

NEWSLETTER

October 2021



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2021 FALL NEWSLETTER

North Suburban Bar Association

MESSAGE FROM THE IMMEDIATE
PAST PRESIDENT Hon. Megan E. Goldish

It's been a wonderful bar year for the NSBA! Our organization continues to thrive, and we are so excited for our wonderful upcoming programs. Our membership has grown immensely. We are fortunate to reap the benefits of the work of my predecessors, particularly former presidents and board members, **Rick Pullano, John Stimson** and **Judge Patrick Heneghan**, along with our second Vice-President **Kilby MacFadden**. To illustrate, I am pleased to report that over the past year and a half, **NSBA MEMBERSHIP INCREASED TO ALMOST THREE TIMES ITS ORIGINAL NUMBER!** We now have more members than at any other time in our history. Due to this wonderful expansion in our membership, the creation of new committees and other initiatives, and the increased number of programs we have undertaken, our newest Board is expanding to 18 members, along with our 7-member executive board of directors.

This year, our CLEs were well-attended and informative, including: "<u>Dissecting Creditors</u>' <u>Best Practices</u>," co-hosted with the Illinois Creditors Bar Association, presented by NSBA members Judge Joel Chupack, Paul M. Bach, and Judge James E. Hanlon, Jr.; "Strategies and Considerations: Plaintiffs' & Defendants' Perspectives in Pretrial Settlement/Mediation," with past NSBA President Richard Pullano, Judge Jeffrey Warnick, and Richard M. Waris; "Owning Your Own Firm: the Business of Law," presented by NSBA Board Members MK Gamble, Corrinne C. Heggie, and Khalid Hasan, and NSBA member **Jeffrey Moskowitz**; "Improv for Lawyers and Judges," co-sponsored with the CBA, and presented by NSBA President Judge Megan Goldish, CBA President/NSBA member **Maryam Ahmad**, and the Second City; and, most recently, in conjunction with the Diversity Scholarship Foundation and NSBA Board Member Justice Jesse G. Reyes, and NSBA member Barbara Flores, "Recognizing Implicit Bias in the Legal Profession." Our tradition of fantastic CLEs will continue in the upcoming bar year, under future NSBA Second Vice-President, MK Gamble. We hope you enjoyed our last CLE with Commissioner Michael Cabonargi and NSBA Board Member, Daniel Pikarski, which was held on October 14, 2021.



Please renew your membership so we can keep growing our organization and enhancing our fantastic programs. A link to membership can be found here































Additionally, we established the first ever **NSBA Foundation**. We expect to award scholarships from the Foundation, including our **Jesse G. Reyes Scholarship**. Further, we plan to contribute to the Veterans' Call in the Skokie Courthouse, in conjunction with NSBA member and former Marine **Judge Michael Hood**, who presides over this important call. Thank you to the Diversity Scholarship Foundation for its pledge to contribute annually to our Reyes Scholarship. Thank you also to NSBA Board Member **Joel Bruckman** for heading up the Foundation.

Further, our growth in membership allowed us to conduct the biggest high school mock trial event in our history. Under the leadership of NSBA Board Member **Kim Pressling**, and with the participation of numerous judges and attorneys, we hosted over 40 schools for this tremendously successful program. Thank you to all who participated.

Our always-popular **Judges' Night** was held on June 30, 2021. This was the first large in-person bar association event since March of 2020, and it felt as if we emerged from hibernation as we caught up with each other at this completely sold-out **event.** It was so refreshing to see people face-to-face, and not as floating heads on a Zoom screen in front of the Golden Gate Bridge, outer space, or the Northern Lights. We were absolutely thrilled to honor esteemed jurists Justice Mary Ellen Coghlan, Presiding Judge Moshe Jacobius, Judge Lauren Gottainer Edidin, and Judge Jeffrey Warnick. Thank you to Presiding Judge Shelley Sutker Dermer and Chief Judge Timothy Evans for their meaningful introductions of our revered honorees. n addition, thank you to the AIJ and AIJ immediate past president Judge Mary Cay Marubio, for awarding the NSBA with the AIJ "Dancing Queen" Award, in recognition for our "North SUBurban Bar Pride Parade Float." Thank you to NSBA Secretary **Pamela Stratigakis**, for creating such a wonderful float on our behalf.2

The NSBA will continue to host wonderful upcoming events, including our **annual Gary Wild Dinner**.

² A link to our video float can be found <u>here</u>.



We are grateful to Chief Judge Timothy Evans, and to the presiding judges, who worked tirelessly to create a system so court proceedings could continue, and have helped us progress to a point where we can interact in person. I also want to thank the heroes whose strength shone so brightly during the pandemic; especially, medical personnel, frontline workers, and first responders, including my husband, **Major Matthew Savage**, who worked with the Illinois Army National Guard on the Covid response.

Clearly, the NSBA continues to provide terrific programming, even during an extremely difficult year. I especially want to recognize our dynamic, and diligent board, for its hard work. Special thanks to our Executive Board: Robert Blinick, Kilby MacFadden, MK Gamble, Judge Jeanne Wrenn, Pam Stratigakis, and Judge James Allegretti; our Past Presidents and Board Members: Richard Pullano, John Stimson, and Judge Patrick Heneghan; and, to our Board of Directors: Judge Steven Bernstein, Joel Bruckman, Khalid Hasan, Corinne Heggie, Marvin Mendez, Daniel Pikarski, Paul Plotnick, Kimberly Pressling, Justice Jesse G. Reyes, and Robert Romanoff.

Further, the NSBA is so grateful to Tricia Fusilero and her team at CAM, and to Presiding Judge Shelley Sutker Dermer and Judge Jeanne Reynolds for their guidance.

Thank you to the NSBA, for its fabulous contributions to the legal profession.

Warmest regards, Hon. Megan E. Goldish Immediate Past President

View Judges Night Photo Gallery here.



CONGRATULATIONS TO OUR MEMBERS NAMED COOK COUNTY ASSOCIATE JUDGES

THE HON. MARYAM AHMAD *
THE HON. BARBARA DAWKINS *
THE HON. BARBARA FLORES
THE HON. MITCHELL GOLDBERG *
THE HON. MATTHEW JANNUSCH *
THE HON. MARTHA-VICTORIA JIMENEZ
THE HON. JAMES NOVY
THE HON. ANKUR SRIVASTAVA
THE HON. PAMELA STARTIGAKIS *
THE HON. ANDREANA ANN TURANO

Congratulations and welcome to the bench!
We are so proud of you all!

*NSBA Board Member



RECAP ~ IMPROV FOR LAWYERS & JUDGES

by: Megan Goldish

Megan Goldish is a proud graduate of the Second City Conservatory and the Second City Musical Improv Program. She has studied and performed at IO, the Annoyance, Gorilla Tango, the Playground and at improv festivals around the world. She has been a featured monologist at Women in Comedy events. She has failed spectacularly onstage and survived. She currently performs with the Old Town School of Music's Musical Ensemble.

YES AND...... the NSBA/CBA virtual CLE "<u>Improv for Lawyers and Judges</u>," was a great success! On May 20, 2021, NSBA and CBA members participated in an improv workshop with professional improvisers from the Second City. Prior to the workshop, participants were provided with CLE materials explaining the various forms of improvisational theater, some improv guidelines, and how an improviser's skillset is beneficial and applicable to the legal field. ¹²

At the beginning of the program, CBA President Maryam Ahmad and I discussed the advantages of applying improv skills to the legal world, and how practicing improvising develops one's ability to quickly respond and adapt to myriad situations. We discussed some improv guidelines that had been provided in the CLE materials, namely to, "Yes.... And" scene partners, listen actively, focus, adapt to change, and have fun, all while strengthening some "lawyering" skills.

We also discussed how the guiding principles of improv are useful, not just on stage, but in everyday life, especially in the legal profession. Improv exercises encourage creative problem solving and teamwork, develop communication skills, and create an environment where new ideas are welcome. The confidence gained from consistently participating as an improvisor allows one to present ideas with confidence, and to speak persuasively. An improviser can quickly adapt to unexpected situations, and be more productive during negotiations. In the same way skilled improvisers can build a rapport with the audience, so too, can a persuasive lawyer with a jury. Improv can infuse humor into one's life and make someone a more empathetic person. Moreover, improv presents, and respects, diverse viewpoints.

President Ahmad showed a video clip where a domestic violence victim was brought to safety, due to the quick thinking of the judge, the lawyers and law enforcement,

all of whom had acted quickly to ensure the victim's safety. Some of the skills they displayed, including, the ability to spontaneously adapt to a situation as a team, are exactly the types of skills honed from practicing improv.

Second City Improvisers then led us in a group warm-up, before dividing us into breakout rooms with the assignment that each group create a unique Chicago celebration. The groups included such comedic stalwarts like MK Gamble, Curtis Ross, Barbara Flores, Jeremy Pfeifer, Cristin Duffy, Eric Palles, Scott Saef, Tom Pikarski and Walt Pyle. The individual groups returned into the main Zoom Room to describe their celebrations. The imagination, collaboration and "Yes.... Anding" that occurred was outstanding, as one group described movie stars scaling up the Willis Tower, and aliens landing on the tower, changing the name back to the Sears Tower, as Jimi Hendrix played. Another group described how Prince came back to life and played a private concert.



After that exercise, we divided into breakout groups for our next exercise, to spontaneously fill in the details and punchline of a joke: "A bunch of _____ walk into a bar. The bartender says, "I'm happy you're here." The _____says, "Why?" The bartender replies, "(insert punchline here)." For example: "A bunch of cell phones walk into a bar. The bartender says, "I'm happy you're here. The cellphones say, "Why?" And the bartender replies, "Because we're having a

¹ I'm using the spelling, "improviser," and not, "improvisor." Both are correct (You totally just spell-checked, didn't you?). See: Collinsdictionary.com; See Also: An informal survey of people I know in the Improv world.

² Improv, in general, is the form of theater, often comedic theater, in which most or all of what is performed is unscripted and is created spontaneously by the performers.

³ Please contact the NSBA if you are interested in the CLE materials, and we will try to accommodate you.

⁴Players agree to the basic situation (the "yes") and the "and" adds new information to move the scene forward.

RECAP ~ IMPROV FOR LAWYERS & JUDGES

really bad reception." (Give me a break-it was spur of the moment -but I am sure, that after you read this article, all day long, you're going to be filling in the blanks!). My team, Pamela Strategakis, Rebekah Rashidfarokhi, Bonnie McGrath, Mark Swartz, Roger Rudich, and Jim Hickey, really had fun with this one, and supported each other. Other improv ensembles consisted of Bob Blinick, Bob Romanoff, Matthew Jannusch, Ankur Srivastava, Tom Rehwaldt, Paul Plotonick, Mark Ravitz, J. Cunyon Gordon, Alex Spartz, Lawrence Appelman, Russel Veldenz, John O'Malley, Blake Walsh, and Carmen Quinones.

Wait, I thought of another one: A group of elephants walk into a bar. The bartender says, "I'm glad you're here." The elephants say, "Why?" The bartender replies, "Because we're having a trunk sale." (There are no "objections" in this exercise... sorry!)

After that exercise, we separated into different groups, where we were each to become expert speakers on suggested topics. We took turns suggesting topics. For example, Harold Hilborn was assigned the topic of, "Wisconsin," and through his descriptions of the Northwoods, we all believed him to be an expert on "America's Dairyland," and, "The Badger State." Did you know that those are two nicknames for Wisconsin? Expert Hilborn did! In addition, **Amber Samuelson** displayed her expertise on the suggested topic of corn. She had us all believing her to be an expert in popcorn and other corn products. In all, participants went with the flow, were not afraid to speak and show themselves as an "expert" in various fields. The participants confidently presented on topics about which they seemingly knew nothing, but were able to speak so persuasively, that we all believed them to be experts.

Wait.... I just thought of another one. A group of dentists walk into a bar. The bartender says, "I'm so glad you're here." The dentists say, "Why?" The bartender replies, "Because it's 2:30" 5

We continued to perform other improvisational exercises, until the end of the workshop, when we gathered in the main Zoom Room to write a story together. A few participants, including Martha-Victoria Jimenez, and Brittany Whitfield, volunteered to be our authors, and they, in combination with the Second City Improvisers, created a story where they each added on a word or two, until we achieved a fully improvised and impressive story.

Wait—one last one... The Beatles walk into a bar. The bartender says, "I'm so glad you're here." The Beatles (in Liverpudlian accents) say, "Why?" The Bartender replies, "Because we need Help!" (Did you read, "Why?" In a Liverpool accent? I think it helps.)

This tremendously valuable CLE workshop helped us hone skills applicable to the legal world, including collaboration, thinking on our feet, accepting suggestions from others, going with the flow, persuasively communicating, and infusing humor into our lives. Yes... and.... We cannot wait to do this CLE again, next year!



Being a NSBA Member gives you access to a multitude of member benefits. You'll join a community of fellow likeminded lawyers from all areas of practice, where there is a wide range of opportunities for you to engage with the people who "speak your language" and face the same challenges day-to-day that you do.

> Join or Renew **MEMBERSHIP**



Event Recaps



On June 23, 2021, NSBA joined the Alliance of Illinois Judges (AIJ) "You Are Beautiful" Virtual Pride Parade. Our video float entry was a big hit! With over 20 other bar association entries, NSBA won the "Dancing Queen" Award. **Thank you to all who participated.** NSBA was proud to float in the AIJ Bench & Bar Parade!



On June 30, 2021, NSBA hosted its annual Judge's Night at North Shore Country Club in Glenview, Illinois. Annually, the NSBA hosts Judges' Night to recognize judges that have made outstanding contributions to the bench and bar that warrant recognition. The event is an opportunity to highlight the honorees and thank them for their service.

This year, NSBA honored four individuals: Justice Mary Ellen Coghlan, Judge Lauren Gottainer Edidin, Presiding Judge Moshe Jacobius, and Judge Jeffery Warnick. NSBA's President, Judge Megan Goldish presided over the event. NSBA's Second Vice-President, Kilby Cantwell Macfadden, Secretary, Pam Stratigakis, and Board Member, Corinne Cantwell Heggie, chaired the event.

Justice Coghlan has served as an Appellate Justice in the First District, reviewing civil and criminal decisions entered in the Circuit Court of Cook County. Prior to that, Justice Coghlan served in the Circuit Court of Cook County for 25 years, mainly in the Probate Division where she served as the Presiding Judge from 2010–2019. In 2017, the Illinois Supreme Court appointed Justice Coghlan to serve as a member of its Judicial Inquiry Board where she served until 2020.





The Honorable Lauren Gottainer Edidin is a Cook County Associate Judge. Since 2007, Judge Ediden has been assigned to a felony courtroom at the Second Municipal District Courthouse in Skokie. Judge Edidin hears Chicago criminal cases and a variety of other case. Judge Edidin often serves as a resource and mentor for new judges and oversees the Mental Health Court in Skokie.

Judge Jacobius is the Presiding Judge of the Chancery Division. Judge Jacobius came from humble beginnings, making his rise in stature all the more remarkable. He was born in Israel and lived with his family in a one-room structure with no bathroom until he immigrated to the United States at the age of 10. He followed a path of hard work, dedication and perseverance, an experience shared by so many immigrants to this country.

Judge Jacobius is co-chair of the Illinois Supreme Court Committee on Custody and a member of the Court Security Committee. In December 2010, Judge Timothy Evans appointed Judge Jacobius as the Presiding Judge of the Chancery Division. He is married and has two children and fourteen grandchildren.

Judge Jeffrey L. Warnick presides over the Law Division civil courtroom in Skokie where he hears both law and municipal division cases. In 2009, Judge Warnick was appointed a Cook County Associate Judge. In 2010, he was transferred to the Chancery Division and heard commercial litigation and mortgage foreclosure cases. Judge Warnick graduated from the University of Illinois at Champaign–Urbana and IIT–Kent College of Law. Following law school, Judge Warnick served as a Cook County Assistant State's Attorney from 1979 until 1988.

The NSBA is grateful to all those who attended and sponsored the event. NSBA cannot serve its mission without members and sponsors. We look forward to seeing you at NSBA's 2022 Judges' Night.

North Suburban Bar Association

INSTALLATION and RECOGNITI **EVENT PROGRAM**





Robert K. Blinick, P.C. The Goldish & Savage Families

STERN PERKOSKI MENDEZ













Seth J. Fishman



Hon. Patrick J. Heneghan





Cristin Duffy

Honorable Barbara N. Flores



Scott Norris



Ann Addis Pantoga



Paul W. Plotnick

Tracie R. Porter, P.C.

Honorable Judith C. Rice

Alon Stein

Honorable Pamela J. Stratagakis



LAW OFFICES OF SCOTT TZINBERG







Congratulations Newly Installed President, Robert Blinick, Officers, Members of the Board, and Louis I. Lang, 2021 L. Sanford Blustin Award Recipient.





NSBA LAUNCHES FOUNDATION TO HELP ASPIRING LAW STUDENTS AND LEGAL PROFESSIONALS

by: Joel Bruckman

The NSBA is proud to announce to its members the launch of the NSBA Foundation (the "Foundation"). As a tax-exempt 501(c)(3) entity, the Foundation's mission and purpose is to identify individuals in financial need who have demonstrated a desire and intent to join the legal community by taking affirmative steps which reflect the same, and to provide those individuals with funds in the form of scholarships for the specific purpose of continuing to pursue a career in the legal profession including but not limited to expenses related to:

- The study, or taking of the LSAT or any other standardized testing required for the application to an accredited law school program;
- Application to an accredited law school;
- Enrollment in any accredited law school; and
- Other law school educational expenses.



The Foundation's inaugural scholarship, to be issued in the coming year, will honor NSBA Director, Hon. Jesse G. Reyes, whose legacy of work to help others in need and promote diversity in the legal profession, has laid significant groundwork from which the Foundation looks to carry on in Justice Reyes' name. The Foundation will also host events over the course of the next year, including its first annual golf outing!



The Foundation is led by the NSBA's Immediate Past President Hon. Megan Goldish and Chairman, Joel Bruckman, along with its talented Board of Directors which includes Kilby Macfadden, Hon. Pamela Stratigakis, Marvin Mendez, Monica-Kaye Gamble, and Kimberly Pressling. Should you have any questions or want additional information about becoming involved with the Foundation, please contact Joel Bruckman at

joel.bruckman@gmail.com.

On behalf of the Foundation, we are looking forward to the exciting year ahead!



CALL FOR VOLUNTEERS TO HELP OUR PARTNER EMPIRE MOCK TRIAL 11/13 OR 11/14 FREE CLE



On behalf of our partner in all things NSBA Mock Trial since the pandemic, Empire Mock Trial, we invite you to assist them as volunteers with their Chicago tournament on 11/13 or 11/14/2021.

Note: this is NOT the NSBA Mock Trial
Invitational which will take place this
winter. Stay tuned for more exciting
information on our tournament.

Right now, 225 high school students from 14 states are preparing a challenging case for an **in-person** mock trial competition in downtown Chicago -- finally, we can give Zoom a break! Over the past 3 months, they've been crafting their legal arguments and perfecting their examinations. Now, they need the Chicagoland legal community to come together and support them as judges and jurors.

On behalf of Empire Mock Trial, we are honored to invite attorneys from the North Suburban Bar Association to serve as judges and jurors on 11/13 or 11/14 at Empire Chicago. **Before each trial, they offer a free MCLE workshop, a free meal, and free parking.** Protocols are in place to abide by the City of Chicago's COVID-19 policies and to promote safety at the program.

Attorneys can learn more about the Empire
Chicago program, and register to volunteer, here.

There are two trials on Saturday (11/13) and two trials on Sunday (11/14) - the report times are 9:30 AM CT and 2:45 PM CT, though you'd need to report a little earlier than that for the MCLE course.

If you have any questions, please don't hesitate to reach out to NSBA Treasurer and NSBA Mock Trial Chair, Kim Pressling, at kimberly.pressling@gmail.com.

Again, you can learn more about the competition, including how they plan to navigate COVID-19, on their site.



DOWNLOAD FLYER HERE.





REVISE YOUR POWERS OF ATTORNEY BEFORE LONG-TERM CARE by: Anthony B. Ferraro

69-70% of people in the United States are expected to require assistance with some type of long-term care.

Do you have powers of attorney in place?

I know it sounds simplistic, and we have all heard this before, but perhaps the most important document that you can have before needing long-term care is the power of attorney.

Why is the power of attorney so important?

A power of attorney is a legal document where one person called the "principal" authorizes another person called the "agent" to act on their behalf regarding either financial or health related decisions.

Without these powers of attorney in place, no one may have the legal authority to act on another's behalf and therefore a guardianship proceeding may become necessary. A guardianship proceeding is conducted in court and establishes a legal relationship where a person(s) is appointed by the court (usually a family member) as the guardian of the person that will have the power to make health decisions for another; usually called the Ward. The same person may also be appointed by the court as the guardian of the

estate and can then make financial decisions and handle the financial assets of the Ward.

Guardianships can be expensive. They require the opinion of a physician and the appointment of a Guardian ad litem. A Guardian ad litem is a court-appointed attorney who acts as the eyes and ears of the judge. Guardianships also require many process formalities and judge's orders. These matters are strictly observed to ensure that the Ward is protected. This is all well and good, and we are all fortunate to have a legal system that can help serve those that are disabled and may not have had the opportunity to put in place powers of attorney. However, you may avoid this entire process by having a valid power of attorney for property and finance matters and/ or a valid power of attorney for healthcare matters. Not only would that process be avoided but all affairs pertaining to your person and your estate can be streamlined while you may be temporarily sick, disabled, or if you need long-term care.



How many different types of powers of attorney are there?

In Illinois we have two types of powers of attorney: one for health and one for property and financial matters.

Sometimes these documents are called statutory powers of attorney and at other times these documents are called durable powers of attorney. The difference lies in the type of form selected to draft the power of attorney and the content of the document. Most of the time we recommend you stick to the Illinois Statutory Short Form Powers of Attorney (one for health and a separate one for property) because these are the type of forms that doctors, other health providers, banks and financial institutions most readily recognize.



Can I create my own powers of attorney?

Yes, you can. However, they may not contain the necessary language that Elder law attorneys put into such documents such as: the power to make specific types of gifts to family members. This is necessary for tax minimization or for seeking asset tested government benefits like Medicaid. Other important language may deal with the power to remove and add assets to trusts, the power to apply for public benefits, and the power to appeal any decision on public benefits. Standard power of attorney forms generally dos not have these provisions built into them. By not having this language in place, many are missing out on benefits and protection.

"... if you develop diminished capacity and lose the cognitive ability to execute documents legally and ethically, then you may never be able to have these types of documents in place..."

How old should you be when you start executing powers of attorney?

Upon becoming 18 years of age. Most people do not realize that once a child has

reached age 18, no one, including parents, can make either financial or medical decisions for their children without legal documents, such as powers of attorney, authorizing this decision-making power.

Thus, ask your children to get powers of attorney in place immediately upon turning 18 years of age.

Are their risks with Powers of Attorneys?

Yes. However, many practitioners believe that having powers of attorney in place, with the appropriate safeguards, is less risky than not having powers of attorney at all.

So, what are the risks and the appropriate safeguards?

Since a power of attorney for property and financial matters authorizes your agent to be able to make disbursements of money on your behalf, this power, like any power, can be abused.

To prevent, or at least minimize the risk of a rogue agent from abusing their power, it may be useful to put restrictions in the powers of attorney for property and financial matters, including but not limited to, the following, as examples:

- 1. the agent could be required under the terms of the power of attorney document to provide monthly statements from all asset custodians to an independent third-party, selected by the principal who has the right to request the delivery of these monthly statements and will do an independent reading and review to determine whether the expenditures by the agent are solely for and in the best interests of the principal
- 2. the agent could be precluded under the terms of the power of attorney document from creating joint tenancy accounts between the principal, the agent himself or herself, and/or the principal and any third party.
- **3.** consider appointing or at least delegating to (on a contractual outsourced basis), reputable, corporate health professionals such as care managers who often will act as power of attorney for healthcare in some situations, and some will also act as agent under power of attorney for property and financial matters. Inquire as to whether they are bonded and insured. This is good option where there may be NO friends or family who are trustworthy, sufficiently experienced, able, or willing to act.

These are just examples of some of the precautions that can be taken so that a good power of attorney is put in place and steps are taken to make sure that any possible abuse by a rogue agent is minimized.

What's the takeaway?

You could wait until later when you need them, however if you develop diminished capacity and lose the cognitive ability to execute documents legally and ethically, then you may never be able to have these types of documents in place and the only alternative may be for someone to pursue, on your behalf, an expensive and complicated guardianship proceeding in court.

Make sure your powers of attorney are in place now.





SIMPLIFYING YOUR LAW PRACTICE BY LEVERAGING TECHNOLOGY by: Khalid Hasan

Khalid Hasan, is the principal attorney at Kasan Law, located in Chicago, Illinois. Khalid focuses his practice on real estate transactions, plaintiff's personal injury, medical malpractice, and wrongful death matters.

A modern law firm cannot survive without utilizing technology in its practice.
Technology makes practicing law easier and efficient. Lawyers no longer need to research in a library, pouring over a stack of books for hours. Legal research platforms, like LexisNexis, Westlaw, and Fastcase, is another example of how technology simplifies the practice of law.

However, utilizing technology to operate a law firm is a double-edged sword.

Technology changes rapidly, and with new software and hardware coming out, it can become overwhelming. To stay ahead, some lawyers mistakenly believe they need to have the latest and greatest gadgets. Rather, with so many options available, lawyers need to focus on what technology will best fit and benefit their firm.

Before implementing any technology into your practice, you need to compare it to your current system and ask the following questions:

- What problems will this solve?
- Will it increase profits and revenue?
- Will it save money and time?
- Does it integrate with current hardware and software?

- How difficult and time-consuming will it be to learn?
- Are there any risks associated with utilizing it?

At a minimum, law firms must have email, word processing software, and security software. In the modern era, law firms are implementing a vast array of other software and tech to save time, money, and become more efficient.

• Automation

Automation allows technology to complete repetitive tasks by setting up patterns or rules. Automating data entry and law firm processes through APIs has numerous benefits. Automation allows law firms to create efficient workflows and streamline routine and repetitive tasks. Specifically, automation reduces overhead and enhances productivity. By automating tasks, lawyers save time, money, and costly manpower. Further, automation can help ensure the data being collected is accurate, organized, and readily usable. Automation allows firms to streamline processes that normally required substantial amounts of time.

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• • •

For example, after an appointment is made, an automatic email reminder can be sent to the other person. Automation can also keep lawyers informed of what's happening in their cases through automatic alerts about new filings or case updates. Zapier is one type of automation software. Zapier is an effective time-saver that allows lawyers to create rule-based "Zaps." A Zap is a blueprint for a task that is done repeatedly. In other words, one instructs the system to do "task A every time B happens." For example, when you create and send an invoice to a client, an automatic email will remind the client when the invoice payment is due.

Document automation is another form of automation. Document automation tools utilize the information that has been collected and allow lawyers to streamline document creation by automatically populating forms, such as retainer agreements, letters, notices, and motions.

• Practice Management Software

Legal practice management software is an essential tool for any law firm. Cloud-based practice management software centralizes a law firm's operations, organizing cases, and allows for easy collaboration. Practice management companies include many tools with their software. For example, practice management software can include matter and document management, time tracking and billing, e-signature, automation features, calendar management, unlimited cloud storage, client portal, and various other tools.



With so many options for each practice area, there is no one-size-fits-all practice management software. Before committing to a practice management software, you should research the product and features, request a tutorial, and use the free demo when available. Ultimately, cloud-based practice management software provides a centralized, convenient, and streamlined way to work and collaborate from anywhere.

• Client Relation Management Software (CRM)

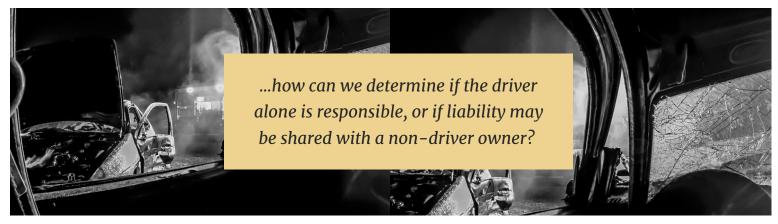
Client intake and CRM software help firms streamline lead generation and intake. CRM software provides tools to manage communications and appointments with potential clients. CRM software features include analytics, lead sources reports, intake forms, document creation with eSignature, and scheduling. As a result, law firms can create a more efficient and smoother intake experience for potential clients.

• VOIP Phone

Voice Over IP (VoIP) allows law firms far greater flexibility and mobility than a traditional landline. VoIP calls are routed over an internet protocol network, using either software alone or both hardware and software. VoIP systems allow you to make and receive phone calls, conduct conference calls, have calls forwarded to a mobile or home phone, send and receive text messages, and send voicemails in an audio format to an email. VoIP providers often include e-fax with their services. E-fax allows you to send and receive faxes from an email address or online portal.

After purchasing any new software or tech, it is vital to create a plan that provides how it will be implemented, how training will be conducted, and a timeline for successful implementation. Otherwise, the new tech will not be utilized efficiently or implemented into the practice. Generally, any tech purchase should be fully integrated in your practice before any subsequent tech purchase is made.

With so many options available, deciding on what technology you need and don't need to operate a law firm can be overwhelming. In that case, hiring a legal technology consultant can help remove any uncertainty involved with bringing your law firm to the modern age. Ultimately, the goal is to utilize technology in a manner that will help your law firm succeed and serve clients better.





AGENCY AND THE OWNER-PRINCIPAL IN AN AUTOMOBILE ACCIDENT

by: Robert Blinick

When pursuing recovery for an injury or other damages, naming the driver is easy; that's the person who allegedly was negligent. What about the owner of the vehicle? The plaintiff wants to have as many pockets to dip into as possible, and the deeper the better. So, how can we determine if the driver alone is responsible, or if liability may be shared with a non-driver owner? This article addresses the issues, arguments, and quirks involved.

The evidence of an agency relationship affects the legal rights of all parties to a given transaction, whether the agent, the principal, or the third party. The two general situations where these types of scenarios crop up is one of contract (e.g. a sales representative dealing with a buyer), or tort (e.g. that representative, while driving, strikes a pedestrian). My review of the case law does not draw a distinction between the two, although one might think that there is a key difference: in the contractual situation, the involvement of the third party is voluntary, whereas in the tort situation the third party's involvement is very much involuntary.

This article will limit itself to a discussion of whether an agency relationship has been established between the driver, who might be acting as the agent, and the non-driver, who may be the owner, the employer, or otherwise a separate person who becomes co-responsible with the driver for injuries and damages caused to the unlucky third party.

Preliminary to this discussion may be one that might not come up in a law school class, and that is: why does it matter? For those who practice, however, it matters a great deal. First, the pocket of the owner or employer may be far larger than the pocket of the driver, and that would apply even if the driver were insured. A driver who has minimal liability coverage might only have \$25,000 in coverage, or perhaps none (illegal, but all too frequent), whereas the driver's employer (imagine a delivery for a large pizza chain) would have substantial assets. The other, of course, is that many of these cases are heard before a jury, whose sympathies cannot be discounted; if the jury imagines that the plaintiff's injuries, especially when they are soft-tissue, are being paid by the driver (and the jury cannot know if and how much insurance may be present), the jury would have a far different approach than if the co-defendant is a multi-billion dollar corporation.

So, now we come to the sub-categories of agency in the tort claim: was the driver acting as an agent, independent contractor, or on his or her own at the time of the incident? The laws of employer vs. independent contractor are covered elsewhere, with a multi-step process to determine if the person is able to direct their own activities, work solely for the purported employer (think of cab companies whose name and phone number are on the vehicle).

The specific application that I will discuss in this article regards the owner and his or her relationship with the driver, such that were the driver to cause an accident, whether the owner (or other potential principal) assumes co-liability with the driver for injuries sustained by some third party. Each case, with its unique combination of facts (i.e. the familial or other relationship between owner and driver, the purpose for which the vehicle



AGENCY AND THE OWNER-PRINCIPAL IN AN AUTOMOBILE ACCIDENT continued ...

was being driven, the manner by which permission or direction of the driver obtained the use of the vehicle, etc.) has led to holdings that have refined whether the agency relationship makes the purported principal co-liable with the driver, so the facts of each are relevant.

The history goes back over one hundred years, to Arkin v. Page (1), involving a twenty year old who was driving his father's car for the purposes of enrolling in summer school when involved in the subject collision. The Court stated the relevant facts as follows: "He was alone in the automobile, which he had taken from the garage at his home without telling anybody that he was going to take the car out or that he was going to the Lewis Institute. He had not talked with his father about going to the school or the question of paying tuition, which he expected to pay himself." (2). In finding in favor of the defendant father, that there was no agency relationship, holding: "A parent is not liable for the tort of his minor child merely from the relationship. There is no evidence or claim that George J. Page was not a competent chauffeur. An automobile is not so dangerous an agency as to make the owner liable for injuries caused by it to travelers on the highway, regardless of the agency of the driver. (citations omitted). The owner of an automobile who merely permits another to use it for his own purposes is not liable for the negligence of the borrower in the use of the machine (citation omitted). The owner of an automobile is not liable for an injury occasioned by the negligent use of the machine by his servant if the servant was at the time at liberty from the service of his master and

not engaged in doing his master's business, but was pursuing his own interests exclusively (citations omitted). (3).

The use of the term "master" and "servant" is, to this writer, problematic. Suffice it to say that such arcane diction is used to describe the existence of the agency-principal relationship, such that the incendiary and pejorative verbiage should probably be retired.

The application of a car's ownership to the agency-principal relationship was further modified in *Graham v. Page* (4), which involved whether or not the owner, not present in the vehicle, was liable for his daughter's negligence in driving the vehicle. Marva Page, the daughter of J.L. Page, was involved in an automobile accident while going to pick up her shoes from a cobbler. Mr. Page was going to pay for the shoes, had authorized his daughter to use the car for this purpose, and as her father was responsible for clothing his sixteen year old daughter. The Court found that "(s)he was performing the business and duty of her father in the manner and with the means authorized by him. She was, if not the servant, at least the agent, of her father in the performance of the duty or business." (5).

In Gates v. Mader, (6), the owner's twenty-four year old son, Ervin Mader, was driving his father George Mader's car. Ervin lived elsewhere, and visited his parents once a week. In the car were Ervin's mother, sisters, cousin, and two family friends, on their way to a luncheon. Ervin had agreed to drive the family in the car to the luncheon, and while on the way to the luncheon the accident happened. The defense relied upon the Arkin case, supra, to dismiss. The Court held: "The question involved in this case is whether, under the evidence, defendant is liable. At the time of the injury, the car was being driven by defendant's son for the pleasure and convenience of the family. It is settled by the judgment of the Appellate Court that the son was driving it with the permission of defendant, and that the car was being used for one of the purposes it was kept for. If defendant had himself been driving, it could not be denied that he would have been liable for negligent injury, and the decided weight of authority, we think, makes him liable, under the evidence in this case, for the negligence of the son (citations omitted)."

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PUTTING LOVE IN PRINT

by: Corinne Heggie

Corinne Cantwell Heggie is a principal of the Wochner Law Firm LLC in Northbrook. Corinne helps people avoid asset loss, court battles and taxes with wills, trusts and powers of attorney. Corinne can go to court if a judge must decide how property is distributed. Corinne lives in Glenview with her husband and law partner, John Heggie. Together they are raising three sons and are active in sports, ministries that support women and children in crisis, and Boy Scouts.

Last summer, a cousin got married during the pandemic, not at the date, time, location on the save the date sent to over 200 family members and friends before 2020's narrative was completely changed. Rather, the sacrament was performed under the then prevailing COVID-19 guidance: outside with only ten people wearing masks on the lawn of his family's parish. Bride and groom stood next to each other during the sacrament and pictures with their eight guests standing safely 6 feet apart were posted on Facebook to "virtually" celebrate the event.

When Illinois' restrictions eased, a family gathering gave me an opportunity to make good on my smiley face emoji and congratulate my cousin in person. We talked about COVID-19 and how it upended our personal and professional lives and how in the dark days of shelter-in-place we learned who was on our teams at home and at work. He and his now wife decided to forego a reception opting for a more casual celebration when it was safe to gather in person with the original 200+ guests. I am glad to report celebration part deux is on the books!

My cousin was matter-of-fact about the news, as perhaps most similarly situated couples whose journey to the altar took a COVID-19 twist likely are. I asked him what was most frustrating about COVID-19 and his nuptials. His response was that it took nearly a year to actually get married. This shocked me. Not because I anticipated a different answer but because of his short engagement: just under 12 months, even with a global pandemic in the mix. This is a stunning fact because a 2019 survey by The Knot.com reports the average length of an engagement in the United States is 15–18 months. No wonder People Magazine's social media feed publicized the one-year engagement anniversary of Sarah Hyland, of Modern Family fame. Engagement anniversaries are a thing.



Why do I care? It is noteworthy because while traditions and relationship norms are changing, our laws and institutions are not, or at least not as quickly.

Why should you care? In our everchanging world with slow-to-change laws, regardless of your marital status, you should have some solid footing underneath you.

The law in Illinois provides that unless written explicitly elsewhere, the order of people that will possibly make health care and financial decisions for you are:

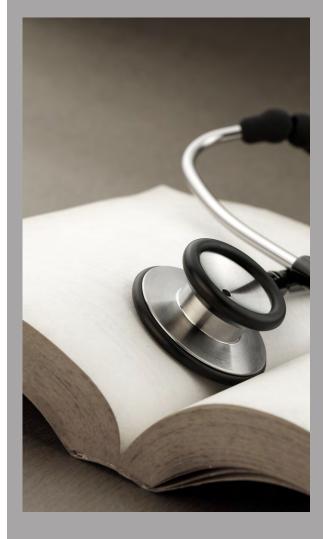
- 1. Guardian
- 2. Spouse
- 3. Adult children
- 4. Parents
- 5. Siblings
- 6. Grandchild
- 7. Close family friends
- 8. Guardian of the estate



Unfortunately, the person you may want to make health and financial decisions for you, like a fiancé, dear friend, or lifepartner, may not show up in this batting order penned by the lawmakers. If you have not thought about who you would like to make these decisions for you if you couldn't make them yourself, here is your reality. Decisions about your life, health and legacy, regardless of tax bracket, income level marital status or number of dependents, will be left to Illinois lawmakers and a judge.

Fortunately, there is a simple remedy. Illinois attorneys have a variety of tools, ranging from simple wills and powers of attorney to living trusts to help ensure every scenario has a contingency plan and every emergency, a solution. Proper planning and discussion can ebb back much of the craziness of this world, but only if we take those steps before disaster strikes.

A great first step can be choosing a person who would act as a decision-maker when you physically or mentally cannot on health care and financial matters. A healthcare power of attorney and a property power of attorney are fantastic tools to provide a sense of control over your own life and ensure your choices always take precedent. A piece of paper can't prove when your love begins and ends, but a few documents can let the whole world know who matters most.









VETERANS TREATMENT COURT

by: Hon. Michael Hood

The Veterans Treatment Court in the Second Municipal District has a long history of assisting those Veterans who are charged with a felony, and become involved in the criminal justice system. Unfortunately, many are not aware of the wonderful advancements and hard work being done by this court, and a veteran who may qualify for admittance to this court call, might miss the opportunity to participate. In most cases, a Veteran who successfully completes this program, is able to expunge the felony from their record.

The Veterans Court model follows the successful models established by the drug treatment and mental health treatment courts. Substance abuse and/or mental health treatment is offered as an alternative to incarceration. Veterans for Justice, a part of the National Association of Drug Court Professionals (NADCP), can provide further information about these courts. You can visit them online at <u>Justiceforvets.org</u>. For additional information on this important court call, please feel free to call Judge Michael Hood at the Skokie Courthouse. He can be reached at (847) 470-7200.

Additionally, veterans and active duty, reservists, and National Guard service members - particularly those who served in Afghanistan - may be experiencing a range of challenging emotions related to the unfolding events of the last several weeks. Veterans who served during other conflicts may also be feeling strong emotions as they may be reminded of their own deployment experiences.



The Veteran Crisis Line is available around-the-clock at 1-800-273-8255. Crisis support can also be accessed via text at 838255 or online at VeteransCrisisLine.net. The Veteran Crisis Line is not just for veterans in crisis. If you need assistance with a veteran who you believe may be in or near crisis, contact the Crisis Line.





RECENT DEVELOPMENTS IN THE LAW ILLINOIS SUPREME COURT DECISIONS JUNE 2021 THROUGH AUGUST 2021

by: Hon. Jesse G. Reyes

Jesse G. Reyes is currently the presiding justice of the fourth division in the First District of the Illinois Appellate Court. Justice Reyes is also a board member of the North Suburban Bar Association

INTRODUCTION

The following article contains recent caselaw developments as issued by the Illinois Supreme Court. While not all decisions rendered by the Court are contained herein the recent offerings by Court where significant impact of this State's jurisprudence are what is follows.

CRIMINAL CASES

Admonishments

People v. Burge, 2021 IL 125642

The Illinois Supreme Court ruled that the admonishments requirement under 725 ILCS 5/113-4(c) apply only when a defendant pleads guilty at an arraignment.

The defendant was charged with theft after allegedly stealing money from an individual receiving home health care services. The defendant entered into a fully negotiated guilty plea after the trial court admonished her pursuant to Illinois Supreme Court Rule 402(a). Subsequent to pleading guilty, the defendant filed a motion to withdraw the guilty plea and also sought to vacate the judgment. The defendant argued that her plea was not voluntarily entered into and that the trial court failed to inform her of the collateral consequences of pleading guilty. The State, on the other hand, argued that the statute is applicable only when a defendant pleads guilty at arraignment. The trial court denied the defendant's motion; the Illinois Appellate Court (Fourth District) affirmed.



NORTH SUBURBAN BAR ASSOCIATION RECENT DEVELOPMENTS IN THE LAW

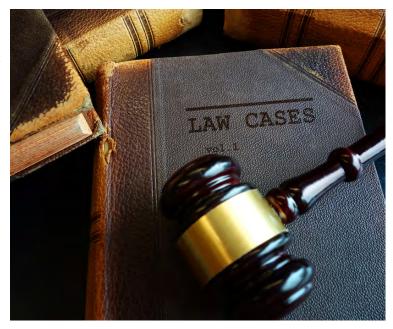
continued ...

The Supreme Court affirmed and the stated that a plain reading of the statute provides that the legislature intended for the statute to be applicable only at an arraignment. The Court went onto to find that recent amendments to the section in question confirms the limited scope of the admonishment requirements.

Possession of Weapons

People v. Wise, 2021 IL 125392

The Illinois Supreme Court held that the State failed to prove the defendant guilty of unlawful possession of a firearm by a felon when a police officer discovered a handgun in a minivan which was being driven by the defendant and occupied by three other individuals.



The police officer observed the minivan traveling twenty miles over the posted limit and initiated a traffic stop. The defendant admitted to the officer he had been speeding but when the officer detected the odor of cannabis emitting from the minivan he proceeded to conduct a probable-cause search of the vehicle. The officer then discovered a handgun in the rear passenger compartment of the van, inside a glove which was not in plain view of the defendant. The defendant informed the officer that he was not the owner of the vehicle. The defendant was subsequently charged with unlawful possession of a firearm by a felon.

During a bench trial, the trial court found the defendant guilty. The defendant appealed arguing that the statute required possession of the weapon be on or about his person or his abode. The Appellate Court agreed with the defendant and vacated the judgment.

The Supreme Court granted the State's petition for leave to appeal. The Court, in interpreting the statute, focused on the phrase "on or about his person" contained within. The Court found that the use of a vehicle does not place a defendant in possession of everything within the passenger side of the vehicle. Therefore, the Court affirmed the Appellate Court's decision of vacating the trial court's judgment.

Proper Venue for Identity Theft

People v. Bochenek, 2021 IL 125889

The Illinois Supreme Court determined that for identity theft, venue was proper in both the county where the defendant's acts occur and the county where the victim resides.

The defendant was found guilty of identity theft when he knowingly used another person's credit card information to make a purchase without authorization. The illicit activity occurred in Lake County. The victim was a resident of DuPage County where the defendant was charged and convicted. Prior to the commencement of trial, the defendant argued that the statutory venue provision was unconstitutional.

Article I, section 8 of the Illinois Constitution provides that the accused has a right to be tried by a jury of the county where "the offense is alleged to have been committed." The trial court found that the section in question was not unconstitutional. The ruling of the trial court was upheld by both the Appellate Court and the Illinois Supreme Court.

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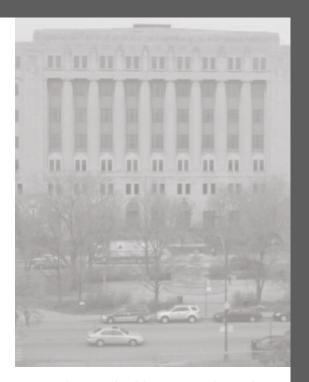
HISTORY



by: Paul Plotnick & the Parrot

I became an Assistant Public Defender in 1975. I spent my first year in Juvenile Court, where I tried a variety of cases, including murder cases. I realized right away, that in Juvenile Court, It was, "sink or swim." To illustrate, you were assigned to a court room with very little training, and you started out doing probable cause hearings. If you were any good, you were promoted and assigned to a delinquency court room.

In 1975, felony jurisdiction was transferred to the suburbs. Previously, felony cases were presented to the Grand Jury, and the cases were assigned to 26th and California. There were no suburban courthouses yet, except for the Maywood Courthouse. At the time, the courts were located at the police stations.



An opportunity opened for me in the Third District, where the headquarters was in Niles, in a building on Touhy and Milwaukee (the building is no longer there). I "rode the circuit," going from district to district. Each town had court in the police station or a municipal building. Schaumburg held court in a barn.

Soon, I had the opportunity to become an Assistant Public Defender ("PD") in the Second District, headquartered in Skokie. The felony court was in the Evanston Police Station. There were only four PDs for the entire District. Our office was a desk in the clerk's office. On Fridays, arraignments were heard, and all of the in-custody defendants were placed into one little cell in the Sheriff's office. There was one jury courtroom for the entire district., and that was the courtroom to which I was assigned, so I tried every jury in the district, including murder. The jurors had to walk through the Sheriff's office past the cell, to a separate room, off of the court room. Courtroom personnel had to make sure jurors did not see the prisoners.

At the time, jury trials in the Second District took place in a room in the basement, next to the motor pool. This was a true basement, with overhead pipes and no windows. Juries sat on school chairs with an attached desk on one side, and the judge sat behind a desk, like a teacher. During trials, as people started their cars, we all just tolerated the noise and the smell of gasoline, and continued trying cases. During my tenure as a PD in the Second District, the main courthouse moved to 2100 Ridge in Evanston, which had previously housed a closed Catholic Girl's School. Today, it is the Evanston City Hall. We still only had one courtroom in Evanston, but I had an office.

Civil cases were heard once a week, as everything was located downtown, including many of the law firms. The suburban attorneys all knew one another and were a close-knit group. I was asked to join the North Suburban Bar Association ("NSBA"), which met once a month in the Women's Club of Evanston on Chicago and Church (now it is a parking lot). At all NSBA meetings, a speaker presented. I remember Judge Harold Sullivan, the Chief Judge of the Second District, talking about the new Skokie Courthouse that was going to be built. Over the years, the NSBA stopped meeting at the Evanston Women's Club, and began to met at various restaurants, including Tower Garden, Hackneys, the original Wilmette Golf Course, Jacks, The Bagel, The Happ Inn and Maggiano's .

The NSBA eventually switched to meetings at the Tower Garden Restaurant in Skokie. Soon, however, the NSBA started to lose momentum, as members stopped showing up for meetings. Matt Saleita, a lawyer who lived in Highland Park, called a meeting at his house and energized the NSBA. New members began joining. Matt saved our association.

The NSBA had no administrator, and whomever was President at the time, ran the club from their office, and usually picked the restaurant where we met. The exception was L. Sanford Blustin, who ran the club from his office in Lincolnwood. He loved taking pictures and was a great recorder of the members and history of the club. We now give an award in his name, which originally went to a lawyer who was selfless and dedicated to helping people and the NSBA.

I wish to thank Buddy, my parrot, for his contributions to this article. Stop by an NSBA zoom meeting and say, "hello," to Buddy, an honorary member of the NSBA.

SECOND DISTRICT INFORMATION:

Web site to search case/call line numbers for daily call http://www.cookcountyclerkofcourt.org/CourtCaseSearch/CourtCaIISearch.aspx

SKOKIE ZOOM INFORMATION

Courtroom #	ZOOM ID#	ZOOM Password
102	994-3602-5343	756943
104	910-7264-7468	228880
105	350-745-268	105105
106	999-5924-9595	565680
107	910-9170-2089	617648
108	151-027-649	108108
202	925-0801-8507	202202
203	929-8905-6499	016574
204	987-2803-9610	204204
205	938-4189-3012	104531
206	989-3801-1005	632187
207	999-3765-7109	197873
208	964-4905-8153	208208
209	917-8494-3592	829093

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Rooms 101 and 103 are used only for parties/defendant's to participate via Zoom.

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Civil

SkokieDist2CivilServices@CookCountvCourt.com

Criminal

SkokieDist2CrimServices@CookCountvCourt.com

Felony Courtrooms

Room 107

D2crt107Orders@CookCountyCourt.com

Room 108

D2crt108Orders@CookCountyCourt.com

Felony Courtrooms

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D2crt206Orders@CookCountyCourt.com

Room 207

D2crt207Orders@CookCountyCourt.com

Room 208

D2crt208Orders@CookCountvCourt.com

Room 209

D2crt209Orders@CookCountvCourt.com



LOOKING FOR NEWSLETTER SUBMISSIONS

by: Judge James Allegretti

I am the editor of our bar newsletter and want to add information about our members to every newsletter. That includes anything you think is important: court victories, births, weddings, office events, birthdays, anniversaries, new hires, new jobs, new accomplishments, or anything else you want to tell us. Big event or little, it doesn't matter.

Please include pictures whenever you can along with the phone number that I can call if I need additional information.

Don't worry about the format. We will adjust it to fit into the newsletter.

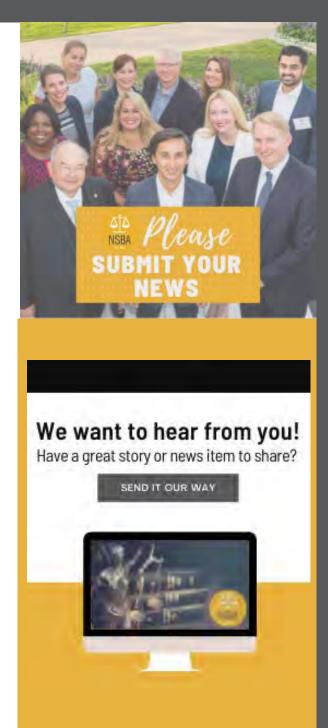
Please send your information to me:

Judge James Allegretti

It is my plan to include regular updates on the goings-on in the second district, as well. I am also looking for any articles that you have written on any legal issues important to you or your practice.

Do not send any documents relating to cases you may have pending before me to this email address. Please use the appropriate email address for room 204.

Thank you for helping to make the North Suburban Bar Association one of the best and fastest growing bar associations in the area.





The NSBA is proud to have as part of our activities an excellent Continuing Legal Education (CLE) program. In the past, we have been fortunate to have experts in many fields make presentations. We are considering new and relevant topics, including the changing law regarding cannabis in Illinois, Covid-19 and its effects on the law, social and racial justice issues and the law, the new procedures (Zoom, distancing, etc.) implemented by area courts and how they will be handled going forward. We would like to hear feedback from our members both as to what topics we should present, and if there are members with particular interests and expertise that you would like to share and would be beneficial to NSBA members. Please contact MK Gamble (mail@mkgamble.com) with ideas, suggestions, and interests so we may have productive and entertaining CLEs going forward.



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