 1831. He was elected to the Illinois Senate in 1836 and the General Assembly in 1842. He and Lincoln became good friends during their shared time in the Illinois legislature. Browning was an early supporter of the Republican Party, attending its founding convention in Bloomington in 1856, where Lincoln made his significant "Lost Speech." Browning supported Lincoln in his race for the United States Senate, although his support of Lincoln for the Republican Presidential nomination in 1860 was tepid at best. He was an early supporter of Edward Bates of Missouri, a rival of Lincoln's for that nomination. He was appointed to the U.S. Senate to fill the seat of Stephen A. Douglas after Douglas' death in 1861, from which seat he opposed the Emancipation Proclamation. He lost his re-election effort in 1862.

Lincoln passed over Browning in favor of David Davis to fill the John McLean seat on the U.S. Supreme Court in 1862. After Lincoln's death, President Andrew Johnson appointed Browning as Secretary of the Interior. He practiced law in Washington, D.C., after his service in the Cabinet. His stately home in Quincy, built in the 1870s, still stands as part of the St. Joseph Hospital.

Lyman Trumball was elected President of the ISBA in 1892. A native of Connecticut, born in 1806, he came to Belleville in 1837. He was a Democratic office-holder, serving in the Illinois Legislature, as Illinois Secretary of State, and on the Supreme Court of Illinois. The anti-slavery forces in Illinois were initially made up of both Republicans and Democrats. As an anti-slavery Democrat, Trumball was elected

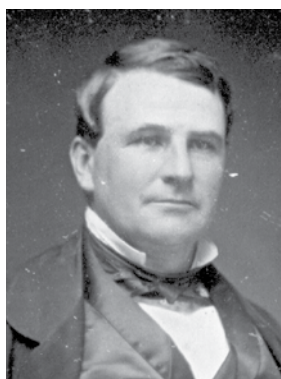


**Orville H. Browning**

to the U.S. House of Representatives in 1854. Until the passage of the 17th Amendment, U.S. senators were elected by the Legislature. In 1854, Lincoln was a Whig candidate for the U.S. Senate, and Trumball was a Democratic candidate. Anti-Nebraska forces, a combination of former members of the two parties, held a majority in the House and Senate of 57 to 43 with 50 votes needed to win. On the first ballot, Lincoln had 45 votes and Trumball had but 5. As the balloting went through 9 ballots, Lincoln's support waned and support for Democratic Governor Joel Matteson continued to grow, which raised a severe threat to the anti-Nebraska proponents. When Lincoln's number of votes slipped to 15, he finally urged his supporters to vote for Trumball, which they did reluctantly. Lincoln generously put the anti-slavery cause above his own personal ambition. Unlike many of his circuit supporters, Lincoln bore no ill-will toward Trumball or his principal floor manager, lawyer Norman Judd from Chicago.

Lincoln's refusal to carry a grudge enabled him to work with all factions of the anti-slavery forces in Illinois, and he emerged as the party's leader later in the decade when it really counted. This was due in no small part to his good relations with the former Democrats – which began with his congenial response to Trumball's victory. Although they were never particularly close, Lincoln and Trumball continued to work together for the rest of Lincoln's life. They were the two main pillars of the Republican Party in Illinois. After Lincoln's election, Trumball introduced the resolution to pass the Emancipation Proclamation in the United States Senate. He served in the Senate with distinction until 1873 when he returned to Illinois to practice law in Chicago.

The seventh President of the Association was **David Davis** (1884). Davis was probably as close to Lincoln personally as anyone. No one did more for Lincoln professionally and politically than Davis, who was the Circuit Judge of the Eighth Judicial Circuit from 1848-1862. After studying law in Lenox, Massachusetts, he moved to Pekin in 1835 and to Bloomington the next year. He was a Whig elected to the Legislature in 1844, but was defeated in a race for the State Senate two years later. After serving in the Illinois Constitutional Convention of 1847, he was elected Circuit Judge in 1848 – a post created by the new Constitution. He had a warm and loving marriage to Sarah Walker, a native of Lenox, Massachusetts. His warm conversational



**David Davis**

letters to her over the years on the Circuit form the best record of life on the Circuit.

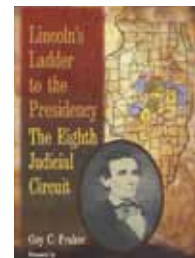
Their home in Bloomington was known as Clover Lawn, where Sarah frequently entertained during court week. Lincoln stayed at their home on a number of occasions and had a warm friendship with Sarah. That home was replaced by the stately mansion that now stands on the premises built in 1872. However, the barn behind the mansion is the original barn where Lincoln kept his horse when he visited. It now contains the exhibit "Prologue to Presidency: Abraham Lincoln on the Eighth Judicial Circuit," that is arguably the most complete exhibit about life on the Circuit. Davis ruled the Circuit as a benevolent monarch, firm in running his courtroom, but pragmatic and expeditious. His room was the center of social activity in the evenings on the Circuit where Lincoln would regale the lawyers, clients, and other visitors with his endless supply of jokes.

No one man played more of a role in Lincoln's Presidential nomination than David Davis. He was Lincoln's campaign manager at the Chicago Convention. Candidates did not attend then, which made the role of the campaign manager even more critical. When the Convention started, William Seward of New York was the heavy favorite. However, Davis organized the Lincoln forces at the Convention, which consisted almost entirely of Eighth Circuit lawyers, to work the smoke-filled rooms during the days and nights of the Convention. The bargaining sessions went late into the night, and thanks mainly to Davis and the tireless work of the team of lawyers which he organized, Lincoln emerged victorious. After the count was final, Davis wept.

Davis was appointed to the United States Supreme Court by Lincoln in August of 1862, an amazing leap from the Circuit Bench of the Eighth Judicial Circuit. This was in part in response to strong pro-Davis pressure from many of Lincoln's Circuit comrades and associates. When Lincoln was assassinated, his oldest son, Robert Lincoln, summoned Davis to Springfield to handle Lincoln's post-mortem affairs, and Davis was appointed administrator of his estate. He resigned from the U.S. Supreme Court in 1877 because of his election to the U.S. Senate by the Illinois Legislature. He served as president of the Illinois State Bar Association in 1884, and he died in Bloomington in 1886.

As the Illinois State Bar Association reminds us today, "Illinois has a history of some pretty good lawyers."

Guy C. Fraker's book, *Lincoln's Ladder to the Presidency: The Eighth Judicial Circuit*, is available for pre-order on Amazon.com. ♦



# Capitol Chronicle



by **Jim Covington**

*Director of Legislative Affairs*

**T**he following bills have been signed into law this summer.



## **Medical records of deceased family members.**

Public Act 97-867 (Sullivan, D-Rushville; Brady, R-Bloomington) does three things to the new provisions for getting medical records of deceased family members if no estate is opened. (1) It clarifies that a “handling” fee may not be charged to a patient or patient’s representative under Section 8-2001.5. (2) It requires that health-care providers release this information to a patient representative as authorized under this Section. (3) It requires that a person purporting to be a patient representative certify that to be true under penalty of law. Effective July 30, 2012.

**Health Care Services Lien Act.** Public Act 97-1042 (Thapedi, D-Chicago; Mulroe, D-Chicago) does two things in subrogation and right of reimbursement claims. (1) It proportionately reduces subrogation claims or other claims of right of reimbursement for medical expenses in the same proportion that the injured consumer’s recovery is reduced because of comparative fault or limited liability insurance. (2) It requires a party asserting a subrogation claim or other right of reimbursement to bear the pro rata share of the claimant’s attorney’s fees and litigation expenses. It exempts any health-care provider’s liens and work comp, UIM, and UM cases from these two provisions. It also allows petitions to adjudicate rights under this Act to be served on interested parties by personal service, substitute service, or registered or certified mail. Effective January 1, 2013.

**Calculation of child support.** Public Act 97-878 (Tracy, R-Mt. Sterling; Martinez, D-Chicago) amends the § 505(a)(3) formula for net income to allow the obligor to deduct only premiums for dependent and individual health/hospitalization insurance and for life insurance ordered by the court to secure payment of ordered child support. Effective August 2, 2012.

**New probate fee.** Public Act 97-1093 (Silverstein, D-Chicago; Feigenholtz, D-Chicago) creates a \$100 fee to open a decedent’s estate to fund the State Guardianship and Advocacy Commission. It

exempts indigents, the State Guardian, any state agency, any local public guardian, and any state’s attorney. (2) It also allows the court to appoint a limited guardian for a disabled adult who lacks some but not all of the required capacity. If the court finds that the ward is totally without the required capacity, it may appoint a plenary guardian. (3) It adds criteria for the termination of the guardianship or modification of the guardian’s duties. Effective January 1, 2013.

**Post-judgment collection of debts.** Public Act 97-848 (Williams, D-Chicago; Haine, D-Alton) makes three changes to citations and body attachments. (1) It requires a citation to be served by personal service or abode service as provided in Supreme Court Rule 105 attaching a copy of the statutory Income and Asset Form created by this bill. (2) It prohibits a payment order from being issued against a person unless the form was served on the debtor, the debtor has an opportunity to assert exemptions, and the payments are from nonexempt sources. (3) No order of body attachment or other civil order for incarceration may be issued for a respondent on a charge of indirect civil contempt unless the respondent has first had an opportunity to appear in court to answer after personal service or abode service of notice as provided in Section 2-203. It exempts enforcement for a violation of a municipal ordinance. (See the June *Illinois Bar Journal* article by Adam W. Lasker that discusses this bill in more detail.) Effective July 25, 2012.

**Cell phones and driving.** There are three new acts affecting cell phones and driving. (1) Public Act 97-830 (Garrett, D-Lake Forest; May, D-Highland Park) allows a driver in a construction or school zone to use a cell phone in “voice-operated” (instead of “voice-activated”) mode or by pressing a single button to initiate or terminate a voice communication. This also includes using a headset in this manner. Effective January 1, 2013. (2) Public Act 97-828 (Costello, D-Sparta; Haine, D-Alton) prohibits a driver from using a cell phone or video within 500 feet of an emergency scene. Exempts using a cell phone in the voice-operated mode. Effective July 20, 2012. (3) Public Act 97-829 (D’Amico, D-Chicago; Sandoval, D-Cicero) prohibits a driver from using a hand-held cell phone or texting while driving a commercial motor vehicle. It does make some exceptions such as using voice-operated mode. Effective January 1, 2013.

**Open Meetings Act.** Public Act 97-827 (Pihos, R-Glen Ellyn; Dillard, R-Westmont) makes two changes to the Open Meetings Act. (1) An agenda must set forth the general subject matter of any resolution or ordinance that will be the subject of final action at a meeting. (2) The public body must ensure that at least one copy of any notice and agenda for the meeting is continuously available for public review during the entire 48-hour period before the meeting. Posting on its website satisfies this requirement, but if a notice or agenda is not continuously available for the full 48-hour period because of events outside of the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting. Effective January 1, 2013.

**Mechanics Lien Act.** Public Act 97-966 (Althoff, R-Crystal Lake; Tyron, R-Crystal Lake) requires work to be done or materials furnished within three years for residential property and five years for any other kind of property. This Act sunsets on January 1, 2016, and the limitation then reverts to three years for any kind of property at that time. Effective January 1, 2013.

**Residential construction and radon.** Public Act 97-953 (McAsey, D-Lockport; Collins, D-Chicago) creates the Radon Resistant Construction Act. It requires that all new residential construction include passive radon resistant construction. “New residential construction” is any original construction of a single-family home or a dwelling containing two or fewer apartments, condominiums, or townhouses. “Passive radon resistant construction” includes an installed pipe that relies solely on the convective flow of air upward for soil-gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to the roof above. Effective June 1, 2013.

**Sanctions for visitation violations.** Public Act 97-1047 (Sullivan, D-Rushville; Howard, D-Chicago) authorizes a judge to impose sanctions for visitation abuse similar to those that may be imposed for failing to pay child support, such as suspending an offender’s driver’s license. Effective August 21, 2012. ♦

*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.*



## Use document assembly software to supercharge your practice

by **Bryan Sims** bsims@simslawfirm.com

*Sims Law Firm, Ltd., Naperville*

**F**or years, attorneys have been encouraged to use document assembly software to allow them to easily create documents such as estate plans, closing documents, contracts, etc., more quickly and more accurately than they could otherwise.

One of the traditional problems, however, has been the expense. Hot Docs, which has traditionally been viewed as the gold standard in document assembly, has always been prohibitively expensive for most solos and small firms. Recently, however, products affordable for solo attorneys and small firms have entered this arena.

**Pathagoras.** Pathagoras ([www.pathagoras.com/](http://www.pathagoras.com/)) describes itself as document assembly software that requires no complex setup. The program works by installing an additional toolbar in Microsoft Word. From there, you can use the software to automatically analyze your documents to create clause libraries. You can then select from different clauses and use those clauses to assemble a document, such as a contract or a will.

Additionally, you can take a preexisting document, identify a particular string of text, such as a name, that should be a variable, and allow the software to automatically identify where in that document the variable appears. This means that, when you create your new document, you need only to enter the proper variable informa-

tion once, and the document will be properly populated with the correct variable information.

Further, Pathagoras makes it easy to save information that you enter once, so that you can use that same information again. For example, if you were involved in a lawsuit involving real estate, once you enter the party information, the legal description, etc., you can use that same information without having to re-enter it, when you prepare your demand letter, your complaint, your judgment, etc.

Pathagoras offers a 90-day free trial to let you experiment. If you wish to purchase it the current cost is \$379, with discounts offered for multiple purchases.

**The Form Tool.** The Form Tool ([www.theformtool.com](http://www.theformtool.com)) is a relative newcomer to the document assembly world and it has much to offer. Like Pathagoras, you work from a toolbar directly from within Word. There is no fancy programming or special skills needed to create forms.

Instead, you simply open your source document, identify the variables in the document by using the tools on the toolbar and replace the text with a variable name. For example, if you are creating documents for a real estate closing, you can pull up a deed and replace the name of the seller, say John Smith, with a variable such as Seller1. Doing so is as simple as selecting the text and clicking a button on the toolbar.

At the end of your document, in a table, is a list of all of your variables. You simply type in the information that corresponds to each variable and tell the software to complete the forms. If you made a mistake, you simply correct it in the table, and recomplete the form.

I spent about an hour and half automating my real estate closing documents in The Form Tool. Now, I can generate all of the documents that I need in less than 10 minutes.

In addition to simply replacing variables, you can program your form so that it will change the pronouns to match the person, or number of people. You can also individually set the appearance of each appearance of a variable, so that a name entered once in the table can appear in regular text, bold, etc., at various places in the document. Similarly, you can control how things such as dates are displayed, whether written fully out or in numerals only.

A basic version of The Form Tool is available for free. This does not contain the advanced programming features, but it does allow you to use the basic features. The pro version is currently available for \$89.

If you are interested in document assembly software or have further questions, I urge you to attend the session on document assembly at the upcoming ISBA Solo and Small Firm Conference. The document assembly session is scheduled for Friday, Sept. 14 at 3:50 p.m. ♦

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# An invitation ... be a leader in ISBA

by John E. Thies

ISBA President



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

In fact, ISBA members in early 2013 will elect 127 new members of the 203-member Assembly, 9 new members of the 27-member Board of Governors, and a new Third Vice-President who will become President three years later. Members who seek office will be required to file nominating petitions with

the requisite number of signatures of eligible voters no later than 4:30 p.m. on Thursday, January 31, 2013. More details are below, and full details are available on the ISBA website at [www.isba.org/elections](http://www.isba.org/elections).

The Assembly is the policy making body of the Association. It meets twice a year, and members serve three-year terms. The Board of Governors functions as the administrative and managing body and typically meets five times a year. Board members serve three-year terms.

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

**Consider becoming a candidate! ♦**

## NOTICE OF ISBA ELECTION

### Office of Third Vice-President

**9 – Seats on the Board of Governors**

**39 – Seats on the Assembly (Cook County)**

**88 – Seats on the Assembly (Outside Cook County)**

There follows a listing of the offices in the Illinois State Bar Association to be filled by the 2013 annual election. Those elected to the Board of Governors and Assembly take office at the opening of the Annual Meeting on June 20, 2013, and the third vice-president takes office at the close of the Annual Meeting on June 22, 2013.

Office and Term	No. to be elected	Incumbent(s)
Third Vice-President - 1 to be elected no incumbent*		
Board of Governors, 3 year term		
Cook – 4 to be elected		Karen A. Enright – Chicago Russell W. Hartigan – Western Springs** Mark E. Wojcik – Chicago** Mark L. Karno – Chicago
Area 2 (Circuits 17 & 19) – 1 to be elected		Bernard Wysocki – Waukegan**
Area 5 (Circuits 5, 6, & 11) – 1 to be elected		Stephen R. Pacey – Paxton**
Area 7 (Circuits 1, 2, & 4) – 1 to be elected		Shari R. Rhode – Carbondale**
Under Age 37 – Downstate – 1 to be elected		Jamie L. Bracewell – O'Fallon
Under Age 37 – Cook – 1 to be elected		Gina Arquilla DeBoni – Chicago***
Assembly, 3 year Term		
Circuit 1 – 2 to be elected		Rhett T. Barke – Carbondale** Carey C. Gill – Carbondale**
Circuit 2 – 2 to be elected		Jon J. Racklin – Olney**
Circuit 3 – 4 to be elected		E. Nicole (Nikki) Carrion – Edwardsville Anthony E. Rothert – Edwardsville Jennifer A. Shaw – Edwardsville** Christopher P. Threlkeld – Edwardsville** Scott Turner – formerly of Marine**
Circuit 4 – 1 to be elected		William W. Austin – Effingham**
Circuit 5 – 1 to be elected		Barbara L. Delanois – Danville** Thomas M. O'Shaughnessy – Danville
Circuit 6 – 5 to be elected		Thomas A. Bruno – Urbana Keith E. Fruehling – Urbana Michael P. McCuskey – Urbana** Darrel F. Parish – Decatur** John T. Phipps – Champaign**
Circuit 7 – 6 to be elected		Geri L. Arrindell – Springfield Gary L. Cline – Springfield** Howard W. Feldman – Springfield Randy S. Paswater – Springfield Daniel K. Wright – Springfield
Circuit 8 – 1 to be elected		Nolan Lipsky – Petersburg**
Circuit 9 – 1 to be elected		Stephanie S. Johnson – Lewistown

Office and Term	No. to be elected	Incumbent(s)
Circuit 10 – 5 to be elected		Robert C. Gates – East Peoria Michele A. Miller – Peoria Richard A. Russo – Peoria Jay H. Scholl – Peoria Richard W. Zuckerman – Peoria**
Circuit 11 – 4 to be elected		Sarah R. Duffy – Pontiac Pablo A. Eves – Bloomington Thomas M. Harris, Jr. – Lincoln** Michael A. Powell – Bloomington
Circuit 12 – 4 to be elected		Sean D. Brady – Joliet Judy A. Goldstein – Mokena Edward Jarot, Jr. – Joliet** Michael R. Lucas – Joliet
Circuit 13 – 2 to be elected		George G. Leynaud – Peru Rebecca M. Leynaud – Peru**
Circuit 14 – 3 to be elected		Robert H. Alvine – Moline** Theodore G. Kutsunis – Rock Island Robert T. Park – Rock Island**
Circuit 15 – 1 to be elected		Heather A. McPherson – Freeport
Circuit 16 <sup>1</sup> – 5 to be elected		Steven A. Andersson – Aurora Gregory C. Maksimuk – Geneva Susan W. Rogaliner – St. Charles Colleen G. Thomas – Carpentersville Gary M. Vanek – Elgin Douglas B. Warlick – Geneva**
Circuit 17 – 4 to be elected		Cheri N. Greenlee – Rockford** Don M. Mateer – Rockford Frank A. Perrecone – Rockford Donald L. Shriver – Rockford
Circuit 18 – 16 to be elected		Robert J. Anderson – Wheaton Joseph M. Beck – Wheaton** Thomas A. Christensen – Wheaton Dion U. Davi – Wheaton Thomas A. Else – Naperville** Joseph F. Emmerth, IV. – Wheaton Connie R. Gessner – Wheaton** Robert Handley – Downers Grove Henry D. Kass – Aurora John F. Knobloch – Naperville Colleen M. McLaughlin – Wheaton Ronald D. Menna Jr. – Wheaton Erik Miles – formerly of Carol Stream, currently of Chicago**** J. Matthew Pfeiffer – Wheaton James L. Reichardt – Villa Park** Thomas F. Sullivan, Jr. – Wheaton**
Circuit 19 – 11 to be elected		Ann B. Conroy – Waukegan Gretchen E. Fisher – Libertyville** Joann M. Fratianni – Lake Forest** Deborah L. Goldberg – Highland Park** Kevin M. Kane – Waukegan** Tara H. Ori – Waukegan** Mark W. Simons – Waukegan** Perry Smith Jr. – Waukegan** Timothy J. Storm – Wauconda Michael S. Strauss – Libertyville



Office and Term	No. to be elected	Incumbent(s)
Circuit 20 – 5 to be elected		Donald Bigham – Pinckneyville** Patrick R. Foley – Belleville Arthur W. Morris – Columbia Thomas Speedie, Jr. – Nashville James R. Williams – Belleville
Circuit 21 – 1 to be elected		Lindsay A. Parkhurst – Kankakee
Circuit 22 – 3 to be elected		Richard Curran, Jr. – Crystal Lake Rhonda L. Rosenthal – Crystal Lake James L. Wright – Crystal Lake
Circuit 23 <sup>2</sup> – 1 to be elected		Mary F. Petruchius – Sycamore**
Cook County – 39 to be elected		Kimberly J. Anderson – Chicago** Patrice Ball-Reed – Chicago Thomas M. Battista – Chicago Scott A. Blumenshine – Chicago** Samuel F. Cannizzaro – Chicago Gawain Charlton-Perrin – Chicago** Joel L. Chupack – Chicago Michael V. Favia – Chicago** Eugene F. Friedman – Chicago Gregg A. Garofalo – Chicago** Ava M. George Stewart – Chicago** Robert H. Hanaford – Chicago** Michael R. Hartigan – Chicago Jessica A. Hegarty – Chicago Matthew J. Huster – Chicago James W. Kopriva – Chicago Pamela J. Kuzniar – Chicago** Dominick L. Lanzito – Chicago Joseph F. Locallo, III – Chicago Jameika W. Mangum – Rolling Meadows Emily N. Masalski – Chicago Pamela S. Menaker – Wilmette Kevin E. O'Reilly – Chicago** J. Damian Ortiz – Chicago Juanita B. Rodriguez – Chicago Gina M. Rossi – Chicago Daniel R. Saeedi – Chicago Andrea M. Schleifer – Chicago** George L. Schoenbeck, III. – Orland Park Julie Ann Sebastian – Chicago**

Office and Term	No. to be elected	Incumbent(s)
Cook County – 39 to be elected		Deborah J. Soehlig – Chicago Letitia Spunar Sheats – Chicago Alon Stein – Lincolnwood** Panos T. Topalis – Chicago David J. Vander Ploeg – Chicago Kevin T. Veugeler – Chicago** John A. Wasilewski – Palos Heights
<p>* Under the bylaws the third vice-president automatically succeeds to the office of second vice-president; therefore, there is no incumbent for this office.</p> <p>** Ineligible to succeed due to term limitations.</p> <p>*** Ineligible to succeed due to age limitations.</p> <p>**** Ineligible to succeed in the 18th Circuit due to residency requirements.</p> <p><sup>1</sup> Public Act 097-0585 created the 23rd Judicial Circuit by splitting the 16th Circuit. The 16th Circuit consists of Kane County; the 23rd Circuit consists of DeKalb and Kendall counties. Effective December, 2012.</p> <p><sup>2</sup> Public Act 097-0585 created the 23rd Judicial Circuit by splitting the 16th Circuit. The 16th Circuit will consist of Kane County; the 23rd Circuit will consist of DeKalb and Kendall counties. Effective December, 2012.</p> <p><b>NOMINATION</b> Members who wish to be candidates for office must reside in the proper geographic jurisdiction, must meet other requirements for particular office, and must be in good standing with the ISBA at the close of the nominating period.</p> <p>Voting Address: Bylaws Sec. 1.11 reads: For purposes of voting and candidacy for ISBA elected office, a member's voting address shall be his or her primary legal office as designated by the member. If a member's primary legal office is not within the state of Illinois, such member may designate their Illinois residence as their voting address; if no voting address is designated, the member shall be considered a non-resident.</p> <p>Nominating petitions must be in writing and in the substantial form set forth in Para. 3.2. (<i>See Election Policy Para. 3.2.</i>) Printed copies of the nominating petitions are available upon request at the Office of the Executive Director, Illinois State Bar Association, 424 South 2nd Street, Springfield, IL 62701. (Telephone toll free 800/252-8908, fax 217/525-0712 or visit the ISBA website, either under "About-Leadership" or directly at <a href="http://www.isba.org/leadership">www.isba.org/leadership</a>.)</p> <p>Nominating petitions may be filed no earlier than Wednesday, January 2, 2013 and must be filed by 4:30 p.m. on Thursday, January 31, 2013 at either the Illinois Bar Center, 424 South 2nd Street, in Springfield or the ISBA Chicago Office at 20 S. Clark Street, 9th Floor, Chicago. Petitions must be physically submitted with original signatures. Petitions submitted via email or fax will not be accepted. (<i>See Election Policy Para. 3.4.</i>)</p> <p>The ISBA Bylaws and Policy and Procedures on Association Elections, additional pertinent information and petition forms for each category of candidacy may be found on the ISBA website, either under "About-Leadership" or directly at <a href="http://www.isba.org/leadership">www.isba.org/leadership</a>.</p> <p><b>Voting</b> All members of the Association in good standing (except nonlawyer members) are eligible to vote for the office of third vice-president. Eligible members residing in the areas in which there are contested elections may vote in the appropriate Board of Governors and Assembly race.</p> <p>The 2013 Elections will be conducted by electronic voting. Paper ballots will be utilized in some instances. Full details on the voting process will be provided to the full active membership well in advance of the formal election.</p> <p><b>By policy, a member's dues must be paid by March 1, 2012 for the period ending June 30, 2012, in order to be eligible to vote in ISBA Elections.</b></p>		
September, 2012		Robert E. Craghead, Executive Director

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# Money in judicial elections: A call for expanded disclosure

by Cook County Judge Michael B. Hyman and Carl M. Johnson

**I**llinois needs to adopt tighter, more comprehensive disclosure laws to reveal the sources of money spent on judicial election and retention campaigns. Current disclosure laws contain loopholes which allow savvy organizations to funnel anonymous donations for or against judicial candidates. Given the unique posture of the judiciary in our society, given the need for impartial justice, and given the imperative for judges to remain neutral actors, judicial election and retention campaigns demand greater disclosure of campaign contributions than what is presently required.

While contributions in general are considered a risk to judicial impartiality, the lack of transparency has the effect of diminishing public confidence and faith in the judiciary. Because we demand equal application of law by our judges and we expect impartiality, fairness, and evenhandedness from our judges, Illinois must tighten its judicial campaign disclosure laws, close loopholes, and thereby safeguard both the efficacy and legitimacy of our legal system. See 2002 Illinois Statewide Survey on Judicial Selection Issues (78.5% of respondents think Illinois judges should be elected).

The public and elected representatives think of judges “as politicians or political operatives,” which is not the case at all. Judges inherently differ from elected political officeholders. Rebecca Love Kourlis and Dirk Olin, *Rebuilding Justice: Civil Courts in Jeopardy and Why You Should Care* 36 (Fulcrum Publishing 2011). Unlike either the legislative or executive branch, “[t]he legitimacy of the Judicial Branch ultimately depends on its reputation for impartiality and non-partisanship.” *Mistretta v. United States*, 488 U.S. 361, 407 (1989). Judges are neutral actors, dispassionate, and worried about even the appearance of bias; politicians are partisan activists. Judges are entrusted agents of impartial justice; politicians are enlisted proponents unconstrained by fair-mindedness. Judges perform their duties without interference of any sort from public or private interests. Politicians perform their duties with input and participation from public and private interests.

The criteria for choosing judges should be intellect, demeanor, and professional abilities, not popularity, personality, or partisanship, all characteristics that matter in electing holders of political offices. As Justice John Paul Stevens noted, “it is the business of legislators and executives to be popular. But in litigation, judges have an overriding duty to

be impartial and to be indifferent to popularity.” John Paul Stevens, *Five Chiefs* 125 (Hachette Book Group 2011).

Insufficient disclosure laws, coupled with dramatically increased spending in state judicial election and retention campaigns, threaten judicial integrity by fueling the perception of bias in decision-making. The problematic nature of this perception was captured by a 2011 poll by an independent advocacy organization, Justice at Stake. They found a whopping 83% of voters believe that campaign contributions have at least some influence on judges’ decisions. The data confirms Justice Sandra Day O’Connor’s concern that “[e]ven if judges were able to refrain from favoring donors, the mere possibility that judges’ decisions may be motivated by the desire to repay campaign contributors is likely to undermine the public’s confidence in the judiciary.” *Republican Party v. White*, 536 U.S. 765, 790 (2002) (O’Connor, J., concurring).

There is even a stronger perception that judges are compelled to favor litigants who contribute to their campaign. Justice at Stake found that 91% of voters think it is a serious problem when a judicial candidate’s campaign contributors are party to a case that the elected judge might have to rule on. It seems “[w]hen contributions come from the very law firms and corporations that litigate before the judges whom they help elect, then the generally tawdry aura of contributions takes on an even more unseemly and sinister tint.” James L. Gibson, *Challenges to the Impartiality of State Supreme Courts*, 102 AM. POL. SCI. REV. 59, 62 (2008). Contributions from specific litigants and from interest groups in general promote a public perception that the court is biased in its decision making.

Porous disclosure laws exacerbate the situation. The most comprehensive study to date on judicial bias from campaign contributions is *Money, Politics, and Impartial Justice* by Joanna M. Shepherd of Emory University School of Law. 58 DUKE L.J. 623, 673 (2009). Shepherd’s multivariate analysis of every state Supreme Court decision between 1995 and 1998 suggests that in partisan election systems, campaign contributions from interest groups either (i) have a tendency to persuade judges to vote a certain way or (ii) tend to be donated to candidates whose votes are already consistent with the interest groups’ preferences. To test which hypotheses is the more likely, Shepherd used the same multivariate analysis to compare the votes of retiring judges versus non-retiring judges. What she discovered is “most interest group contributions have no systematic relationship with the voting of retiring judges.” Shepherd specu-

lates that retiring judges are less likely to be influenced by contributions from special interest groups because they do not need future support from those groups for reelection or retention.

The results of Shepherd’s study, while involving partiality toward entire classes (i.e. business defendants in products liability cases) as influenced by interest group contributors (i.e. pro-business interest groups), attest to the need for broad and sweeping disclosure in judicial election and retention campaigns.

## ***The Need for Transparency and Full Disclosure of Campaign Spending***

The most effective safeguard against the perception of judicial bias is probably for a judge to remove himself or herself from a case whenever a reasonable observer with knowledge of all the facts and circumstances would question the judge’s impartiality. *United States v. DeTemple*, 162 F.3d 279, 286 (4th Cir. 1998). While it is beyond the scope of this article to outline specific recusal standards, transparency and full disclosure of campaign spending can only help judges comply with whatever standards are set. With a deliberate vagueness that often typifies talk of recusal, the U.S. Supreme Court has noted the following guidelines:

If the judge discovers that some personal bias or improper consideration seems to be the actuating cause of the decision or to be an influence so difficult to dispel that there is a real possibility of undermining neutrality, the judge may think it necessary to consider withdrawing from the case.

*Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 883 (2009).

The key phrase here is “if the judge discovers.” Personal bias or improper consideration is only relevant if the judge can “discover” it (and litigants too must be able to “discover” it). Due to loopholes in Illinois disclosure laws, often complete identification of sources of funds in support or opposition to a judicial candidate goes undiscovered. At a minimum, we need comprehensive and thorough disclosure of campaign contributions and campaign spending.

From the standpoint of impartial justice via transparency, the current state of disclosure law in Illinois is discouraging. While the law provides for robust reporting of money spent by the candidate directly, by the candidate’s official committee, or

(Continued on page 11)



by registered political action committees, the source of money classified as “independent expenditures” often goes undisclosed. At first glance, the Illinois State Board of Elections’ rules on disclosure appear extensive in their call for reporting of independent expenditures, but a closer analysis reveals a few ways around them.

The rules dictate that independent expenditures over \$3,000 must be reported (Section 9-11(a)(4) of the Election Code (10 ILCS 5/9-11(a)(4)) and that the reports must identify any individual or entity contributing over \$150. See *id.* 5/9-11(a)(4). Seemingly, this means the identity of any individual contributing over \$150 towards independent expenditures which total over \$3,000 must be disclosed. Organizations seeking to conceal the identity of their donors, however, have found at least two loopholes, one rooted in the rules’ definition section.

An independent expenditure is defined as any payment, gift, donation, or expenditure of funds (i) by a natural person or political committee for the purpose of making electioneering communications or of expressly advocating for or against the nomination for election, retention, or defeat of an identifiable public official or candidate (ii) that is not made in connection or in concert with the candidate, the candidate’s campaign, or the official committee. See *id.* 5/9-1.15.

The first loophole is that “electioneering communications,” which usually refers to communications that reference a candidate and are made within 60 days of an election, does not include communications by a 501(c) (3) nonprofit organization. See *id.* 5/9-1.14(b)(4). Under IRS rules, if 501(c) (3) organizations engage in political activity, they risk losing their tax exempt status. The nuance, however, is that savvy organizations can make sure their actions only approach, but do not technically constitute political activity. An organization can run a series of advertisements, for example, cast as educational yet providing voters with skewed information on a hot-button issue. This allows money spent by a 501(c) (3) to remain unreported as an independent expenditure, and its sources hidden.

A second loophole around disclosure can be found in the Illinois State Board of Elections Guide to Campaign Disclosure. The guide notes that exempted from the Disclosure Act are “[c]orporations, associations, labor unions, or individuals who make political donations strictly from corporate profits, union treasury, or personal income” provided that the donating entity did not solicit funds specifically in support or opposition to a candidate. Although the political committee that receives these treasury donations must report them, no one is required to report the source of the treasury money that made the donations possible. Hence, if an enti-

ty solicits funds merely to “support democracy” or “support freedom,” without referring to a candidate in the solicitation, and the entity goes on to spend directly from its treasury, it does not have to disclose individual sources. This is true even if the treasury spending itself, on television ads for example, specifically references a candidate, or if treasury money is donated to the candidate directly. If solicited without specific reference to the candidate, individual sources of treasury money can remain anonymous and hide their trail of contributions. Furthermore, if the entity receiving source money is a political action committee that only makes independent expenditures (and not direct contributions), there is no limit on the amount a source can contribute to that entity. *Pers. PAC v. McGuffage*, No. 12-CV-1043, 2012 LEXIS 33553 (N.D. Ill. Mar. 13, 2012).

### **Tighter disclosure laws can close loopholes and promote transparency in judicial election campaign spending**

The disclosure laws of California and Louisiana provide examples of how major loopholes present in the Illinois scheme can be closed and greater transparency incorporated in judicial election campaign spending. California law provides:

Certain Payments to Nonprofit Organizations and Federal or Out-of-State Political Organizations Active in California Elections. Any payment made to a person or organization other than a candidate or committee, when, at the time of making the payment, the donor knows or has reason to know that the payment, or funds with which the payment will be commingled, will be used to make contributions or expenditures . . . There shall be a presumption that the donor does not have reason to know that all or part of the payment will be used to make expenditures or contributions, unless the person or organization has made expenditures or contributions of at least \$ 1,000 in the aggregate during the calendar year in which the payment occurs, or any of the immediately preceding four calendar years. A donor to such a person or organization shall be identified and reported.

Cal. Code Regs. tit. 2, §18215(b) (2011).

Illinois should adopt similar language. The California law is a sensible way to unveil the identity of the varied spectrum of donors to judicial campaigns.

The disclosure laws of Louisiana are even more stringent. La. Rev. Stat. Ann. §18:1483(14)(a) (2012). There, a political committee, defined essentially as two or more persons organized for the primary purpose of supporting or opposing a candidate, is required to disclose the full name and address of each person who has contributed to the committee during

the reporting period, irrespective of the contribution amount. This means even 501(c) (3) organizations have to disclose their donors when expending money on political campaigns. While it may be onerous to require disclosure without a minimum amount parameter, the Louisiana law certainly achieves more complete disclosure compared to that of Illinois.

There is broad support for closing loopholes and promoting transparency. A June 2010 national survey by Harris Interactive found that members of the public overwhelmingly support full disclosure. “Among voters surveyed, 87% favored full disclosure of campaign expenditures in court elections, and only 8% were opposed.” The Brennan Center for Justice, Oct. 2011, at 11, available at [http://www.brennancenter.org/content/resource/the\\_new\\_politics\\_of\\_judicial\\_elections\\_2009-10/](http://www.brennancenter.org/content/resource/the_new_politics_of_judicial_elections_2009-10/). The majority of voters understand the link between disclosure of campaign spending and judicial integrity.

Quite notably, eight of the justices on the U.S. Supreme Court also seem to understand this link. In *Citizens United v. Federal Election Commission*, 130 S. Ct. 876, 915-917 (2010), while ruling 5-4 that corporations can spend unlimited amounts of money on campaigns, the Court also ruled 8-1 that it is constitutional for Congress to require disclosure of contributors’ identities. The Supreme Court’s ruling gives states permission to pursue even more stringent disclosure requirements than those pursued by Congress, and to shutdown loopholes such as those seen in Illinois. Pending in the U.S. Senate, the Disclosure Act (H.R. 5175) aims to strengthen disclosure law at the federal level. Importantly, though, the requirements set forth in the Disclosure Act still allow a loophole for 501(c)(3) and 501(c)(4) nonprofit organizations to evade disclosure. H.R. 5175 § 211(a)(5)(G), available at <http://www.gpo.gov/fdsys/pkg/BILLS-111hr5175pcs/pdf/BILLS-111hr5175pcs.pdf>.

Hidden contributions and anonymous donors, while perhaps unseemly in political campaigns, are plainly problematic, but more significantly, dangerous, in the judicial sphere. The organized bars, with the assistance of like-minded organizations, must actively promote changing Illinois’ disclosure law. Unless the legal profession makes disclosure of the kind suggested here a priority and works hard for its passage, judges who present themselves to the voters, whether for election or retention, will remain under a cloud of suspicion. ♦

**Judge Michael B. Hyman** sits in the General Chancery Division of the Circuit Court of Cook County. **Carl M. Johnson**, a second year at Columbia Law School, was an extern in Judge Hyman’s chambers during the summer of 2012.



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### PROGRAM: Ben Neuburger's Baby Boomers, The Age Wave, and the Commoditization of the Practice of Law: How to Survive the Storm

There is a hurricane coming that could substantially alter (or destroy) the coastline that is the solo/small firm legal practice. Legal Zoom, Rocket Lawyer and other form producers fueled by Baby Boomers who want to do their own legal work are taking away substantial business from solos/small firms. This session will give you the tools you need to change your practice and successfully weather the storm. *Sponsored by Bank of America, ISBA's financial services provider, Attorneys' Title Guaranty Fund, Inc., ATG Trust Company, and Simmons Browder, Gianaris Angelides & Barnerd LLC (Alton).*

### SOCIAL: Comedians-at-Law

These current and former practicing lawyers offer sharp, funny and intelligent insights on the practice of law, work, life and current events. The group has been seen on the *Late Late Show with Craig Ferguson*, *Bloomberg TV* and *Fox News* and in the *Wall Street Journal* and *New York Times*. Hot off their six-city national club tour – Lawmageddon 2012 – they look forward to making you feel slightly better about practicing law! *Sponsored by ISBA Mutual Insurance Company*

## Lodging Information & Reservations:

The 2012 Conference will be hosted at the Westin Northwest Chicago, located at 400 Park Boulevard in the northwest suburb of Itasca (3 miles from Woodfield Mall and 12 miles from O'Hare Airport.) A limited number of rooms are available in our block for \$109 per night through August 20, subject to availability. The Westin will provide shuttle service from the Metra Train Station or the Woodfield Mall if you call them directly to schedule a pick-up. To reserve your room, go online ([www.isba.org/soloconference/hotel](http://www.isba.org/soloconference/hotel)) or call (630) 773-4000; be sure to ask for the ISBA Solo & Small Firm Conference rate.

### FOR MORE INFORMATION

REGISTRATION



LODGING



FULL PROGRAM



EXHIBITORS



## Registration Information & Pricing:

Registration is online only. No registration accepted without payment. Visa, MasterCard, American Express and Discover accepted. Fee includes attendance at sessions of choice, admission to all meal and social functions, a flashdrive of course materials and access to materials and more via the new conference App for mobile devices! Registrants will also be able to download materials online at no charge. Printed course materials are available for an additional \$99; pre-orders must be received by September 7. Full refunds available through September 7 (4:00 PM Central), less a \$50 administrative fee. See website for more information.

REGULAR REGISTRATION <i>August 21 – September 10</i>	\$425 MEMBER / \$725 Non-Member
ON-SITE REGISTRATION	\$500 MEMBER / \$900 Non-Member
New Attorney*/Law Student Registration	\$200 (Members only)
Guest Fee**	\$175

\*New Attorneys who are in their first 3 years of bar admittance only.

\*\*Guest fees include Thursday reception/dinner, continental breakfasts, and Friday social event/casual dinner.

# Young Lawyers Division offers new Professional Development Luncheons (PDLs)

by Meghan N. O'Brien

YLD Chair, James M. Ridge & Associates

**M**ost attorneys, whether young or more experienced, know attorneys who are unhappy with their legal careers. In some cases, the attorney who is unhappy is not a friend, colleague or family member but unfortunately the attorney herself. Sometimes the unhappiness stems from the inability to find satisfaction in the type of law where the attorney is practicing, sometimes the discord comes from an unpleasant work environment, sometimes an attorney feels "stuck" in her position with the inability to advance at her firm, sometimes young attorneys are unable to find a job after law school and sometimes attorneys just realize that the formal practice of law does not make them thrive. As Chairperson of the ISBA Young Lawyers Division (YLD), I meet many attorneys who have these experiences. The ISBA YLD is hoping to help attorneys that deal with these issues through a new four-part series. The YLD, in collaboration with many great ISBA leaders and speakers, is proud to announce a new program, Professional Development Luncheons

(PDL), which aims to teach law students and young attorneys practical steps to advance their careers.

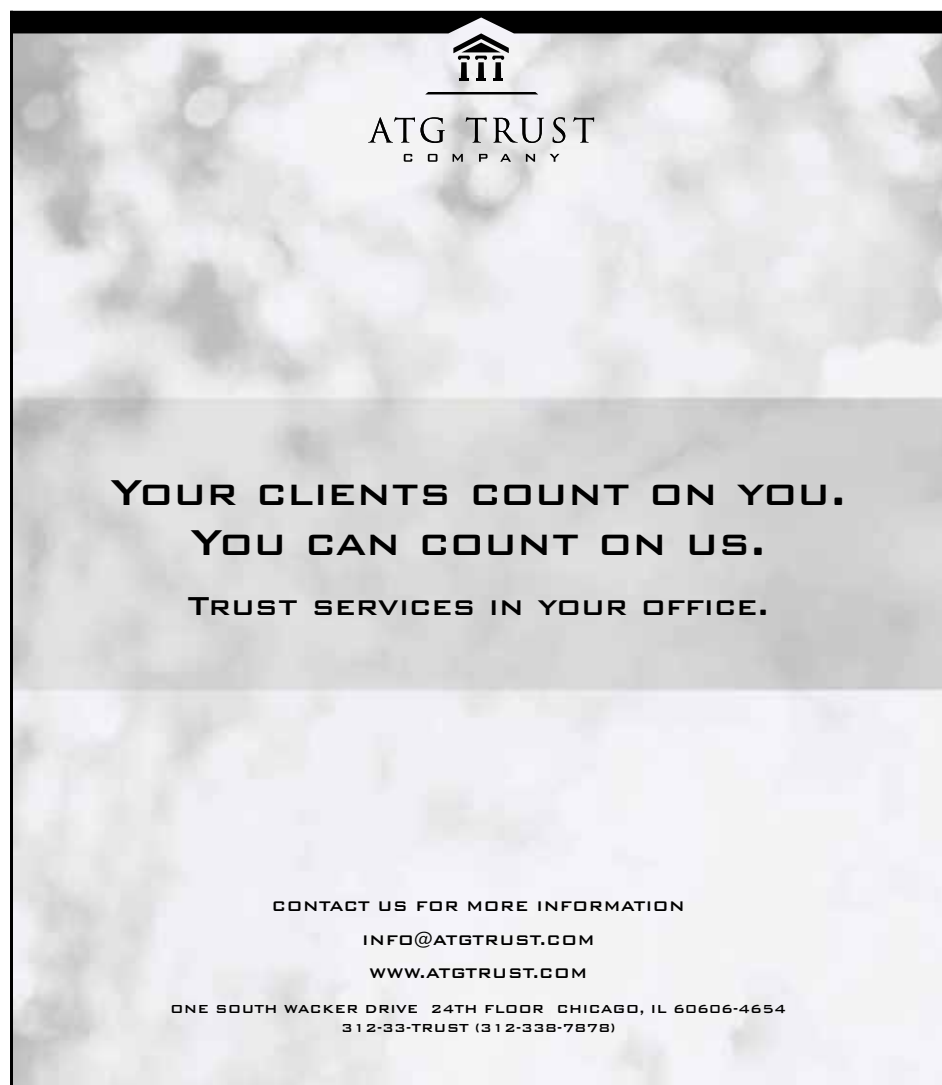
The PDLs will be a great resource to help young lawyers develop, enhance, and foster a balanced professional life. This Bar Year there will be four, one-hour, PDL panel discussions aimed at teaching young attorneys practical steps to advance their careers. Each program will give participants an opportunity to question a panel of experienced attorneys and ISBA leaders on the specific issues that tend to be the most troubling in the current legal market. The PDLs aim to help young attorneys face the current legal job crisis by providing tools for job hunting and changing jobs, by assisting young attorneys with the knowledge to take charge of their careers and by giving real-life information on how to utilize a law degree in an alternative profession. They will also provide a blueprint for more experienced attorneys to advance at their firm or graduate to the bench.

The first PDL, "Getting Your Foot in the Door," will be held on Sept. 12 and will focus on getting a job, changing jobs, and changing practice areas. The second PDL, "Taking Charge," will be held on Oct. 9 and will focus on teaching attorneys how to take charge of their careers through rainmaking, networking and bar association involvement. In 2013, the third PDL will be held on Jan. 9 and will focus on the practical steps towards a judicial career and the final PDL will be held on March 13 and will focus on non-traditional legal careers.

All of the PDL speakers are leaders in the legal community with exceptional careers and will be able to provide great insight to law students and young lawyers on the professional advancement of their careers. The YLD is very grateful for the support of ISBA leadership and our outstanding guest panelists, as without their assistance, these programs would not be possible.

The cost of the PDL programs is \$10, which includes lunch. The one-hour programs will be held at the ISBA Chicago Regional Office at 12:00 p.m. We hope to be able to videotape the programs for attorneys who are unable to attend. You can register for the Professional Development Luncheons on the ISBA YLD website, [www.isba.org/sections/yld](http://www.isba.org/sections/yld).

The PDL sub-committee is chaired by YLD members Matthew Coleman, Jessica Durkin and Heather Pfeffer. ♦



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**Join us for a Day at the Races!**

**When:** Saturday, September 22, Noon - 5:00 p.m.  
Tickets will be available for pick up at 11:15 a.m.  
at the Will Call Window, Grandstand Entrance

**Where:** Picnic Tables/Park Area, East Side,  
Arlington Park Racecourse, Arlington Heights -  
ISBA will be at Picnic Tables located by the Rail

**Cost:** \$8.50 per person. Lunch is not included.  
Admission is complimentary for everyone under 17 yrs.  
General Admission cost includes admission to the park and a  
daily racing guide, and a Fabulous Day of Thoroughbred racing!

Register by Sept. 17 at  
[www.isba.org/sections/yld/dayattheraces](http://www.isba.org/sections/yld/dayattheraces)



**Save the Date for  
YLD Holiday Party!**

Tickets will go on sale soon for  
this annual event.

- \* Friday, Dec. 7, 2012, 6 p.m. - 10 p.m.
- \* Cubby Bear Wrigleyville, 1059 W. Addison
- \* Proceeds benefit the Illinois Bar Foundation/YLD Children's Assistance Fund

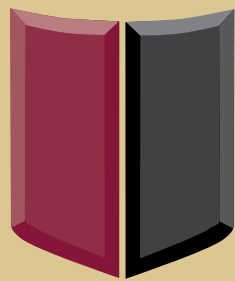
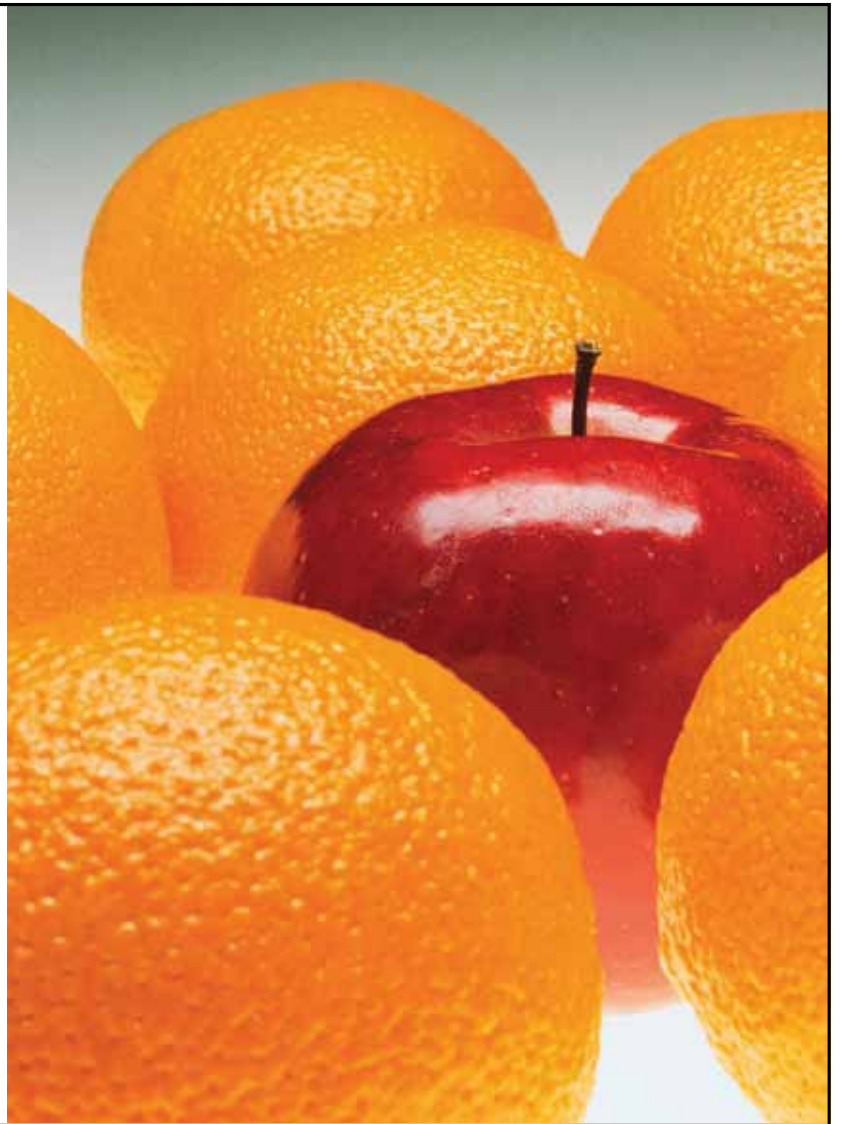
More information and registration  
will be available soon at  
[www.isba.org/sections/yld/holidayparty](http://www.isba.org/sections/yld/holidayparty)



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# Should you merge with another law firm?

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

jolmstead@olmsteadassoc.com

**L**aw firm succession and exit planning is one of the hottest management challenges facing attorneys whether they are partners in a law firm, a sole owner of a firm comprised of other employed attorneys and staff members, or a solo attorney in practice with no other attorneys in the firm. We receive at least 10 calls a week on succession related issues. Many firms are exploring “merger options” as one of their succession/exit options. Periodic merger option reviews should be incorporated in all long-range strategic plans.

While mergers can be a valid option – making them work is often another matter. Research indicates that one-third to one-half of all mergers fail to meet expectations due to cultural misalignment and personnel problems. Don’t try to use a merger or acquisition as a life raft, for the wrong reasons and as your sole strategy. Successful mergers are based upon a sound integrated business strategy that creates synergy, and a combined firm that produces greater client value than either firm can produce alone.

There can be a whole list of reasons for failure including poor financial performance, attorney defections, loss of key clients, and leadership and management issues. However, it has been our experience that most failures have been the result of poor cultural fit. The merging firms – after they have moved past conflict checks and excitement about new client potential – jump immediately to an examination of practice economics and the financials. They fail to perform proper due diligence on the people. It is critical that firms make cultural due diligence a key component of the merger assessment process. Philosophies, personalities, and lifestyles should be generally compatible. The partners should like each other and the deal should make sense.

## ***The question is not the what (merge) but the who (people)***

You should do all the due diligence that you can – start with the people – then move through the rest of the process.

Right reasons for merging might include:

- Improve the firm’s competitive position
- Increase specialization - obtain additional expertise
- Expand into other geographic regions
- Add new practice areas
- Increase or decrease client base
- Improve and/or solidify client relationships

Start by thinking about the reasons that your firm wants to merge and your objectives. Ask yourself the following questions:

- Do you want to practice in a large firm? If not, what is the largest firm that you would want to practice in?
- What is driving the desire to merge?
- If the desire to merge is being driven by a desire to retreat from internal problems – what have you done to address these issues internally?
- Is your name being part of the firm name important to you?
- What are your expectations and objectives for a merger?
- What are you looking for in a merger partner?

Make sure that you look for a complimentary fit. If you are weak in firm leadership, management and administration – look for a firm that is strong in these areas. Strong leadership, management, and administration may be hard to find in a firm of fewer than 25 attorneys.

## ***Preparing for a Merger***

Start with determining your merger objectives. Why do you want to merge? What do you hope to achieve? Is merger compatible with your strategic plan? What size of firm are you considering?

- Once you are sure that merger exploration makes sense you should insure that your house is in order. In other words – can anything be done to enhance the value and/or marketability of your firm? For example:

(Continued on page 17)

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best practice

- Do you have a business or strategic plan? If not – how will you convince a potential merger partner that you have a plan for the future and know where you are going? Maybe now is a good time to work on that plan.
- Work on and clean up your financials. Improve the financial performance of your practice. Eliminate deadwood. Write-off uncollectable A/R and WIP.
- Avoid entering into long-term commitments that might make your firm undesirable to another firm. (New long-term leases, risky client matters/cases, loans, admission of new partners, unfunded partner buyouts/retirements, etc.)
- Enhance firm image where you can.
- Develop a first class firm profile.

Next, develop a merger marketing plan and begin working the plan. Try to generate enough leads that you can explore mergers with several firms rather than engaging in “random merger talks” which often result in isolated merger offers with you having no framework for comparison.

Use an outside consulting firm if you need help organizing, identifying candidates and managing the process.

Good luck! ♦

*John W. Olmstead, MBA, Ph.D, CMC, ([www.olmsteadassoc.com](http://www.olmsteadassoc.com)) is a past chair and member of the ISBA Standing Committee on Law Office Management and Economics. For more information on law office management please direct questions to the ISBA listserver, which John and other committee members review, or view archived copies of **The Bottom Line** Newsletters.*

## SAVE THE DATE

FOR THE  
ILLINOIS BAR FOUNDATION

★ **Lawyers Rock Legends** ★

**Thursday, February 28, 2013**

**Buddy Guy's Legends, Chicago**



**Audition information will be  
announced after October 1st.**

For more information or updates about Lawyers Rock Legends 2013, please visit our website at [www.illinoisbarfoundation.org](http://www.illinoisbarfoundation.org).

# Plan Now to Attend the ISBA Midyear Meeting!

**Joint Meeting  
of the Illinois State Bar Association and the  
Illinois Judges Association**



**December 13 - 15, 2012**  
**Sheraton Chicago Hotel & Towers**



## Meeting Overview

### Thursday, December 13

- Opening Reception
- “Pathways to the Academy: Becoming a Law Professor or Administrator “ Sponsored by SIU School of Law

### Friday, December 14

- CLE Master Series Program
- Exhibits - Services for Members

- Joint IJA/ISBA Program on Fair & Impartial Courts
- IJA Annual Luncheon
- Law School Alumni Receptions
- Reception and Dinner Honoring Supreme Court of Illinois

### Saturday, December 15

- ISBA Assembly Meeting

## Meeting Registration

Onsite registration for the ISBA Midyear Meeting opens  
Thursday, December 13 at 7:30 a.m.

## Hotel Reservations

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

Call 800.325.3535 and advise that you are attending the ISBA/IJA Meeting when making your reservation or make your reservation online at <http://www.starwoodmeeting.com/Book/isba1212>. Room rate is \$139 single or double (plus tax). Deadline for reservations is November 19, 2012.



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# ISBA Books

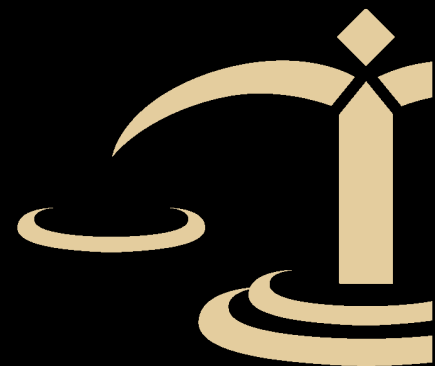


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unless otherwise noted.

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(<http://www.isba.org/store>)

#### E-MAIL:

Contact Janice at  
[jishmael@isba.org](mailto:jishmael@isba.org)

#### PHONE:

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

For a complete list  
of titles, visit  
[www.isba.org/store](http://www.isba.org/store)

### GENERAL TOPICS

#### 2013 Daily Diary

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

#### Illinois Statutes for Attorneys' Fees

This handy book lists provisions in the Illinois Compiled Statutes that authorize the court to order one party to pay the attorney fees of another. No matter what your practice area, this book will save you time – and could save you money! Prepared by members of the ISBA General Practice Section Council and edited by council member Timothy E. Duggan, it's a guide no lawyer should be without. **\$35.00 mbr./\$50.00 nonmbr.**

#### ISBA's Supreme Court Rule 213(f) & (g) – Quick Reference Guide

From Dog Bite to Divorce! Illinois Supreme Court Rule 213(f) & (g) applies to all civil litigation in Illinois. It governs the procedure for identifying trial witnesses and disclosing their proposed testimony. ISBA is excited to offer this update of our popular Supreme Court Rule 213(f) & (g) - Quick Reference Guide, last published in 2002. **\$35.00 mbr./\$50.00 nonmbr.**

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

Written for "nonexperts," these books contain thumbnail sketches of common environmental issues prepared by Illinois and USEPA attorneys and other environmental-law practitioners.

**Each volume is \$24.50 mbr./\$34.50 nonmbr. Buy both for \$39.50 mbr./\$49.50 nonmbr.**

#### The Illinois Rules of Evidence: A Color-Coded Guide Containing the New Rules, the Committee's General and Specific Comments, a Comparison with the Federal Rules of Evidence, and Additional Commentary

A newly revised version of Gino L. DiVito's color-coded analysis of the new Illinois Rules of Evidence, which is otherwise available only on the web. The updated guide compares the Illinois rules with the new FRE (revised effective last December 1) and provides an additional 54 pages of insightful commentary. DiVito, a former appellate justice, is a member of the Special Supreme Court Committee on Illinois Evidence, the body that formulated the rules and presented them to the Illinois Supreme Court. **\$35.00 mbr./\$50.00 nonmbr.**

#### The Illinois Rules of Evidence

The ISBA's pocket-size edition of the new Illinois Rules of Evidence. This

convenient pocket-size handbook is perfect for your office, for depositions, for court appearances – anywhere you need a quick reference. A must-have for all lawyers, judges, legal assistants, and anyone else who needs a handy guide. **\$12.74 mbr./\$17.74 nonmbr.**

### CRIMINAL LAW

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## IN MEMORIAM

**Melvin S. Adess, Highland Park**  
Admitted 1969  
Date of Death: 3/1/12

**Richard M. Batcher, Moline**  
Admitted 1967  
Date of Death: 6/9/12

**James A. Bennett, Mattoon**  
Admitted 1965  
Date of Death: 6/22/12

**Mark D. Brown, Bloomington**  
Admitted 1974  
Date of Death: 4/27/12

**Philip H. Corboy, Chicago**  
Admitted 1949  
Date of Death: 6/12/12

**Roger C. Elliott, Momence**  
Admitted 1974  
Date of Death: 7/1/12

**Lawrence Ferolie, Rockford**  
Admitted 1951  
Date of Death: 7/29/12

**Hon. James L. Foreman, Paducah, Ky**  
(formerly Metropolis)  
Admitted 1952  
Date of Death: 6/3/12

**Ray H. Garrison, Flossmoor**  
Admitted 1951 (KY); 1962 (IL)  
Date of Death: 5/23/12

**Edward T. Graham, Wheaton**  
Admitted 1965  
Date of Death: 7/17/12

**Richard W. Hall, Park Forest**  
Admitted 1951  
Date of Death: 5/14/12

**Ben W. Heineman, Chicago**  
Admitted 1936  
Date of Death: 8/5/12

**David B. Jensen, Burr Ridge**  
Admitted 1966  
Date of Death: 3/15/12

**Eugene R. Kerr, Arlington Heights**  
Admitted 1955  
Date of Death: 8/1/11

**George F. Klepec, Joliet**  
Admitted 1962  
Date of Death: 3/17/12

**Peter Kostantacos, Rockford**  
Admitted 1952  
Date of Death: 6/11/12

**Thomas M. Lamkin, Clinton**  
Admitted 1960  
Date of Death: 6/12/12

**Lisa H. Liewald, Riverside**  
Admitted 1987  
Date of Death: 3/28/12

**Arthur J. Martin, St. Louis, MO**  
Admitted 1984  
Date of Death: 8/11/12

**Jeremiah D. McAuliffe, Chicago**  
Admitted 1949  
Date of Death: 8/8/12

**Thomas P. O'Driscoll, St. Louis, MO**  
Admitted 1982  
Date of Death: 4/26/12

**Warren Peters, Lincoln**  
Admitted 1954  
Date of Death: 7/22/12

**Victor C. Rochelle, Normal**  
Admitted 1948  
Date of Death: 6/23/12

**Richard G. Schoenstadt, Chicago**  
Admitted 1978  
Date of Death: 6/13/12

**Kurt L. Schultz, Chicago**  
Admitted 1972  
Date of Death: 8/5/12

**John B. Truskowski, Chicago**  
Admitted 1970  
Date of Death: 6/22/12



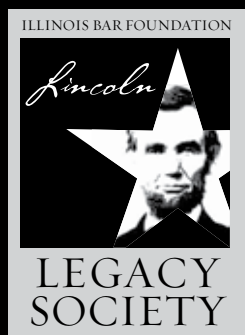
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Abraham Lincoln, the state's most famous lawyer, left an indelible mark on the Illinois legal system. So too will Lincoln Legacy Society members leave their mark on the legal system through their legacy gifts to the Illinois Bar Foundation.

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](mailto:IBFLincolnLegacySociety@isba.org).

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# CLE calendar

## Improvisation for Lawyers

Master Series Presented by  
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**Friday, September 21, 2012**

ISBA Regional Office  
20 S. Clark Street, Suite 900  
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### EACH SESSION:

**2.0 hours MCLE credit, including 2.0\*\*  
hours PMCLE credit**

Join us for a series of interactive workshops designed specifically for attorneys by using improvisation as an educational method to help you improve the communication skills that you need when engaged in many of the varied and numerous tasks that comprise the practice of law.

### PROGRAM FACULTY:

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**Choose the session that's right for  
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**SESSION ONE: Basic  
Communication Skills  
for Attorneys  
9:00 – 11:00 a.m.**

This interactive seminar incorporates entertaining group games designed to focus on and improve your communication skills!

**SESSION TWO: Basic  
Communication Skills Needed  
to Effectively Comply with the  
Illinois Rules of Professional  
Conduct  
12:00 – 2:00 p.m.**

As an Illinois attorney, it is imperative that you know, understand, and comply with Rule 1.4 of the Illinois Rules of Professional Conduct on communication. This comprehensive overview uses interactive group games to not only explore Rule 1.4, but to show the interplay between it and other related professional conduct rules.

**SESSION THREE: Basic  
Communication Skills for Trial  
Practitioners  
2:30 – 4:30 p.m.**

The seminar uses interactive and entertaining group games as tools to improve your storytelling and connecting abilities, thereby helping you to cogently and powerfully handle all aspects of trial!

**For more information  
and to register, please visit:  
[www.isba.org/cle/upcoming](http://www.isba.org/cle/upcoming)**

\*Exercises and emphasis will vary in each session so attendees will benefit from attending all three sessions.

\*\*Professional Responsibility MCLE credit subject to approval



## ■ SEPTEMBER 2012

### 7 – Chicago

#### **Child Custody and the Military Family**

*Presented by the ISBA Family Law Section and the ISBA Military Affairs Committee*

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### 7 – Teleseminar

#### **Valuing Closely Held Business Interests**

*Presented by the Illinois State Bar Association*

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### 10 – Webinar

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

40.0 MCLE credit hours, including 40.0\* PMCLE credit hours

### 12 – Webinar

#### **Advanced Tips for Enhanced Legal Research on Fastcase**

*Presented by the Illinois State Bar Association  
Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 13 - 15 – Itasca

#### **8th Annual Solo and Small Firm Conference**

*Presented by the Illinois State Bar Association*

Earn up to 15 MCLE credit hours and 6 PMCLE credit hours

### 18 – Teleseminar

#### **Ethics in Pre-Trial Investigations**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour, including 1.0\* PMCLE credit hour

**ISBA LAW ED**  
CLE FOR ILLINOIS LAWYERS

# FALL 2012

[www.isba.org/lawed](http://www.isba.org/lawed)

### 20 – Chicago

#### **Introduction to Improvisation for Lawyers: Basic Communication Skills for Public Speaking, Teaching and Presenting**

*Complimentary Faculty Development Program for Law Ed Faculty Members*

Call Jacquie at 800.252.8908 for more info.

### 20 – Teleseminar

#### **Tax Planning for the Entrepreneur**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 21 – Chicago

#### **Introduction to Improvisation for Lawyers: Session 1, 2, & 3**

*Presented by the Illinois State Bar Association*

Each session: 2.0 MCLE credit hours, including 2.0\* PMCLE credit hour

### 24 – Webinar

#### **Fastcase Boolean (Keyword) Search for Lawyers**

*Presented by the Illinois State Bar Association  
Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 25 – Teleseminar

#### **Individual Trustees-Duties and Potential Traps**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 27 – Teleseminar

#### **Breaking Up: Ethical Considerations When a Law Firm Dissolves**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour, including 1.0\* PMCLE credit hour

### 28 – East Peoria

#### **Deconstructing Delinquency**

*Presented by the ISBA Child Law Section*

7.25 MCLE credit hours

### 28 – Chicago and

#### **Live Webcast**

#### **The Basics of the Americans with Disabilities Act**

*Presented by the ISBA Standing Committee on Disability Law*

3.25 MCLE credit hours, including 0.50\* PMCLE credit hour

## ■ OCTOBER 2012

### 2 – Teleseminar

#### **Compensation Issues in Nonprofits**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 8 – Webinar

#### **Introduction to Legal Research on Fastcase**

*Presented by the Illinois State Bar Association  
Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 8 – Chicago and Fairview Heights

#### **Advanced Workers' Compensation - Fall 2012**

*Presented by the ISBA Workers' Compensation Law Section*

5.5 MCLE credit hours, including 1.0\* PMCLE credit hour

### 9 – Teleseminar

#### **Franchise Agreements: A Practical Guide to Reviewing and Negotiating**

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 10 – Webinar

#### **Advanced Tips for Enhanced Legal Research on Fastcase**

*Presented by the Illinois State Bar Association  
Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

\* PMCLE denotes that the Professional Responsibility MCLE credit is subject to approval.



For more information and registration:

PHONE: 217-525-1760 or 800-252-8908; ONLINE: [www.isba.org/lawed](http://www.isba.org/lawed)

## 10 - 11 - Chicago

### A Primer on Administrative Law and Rulemaking

*Presented by the ISBA Administrative Law Section; co-sponsored by the ISBA Civil Practice and Procedure Section, the ISBA Real Estate Law Section and the ISBA Energy, Utilities, Transportation and Telecommunications Section*

Wednesday: 6.0 MCLE credit hours, including 1.0\* PMCLE credit hour

Thursday: 7.0 MCLE credit hours, including 1.0\* PMCLE credit hour

## 12 - Chicago

### Transitions, Economics and Ethics- Ready or Not!

*Presented by the ISBA Senior Lawyers Section; Co-sponsored by the ISBA Elder Law Section*

3.50 MCLE credit hours, including 1.50\* PMCLE credit hours

## 12 - Bloomington

### DUI & Traffic Law Updates - Fall 2012

*Presented by the ISBA Traffic Laws and Courts Section*

5.5 MCLE credit hours

## 16 - Teleseminar

### Understanding Financial Statements for Business Lawyers, Part 1

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 17 - Teleseminar

### Understanding Financial Statements for Business Lawyers, Part 2

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 17 - Chicago

### What Every Lawyer Should Know About Intellectual Property

*Presented by the ISBA Intellectual Property Law Section*

6.25 MCLE credit hours, including 0.5\* PMCLE credit hour

## 19 - Chicago

### Practical Advice for Mom and Pop Company Chapter 11s

*Presented by the ISBA Commercial Banking, Collections and Bankruptcy Section*

6.0 MCLE credit hours

## 23 - Teleseminar

### Disclaimers Practice in Estate Planning

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 25 - Teleseminar

### 2012 Americans With Disabilities Act Update

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 25 - Bloomington

### Evidence Based Sentencing: What Every Illinois Lawyer Needs to Know!

*Presented by the ISBA Committee on Corrections and Sentencing; co-sponsored by the ISBA Criminal Justice Section; State's Attorneys Appellate Prosecutor; Illinois Public Defender Association; and the ISU Criminal Justice Sciences Department*

6.25 MCLE credit hours, including 1.0\* PMCLE credit hour

## 25 - Chicago

### Wildlife, Renewable Energy and Climate Change: Critical Issues

*Presented by the ISBA Animal Law Section and the ISBA Environmental Law Section; Co-sponsored by ITT Chicago-Kent College of Law*

MCLE credit TBD

## 26 - Chicago

### Evidence Based Sentencing: What Every Illinois Lawyer Needs to Know!

*Presented by the ISBA Committee on Corrections and Sentencing; co-sponsored by the ISBA Criminal Justice Section; State's Attorneys Appellate Prosecutor; Illinois Public Defender Association; and the ISU Criminal Justice Sciences Department*

6.25 MCLE credit hours, including 1.0\* PMCLE credit hour

## 26 - Bloomington

### Pro Bono Potpourri

*Presented by the ISBA Delivery of Legal Services*

MCLE credit TBD

## 29 - Webinar

### Fastcase Boolean (Keyword) Search for Lawyers

*Presented by the Illinois State Bar Association- Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

## 30 - Teleseminar

### Ethics in Claims and Settlements: Frivolous Claims, Ghostwriting Pleadings, Settlement Authority and More

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## ■ NOVEMBER 2012

## 1 - Springfield

### Illinois Sentencing- Statutory and Case Law

*Presented by the ISBA Criminal Justice Section*

MCLE credit TBD

## 1 - Bloomington

### Real Estate Law Update- 2012

*Presented by the Illinois State Bar Association*

MCLE credit TBD

## 1 - 2 - Champaign

### Attorney Education in Child Custody and Visitation Matters in 2012 and Beyond

*Presented by the ISBA Bench and Bar Section*

MCLE credit TBD

## 1 - Teleseminar

### Business Succession and Estate Planning for Closely Held Business Owners, Part 1

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 2 - Teleseminar

### Business Succession and Estate Planning for Closely Held Business Owners, Part 2

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## 2 - Chicago

### Third Annual Great Lakes Antitrust Institute (viewing of Live Webcast)

*Presented by the ISBA Antitrust Section; co-sponsored by the Ohio State Bar Association, Indiana Continuing Legal Education Forum, and Pennsylvania Bar Institute*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

## Evidence-Based Sentencing: What Every Illinois Lawyer Needs to Know!



*Presented by the ISBA Standing Committee on Corrections and Sentencing Co-Sponsored by the ISBA Criminal Justice Section; State's Attorneys Appellate Prosecutor; Illinois Public Defender Association; and the Illinois State University Criminal Justice Sciences Department*

### Thursday, October 25, 2012

Illinois State University  
Bone Student Center  
Bowling and Billiards Center  
Normal, Illinois  
9:00 a.m. - 4:15 p.m.

### Friday, October 26, 2012

ISBA Chicago Regional Office  
20 S. Clark Street, Suite 900  
Chicago, Illinois  
9:00 a.m. - 4:15 p.m.

6.5 hours MCLE credit,  
including 1.0\* hour PMCLE credit

**Gain a better understanding of Illinois Evidence-Based Sentencing principles with this informative full-day seminar!**

Whether your case ends with a plea by the defendant or goes to a full-fledged trial, it is likely that some form of sentencing will be involved. For this reason, it is imperative that attorneys stay up-to-date on the principles of evidence-based sentencing in Illinois. Attorneys attending this seminar will gain a better understanding of the full-implementation of Illinois' evidence-based sentencing pilot project; how Level of Service Inventory-Revised (LSI-R) can effect sentencing; Hardcore Drunk Driving (HCDD) and Adult Substance Use and Driving Survey-Revised for Illinois (ASUDS-RI); how "The Containment Model" is used in the treatment of sex offenders; Illinois' Mandatory Minimums and Determinate Sentencing; how to reduce recidivism; and the ethical issues that can arise in criminal justice cases.

### FEATURING

### Professor Edward Latessa

Director of the School of Criminal Justice at the University of Cincinnati and co-author of *Corrections in the Community and Corrections in America!*

For more information and to register, please visit:

[www.isba.org/cle/2012/upcoming](http://www.isba.org/cle/2012/upcoming)

• Professional MCLE credit is subject to approval.

CLE calendar (continued on next page)

## CLE calendar (continued)

### 5 – Webinar

#### Introduction to Legal Research on Fastcase

*Presented by the Illinois State Bar Association- Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 6 – Teleseminar

#### Attorney Ethics in Digital Communications- Remote Networks, Smart Phones, the Cloud and More

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour, including 1.0\* PMCLE credit hour

### 7 – Chicago

#### Do You Buy or Merge?

*Presented by the ISBA Business and Securities Law*

MCLE credit TBD

### 7 – Webinar

#### Introduction to Legal Research on Fastcase

*Presented by the Illinois State Bar Association- Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 8 – Teleseminar

#### Real Estate Partnership/LLC Divorces

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 9 – Chicago

#### 2012 Federal Tax Conference

*Presented by the ISBA Federal Taxation Section*

MCLE credit TBD

### 13 – Teleseminar

#### UCC Article 9 Practice Toolkit: From Attachment to Remedies, Part 1

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 14 – Teleseminar

#### UCC Article 9 Practice Toolkit: From Attachment to Remedies, Part 2

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 15 – Chicago

#### The Student and Parent Side of School Law

*Presented by the ISBA Education Law Section*

MCLE credit TBD

### 16 – Chicago

#### Illinois Sentencing- Statutory and Case Law

*Presented by the ISBA Criminal Justice Section*

MCLE credit TBD

### 20 – Teleseminar

#### 2012 FMLA Update

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 26 – Webinar

#### Fastcase Boolean (Keyword) Search for Lawyers

*Presented by the Illinois State Bar Association- Complimentary to ISBA Members*

0.75 MCLE credit hour, including 0.75\* PMCLE credit hour

### 27 – Teleseminar

#### Discretionary Distributions

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

### 28 – Teleseminar

#### Offers in Compromise

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour

## Over 100 students attend Law & Leadership Institute



Southern Illinois University School of Law hosted Carbondale's inaugural Law and Leadership Institute from June 24-30. The students are shown visiting with Judge Phil Gilbert in his courtroom at the Federal Courthouse in Benton.



The John Marshall Law School hosted the 2<sup>nd</sup> edition of Chicago's Law and Leadership Institute from July 23-August 10. The students are shown after visiting the Cook County Domestic Violence Courthouse at 555 W. Harrison.

## Family Law Combo



**Two great family law titles – one low price!**

Now get the ISBA's must-have Family Law Handbook and our Practical Guide to the Domestic Violence Act together at 30% off the list price! The Family Law Handbook, comprehensively updated in 2011, covers nearly everything general practitioners and others who handle family law matters need to know. And the Domestic Violence Act book gives you detailed guidance about one of the most challenging issues in family-law practice.

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or call Janice at 800-252-8908  
or email Janice at [jishmael@isba.org](mailto:jishmael@isba.org)**



ILLINOIS STATE BAR ASSOCIATION



## ISBA events calendar

### 2012

**September 13-15 (Thursday – Saturday) Itasca**  
ISBA Solo and Small Firm Conference

**September 22 (Saturday) Arlington Heights**  
YLD Day at the Races

**September 29-October 11 China**  
John Thies ISBA President's trip

**October 19 (Friday) Chicago**  
ISBA Board of Governors Meeting

**October 19 (Friday) Chicago**  
IBF Gala

**November 14 (Wednesday) Chicago**  
Lawyers Feeding Illinois kickoff

**December 7 (Friday) Chicago**  
YLD Holiday Party

**December 13-15 (Thursday – Saturday) Chicago**  
ISBA Midyear Meeting

### 2013

**January 19 (Friday) Chicago**  
ISBA Board of Governors Meeting

**February 28 (Thursday) Chicago**  
IBF Lawyers Rock Legends

**Visit [www.illinoislawyernow.com/bar-calendar](http://www.illinoislawyernow.com/bar-calendar) for a list of bar events from around the state.**

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ILLINOIS STATE BAR ASSOCIATION

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### UNITED STATES POSTAL SERVICE Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title <b>Illinois Lawyer Now Quarterly</b>	2. Publication Number 1 0 5 8 - 1 8 6 3	3. Filing Date 8/23/12
4. Issue Frequency Quarterly	5. Number of Issues Published Annually 4	6. Annual Subscription Price \$1.90
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) Illinois State Bar Association 20 S. Clark St., Suite 900, Chicago, IL 60603-1802		Contact Person Doug Barringer Telephone (include area code) 217-525-1760
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Illinois State Bar Association 424 South Second Street, Springfield, IL 62701		
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) Publisher (Name and complete mailing address) Illinois State Bar Association 424 South Second Street, Springfield, IL 62701 Editor (Name and complete mailing address) Christopher Bonjean, Illinois State Bar Association 20 S. Clark St., Suite 900, Chicago, IL 60603-1802 Managing Editor (Name and complete mailing address)		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)		
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11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None		
Full Name	Complete Mailing Address	
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		

13. Publication Title Illinois Lawyer Now Quarterly		14. Issue Date for Circulation Data June 2012	
15. Extent and Nature of Circulation Quarterly		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		29,300	30,300
(1)	Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	24,390	25,297
b. Paid Circulation (By Mail and Outside the Mail)	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	N/A	N/A
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	N/A	N/A
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	N/A	N/A
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		24,390	25,297
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	(1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541	4,599.75	4,714
	(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	N/A	N/A
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	N/A	N/A
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	N/A	N/A
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		4,599.75	4,714
f. Total Distribution (Sum of 15c and 15e)		28,989.75	30,011
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		310.25	289
h. Total (Sum of 15f and g)		29,300	30,300
i. Percent Paid (15c divided by 15f times 100)		84.13%	84.29%

16. Publication of Statement of Ownership <input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed in the <b>Fall 2012</b> issue of this publication. <input type="checkbox"/> Publication not required.	
17. Signature and Title of Editor, Publisher, Business Manager, or Owner 	Date 8/23/12

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PS Form 3526, September 2006 (Page 2 of 3)





## WHY ATG?

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COVER PHOTO: Abraham Lincoln and the ISBA's 1st President, Anthony Thornton (seated at right), are shown during their 1856 debate in Shelbyville. Robert Marshall Root's historical painting of the debate now hangs in the Shelbyville County Courthouse. Image compliments of Guy C. Fraker.



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# ILLINOIS LAWYER

# NOV

Vol. 4 • No. 1

QUARTERLY

FALL 2012