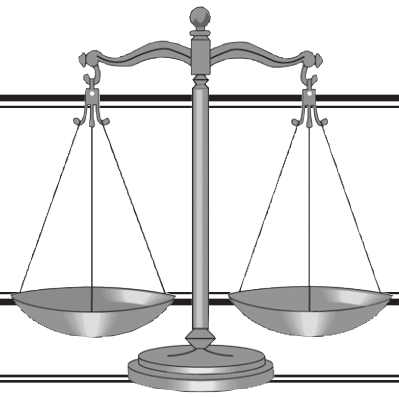

In Brief



February 2010



ISBA President, John G. O'Brien; Katherine M. Keefe, McHenry County Circuit Clerk; MCBA President, Angela C. Thuma; and James "Dan" Wallis, Court Administrator, gather before the General Meeting & Luncheon, January 26, 2010.

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Unauthorized Practice of Law
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**2010
CALENDAR
of Events**

Annual Meeting June 22, 2010
Golf Outing Aug 6, 2010
Cubs vs. Brewers, Miller Field Sept 10, 2010
Judges' Picnic & Softball Game Sept 17, 2010
MCBA Holiday Party Dec 3, 2010

Deadline for submitting
articles, news, and advertisements
for the May issue of **In Brief** is
April 15, 2010.

In Brief is the official quarterly newsletter of the McHenry County Bar Association.

Margaret Bengtson, Editor
McHenry County Bar Association
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Woodstock, IL 60098

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President's Page

by Angela C. Thuma, MCBA President 2009-2010
McHenry County Bar Association



Angela C. Thuma

Happy New Year and welcome to a new decade. Looking back on the last ten years, our world has changed immensely. The United States has been at war since 2001, the real estate market has collapsed and the unemployment rate is at all time highs. We, as attorneys, have not been shielded by these changes. We have less clients, we have less clients who can pay and we have less income to pay ourselves and our employees. As a result, I am sure we have all noticed attorneys' faces in courtrooms where we have never seen them before. Criminal law attorneys in family court, family law attorneys in traffic court, real estate attorneys in any courtroom where they can find business. As attorneys in McHenry County, it is important that we carefully address this change in the courtroom environment on an ethical and civil level. This should be done in two ways. First, we need to address how we treat these "strangers," to what we consider our courtroom and second, we need to address how these "strangers" are meeting their professional responsibility obligations to their clients.

The first way we need to address the issues of "strangers" in the courtroom is how we, as McHenry County attorneys, treat these "strangers." By "stranger," I am referring to attorneys who do not normally practice law in the courtroom where you are practicing, but it can also apply to any attorney you do not know. They could be an out of county attorney, a newly licensed attorney or an attorney you have not worked with in the past.

First, all attorneys should be treated with respect. This means treat them as you would an attorney who has been in the courtroom for as long as you can remember. Second, help the "stranger" learn the ropes of practicing law in McHenry County. By this, I do not mean telling them what the law is or to do anything which would hinder or interfere with the representation of your own client. What you can do is inform them of courtroom procedure, i.e. when an Agreed Order can be handed to the clerk rather than the judge, that a prove-up in divorce cases should be done quickly and last no more than ten minutes and that there are local rules which govern each of the courtrooms. Informing the "strangers" of these aspects of practicing law in a different courtroom, or as an attorney who is new to McHenry County, will help the courtrooms run smoother and therefore, make us all waste less time sitting around waiting and spend more time actually working.

The second way we need to address "strangers" in the courtroom is by ensuring we are all meeting the professional responsibility we have to our clients. As we all know, now that we are all in our second reporting period, all Illinois attorneys are required to have a certain number of continuing legal education hours per reporting period. For this reporting period July 1, 2008 – June 30, 2010 for the first half of the alphabet and July 1, 2009 – June 30, 2011 for the second half of the alphabet, we are required to have 24 total continuing legal education hours, including four (4) hours of ethics. For the next reporting period, July 1, 2010 – June 30, 2012 and July 1, 2011 – June 30, 2013 and all subsequent reporting periods, we are required to have 30 continuing legal education hours, including four (4) ethics hours.

Up to this point what seminars we attended or when we took them, as long as we met the hours required, did not matter. This is not the case anymore, now that many attorneys are practicing law in areas they may not be as familiar with. We have an obligation to our clients to understand the law and adequately represent them. According to the Illinois Rules of Professional Conduct, Rule 1.1, "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." As a result, it is imperative that we take our continuing legal education requirement seriously and go into the courtroom with confidence that we can represent our clients even in a strange courtroom. The McHenry County Bar Association's goal is to provide seminars which will not only meet the continuing legal education requirements, but will assist our members in practicing law. Therefore, I ask you to read your emails, read your newsletters and take advantage of the programs the Bar Association is providing. Hopefully, if we all do this, there will not be any more strangers in the courtroom.



The McHenry County Bar Association is seeking nominations of member attorneys for the 2010 **Distinguished Service Award**. MCBA presents this award each year to a McHenry County attorney in recognition of dedicated service and contributions to the citizens of McHenry County. Please contact the MCBA Office for a nomination form. Forms are also available on our website, www.mchenrycountybarassoc.org.

The McHenry County Bar Association is seeking nominations for non lawyers for the **2010 Liberty Bell Award**. The award is given each year to an individual or organization who:

A. has promoted a better understanding of the rules of law or who has promoted a greater respect of law and the courts; or

B. has stimulated a sense of civic responsibility or contributed to good government and the community.

Please contact the MCBA office for a nomination form. Forms are also available on our website, www.mchenrycountybarassoc.org.

As part of the McHenry County Bar Association's celebration of Law Day 2010, we will organize member-attorney visits to McHenry County 4th & 5th grade classrooms. The attorney will either conduct a mock trial with student and teacher participation or answer questions from students about the legal profession. School visits will take place from Monday, April 12, 2010 through Friday, April 23, 2010, at a mutually agreed upon time. The presentation will be up to one-hour in length.

If you are interested in volunteering for the program, please contact Mary Nader at (815)385-2200.

2010 Law Day Ceremony & Luncheon

Law in the 21st Century: Emerging Challenges and Enduring Traditions

Friday, April 30, 2010

Law Day Ceremony - 11:00 am

McHenry County Government Center
Courtroom 204

Luncheon - 12:00 pm

Bull Valley Golf Club
1311 Club Road, Woodstock

Luncheon Speaker:

Professor William B.T. Mock, Jr.

Professor, The John Marshall Law School



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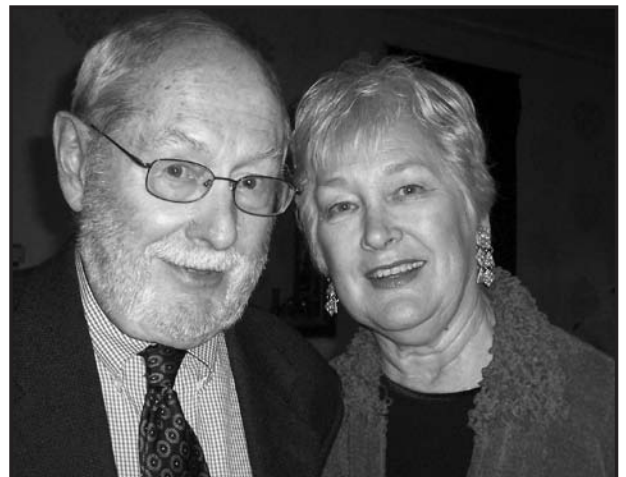
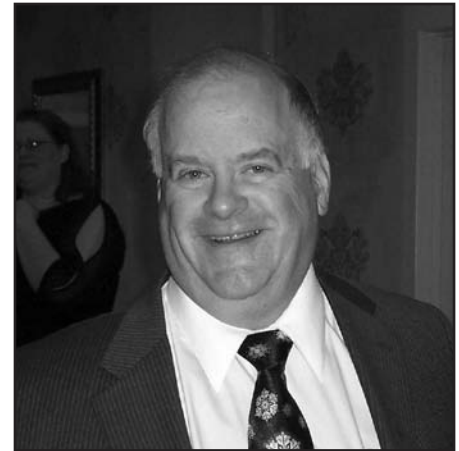
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*McHenry County Bar Association
Holiday Party*

December 4, 2009

Pirro's Restaurante, Woodstock





With Appreciation...

...to our celebrity piano player, Patrick McAndrews.

...to those that contributed to the donation for Prairie State Legal Services.

...to the "Secret Santas" that subsidized the bar bill for the evening.

...to Jennifer Johnson, Zancz, Coen & Wright, P.C. and Cynthia Schaupp, State's Attorney Office, for organizing the event.

Family Division Update

Family Division Update

By Judge Mike Chmiel

As with every turn of a calendar page, a new year brings new challenges for the Family Division of the Twenty-Second Judicial Circuit. Juvenile filings have fallen, while divorce filings have risen. Notwithstanding perceived improvements in the processing of cases, statistical analysis will work to hopefully confirm the same. Seventeen-year-olds who commit misdemeanors are now considered to be juveniles. Attorneys who represent children and mediators are reminded of their specific continuing education requirements, while mandatory judicial education will summon each judge for a week of education this year. And, as always, local rules (along with common courtesy) can work if given a chance.

At the end of 2009, according to the reporting of the Circuit Clerk, filings in the Division were down by eighty cases in comparison to the previous year. This decrease in filings largely involved the juvenile portion of the Division where delinquency (“JD”) filings dropped by 25% to 246, abuse and neglect (“JA”) filings dropped by 27% to 66, and adoption (“AD”) filings dropped by 10% to 26, while miscellaneous juvenile (“JV”) filings rose by one to ten. Divorce (“DV”) filings actually rose by 4% to 1,273 filings in 2009 (up from 1,221 filings in 2008), order of protection (“OP”) filings rose by 1% to 700, and miscellaneous family (“FA”) cases dropped by 10% to 283.

As 2010 begins, the processing of cases seems to be going well in each courtroom of the Division. The Integrated Court Management System is helping, with new features being added and others anticipated. However, few timelines actually exist under law for completing cases. Most timelines actually apply to cases in this Division. Such cases largely involve children. Other than these, the American Bar Association has published timelines, but the same operate as mere suggestions. Over the course of this year, the Division will continue to work to analyze its operations, but will also work to establish certain goals for the handling of all cases in the Division.

As of January 1, 2010, Public Act 95-1031 requires 17-year-old individuals who are charged with misdemeanors, to be treated as juveniles. A contemporaneous felony charge brings treatment as an adult. (To the extent any felony charges are negotiated away or not proven, while a misdemeanor charge is admitted, stipulated, or otherwise proven, juvenile sentencing options are employed as well.) Theoretically, this legislative change will continue to work to reduce recidivism. Hopefully, the drop in the juvenile delinquency filings in this Circuit will continue to evidence this.

The Division recognizes the work of those who represent children as an attorney, guardian ad litem, or child representative, and further, the work of those who mediate disputes involving children. Children typically get involved in litigation through no fault or desire of their own. The judicial system has come to rely upon those who do such work. Too often, such work goes without monetary compensation by agreement or acquiescence. Notwithstanding the same, to insure the voice of children is properly handled, the rules which govern practice in such areas require specialized education every two years - ten hours in the case of those who represent children (see Local Rule 11.04(c)(3)), and six hours in the case of those who mediate (see Local Rule 18.04(c)). In the spring of 2010, the Division will work with its counterpart in the Nineteenth Judicial Circuit and the bar associations to provide opportunities for such education for those who represent children. In January of 2010 and later in the year, the Family Mediation Advisory Council of the Circuit will work to provide training for mediators.

(Continued on the following page.)

Family Division Update (continued)

The judiciary is not immune from the obligation for continuing education. As with the above-noted specialized education, or the minimum continuing legal education required by the Supreme Court of Illinois, judges of the State are required to attend at least thirty hours of continuing education every two years. The Administrative Office of the Illinois Courts typically coordinates a mandatory education conference in the first half of each even-numbered year. Roughly, half of the judiciary will attend this conference in the first week of February, while the other half will attend in the third week in April. Such education will enable the Division to compare and contrast best practices with other judges throughout the same, with hopes of further improving the handling of cases here.

The Local Rules of the Circuit were inspired by those of other Circuits which existed before this Circuit was created in 2006, along with the directives of the Supreme Court of Illinois and the suggestions of Illinois General Assembly. In some cases, they exist because they are required; in most cases, they exist with an eye toward helping the processing of cases. Part 18 of the Local Rules governs mediation in the Division. Mediation can be used with any issue by agreement, and is otherwise mandated with regard to contested issues of parental responsibility, custody, visitation, and access to children (unless deemed ineligible). The Division gets frustrated when mediation is not engaged fully and in good faith (which actually violates the Local Rules). This year, the Family Mediation Advisory Council will work to review the actual role of mediation in the Circuit, along with the continuing desire for mandatory mediation.

Finally, since January 1, 2010, attorneys licensed to practice before the Court have operated under new rules of professional conduct. To the extent practitioners have not studied (or at least read) the same, they are encouraged to do so. They can be found, with helpful commentary and analysis, at the website of the Attorney Registration and Disciplinary Commission – www.iardc.org. One constant under the rules has been a theme which calls for common courtesy between and among litigants and their attorneys. Acrimony between parties is understandable, but acrimony between professionals representing others should never be engaged. All should appreciate the role of each other, including the Court which sits to handle certain things it must (like the dissolution of the bond of a marriage) and other things which fall into dispute.



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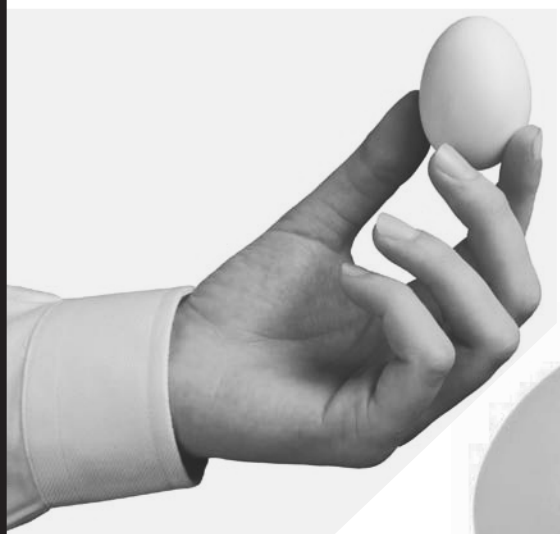
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New Members

John A. Stefani (“Jay”) is an Associate at Joseph, Lichtenstein & Levinson, having joined the firm in 2005. He received his law degree from DePaul University college of Law in 2004. Jay concentrates in the fields of personal injury, wrongful death, nursing home abuse and neglect, and medical malpractice.

Jay and his family recently moved to Cary.

Jay is actively involved with DePaul University’s Alumni Sharing Knowledge (ASK), acting as a mentor within the DePaul University and College of Law communities.

Memberships

- Chicago Bar Association
 - Solo/Small Firm Practitioners Committee
 - Legislative Liaison
 - Law Practice Management & Technology Committee
- Illinois State Bar Association
- Illinois Trial Lawyers Association
- American Association for Justice



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MCBA Member News

Dennis R. Favaro of Favaro & Gorman, Ltd. recently concluded representation of a former employee in a Qui Tam/False Claims Whistleblower action resulting in a twenty-five million dollar settlement. The settlement resolves procurement fraud allegations that the Department of Defense was falsely billed by the employer over a number of years. Favaro's client had been fired on a pretext in 2000. He was later rehired, but secretly cooperated undercover with federal authorities.

Favaro & Gorman, Ltd., with offices in Cook and McHenry Counties, concentrates in employment law and relation litigation.

For more information about this case, a detailed press release and copy of the complaint originally filed under seal can be accessed at www.prforlaw.com.



MCBA Announces the Formation of a Criminal Law Section

In keeping with our mission, "... to promote the common interest of the members of the bar; to improve through self-education..." the Board of Governors of the McHenry County Bar Association has elected to explore the formation of a Criminal Law Section. The trial period will be from January-May 2010. At that point, the Board will assess the membership interest and if it proves to be successful, will present it as a bylaws amendment at the Annual Meeting in June 2010.

The Criminal Law Section will be lead by Chairperson, Jamie Wombacher, Gummerson Rausch Wand Gray Wombacher, LLC. The section will hold monthly lunch meetings the first Tuesday of the month, September- May.

Please contact the MCBA office if you would like to be on the Criminal Law database. During the trial period, there will be no additional dues assessed.

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MCBA Member News (continued)

ISBA Recognizes 1959 Class of Senior Counsellors

ISBA President John O'Brien and the Illinois State Bar Association recognized the 1959 Class of Senior Counsellors of the ISBA on Wednesday, December 9, 2009, at the Sheraton Chicago Hotel & Towers, Chicago. MCBA would like to acknowledge McHenry County attorneys **William J. Elman**, Harvard; **William M. Franz**, Crystal Lake; **H. Joseph Gitlin**, Woodstock; and **Luther G. McKinney**, Wonder Lake, for this achievement.

Melinda E. Appelman announces the re-location of her law practice and the opening of her new law office. Effective December 1, 2009, the Law Office of Melinda E. Appelman, P.C. is located at 101 North Virginia Street, Suite 220, Crystal Lake, IL 60014; Phone: (815)356-3089; Fax: (815)459-9660.

Press Release

The partners at Weisz Botto & Gilbert, P.C. are pleased to announce the renaming of the firm as of January 1, 2010. Our new name is: **BOTTO GILBERT SCHOTTLAND & ANDRLE, P.C.**

This change reflects a break from the past as well as an aggressive step toward the future. Our firm was formed in 1981 by attorneys Daniel L. Weisz and son Mitchell L. Weisz. The firm grew in stature under their leadership into one of the largest and most respected firms in McHenry County. They led by example with their work ethic and dedication to their clients.

With the passing of Mr. Daniel L. Weisz in 2005 and Mitchell's retirement from the practice of law in 2006, the firm started a new era. Still, the firm has strived to continue to honor their legacy of earning our client's trust with high quality legal work.

James H. Andrle and **Carolina A. Schottland** joined the firm at the start of their legal careers, in 2001 and 2003 respectively. The firm provided them with a platform to learn and grow their legal careers, and they have repaid the firm by becoming well respected leaders in their fields of practice. They represent the bridge between the past and the future, and this well deserved recognition is a statement of trust in their ability to successfully carry on the firm's legacy.



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Case Number: 04LA164
Plaintiff: Deborah Podraza
Defendant: City of Woodstock
Plaintiff's Attorney: Baudin & Baudin
Defendant's Attorney: Ancel, Glink, Diamond,
Bush, Dicianni & Kraftthefer, P.C.
Trial Date: 9/28/09-10/1/09
Judge: Thomas A. Meyer
Verdict: Defendant, Not Guilty

Case Number: 08LA136
Plaintiff: Teresa Molander
Defendant: Ramon Dropp
Plaintiff's Attorney: Weisz, Botto & Gilbert, P.C.
Defendant's Attorney: James M. Hoffman &
Associates
Trial Date: 10/26/09-10/27/09
Judge: Thomas A. Meyer
Verdict: Defendant, Not Guilty

Case Number: 07LA394
Plaintiff: Amy Rosenthal
Defendant: Katherine M. Finn
Plaintiff's Attorney: Madsen, Sugden & Gottemoller
Defendant's Attorney: Thomas L. Burdelik &
Associates
Trial Date: 11/04/09-11/04/09
Judge: Michael W. Feetterer
Verdict: Plaintiff
Gross Verdict: \$47,500.00
Net total verdict: \$ 47,500.00

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MCBA Calendar of Meetings & Events

Date	Event	Location	Time
February 2010			
2	Criminal Law Section Meeting	Coleman & Company	noon
2	Law Day Planning Committee Meeting	Government Center	8:15am
9	Family Law Section Meeting	Pirro's Restaurante	noon
12	Lincoln's Birthday		
15	President's Day Holiday		
16	Board of Governors Meeting	Pirro's Restaurante	noon
23	General Meeting & Luncheon	Pirro's Restaurante	noon
March 2010			
2	Criminal Law Section Meeting	Coleman & Company	noon
2	Law Day Planning Committee Meeting	Government Center	8:15am
9	Family Law Section Meeting	Pirro's Restaurante	noon
16	Board of Governors Meeting	Pirro's Restaurante	noon
23	General Meeting and Luncheon	Woodstock Country Club	noon
April 2010			
6	Criminal Law Section Meeting	Coleman & Company	noon
6	Law Day Planning Committee Meeting	Government Center	8:15am
13	Family Law Section Meeting	Pirro's Restaurante	noon
16	Law Day High School Program	McHenry County College	8:00am-noon
20	Board of Governors Meeting	Pirro's Restaurante	noon
30	Law Day Ceremony and Luncheon	Government Center & Bull Valley Golf Club	11:00am

McHenry County Bar Association

110 South Johnson Street, Suite 211

Woodstock, Illinois 60098

