

FEBRUARY/MARCH 2015

# CBA

# RECORD

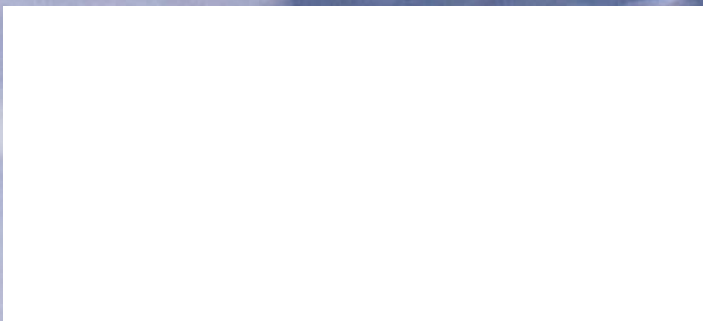
Special Theme Issue

## THE NEW YOUNG LAWYERS SECTION

Municipal Civil Juries  
in a Nutshell

Are You Always  
a Lawyer?

Staying Current  
on Compliance





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ON BEING NAMED PARTNER AT THE FIRM



Robert A. Clifford, Founder and Senior Partner

Sean P. Driscoll, Partner

Sean P. Driscoll has been named a partner at Clifford Law Offices, a nationally renowned personal injury and wrongful death law firm in Chicago. Driscoll has been an associate at the firm for nine years, since he graduated from DePaul University College of Law. He received his undergraduate degree from the University of Dayton where he graduated cum laude.

Driscoll has worked on many complex and high-profile cases at the firm, including second chairing a trial with partner Kevin Durkin in obtaining a record \$16 million verdict on behalf of the families of two teenagers who were killed when trapped in a grain bin, the highest verdict in Mt. Carroll County in Illinois history. The previous record was less than \$250,000. Sean also was part of a team of lawyers that worked on a case that settled for \$11.4 million on behalf of a worker who suffered a fractured pelvis and significant internal injuries at a railroad yard.

His legal work ranges from medical malpractice cases to premises liability, explosion cases to vehicular accident tragedies. His wide-ranging trial experience led to his being named one of Chicago's Top 40 Under 40 Attorneys in 2011 by the Law Bulletin Publishing Company. Robert A. Clifford, founder and senior partner, and the entire firm congratulate Sean Driscoll on this well-deserved achievement.



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# CBA RECORD

## 6 President's Page

The New Young Lawyers  
Section

## 10 CBA News

## 18 Chicago Bar Foundation Report

## 20 Murphy's Law

## 40 Legal Ethics

By John Levin

## 41 Ethics Extra

By Michael P. Sandusky

## 42 LPMT Bits & Bytes

By Catherine Sanders Reach

## 44 A Person of Interest

Getting to Know...

Stephen Patton

By Shannon Burke

## 46 Summary Judgments

Daniel A. Cotter reviews

*Lincoln's Counsel: Lessons  
from America's Most  
Persuasive Speaker*

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# CONTENTS

February/March 2015 • Volume 29, Number 2

## INSIDE THIS ISSUE

### 24 Daley Center Municipal Civil Juries in a Nutshell

By Judge Joseph D. Panarese

*Special YLS Issue: The New Young Lawyers Section*

### 27 This Ain't Your Father's Oldsmobile

By Paul J. Ochmanek, Jr.

### 28 Are You Always a Lawyer? Illinois Supreme Court Says Maybe Not, But the Exception is Limited

By Trisha M. Rich and Colin P. Smith

### 32 Navigating Student Externship Programs in Chicago

By Natalie Wolfe

### 36 New YLS Initiative: Suits for Success

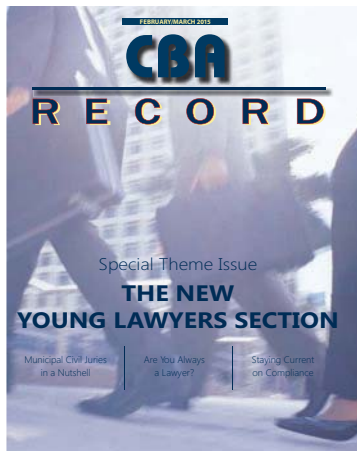
By Helena L. Trachtenberg

### 38 YLS Legal & Regulatory Compliance Committee: Staying Current on Compliance

By Brian Ashfar

### 38 YLS Social Committee: Expanding Contacts, Forming Bonds

By Jonathan Mraunac



## On the Cover

This month's cover art is courtesy of PhotoDisc.

# CBA RECORD

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# PRESIDENT'S PAGE

BY DANIEL A. COTTER

## The New Young Lawyers Section



*"I was young, not dumb  
Just wishing to be blinded  
By you, brand new  
And we were pilgrims on our way."  
—U2, "The Miracle (of Joey Ramone)"*

*"A leader is one who knows the way, goes the  
way, and shows the way."  
—John Maxwell*

This edition of the **CBA Record** is the Annual YLS Issue. In 2016, The Young Lawyers Section will celebrate 45 years of existence. Created to address the needs and interests of newly admitted attorneys, it has enjoyed national prominence, including recognition by the American Bar Association for best comprehensive programming as well as various service projects. This year is no exception.

I have the privilege of serving you this year alongside the YLS Chair and a very close friend of mine, Paul Ochmanek. Paul has continued the tradition of excellence and has implemented programs that are amazing and reflect his passion and dedication to the bar and community. The theme of this year's YLS edition, "The New Young Lawyers Section," reflects a

continued revisiting of the programs and services the YLS performs each year to ensure relevancy to the challenges facing law students and young lawyers, as well as the general public. A few of those programs are outlined below.

### Suits for Success

Paul and the YLS implemented this public service project designed to benefit students at Christo Rey High School. The YLS solicited donations of new or gently used suits, arranged for the dry cleaning of the suits (at no charge), and then invited the students to The Chicago Bar Association for resume reviews by lawyers. After the resume reviews, each participant was able to choose one of the suits. Through the hard work of Paul and his leadership team, they collected and distributed an amazing 400 suits! This project will benefit many and prepare them for job interviews and college interviews.

### Future of the Profession

It is no secret that law students graduating in recent years have seen a decline in the availability of decent paying jobs, while at the same time experiencing increased average student loan burdens and tough times. Young lawyers are the future of our profession and the YLS and CBA are doing everything we can to help address this crisis in the profession. This year, Paul agreed to continue the work that Mary Curry began in her bar year.

During the Future of the Law Week in February 2015, the YLS hosted a number of events to address issues such as innovative pricing techniques, expert systems and knowledge management, and practicing differently. The week ended with a Future of the Law Expo.

# WE ARE NOT JUST NURSING HOME LAWYERS



We may be the go-to nursing home lawyers in Illinois, but we have repeatedly won multi-million dollar verdicts and settlements in a variety of serious injury, accident and medical malpractice matters.

Most recently we recovered a \$7.5 million settlement for an injured boat worker that was THE LARGEST JONES ACT RECOVERY EVER RECORDED IN ILLINOIS. Our firm held the previous Illinois record Jones Act settlement of \$4.5 million set in 2008.

#### **OTHER NOTABLE RESULTS:**

- A \$17.7 Million Medical Malpractice/Brain Injury Settlement
- A \$6.5 Million Birth Injury Settlement
- A \$6.5 Million Record Kane County Wrongful Death/Trucking Accident Settlement
- A \$2.4 Million Pedestrian Accident Verdict

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## PLYMOUTH PERSPECTIVES

CBA President **Daniel A. Cotter** blogs at <http://plymouthperspectives.chicagobar.org/> throughout the bar year. Follow Dan's blog to hear his perspective and keep abreast of what's happening at the CBA.

### Shadow Program

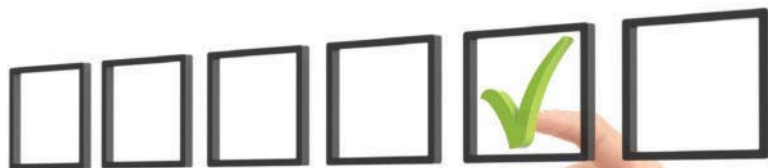
When Paul was in law school, he contacted me. He asked if he could visit my office and shadow me for a day. I agreed and we met for the day. Paul credits that day of watching me do my work for his decision not to practice in the field of insurance law. Paul is now launching the Shadow Program to allow other law students exposure to various fields and types of practice to be able to make similar informed decisions. Paul describes the program:

“The program's purpose was to expose law students to the actual practice of law by creating opportunities to observe (“shadow”) actual lawyers. The law students would obtain valuable experience watching lawyers throughout a variety of practice areas. The program extended to all areas of practice and well beyond Cook County, as lawyers and students throughout Illinois are

permitted to participate.”

Law students should visit the link, <http://cbashadow.chicagobar.org/>, to review shadow opportunities. Lawyers should also visit the link to submit shadow opportunities. This program can be successful if all of you provide such opportunities.

As former YLS Chair and as CBA President, I am proud to say that while the tradition of the YLS continues, the new YLS is continuing to do amazing things, in no small part due to the leadership of current Chair, Paul Ochmanek. I am fortunate as President to have Paul in that position. He is a friend, a mentee, and an exceptional leader and Chair. Visit the Young Lawyers' page at [www.chicagobar.org](http://www.chicagobar.org) to find out the numerous other new programs and initiatives Paul and his Executive Council have completed or have planned for the remainder of this bar year. The YLS has long been “pilgrims” and the pilgrimage is in fantastic hands this year. ■



The Chicago Bar Association, The Cook County Bar Association, and the Black Women Lawyers' Association of Greater Chicago invite you to a gala dinner celebrating the

## 50th Anniversary of the Civil Rights & Voting Rights Acts

Thursday, April 30, 2015 | The Standard Club, Chicago

For pricing and reservations, contact **Tamra Drees** at 312/554-2057 or [tdrees@chicagobar.org](mailto:tdrees@chicagobar.org).





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# CBA NEWS

## Chicago Tribune's Mary Schmich Keynotes 26th Annual Kogan Media Awards



offer. We are proud to support journalists who vigorously cover lawyers, police, the courts and our justice system. We depend upon their hard-hitting coverage of critical public affairs issues.”

“We are also happy to support journalism students through the Kogan Awards scholarships. The money we provide to students studying journalism or related subjects helps assure another generation of great reporters,” he said.

### About the Keynote Speaker

Mary Theresa Schmich was born in Savannah, Ga., the oldest of eight children, and spent her childhood in Georgia. She attended high school in Phoenix then earned a B.A. at Pomona College in Claremont, Calif.

After working in college admissions for three years and spending a year and a half in France, she attended journalism school at Stanford. She has worked as a reporter at the *Peninsula Times Tribune* in Palo Alto, Calif., at the *Orlando Sentinel* and, since 1985, at the *Chicago Tribune*. She spent five years as a *Tribune* national correspondent based in Atlanta. She has written a column for the *Chicago Tribune* since 1992, except for the year she spent at Harvard on a Nieman fellowship for journalists.

She wrote the “Brenda Starr” comic strip

**Tickets to the Kogan Award Luncheon are \$60. To reserve your space, call 312/554-2013 or e-mail [khighley@chicagobar.org](mailto:khighley@chicagobar.org). Awards will be presented to journalists in the categories of print, broadcast and online reporting.**

for 25 years, until 2010. She plays piano and mandolin and teaches yoga. She and Eric Zorn host the annual “Songs of Good Cheer” singalong at the Old Town School of Folk Music. She won the 2012 Pulitzer Prize for “Commentary.”

### About the Herman Kogan Media Awards

The Kogan awards are presented to journalists who cover topics related to the law, the courts, or the administration of justice. The top award in each category carries a \$1000 prize in the form of a scholarship presented to the journalism or English program at the college or university of the winner’s choice.

The Kogan Award Competition, established in 1989, celebrates the career of Herman Kogan, whose career spanned more than 50 years and included experience as a reporter, feature and editorial writer, editor, author, historian, biographer, literary critic, radio host and television executive. ■

By Linda Heacox  
CBA Public Affairs Director

Pulitzer Prize winning columnist Mary Schmich will keynote the 26<sup>th</sup> annual Herman Kogan Media Awards luncheon on Wednesday, May 6, at Maggiano’s restaurant, 516 N. Clark Street, Chicago.

Dennis Culloton, Chair of the Kogan Awards Committee of the Chicago Bar Association (CBA), said, “For more than a quarter century, the CBA has been honoring the best Chicago journalism has to



Bennett



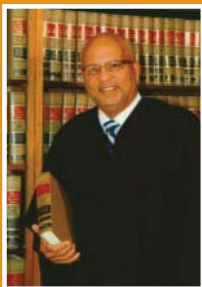
Coleman



Martinez



Shaw



Steele



Theis

# 2015 Vanguard Awards

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The Chicago Bar Association  
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The Hispanic Lawyers Association of Illinois  
The Lesbian and Gay Bar Association of Chicago  
The Puerto Rican Bar Association

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## 2015 Honorees:

**Jim Bennett**, Midwest Regional Director, Lambda Legal  
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**Hon. Sharon Johnson Coleman**, U.S. District Court, Northern District of Illinois  
*Chicago Bar Association Honoree*

**Virginia Martinez**, Illinois Latino Family Commission  
*Hispanic Lawyers Association of Illinois Honoree*

**Anne Shaw**, Shaw Legal Services  
*Asian American Bar Association of Chicago Honoree*

**Justice John O. Steele, Ret.**, Illinois Appellate Court  
*Cook County Bar Association Honoree*

**Hon. Mary Jane Theis**, Illinois Supreme Court  
*Puerto Rican Bar Association Honoree*

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## APPELLATE JUSTICE SHELVIN LOUISE MARIE HALL HONORED AT CBA'S 2015 EARL B. DICKERSON AWARD

# A Commitment to Justice for Illinois Citizens

By Linda Heacox

CBA Public Affairs Director

Illinois Appellate Court Justice Shelvin Louise Marie Hall was named the 2015 Earl Burrus Dickerson Award honoree by The Chicago Bar Association. Justice Hall is currently Chair of the Illinois Appellate Court Executive Committee and is the first African American woman to serve in this capacity. Justice Hall was honored at the annual Dickerson luncheon on Tuesday, February 24 at The Standard Club, 320 S. Plymouth Court, Chicago.

"We are very pleased to honor Justice Hall with this award," said CBA President Daniel A. Cotter. "Her achievements as an attorney and her whole career on the bench have exemplified the same commitment to justice for all Illinois citizens that Earl Dickerson demonstrated in his life and work."

The Dickerson award recognizes minority lawyers and judges whose careers at the bar emulate the courage and dedication of the late Earl B. Dickerson. Justice Hall was elected from the 1st Appellate District of Illinois in 2000 after having been assigned to the court in 1999 by the Illinois Supreme Court. Prior to her appointment and subsequent election to the Appellate bench she served as a judge in the Circuit Court of Cook County from 1991-1999.

Raised on Chicago's West side and Maywood, IL, a graduate of Proviso East High school, Hampton University, Hampton, Va., and Boston University School of Law, she began her legal career in private practice in Houston, Tex. In 1980, she went to Washington, DC, as Legislative Director to U.S. Congressman Mickey Leland from Texas' 18th District. In 1982, she joined the Illinois Department of Human Rights and two years later was appointed its General Counsel.

As a Circuit Court judge, she was assigned to the Domestic Relations and later the Law Divisions of the Court. Currently,

she serves on the Education and Executive Committees of the Supreme Court's Illinois Judicial Conference. She has also served as chairperson of the Judicial Council of the National Bar Association, the organization for the nation's then 1,500 African-American judges. She is a former chair of the Illinois Judicial Council. Justice Hall and her sister, Justice L. Priscilla Hall of the New York State Supreme Court Appellate Division, are the nation's first elected trial, and first Appellate African-American sister justices.

### About the Earl Burrus Dickerson Award

The Dickerson award is given annually by the CBA to recognize minority lawyers and judges. The award honors the late Earl B. Dickerson, an outstanding lawyer and one of the first African-American members of the CBA, who's life and professional career was devoted to the law and helping others gain equality and justice.

Past recipients have included such prominent lawyers as Mayor Harold Washington, U.S. Supreme Court Justice Thurgood Marshall, Chief Judge Timothy C. Evans of the Cook County Circuit Court and John H. Stroger, Jr., President, Cook County Board of Commissioners. ■

## CBA TO HONOR JUDGE SHARON JOHNSON COLEMAN AT 2015 VANGUARD AWARDS

The CBA is proud to co-host the 2015 Vanguard Awards Luncheon on Thursday, April 2, at The Standard Club with several local bar associations. This year's luncheon honors lawyers, judges and institutions that have made the law and the legal profession more accessible to and reflective of the community we serve.

The Hon. Sharon Johnson Coleman of the United States District Court, Northern District of Illinois, has been announced as the Association's 2015 honoree.

The additional 2015 Honorees are:

Jim Bennett, Midwest Regional Director, Lambda Legal, Lesbian and Gay Bar Association of Chicago Honoree; Virginia Martinez, Illinois Latino Family Commission, Hispanic Lawyers Association of Illinois Honoree; Anne Shaw, Shaw Legal Services, Asian American Bar Association of Chicago Honoree; Justice John O. Steele, Ret., Illinois Appellate Court, Cook County Bar Association Honoree; and Hon. Mary Jane Theis, Illinois Supreme Court, Puerto Rican Bar Association Honoree.

A reception for the honorees will begin at 11:30 a.m., followed by the luncheon in the Grand Ballroom.

Tickets for the luncheon are \$65 per person. For more information, contact Tamra Drees at 312-554-2057.

See full list of honorees at [www.chicagobar.org](http://www.chicagobar.org).

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# Keeping Current

By Emily Roschek, YLS Professional Responsibility Committee Vice Chair

**T**he YLS Professional Responsibility Committee makes it easier than ever to keep up with ethical trends and issues. We regularly communicate with our members about upcoming committee meetings, networking events, joint events, and ethics seminars at the CBA and around Chicago. We publish monthly articles in the CBA Record covering our committee meetings. We also have a LinkedIn page where we frequently post ethics-related articles and information on upcoming meetings and events.

The YLS PR Committee makes PR topics accessible, relevant, and enjoyable. Illinois Professional Responsibility credit isn't just ethics anymore. It includes professionalism, diversity, mental health and

wellness, and civility. To that end, the YLS PR Committee meetings have extended beyond traditional ethics issues and have included such topics as "How the Practice of Law Is Like Major League Baseball" and "How to Get Your Case On the Front Page (or Off of It)."

We also like to produce joint events. Our committee meeting on February 4 was held jointly with the YLS's newest committee, Federal Taxation, on "Tax and Ethics." We're also jointly sponsoring a seminar with the YLS Health & Wellness Committee to bring in Andy Clark on "Survey Says... How to Get What You Want Most..."

The YLS PR Committee makes an effort to be reachable above and beyond

CLE programming. We not only volunteer regularly with YLS charitable events and participate in YLS and CBA social events, we also schedule quarterly happy hours aptly named "PR at the Bar." These are social nights of networking with attorneys who either practice in ethics or have an interest in this area. The last few have been done jointly with the YLS Fed Tax committee. Why not join us for one of these events soon? ■

*The YLS Professional Responsibility Committee meets on the first Wednesday of each month. For more information, go to [www.chicagobar.org/committees](http://www.chicagobar.org/committees).*

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\* American Bar Association Standing Committee on Lawyers' Professional Liability. (2008). *Profile of Legal Malpractice Claims, 2004-2007*. Chicago, IL: Haskins, Paul and Ewins, Kathleen Marie.

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# CLE & MEMBER NEWS

## November 2013 New Admittees: Is This Your Last Issue?

It could be if your CBA membership dues have not yet been paid or if you have an outstanding balance that is 90 days past due. In accordance with the Association's By-Laws, members who did not remit payment by February 28<sup>th</sup> received a notice of termination of membership. If you have not yet renewed your membership or brought your membership account up-to-date, please do so now to maintain CBA savings and benefits. We don't want to lose you!

CBA membership is more valuable than ever. Special free programming for recent law school grads include interactive job search seminars, one on one career counseling, new admittee to do list, live

breakfast series on practice fundamentals, judicial roundtables, practice pointer videos, complimentary cle programs and more. These savings alone can cover the cost of your membership dues.

Renewals may be made online at [www.chicagobar.org](http://www.chicagobar.org), by phone 312/554-2020, by fax 312/554-2054, or by mail. Questions regarding dues and other charges-call 312/554-2020. **Note:** Members wishing to resign/cancel are requested to indicate so in writing stating their reason for resignation to avoid reinstatement fees in the future. Please send your resignation request to [kbryan@chicagobar.org](mailto:kbryan@chicagobar.org) or write a short note on your statement and return it. ■

## Attention Law Student Members

Have you received your new membership card valid through November 2015? If you have not yet paid your dues, please take a moment to do so now as your membership has officially expired.

Your \$12 dues investment will go a long way toward advancing your legal career. Attend seminars for half-price, learn about the actual practice of law at free noon hour committee meetings, meet movers

and shakers in various practice fields, network at YLS social events, tap into our career resources—all these can give you a competitive edge. Call 312/554-2135 if you have any questions regarding your membership renewal. **Note:** If you were a student member and were sworn-in last November, please let us know so we can change your status accordingly and make sure you take advantage of our free membership offer for new admittees. ■

## Update Your CBA Contact Information

Stay connected with the CBA and your colleagues. Have you recently switched firms or moved? Changed your primary phone number or email address? Wish to connect with other CBA members through our Member to Member Business Referral Directory? Take a moment now to update

your CBA member profile online. Go to [www.chicagobar.org](http://www.chicagobar.org), click on the orange Update Profile link, login with your member account number and password (your member account number followed by your last name), make your changes and hit submit. Questions? Call 312/554-2135 or email [kbryan@chicagobar.org](mailto:kbryan@chicagobar.org). ■

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for MCLE

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312/554-2056

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## Add Value to Your Membership

Did you know the CBA recently launched the following new services, benefits and savings for you?

- Practice area email updates from Lexology. [www.chicagobar.org/newsstand](http://www.chicagobar.org/newsstand).
- Leadership & Client Development Institute—low cost seminar series to help propel your legal career forward. [www.chicagobar.org/leadership](http://www.chicagobar.org/leadership).
- Free monthly CLE seminars—attend live or access archived webcasts, enough to fulfill your MCLE requirements. [www.chicagobar.org/freecle](http://www.chicagobar.org/freecle).
- New job search/career assistance resources—free one on one speed counseling, interactive round table seminars, FAQs, search tips and other online articles. [www.chicagobar.org/CAP](http://www.chicagobar.org/CAP).
- Start Your Own Law Firm Boot camp. [www.chicagobar.org/for-CBA-members-only/lpmt](http://www.chicagobar.org/for-CBA-members-only/lpmt).
- Solo small firm resource portal. [www.chicagobar.org/lpmt](http://www.chicagobar.org/lpmt).
- Alliance for Women Mentoring. 312/554-2132.
- Hands-on Technology Training Center—for members and support staff, covers business and legal software sessions. [www.chicagobar.org/techtraining](http://www.chicagobar.org/techtraining).
- Free breakfast and lunch judicial roundtables—offering tips and advice directly from the judges themselves. [www.chicagobar.org/cle](http://www.chicagobar.org/cle).
- Low cost practice management consulting. [www.chicagobar.org/lpmt](http://www.chicagobar.org/lpmt).
- Free, automatic personalized MCLE credit tracker. [www.chicagobar.org/mcle](http://www.chicagobar.org/mcle).
- Volunteer/probono activities—many offer free legal training and hands on experience to enhance your resume. 312/554-8356.
- Special programming for recent law school grads - free interactive job search seminars, career counseling, new admittee to do list, court walk throughs, live breakfast series on practice fundamentals, online practice area pointers. 312/554-2131.





## THE CHICAGO BAR ASSOCIATION

Continuing Legal Education

**Perspectives from In-House IP Counsel**  
April 7 • 3:00-6:00 p.m.

**Use of Technology at Trial**  
April 9 • 12:00-2:10 p.m.

**The Changing Legal Landscape: Ethics and Regulation**  
April 14 • 12:00-2:10 p.m.

**Consumer Bankruptcy Law**  
April 14 • 3:00-6:00 p.m.

**Arbitrating Commercial Cases in Cook County**  
April 15 • 3:00-6:00 p.m.

**Statute of Limitations on Debt Collection and More**  
April 16 • 12:00-2:10 p.m.

**Alternative Dispute Resolution: Japan and the U.S.**  
April 16 • 2:00-5:00 p.m.

**Pitfalls of International Contracts**  
April 17 • 12:00-2:30 p.m.

**Navigating FOIA in a Sea of Change**  
April 21 • 3:00-5:00 p.m.

**Understanding and Negotiating Cloud Contracts**  
April 22 • 12:00-1:30 p.m.

**Litigating the Foreign Airline Crash**  
April 23 • 12:00-2:10 p.m.

**Asset Protection Symposium**  
April 24 • 8:30 a.m. - 5:00 p.m.

**Elder Abuse, Neglect and Exploitation**  
April 27 • 3:00-6:00 p.m.

**The Value of Mentoring**  
April 28 • 12:00-1:15 p.m.

To register, call 312-554-2056 or visit [www.chicagobar.org](http://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](http://www.chicagobar.org) and West LegalEdcenter. Visit [www.chicagobar.org](http://www.chicagobar.org) 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



**Striking a Blow Against Inequality by Increasing Access to Justice**

## The 2015 Investing in Justice Campaign

By **Angelika Labno**

**CBF Administrative &**

**Communications Coordinator**

**A**s the 9th annual CBF Investing in Justice Campaign kicks off this month and election seasons are heating up, seemingly everyone is talking about the problem of rising inequality in our society. While there are a variety of viewpoints on the causes and solutions for this problem, one thing we in the legal community all can agree upon is that it has no place in the justice system. That is a central theme for this year's Campaign, which is being chaired by Brett Hart, Vice President and General Counsel at United Airlines, Inc.

Once again, thousands of individual attorneys and legal professionals from throughout the legal community are coming together to make a collective impact through the Campaign to help ensure that justice is accessible for all, not

just for people who can afford to pay for necessary legal help. Over the past eight years, the Campaign has grown from the ambitious vision of a few dedicated individuals to a broad-based effort that has now raised a total of more than \$10 million for the cause. Last year, a record-breaking number of more than 4,300 individuals at 146 participating firms, companies and organizations (including the CBA) made it possible for tens of thousands of people

to obtain vital legal assistance that is often critical to their safety and independence. While we should take pride in the Campaign's past success, the need to support our community is greater than ever, and we have proven that through the Campaign we can make a big impact in meeting this need.

### Three Core Principles

There are three underlying premises for

The CBA again is one of the organizations on the leadership team for the Campaign, and we encourage all CBA members to contribute. If you would like to add your firm, company or organization to the growing leadership team, or for more information about the Campaign, visit the CBF web site at [www.chicagobarfoundation.org](http://www.chicagobarfoundation.org).



**100%** of individual contributions immediately go to work in the community through CBF grants to dozens of outstanding pro bono and legal aid organizations.

**Justice People Deserve, Not Just What They Can Afford**

[chicagobarfoundation.org/campaign](http://chicagobarfoundation.org/campaign)

## A MESSAGE FROM THE CAMPAIGN CHAIR



**Brett Hart**

Chair | 2015 Investing in Justice Campaign

Executive Vice President,  
General Counsel and  
Secretary | United Airlines, Inc.

Dear Colleague:

As we embark on the 2015 Investing in Justice Campaign, the importance of preserving access to the American dream and equal opportunity for all Americans is increasingly the subject of discussions amongst policymakers. While most would agree that inequality presents a serious problem for our country, there are a wide variety of viewpoints about the solutions where many of us respectfully disagree.

There is one thing that we as a legal community all can agree on when it comes to inequality: that it has no place in the justice system. One of the most fundamental principles of our country and our profession is that we all stand equal before the law and should have equal access to justice. We know, however, that can only happen when people have access to necessary legal help, whether you are a large international company like United or one of the millions of people who call the Chicago area home.

Unfortunately, for more than half of the low-income and disadvantaged people in the Chicago area who need legal help at any given time, that help is not available due to a shortage of pro bono and legal aid resources. The good news is that through the Campaign, our legal community has proven repeatedly that we can do something about that when we join together in one accord. The Campaign is your opportunity to join with your colleagues in the legal community to make a collective impact towards eliminating inequality in the justice system in a way none of us could do on our own.

Together, we can make sure that many more people in our community will get the justice they deserve, not just what they can afford. In the process, we'll be striking a blow against inequality while helping to build a more perfect justice system, making our community a fairer and better place for all.

Sincerely,

the Campaign. First, while we all support a wide variety of worthy causes, ensuring that all people have equal access to the justice system is distinctly important to us as trustees of that system and our common cause as a legal community.

Second, despite the dedicated efforts of the many outstanding pro bono and legal

aid attorneys in our community, more than half of the hundreds of thousands of low-income and disadvantaged Chicagoans in need of legal assistance each year are unable to get often critical help due to a shortage of pro bono and legal aid resources.

Finally, while we all have important roles to play as individuals, the Campaign

## JUSTICE STARTS WITH A SOLID FOUNDATION

The Chicago Bar Foundation is *your* foundation, where you come together with your colleagues in Chicago's legal community to make the justice system more fair and accessible for everyone.

Find out more at [www.chicagobarfoundation.org](http://www.chicagobarfoundation.org).

has proved that we have the power to significantly expand the capacity of our pro bono and legal aid system when the legal community comes together as one around this issue.

The Campaign is the one time you can support the entire pro bono and legal aid system with one contribution and make an impact that none of us could on our own. Specifically, donations to the Campaign:

- Leverage significantly more money from government and other foundations
- Benefit from the CBF's rigorous grants process, which strategically allocates the Campaign funds to maximize impact and ensures accountability
- Save hundreds of thousands of dollars in other social services by enabling people to resolve legal problems before they spin out of control

The people receiving services made possible by the Campaign include the elderly, disabled, veterans and children; domestic violence victims; people at risk of losing their homes; immigrants fleeing persecution and abuse; and many other low-income and disadvantaged people in the Chicago area in need of legal assistance.

All contributions qualify for the Illinois Supreme Court's Pro Bono Reporting Rule and are tax-deductible.

### Invest in Justice Today

Add your voice to the others making a difference through this Campaign, and make a contribution today! ■

# MURPHY'S LAW

BY TERRENCE M. MURPHY, CBA EXECUTIVE DIRECTOR



The Hon. Shelvin Louise Marie Hall of the Illinois Appellate Court (center) was honored with the 2015 Dickerson Award on Tuesday, February 24. The award recognizes minority lawyers and judges whose careers at the bar emulate the courage and dedication of the late Earl B. Dickerson in making the law the key to justice for all in our society. Pictured with Hall are (left) CBA President Daniel A. Cotter of Fidelity Life Insurance Association and (right) Judge E. Kenneth Wright, Jr. Photo by Bill Richert.

**T**he 2015 Vanguard Awards Luncheon will be held on Thursday, April 2, 2015, beginning with a reception at 11:30 a.m., followed by the luncheon at noon. The Vanguard Awards are co-hosted by the Asian American Bar Association; the Chicago Bar Association; Cook County Bar Association; Hispanic Lawyers Association of Illinois; Lesbian and Gay Bar Association of Chicago; and the Puerto Rican Bar Association. The luncheon celebrates diversity and honors lawyers, judges and community leaders whose leadership is making a difference in our city. This year's honorees include: **Anne Shaw** from the Asian American Bar Association; U.S. District Court Judge **Sharon Johnson Coleman**, The Chicago Bar Association; Illinois Appellate Court Justice **John O. Steele** (Ret.), Cook

County Bar Association; **Virginia Martinez**, Illinois Latino Family Commission, Hispanic Lawyers Association of Illinois; **Jim Bennett**, Midwest Regional Director, Lambda Legal, Lesbian & Gay Bar Association of Chicago; Illinois Supreme Court Justice **Mary Jane Theis**, Puerto Rican Bar Association. Join your colleagues from the bench and the bar in honoring these outstanding leaders. Tickets for the luncheon are \$65 per person or \$650 for a table of ten. For more information or to make reservations, contact CBA Events Coordinator **Tamra Drees** at 312/554-2057 or [tdrees@chicagobar.org](mailto:tdrees@chicagobar.org).

## 50<sup>th</sup> Anniversary Gala Celebrating the Civil Rights and Voting Rights Acts

The Chicago Bar Association, Cook County Bar Association, Black Women

Lawyers' Association of Greater Chicago and other area bar associations are co-hosting the 50<sup>th</sup> Anniversary Celebration of the Civil Rights and Voting Rights Acts at a Gala Dinner on Thursday, April 30, 2015, in the Grand Ballroom at the Standard Club. Dr. **Otis Moss, Jr.**, theologian, pastor, and civic leader, will be the keynote speaker at the dinner. Dr. Moss is well known for his leadership of America's Civil Rights Movement and participated in the Selma, Alabama Civil Rights March with Dr. Martin Luther King. Moss was a close friend of Dr. King, served as regional director of the Southern Christian Leadership Conference, and is one of America's most influential black ministers.

In addition, we will also honor Mrs. **Juanita Abernathy**, wife of the late Dr. Ralph Abernathy at the dinner. Dr. Abernathy led the Southern Christian Leadership Conference after the assassination of Dr. King. The Civil Rights Act was signed into law by President Lyndon B. Johnson in 1964 and outlawed discrimination based on race, color, religion, sex, or national origin. The Act also ended unequal application of voter registration and racial segregation in our nation's schools. The Voting Rights Act, considered by many to be the most effective piece of civil rights legislation ever enacted in the United States, was signed into law by President Johnson in 1965. President Johnson's daughter **Lynda Johnson Robb** and her daughter **Catherine Lewis Robb** will be attending the Gala Dinner and will be recognized for their father's leadership in the passage of both of these historic Acts.

United States District Court Judge **Sharon Johnson Coleman** and **Brenda A. Russell**, Director of Pricewaterhouse Coopers LLP, co-chair this special Chicago celebration. Table sponsors for the Gala Dinner are \$2,500 for a table of ten and will receive special seating and recognition in the program. Individual tickets are \$125 per person. For more information or to make reservations for the Gala Dinner, contact **Tamra Drees** at 312/554-2057 or [tdrees@chicagobar.org](mailto:tdrees@chicagobar.org).

### Rodgers & Hammerstein "Something Wonderful" Concert at Chicago's Orchestra Hall/Symphony Center

Don't miss the "Something Wonderful" concert at Chicago's Orchestra Hall/Symphony Center on Sunday, April 26, 2015, at 7:30 p.m. If you enjoy music, you'll love the "Something Wonderful" concert featuring the best of Rodgers and Hammerstein. The Chicago Bar Association's Symphony Orchestra, led by nationally acclaimed maestro **David Katz** and CBA Choral Director **Rebecca Patterson**, will be joined by the Elgin Chorus and its Master Chorale Director **Andrew Lewis** in performing the musical triumphs of Rodgers & Hammerstein. The "Something Wonderful" concert will also feature award-winning soloists of "The American Prize in Voice." Your family, friends and clients will enjoy this special evening of music and song. For more information or to purchase tickets, visit [www.cso.org/ticketandevents](http://www.cso.org/ticketandevents).

### Herman Kogan Media Awards Luncheon

The 2015 Herman Kogan Media Awards Luncheon will be held on Wednesday, May 6, at Maggiano's Restaurant and Banquets, 111 West Grand Avenue, Chicago. A reception for this year's honorees will begin at 11:30 a.m., followed by the luncheon and award presentations at 12:00 noon. Pulitzer Prize-winning journalist for the *Chicago Tribune* **Mary Theresa Schmich** will be the keynote speaker. Schmich attended journalism school at Stanford and worked as a reporter at the *Peninsula Times Tribune* in Palo Alto, California, and at the *Orlando Sentinel* before coming to the *Chicago Tribune* in 1985. Schmich also wrote the "Brenda Starr" comic strip column for 25 years. Tickets are \$60 per person or \$600 for a table of ten. For more information or to make reservations contact, **Karen Highley** at [khighley@chicagobar.org](mailto:khighley@chicagobar.org).

### CBA Annual Meeting

The Association's 142<sup>nd</sup> Annual Business Meeting will be held on Thursday, June 25, 2015, in the Grand Ballroom at The Standard Club. CBA President **Daniel A. Cotter** passes the Ceremonial Lincoln Gavel to incoming President **Patricia**

**Brown Holmes**. Holmes is a member of Schiff Hardin's Executive Committee and chairs the firm's Diversity Committee. She is a former federal, state and local prosecutor and a former state court judge whose practice includes: corporate internal investigations; criminal internal investigations; representation of high-profile individuals and corporations; and trial work in the state and federal courts. Holmes has received numerous awards and is also a member of the Board of Trustees of the University of Illinois.

The new slate of CBA officers and board members will be introduced at the Annual Meeting along with President Cotter's year-end business report. A reception for President Cotter, incoming President Patricia Brown Holmes and the new officers and board members will begin at 11:30 a.m., followed by the luncheon at noon. For more information or to make reservations, contact Tamra Drees 312/554-2057 or [tdrees@chicagobar.org](mailto:tdrees@chicagobar.org).

### Congratulations

**Kevin J. Conway**, Cooney & Conway was honored by Lawyers-Lend-A-Hand to Youth for his generous grant for the new Launch U program...Best wishes to U.S. District Court Judge **John F. Grady** on his retirement from the Federal Bench...**Michael D. Monico** will receive St. Ignatius High School's 2015 Award of Excellence in the Field of Law...Hon. **Edward M. Burke** will receive the Celtic Legal Society's Lifetime Service Award and Circuit Court of Cook County Judge **John P. Kirby** will receive the Celt of the Year Award...the Center for Disability and Elder Law (CDEL) presented the following awards at its Winter Awards Benefit: **McDonald's Corporation** received the Corporate Partner of the Year Award; Hon. **Edward M. Burke** received the Impact Award; Hon. **Richard J. Elrod** (posthumously) received the Founders Award; and the law firm of **Locke Lord Edwards** received the Volunteer Law Firm of the Year Award.

Former Governor **James R. Thompson** announced his retirement as Senior Chairman of Winston & Strawn, which will take effect on January 31, 2016...Chief Circuit

## YOUR REFERRAL NETWORK

If your office receives an inquiry about a legal issue you simply do not handle or your client has a special need beyond your practice area, don't fret! Simply refer the caller or client to the CBA's Lawyer Referral Service (LRS).

To learn more about the LRS, contact Brenda Ott, Director of the Lawyer Referral Service, at 312/554-2071 or [bott@chicagobar.org](mailto:bott@chicagobar.org), or visit [www.chicagobar.org](http://www.chicagobar.org) and click on Services, Lawyer Referral Service.

Court of Cook County Judge **Timothy C. Evans** has named **Leonard Dixon** as the new director of the Juvenile Temporary Detention Center. **Kendra Reinshagen**, Executive Director of Metropolitan Family Services' Legal Aid Society, is retiring and **Karina Ayala-Bermejo**, General Counsel and Executive Vice President of Metropolitan Family Services' Legal Aid Society, will replace Kendra as the Society's next leader...House Republican Leader **Jim Durkin** was the featured speaker at the City Club of Chicago...Illinois Supreme Court Justice **Lloyd R. Karmeier** will receive the Lawyers' Assistance Program's Barylak Award at the group's annual dinner meeting in Springfield on Friday, April 17.

**Darryl Bradford**, Senior Vice President and General Counsel of Exelon Corporation, will receive CARPLS' Golden Gavel Award on May 12...**Marci A. Eisenstein** is the new Managing Partner and the first woman named to lead Schiff Hardin LLP...**Fredric D. Tannenbaum**, managing partner at Gould & Ratner LLP, was named to the board of directors of the America-Israel Chamber of Commerce...**Michael J. Zink** is the new President of the Advocates Society...**Avanti D. Bakane**, an associate at Hinshaw & Culbertson LLP, is the new President of the Indian-American Bar Association...CBA Past President **Victor P. Henderson** is representing the Jackie Robinson Little League Baseball Team...Illinois Appellate Court Justice **Shelvin Marie Louise Hall** received the 2015 Earl Burrus Dickerson Award...**Steven A. Weiss**, Schopf & Weiss,

was named to the Top 10 2015 edition of *Illinois Super Lawyers* and **Paula E. Litt**, Schopf & Weiss was named to the Top 50 *Women Super Lawyers*...**Michael P. Rohan** is now Deputy Director, Consumer Education and Protection, Illinois Department of Insurance...**Hugo Chaviano** was asked by Illinois Governor **Bruce Rauner** to become the new Director of the Illinois Department of Labor... **Leslie Landis** received the 2015 Purple Dove Award from the Center for Advancing Domestic Peace...**Deane B. Brown**, Hughes Socol Piers Resnick Dym, Ltd., was named to Top 50 Women Lawyers in the 2015 edition of *Illinois Super Lawyers*...**Thomas J. Shannon** has become Legal Counsel to the Center for Financial Services Innovation.

**Ungaretti & Harris** has merged with **Nixon Peabody LLP**...**Grippo & Elden LLC** has merged with **Shook Hardy & Bacon, LLP**...**Chastity Boyce** is working in Governor Rauner's administration...**Amanda C. Andrews** is a new associate at Gould & Ratner LLP...**LaKeisha C. Marsh** is a senior attorney at Miller Canfield PLC...**Karen Osiecki Meehan** was named a partner at Gould & Ratner LLP...**Anne M. Coghlan** and **Patrick J. Johnson** are new associates at Arnstein & Lehr LLP...**Nenad M. Milenkovich** and **Harold B. Hilborn** were named principals at Much Shelist, P.C....**Jeffrey D. Hoffenberg** has become a member of Levenfeld Pearlstein's real estate group...**Antonio M. Romanucci** was reappointed by the Illinois Supreme Court to the Rules Committee...**Jeffrey S. Becker** and **Mark S. Nazarov** have become partners at Swanson, Martin & Bell LLP...**Afton L. Gauron** has been elected a partner at Hamilton, Thies and Lorch LLP...**Emily L. Peel** has been named a partner at Thompson Coburn LLP...**Thomas P. Conley**, a partner at Arnstein & Lehr, LLP, was elected President of the Illinois Association of Healthcare Attorneys...**Seth E. Darmstadter** has become of counsel in the commercial disputes practice of K & L Gates, LLP...**Amy J. Zdravecky** is a new principal at Miller Canfield, PLC...**Thomas A. Lang II** has become a shareholder at Cunningham, Meyer & Vedrine, P.C.

**Amy Kosanovich Dickerson** and **Jac-**

**queline F. Wernz** have become partners at Franczek Radelet, P.C...**Ernesto R. Palomo**, partner at Locke, Lord, Edwards LLP, was elected to a two-year term on the Indiana Advisory Committee of the U.S. Commission on Civil Rights...**Jena M. Valdetero**, partner at Bryan Cave LLP, has been named Co-Chair of the International Association of Privacy Professionals' Illinois Regional Network...**Lauren J. Wolven** has become a partner at Levenfeld Pearlstein LLC...**Timothy K. Sendek** was elected a partner at Lathrop & Gage LLP...**Jordan C. Olejniczak** is a new associate at Burke & Handley, P.C....**Debra K. Lefler** is a new associate Butler, Rubin, Saltarelli & Boyd, LLP...**Peter C. Spier**, a partner at Gould & Ratner LLP, was named to the board of directors of the Association for Corporate Growth...Judge **Leonard Murray** and **Lawrence Davis Wood** presented a senior enrichment seminar on Landlord-Tenant Law at Cook County's new Elder Justice Center...**L. Michael Tarpey** and **Krista D. Luzio** were recent speakers at a seminar entitled "Understand and Avoid Dental Malpractice Litigation"...**Kathrin M. Deutschle** and **Paul A. Ruschinski** were named partners at Litchfield Cavo, LLP...**Clifford C. Histed** has become a partner at K & L Gates, LLP...**Megan G. Riley** and **Kevin C. Klagos** have become associates at Barack, Ferrazzano, Kirschbaum & Nagelberg LLP...**Clifford L. Meacham** was appointed to the Committee on Character & Fitness...**Andrew J. Roth** and **Brett M. Mares**, associates at Heyl Royster Voelker & Allen, P.C., are now in the firm's Chicago office...**Benjeman L. Nichols** has become a partner at the Cavanagh Law Group...**Samuel B. Cavnar** is a new partner at Robbins, Schwartz, Nicholas, Lifton & Taylor Ltd...**Christopher A. Cali** is a new associate at Latimer, LeVay, Fyock, LLC...**Azuka C. Dike** and **Sean J. Jungels** were elected shareholders at Banner & Witcoff Ltd...**Michael A. Wilder**, a shareholder at Littler Mendelson P.C., has been named a fellow of the Leadership Council on Legal Diversity...**Robert E. McKenzie**, partner at Arnstein & Lehr LLP, is the new Vice President of the American College of Tax Counsel...**Brian W. Doherty** has become

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an associate at Motherway & Napleton, LLP...**Gabriel M. Rodriguez** received the Uhlich Children's Advanantage Network's Volunteer of the Year Award...**Tammy L. Wade** has become a shareholder at Johnson & Bell Ltd...**Kevin E. Trabaris** has joined Latimer, LeVay, Fyock LLC as a partner...**Karen K. Harris**, **Joseph M. Kuo** and **Kevin H. Morse** were named partners at Arnstein & Lehr LLP...**Erin K. Schreiber** has become an associate at Wilson, Elser, Moskowitz, Edelman & Dicker LLP...**William F. Mahoney** and **Jeffrey Singer** were named Executive Committee members of Segal, McCambridge, Singer & Mahoney Ltd...**Michael R. Dockerman** has become a partner at Steptoe & Johnson, LLP...**Jason B. Elster** has become a shareholder at Greenberg Traurig, LLP...**Matthew A. Passen**, Passen Law Group, is Chair-Elect of the CBA's Young Lawyers Section.

### Condolences

Condolences to the family and friends of Retired Illinois Appellate Court Justice **Calvin C. Campbell**, Retired Cook County Circuit Court Judge **Henry A. Budzinski**, **Michael Thomas Norris**, Retired Cook County Associate Judge **Ronald E. Magnes**, **William J. Gibbons**, **Robert S. Brody**, **Thomas F. Monico**, and **Michael W. Morrison**. ■



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](mailto:tmurphy@chicagobar.org)

By Judge Joseph D. Panarese

Step by Step

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# Daley Center Municipal Civil Juries in a Nutshell





## **N ORDER TO BEGIN A LAWSUIT, YOU MUST FIRST FILE**

the case correctly. This means using the correct forms for each document, paying the corresponding filing fees, and doing all of the above in a timely manner. For the First Municipal District, all of this may be done in rooms 601 and 602 of the Richard J. Daley Center.

*The plaintiff* must begin by filing a proper complaint with a summons form (the official notice that you are suing someone and that they must come to court) in the Clerk's Office in rooms 601 and 602. The clerk will give the plaintiff a return date (the deadline date that the defendant has to file an appearance) and a case number. The plaintiff will be required to pay the respective filing fees at this time. Filing fees vary depending on how much money you are asking for in your lawsuit. Once the defendant is successfully served, you will be notified of the first court date.

*The defendant* must respond to the lawsuit by filing an appearance, jury demand and an answer before the return date. The failure to file these documents within the statutorily required time period may lead to a judgment entered against the defendant. This result should be avoided so that they get their day to respond and/or defend the lawsuit in court. The defendant will also be required to pay the clerk for filing an appearance and requesting a jury trial at this time.

### **Serving the Defendant with Notice of the Lawsuit**

To begin the lawsuit, the plaintiff is *required to serve* the defendant with a copy of the complaint. The Cook County Sheriff must give or serve the defendant with a copy of the complaint, thus giving notice of the lawsuit. If the Sheriff cannot serve the defendant (upon order of the court), service can be made by a private person over 18 years of age and not a party to the lawsuit, or by an appointed special process server. The fee for service of process by the Sheriff is \$60 for each defendant.

### **Mandatory Arbitration**

Personal injury cases, property damage, and breach of contract cases, in which a timely jury demand has been filed, are all subject to mandatory arbitration. The judge sitting in courtroom 1501 will set discovery deadlines and will deal with any pre-arbitration motions at this time. The arbitration hearing date is scheduled and the discovery deadline is set 30 days before the hearing date. According to Supreme Court Rule 90(c), the parties must provide documents to the opposing party at least 30 days before the scheduled hearing date. SCR 90(c) documents are pieces of evidence that the party plans to use at trial, and are presumed admissible at trial, showing the *losses that were incurred*. Once the arbitration board (panel of three attorneys) makes a ruling, the parties may

either accept the ruling or the adverse party may file a Supreme Court Rule 93 rejection.

### **Arbitration and Courtroom 1501**

Courtroom 1501 functions as the nerve center of the courthouse. If a rejection of the arbitration is filed, the lawsuit is sent back to courtroom 1501. The judge sitting in 1501 then assigns the lawsuit to a jury trial courtroom to begin the pretrial preparations.

Arbitration is a fantastic way to filter out cases that do not need to go to trial. This is because the parties will either agree with the decision of the arbitration board or they will use the award as means to achieve settlement. Mandatory arbitration provides the court system with a great tool to limit its workload and provide an efficient system to encourage settlement by reducing court costs.

### **Motions and Trial Summary**

The first step of the trial process is for any pretrial motions or motions in limine to be presented before the trial judge. The plaintiff or defendant can present various motions at this time by filing a notice of motion in room 602 and pay any resulting fees. The judge will rule on these motions to determine various issues, including jury instructions and what *evidence may or may not be used during the trial*.

The trial judge, after hearing the pre-trial motions, will then assign a trial date to the parties for their case. At trial, the court will allow the parties to question prospective jurors to select the 12 citizens who will hear the facts of the case. The parties are entitled to five preemptory challenges of the jurors and an unlimited number of challenges for cause. At trial, each party makes an opening statement, presents their case by calling and cross-examining various witnesses and experts, presenting evidence, and giving closing arguments.

The trial judge will then read the jury instructions to the jury. Each juror must follow these instructions during their deliberations. Jurors are provided a written copy of the instructions to take with them into the jury room. The jurors must decide the case by a unanimous decision. The judge will read the decision of the jury and enter the judgment. ■

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*Judge Joseph D. Panarese is with the First Municipal District, Civil Jury Section*

# The New Young Lawyers Section

This bar year, the Young Lawyers Section has focused on greatly expanding its programming and volunteer work. The articles here provide a glimpse into some of those improvements.



# This Ain't Your Father's Oldsmobile

By Paul J. Ochmanek, Jr., YLS Chair

*"Every man is said to have his peculiar ambition. Whether it be true or not, I can say for one that I have no other so great as that of being truly esteemed of my fellow men, by rendering myself worthy of their esteem. How far I shall succeed in gratifying this ambition, is yet to be developed." —Abraham Lincoln*

I joined the YLS in 2006 to make a difference in the community, contribute to our profession, and find enjoyment in creating lasting relationships. I came to the right place. Our YLS is one of the most active in the United States. In addition to our many social events, the YLS performs 30 to 40 special projects each year. In my nine years with the Section, I have been fortunate to help create several new projects.

Yet this year was quite different. YLS member contributions—time, energy, money, creativity—has perhaps even exceeded years past. The number of new programs, projects, and events has been staggering. There are too many projects, and too many individuals, to mention here, but I want to acknowledge a few who were instrumental throughout the year. Specifically, I congratulate and thank Jonathan Mraunac, Trisha Rich, Helena Livitz, Matt Passen, and Brian Ashfar for their significant contributions. I know the membership and law students appreciate their dedication and involvement.

The 2014-2015 bar year kicked off with the first ever boat cruise social. More than 100 CBA, YLS, and law student members enjoyed warm conversation and cold libations while cruising the Chicago River and Lake Michigan. Our social chairs have hosted numerous other socials at new locations, including Ay! Chiwowa, The Godfrey Hotel, and the Holiday Party, generously hosted by Taft Stettinius & Hollister LLP.

Matt Passen serves as 1<sup>st</sup> Vice Chair and is slated to be YLS Chair during the 2015-2016 bar year. Matt is already a great leader as he continues to take on tasks prior to becoming Chair. Specifically, Matt took the lead in developing the Law Student Shadow Program's website (<http://cbashadow.chicagobar.org/>) and docketing system. Thank you Matt—this program would not have gotten off the ground without you!

Trisha Rich serves as the Professional Responsibility Co-chair, taking this role to a new level. The Committee had significant attendance at its meetings, organized several joint meetings with other committees, and even hosted its own social events in addition to the YLS monthly socials. This committee exceeded my expectations and performed admirably. They really earned the gold star for their innovation and initiative.

Helena Livitz undertook Suits for Success, which was a huge success for the CBA and Cristo Rey Jesuit High School. Helena organized volunteers for resume review and mock interviews. She also secured a presenter to speak on interview tips and preparation, while collecting numerous suits for the students.

Brian Ashfar joined the YLS as a law student member. This year, he passed the bar (congratulations!) and became deeply engaged in the YLS. Brian saw a need for a new committee that the YLS was not filling through its current seminars and meetings. Accordingly, Brian started the YLS Legal and Regulatory Compliance Committee.

As you can see, this really was a brand new year for the YLS, as several members contributed to new programs and projects. We pushed our limits through new ideas and aggressive activities. We have kept current members involved by renewing their eagerness to get involved. We have created new relationships by introducing new lawyers and law students to these programs. I am pleased that Matt intends to carry on a few of these programs in addition to creating a few of his own.

In short, the rock has hit the water, and I am smiling watching the waves ripple across the lake. We have started something together that will not be stopped. I could not be happier with the YLS, its members, and with what we have accomplished in such a short period of time. I am thankful for this opportunity and for an incredible year. It has been an honor and pleasure serving you. ■



*Paul Ochmanek is the founder of the Paul Ochmanek Legal Office. Paul works closely with condominium and homeowner associations. Paul helps the board of directors and management with the association's day-to-day business. Paul's association work includes; issuing legal opinions regarding the association's governing documents, amending the governing documents and adopting rules, enforcement of the governing documents, turnover from the developer to the newly formed board, collection of assessments, counseling regarding special assessments, building code, bankruptcy, and foreclosure matters. Paul received the Young Lawyer Section Rising Star Award, for a YLS leader with exceptional promise, in 2008 and the David C. Hilliard Award for Outstanding Committee Service (Real Estate Committee) 2007-2008.*

AFTER KARAVIDAS AND EDMONDS

# Are You Always a Lawyer? Illinois Supreme Court Says Maybe Not, But the Exception is Limited

By Trisha M. Rich and Colin P. Smith



**WHEN THE LAWYERS IN OUR** firm's legal profession practice advise lawyers around the country about their ethical obligations, we generally advise them that they are "always a lawyer," and that they should view their ethical obligations through that lens. By that, we mean they should assume that there simply are not any circumstances in which they can take their lawyer hats off and expect that their conduct will not have implications on their professional status.

We still think that is good advice, but the Illinois Supreme Court might disagree. In a duo of recent cases, *In re Karavidas*, 2013 IL 115767, and *In re Edmonds*, 2014 IL 117696, the Supreme Court has arguably departed from its own prior precedents and clearly departed from the majority rule in the United States in holding that lawyers cannot be disciplined for misconduct that does not arise in an attorney-client relationship.

## **In re Karavidas**

After his father's death in 2000, Theodore George Karavidas was named as the executor of his father's will and the successor trustee of his father's trust. The will authorized independent administration of the estate, which allowed Karavidas to take actions on behalf of the estate without court approval. Further, the trust documents required Karavidas to create and fund two separate trusts. Karavidas, along with his mother and his sister, were the sole

beneficiaries of the estate, which was valued at approximately \$700,000.

Approximately six months after being appointed the independent administrator, Karavidas began withdrawing funds from the estate's assets for his own personal use, which quickly became a pattern of Karavidas withdrawing and repaying funds from the estate's assets. Karavidas ultimately made loans to himself in the total amount of nearly \$450,000.

In 2006, Karavidas's sister retained a lawyer to represent her and her mother, and sought to terminate the independent administration and remove him as executor. The petition alleged that Karavidas had failed to provide an inventory or an accounting of his administration. The probate court terminated the independent administration of the estate, and Karavidas's sister succeeded him as executor. Following that, the ARDC initiated proceedings, and charged Karavidas in a one-count complaint, alleging that he engaged in conversion, breached his fiduciary duties, violated Illinois Rule of Professional Conduct 8.4(a)(4) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, violated IRPC 8.4(a)(5) by engaging in conduct prejudicial to the administration of justice, and violated Illinois Supreme Court Rule 770 by engaging in conduct which tends to defeat the administration of justice or to bring the courts of the legal profession into disrepute. The ARDC's Hearing Board found against Karavidas on all charges, with the exception of finding that since Karavidas took no affirmative steps to conceal his dishonesty and because he repaid the amounts that he borrowed, Karavidas did not violate IRPC 8.4(a)(4). The Hearing Board recommended that Karavidas be suspended from the practice of law for four months. Both parties appealed to the Review Board, which reversed the Hearing Board's decision, and recommended that the charges against Karavidas be dismissed in their entirety, because the Administrator did not prove by clear and convincing evidence that Karavidas had violated the Rules of Professional Conduct.

On appeal, the Supreme Court agreed with the Review Board. The Supreme Court found that while Karavidas did breach his fiduciary duties to the estate in a number of ways, "an attorney's breach of fiduciary duty or conversion does not, standing alone, warrant the imposition of professional discipline." *Karavidas*, at ¶ 78. The Supreme Court went on to say that "discipline for conduct occurring outside the attorney-client relationship should be limited to situations where the attorney's conduct violates the Rules by demonstrating a lack of professional or personal honesty which renders him unworthy of public confidence." In sum, "professional discipline may be imposed only upon a showing by clear and convincing evidence that the respondent attorney has violated one or more of the Rules of Professional Conduct. Mere bad behavior that does not violate one of the Rules is insufficient." *Karavidas*, at ¶ 79.

At the time *Karavidas* was issued, many considered it to be a departure from the Supreme Court's earlier jurisprudence, including Justice Robert Thomas. As Justice Thomas explained in his dissent, the Supreme Court had previously held in multiple cases that an attorney may be disciplined for conduct not specifically prohibited by the Rules. *Karavidas*, at ¶ 107. The Court itself noted as much in the majority opinion, stating that "[t]o the extent that any of our prior cases suggest that an attorney may be subjected to professional discipline for conduct that is not prohibited by the Rules of Professional Conduct or defined as misconduct therein, we hereby reject such a suggestion." *Karavidas*, at ¶ 103.

In the wake of the Supreme Court's shift, practitioners were left wondering how further jurisprudence would develop. Almost exactly one year later, on November 20, 2014, the Supreme Court issued its decision in *Karavidas's* companion case, *In re Edmonds*.

#### In re Edmonds

In 1998, John P. Edmonds was asked to assist in rewriting a will and establishing a

charitable trust for the benefit of St. Mark's Roman Catholic Church and its associated school in Peoria, Illinois. Edmonds agreed, and after the death of the testator in 2000, Edmonds became the trustee of the charitable trust. At that time, the trust was valued at approximately \$3.36 million.

Almost immediately, Edmonds began investing the trust's assets in a Canadian energy company, and by February 2001 Edmonds had invested nearly all of the trust's assets in that one company. In March 2003, the British Columbia Securities Commission suspended trading of the company's stock due to the company's failure to file required documents. A subsequent lawsuit, brought by another investor, rendered a \$14 million judgment for the benefit of the trust. Thereafter, Edmonds took steps on behalf of the trust to settle the judgment for two \$1 million payments.

Despite the significant deterioration of the financial condition of the trust, Edmonds continued to make sporadic distributions to St. Mark's, primarily by depositing his own personal funds into the trust account and then making distributions from the trust account. In 2005, St. Mark's pastor and parish trustee met with Edmonds to discuss the trust assets. At that meeting, Edmonds explained that he had shifted the trust's assets to oil and natural gas. Edmonds provided a report on the trust's assets (the "August 2005 Report"), which stated that the trust held a 20% interest in the energy company and "various additional equity holdings." The August 2005 Report also indicated that the value of the trust was approximately \$3 million and that the health of the trust had not changed significantly since September 2001. The August 2005 Report did not disclose that the energy company had failed to make payments pursuant to the forbearance agreement.

Beginning in 2006, after the trust's payments to the church became sporadic, the church began demanding more information about the trust's assets and holdings, which Edmonds refused to provide. In September 2008, St. Mark's filed suit

against Edmonds in his capacity as trustee, seeking an accounting, damages, removal as trustee, and appointment of the successor trustee. In October 2008, Edmonds resigned as trustee, and in April 2009, the successor trustee closed the trust, which had a balance of only \$1,149. In May 2011, St. Mark's and Edmonds settled the matter on a confidential basis.

In June 2010, the ARDC filed a seven-count complaint against Edmonds, alleging conflicts of interest and counts related to misrepresentations regarding the source of the monthly checks and misrepresentations regarding the financial health of the trust. The ARDC also alleged that Edmonds failed to act with reasonable diligence in handling the decedent's estate, that Edmonds's conduct breached fiduciary duties he owed to the trust, the estate, the church, and church and school officials, and that Edmonds commingling his own funds with that of the trust. The Hearing Board found against Edmonds on most of the counts, except the conflicts of interest allegations, in which it found that the ARDC had failed to prove the allegations by clear and convincing evidence. Edmonds filed exceptions with the Review Board, which unanimously held that the allegations of breach of fiduciary duty did not constitute attorney misconduct because they did not arise out of an attorney-client relationship. Further, the Review Board held that Edmonds's representations to church officials did not constitute attorney misconduct. Ultimately, the Review Board reversed most of the Hearing Board's findings, but upheld the findings that Edmonds neglected the estate matter and had misused his trust account. It is from that finding that the ARDC appealed to the Illinois Supreme Court.

The Illinois Supreme Court declined to even address the issue of whether Edmonds had breached his fiduciary duties, stating that it already held in *Karavidas* that no professional discipline could attach only where there was not a violation of a rule. *Edmonds*, at ¶ 41. The Supreme Court admonished the ARDC for pursuing the

argument, and concluded that it "would not address this issue." *Edmonds*, at ¶ 43. The Court did agree, however, that Edmonds was dishonest when he misrepresented the source of the later distributions, and that Edmonds neglected the estate and commingled funds. Based on those findings, the Supreme Court suspended Edmonds for ninety days.

#### After *Karavidas* and *Edmonds*

Prior to the decisions in *Edmonds* and particularly *Karavidas*, the ARDC regularly charged attorneys under a range of common law theories, including conversion, breach of fiduciary duty, overreaching, and undue influence. The ARDC would plead these charges in complaints alongside any rule violations that the respondents were answering for. Lawyers would be disciplined as a result of these common law charges, and the Illinois Supreme Court regularly affirmed those decisions.

With the decisions in *Karavidas* and *Edmonds*, it now appears that the Supreme Court will generally require a specific rule violation for the imposition of discipline. As a functional matter, however, this will not provide the ARDC with a significant hurdle. First, most of the common law counts would already typically trigger rule violations. For instance, historically, where a lawyer had commingled and converted client funds, the ARDC would charge the lawyer with a rule violation for commingling (under Rule 1.15) and a common law count for the conversion. Since Rule 1.15 encompasses conversion as well, though, both actions can ostensibly be brought as a violation of that rule. It is true that Rule 1.15 applies to funds held in connection with an attorney-client relationship; however, lawyer dishonesty can still be disciplined under Rule 8.4, which includes broad protections against bad acts by attorneys. So to the extent that an attorney converts funds outside of an attorney-client relationship, that conduct would still be regulated by the ARDC so long as it involved dishonesty under Rule 8.4.

Second, the vast majority of the complaints that end up before the ARDC each year do not include common law counts. The largest categories of complaints that end up at the ARDC are due to neglect, lack of communication, excessive fees, fraud, frivolous pleadings, and conversion and commingling of funds. Almost every one of these actions would constitute a rule violation independent of any theories found in common law. While the ARDC will likely have to be more careful about how it pleads attorney misconduct, there appears to be little that will substantively change regarding the conduct that the ARDC can regulate and charge.

#### What Really Changes

While these two cases appear to mark a significant shift in attorney disciplinary jurisprudence, the practical effect will likely be minimal. Not only did common law charges rarely appear in disciplinary proceedings to begin with, many of those common law charges could probably be asserted as rule violations. Moreover, to the extent that any of the behavior involves dishonesty, the ARDC will still be able to charge conduct under Rule 8.4(c), regardless of whether it arises out of an attorney-client relationship. To the extent that a lawyer's malfeasance involves criminal conduct or fraud, those actions too will be covered by specific ethical rules. Most noticeably, this shift in the law will likely result primarily in ARDC complaints that are more carefully pled. The ARDC has broad discretion in the regulation of attorneys in Illinois, and neither *Karavidas* nor *Edmonds* changes that reality. ■

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*Trisha M. Rich is a litigation attorney in Holland & Knight's Chicago office, where she practices complex commercial litigation and legal ethics and professional responsibility. Colin P. Smith practices product liability, mass tort, commercial litigation, and legal ethics and risk management at Holland & Knight's Chicago office.*

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# Navigating Student Externship Programs in Chicago

By Natalie Wolfe



**A**SLAW SCHOOLS HAVE MOVED toward providing greater experiential education, the demand for externships has increased. Externships can be mutually beneficial relationships: law students gain much-needed legal experience, while lawyers receive help with legal tasks and give back to the legal community. The laws and guidelines surrounding externships, however, are often poorly understood by lawyers and law students alike. In this article, I attempt to clear up the confusion by answering some frequently asked questions about externships.

## What's the Difference between Externs, Interns, and Volunteers?

Law students may serve as externs, interns, or volunteers. The terms “interns” and “externs” are often used interchangeably, but law schools prefer the term “externs” for students who work in exchange for law school class credit. The term “intern” can refer to all other students not receiving class credit. The American Bar Association prohibits law students from simultaneously receiving compensation and class credit, but does not preclude the reimbursement of reasonable out-of-pocket expenses. ABA Standards for Approval of Law Schools, Interpretation 305-2 (Study Outside the Classroom) (2014-2015). Volunteers are

unpaid law students working in the non-profit sector for public service, religious or humanitarian objectives. *See* 29 C.F.R. § 553.101(a).

## What Are Externships?

Externships allow law students to receive class credit in exchange for substantive legal work supervised by a licensed attorney outside of the classroom. They offer a great way for students to put the concepts they have learned in the classroom into practice. They also give students exposure to different areas of law, let them network with practitioners, develop a professional persona, and learn about ethics.



## Who May Complete an Externship?

According to the ABA, law students are eligible to participate in externships after the completion of their first, full-time year of law school. ABA Standards for Approval of Law Schools, Standard 305(e)(6) (Study Outside the Classroom) (2014-2015). Law schools often have additional requirements that lawyers and law students should be aware of.

In August 2014, the ABA's House of Delegates voted to approve a requirement that every law student complete a minimum of six credits of experiential learning, which includes clinics, externships, or simulation classes. ABA Standards for Approval of Law Schools, Standard 303(a) (3) (Curriculum) (2014-2015). Simulation classes replicate legal practice, allowing students to practice as if they are attorneys, but without real clients. ABA Standards for Approval of Law Schools, Standard 304(a) (Simulation Courses and Law Clinics) (2014-2015). Previously, only one credit of experiential learning was required. ABA Standards for Approval of Law Schools, Standard 303(a)(3) (Curriculum) (2013-2014). Because of this increase, it is likely that more students will complete externships.

## What May Externs Do?

Externships are learning experiences. Because an extern receives school credit, it is important that the experience helps the extern grow as a student and as a future lawyer. Externs should be given substantive legal assignments, and as much variety in tasks as possible.

Externs should work on tasks that help build fundamental lawyering skills, including problem solving, legal analysis and reasoning, legal research, factual investigation, communication counseling, negotiation, litigation, alternative dispute resolution, organization and work management, and recognizing and solving ethical dilemmas. See ABA Standards for Approval of Law Schools, Standard 302 (Learning Outcomes) (2014-2015). Attorney supervisors should generally assign tasks that an attorney would normally perform. Clerical tasks should be

## Where May Students Extern?

Depending on a law school's rules, students may extern in a variety of settings, including government, judiciary, nonprofits, law firms, and corporate contexts. Most Chicago law schools allow for externships at some for-profit organizations:

Law School	May Students Extern at For-Profit Placements?
DePaul University College of Law	<b>Yes.</b> Law firms and corporations are allowed on a case-by-case basis. See website for specific rules.
IIT Chicago-Kent College of Law	<b>Yes.</b> A limited number of law firms and corporations are allowed, subject to pre-approval.
The John Marshall Law School	<b>Yes.</b> Corporations are allowed. Only law firms specializing in intellectual property are allowed.
Loyola University Chicago School of Law	<b>Yes.</b> Corporations are allowed. Also, a pilot program allows students to extern with intellectual property law firms.
Northwestern University Law School	<b>Yes.</b> Only corporations are allowed. Law firms are not.
The University of Chicago Law School	<b>No.</b>

kept to a minimum, and should constitute no more than 10% of an extern's workload.

Attorney supervisors should avoid giving their students the following: 50-state surveys, repetitive tasks after the student has mastered them, a single assignment throughout the externship, blogging or marketing assignments that primarily benefit the employer, non-legal tasks, or political campaign activities. This is a non-exhaustive list, so if in doubt, a supervising attorney should check with a university representative to see if a project is appropriate.

## What Should Attorney Supervisors Do?

The ideal supervisor is an experienced attorney mentor who has enough time to delegate work and give specific feedback on that work. Law schools recommend that the extern and supervisor discuss student goals at the beginning, meet regularly throughout, and evaluate student performance at the end of the externship.

## What Are 711 Licenses?

A 711 license allows law students in good standing at ABA accredited schools (and recent, unlicensed graduates) to practice law under the supervision of an Illinois licensed attorney and with the written consent of their clients at (1) a legal aid bureau, legal assistance program, organization, or

clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association; (2) the office of the public defender; or (3) a law office of the state or any of its subdivisions. See Ill. Sup. Ct. R. 711.

Law students are now eligible to apply for a 711 license after completing half of the credit hours required for graduation. Typically, this means that law students may apply for the license in the spring of their full-time second year, after they receive their first semester grades.

## Should Employers Be Concerned about the FLSA?

Employers working with externs must comply with the U.S. Department of Labor's Fair Labor Standards Act (FLSA). Generally, employers have to pay their employees a federally mandated minimum wage. In order for externs to be exempt, the employer must meet six criteria:

- The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.
- The training is for the benefit of the trainee.
- The trainees do not displace regular employees, but work under close observation.

## Contact Information for Area Law School Externship Programs

Law School	Website	Contact Person	Email Address	Phone Number
DePaul University College of Law	<a href="http://go.depaul.edu/fieldplacement">go.depaul.edu/fieldplacement</a>	Natalie Wolfe, Assistant Director for the Institute for Advocacy & Dispute Resolution and Field Placement Director	<a href="mailto:fieldplacement@depaul.edu">fieldplacement@depaul.edu</a>	312/362-8312
IIT Chicago-Kent College of Law	<a href="http://www.kentlaw.iit.edu/academics/jdprogram/practicalskillstraining/externships">www.kentlaw.iit.edu/academics/jdprogram/practicalskillstraining/externships</a>	Vivien Gross, Clinical Professor and Director of the Legal and Judicial Externship Programs	<a href="mailto:vgross@kentlaw.iit.edu">vgross@kentlaw.iit.edu</a>	312/906-5073
The John Marshall Law School	<a href="http://externshipatjmls.org">http://externshipatjmls.org</a>	Susann (Sunny) MacLachlan, Clinical Professor and Director of the Center for Advocacy and Dispute Resolution	<a href="mailto:7maclach@jmls.edu">7maclach@jmls.edu</a>	312/427-2737 ext 557
Loyola University Chicago School of Law	<a href="http://www.luc.edu/law/experiential/ext_sites.html">http://www.luc.edu/law/experiential/ext_sites.html</a>	Josie Gough, Clinical Assistant Professor and Director of Experiential Learning	<a href="mailto:jgough@luc.edu">jgough@luc.edu</a>	312/915-7887
Northwestern University Law School	<a href="http://www.law.northwestern.edu/legalclinic/externships">www.law.northwestern.edu/legalclinic/externships</a>	Cindy Wilson, Clinical Professor and Director of the Bluhm Clinic Center on Externships	<a href="mailto:c-wilson1@law.northwestern.edu">c-wilson1@law.northwestern.edu</a>	312/503-2924
The University of Chicago Law School	<a href="http://www.law.uchicago.edu/clinics/projects">www.law.uchicago.edu/clinics/projects</a>	Jeff Leslie, Director of Clinical and Experiential Learning, Clinical Professor of Law, Paul J. Tierney Director of the Housing Initiative, and Faculty Director of Curriculum	<a href="mailto:jleslie@law.uchicago.edu">jleslie@law.uchicago.edu</a>	773/834-9903

### RESOURCES FOR NEW LAWYERS

Just getting starting in the practice of law in Chicago? Go to [www.chicagobar.org](http://www.chicagobar.org), YLS, New Lawyer Resources to see our comprehensive list and links including MCLE requirements, solo start up bootcamp, career services, seminars for new lawyers, practice pointer videos, and more.

### 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](http://www.chicagobar.org) under the Resources tab.

- The employer that provides the training derives no immediate advantage from the activities of the trainees, and on occasion the employer's operations may actually be impeded.
- The trainees are not necessarily entitled to a job at the completion of the training period.
- The employer and the trainee understand that the trainee is not entitled to wages for the time. U.S. Department of Labor Fact Sheet #71 (April 2010).
- Externs are not free labor. If an employer fails to meet the six factors, it opens itself up to litigation from a disgruntled student or from the government. The factors are primarily aimed at the for-profit sector, making litigation much more likely against for-profit employers. Private firms using externs for clerical or non-legal tasks are likely in violation of the FLSA.

Externship programs are structured to provide an educational experience to law students, so generally, when a student

is receiving class credit, the six factors are met. Class credit, however, is not an absolute safeguard, and employers should ensure that their externship opportunities meet each of the six factors.

#### Who Can I Contact For More Information?

Each Chicago law school maintains an externship office. Employers and law students can reach out to the contact person listed in the sidebar on page 35 for each school or view their websites to learn more about individual programs. ■

---

*Natalie Wolfe is the Field Placement Program Director at DePaul University College of Law*

## CBA YOUNG LAWYERS SECTION

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*Paul Ochmanek Legal Office*

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## Young Lawyers Section Special Event

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### ITINERARY:

6:30-7:00 a.m.

**Check-In/Bus Departure to Springfield, IL  
from CBA**

10:00-10:15 a.m.

**Welcome to Springfield**  
Tom Suffredin, CBA Legislative Counsel

10:30-11:00 a.m.

**Tour of Illinois General Assembly**

11:00-11:45 a.m.

**Meeting, Tour, and Discussion with Senator  
John Cullerton's Office**  
Senator John Cullerton

11:45 am - 12:00 p.m.

**Break**

12:00-1:30 p.m.

**Panel Discussion featuring Young Lawyers  
Lobbying in Springfield Q & A**  
Laura Farr, Chicago Public Schools  
Victoria Watkins, City of Chicago

1:30-3:00 p.m.

**Break**

2:00-3:00 p.m.

**Your Illinois Supreme Court**  
Justice Mary Jane Theis, Illinois Supreme Court  
Tour of Illinois Supreme Court

3:00pm to 3:15pm

**Break**

3:30-4:30 p.m.

**Illinois Legislature at Work**  
Ira Silverstein, Illinois House of Representatives  
Brendan O'Sullivan, Illinois Democrats

4:30-5:30 p.m.

**Thank You/Evening Reception**

6:00pm

**Bus Departure to Chicago**

*Schedule subject to change*

## NEW YLS INITIATIVE GIVES STUDENTS JUMP-START ON THEIR CAREERS

# Suits for Success

By Helena L. Trachtenberg

**S**uits for Success, a new YLS special project, debuted Saturday, November 22, 2014. The project, which was near and dear to YLS Chair Paul Ochmanek, Jr., was an ambitious undertaking that sought to provide students at Pilsen's Cristo Rey Jesuit High School with a top-to-bottom "makeover" of their resumes, interviewing skills and wardrobes. The project targeted students in the school's Corporate Work Study Program who work one day per week in various professional settings including law firms, banks, and hospitals, to help offset the cost of tuition.

As the Special Project Chair for Suits for Success, my intent was to empower these students, many of whom would soon be applying to college or post-secondary employment, with the tools necessary to succeed at these upcoming critical junctures in their lives. We helped by reviewing and revising their resumes, coaching them during a mock interview workshop to improve interviewing skills, and providing them with donated gently worn suits to wear at interviews.

The first phase was the Resume Review, where, with the help of Cristo Rey Corporate Work Study Program Manager Nerissa J. Bona, YLS Chair Paul Ochmanek, and YLS Administrative Director Jennifer Bertolino, 15 volunteers provided feedback on approximately 125 student resumes between September and October 2014. This gave students ample time to review and incorporate the comments as they revised their resumes before the November mock interview.

The second phase of the project was Suit Collection, where we aimed to collect 130 gently worn suits for Cristo Rey students. From August through November, Paul Ochmanek, Jennifer Bertolino,



*Young Lawyers assist Cristo Rey students with interview attire.*

Project Officers Gabriela C. Sapia and Skip Harsch, Member Service Manager Matthew T. Jenkins, along with numerous other YLS members and volunteers, rallied our contacts and coworkers, spreading the word about Suits for Success and asking for donations of gently worn suits. We collected hundreds of suits for the event, far exceeding our initial goal. With the

help of Public Service Manager Brandon E. Peck, the suits were dry-cleaned for free through the generosity of Ray Rosenberg, owner of the Cleanery at 1526 Lee St. in Des Plaines.

Our original plan of employing a small army of tailors to alter the suits didn't come to fruition. However, we came across a true gem in designer Haj Gueye. Haj is



the owner and talent behind Haj Designs, 77 East Van Buren Street, Chicago. Haj Designs works with professionals throughout the Chicago area and the country to design custom suits and looks to complement and promote their clients' image and professional presence. Haj works with several high-profile clients and projects, but also donates his time, speaking and working with students and young professionals of all economic backgrounds. He was enthusiastic about donating the time and services of his staff to show students how to dress professionally and how to carry and present themselves to prospective employers and colleagues. Haj and his team also donated suits for the event and helped with selection and fitting.

The third phase of Suits for Success was the Mock Interview Workshop held on November 22, 2014, with students participating in mock interviews at the CBA. Approximately 25 attorney and law student volunteers and 30 Cristo Rey students participated in the four-hour event. The morning started with a warm welcome from Paul Ochmanek, followed by Haj Gueye's presentation on professionalism. After the presentation, the students switched into two groups, alternating between participation in suit selection and two mock interviews.

The first Suits for Success event ended with a group of students who felt motivated by and enthusiastic about the feedback,

skills and attire they acquired, and with volunteers who had been rewarded by having spent their time throughout the past months making connections with high school students and empowering them to succeed in the next stages of their professional and academic lives. Special thanks to the attorneys and law students, Matthew Howeth, Yana Karnaukhov, Trisha Rich, Jeff Koh, Matthew A. Reddy, Lindsay Smith, David J. Stein, Rachel McLaughlin, Caitlin Ajax, Octavio Duran, Kathryn Liss, Maital Savin, Elisabeth Gavin, Lindsay Margolis, Sheida Ahmadzede and Paul Ochmanek, who helped us review resumes. Many of these volunteers also donated suits to the project and were among the participants in the mock interview and suit selection portions of the project, along with Michael Cklamovski, Margaret Bingle, Ermias Abebe, David Baez and about 15 volunteers through Cabrini Green Legal Aid organized by Jill Roberts.

This multi-stage project proved challenging at times, but with the support of Paul Ochmanek, Jennifer Bertolino, Nerissa Bona, Haj Gueye and all of the generous people willing to donate their time and suits, we accomplished our goal of providing Cristo Rey students with the intended professional "makeover" opportunity for their resumes, interview skills and wardrobes. I found this project incredibly rewarding and am excited to see it grow in the coming years. ■

## YLS Seeking Liberty Bell Award Nominations

**Due April 10**

Nominate a candidate for the Liberty Bell Award by Friday. This award recognizes a nonlawyer who has rendered service that strengthens the effectiveness of the American system of freedom under law. Visit [www.chicagobar.org/lawweek](http://www.chicagobar.org/lawweek) to download the nomination form.



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## YLS Legal & Regulatory Compliance Committee

# Staying Current on Compliance

By Brian Ashfar

Despite the growth of the field of legal and regulatory compliance, before 2014, the CBA-YLS did not have a forum dedicated to this area. This changed with the formation of the YLS Legal and Regulatory Compliance Committee (LRCC).

The LRCC brings together young attorneys from all areas of the law to discuss practice issues as well as substantive developments in various areas of law that affect the need for legal and regulatory compliance. We aim to build familiarity with the statutes, regulations and other standards to which clients are subject, and to identify and implement business practices that comply with those standards.

The LRCC's inaugural year has been a success. It kicked off with the Committee's first CLE seminar, *Big Data*. LRCC hosted TransUnion's Chief Information Officer, Mohit Kapoor, who provided the keynote address regarding the relationship between technology strategy and big data. Angela Fontes, Senior Economist at the National Opinion Research Center at the University of Chicago; Richard Gottlieb, Partner, BuckleySandler; and Angelica Ramirez, Compliance Manager at TransUnion, sat on the panel, which engendered lively discussion about big data, technology and compliance. The LRCC drew more than 60 in-person and online attendees to its first event.

Since the *Big Data* seminar, LRCC membership has grown steadily, and we have planned several lunch-hour meetings. Recent meeting topics have included *Alternative Career Paths in Legal and Regulatory Compliance* and *Fair Lending Practices*, both of which drew impressive audiences. The LRCC will hold another CLE seminar covering the Consumer Financial Protection Bureau (CFPB). We will host a panel

of experts in the field to discuss the scope of authority of the CFPB and its role in the financial services industry.

Because legal and regulatory compliance issues arise in all substantive areas of the law, the LRCC leadership has reached out to other YLS committees to co-host events. The LRCC is hosting a two-part series with the YLS Health and Hospital Law Committee. The first event, held in December 2014, was *Data Privacy in Healthcare*. The second, held February 26, covered Affordable Care Act updates and compliance issues. The LRCC is excited

to pair with other YLS committees in the coming months.

The LRCC welcomes all YLS members to join the committee as it grows over the next few years. We are excited about the new 2015 calendar and looking forward to hosting more exciting and educational events. ■

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*Brian Afshar is an in-house attorney at TransUnion, providing support to the company's Insurance and Rental Screening business units.*

## YLS Social Committee

# Expanding Contacts, Forming Bonds

By Jonathan Mraunac

As a first-time Chair of the YLS Social Committee for the 2014-15 bar year, my initial goal was to get YLS members more excited about monthly social events, which are a great way to get to know each other better. We started the year off on a high note with a unique idea by organizing a chartered boat cruise on the Chicago River and Lake Michigan. More than 130 members and guests attended the September event, and the member feedback was overwhelmingly positive. The committee collaborated with the leadership of the YLS and the "Big Bar" to negotiate the legal, insurance, and logistics terms of the charter. Industry vendors provided a major portion of the event's funding. This groundwork paved the way for what the

committee hopes will become an annual tradition and the flagship YLS social event.

Taking its budgetary responsibilities seriously, the committee took a proactive approach to funding by seeking partnerships with legal-industry vendors to sponsor social events. The generous vendor sponsors, which thus far include TransPerfect Legal Solutions, Creative Counsel, It's Your Serve, Advanced Discovery, BlueStar Case Solutions, and Jensen Litigation Solutions, have enabled the committee to host events at new and exciting venues and offer exceptional food and drink specials.

Another committee intention was to revive the YLS holiday party. The committee partnered with Advanced Discovery and Taft Stettinius & Hollister LLP to

produce a groundbreaking event attended by more than 120 members. The evening featured live music, gourmet catering, and several open bars. A very special thank you is extended to Jonathan Amarilio, Co-Editor-in-Chief of the *YLS Journal*, for securing his firm's participation and planning much of the event.

The committee's third objective was to partner with non-legal young professional organizations to offer joint social events. Every lawyer will admit that one of the hardest professional tasks is to originate business. The committee viewed this as a unique opportunity for YLS members to network with peers outside the legal profession in an attempt to encourage new-client relationships. This spring, the committee plans to host a joint social event with the Chicago chapter of Young Professionals in Energy, a 40,000-member global organization of professionals in the energy industry. The committee hopes this concept will become a frequently recurring offering at future social events.

So far this year, the committee has already accomplished its fourth goal—to ensure its longevity by cultivating strong relationships with sponsors, venues, volunteers, and members so it may continue to provide YLS members with engaging opportunities to relax, socialize, network, and escape occupational stress. If you have not yet attended a YLS social, please join us at one of the events this bar year.

Jonathan Mraunac is Of Counsel with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. in Chicago. He concentrates his practice in the area of Construction Law, representing owners, general contractors, and subcontractors. ■

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*Jonathan Mraunac is a Construction Law Attorney with Ogletree Deakins in Chicago*

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Mulroy shares tips on how to be prepared for Traffic Court. Presented by the Chicago Bar Association and the Illinois Judges Association. Watch the video now at [www.chicagobar.org](http://www.chicagobar.org).

# LEGAL ETHICS

BY JOHN LEVIN

## Too Many Lawyers and Too Much Work

**T**he American legal community is facing a dilemma. There is a surplus of law school graduates looking for work and unable to find employment as lawyers, while at the same time, a large percentage of the middle and working class are unable to obtain legal services at a price they can afford. Basic supply and demand theory posits that there should be an adjustment in price so that the excess lawyers will find work providing services to those people who can only afford to pay less. However, there seems to be a price below which lawyers would rather not work as lawyers, but would rather earn their living elsewhere. As a result, there is a point on the demand curve below which the underserved public remains underserved.

What are the causes of this apparent unwillingness of lawyers to work below a certain level of compensation? A review of the literature reveals several factors.

*First:* The high costs to enter the profession. In almost all instances, a lawyer needs a four year college degree and then three years of law school. In addition to the time and effort needed to get these degrees, they also cost a great deal of money. According to the popular press, the average law school graduate has about \$100,000 of school debt at the time of graduation. Thus, in addition to having to get a reasonable return on the investment

made in obtaining the degree, the graduate has a minimum earning requirement just to service the debt.

*Second:* The level of compensation available in other lines of work. Because of the high entry requirements, lawyers are highly educated (or a least highly degreed). As a result, they meet or exceed the entry requirements for many other fields of endeavor. Also, law school teaches skills that can be transferred to many occupations other than law. In fact, according to the popular press, a significant number of law school applicants do not intend to practice law, but want to use the training to further their careers in other fields. If, after a search, a graduate cannot find work as a lawyer at an adequate compensation, there are other opportunities for remunerative work elsewhere.

*Third:* The integrity of the profession. Given the training and skill necessary to be a lawyer, legal services have a certain intrinsic value. According to economic theory, if a lawyer has a day without prospect of income but with fixed expenses, any income should be acceptable—so why not prepare an estate plan for \$50. For one, the lawyer would now have set a new “going rate” for such work, which would adversely affect the market going forward. But in addition, there is a price so low that it appears to cheapen the value of all the work that becoming a lawyer and practicing law entails. It is a psychological floor.

So where does that leave us in solving our dilemma? It seems that much of the underserved community will remain underserved no matter how many lawyers are graduated. The next column will discuss some possible solutions. ■



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](mailto:lwells@chicagobar.org).

### Explicit Impact of Implicit Bias

Tuesday, March 24, 12:00-1:00 pm

MCLE Credit: 1 IL PR Credit, subject to approval

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

Presented by: YLS Diversity Committee

Although there has been a lot of dialogue on implicit and unconscious bias, unpacking this concept to understand the myriad of “mental shortcuts” that we take that impact how we work with and value others is critical to the diversity and inclusion journey of any organization. This presentation will cover many of the specific implicit biases that affect the ways in which we learn, work and lead, and how we can break our biases to achieve our highest potential, as individuals and organizations.

In a rapidly changing global marketplace where our differences can be a source of conflict or strength, understanding and negotiating our implicit cognitive biases can be an individual as well as an organizational competitive advantage.

**Speaker:** Arin Reeves, JD Ph.D

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



# ETHICS EXTRA

BY MICHAEL P. SANDUSKY

## A Case of First Impression Regarding an Incompetent Client

In *People v. Holt*, the Illinois appellate court for the second district decided a case of first impression regarding how a lawyer should treat a client's refusal to accept her incompetence to stand trial. 998 N.E.2d 933 (2013).

Lawyer and client typically work together to achieve the client's goals. While the client typically decides the strategy and the lawyer the tactics, on occasion they differ so greatly as to how to proceed that the relationship is ruptured. On rare occasions, the lawyer's failure to heed the client's wishes regarding tactics may result in a violation of the rules of professional conduct. What happens in Illinois when an incompetent client charges her lawyer with ineffective assistance of counsel when the client herself is found unfit to stand trial? *Holt* addresses that issue.

In *Holt*, the defendant was charged with criminal trespass to a residence. During that proceeding, the State "advised the trial court that there was a *bona fide* doubt as to Holt's fitness to stand trial." When a *bona fide* issue of a defendant's ability to stand trial is raised, the State has the burden to prove that no such issue exists. Here, the State conceded that it could not meet its burden, and a directed verdict was granted in favor of defendant. The court concluded that, with proper care, Holt was likely to attain fitness within one year

and remanded her to the Department of Human Services for in-patient mental health treatment.

Holt appealed from the court's finding that she was unfit to stand trial. She alleged that her lawyer did not comply with her demands, did not present an argument as her advocate, and therefore failed to provide effective assistance of counsel for failing to argue she was competent.

The Department of Human Services determined Holt to be mentally fit to stand trial between the time of the lower court's finding and the appeal, which thus became moot. Nonetheless, the appellate court proceeded with the appeal because of the stigma attached to being unfit to stand trial because of mental illness. The appellate court held that the public defender had provided Holt with effective assistance.

The appellate court then addressed whether a lawyer is bound by a client's demand that the client is fit to stand trial despite evidence to the contrary. The court held that an attorney is not bound to abide by the client's demand in such a situation. The Illinois appellate court followed the rationale of the California Court of Appeals in *People v. Bolden*, 99 Cal. App. 375 (Cal. Ct. App. 1979). In *Bolden*, the court articulated that "When the attorney doubts the present sanity of his client, he may assume his client cannot act in his own best interest, and [the lawyer] may act even contrary to the express desires of his client." The *Bolden* court held that to do otherwise would lead to a violation of the defendant's right to due process (which prohibits conviction of persons who are adjudicated unfit to stand trial). In accord with the California court in *Bolden*, the

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More than 70 titles are available now. See our video on demand library at [www.chicagobar.org/HowTo](http://www.chicagobar.org/HowTo).

Illinois court in *Holt* held that a lawyer has not rendered ineffective assistance of counsel when a mentally unfit defendant/client demands that the defendant/client not be declared unfit to stand trial. The court stated that if a lawyer has a *bona fide* reason to believe that the client is mentally unfit to stand trial, the lawyer must act diligently to see that the court decides whether the client is incompetent. A client who is unfit to stand trial cannot make a competent decision as to what is in her best interest. In such a situation, if the lawyer follows the client's erroneous demand to stand trial, the lawyer commits error that is prejudicial to the client. The court thus concluded that the assistance provided by counsel in *Holt* was effective and that lawyers facing similar dilemmas in the future should act accordingly. ■

Mike Sandusky is a Morrissey Scholar at the John Marshall Law School, with an anticipated JD in January 2016

# LPMT BITS & BYTES

BY CATHERINE SANDERS REACH

## Power Up Options for Microsoft Office

**M**icrosoft Office is a powerful tool that most lawyers use every day. However, even power users of the office suite will find that there are some limitations to the functionality. Below are a few add-ons for Microsoft Office that may be useful for lawyers:

### Better Read Receipts

Everyone knows that sending a read receipt with an email from MS Outlook isn't covert. The recipient must acknowledge the receipt. For marketing, that is not very effective. So, you might try the free (limited) Sidekick app (<http://www.get-sidekick.com/>) which can track Outlook (and Gmail) messages to show you who opened your email, how many times it was viewed, if the recipient clicked a link, and whether they read it on a mobile device or desktop. In Gmail it also lets you send messages at a set time. If you surpass 200 tracked emails a month the service is \$10 per month to get the reports, though you can still see when someone has opened an email. A similar service, MxHero (<http://www.mxhero.com>) provides this same functionality and adds self-destructing email and other options for free.

But, what about defensible open and read reports—when you need to *prove* that someone opened your email? Rpost Rmail Services include registered email that pro-

vides proof of delivery with IP addresses, date stamps, and more. Rpost <http://www.rpost.com/registered-email> works from almost any platform to track your email, including mobile, and provides delivery and read reports for each email you select to track. You can try it for free on 10 messages a month.

### Native Redaction

From the company that brought you Payne's Metadata Assistant comes Redact Assistant <http://www.thepaynegroup.com/products/redact/>. If you need to securely redact documents for efilng and you have been drawing black boxes over the text to be redacted in MS Word, printing it out and scanning the document to PDF to upload then you should really look at this \$45 software application. Redact Assistant adds a button to Microsoft Word and Excel to let you redact from the document, or you can do a batch redaction over multiple documents. The features are lean—keyword search and some limited pattern matching—but to follow court rules they are sufficient. The biggest drawback to this software is that it does not create a new document and will write over and permanently alter the original if you don't save it with a new name. Your new workflow could be to finalize a filing in MS Word, redact it (in Word), save it as a PDF and efile in one clean motion. Tools built into Nuance Power PDF and Adobe Acrobat Pro offer more robust features for redaction but at a significantly higher cost.

### Write Better Email

Wordrake, a Microsoft Word add-on that goes beyond spell check to make suggestions for tightening and refining word choice and order, is now available for Microsoft Outlook. Email messages are

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often read by distracted individuals on a small screen. Every word counts! Wordrake now does its magic for email. Wordrake for Outlook is \$129 per year and works with Outlook 2010, 2013 and Office 365 (Microsoft versions only). See: <http://www.wordrake.com/wordrakeforoutlook.html>

### MS Office 365 Matter Center

This is big news. While it is still being rolled out, this is one of the first times Microsoft has developed a product specifically for the legal profession. The Matter Center is a much needed "skin" to help lawyers take advantage of the SharePoint portal built into Office 365. As lawyers migrate to this new Office suite they may miss great opportunities to add document management and collaboration because SharePoint is a complex and occasionally difficult platform to customize. With customization for lawyers "out of the box" there will be faster and better adoption of these features. Read Bob Ambrogio's first look here: <http://www.lawsitesblog.com/2015/01/microsoft-readies-launch-practice-management-product-lawyers.html>. For more about Office 365 see: [http://www.americanbar.org/publications/law\\_practice\\_magazine/2014/march-april/office-365.html](http://www.americanbar.org/publications/law_practice_magazine/2014/march-april/office-365.html). ■

## DAILY PRACTICE AREA UPDATES

The CBA is pleased to introduce the second year of CBA Newsstand by Lexology, a daily email aimed at providing CBA members with valuable and free practical know-how.

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



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Thursday, March 26, 2015/1:00-4:30 p.m.  
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### **The Fine Print: Understanding and Negotiating Cloud Contracts**

Wednesday, April 22, 2015/12:00-1:30 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago or Webcast  
1.5 IL Professional Responsibility Credit (subject to approval)  
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## How To's:

### **How To... Master Digital Marketing**

Tuesday, March 24, 2015/1:45-2:45 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago or Webcast  
No MCLE Credit  
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### **How To... Power Through with PowerPoint**

Tuesday, April 14, 2015/1:45-2:45 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago or Webcast  
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### **How To... Meet Your Retirement Plan Fiduciary Responsibilities**

Tuesday, April 28, 2015/1:45-2:45 p.m.  
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Wednesday, April 1, 2015/1:30-4:30 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago  
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### **Google My Business**

Tuesday, April 7, 2015/11:00 a.m.-12:30 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago  
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### **Outlook Basics**

Thursday, April 9, 2015/11:00 a.m.-12:30 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago  
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### **Make Excel 2013 Work for You**

Thursday, April 23, 2015/11:00 a.m.-12:30 p.m.  
CBA Building, 321 S. Plymouth Ct., Chicago  
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## **LPMT Tip: Avoid Email Gaffes!**

Headline after headline after headline reveal attorneys suffering disaster because of miss-sending email. While slowing down and paying more attention can help, turning off some of the convenience features built into email applications couldn't hurt. In MS Outlook (2010 & 2013) go to File - Options - Mail - Send Messages and uncheck "Use Auto-Complete List to Suggest Names when Typing in the To, CC, and BCC Lines." Then click on "Empty Auto Complete List". Now you won't be able to create a disaster in the blink of an eye. For Gmail you must delete individual contacts for them not to show up in AutoComplete, though you can go to Settings and choose to add contacts yourself instead of the default "When I send a message to a new person, add them to Other Contacts so that I can auto-complete to them next time."

# A PERSON OF INTEREST

BY SHANNON BURKE

## Getting to Know...Stephen Patton



City of Chicago Corporation Counsel Stephen Patton, pictured here with City of Chicago CFO Lois Scott at a City Counsel Meeting.

**A**t a fall 2014 meeting of the Chicago Bar Association's *People You Should Know* series, Stephen Patton, Corporate Counsel for the City of Chicago, answered questions from the audience. A summary of the discussion appears below.

### What was the trajectory in becoming Corporate Counsel for the City of Chicago?

In 2011, while enjoying partnership at Kirkland & Ellis, LLP, a friend and former

*Shannon Burke is Associate Director of Educational Programming in the ABA's Center for Professional Development and a member of the CBA Record Editorial Board.*

partner asked Patton if he would speak with then Mayor-elect Rahm Emanuel about the opportunity. The more Patton spoke with Mayor Emanuel, the more excited he became about this new chapter in his legal profession. Patton knew that there was a great reward in being involved in public service, and when he accepted the position, he considered it a great privilege and honor to become Corporate Counsel.

### What are the responsibilities of Corporation Counsel?

The Corporation Counsel manages what would be one of the largest law firms in the country. He and his staff provide advice to the Mayor, Alderman, City Departments, City personnel, and other affiliated agencies on fascinating legal issues and topics that intersect law and policy. In addition to personally overseeing the litigation department, Patton also acts as an ombudsman on a special project basis.

## A PERSON OF INTEREST

"A Person of Interest" is the **CBA Record's** new column profiling someone we think you will enjoy getting to know. If you have an idea for someone we should feature, we'd love to hear from you! Send an email to [publications@chicagobar.org](mailto:publications@chicagobar.org).

Under Patton's management, the City now keeps substantially more matters in-house than they did previously. The City litigates a large number of cases, as approximately 50% of all civil cases that went to verdict last year in Cook County were City of Chicago cases. Patton is very proud of their success rate—this year, the City has received favorable outcomes in 73% of their cases. The City's willingness to litigate cases has resulted in a reduction in complaint filings. Patton has also worked hard to prioritize risk management by educating City personnel on various legal issues.

Finally, Patton has created a triage system whereby the City provides an early assessment and settles the cases that should be settled. Cases no longer linger in the system; instead, the City takes an active approach at the very beginning of the case. Under this new triage system, the City anticipates saving a significant sum of money.

### How are city politics and city responsibilities managed?

Fortunately, Patton has not had to wrestle with that conflict yet. However, he was quick to note that he is the City's attorney; he is not one person's personal attorney. Nonetheless, Patton always has to be aware of and sensitive to the City's politics. For example, when he was in private practice, he was able to unilaterally, and quickly, make decisions. Now, depending on the issue, he has to be aware of the various entities within the City that are involved and consult with them. ■

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 soft, out-of-focus green.

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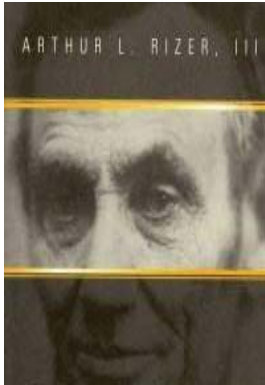


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## When Lincoln Speaks



### Lincoln's Counsel: Lessons From America's Most Persuasive Speaker

By Arthur L. Rider

ABA Publishing, 2010



Reviewed by Daniel A. Cotter

**M**ore books have been published about Abraham Lincoln than almost any other person in our nation's history. In Washington D.C., one can visit the site where he died and find an exhibit of every known book published about him—a three-story, growing spiral that contains hundreds of books on the man.

In yet another book, *Lincoln's Counsel: Lessons From America's Most Persuasive Speaker*, Arthur Rizer, a lawyer and pro-

*Daniel A. Cotter is Vice President, General & Secretary at Fidelity Life Association, and a member of the CBA Record Editorial Board.*

fessor, takes a different approach in the Lincoln biography genre. He provides some historical context and background on Lincoln's early years, but focuses on Lincoln's speeches and the cases he argued during his long legal career. Lincoln was one of our country's only lawyer-presidents who practiced law up until his inauguration. (Incidentally, he kept his firm with William Herndon in place so that he could return to it.)

This book can best be characterized as a cross between a biography and the popular genre known to some as "Leadership Lessons from [Insert Great Leader Here]." It is entertaining and informative. After discussing a segment of Lincoln's legal or political career, the book then provides "Lessons Learned," a list of behaviors and practices that the reader can emulate to better his own practice. The best part of the book may be when Rizer addresses Lincoln's various partnerships and legal jobs. Much of this information has not been addressed in significant detail in other biographies, because they focus on his presidency.

Rizer asserts that Lincoln's interests in law stemmed from his interest in politics. That may be true, but the author does not make those arguments definitively. And he occasionally mentions that Lincoln gave up on politics at various times because of a defeat in a race or for other reasons.

The author admires Lincoln, and of course there is much to admire. Lincoln's honesty, his preparation for trial, and his use of humor and stories served him well and are attributes from which lawyers could learn to improve their own reputations and behaviors. He also was a gifted orator and storyteller whose height gave him additional presence.

## Police and Citizens' Rights to Information

Thursday, March 19, 12:00-2:10 pm

MCLE Credit: 2 IL MCLE Credit

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

Presented by: YLS Civil Rights Committee

The goals of the seminar are to provide young lawyers engaged in the practice of civil rights litigation with information about an important discovery tool—FOIA requests. Discussion will center around a broad policy goal, increasing transparency in government, and work that citizens and attorneys are doing to achieve that goal. Two other information-gathering tools, eavesdropping and police body cameras, will also be covered.

**Speakers:** Matthew Topic, Loevy & Loevy; Jamie Kalven, Journalist and Human Rights Activist, The Invisible Institute; and Lindsay Miller, Roger Baldwin Foundation of ACLU, Inc.

The book includes an appendix of a number of Lincoln's great speeches. These should be required reading in civics lessons. However, the appendix lacks any of Lincoln's complete closing arguments, although there are some small portions of courtroom exchanges in a few cases. Although Rizer notes that many of Lincoln's cases were simple and his closings short, it would be interesting to see Lincoln's gift with words displayed in his courtroom presence.

Rizer has done a good job of gleaning some "Lessons Learned" from Lincoln's biography and work. Young lawyers especially can learn a thing or two about how to conduct themselves in the legal arena. The book is a quick read and offers an enjoyable way to learn some unknown facts about our 16th President, who also is remembered as one of Illinois' greatest attorneys. ■



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### YLS SHADOW PROGRAM

YLS Chair Paul Ochmanek invites attorneys and law students to participate in the Young Lawyer Section's new Law Student Shadow Program. The program aims to assist law students in obtaining an understanding of the practice of law as well as serve as an introduction to our profession's many practice areas. Become involved with the program for as little as a single hour of your work day! Learn more about the program or schedule opportunities at [www.chicagobar.org/ylsshadow](http://www.chicagobar.org/ylsshadow).

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The CBA's Lawyer Referral Service has announced it is in need of attorneys practicing in the area of elder law for its newly created elder law referral panel. Interested attorneys must have at least 5 years' concentrated experience in elder law as well as meet other criteria of the program.

To learn more about the LRS and its application process, contact Brenda Ott at 312/554-2071.

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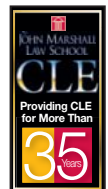
### April 2015

- 4/1** – “Climate Change: The Science for Lawyers”  
Journal of Information Technology & Privacy Law Symposium
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