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2016 Pro Bono Week

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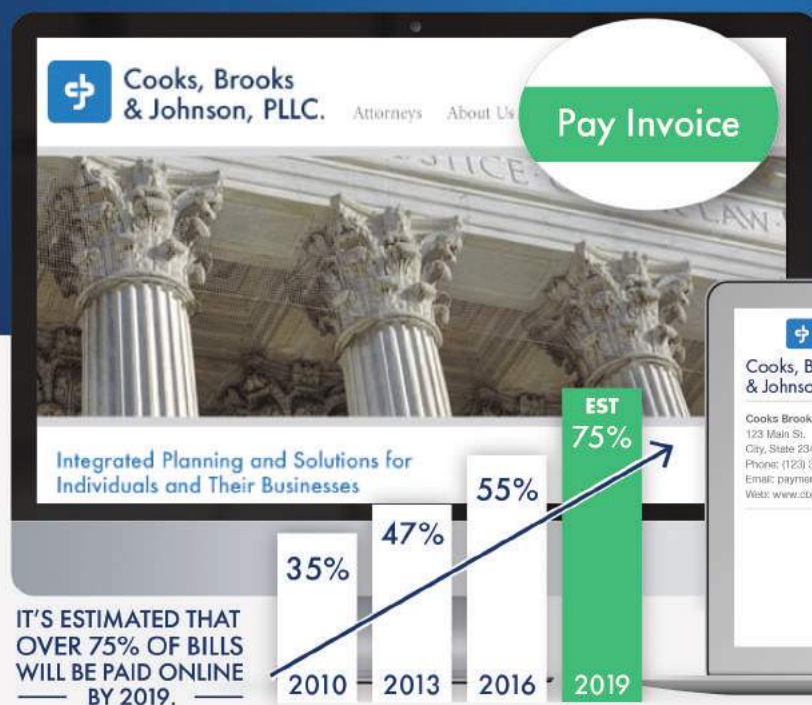
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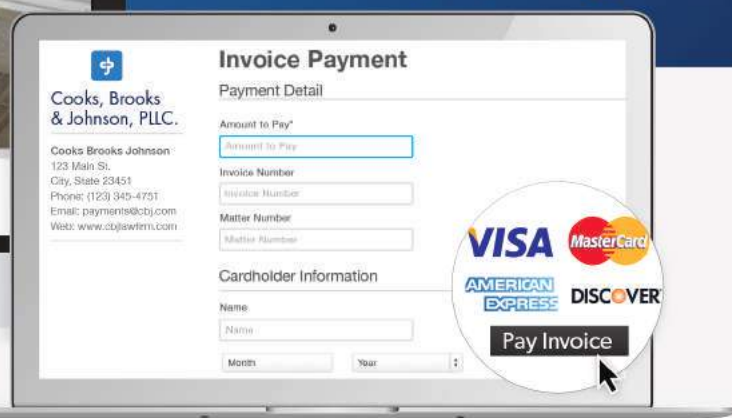


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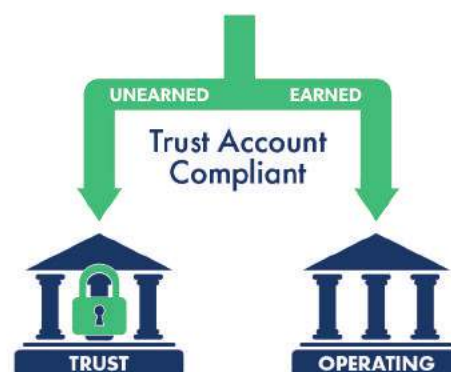


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The **CBA Record** (ISSN 0892-1822) is published seven times annually (January, February/March, April/May, July/August, September, October, November) for \$10 per year by the Chicago Bar Association, 321 S. Plymouth Court, Chicago, Illinois 60604-3997, 312/554-2000, www.chicagobar.org. Subscriptions for non-members are \$25 per year. Periodicals postage paid at Chicago, Illinois. POSTMASTER: Send address changes to **CBA Record**, c/o Kayla Bryan, Chicago Bar Association, 321 South Plymouth Court, Chicago, Illinois 60604.

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On the Cover

This month's **CBA Record** cover, *The Man With the X-Ray Eyes*, is courtesy of Peter Mars, a client of Lawyers for the Creative Arts. To learn more about the work or LCA, go to <https://law-arts.org/>. To see more of Peter Mars' work, go to www.petermarsauthentic.com.

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EDITOR'S BRIEFCASE

BY JUSTICE MICHAEL B. HYMAN, EDITOR-IN-CHIEF

Caring, One Person at a Time

To the layperson, a legal problem often is unpleasant, stressful, and disruptive. If the layperson can afford private counsel, the situation is less likely to throw his or her life off balance. But, for those without the means to retain an attorney or the ability to advocate for themselves, a legal problem can be life-altering, putting their already precarious state of affairs in danger of worsening. Pro bono gives them hope, and a way to get on with their lives.

A commitment to pro bono calls for personal involvement, an attitudinal shift away from the demands of the daily grind to caring for the needs of individuals unable to retain representation. Your motivation changes too. No longer do you expect pecuniary gain or pursuit of billable hours. Instead, you do it because you care about justice for people at the bottom of the pyramid.

Most pro bono work involves discreet, single-client matters. Just you and a client, a client whose life experiences and life stories differ vastly from your own. In his highly original book, *On Caring*, Professor Milton Mayeroff wrote how caring effects us, "I can only fulfill myself by serving someone or something apart from myself, and if I am unable to care for anyone or anything separate from me, I am unable to care for myself."

This is the kind of transformative power a one-on-one pro bono relationship can have on a lawyer. It also can have a transformative power on the person helped. There is a dynamic that takes place in which you feel worthwhile and needed, and the pro bono client feels heard and not alone. You both gain some understanding and appreciation of the other and his or her world.

The merit of caring, one individual at a time, was perhaps best explained by Eleanor Roosevelt, who said, "I have always seen life personally. My interest or sympathy or indignation is not aroused by an abstract cause, but by the plight of a single person." Mother Theresa also valued the primacy of caring one-by-one. She expressed it this way, "We ourselves feel that what we are doing is just a drop in the ocean. But if that drop was not in the ocean. I think the ocean would be less because of that missing drop. I do not agree with the big way of doing things. To us what matters is the individual."

One-on-One Involvement

This year's theme for CBA-CBF Pro Bono Week emphasizes the one-on-one involvement of pro bono—*Caring, One Person at a Time*. Providing pro bono legal assistance is not an act of charity, but an aspect of caring about justice; not an obligatory assignment, but a voluntary good deed; not a direct command from the Illinois supreme court, but a solemn promise to the people of Illinois that accompanies the right to practice.

Every time we do something out of the ordinary and from the heart, it impacts two lives—the person who is caring and the person who is cared for. And, you never know where your caring might lead you or whose life will be impacted more.

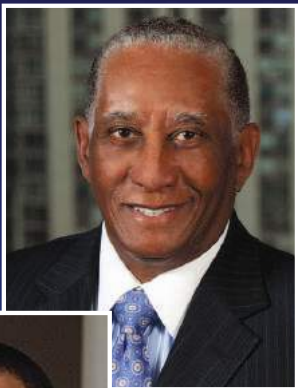
The Chicago Bar Association and the Chicago Bar Foundation began Pro Bono Week in October 2004, and a few years later, the ABA and bar associations across the country joined us in the observance. This year Pro Bono Week is October 24–28. On page 15 is a list of all the activities that will be going on that week.

Ultimately, *Caring, One Person at a Time*, advances access to justice, something all of us should care intensely about. ■

Rehearing: "It is when you give of yourself that you truly give."—Kahlil Gibran, poet and writer.

CELEBRATING 25 YEARS

STEPHEN H. PUGH



WALTER JONES, JR.

It has been 25 years since attorneys Stephen Pugh and Walter Jones founded Pugh, Jones & Johnson, PC.

In 1991, Stephen, a former U.S. Department of Justice Strike Force Special Attorney and former Chapman and Cutler partner, and Walter, a former Chief of the Criminal and Civil Divisions of the U.S. Attorney's Office in Illinois, took a deep breath and launched their own law firm here in Chicago. It was a risky step, but they shared a vision. A year later, Dennis Johnson, a former Bell, Boyd & Lloyd partner, joined them to pursue that same vision: to create a diverse, minority-owned law firm that would deliver legal services second to none.

The beginning of Pugh, Jones & Johnson was aided by fortunate timing. In the late 1980s, the American and Illinois Bar Associations, as well as other bar associations, had begun to mount a call for greater inclusion of minority lawyers and minority law firms in the corporate world. Believing the timing was right, Pugh, Jones & Johnson answered that call. In the ensuing years, the firm grew and developed a unique identity as a truly diverse enterprise – one that has become part of the fabric of the Chicago, and more recently New York, legal communities.

As Pugh, Jones & Johnson celebrates its first 25 years, Stephen and Walter pause to reflect on and take pride in the journey to become one of Chicago's preeminent law firms, and they acknowledge that this longevity and success was not achieved alone.

First and foremost, they acknowledge their dedicated staff, some of whom have been with the firm since shortly after its inception; particularly Partner Jorge Cazares, Office Administrator Mary Ann Rojas and Staff Administrator Beverly Carter. These employees, who are considered family, have contributed years of their lives to help the firm's vision come to fruition.

Stephen and Walter also want to thank Chicago's business and legal community for their unwavering support. Statistically speaking, a successful minority-owned law firm like Pugh, Jones & Johnson is a rarity, and the firm is grateful for the strong relationships forged with its clients and fellow attorneys, both here in Chicago and around the U.S. They also hope that the legal community will join them in celebrating one small step in solving the need for more inclusion in the profession.

As part of its 25-year celebration, the firm will establish the Pugh, Jones & Johnson, P.C. Scholarship Fund with an initial pledge of a \$25,000 contribution and encourage its clients and friends to support the Fund. The Scholarship Fund will serve diverse law students in the Chicago and New York areas.

Finally, Stephen and Walter would like to thank their families and close friends who have believed in them from the very beginning and whose support motivates them to continue to deliver the high quality legal services for which the firm is known.

While anniversaries might foster nostalgia, they are also times to look forward. With 25 years under its belt, Pugh, Jones & Johnson is eager to embark on the coming years with its fellow partners, associates, staff and loyal clients.

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PRESIDENT'S PAGE

BY DANIEL M. KOTIN

Why Don't We Talk about All the Good Judges?



I recently represented a plaintiff in a severe injury, complex, construction negligence and product liability case involving six separate defendants. Last month, after nine hours of pre-trial conferences spanning two days with a seasoned judge in the Circuit Court of Cook County, the entire case settled. This settlement occurred despite the fact that the complex web of contractual relationships, claims, and counter-claims among the parties made the initial prospect of even engaging in global settlement talks seem almost futile.

When the process ended, I told our judge, William Gomolinski, that I was truly impressed by the time and energy that he volunteered to resolve this case. After all, he is a Law Division judge assigned to the Motion Call. He is responsible for managing 1,500 other pending cases. He had no obligation to even hear our pre-trial, not to mention devoting the time it took to learn, analyze and mediate such a complicated matter.

In ordinary times, life after this case would simply go on without much reflec-

tion on the matter. All the lawyers would turn our attention to other cases. My client would move on with his life (hopefully better able to cope with his injuries and expenses), and nothing would be said of the remarkable effort displayed by the judge in enabling this settlement to take place.

But these are not ordinary times. We are in the middle of an election season, and the experience with this settlement conference has caused me to reflect upon our judicial system and our election process. Although most public attention is currently focused on the crazy presidential race, we must remember that we have an elected judiciary in Illinois, and most of our judges are in their positions because our citizens make it happen.

On November 8th, voters will elect judges to serve on the Appellate Court of Illinois and the Circuit Court of Cook County. Thirty-five candidates are running for judicial vacancies. In addition, voters will be asked to vote for 58 sitting judges who are running for retention. (Under Illinois' Constitution, judges on the retention ballot must receive a 60% favorable vote to stay on the bench.)

Unfortunately, the media has covered and will continue to cover stories about the few "bad" judges who sit in our courts (and every other court our nation for that matter). I suppose these stories are what the public enjoys. Yet, nobody writes about the vast majority of Cook County judges who are exemplary public servants, working tirelessly, and providing services beyond those which they are expected to perform. The Circuit Court of Cook County is the second largest unified court in the country, with 257 elected judges (and approximately 140 associate judges), handling more than 2.4 million cases which are filed each year.

Virtually each case is disposed of properly, efficiently, and fairly. A few bad results get all the attention. Those few should not cast a cloud over the entire judiciary.

Perhaps more troubling than this slanted media coverage is the fact that in every election cycle, almost half of the voters who take the time to go to their polling places and casts votes for the high-profile elected offices, don't even bother to vote in the judicial races or for the retention candidates appearing at the bottom of the ballot. Some of the stated reasons are, "I don't know anything about judges, so I am not going to bother voting." Or, "There are too many names on that ballot. I don't have time to go through all of them." These are not explanations. They're all just excuses for voter apathy. Yet, when comparing the lesser of two evils, I suppose that this practice of "skipping" the judicial ballot is a better course of action than the one taken by about 20% of voters who vote "No", across the board, for each judge seeking retention, regardless of his or her qualifications, bar ratings, or service to the community. These voters are not simply

apathetic. They are overtly antagonistic to our judicial system.

Maybe the blame for this apathy and antagonism lies with us—the practicing lawyers. Maybe we need to tell our neighbors that almost all of our judges have been thoroughly vetted, and are qualified public servants who do a good job. Maybe we need to remind these folks that they should not complain about our legal system unless they take the time to learn about candidates, act as educated voters do, and actually influence the election of the judiciary.

Perhaps we at the CBA need to do a better job of making people aware of the work done by the dozens of lawyers who serve on our Judicial Evaluation Committee (JEC). Each election cycle, the JEC devotes thousands of hours to rate each judge appearing on the ballot. Those ratings are published in the CBA's "Vote Smart" guide which is available for free at www.chicagobar.org. Our 2016 "Vote Smart" voter education campaign also features public service radio announcements, CBA TV, the internet via Comcast.net, and various social media outlets.

MARKET YOUR LEGAL PRACTICE WITH SOCIAL MEDIA

Check out the CBA's social media resources and see how you can stay in touch with colleagues, current clients and reach new clients online. Find valuable social media tips at www.chicagobar.org under the Resources tab.

But we need your help too. As lawyers, we must be advocates for our judicial system. Download our "Vote Smart" guide and share it with your family, friends and neighbors. If you know people who truly "don't know anything about the judges," give them this guide to take into the polling place to help them make educated choices.

Remember, America has always had the greatest justice system in the world. The only way we can maintain that system is if our citizens participate in the process. ■



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CBA NEWS

PRO BONO WEEK 2016: OCTOBER 24-28

Caring, One Person at a Time



Ruttenberg



Vail

The Chicago Bar Association and the CBF are co-sponsoring the 12th Annual Pro Bono Week from October 24-28. **Rachel O'Konis Ruttenberg** of Family Defense Center and **Andrew Vail** of Jenner & Block LLP are co-chairing this week filled with big events and great CLE's. Once again, Chicago will be joined by communities across the country through the American Bar Association's 7th Annual National Pro Bono Celebration.

In 2005 the CBF, with the Chicago Bar Association, launched our annual Pro Bono Week to honor lawyers' pro bono efforts and to educate the public and the legal community about how these lawyers are improving the lives of the less fortunate. Pro Bono Week is just one part of the CBF's year-round strategy to promote and support pro bono in our community.

Complimentary Events (law students and nonmembers also welcome) include:

Breaking Poverty Barriers to Equal Justice

Monday, October 24, 3:00-5:00 pm. This multimedia panel presentation will help legal volunteers better understand the life circumstances and day-to-day challenges of their clients who live in poverty. The program will help you work more effectively with your clients and improve client services and outcomes. Two hours of PR CLE credit subject to approval.

Breakfast with Judges

Tuesday, October 25, 8:00-9:00 am, Jenner & Block LLP. Hear the judicial perspective on pro bono over breakfast with members of Chicago's legal community. Opening remarks will be followed by small roundtable discussions led by members of the federal and state judiciary about professionalism and the importance of pro bono to the community. One hour of Illinois PR CLE credit (subject to approval).

Events are held at CBA Headquarters, 321 S. Plymouth Court, unless otherwise indicated. Visit www.chicagobar.org/probonoweb to see the complete schedule and sign up for Pro Bono Week events.

Voting Rights Project: Hotline Training

Tuesday, October 25, 12:00-2:00 pm, DLA Piper LLP (US). The right to vote is fundamental to a healthy democracy. The Chicago Lawyers' Committee's Voting Rights Project (VRP) works to prevent, reduce, and eliminate barriers to voting and civic participation. Learn how attorneys can protect elections and find out how you can be a nonpartisan volunteer with the VRP on Election Day on the hotline downtown. 1.75 hours of CLE credit subject to approval.

Justice: An Evening of Stories and Community

Tuesday, October 25, 6:00-8:00 pm, Revolution Brewpub. Get to know your fellow justice-minded colleagues and enjoy listening to stories of justice shared by volunteers from the audience. Interested in telling a story? Come prepared with a five-minute story related to the theme (justice) to share with attendees from the Chicago legal community. Those who volunteer to tell stories will be entered in a prize raffle. Storytellers and listeners alike are encouraged to attend!

Voting Rights Project: Field Training

Thursday, October 27, 12:00-2:00 pm, Kirkland & Ellis LLP. The right to vote is fundamental to a healthy democracy. The

continued on page 16

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CBA Collects Referral Service Fees of Close to \$180,000 in One Week

The Chicago Bar Association is pleased to announce the receipt of approximately \$180,000 from the settlement of two civil cases through its Lawyer Referral Service Program (LRS). Two separate checks were presented on September 12th and 15th, by Attorney Regina P. Etherton, in the amount of \$47,000 and Attorneys Daniel E. Murphy

and Justin S. Stoner for \$131,283 respectively. Fees collected from legal settlements go directly back into the programming funds for LRS.

On September 12th, Attorney Etherton presented a check to the CBA for \$47,000 in settlement for a medical malpractice lawsuit. Her client, who wished to remain anonymous, initially went to see a physi-

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cian for a cough and congestion and was prescribed a Z-pack and codeine which was taken for two weeks. Thereafter, a rash developed and the client returned to see the physician who diagnosed an allergic reaction to the medication. It would later be discovered, that the Plaintiff was not suffering from an allergic reaction, but rather undiagnosed syphilis. Due to the delay in diagnosis, the Plaintiff suffered mild vision loss and cognitive changes, which would have been avoided, if the correct diagnosis and treatment had occurred when the client was seen by the physician with the rash.

On September 15th, Attorneys Murphy and Stoner presented the CBA with a check for settlement in a construction negligence case which was settled after a \$7.3 Million jury verdict on retrial. Their client, a roofer, fell from the roof of an apartment building because the owner allegedly did not provide fall protection for workers on the property ■

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McDermott International Scholar Visits Chicago

During two weeks this past August, Anna Chestnutt, a Pupil Barrister from the U.K., toured Illinois as part of a McDermott International Scholarship provided by the American Counsel Association. The McDermott International Scholarship provides the opportunity for a student, with their sights set on a career at the Bar, to spend two weeks with an American law firm. It is intended as a springboard to launch a legal career, with the insight gained from another common law jurisdiction. In the article below, Chestnutt offers her observations from her time in the States.

What an honour it was to be chosen as the successful scholar.

I had the pleasure of spending two weeks in Illinois, learning about the state's legal profession—with one week spent in Peoria and a further week spent in Chicago. I was generously hosted by Heyl Royster. Specifically, working alongside Managing Partner Tim Bertschy was the grand prize. He shared with me a wealth of legal and professional experience, which was hugely beneficial. He is an excellent attorney and manager. His devotion to professional organisations is something I hope to emulate in my own legal career.

My trip included a wide variety of legal work experience. Time spent in the trial court, federal court, appellate court and the supreme court exposed me to the range of advocacy and court etiquette adopted

in Illinois. I found the style of advocacy to be slightly more relaxed than England and Wales, which allowed the trial attorneys to be more creative in articulating their points.

A particular highlight was meeting with legal professionals and discussing the current obstacles which are faced by litigants. Similar to the United Kingdom, there is an increasing number of unrepresented litigants, referred to in the U.S. to as “pro se.” The challenge, for lawyers, lies in demystifying the court process for such litigants. My pro bono day in Chicago included time spent time with CARPLS (Coordinated Advice and Referral Program for Legal Services), PILI (Public Interest Law Initiative) and CDEL (Center for Disability and Elder Law). It seems as though acronyms and access to justice go hand in hand! The tireless effort of the individuals in these organisations reiterated to me the importance of pro bono. Some of these initiatives should definitely be emulated in the UK.

Witnessing the contrast between private practice and working in house was another learning opportunity. I spent time with Caterpillar and Morton Salt's in-house counsel. These attorneys had to deal with a diverse range of legal questions. They also had to master the technical knowledge of their specific industry. I found this balancing act very impressive.

Other non-legal highlights included a trip to see the Chicago Cubs win against

Make Your Vote Count

November 8: Vote for Qualified and Highly Qualified Candidates and Judges

The Association's Judicial Evaluation Committee (JEC) invites you to view its evaluations of judicial candidates running for vacancies on the Illinois Appellate Court and the Circuit Court of Cook County and judges running for retention in the upcoming General Election to be held on November 8, 2016. Get the findings at www.chicagobar.org/votejudges or view it on your mobile phone at <http://m.chicagobar.org>. A quick, printable pocket guide is available.

the Milwaukee Brewers and taking an architectural tour along the river.

The parallels between the UK and US justice systems were clear to see. I think we can work collaboratively to share ideas on the best way to deliver access to justice. My trip provided a fascinating insight to the modern challenges faced by legal professionals and allowed me to reflect on our own legal framework. A hugely enjoyable and useful experience. ■



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Complimentary Events *law students and nonmembers also welcome*

Breaking Poverty Barriers to Equal Justice

Monday, October 24

3:00-5:00 pm

The Chicago Bar Association

This multimedia panel presentation will help legal volunteers better understand the life circumstances and day-to-day challenges of their clients who live in poverty. The program will help you work more effectively with your clients and improve client services and outcomes. Two hours of PR CLE credit subject to approval.

Breakfast with Judges

Tuesday, October 25

8:00-9:00 am

Jenner & Block LLP

Hear the judicial perspective on pro bono over breakfast with members of Chicago's legal community. Opening remarks will be followed by small roundtable discussions led by members of the federal and state judiciary about professionalism and the importance of pro bono to the community. One hour of PR CLE credit subject to approval.

Voting Rights Project: Hotline Training

Tuesday, October 25

12:00-2:00 pm

DLA Piper (US) LLP

The right to vote is fundamental to a healthy democracy. The Chicago Lawyers' Committee's Voting Rights Project (VRP) works to prevent, reduce, and eliminate barriers to voting and civic participation. Learn how attorneys can protect elections and find out how you can be a non-partisan volunteer with the VRP on Election Day on the hotline downtown. 1.75 hours of CLE credit subject to approval.

Justice: An Evening of Stories and Community

Tuesday, October 25

6:00-8:00 pm

Revolution Brewpub

Get to know your fellow justice-minded colleagues and enjoy listening to stories of justice shared by volunteers from the audience. Interested in telling a story? Come prepared with a five-minute story related to the theme (justice) to share with attendees from the Chicago legal community. Those who volunteer to tell stories will be entered in a prize raffle. Storytellers and listeners alike are encouraged to attend!

Voting Rights Project: Field Training

Thursday, October 27

12:00-2:00 pm

Kirkland & Ellis LLP

The right to vote is fundamental to a healthy democracy. The Chicago Lawyers' Committee's Voting Rights Project (VRP) works to prevent, reduce, and eliminate barriers to voting and civic participation. Learn how attorneys can protect elections and find out how you can be a non-partisan volunteer with the VRP on Election Day in Chicago's neighborhoods and suburban areas. 1.75 hours of CLE credit subject to approval.

23rd Annual Pro Bono and Community Service Fair

Thursday, October 27

5:00-7:00 pm

Kirkland & Ellis LLP

Presented by the Young Lawyers Section and co-sponsored by the CBF and Kirkland & Ellis

Meet with representatives from 40+ of Chicago's legal aid, pro bono, community service, and mentoring organizations to find an opportunity that fits your schedule, interests, and goals.

Kelly Tautges Receives ACC Thurgood Marshall Award



Tautges

Kelly Tautges, CBF Director of Pro Bono and Court Advocacy, was awarded with the prestigious Thurgood Marshall Award of Excellence from the Chicago Chapter of the Association of Corporate Counsel at last night's Annual In-House Counsel Celebration Dinner. The award celebrates the contributions of a person who exemplifies Justice Marshall's commitment to access to justice and has made a strong impact in the community.

There is no doubt that Kelly has done

that. She leads the CBF's pro bono efforts, working with lawyers, firms, corporations, the courts, and pro bono and legal aid organizations to maximize the impact of pro bono work. Kelly also leads the CBF's advocacy efforts with the courts for policies promoting access to justice, including policies that make the courts and administrative agencies more user friendly for people without lawyers.

Kelly is incredibly dedicated to her work. She is smart, articulate, diplomatic, and thoughtful. Kelly brings together people from all corners of the legal system to put together solutions that improve our community's pro bono programs and courts, and, ultimately helps thousands of the people in need who depend on these resources. We're grateful to work alongside such an outstanding colleague and are so happy to see Kelly's work recognized with this well-deserved award. ■



Ensuring
access
to justice
for all

*Representing those who cannot afford a lawyer has given me some of the **most deeply rewarding experiences of my thirty-year career.** From my first weeks as an attorney, I have almost always had a pro bono case on my desk. At this stage of my career, some of the greatest joy comes from collaborating with younger lawyers on cases, using the experience to help them grow into terrific, public-spirited lawyers.*



Chuck Smith

CBF President
Skadden, Arps, Slate,
Meagher & Flom LLP

Pro Bono Week continued from page 10

Chicago Lawyers' Committee's Voting Rights Project (VRP) works to prevent, reduce, and eliminate barriers to voting and civic participation. Learn how attorneys can protect elections and find out how you can be a nonpartisan volunteer with the VRP on Election Day in Chicago's neighborhoods and suburban areas. 1.75 hours of Illinois CLE credit (subject to approval).

23rd Annual Pro Bono and Community Service Fair

Thursday, October 27, 5:00-7:00 pm, Kirkland & Ellis LLP. Presented by the Young Lawyers Section and co-sponsored by the CBF and Kirkland & Ellis. Meet with representatives from 40+ of Chicago's legal aid, pro bono, community service, and mentoring organizations to find an opportunity that fits your schedule, interests, and goals. ■

The Chicago Bar Association & The Chicago Bar Foundation

2016 Pro Bono Week Oct 24-28

www.chicagobar.org/probonoweek



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CLE & MEMBER NEWS

Enhance Your Resume, Expand Your Professional Contacts, Make New Friends

By getting more involved in the CBA, you can raise your profile in Chicago's legal community and meet other lawyers whose paths you may have never crossed. Even a small time commitment can reap big rewards. These are just a few examples of speaking, networking, leadership and other opportunities available through your CBA membership.

- Speak at a seminar, committee meeting or community event
- Write an article for the CBA Record
- Become a legislative liaison
- Evaluate judges through the CBA's Judicial Evaluation Committee

- Volunteer for a pro bono project
- Help out at a YLS community outreach project
- Do something fun...play in the CBA Symphony, sing in the CBA Chorus, perform in the Bar Show, or help produce a legal cable TV show

For more information on these opportunities or to learn how to become more involved in the CBA, contact Karen Stanton, CBA Membership Director at 312/554-2131 or kstanton@chicagobar.org. ■

2017 Attorneys Diary Now on Sale in CBA Bookstore

The 2017 edition of the CBA's hard copy leather bound **Attorneys Diary** is now on sale in the CBA Bookstore for \$21.50. The bookstore is open Monday-Friday from 9:00 am-4:30

pm. An order form is included in this issue of the **CBA Record**. Copies may also be ordered and mailed out for an additional \$7.95. Call 312/554-2130 for more information. ■

Web Highlight: Having Trouble Logging In?

To access the members only sections on our website, enter your CBA member number as your account number (do not enter any leading 0's in your member number) and then enter your member number followed by your last name (all lower case with no punctuation or spaces) as your password.

Forgot your member number or having trouble logging in? Call 312/554-2135. Note: If you have changed your password, we do not have access to it but can reset it to your member number and last name. ■

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Free Committee Meeting Webcasts

Did you know you can earn free Illinois MCLE credit by attending CBA and YLS committee meetings in person? Now you can do so without leaving your office or home through our live committee meeting webcasts. More than 120 committees meet on a monthly basis at the CBA, and approximately 30 percent of those meetings are being webcast. Detailed committee speaker, topic, MCLE credit and webcast information can found at www.chicagobar.org. Look for your weekly e-Bulletin every Thursday for the week's events. If you are not receiving the e-bulletin, please send your name and email address to info@chicagobar.org.

To view live committee meeting webcasts, go to www.chicagobar.org/Webcasts/Committee Meetings and click on the title link to begin the meeting. The amount of MCLE credit available for a committee meeting is determined after the meeting based on the presentation length. Your MCLE credit for attending the meeting will appear on our online MCLE Credit Tracker approximately 10 business days after the meeting. Please note, archived committee meeting webcasts are not eligible for MCLE Credit.

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THE CHICAGO BAR ASSOCIATION Continuing Legal Education

The Equal Rights Amendment
October 31 • 12:00-2:10 p.m.

Hands-on Training: Optimize Your LinkedIn Profile
November 1 • 3:00-4:00 p.m.

**Unauthorized Practice of Law Update on Illinois
Real Estate Tax Appeals**
November 3 • 12:00-2:10 p.m.

Labor and Employment Law: View from the Agencies
November 3 • 3:00-6:00 p.m.

Hands-on Training: Create a Facebook Firm Page
November 3 • 3:00-4:00 p.m.

Evidence... What they Don't Teach You in Law School
November 4 • 12:00-1:00 p.m. (complimentary)

How To... Use Legal Practice Management Software to Work Smarter
November 8 • 1:45-2:45 p.m. (complimentary)

Hands-on Training: Get a Handle on Tumblr
November 9 • 2:30-4:00 p.m.

Commercial Real Estate Leasing
November 10 • 3:00-6:00 p.m.

New Lawyer Basic Skills Course
November 15 • 8:30 a.m. - 4:45 p.m.

Commercial Bankruptcy Law: Current Cases and Trends
November 15 • 2:45-6:15 p.m.

In re Marriage of Probate and Family Law: Gray and Disabled Divorces
November 16 • 3:00-6:00 p.m.

A Day in the Life of a Cyber-Attack
November 17 • 12:00-2:10 p.m.

How To... Use Box for Online Storage & Collaboration
November 17 • 1:45-2:45 p.m. (complimentary)

Expanding Your Knowledge of Family Law Financial Issues
November 22 • 3:00-6:00 p.m.

How To... Create a LinkedIn Company Page
November 30 • 1:45-2:45 p.m. (complimentary)

To register, call 312-554-2056 or visit www.chicagobar.org.
Programs are held at the CBA Building, 321 S. Plymouth Ct., Chicago,
unless otherwise indicated above.

Seminars are also Webcast live (as well as archived) at www.chicagobar.org
and West LegalEdcenter. Visit www.chicagobar.org/cle for more information.
The CBA is an accredited continuing legal education provider in Illinois.

The Chicago Bar Association

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Chicago Bar Foundation Report



Pro Bono Week 2016—Caring, One Person at a Time

Pro Bono and the Power of Proximity

By **Bob Glaves**
CBF Executive Director

As we approach this year's CBA/CBF Pro Bono Week and its theme of "Caring, One Person at a Time," it is fitting to focus on one of the most powerful reasons to do pro bono: the power of proximity.

Proximity in this context is drawn from the great Bryan Stevenson and refers to the importance of getting closer to the problems that low-income and disadvantaged people experience in the justice system. While there of course are many other reasons that pro bono plays a critical role in our profession and in our communities, proximity is the most underrated and arguably the most powerful benefit of pro bono for all concerned.

Many of us find ourselves in day to day practices far removed from where regular people are experiencing the justice system. And how can we realistically fulfill our responsibilities as trustees of that system if we don't ever experience it from this van-

tage point? So long as you have the ability to get up to speed relatively quickly in the practice area involved—which with some training and support is generally true for just about all but the most specialized areas of law—you can make a big difference for your client and learn a lot in the process.

I saw this firsthand in my own experience as a newer lawyer with a practice focused on commercial and tort litigation for business clients. That kind of practice, typical of most litigators in larger firms, was very fulfilling but did not give me much flavor for how the system works for regular people, let alone low-income and disadvantaged people in our community. When we ran across unrepresented people in the courts in our practice, the default assumption was that person did not have much of a case, not that there might be an access to justice issue.

Put another way, when it came to access to justice and the challenges that low-income and disadvantaged people face in the justice system, I didn't know what I didn't know. When I joined the CBA Legal Aid Committee back in 1991, it gradually exposed me to some of those larger systemic challenges (i.e., overstretched legal aid, lack of funding). I didn't fully get it though until I started doing pro bono by volunteering at a clinic for CVLS in Rogers Park.

At the clinic, clients would come in wrestling with bread and butter issues like consumer, housing, or family disputes, all very different from my day to day practice.

I had plenty of training and support available from the lawyers at CVLS to make sure I wasn't getting in over my head, which made it easy to jump in and help. And I ended up learning as much through those clinic experiences—and my follow-up pro bono representation of many of the clients I met there—than I did through any of my other early experiences as a lawyer, and probably more.

These early pro bono experiences gave me a whole new perspective on the justice system and the unique challenges that low-income and disadvantaged people face when they confront legal problems that can often have a dramatic impact on their safety and well-being. I also learned what a huge difference I could make for clients in need through pro bono service even when it's outside of my normal comfort zone of work. It led me to get more involved in many other ways, and I was a much better lawyer, a much better person, and a much better advocate for the cause as a result.

So I am a big believer in the power of proximity for lawyers in private practice doing pro bono work, and it applies just as much to other stakeholders in the system, including law firms, legal aid organizations, and the courts. As we approach this year's Pro Bono Week and look past that to the coming year, let's all remember the power of proximity and the integral role of pro bono in making us well-rounded lawyers who can most effectively carry out our roles as trustees of the justice system. ■

Pro Bono Resources

The CBF is your source for CBA members who want to do pro bono work but aren't sure where to start. Check out the CBF website for more information at: chicagobarfoundation.org/resources/pro-bono

The Supreme Court's Pro Bono Reporting Rule and You

All Illinois lawyers can expect to receive their annual ARDC registration statements this month, which again will include questions about their pro bono work and related financial contributions over the past year pursuant to the pro bono reporting requirement adopted by the Supreme Court in 2006. If you haven't taken a pro bono case or made a financial contribution yet this year, it's not too late. There's still time for you to get involved and contribute before you complete your registration, and below are some resources to help you do that.

As the Comments to the amended Rule 756(f) of the Illinois Supreme Court Rules underscore, the pro bono reporting requirement is intended to serve as an annual reminder to Illinois lawyers that pro bono legal service is an integral part of a lawyer's professionalism. Rule 756(f) requires all attorneys licensed in Illinois to report, in connection with the attorney's annual ARDC registration, *pro bono legal services provided and qualified monetary contributions made during the preceding 12 months*.

Pro Bono Resources

The CBF is your source for CBA members who want to do pro bono work but aren't sure where to start. Check out the CBF website for more information at: chicagobarfoundation.org/resources/pro-bono.

Qualifying Financial Contributions under the Rule

Providing your financial support for local legal aid organizations is just as important an investment as donating your time, as lawyers depend on good legal aid organizations to be their partners in pro bono work. Legal aid organizations provide the necessary infrastructure to support pro bono work for area lawyers and law firms (i.e., pro bono programs with solid screening, referral, training and support functions for volunteers). Legal aid programs also provide critical legal assistance to the most vulnerable members of our community in matters where pro bono is not a practical solution.

Lawyers can make qualifying contributions under the Rule to the CBF, which supports all of the major pro bono and legal aid organizations serving the Chicago area, and by contributing directly to one of these many outstanding organizations. Check out the CBF website, chicagobarfoundation.org, for more information.

Additional Questions about the Rule

The CBF is here to help you with other questions about the Rule as well. Feel free to contact Kelly Tautges, CBF Director of Pro Bono and Court Advocacy, at 312/554-8356 or ktautges@chicagobar.org.

Solo Small Firm Resource Portal

One stop shopping for all your needs. Includes sections on starting your own firm, marketing, business networking, law office technology training, low cost office management consulting, and savings on insurance and business expenses. Visit www.chicagobar.org and click on the Resources tab.

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RPost's RMail gives attorneys and legal professionals advanced email liability protection and convenience benefits with easy-to-use encryption features and Legal Proof® protection. RMail proves delivery, time of delivery and returns back a Registered Receipt™ email record that's automatically generated with every message. RMail services prove compliance with data privacy mandates, deadlines for notices and digital signature laws. Members of The Chicago Bar Association receive a 20% discount and two months free when they sign up by phone. Visit www.rmail.com/cba to learn more and schedule a call or dial 310/912-3668.

MURPHY'S LAW

BY TERRENCE M. MURPHY, CBA EXECUTIVE DIRECTOR



(L-R) CBA President Daniel M. Kotin of Tomasik Kotin Kasserman, First Vice President Judge Thomas R. Mulroy, Law Division, Circuit Court of Cook County, Past President Aurora Austriaco of Valentine Austriaco and Bueschel P.C., and Illinois State Bar President Vincent F. Cornelius greeted attendees at the CBA's President and YLS Chair's Open House, held on September 22. Photo by Bill Richert.

See London like you've never seen it before! This year's CLE in London (April 10-13, 2017) is being hosted by our friends at LexisNexis and will be held at their international headquarters. We have an outstanding Continuing Legal Education Program planned which includes speakers from London and the U.S. on: Access to Justice, Comparative Justice and Trends, Diversity/Inclusion, and Technology and Cyber Security. Some of the outstanding special events planned for members and guests include: private tours of the Houses of Parliament, the Supreme Court of England and Wales, the Central London Criminal Court (Old Bailey) and the Royal Courts of Justice. Also planned is a boat tour past Runnymede featuring a presentation about the Magna Carta from Robert Griffith-Jones, Reverend and Valiant Master of the world famous Temple Church; a tour of Windsor Castle; a reception and dinner at London City's oldest pub, Ye Olde Cheshire Cheese which was rebuilt in 1667; and a closing

dinner in the historic Main Hall at The Honourable Society of the Inner Temple, featuring the Chief Justice of the U.K.'s Supreme Court. In addition, a limited number of members who would like to experience a criminal trial at the Old Bailey will be invited by our barrister friends to sit in the "well" (near the counsel's table) during a morning or afternoon session. Save the date for the Association's CLE in London Program, April 10-13, 2017. A flyer announcing the program will be emailed to the members in the near future with hotel recommendations and program/event costs. For more information, contact **Tamra Drees** at 312/554-2057 or tdrees@chicagobar.org.

93RD Annual Bar Show— "This Case is a Shamilton"

The 93rd Annual Bar Show opens on Thursday, December 1, and runs through Sunday, December 4, at DePaul's Merle Reskin Theatre. The Bar Show is an irreverent musical parody written and performed entirely by

lawyers and judges—all members of the CBA. The Bar Show has become a Chicago holiday classic and is a great way for members to entertain their clients, family and friends over the holiday season. The show lampoons international, national, and local personalities who have made the news during the past year. It's all in good fun, and the members—who perform in the show, while not being professional actors—are very talented and never fail to wow the audience. Laughter is great for one's health and the Bar Show is guaranteed to bring on a number of hearty belly laughs.

Lawyers' Assistance Program Annual Dinner

The Lawyers' Assistance Program's Annual Dinner will be held on Thursday, November 3, at the University Club of Chicago (76 E. Monroe Street), beginning at 5:30 p.m. with a reception, followed by dinner at 6:30 p.m. WGN Anchor **Mark Suppelsa** and Musician **Ava Suppelsa** will be the keynote speakers. The **Illinois Bar Foundation** will receive the Michael J. Howlett Jr. Award, **Michael Cortina** will receive the Executive Director's Award, Judge **Robert J. Anderson** will be honored as Judge of the Year, and **Robert Kelleher**, **Michelle Owen** and **Ruta Stropus** as Volunteers of the Year.

Tickets for the dinner are \$125 per person and \$1250 for a table of ten. They may be purchased at www.lap2016annualdinnertickets.eventbrite.com. If you need additional information, please contact **Jamie Dureno** at 312/726-6607 or jdureno@illinoislap.org.

The Chicago Bar Foundation's Fall Benefit

The CBF's 20th Annual Fall Benefit on Saturday, November 19, will be held at the Museum of Science and Industry (5700 S. Lake Shore Drive) from 6:30 to 10:00 p.m. This year's Co-Chairs are **Veronica Gomez**, Exelon, and **Steven A. Weiss**, Honigman Miller Schwartz and Cohn LLP. For more information or to purchase tickets, visit chicagobarfoundation.org/fall-benefit or contact **Christopher Montiel** at 312/554-8303.

Illinois Judges Association Annual Luncheon
Illinois Senate President **John J. Cullerton**

will be the keynote speaker at the Illinois Judges Association's Annual Luncheon on Friday, December 9, at the Sheraton Grand Chicago (301 E. North Water Street). Illinois Judges Association President **Israel Desierto** will preside at the luncheon.

Tickets are \$85 person and \$850 for a table of 10. For more information or to order tickets, contact IJA Executive Director **Kathleen Hosty** at 312/431-1283 or ija@chicagobar.org.

Illinois Supreme Court Dinner

The Illinois Supreme Court Dinner co-hosted by the Illinois State Bar Association and the Chicago Bar Association will be held on Friday, December 9, at the Sheraton Grand Chicago (301 E. North Water Street). A reception for the justices serving our highest court will begin at 6:00 p.m., followed by dinner at 7:00 p.m. ISBA President **Vincent F. Cornelius** and CBA President **Daniel M. Kotin** will co-host the dinner and Illinois Supreme Court Chief Justice **Lloyd A. Karmeier** will deliver remarks on behalf of the Court.

Tickets for the black-tie optional dinner

are \$125 per person and \$1250 for a table of 10. Tickets may be purchased beginning in November by visiting the ISBA's website at www.isba.org/jointmeeting. Questions and requests for additional information about this year's dinner may be directed to **Kim Weaver** at kweaver@isba.org.

Congratulations

Illinois Supreme Court Justice **Lloyd A. Karmeier** was elected to succeed Justice **Rita B. Garman** as the new Chief Justice of the Illinois Supreme Court. Justice Karmeier is the State's 120th Chief Justice... CBA Past President **Aurora Austriaco** has formed a partnership with **Susan Valentine** and **Lydia Bueschel**. The new firm is Valentine Austriaco and Bueschel P.C...IILP CEO **Sandra Yamate** received the Marvin E. Johnson Diversity & Equity Award at the Association for Conflict Resolution's Baltimore meeting...**Robert S. Rivkin** is of counsel to Riley Safer Holmes & Cancila LLP...**Katten, Muchin, Rosenman LLP** received Chevron Law Function's Law Firm Diversity Award...**Kenya Jenkins-Wright**, President of the Black Women Lawyers'

Association of Greater Chicago, Inc. is helping organize the National Summit of Black Women Lawyers March 30-April 1, 2017, at the Hilton Chicago. The event coincides with BWLA Chicago's 30th Anniversary.

Judge **Thomas Mulroy's** Mandatory Arbitration Program in the Commercial Calendar Section of the Law Division was made a permanent program by the Illinois Supreme Court...The Jewish Judges Association of Illinois will honor Judge **Marvin P. Luckman**, Judge **Earl B. Hoffenberg**, and Justice **Richard P. Goldenhersh** at the 14th Annual Justice, Lifetime Achievement, and Public Service Award and Installation Dinner on November 2...Chief Circuit Court of Cook County Judge **Timothy C. Evans** received CASA of Cook County's Commitment to Service Award...**Bradley G. Lane**, Brinks Gilson & Lione, is the new president of the Public Interest Law Initiative...**Daniel E. Reidy** of Jones Day was elected to the American College of Trial Lawyers' Board of Regents...**Jodi J. Caro**, General Counsel and Corporate Secretary of ULTA Beauty, and Justice **Joy**

The Chicago Bar Association CLE in London, England April 10-13, 2017

See London as You Haven't Seen it Before:

- Unprecedented access to the Inner Temple, the Grand Hall and Temple Church
- Opportunity to view a trial at Old Bailey Courthouse from the courtroom floor
- Tour of the House of Lords, The Supreme Court and Royal Courts of Justice
- Boat cruise of Runnymede, including lecture by one of the foremost experts on the Magna Carta, followed by a tour of Windsor Castle
- CLE sessions at LexisNexis Headquarters in London



To receive an agenda and travel information in the fall, send an email to Tamra Drees at tdrees@chicagobar.org.

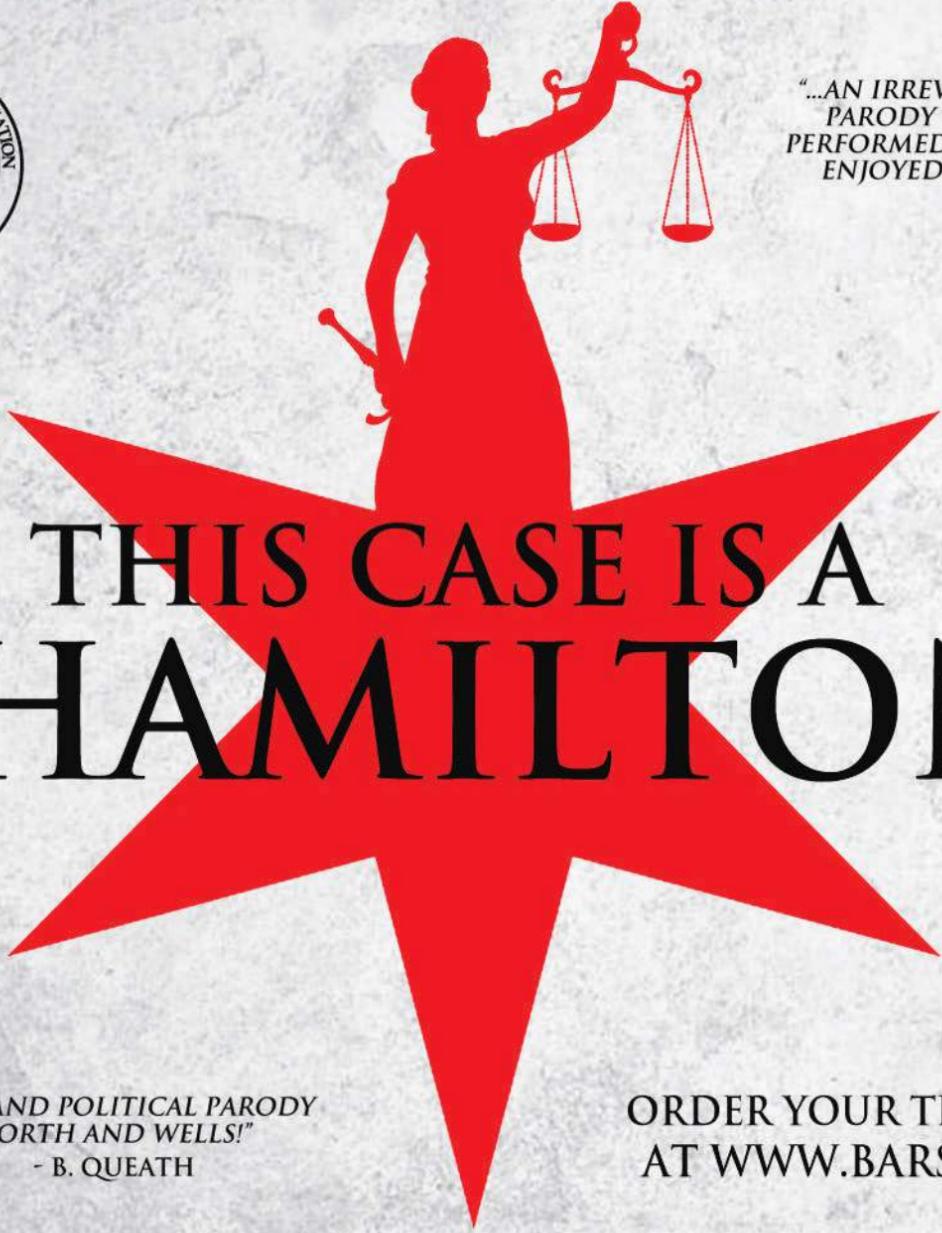


The Chicago Bar Association
presents
the 93rd Annual Bar Show



*"...AN IRREVERENT MUSICAL
PARODY WRITTEN AND
PERFORMED BY LAWYERS, BUT
ENJOYED BY EVERYONE!"*

- D. NOVO



THIS CASE IS A
SHAMILTON

*"...THE BEST SOCIAL AND POLITICAL PARODY
THIS SIDE OF NORTH AND WELLS!"*

- B. QUEATH

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December 1-4, 2016
Thu-Sat 7:30pm • Sun 2:00pm
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The Chicago Bar Association presents the 93rd Annual Bar Show



THIS CASE IS A SHAMILTON

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Email/Fax/Mail-in Ticket Order Form

Join the Chicago Bar Association for an evening or afternoon of musical entertainment at the 93rd Annual Bar Show! Each December, the Association has parodied local and national legal, political, sports, and showbiz figures. This year, the show once again promises to deliver hilarious parodies of political peccadillos, governmental gaffes, legal lampooning, and celebrity spoofs.

Main Floor Tickets: \$45 / But just \$40 for groups of 10 or more
Mezzanine Tickets: \$35 (no group discount)

To order your tickets,
visit www.barshow.org or call the box office at 312-554-2064 *anytime*,
OR complete this form and submit it by *no later than November 11, 2016*
(i) as PDF by e-mail to Awilda Reyes at areyes@chicagobar.org,
(ii) by fax to the CBA at 312-554-2054, or (iii) by mail to the CBA,
Attention: Bar Show, 321 S. Plymouth Court, Chicago, Illinois 60604-3997.

You will receive an e-mail confirmation of your order.

Please complete all applicable fields below.
Credit card payment only. All sales are final.

2016 BAR SHOW TICKET ORDER

	# Tickets Main Floor @ \$45*	# Tickets Mezzanine @ \$35	Total Amount Due
Thursday, December 1	_____	_____	\$ _____
Friday, December 2	_____	_____	\$ _____
Saturday, December 3	_____	_____	\$ _____
Sunday, December 4	_____	_____	\$ _____
ORDER TOTAL:			\$ _____

*Main floor is only \$40 for 10 or more.

NOTE SHOW TIMES:

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V. Cunningham were honored at Barnes & Thornburg's 7th Annual Celebration of Diversity dinner...**Todd A. Smith** of Power, Rogers & Smith, P.C. was a speaker at the European Trial Lawyers Annual Conference in Madrid...U.S. District Court Judge **Virginia M. Kendall** received the Catholic Lawyer of the Year Award, and **James J. Convery**, partner at Laner, Muchin, Ltd., received the Catholic Lawyers Guild Special Service Award...**David T. Brown**, Chairman of Much, Shelist, P.C. received the 53rd annual Julius Rosenwald Memorial Award from the Jewish Federation of Metropolitan Chicago/Jewish United Fund.

The Justinian Society of Lawyers honored **Vince Gerasole** of CBS Chicago and **Antonio M. Romanucci** at its Annual Installation and Awards Dinner...**Frank A. Sommario** is the 2016-17 President of

the Justinian Society of Lawyers...**Molly Caesar** is the 2016-17 President of the North Suburban Bar Association...Judge **Jeanne Cleveland Bernstein** and Judge **Steven J. Bernstein** received the North Suburban Bar Association's Sanford Blustin Award...**McDermott Will & Emery** is the recipient of the Luminary Leader Award for its pro bono service to the Pilgrim Baptist Church. **Michael A. Pope** accepted the award on behalf of the firm...Sidley Austin LLP celebrated its 150th Anniversary at The Field Museum of Natural History...**John W. Bell, Keith A. Hebeisen, Carmel M. Cosgrave**, and **Howard Shaffner** will receive special achievement awards at the 7th Annual Jury Verdict Reporter Awards for Trial Lawyer Excellence...CBF Director of Pro Bono and Court Advocacy **Kelly Tautges** received the prestigious Thur-

good Marshall Award of Excellence from the Association of Corporate Counsel...**Rachel O'Konis Ruttenberg** of the Family Defense Center, and **Andrew Vail** of Jenner & Block co-chaired this year's Pro Bono Week events.

Amanda Insalaco of DePaul University College of Law is the recipient of the 2016 Abraham Lincoln Marovitz Public Interest Law Scholarship...**Chasity Boyce** of Skadden, Arps, Slate, Meagher & Flom, LLP, **Kathy Byrne** of Cooney & Conway, **Katherine Minarik** of Bartlit Beck Herman Palenchar & Scott LLP, **Meredith Ritchie**, Vice President, General Counsel and Chief Ethics and Compliance Officer at Alliant Credit Union, and **Geri Pinzur Rosenberg**, the CTA's Chief Attorney, Tort Litigation, received the Women's Bar Association of Illinois 2016 Top Women Lawyers in Leadership Awards.

Mark DeBofsky has formed a new firm, DeBofsky, Sherman & Casciari, P.C....**Christopher Bonjean** is the Illinois Supreme Court's new Director of the Office of Communications and Public Information...**Sherry A. Knutson**, partner at Tucker Ellis LLP, was elected a Fellow in the International Society of Barristers...**G. Grant Dixon III** chaired John Marshall Law School's 25 year reunion for the class of 1991...**Lisa A. Hausten** is a partner at Clausen, Miller P.C. in the firm's business litigation and appellate practice division...**Taft, Stettinius & Hollister LLP** has initiated the Taft Diversity and Inclusion Fellowship Program...**Giselle B. Safazadeh** and **Jeremy M. Press** are new associates at Butler, Rubin, Saltarelli & Boyd, LLP...**Timothy J. Miller**, partner and General Counsel at Novack & Macey LLP, was named to the Faculty of the Practising Law Institute...**Gerald P. Callaghan** and **Ryan G. Rudich** were added to Freeborn & Peters' new Environmental Law and Toxic Torts Practice Group.

Julie B. Porter has partnered with **Jennifer B. Salvatore** and **Sarah S. Prescott** to form Salvatore, Prescott & Porter PLLC...**Andrea S. Kramer** was a speaker at the Cook County Law Library on the topic of "Breaking Through Bias: Communication Techniques for Women to Succeed at Work"...**Karen K. Harris**,



Many people don't understand what we mean when we speak of the "access to justice" problem. Quite simply, it means that 80% of our citizens cannot afford to pay for the legal services they need. As a result, this third-branch of government is not serving the people whom it was Constitutionally designed to protect.

By performing pro bono legal work, we are making a small dent in this enormous societal problem.

Taking an individual pro bono case does not make the issue go away, but it does immeasurably impact the life of the person we represent. In my experience, performing that service feels better than any fees we're accustomed to receiving.



Dan Kotin
CBA President
Tomasik Kotin Kasserman

The Chicago Bar Association & The Chicago Bar Foundation

2016 Pro Bono Week Oct 24-28

www.chicagobar.org/probonoweek



A Special Notice to all Lawyers Who Reside in or Practice in Cook County

The Moses, Bertha & Albert H. Wolf Fund

The Chicago Bar Association manages the Moses, Bertha, and Albert H. Wolf Fund to aid attorneys who reside or practice law in Cook County and are ill, incapacitated or superannuated. Through the Fund, the CBA provides financial assistance in the form of grants and loans.

Eligible recipients also include lawyers in Cook County who receive assistance from the Lawyers Assistance Program and are in need of medical assistance.



"I can say without hesitation that the generous support that I have received from the Wolf Fund has enabled me to receive medical treatment for several disabling conditions and prevented me from becoming homeless. My hope is that I will be able to return to the full-time practice of law and someday make a substantial contribution to The Chicago Bar Association's Wolf Fund in return for all the help they have given me. I am ever so grateful."

— Wolf Fund Recipient



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For more information, please contact Terrence M. Murphy, Executive Director
312-554-2002 • tmurphy@chicagobar.org

partner at Arnstein & Lehr LLP, was the featured speaker at the Women's Business Development Center...**Michael H. Erde** spoke on Elder Abuse in the Sauganash and Gladstone Park neighborhoods...**David J. Zwaska** is a new associate at Dussias, Skallas, Wittenberg LLP...**Brittany L. Weiss** is a new associate at Tucker, Ellis, LLP...**Peter J. Strand, Jerry W. Glover,** and **Linda Susan Mensch** received the 2016 Distinguished Service Award at the Lawyers for Creative Arts Benefit...**James L. Komie** and **Michael D. Lee** have joined Howard & Howard...**Craig P. Mannarino** of Kralovec, Jambois & Schwartz is now a fellow in the International Academy of Trial Lawyers...Sidley Austin LLP partner **David H. Hoffman** was honored at the Midwest Region of American Friends of The Hebrew University Jerold S. Solovy Torch of Learning Award Dinner...**Shelly A. Scinto** is now Of Counsel at Ice, Miller, LLP... Quarles & Brady LLP partner **James I. Kaplan** was appointed to the University of Chicago Law School's Visiting Committee...Chuhak & Tecson Principal **Lindsey Paige Markus** received the Jewish United

Fund's 2016 Davis, Gidwitz & Glasser Young Leadership Award...**Attorneys' Title Guaranty Fund, Inc.** has opened a new office in Aurora...Retired Circuit Court Judge **Allen S. Goldberg** moderated the Chicago Division Mediation Seminar "Arbitration Pitfalls and How to Avoid Them"...Retired Cook Circuit Court Judge **Martha A. Mills** delivered the closing speech at Trinity Christian College's Conference on Restorative Justice, Procedural Justice and Restorative Practice...**Kathy Morris**, Career Advancement Professional and CEO of Under Advisement, Ltd., will address members on October 27 on the topic of "Managing the Mindset and Mechanics for Solo and Small Firm Lawyers; Alternative Careers on November 10; and one-on-one career counseling sessions on November 16. For more information or to register, visit www.chicabobar.org/CAP.

Best wishes to Assistant Cook County State's Attorney **Kathleen Bankhead**, Southside Community Justice Center, on her relocation to Seattle, WA...**Robert W. Sacoff** of Pattishall, McAuliffe, Newbury Hilliard & Geraldson received the AIPPI's

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Award of Merit at its 2016 World IP Congress in Milan, Italy... Special birthday greetings to the Honorable **George Leighton** on his 104th birthday...and a happy birthday to **William J. Harte**.

Condolences

Condolences to the family and friends of **David James**—Lawyer, Civil Rights Advocate, and Tuskegee Air hero, **Arthur O. Kane**, and **Kenneth J. James**. ■



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Finding a new job or making a career switch isn't always easy. We understand and offer a variety of assistance to members to help ease the path to the future you imagine.

Career Assistance Committee

Get tips and feedback from professional speakers as well as your colleagues at monthly meetings at the CBA. Past topics have included resumes, interviewing, salary negotiation, state of the job market and more. Sign up to receive email notice of meetings at www.chicagobar.org/committees. Free and open to all members.

Career Advancement Program

The CBA has partnered with local career counselor Kathy Morris to help lawyers navigate the Chicago legal job market. With over 25 years of experience, Kathy shares her intimate knowledge of our local market in complimentary one-on-one career counseling sessions at the CBA, seminars targeted to experience level and practice area, and more. Learn more at www.chicagobar.org/CAP.

Online Career Center

Search job openings and post your resume plus get everything you need to make your resume stand out, ace the interview, advance your career, and navigate the digital world through social media at www.chicagobar.org/careercenter. Our online career center also allows you to set up efficient job alerts that deliver job openings right to your inbox.

CBA Job Flash

As a supplement to the online career center CBA members receive the "Job Flash" in their inbox. The newsletter contains a current list of both local and national job openings. Not getting the Job Flash? Check your member profile at www.chicagobar.org and make sure your email is on file with the CBA (or call 312-554-2135).

Upcoming Career Assistance
Committee Meetings:
Oct. 5 - Interview skills
Nov. 2 - Marketing Your Skills
Dec. 7 - Justice Entrepreneur Program

Find all this information plus links to helpful articles and videos at www.chicagobar.org/careers.



By Rachel O’Konis Ruttenberg and Sara E. Gilloon

Caring, One *Family* at a Time

Working Toward Child Welfare Reform



What should be the role of the child welfare system in our society? Consider these three recent examples of actions taken by the Illinois Department of Children and Family Services (DCFS):

- A single mother checked from her apartment window as her three sons, ages 11, 9, and 5, played in the park adjacent to their building for half an hour. DCFS decided that she had neglected her sons.
- A mother sought a second opinion and more information before consenting to put her depressed foster son on medication that came with serious side effects. DCFS decided that she had medically neglected her son.
- A mother fled domestic violence and sought safety for herself and her children at a relative's home. DCFS decided that she had neglected her children because she was a domestic violence victim and therefore had put her children at risk, despite taking every precaution she could. Her children were taken from her and placed with her abuser's family.

Stories like these are not isolated mistakes—they happen every day. Child protection agencies frequently remove children as a first, not a last, resort. And in child protection investigations, the error rate in finding that a parent has committed child abuse or neglect is very high—upon appeal with a neutral review, close to 75% of guilty findings are reversed. Any family can be threatened by wrongful separation or intervention by DCFS and, unfortunately, those most severely impacted by wrongful interventions are disproportionately poor, minority mothers who do not have the means necessary to hire an attorney—especially one who specializes in this niche area of law. Families in these situations need high quality legal representation to get their children back, assert their rights, and clear their names.

Pro Bono Representation

In Chicago, many of these families turn to the Family Defense Center, a non-profit legal services organization with a mission of advocating justice for families in the child welfare system. The Center helped the deserving parents mentioned above, as well as hundreds of other families per year, through direct representation in investiga-

tions, through all levels of the court system, and through impact litigation, policy advocacy, and education. No other non-profit organization in the Chicago metropolitan area, let alone the United States, focuses on legal advocacy for families in the child protection system—especially during investigations, when legal representation is critical.

The best way to protect children is to enable them, whenever possible and safe, to grow up in their own homes with family members who love them. As is the case in other areas of the law, pro bono attorneys are an integral part of providing services for these families. In 2015, over 100 attorneys represented families through the Center's pro bono program. Attorneys at more than a dozen of Chicago's top law firms, as well as many smaller firms and solo practitioners, have helped leverage the Center's financial resources three times over, with \$2.5 million in reported donated legal services last year.

Attorneys who represent these families enjoy their experience and often report surprise at the "absurdity and subjectivity that exists in the child welfare system." Sometimes, these cases can be successfully resolved simply by pointing out those issues to DCFS. An attorney makes a few

calls and the case is reversed. Other times, these cases are won through hard-fought administrative hearings, administrative review actions, appeals, or even federal civil rights cases after months of preparation and work.

Changed Outcomes

The single mother who checked from her apartment window as her three sons played in the park below? After DCFS's finding of child neglect, she appealed all the way up to the Illinois Appellate Court with the help of a dedicated pro bono attorney at Winston & Strawn. Even though DCFS did not take her children, the finding negatively impacted her career plans in the health care field when she was listed as a child neglecter on the State Central Register (a list of such DCFS findings). Plus, she was afraid for a long time of even letting her boys take out the trash. Finally, after more than two years and significant media attention, her case was reversed and her name was cleared last December.

The attentive foster mother who asked for a second medical opinion? After DCFS's finding of medical neglect, her administrative appeal was successful and her name was cleared, thanks to excel-

lent representation by a pair of pro bono attorneys from Jones Day. As a result of her name being cleared, she is able to continue being a dedicated parent to her foster son, and her foster son (who is the biological son of her cousin) is able to continue living with family, rather than being sent to live with non-relative strangers. She continues to advocate to make sure he receives the best medical care possible.

The domestic violence survivor who fled her abuser? After DCFS's finding of child neglect and having her children taken from her and placed with her abuser's family, she appealed the findings and filed a federal civil

rights lawsuit with the help of the Family Defense Center and an outstanding team of pro bono attorneys from Latham & Watkins. Her children were returned, her case was reversed, and her name was cleared. She recently settled the federal lawsuit, which awarded compensation to her and her two children. The settlement also requires DCFS to change its practices around investigating parents who have fled domestic violence by first providing any needed assistance with accessing domestic violence shelters, food, clothing, and other essential items, *before* taking any action that would separate the parent from their children.

Pro Bono CLE: Breaking

Poverty Barriers to Equal Justice

Interested in learning how you can more effectively work with your pro bono clients and improve client services and outcomes? Join us on Monday, October 24th from 3-5pm at the CBA for a multimedia panel presentation that will help legal volunteers better understand the life circumstances and day-to-day challenges of their clients who live in poverty. Two hours of PR CLE credit is anticipated. Registration can be found at www.chicagobar.org/probonoweb.

Many pro bono attorneys come back again and again to help these families because, frankly, it doesn't get any better than the feeling that you are helping a family reunite or stay together. The child welfare system is in desperate need of reform and, often, the best way to attack the issues head on is to follow the theme of this year's Pro Bono Week and start by "caring, one person at a time" about the plights of our families. ■

Rachel O'Konis Ruttenberg is the Executive Director and Sara E. Gilloon is a Staff Attorney and the Pro Bono Program Coordinator for the Family Defense Center. If you are interested in getting involved by taking a pro bono case with the Center or by joining the Center's Board of Directors or Young Professionals' Board, please contact fdc@familydefensecenter.org.



Ensuring
access
to justice
for all

Pro bono has been an important part of my practice since I began practicing in 1992. I have handled mortgage foreclosure and personal injury defense, housing, race and sex discrimination cases, breach of contract and consumer protection cases on a pro bono basis. I saw, very early on, that people are victimized by their inability to pay for legal counsel, especially when they are unaware of their legal rights. It is rewarding to see how my help has made a real difference in their lives. Throughout my career, I have found ways to budget my time to take on pro bono cases. When I see the difference it makes, the extra time I spend is more than worth it.



Jerry Brown

Siegel & Callahan P.C.
Adjunct Professor, The
John Marshall Law School

The Chicago Bar Association & The Chicago Bar Foundation

2016 Pro Bono Week Oct 24-28

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A close-up portrait of Nicole Alexander, a woman with blonde hair, smiling. She is wearing a black top and a pearl necklace. The background is a blurred green foliage.

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THOMSON REUTERS™

By Margaret C. Benson

Caring, *One Relationship at a Time*

Pro Bono: One Motivator at a Time



Pro bono is pitched to attorneys from the moment they enter law school. Once they graduate, the volume turns up higher as law grads are repeatedly urged to help bridge the access to justice gap. Many recent graduates also recognize a significant incentive pro bono offers—it lets them practice law with real clients who have real problems. And, quality pro bono programs provide them with practical training for areas of law.

Incentives, such as experience and training, encourage people to spend precious free time to help strangers. The problem is, once an attorney gets into the middle years of practice, the practical but less altruistic benefits of pro bono wane.

Or, do they?

Veteran attorneys should consider some of the less obvious benefits that a steady pro bono practice can offer.

Alleviate the Monotony of Daily Work

Whether you litigate, create and review transactional documents or counsel corporations for a living, at some point, your everyday work becomes, well, everyday. Not so tedious that you don't like your job, but enough that, once in a while, you dream of doing something different. Consider different as in...pro bono.

Pro bono lets you vary your work without risking your paycheck. Transactional attorneys can advocate in court and litigators can negotiate and review settlement documents, all while being protected by a pro bono program that has their back. Attorneys who don't want the long term commitment of a case can provide tangible legal advice a few hours a month at a court-based help desk.

And, if you get bored with your pro bono work, change it up. A myriad of options exist for even the most fickle practitioner.

You also alleviate monotony by doing something that makes your heart zing—helping someone who needs you. While daily work helps your client or employer and benefits your bottom line, resolving a legal problem for someone who could not afford you or any attorney is a sure-fire way to avoid being bored at work. That zing does wonder for your daily outlook on work.

Expand Your Comfort Zone

Comfort zones are wonderful. They're so... comfortable. As an attorney, your comfort zone can help you do your very best work, keeping you at the top of your game. But comfort zones can also hinder you professionally. They can prevent you from growing, challenging yourself or venturing out into wild, uncharted territories.

Although not all attorneys need to do pro bono to leave their comfort zones, most of us eventually settle into a comfortable practice where we know our field and apply our knowledge to an increasingly familiar set of problems. When your work is comfortable, it might be time to take a risk and dive into the jungle of the legal profession.

You won't have to do this alone. Good pro bono programs make it possible for attorneys to learn and conquer new areas of law that benefit low income clients by providing free comprehensive, accessible training programs in a variety of easy-to-digest forms. Illinois Supreme Court Rule 795(d)(8) allows pro bono program trainings to qualify for MCLE, and they

often qualify for Professional Responsibility credit too!

In-house counsel who are not licensed in Illinois don't have to worry either. Illinois Supreme Court Rule 756(k) allows inactive, retired and out-of-state counsel to provide pro bono legal services as long as it is done under the auspices of a qualified organization. Illinois Supreme Court Rule 716 allows in-house counsel licensed in other states to perform pro bono without any restrictions. What's more, the rule maintains their exemption from CLE requirements as long as they participate in any training required by their pro bono program provider. In other words, if you, Mr. or Ms. Retired Counsel, want to defend tenants in eviction cases, find a program that does this work, let them train you, and, voila, you have moved outside of your comfort zone and helped a low income client, all without an active Illinois law license.

Everyone should try something new once in a while. When you start to feel too comfortable with your work, consider Teddy Roosevelt's advice: "Far better is it to dare mighty things, to win glorious triumphs, even though checkered by failure... than to rank with those poor spirits who neither enjoy nor suffer much, because they live in a gray twilight that knows not victory nor defeat."

Inspire and Guide the Young

Pro bono is a great way to show the younger generation that you mean it when you talk about sharing and the need to help the less fortunate. If you have children, or nieces and nephews, demonstrate that you mean what you say.

While employers often frown on children joining you at work, consider taking them with you on some weekend or vacation time pro bono gigs. Once in a while, in between the endless youth sporting events and play dates, bring a son, daughter, niece or nephew with you to a legal aid clinic. The child can play nearby while you provide free legal counsel.

I did this for years with my own children

when I visited CVLS' Saturday morning clinics. I was a working mom with three young daughters. Whenever I had to visit a weekend clinic, I would bring along one of my daughters. It gave us some rare one-on-one time while introducing her to a new neighborhood and a different side of me.

One of my daughters liked to play with dolls. Inevitably, there would be at least one other little girl who was happy to share in the play. Another daughter preferred to color. She would also be joined by clients' children. I always made sure I brought multiple toys, coloring books and crayons. It never seemed to matter when children didn't speak English. They all spoke the common language of childhood play.

My daughters learned to respect my time with the client, knowing that we would chat later. Usually, after clinic, we'd stop for lunch or go to a bakery to take home treats for the family. This became a way to spend a nice morning with my daughter while she learned a bit about what I did and why.

Even if you can't take your children with you when you do pro bono, you can talk about it at home. Although kids might think your regular work is boring, pro bono cases can serve as the genesis for some great dramatic tales, full of good guys and bad guys. When you tell your family about your pro bono eviction case, you can talk to older children about the problems minimum wage earners have finding decent housing in Chicago. Your eviction story can be as exciting as the famous battle between the three little pigs and the big bad wolf. And, because you, Mr. or Ms. Lawyer, are the star, your children learn how your work helps people. They also see you living your values and incorporating charity into your daily life. Win-win.

Professional Obligation

Finally, don't overlook the fact that pro bono is a professional obligation. Attorneys who volunteer at homeless shelters over the holidays, or donate gently used clothing and books sometimes equate these acts of charity with pro bono. Charity is



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Expand Your Career and Your Networks

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- One-to-one and group mentoring programs. www.chicagobar.org/mentoring
- Networking, and leadership opportunities through the YLS, Alliance for Women, and CBA/YLS committees. 312-554-2131
- Volunteer/pro bono activities - get free legal training and hands on experience for your resume. 312-554-8356

Tools to Grow and Run a More Efficient Practice

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- Business development and law firm marketing seminars www.chicagobar.org/webcasts
- How To Sessions - free demonstrations of hardware/software geared to legal professionals. www.chicagobar.org/howto
- Hands-on Technology Training Center - for members and support staff, covers business and legal software sessions. www.chicagobar.org/techtraining
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an essential component of a good life and no one can be faulted for donating their time and money to a good cause. But, our professional license demands more of us. It demands that we use our specialized knowledge and skills to help low income people access the justice system and that we also financially support those organizations.

Pro bono is our job. The incentives are simply extras. ■

Meg Benson joined Chicago Volunteer Legal Services in 1982 to set up the Panel Referral Program. She became Deputy Director in 1983, and was elevated to Executive Director in 2003 when her predecessor retired. Responsible for program management, and the coordination of bench, bar and law firm relations, Meg also writes extensively, including CVLS training materials and a bi-monthly column on pro bono for the Chicago Lawyer.

WHAT'S YOUR OPINION?

Send your views to the **CBA Record**, 321 South Plymouth Court, Chicago, IL 60604, or dbeam@chicagobar.org. The magazine reserves the right to edit letters prior to publishing.

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The CBA is pleased to introduce the second year of CBA Newsstand by Lexology, a daily email that provides valuable and free practical know-how. Learn more at www.chicagobar.org/newsstand.

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Caring, One *Pro Bono* Story at a Time

The Rewards of Pro Bono Work



Here are just a handful of Chicago's pro bono stories, as told by the attorneys who represented these incredible clients. They highlight the important and high-impact pro bono work being done year-round.

Mohammed

By Sherene A. Jodrey

A few years ago, I represented Mohammed in his application for asylum. Mohammed was an Iraqi paramedic during the height of the war in Iraq. He and his family were brought to the United States at the request of the U.S. government to testify as a witness in a brutal crime involving an American soldier and a young Iraqi girl. Mohammed spoke no English, had never been to the United States before, and knew the consequences of being perceived as collaborating with the American government. But in the interests of justice, he agreed to testify. Back home, he was branded as a traitor. If Mohammed, his wife, and young children had returned to a war-torn Iraq, where translators and other civilians who assisted the U.S. army and government were routinely being murdered and tortured, he likely would not have survived.

Securing asylum for Mohammed and his family was one of the most rewarding and emotional experiences of my life. Mohammed had faced so many battles and difficult circumstances. His life in Iraq was centered around treating the sick and wounded victims of war, and providing for his wife and kids in a country wracked by conflict and violence. Even after we won his right to asylum, his life continued to be hard. He had to find a job to support his family without the ability to speak English or license to practice medicine. His children had to attend school and learn and make friends in a language they did not speak. Like so many new immigrants to



Sherene A. Jodrey is Assistant General Counsel at Aon Corporation

this country, Mohammed and his family struggled mightily to start building a new life. But at least they were safe. I was, and continue to be, honored and fortunate to have had the opportunity to help Mohammed and his family secure some measure of safety. ■

Explaining a Child's Unfortunate Death

By Jenny Austin, with Jonathon Hitz, Bryan Koorstad, and Jonathan Welbel

When we met our client, it had been three years since her son died. At that time, the Department of Children and Family Services (DCFS) had alleged that she had negligently contributed to the death of her son. We quickly developed a plan to better understand the circumstances behind the tragic death of a 3-year old child and to provide the best legal representation for our client. It was evident from that first meeting that our client was still grieving, and her grief was compounded by the allegations that she had played a role in her son's death. Without help, she had little chance of defending herself.

It was Super Bowl Sunday when our client took her 3-year old son to her boyfriend's house. While her boyfriend was out of the house, and after her son had gone to bed, she heard a noise from the bedroom. She went to check on her son, only to find him unresponsive. She performed CPR, but there was no response. She called her boyfriend, who was minutes away. As soon as he arrived, they rushed to the emergency room. Despite resuscitation efforts, the child was pronounced dead. Cell phone and hospital records showed that only 8 minutes elapsed from when our client called her boyfriend to when they arrived at the emergency room.

A critical part of our factual investigation was to try to determine how the 3-year old boy died. We hired two medical experts—a pathologist and a pediatric cardiologist. Based on the medical evidence, we learned that the child had an undiagnosed



Jenny Austin is a Partner in the Global Tax Practice Group at Baker & McKenzie LLP

heart condition. Further, any injuries on his body were consistent with the child's medical history and the resuscitation efforts conducted in the emergency room on the night of his death. We presented the facts and the expert's opinions to the administrative law judge at a hearing. In doing so, we were also able to explain that our client was a loving mother who did her best for her child until his very last day. Perhaps even more importantly, we were able to explain to our client that the death of her son was not her fault.

About a month after the hearing, we received a decision from the administrative law judge clearing our client's name. We immediately called her with the news, and after a brief pause, noticed a sudden change in her voice. We could hear the relief as she thanked us, and we promised to stay in touch. About a week later, we were walking down the street when suddenly we saw a familiar face. It was our client with, for the first time, a big smile on her face and hug for each of us. We feel very grateful for the opportunity to have made the impact that was so evident that day. ■

Asylum

By Samina A. Kapadia

Living in fear of going home is a terrible thought. Even worse is not being able to rely on the support of your own family and friends when facing the deepest of personal struggles. As a new lawyer, I met a young man who was afraid to leave Chicago and return home due to his fear of persecution.

He grew up shouldering an immense burden—a secret that he was a homosexual.

He hid his homosexuality from his family and friends while growing up because homosexuality was illegal in his

home country. It was not until his father allowed him to attend graduate school in Chicago that he had the opportunity to embrace his true self. He finally felt liberated and found supportive friends. He left any semblance of shame behind. But as he approached graduation, he had to face the looming anxiety of having to return to a life of shame and fear.

His journey through asylum is how we met.

I was eager to learn about his roots and what led him here. We spoke the same language and shared the same culture, but I soon learned just how different our childhoods were. He was bullied, raped, harassed and abused by all those around him.

I soon realized the battle his asylum application would be. I needed to convince the U.S. Government that he deserved to remain because of his well-founded fear of being persecuted by his government and family. I shuddered to think what would happen if I failed—if he had to return home only to face abuse or even death.

After months of preparation, we walked into the asylum interview together. I watched as he carefully and confidently answered the asylum officer's questions—having no doubt in mind that this man deserved protection.

At the end, the asylum officer asked me to give a closing statement. I recited a list of reasons why he was entitled to asylum, but I more so emphasized that I myself knew what terrors he would face if he were forced to return home—unable to live openly as a gay man.

After the interview, we waited patiently for months. Then came the news. “I got asylum!” he exclaimed over the phone. I remember feeling so relieved. But I did not truly appreciate the impact this case had on me until months later. I was walking in my winter coat to the train station, after having had a long and stressful day at work. I suddenly saw a familiar face walking towards me, a young man holding hands with his boyfriend. He stopped to hug me and began telling me of about his new job and new apartment with his boyfriend.

As I walked away, I thanked him for making my day. He simply smiled and said that he was happy he was able to do something for me. That moment made all the difference, and was a simple but much needed reminder of why I became a lawyer in the first place. ■



Samina Kapadia supports clients during complex construction and real estate disputes at Faegre Baker Daniels LLP.



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“Yes, it is time to retire, but first find something that interests you,” my wife replied.

Good advice leading me to pro bono.

I could still practice law plus I had a sense of the goodness of the work—relieving a debt problem, caring for an aged parent, correcting a property interest and so many other issues.

One becomes filled with a sense of well-being, personal pride and respect for the importance of law to our society.



Leo Feldman

Retired attorney

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RESOURCES FOR NEW LAWYERS

Just getting started in the practice of law in Chicago? The CBA offers many resources and programs to help new lawyers. Find out more about MCLE, start-up boot camp, career & mentoring services, practice area pointer videos, and volunteer opportunities. All under the YLS tab at www.chicagobar.org

Bettering Others and Yourself Through Pro Bono

By Christopher Elmore

The first time I saw [him], he pointed a gun at me. The next time I saw [him], I witnessed him murder someone outside the bar where I worked. In the 2 months after I saw [him] commit murder, [he] kidnapped me and raped me on three different occasions.

My pro bono client came to the United States seeking refuge, but quickly found herself and her daughter detained in a detention facility in southern Texas. Thanks to the help of volunteer attorneys, she and her child were able to pass through the initial asylum screening process and bond out of detention. Upon release, they were placed in removal (deportation) proceedings to seek asylum in an adversarial setting.

Despite my client being a single mother with no criminal history, the government appealed the bond. I took over her case to handle the bond appeal and present her asylum case in immigration court. We won both cases. Now my client and her child live safely in the United States.

The possibility that she would still be in this country without the aid of volunteer legal representation is slim to none. Although not monetary in nature, there is a reward for pro bono work in knowing

Justice: An Evening of Stories and Community

The impact of pro bono work on both attorneys and clients alike is evident in these incredible stories. For pro bono and legal aid attorneys, learning to tell your clients' compelling stories is essential to advocating not only for your specific client but for greater access to justice in our community.

Join us on Tuesday, October 25 from 6:00-8:00 pm at Revolution Brewpub to get to know your fellow justice-minded colleagues and enjoy listening to stories of justice shared by volunteers from the audience. Interested in telling a story? Come prepared with a five-minute story related to the theme (justice) to share with attendees from the Chicago legal community. Those who volunteer to tell stories will be entered in a prize raffle. Storytellers and listeners alike are encouraged to attend! More details and registration can be found at www.chicagobar.org/probonoweb.



My pro bono work means so much to me because of the opportunity it affords to provide real, tangible benefit to those who need it most. More importantly, however, I think it helps to give voice, agency, and even pride to some people who are aching to be heard, to be active, and to be able to hold their heads high in the face of at-times debilitating adversity. It is an honor to be able to do that kind of work.



Christopher Wilson
Associate
Winston & Strawn LLP

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you may save a life or drastically improve a person's circumstances.

Pro bono cases can seem to be some of the more difficult cases to take. The circumstances leading to a person's inability to afford legal representation make their lives challenging enough, but add to those circumstances a significant legal obstacle, and they can reach a breaking point of despair. Many times those circumstances make working for the client difficult logistically and emotionally.

I have made several trips as a volunteer attorney to the detention facilities that hold mothers and their children. Seeing a baby in what amounts to a "jail setting" is disturbing, and working with mothers who share stories of rape, domestic violence, murdered family members, and threats on their lives is an overwhelming and surreal experience. However, I find my law license has never been put to better use than when helping these clients.

I have benefitted significantly, personally and professionally, in doing pro bono work with these women and children seeking asylum. As a result of volunteering in the detention facilities, I met some of

the best attorneys in my field of practice. I now have direct access to them when I need mentorship or guidance. On the first trip, I roomed with a stranger, with whom I have since started a non-profit, VIDA (Volunteer Immigrant Defense Advocates), that provides legal services to underserved areas of eastern Tennessee.

I traveled across the country to perform some of my pro bono work, but you can find many pro bono opportunities without leaving Chicago. Pro bono work is the best thing I did for my career, and it can be for you too. ■



Christopher Elmore, an alumnus of the Justice Entrepreneurs Project, helps individuals and families as they seek to come and stay in the United States.

The Equal Rights Amendment: Why it Still Matters and How it will Affect our Future

Monday, October 31, 12:00 –2:10 pm

Location: The Chicago Bar Association,
321 S. Plymouth Court, Chicago, IL 60604

Experience Level: Basic

MCLE Credit: 2.0 IL-MCLE Credits

Presented by: CBA/WBAI Joint Task Force on Women & Aging, CBA Alliance for Women, YLS Women in the Law & ISBA Standing Committee on Women and the Law

Join our panel, composed of legislators and legal scholars, for a timely program that will analyze the ERA & address many topics related to it, including:

- Origin of and advocacy for the ERA as a means to address gender inequities.
- Results of previous efforts to pass the ERA here and in other states, & an update on the ERA Bill passed in the Illinois Senate and introduced in the Illinois House.
- Who will benefit-and how-if the Amendment becomes part of the U.S. Constitution.
- Rationales voiced by ERA proponents and supporting data
- Objections that have been raised to its passage and data available to support and to counter those objections.
- Procedural steps necessary to pass the ERA now.

Participants: Heather Steans, Illinois State Senator; Lou Lang, Illinois State Representative; and Larry Suffredin, CBA Legislative Counsel; Cook County Board Commissioner, 13th District; and Of Counsel, Taft. Additional speakers announced at www.chicagobar.org/cle.

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It Takes a Village

By Kathryn Carso Liss
YLS Chair

The African proverb “it takes a village to raise a child” is well-known for a reason—it is the truth for so many people around the world. So who makes up this village? From my own experience, family, friends, caretakers, neighbors, and other role models play important mentorship roles in a child’s life.

A mentor is someone who teaches and gives advice to someone less experienced than himself or herself. The assumption is that parents are their child’s first true mentor who helps their child develop intellectually, emotionally, and socially during their formative years. Experts dispute what makes up the formative years. Generally speaking, the first two years through the first five years of a child’s life are the most important from a developmental perspective. During this time, children are constantly watching and, therefore, learning from every move their parents make. This alone can cause stress and pressure on parents to be the perfect role model for their child. Plus, there is societal pressure to be the perfect parent, which is a fallacy. No one is perfect and mistakes will be made.

As a child grows, other people are introduced into his or her village. Teachers, religious leaders, neighbors, and eventually bosses can all become mentors. These

mentors play pivotal roles in shaping a child’s future. Everyone remembers that person who believed in them when they were young or, conversely, that person who told them they would fail. The more a person believes in themselves through the impact of good mentors, the more that person will succeed in life.

Within our industry, I hope you have been fortunate to have at least one reliable mentor. These individuals will not only teach you about the practice of law, but will help you grow as a person. That being said, even though you and I are technically young in our practice as YLS members (*i.e.* practicing for under 10 years), there is still so much we can do to give back to younger attorneys, law students, and even young children.

YLS members have served as mentors with high school students at Legal Prep Charter Academies over the last couple of years. Legal Prep is a high school on the west side of Chicago with a curriculum heavily focused on the law. The teachers and staff do a phenomenal job and truly care about Legal Prep’s students. They created a mentoring program so that these students can become more confident, professional, and responsible.

The mentors help students work on interview skills, prepare for college, write college essays, and grow professionally and personally, as well. The following YLS members deserve to be acknowledged for working one-on-one with a Sophomore, Junior or Senior at Legal Prep this school year: James Boland, Michelle Cass, Steve Fus, Johanna Meehan, Burcu Ozadali, Neil Pandey, Adam Prom, Malcolm MacLaren, Michael Maienza, Ashly McCants, Nicole O’Toole, Anagha Sundararajan, Cecilia Villalvazo, and Bianca Wright.

Another type of mentoring the YLS has been involved with is e-mentoring. In this project, YLS volunteers are paired with high school students from a Chicago school during a 10+ week curriculum. Over the course of this program, YLS mentors will meet face-to-face with the students and will communicate with the

continued on page 57

23rd Annual

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The Final Frontier of Trial Practice

Arbitration Complication Trepidation Explication

By Oliver Khan



One of the reasons for the creation of the Cook County Commercial Calendar's mandatory arbitration program, as Judge Thomas Mulroy describes, was to facilitate access to justice. The arbitration program creates a venue for litigants to have their claims heard quickly by experienced commercial litigators who sit as arbitrators.

Judge Mulroy presides in the commercial calendar section of the Circuit Court

of Cook County and also runs the commercial calendar's mandatory arbitration program. On September 22, 2016, the CBA held a seminar entitled "Arbitration and the Last Frontier of Trial Practice." The speakers included Judge Mulroy, Nancy Hendrickson of the Hendrickson Law Firm, Gerald Saltarelli of Butler Rubin Saltarelli & Boyd LLP, and Nick Standiford of Schain, Banks, Kenny & Schwartz, Ltd. Hendrickson and Saltarelli both serve

as arbitrators in the program. Jonathan Amarilio of Taft Stettinius & Hollister LLP moderated. The following is a summary of rules governing the arbitration program, and the panel's advice and wisdom.

What Cases Go to Arbitration?

Cases filed in the commercial calendar section of the Law Division claiming damages less than \$75,000 are subject to mandatory arbitration. Cook Cnty. R. 25.1. Where

damages exceed that amount, the court has discretion to order mandatory arbitration where the case is relatively simple enough. Cook Cnty. R. 25.3. The court may even sever claims from counterclaims, third party claims, and the claims of intervenors to send one party's claims to arbitration. The order referring a case to arbitration can only be filed after an answer is filed (Cook Cnty. R. 25.3), giving a defendant an opportunity to move to dismiss meritless claims before the court compels arbitration.

Arbitration Preparation

Once the court enters the order referring the case to arbitration, the case remains with the judge for a short period so the parties can conduct discovery. Cook Cnty. R. 25.7(1). There are five critical dates to docket: the discovery cutoff, the deadline for prehearing submissions, the arbitration hearing, the date by which to accept or reject the award, and the post-hearing case management conference.

The discovery cutoff occurs 120 days (60 if expedited) after the referral order. Cook Cnty. Ct. R. 25.3(d), 25.7(1). This gives the parties a short period of time to conduct discovery. After that, all discovery is automatically stayed until after the rejection or acceptance of the arbitration award. Cook Cnty. R. 25.7(1). The arbitrator does not have the authority to rule on discovery disputes or bar evidence for discovery violations, so it is best to serve discovery as soon as possible after the referral order. See Cook Cnty. R. 25.7(2).

The arbitration hearing will be held approximately 150 days (90 if expedited) after the referral order. Cook Cnty. R. 25.4. Thirty days before the hearing, the parties are required to have a meet-and-confer to exchange a detailed statement of the case (which includes the legal and factual issues involved), witness lists, documentary evidence for the arbitration hearing, proposed stipulations as to facts or law, reports, affidavits, or summaries, and an itemization of damages claimed. Cook Cnty. R. 25.8(a)-(g). The parties should also take advantage of Illinois Supreme Court Rule 237(b) to compel the opposing party to produce witnesses or original documents

at the hearing. Ill. S. Ct. Rs. 237(b), 86(e).

The itemization of damages required under Rule 25.8 should avoid general language that might pass muster in a complaint and instead should present a road map for the arbitrator's award. The parties should treat the Rule 25.8 statement of the case like their opening statements, and be sure to include the following: explain who the parties are; establish the legal relationship between the parties, including who was supposed to do what; describe how that legal relationship was breached or not fulfilled; avoid a detailed recitation of the evidence but refer to exhibits; and finally lay out your client's recoverable damages. Be sure to choose and submit your exhibits as you would at trial or summary judgment: tabbed, labeled, organized, and limited to what is relevant.

What to Expect at the Hearing

Hearings are limited to four hours. Cook Cnty. R. 25.9(1). Expect the first half hour to be used for a prehearing conference. At that conference you should identify your witnesses, tell the arbitrator how much time you need to present your case, how much time you need for opening statement and closing argument, and whether there are any stipulations. Have your exhibits premarked and bring enough copies for the witness, the arbitrator, yourself, and opposing counsel. Attorneys should note that the arbitrator cannot compel document production or bar evidence based on violations of the discovery rules. Nor can the arbitrator continue the arbitration to another day. Only the court can continue an arbitration with a showing of "exigent circumstances." Cook Cnty. R. 25.14. After opening statements, begin your presentation with your own witness (as opposed to calling an adverse witness). Witnesses cannot appear by phone. Make sure the arbitrator can follow the arc of your case and can follow along with the exhibits.

While arbitrations are less formal proceedings, objections under the rules of evidence are permitted. That being said, witnesses should lay a proper foundation for exhibits, and attorneys should not ask

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If you recently moved to a new firm, got a new email address or added a new practice area, please take a moment to update your member profile at www.chicagobar.org. And while you're at it, add yourself to the CBA's online member directory, a great new way to connect with fellow members, market your law practice, find law school classmates and more.



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leading questions. Cross examinations should be short and sweet. After both parties rest, be prepared to give your closing argument as there will likely be no time to prepare.

Awards and Bad Faith

Though the arbitrator has two business days to render an award (Ill. S. Ct. R. 10), after closing arguments, the arbitrator will likely immediately rule for one party or another. Before leaving, the parties should submit a summary of the client's legal fees incurred in connection with the arbitration since the stay of discovery. Cook Cnty. R. 25.9(8). Either party may also ask the arbitrator to certify that the other party participated in the arbitration in bad faith

for any of three reasons: refusal to attend the arbitration, refusal to participate in the arbitration, or some other action of bad faith, including the failure to submit documents under Cook County Rule 25.8. Cook Cnty. R. 25.12(a)-(c). The trial judge will later determine whether the facts warrant a finding of bad faith and may sanction a party up to \$1,000. Cook Cnty. R. 25.12(d).

Either party may reject the award "within seven business days after receiving the notice of the award from the Administrator." Cook Cnty. R. 25.11. But remember, the arbitration hearing is likely the only trial your client will get. Only 5% of arbitrations are rejected, and rejection requires a \$750 filing fee. Cook Cnty. R.

YLS Volunteer Opportunities

Wills for Heroes Program: The YLS' Wills for Heroes Foundation provides essential estate planning documents free of charge to our nation's veterans and first responders. The Chicago Bar Association's Young Lawyers Section and Exelon have partnered with the national Wills for Heroes Foundation to offer this service in Chicago. At our events, volunteers attorneys, who need no experience, prepare basic Wills and powers of attorney for first responders and veterans and their spouses or partners. Visit www.chicagobar.org/yls for more information and to register for upcoming events.

Serving Our Seniors: In 2009-10, the CBA helped the ABA to launch Serving Our Seniors. The program designed to assist young lawyers in providing low-income seniors with legal advice regarding the creation of basic estate plans, including powers of attorney for healthcare and property, living wills, and simple wills. Estate planning experience is not needed. Visit the Serving Our Seniors Committee page at www.chicagobar.org for information about upcoming events.



My clients were good hard-working people. Initially, I was skeptical about representing them since I normally help people save their homes. But my clients, because their financial situation had changed, couldn't afford their home anymore and wanted help just turning it over to the bank. So why didn't they simply give it back? It's never that simple. They'd been trying for a year. Without an attorney, the bank ignored them. My involvement got the bank to open the door. Then, we were able to negotiate details, draft documents, and sign off on everything. Afterwards, my client told me that he felt that the weight of the world had been lifted off his shoulders.



Salvador J. Lopez
Robson & Lopez LLC

25.11(a). "If the party rejecting the award fails to obtain a better result at trial, the party rejecting the award must pay" the other side's attorney fees as submitted to the arbitrator, if reasonable. Cook Cnty. R. 25.11(d). Regardless of the outcome, the parties will be back before the trial judge 180 days after the referral order (120 if expedited) for a case management hearing. Cook Cnty. R. 25.3(c). At that point, the case will continue before the trial court or the court will enter a judgment in accordance with the arbitration award.

All the panelists agreed that, Cook County's Mandatory Commercial Arbitration Program is not only an expeditious way to take a case from filing to verdict, but presents an opportunity for newer lawyers to take a commercial case from start to finish. ■

Oliver Khan is Co-Editor-in-Chief of the YLS Journal and is a litigation associate at Arnstein & Lehr LLP.

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YLS Honored at ABA Annual Meeting in San Francisco



Pictured at left is Matt Passen, who accepted the LexisNexis Community Outreach Award from Nigel Roberts of LexisNexis.

By Nick Standiford

On August 4, 2016, members of the American Bar Association descended on San Francisco for the ABA Annual Meeting. In the days that followed—and in between well-attended networking happy hours—the ABA recognized various bar associations across the country for successful events and programming. The Chicago Bar Association Young Lawyer's Section (YLS) was honored with the following five (5!) ABA Awards of Achievement:

- (1) First Place Comprehensive (for the totality of programs);
- (2) First Place Service to the Bar (L.E.A.D. for Large and Mid-Sized Firm Lawyers);
- (3) First Place Diversity (The Cross-Cultural Lawyer);
- (4) Second Place Service to the Public (End Distracted Driving); and
- (5) Second Place Newsletter (Balancing Act: A Guide for Working Parents).

Matt Passen, immediate past YLS Chair, accepted the ABA awards on behalf of the CBA. "I am proud of the YLS for its commitment to creating meaningful programs for its members, and for the positive impact it has on the greater Chicagoland community," Passen said. He noted that the new End Distracted Driving, Lawyer Engagement and Development Program (L.E.A.D.), and diversity programs have been instrumental in raising the CBA's profile and accessibility.

Lawyer Engagement and Development Program (L.E.A.D.)

L.E.A.D. was introduced last year to provide resources to lawyers at large and mid-sized firms. According to Trisha Rich, last year's L.E.A.D. Co-Chair, "this program was implemented to reach out to young lawyers at bigger firms in order to foster a discussion about practical and ethical issues in BigLaw. I couldn't be happier with the success of this program, and I am excited to see how it grows in the years to come."

Cross Cultural Lawyer Program

The Cross Cultural Lawyer program was another highly-successful event for the YLS. Carl Newman, last year's YLS Rising Star, talked about the success of the program and his goals for this year, "collaboration with other bar associations made this event effective and allowed us to reach a large audience. This year, our goal is to offer practical advice for practitioners to consider in hiring, navigating the workplace, and reaching greater inclusion in the profession."

YLS' End Distracted Driving Initiative

In addition to the ABA Awards of Achievement, the YLS was also honored with the prestigious 2016 LexisNexis NABE Community Educational Outreach Award for its End Distracted Driving Initiative. This award is given each year by the National Association of Bar Executives (NABE) at its annual luncheon. Matt Passen accepted the award, stating "Distracted driving is a public safety epidemic. Our members gave this distracted driving presentation to over 2,000 students in high schools across Illinois, and we continue to hear from more schools interested in hosting a presentation on this important topic. Hopefully other bar associations across the country will follow our lead to curb distracted driving in their communities." Jon Amarilio, current YLS First Vice-Chair expanded, "this program demonstrates the real-world value that YLS provides the community; without exaggeration, this program saves lives."

"The YLS is excited for another breakthrough year," said Amarilio. If that is true, then the CBA better start making room in its trophy case.

LEGAL ETHICS

BY JOHN LEVIN

Unauthorized Practice—An Antitrust Perspective

Over the years, this column has discussed how high fees were pricing low and moderate individuals out of the market for legal services and how technology might help ameliorate this situation. In January 2016, this column discussed the 2015 U.S. Supreme Court case of *North Carolina Board of Dental Examiners v. FTC*, which holds that a state regulatory board is subject to the antitrust provisions of the Sherman Act if the board members are active participants in the industry regulated by the board. These seemingly disparate elements came together in the context of the conflict between LegalZoom.com Inc. and the North Carolina State Bar over whether LegalZoom's web-based services were the practice of law.

LegalZoom and the North Carolina Bar had been at odds over whether LegalZoom's activities were the unauthorized practice of law in North Carolina. Following the decision in *North Carolina Board of Dental Examiners v. FTC*, LegalZoom sued the North Carolina State Bar for damages for "unlawful monopolization" under the Sherman Act. This suit prompted a settlement between the State Bar and LegalZoom under which, in part, the parties agreed to support legislation amending the definition of the "practice of law" to exclude the "operation of a Web site by a provider that

offers consumers access to interactive software that generates a legal document based on the consumer's answers to questions presented by the software." Certain consumer protections were also to be included. The enabling legislation was in the form of North Carolina House Bill 436.

On June 10, 2016, the staffs of the Federal Trade Commission and the Antitrust Division of the Department of Justice sent a joint letter to the North Carolina State Senate supporting House Bill 436 and sharing their views on the definition of the practice of law. While not directly applicable to Illinois, the letter shows trends in current thinking.

Crisis in Access to Legal Services

The letter states that there is "a well-known crisis in access to legal services for millions of American consumers, especially for low- and middle-income people. Surveys have repeatedly shown that many low- and middle-income Americans cannot afford the services of a licensed attorney, despite a generally increasing number of lawyers. This seeming paradox of unmet legal needs and an abundance of lawyers continues to persist."

The letter also states—as a general principle—that the "staff believe that 'the practice of law' should mean activities for which specialized legal knowledge and training is demonstrably necessary to protect consumers and an attorney-client relationship is present. Overbroad scope-of-practice and unauthorized-practice-of-law policies can restrict competition between licensed attorneys and non-attorney providers of legal services, increasing the prices consumers



John Levin's Ethics columns, which are published in each **CBA Record**, are now indexed and available online.

For more, go to <http://johnlevin.info/legaethics/>.

ETHICS QUESTIONS?

The CBA's Professional Responsibility Committee can help. Submit hypothetical questions to Loretta Wells, CBA Government Affairs Director, by fax 312/554-2054 or e-mail lwells@chicagobar.org.

much pay for legal services, and reducing consumers' choices."

Of course, there is the countervailing issue of consumer protection and "[t]he Agencies recognize that licensing requirements and scope-of-practice policies can have valid consumer protection justifications. Some circumstances and tasks require the knowledge and skill of a person trained in the law. Policies to protect consumers in such situations are legitimate."

Where does this leave the organized bar—and the individual lawyer? First, we must now add anti-trust issues when considering the problem of access to law. The bar must use common sense on when to assert the issue of unauthorized practice. Merely because a person provides a service that involves the application of the law does not necessarily mean that the person is practicing law. As the letter states, we must ask whether there is the application of specialized legal knowledge and whether an attorney-client relationship exists. As individual practitioners, we must recognize that there will be downward pressure on business in those areas of the practice than can be adequately provided by trained para-professionals or smart computer programs. ■

John Levin is the retired Assistant General Counsel of GATX Corporation and a member of the CBA Record Editorial Board.

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LPMT BITS & BYTES

BY CATHERINE SANDERS REACH

Control Your LinkedIn Profile

If you have avoided creating a LinkedIn profile because you are in a practice (prosecutor, judge, advocacy, health-care, etc.) that requires more personal privacy, or for you are hesitant to use social media, the good news is that with a little know-how you can have a LinkedIn profile for professional development and networking and keep it as open or closed as you want to. If you already have a LinkedIn profile make sure you know what you are sharing, with whom and that you have some control over the settings with these tips below.

LinkedIn has organized the settings for your account, privacy and communications into a new and easier to use portal. To get there mouse over your avatar (your picture) in the upper right corner of LinkedIn on a browser (or the gear icon in your profile in the mobile app). Click on “Manage” next to “Privacy and Settings” that appears in the drop down menu.

One thing to keep in mind as you adjust your settings—there are two levels of exposure to your LinkedIn profile—public (anyone can see) and connections (must be connected with you on LinkedIn and logged into their to see).

Public Exposure

Unless restricted, your full LinkedIn profile is available to search engines such as

Google and Bing, as well as those searching LinkedIn. You can change what information is available to those who you are not connected with by going into Privacy and Settings—Manage—Privacy—Edit Your Public Profile. On the right hand side you can choose to make your profile visible to no one, or make certain portions visible by toggling the boxes on and off. To maintain a high level of privacy, but still be found by friends and colleagues, choose “headline” and perhaps “summary” which provides your name, your location (Chicago, Greater Chicago Area) and your industry (law, etc.) and the summary you wrote.

Keep in mind, any time you add new information such as publications and organizations go back and make sure this information is left off your public profile.

Want to see what your profile looks like to the public? In LinkedIn through a browser go to Profile—Edit Profile and in the box with your name and picture click the blue button that says “View Profile As”. On the resulting page look at the top and toggle to see how your page looks to connections versus the public.

You Looking At Me?

In LinkedIn, if you look at another person’s profile, they will be alerted and aware that you have done so. If you are researching a judge or juror, looking up opposing counsel or your client you may not want them to know you are looking at their LinkedIn profile. You can choose to look at people’s profiles in “private mode” which will show them that an “anonymous LinkedIn member” viewed their profile. The downside is that by choosing to be anonymous you do not get to see who is looking at your profile. To do this go to your privacy settings and click “Profile Viewing Options” and choose which mode you want to be

in. You can toggle this setting on and off as desired.

Check Your Connections

LinkedIn is all about connections. You are connected to individual people, companies, organizations, groups, schools and other networks. This is why LinkedIn is such a powerful tool. However, you may not want to share information about who you are connected to, as well a list of other profiles people view when they look at yours.

In your privacy settings scroll to “who can see your connections” and then choose “only you” from the drop down list and no one else will see who you are connected with on LinkedIn. Scroll a little further to “viewers of this profile also viewed” and toggle the switch to “no” so that people do not see a list of people in your profile.

Also, if you do not want people to send your connection requests just because they have your email or phone number in their contacts scroll down in Privacy to “Data privacy and advertising” and choose “Nobody” in the drop down options for “Suggesting you as a connection based on your email address” and “Suggesting you as a connection based on your phone number”.

TMI (Too Much Information)

You can control how much or how little information you put into your LinkedIn profile, and you can update your profile at any time. However, LinkedIn will share any updates you make with your connections. To be able to update your profile without notifications being sent out go into your settings and under “Privacy” toggle to “no” in “Sharing profile edits”. Continue to scroll to the Data Privacy and advertising section to toggle off sharing data with third parties.

Finally, if you are newer to LinkedIn or not as active you can turn off “How You Rank”, which compares you to your connections and colleague in terms of profile views.

In Case of Emergency

While you can control the information LinkedIn shares about you and with whom, you still need to apply best security practices. Use a unique, strong password

Catherine Sanders Reach is the Director, Law Practice Management & Technology at the CBA. Visit www.chicagobar.org/lpmt for articles, how-to videos, upcoming training and CLE, services, and more.

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To learn more about LinkedIn, you can set up a consultation with the LPMT team, watch a HowTo... video at www.chicagobar.org/howto, or sign up for a hands-on class. Learn more at <https://youtu.be/iatf9RRW-PQ>.

and change it every so often (password managers like LastPass and Dashlane make that a lot easier). Also, turn on two factor authentication. You will need to enter your cell phone number and then when you log in you will also need a 6 digit code sent to your cell phone number, in addition to your password, to log in. You can choose to trust certain devices, like your smartphone and laptop, so you don't have to add the code every time you login. What two factor authentication does is it keeps a third party who may know your email address and guess your password from logging into your account, since they don't (hopefully) have your phone as well. To turn on two factor authentication go to settings, then to privacy then security and activate two-step verification.

Conclusion

Locking down your LinkedIn profile will help keep your privacy intact. Choose who you connect with carefully, as there is no granular permission for connections and they can see everything that you publish or add to your profile. As long as you know who you are linking with LinkedIn can be a great extension of networking in person, and often now people "meet" in cyberspace before they meet in person. So, tweak those settings and enjoy one of the biggest business communities in the world! ■

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NOTA BENE

BY AMY COOK

'LAST ANTECEDENT' RULE BATTLES THE 'SERIES QUALIFIER' CANON

Grammar Goes to the Supreme Court

If it takes nine U.S. Supreme Court Justices to figure out the meaning of a sentence you wrote, something's gone wrong.

How you string words together, your word choice, and comma placement can dramatically change meaning—and in law, affect people's lives. The federal statute at issue in *Lockhart v. U.S.*, decided in April, imposed a 10-year mandatory minimum sentence on recidivists with a previous conviction for "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward." The defendant argued that the minimum sentence did not apply because his previous conviction was for sexual abuse of an adult, not of a minor or ward. He argued that the phrase "involving a minor or ward" applied to all three listed crimes and should be read like this: the mandatory minimum sentence should be imposed if the previous conviction was for aggravated sexual abuse (involving a minor or ward), sexual abuse (involving a minor or ward), and abusive sexual conduct (involving a minor or ward).

The Court ruled against him, saying the phrase modified only the last item.

Yankees Pitchers and Star Wars Actors

How would you decide these other hypotheticals created by the Justices?

"Imagine," wrote Justice Sonia Sotomayor in the majority opinion, "you are the general manager of the Yankees. You

tell your scouts to find a defensive catcher, a quick-footed shortstop, or a pitcher from last year's World Champion Kansas City Royals."

Sotomayor continued, "It would be natural for your scouts to confine their search for a pitcher to last year's championship team, but to look more broadly for catchers and shortstops."

Or, consider the example from Justice Elena Kagan's dissent: "Imagine a friend told you that she hoped to meet 'an actor, director, or producer involved with the new Star Wars movie.' You would know immediately that she wanted to meet an actor from the Star Wars cast—not an actor in, for example, the latest Zoolander."

What about this scenario, also from Justice Kagan's dissent: "Suppose a real estate agent promised to find a client a 'house, condo, or apartment in New York.' Wouldn't the potential buyer be annoyed if the agent sent him information about condos in Maryland or California?"

The Justices weighed the "rule of the last antecedent," espoused by the Government, where "a limiting clause or phrase...should ordinarily be read as modifying only the noun or phrase that immediately follows" against the defendant's argument that the "series qualifier" should control, where "when there is a straightforward, parallel construction that involves all nouns or verbs in a series, a modifier at the end of the list normally applies to the entire series."

Context is Key

In ambiguous statute cases, courts look at context and other clues of meaning. Which interpretation, judges ponder, is "the more reasonable one?" They look at whether applying the series qualifier rule

would require acceptance of an "unlikely premise."

The majority opinion in this case also cited Black's Law Dictionary, which states: "Qualifying words or phrases modify the words or phrases immediately preceding them and not words or phrases more remote, unless the extension is necessary from the context or the spirit of the entire writing."

Kagan's dissent relied in part on the late Justice Scalia and Brian Garner's treatise, *Reading Law: The Interpretation of Legal Texts*, which says, "When there is a straightforward, parallel construction that involves all nouns or verbs in a series, a modifier at the end of the list normally applies to the entire series."

Parallel Construction

Parallel construction is a key issue in this case. Kagan said that the majority's baseball example is flawed because it is not parallel. The words "catcher" and "shortstop" but not "pitcher", are qualified separately from the modifying clause at the end of the sentence. "Pitcher" is modified on its own by "from the Kansas City Royals." Parallel construction of a similar sentence, said Kagan, would be a "defensive catcher, quick-footed shortstop, or hard-throwing pitcher from the Kansas city Royals."

You won't have the luxury of having nine of the keenest legal minds in the country dissecting your intent, so avoid ambiguity in your writing in the first place.

We often write in a hurry. What comes out of our head makes perfect sense to us. But to be sure it is clear, get another set of eyes to review your work. If that is not possible, read it over with an objective mind and ask yourself if your word choice or word order could be construed differently from what you intended. Try a list or bullet-point format if you have a series of items. Don't make your readers wonder if you intended a series qualifier or a last antecedent. ■

Amy Cook is Managing Editor of the CBA Record and runs a legal communications firm.

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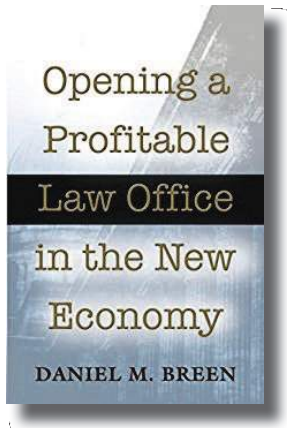
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SUMMARY JUDGMENTS

REVIEWS, REVIEWS, REVIEWS!

Resources for the Legal Practitioner



Opening a Profitable Law Office in the New Economy

By Daniel M. Breen

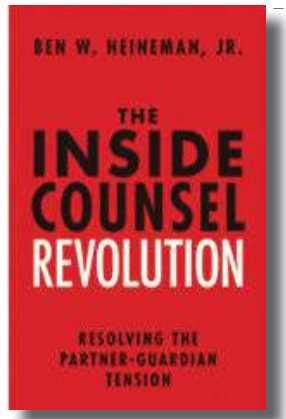
BookLocker.com, Inc., 2016



Reviewed By Daniel A. Cotter

The practice of law has changed substantially in the last several years. After the economic crisis of 2008-09, an increasing number of lawyers opened their own practices after law school graduation rather than associating with a firm. At the same time, the nature of the relationship between offices of general counsel and their outside lawyers changed, with more work going inside. In these two

Daniel A. Cotter is a Partner at Butler Rubin Saltarelli & Boyd LLP, where he chairs the Insurance Regulatory and Transactions practice. He is also a member of the CBA Record Editorial Board.



The Inside Counsel Revolution: Resolving the Partner-Guardian Tension

By Ben W. Heineman, Jr.

ABA Publishing, 2016



books, authors Daniel M. Breen and Ben W. Heineman, Jr. have given some guidance to lawyers in those two arenas.

In *Opening a Profitable Law Office in the New Economy*, Breen provides an outline of lessons he learned when he opened a small law firm. As the back cover of his book notes, “Dan began his legal career when he opened The Law Offices of Daniel M. Breen, P.C., on the same day that he earned his law license in 2009.” (Full disclosure: I know Breen and was a fellow board member on The John Marshall Law School Alumni Association.)

Good Roadmap for Lawyers

Having experienced the challenges and opportunities, Breen provides a good roadmap for lawyers interested in opening their own practices. Breen covers marketing, office space, legal tools, technology and all other aspects of starting an independent legal practice, including checklists for the establishment and operation of a new law

office. At times, Breen writes in a flippant manner (he uses the term “idiot(s)” several times as well as other colloquialisms). Although the book perhaps could have been edited a bit more, it is still a quick and lively read at under 100 pages and is recommended as a useful primer for any lawyer looking to start his or her own practice.

In *The Inside Counsel Revolution*, Heineman, former General Counsel for General Electric, provides an excellent description of inside counsel’s changing stature within the legal profession. The dustcover for the book opens:

In the past 25 years, there has been a revolution in the legal profession. General Counsel and other inside lawyers have risen in quality, responsibility, power and status. Once second class citizens in corporations and the legal profession, they have become core members of top corporate management, equaling in importance the Chief Financial Officer and the finance function.

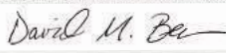
Heineman’s experience and wisdom as part of that revolution comes through loud and clear in this book, which addresses the issues of culture, compliance, and integrity within corporate legal departments.

Changing Role of Outside Counsel

Heineman also discusses the relationship between offices of general counsel and law firms and prescribes how law firms can best provide value to their clients. Heineman devotes an entire chapter to this important facet of the General Counsel’s job, “Law Firms—And Alternatives.” He opens the discussion by detailing the “dramatic shift in power from outside law firms to inside legal departments” and lays out the reasons for that shift, including lawyer “free agency,” law firm staffing and increased fee issues, and the emergence of the megafirm. Heineman offers a powerful warning that law firms and the profession must adapt to the changes taking place in offices of the general counsel or further disruptions will take place. Heineman also makes it clear that in his opinion, “it is still the ‘lawyer not the firm’” that is sought and hired by inside counsel, and notes his personal “presumption against big firms if there are outstand-

STATEMENT OF OWNERSHIP

UNITED STATES POSTAL SERVICE [®]			Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)		
1. Publication Title CBA Record		2. Publication Number 0 8 9 2 1 8 2 2		3. Filing Date October 1, 2016	
4. Issue Frequency January, February/March, April/May, July/August, September, October, November		5. Number of Issues Published Annually 7		6. Annual Subscription Price members - \$10 non-members - \$25	
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) CBA Record, c/o Chicago Bar Association 321 South Plymouth Court, Chicago, IL 60604-3997				Contact Person David Beam Telephone (include area code) 312/554-2042	
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) The Chicago Bar Association 321 South Plymouth Court, Chicago, IL 60604-3997					
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)					
Publisher (Name and complete mailing address) Terrence M. Murphy, Executive Director, The Chicago Bar Association 321 South Plymouth Court, Chicago, IL 60604-3997					
Editor (Name and complete mailing address) David Beam, Publications Director, The Chicago Bar Association 321 South Plymouth Court, Chicago, IL 60604-3997					
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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					
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13. Publication Title CBA Record		14. Issue Date for Circulation Data Below September 2016	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Not press run)		19,284	18,960
b. Paid Circulation (By Mail and Outside the Mail)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	3,402	3,388
	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	15,268	15,038
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	0	0
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	0	0
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		18,670	18,426
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	0	0
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	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	68	166
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	426	80
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		494	174
f. Total Distribution (Sum of 15c and 15e)		19,164	18,672
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		120	288
h. Total (Sum of 15f and g)		19,284	18,960
i. Percent Paid (15c divided by 15f times 100)		97%	99%
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 October 2016 issue of this publication. <input type="checkbox"/> Publication not required.			
17. Signature and Title of Editor, Publisher, Business Manager, or Owner 		Date October 1, 2016	

ing lawyers in small-firm alternatives.”

Heineman effectively outlines key issues facing law departments and provides thoughts on how law firms can best service their needs. The list of issues he addresses include: 1) compliance and legal hazard; 2) ethics; 3) risk and crisis management; 4) governance; and, 5) citizenship and public policy. Heineman’s book is a “must-read” for lawyers, whether incorporate law departments or members of outside firms. His wisdom, expertise and experiences have produced a book that gives a framework, guidance and a warning call to those on both sides of the relationship.

Breen’s book provides practical guidance for the solo or small practitioner starting or with an existing law firm; Heineman’s book is a worthy addition to the libraries of both lawyers in general counsel offices and in outside firms. Both offer much to consider and think about for those seeking to practice law more effectively in modern times. ■

YLS Chair continued from page 44

students via weekly emails about various legal topics discussed in the students’ Law and Public Safety class.

Additionally, within the CBA, there are three different types of mentoring programs: (1) Group Mentoring Program; (2) Lawyer-to-Lawyer Mentoring Program; and (3) Alliance for Women’s Mentoring Circles. I encourage you to explore these programs if you are a young attorney interested in having a mentor or if you are more seasoned lawyer interested in becoming a mentor. It will be an incredibly rewarding experience. ■

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