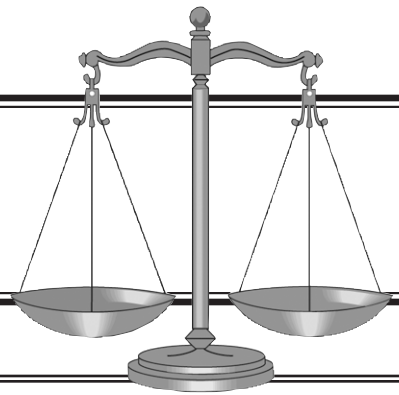
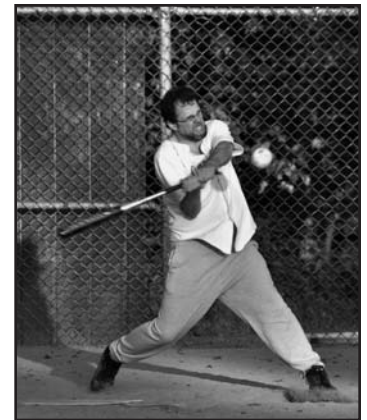


In Brief



November 2009



**McHenry County Bar Association
Annual Judges' Picnic & Softball Game
September 11, 2009
Veterans' Acres, Crystal Lake**



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Deadline for submitting
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January 15, 2010.

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

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President's Page

by Angela C. Thuma, MCBA President 2009-2010

McHenry County Bar Association



Angela C. Thuma

I am writing my newsletter article in recognition of Domestic Violence Month, which took place in October. It is important for all of us to be aware of the realities of domestic violence and its effect on all of us.

Imagine every day in your home you are either hit, punched, called names or threatened to have your children taken away from you. Imagine not feeling safe in your own home. Imagine feeling like this home is the only place where you have a roof over your head and food on the table for you and your children, so you stay because you have no choice. You may not be able to understand this or it may seem unbelievable. This, however, is the reality for victims of domestic violence. Everywhere, all across the world, the United States, the State of Illinois, McHenry County and even in your neighborhood, there are victims of domestic violence. Victims of domestic violence are young, old and middle aged. They are men, women and children. They are Caucasian, African American, Asian and Hispanic. They are poor, rich and middle class. They are husbands, wives, brothers, sisters and friends. They may even be you. Through all these differences though, there is one common theme, victims of domestic violence are being abused by someone who is supposed to love and care for them. However, with everyone's assistance, domestic violence can be limited or eradicated.

What can we as members of the McHenry County Bar Association do to better understand domestic violence and what can we do to help victims of domestic violence? The first thing we can do is become educated. To become educated, it is first important to understand what is considered abuse. Abuse can be physical or emotional. It can be direct or indirect.

At the last McHenry County Bar Association lunch, Dawn Koch, a victim's advocate from Turning Point spoke on the cycle of violence and the changes to the Order of Protection Law, which will take place January 1, 2010. The cycle of violence consists of three phases: the tension-building phase, the acute battering incident and the affectionate, remorseful, loving, honeymoon stage. Without intervention, the cycle will continue and the abuse will become more severe.

Under the current Order of Protection Law, victims of stalking are unable to obtain an Order of Protection unless they have a domestic relationship with the stalker or have suffered an attack. Domestic relationship means living in the same household or having a familial relationship or having a boyfriend/girlfriend relationship. Starting January 1, 2010, a victim will be able to obtain an Order of Protection against anyone who intentionally, knowingly or recklessly engages in repeated and unwanted contact with them or a member of their immediate family or household. The requirement of a domestic relationship between the stalker and the victim will be removed. An additional change to the domestic violence law is that parolees accused of domestic violence will be automatically arrested for violating their parole. The hopes of these changes to the domestic violence laws are to protect the victims.

The key word that we must all understand is victim. The victims of domestic violence are the victims, not the one to blame; not the one who has to explain why they stay or why they return, if they do decide to leave. Simply deciding to stay, or return, after they leave, does not grant the perpetrator of the abuse permission to continue to abuse. The perpetrators are breaking the law. They are hurting the person they are supposed to love. The perpetrator is the one who should explain his or her actions. The question we ask should not be why do you stay? The question we ask should be why do you abuse? The question we ask should not be why do you return? The question we ask should be why do you continue to abuse? Instead, we, as a society and the media, look to blame the victim, as if they deserve to be abused because they stayed. Maybe they stayed because they needed food. Maybe they stayed because they needed a roof over their head. Maybe they stayed because the perpetrator threatened to take away their children. It is important for us to understand that it does not matter why.

Along with becoming educated, as members of the McHenry County Bar Association, we can help victims of domestic violence by supporting agencies that provide services to victims and perpetrators of domestic violence. We can encourage our clients, victims or perpetrators, to obtain services from these agencies. We can also make a decision to only obtain Orders of Protection for our clients or encourage our client only to obtain Orders of Protection for themselves, when it is necessary to protect them or their children, and not to get a "leg up" in a custody battle. When Orders of Protection are obtained for ulterior motives, it waters down the meaning and the effectiveness of Orders of Protection and the domestic violence laws. The laws intending to protect the victims end up being used as swords instead of shields. As attorneys, we can assist victims of domestic violence by using the Order of Protection as a shield and by using the domestic violence agencies to help our clients.

Domestic violence remains a reality that we as members of the McHenry County Bar Association can continue to become educated about and supportive of the victims. We can also help our clients who are perpetrators get the help they need so the cycle of violence can end. Now, that October, Domestic Violence Awareness Month, is a month of the past, we must remember that with the change in the calendar, domestic violence does not disappear, but is a reality that we can all help to eliminate.



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CHANGE IN ILLINOIS INCOME TAX LAW THAT IMPACTS SERVICE PARTNERSHIPS AND LLCs

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Phone (312) 977-4404

The Illinois income taxation of "Service Partnerships" (any partnership or limited liability company primarily engaged in providing personal services, such as the practice of law, accounting, consulting, engineering, or medicine) has changed dramatically with the enactment of the Emergency Budget Implementation Act of Fiscal Year 2010, L. 2009, S1912 (P.A. 96-45), effective July 15, 2009 (hereinafter the "2010 Budget Act"). Prior to the 2010 Budget Act, any Service Partnership, in calculating its liability for Personal Property Replacement Tax, was able to claim a deduction for a reasonable allowance for compensation paid for services rendered to the Service Partnership by its partners or members. Now, pursuant to Section 5-45 of the 2010 Budget Act, the Service Partnership will only be able to deduct the amount of any "Guaranteed Payments" made by the Service Partnership to its partners or members.

The term "Guaranteed Payment" is defined in Section 707(c) of the Internal Revenue Code to mean any payment made by a partnership to one of its partners for services or for the use of capital, but only if and to the extent that the payment being made by the partnership to the partner is determined without regard to the income of the partnership.

For a Service Partnership that maintains its books and records, and files its income tax returns, using the cash basis method of accounting (a "Cash Basis Service Partnership"), this change in Illinois income taxation may come as a big surprise. The reason is that, pursuant to Treasury Regulations §1.707-1, a Cash Basis Service Partnership will only be able to deduct, for any particular fiscal year, those Guaranteed Payments which are actually paid by the Service Partnership to its partners or members during that fiscal year.

Note that, for many, if not most, Service Partnerships, this change in Illinois income taxation is already effective, because Section 5-45 of the 2010 Budget Act applies to the first fiscal year of the Service Partnership that ends on or after December 31, 2009. Thus, if a Cash Basis Service Partnership maintains its books and records, and files its income tax returns, on the basis of the calendar year, this change in Illinois income taxation will apply to the Service Partnership's fiscal year that began on January 1, 2009, and that will end on December 31, 2009. Accordingly, the Cash Basis Service Partnership would only be able to deduct those Guaranteed Payments which are actually paid to its partners or members during the period of time that starts on January 1, 2009, and that ends on December 31, 2009.

RECOMMENDATIONS

If a Cash Basis Service Partnership wants to reduce substantially the risk that the Illinois Department of Revenue (the "Department") may contend that some or all of the amounts paid to its partners or members fail to satisfy the requirements for being valid Guaranteed Payments, then the following actions would be recommended:

- (a) The partnership should determine, substantially before the end of its fiscal year, the amount of the Guaranteed Payment, if any, which is to be paid by the partnership to each of its partners or members.
- (b) The partnership should take reasonable steps in order to be able to prove that the partnership did, in fact, determine, substantially before the end of its fiscal year, the amount of the Guaranteed Payment, if any, which is to be paid by the partnership to each of its partners or members.
- (c) The Partnership should arrange its financing of its Guaranteed Payment obligations substantially in advance of the required payment date, in order to avoid any assertion by the Department of the use of "Circular Cash Flows" (a series of related financial transactions which are often ignored for income tax purposes, involving identical or substantially similar amounts of cash being transferred among two or more persons, but with the effect being that the economic position of each person is essentially the same both before and after these financial transfers).
- (d) The amount of the Guaranteed Payment to be made by a Service Partnership to any of its partners or members should be based on the value of the services of that partner or member to the Service Partnership, and not based on that partner's or member's share of the projected income of the Service Partnership.
- (e) Each partner or member of the Service Partnership that is entitled to receive a Guaranteed Payment should be required to execute an agreement with the Service Partnership that addresses what will happen if the partner or member (i) withdraws or is expelled from the Service Partnership, or (ii) receives Guaranteed Payments in excess of his or her share of the income of the Service Partnership, or (iii) receives aggregate payments from the Service Partnership which are less than the amount of the Guaranteed Payment promised by the Service Partnership to that partner or member.

DISCLAIMER: *The information contained in this article constitutes the view of the author with respect to the various issues discussed herein, and is not intended to be, and should not be construed as, legal advice.*

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Law Day 2010

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

As we begin the second decade of the twenty-first century, the law is changing dramatically as it seeks to shape and adapt to new conditions. Economic markets are becoming global, transactions require cultural adaptation and understanding, populations are more mobile, and communication technologies such as the Internet bridge distances and time zones to form new communities around the world. In such a world, all of us must renew our commitment to the enduring principles of law, become knowledgeable about other legal systems, recognize the need to adapt our practices, and acquire new cultural understandings. In a global era, matters such as human rights, criminal justice, intellectual property, business transactions, dispute resolution, human migration, and environmental regulation become not just international issues - between nations - but shared concerns. Law Day 2010 provides us with an opportunity to understand and appreciate the emerging challenges and enduring traditions of law in the 21st century. (American Bar Association)

Law Day Ceremony & Luncheon

Date: April 30, 2010

Speaker: William B.T. Mock Jr., Professor, The John Marshall Law School

At The John Marshall Law School, Professor Mock founded, and for nine years directed, the Center for International Business and Trade Law (then called the Center for International and Comparative Studies), as well as two LLM programs--the LLM in Global Legal Studies and the LLM in International Business and Trade Law. Professor Mock was a co-founder of the Journal of Computer and Information Law and has served as an advisor to the Jessup and Niagara moot court teams and the International Law Society.



Among his overseas responsibilities are aspects of John Marshall's relationships with law faculties in China, Italy, and Lithuania. Professor Mock publishes in the fields of information law and transparency, international law, and international trade law, and is a securities and commodities arbitrator. He recently was the scholar-in-residence at the law faculty of the University of Cagliari, Italy, and he has lectured in Belarus, China, the Czech Republic, Lithuania, and Poland.

Professor Mock joined the John Marshall faculty in 1983. He teaches Corporations, Agency, International Environmental Law, International Trade Law, and Public International Law. (Sources: www.jmls.edu/directory/mock_william.shtml; www.abanet.org/intlaw/pubs/TIL_EIC.html)

**VOLUNTEER ATTORNEYS NEEDED TO ASSIST THE CIRCUIT COURT IN
COMPLYING WITH PROCEDURES MANDATED BY THE
PARENTAL NOTICE OF ABORTION ACT OF 1995 (750 ILCS 70/25)**

As of August 4, 2009, after 14 years of litigation, the United States Court of Appeals for the 7TH Circuit in Zbaraz vs. Madigan, 572 F.3rd 370 (7th Cir. 2009), lifted the stay on the enforcement of the Parental Notice of Abortion Act of 1995.

Section 25 of the Act (750 ILCS 70/25) provides for a procedure by which petitioners (minors or incompetents) may petition the Circuit Court for a waiver of the Parental Notice requirement. Additionally, the Illinois Supreme Court has adopted Supreme Court Rule 303A which in paragraph (a) specifies the procedure for proceedings in the Circuit Court.

The statute requires that the Circuit Court rule on the petition seeking waiver of the parental notice requirement within 48 hours of the filing of the petition. The statute further requires that the Circuit Court appoint a guardian ad litem in all cases. The statute further requires that the court advise the petitioner of her right to court appointed counsel in all cases and shall provide her with counsel upon her request.

While the statute mandates court appointed counsel at the request of the petitioner, the statute provides no funding for payment of counsel appointed by the court. The statute further provides that no fee shall be required of a petitioner who avails herself of the procedures provided by the Act.

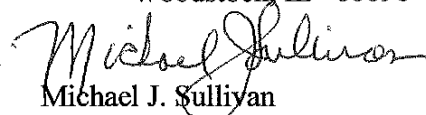
Because of the strict time requirements for these proceedings, and the inability to provide compensation for court appointed counsel, I have decided, on behalf of the Circuit Court of the 22ND Judicial Circuit, McHenry County, Illinois, to create a list of volunteer attorneys available to be appointed as counsel for a petitioner under Section 25 of the Parental Notice of Abortion Act of 1995. The volunteer attorneys must be willing to accept the appointment by the court without compensation and to undertake their duties in an expedited fashion as will afford the court the opportunity to conduct the hearing and issue the required ruling within the time requirements mandated by statute and Supreme Court Rule.

The list of volunteer attorneys will be maintained in the Office of the Chief Judge of the 22ND Judicial Circuit.

If you are willing to become a volunteer attorney available to be appointed by the Circuit Court without compensation to represent a petitioner seeking judicial waiver from the requirements of the Parental Notice of Abortion Act of 1995 under the conditions which I have outlined in this article, please send a letter to the address below indicating your willingness to so act and to give sufficient contact information. It is my hope that we will be able to maintain at all times a list of a minimum of ten volunteer attorneys so that a volunteer attorney would always be available and so that the burden is not placed upon one or two attorneys.

On behalf of the Circuit Court, I thank you for your cooperation with this request. Please send your letter indicating your willingness to act as a volunteer attorney to:

Office of the Chief Judge
22ND Judicial Circuit
McHenry County Government Center
2200 North Seminary Avenue
Woodstock, IL 60098


Michael J. Sullivan
Chief Judge
22ND Judicial Circuit

Parental Notice of Abortion Act

ADMINISTRATIVE ORDER NO. 2009-06 22ND JUDICIAL CIRCUIT McHENRY COUNTY, ILLINOIS

CONFIDENTIAL PROCEEDINGS UNDER THE PARENTAL NOTICE OF ABORTION ACT OF 1995 (750 ILCS 70/1 ET SEQ.)

In an effort to establish procedures in the 22ND Judicial Circuit, McHenry County, Illinois, which are in compliance with the requirements of 750 ILCS 70/25 and Illinois Supreme Court Rule 303A, and which are subject to the provisions and language of said statute and Supreme Court Rule, and further, to make the adopted procedures known to all who may be interested in same;

IT IS ORDERED that, effective October 7, 2009, the following procedures shall be in effect in the 22ND Judicial Circuit, McHenry County, Illinois:

I. Form of Pleadings

- (a) A Petition for Judicial Waiver of Notice under the Parental Notice of Abortion Act of 1995 shall be filed under the **FAMILY (FA)** case type category as provided by the *Manual on Recordkeeping* (2nd Edition, effective January 1, 1996, and revised August 3, 2009).
- (b) All proceedings under this Act shall be confidential. In all pleadings filed hereunder, the petitioner (minor or incompetent person) may initiate a proceeding to obtain a judicial waiver by filing a petition using a pseudonym or using solely her initials.
- (c) Due to the expedited nature of the proceedings, the petition shall contain allegations of ultimate facts which would support a finding by a preponderance of the evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently whether to have an abortion or that notification as required by 750 ILCS 70/15 would not be in the best interests of the petitioner.
- (d) There shall be no fee charged for the filing a petition under this statute.

II. Scheduling Hearing

- (a) Upon filing, the matter shall be assigned by the Clerk of the Court to the Juvenile Court call in the Family Division and the court file shall be immediately brought to the chambers of the Juvenile Court Judge or, in the absence or the unavailability of the Juvenile Court Judge, to the Judge designated as the back-up to the Juvenile Court Judge by Administrative Order for the purposes of scheduling proceedings in the case. Upon filing, the petitioner shall be instructed to proceed to the Court Administration Office for the purpose of receiving direction as to the further proceedings in this matter. The Court shall appoint a Guardian ad Litem for the minor or incompetent person. The matter shall be scheduled by the Court with precedence over other pending matters and, after consultation with the parties or their counsel, shall be set so that a written ruling on the matter can be entered within forty-eight (48) hours of the filing of the petition, weekends and holidays excluded. In order to preserve confidentiality and to expedite the proceedings, scheduling matters may be heard in chambers or conducted telephonically.
- (b) In the event the petitioner is acting pro se, the Court shall advise the petitioner that she has a right to court appointed counsel and the Court shall provide her with counsel upon the petitioner's request. Any delay in locating counsel at the request of the petitioner to be appointed by the Court to represent the petitioner may be considered as extending the time at petitioner's request for the issuance of a ruling in the matter.

Parental Notice of Abortion Act (continued)

III. Conduct of Hearing

(a) The hearing shall proceed in an expedited manner so the Court may issue its ruling within the time-lines established by the Legislature and the Supreme Court. The manner of conducting the hearing shall be left to the discretion of the Judge presiding in the proceedings. At the conclusion of the hearing, the Court shall endeavor to issue written and specific findings of fact and conclusions of law. If the Court is unable to enter its ruling at that time, it shall enter its ruling within forty-eight (48) hours of the filing of the petition, weekends and holidays excluded, unless the time for such ruling has been extended at the request of the petitioner.

(b) The failure of the Court to rule within the time provided by law shall be deemed a granting of the petition and a waiver of the statutory notification obligation. Upon application, the Court shall forthwith enter an Order reflecting this mandated result. A denial of the petition is a final and appealable Order.

(c) In compliance with the requirements of 750 ILCS 70/25(e) and Illinois Supreme Court Rule 303A(c), a record of the proceedings at the confidential hearing shall be maintained and available for transcription for purposes of appeal by the petitioner in cases where the Circuit Court denies the petitioner's request for a waiver of notice under the Parental Notice of Abortion Act of 1995.

IV. Duties of the Clerk

(a) As the proceedings are confidential, the Clerk of the Court shall impound these files and allow access only by the petitioner, her attorney, the Guardian ad Litem, and members of the judiciary and judicial staff.

(b) At the conclusion of the proceedings which result in a denial of the request for judicial waiver of parental notification, due to the expedited appeal process set by Illinois Supreme Court Rule 303A, the Clerk of the Court shall prepare the record for appeal within twenty-four (24) hours of the Court's ruling, weekends and holidays excluded. The record shall consist of any transcript of proceedings, a copy of the petition filed in the matter and any supporting documents, any additional pleadings filed by the Guardian ad Litem and/or petitioner's attorney, and a copy of the Court's ruling in the matter.

(c) If no notice of appeal is filed within thirty (30) days of the final Order, the Clerk shall seal such proceedings.

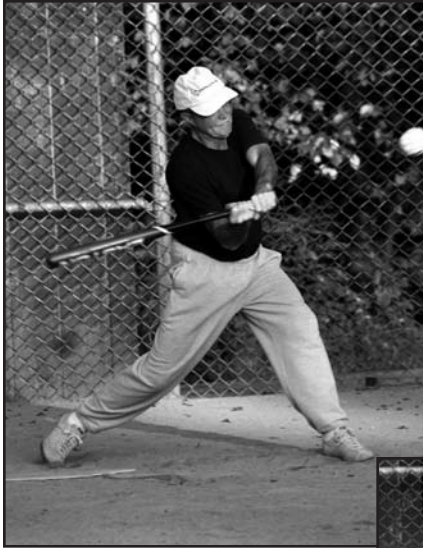
V. Guardian ad Litem/Court Appointed Counsel

(a) Unless unavailable due to a known conflict which would prohibit appointment, the Office of the Public Defender of McHenry County shall be available to be appointed as the Guardian ad Litem for any petitioner filing a petition under Section 25 of the Parental Notice of Abortion Act of 1995 (750 ILCS 70/25). In case of a conflict for the Office of Public Defender, the contract Special Public Defenders shall be appointed as the Guardian ad Litem on a rotating basis.

(b) The Chief Judge shall establish and maintain a list of volunteer attorneys who will be available to act as court appointed counsel under the provisions of 750 ILCS 70/25(b) when appointed by the Court under Section II of this Administrative Order. The volunteer attorneys must agree to act without compensation and to meet with the petitioner to whose case they have been appointed as court appointed counsel at such times and places as will afford the Court the opportunity to conduct the hearing and issue the required ruling within the time mandated by statute and Supreme Court Rule.

ENTERED: _____ ENTER: _____
MICHAEL J. SULLIVAN
CHIEF JUDGE

2009 Judges Picnic (continued)



A special thank you to Jennifer Johnson, *Zanck, Coen & Wright, P.C.* and Cynthia Schaupp, *State's Attorney Office*, for organizing the event. The delicious food was catered by Crystal Lake Rib House, 5111 East Terra Cotta Avenue, Crystal Lake, (815)477-3600.



Family Division Update

By Judge Mike Chmiel

As the Summer of 2009 approached its sunset, the Family Division of the Twenty-Second Judicial Circuit experienced a change in half of its assignments, and continued to deal with the challenges of the new case management software. Nevertheless, the work of the Division continues to proceed in good fashion.

On September 14, 2009, the Division welcomed Judge Maureen McIntyre to take up the Juvenile Court Call in Courtroom 202, while Judge Michael Chmiel took up the Family Court Call in Courtroom 359. Since May 2, 2005, Judge Chmiel had handled the Juvenile Court Call, while Judge McIntyre handled a Civil Court Call. Over the previous couple of years, Judge Robert Wilbrandt handled the action in Courtroom 359, but is now reassigned to the Criminal Division and Courtroom 101.

In taking on their new assignments, the judges met to discuss logistical issues and the handling of pending matters. The judges looked to having the dust settle on the transition before implementing changes in scheduling and the handling of cases in their respective courtrooms. A few cases have and will likely continue to follow each judge until a resolution on a pending matter or so is in hand.

With respect to the Call in Courtroom 359, Judge Chmiel has asked the Clerk of the Court to continue to allow the setting of up to forty matters on Mondays through Thursdays at nine o'clock, including up to ten prove-ups on Tuesdays and Wednesdays at 9:30 a.m. Child support matters involving the Offices of the McHenry County State's Attorney and Illinois Attorney General will continue to be heard on Fridays, but will be limited to sixty matters per day, though the State's Attorney will be allowed to present up to one hundred matters involving the collection of support service fees. Outside of these points in time, Judge Chmiel will reserve further scheduling, including that of contested matters which will be specially set at or after ten o'clock each day (and at or after 10:30 a.m. on Tuesdays and Wednesdays), with hopes of limiting or reducing the waiting time in courtroom. Certain dates will be closed with respect to points in time when the Court will not be sitting.

The Calls being handled by Judges Suzanne Mangiamele and Gerald Martin Zopp in Courtrooms 360 and 361, respectively, are continuing with previously established protocols.

With respect to each of the Family Court Calls, with the continued hope of the Court to arrive at a proper and efficient handling of each case, practitioners are well-advised to continue to review and work to comply with the Local Rules of the Court. Under Rule 11.02 for instance, timely affidavits must be on file in order for the Court to be in a proper position to handle issues of support or maintenance, including pre-trials. Under Rule 11.04, attorneys who represent the interest of children are obligated to stay current with pending matters. Under Rule 11.06, a full case management conference is due within thirty days after mediation has been completed, with case management memoranda filed ahead of the same. Under Rule 11.07, settlement conferences (or pre-trials) require memoranda to be provided at least two court days prior to the same.

Through the efforts of Trial Court Administrator Dan Wallis and others, the Court has been able to resolve most of the issues which plagued the implementation of the new case management system at the courthouse – the Integrated Court Management System. Behind the scenes, the Trial Court Administrator is continuing to work with the ICIS, the Clerk of the Court, and the judiciary on pulling and organizing statistics so that the Court improves its self-analysis and works to establish and maintain proper efficiencies. As well, the next phases of the implementation of the system are being engaged, including among other items, further integration of the Department of Court Services and the OnBase document imaging system.

Recently, Court Administration unveiled its new website - www.co.mchenry.il.us/departments/courtadmin, which serves as the virtual home for information pertaining to the Circuit. Included is a page dedicated to the Family Mediation Advisory Council – its first dedicated home, thanks to the efforts Joe Canevello, Jeff Hirsch, Gunnar Gitlin, Linda Cunabaugh, Dan Wallis, and Francisco Vinas. Current information on mediation is and will be available there, including current (and detailed) listings of approved mediators, rules, and forms.

Since its launch on June 27, 2008, the Self-Help Desk in the Law Library has continued to help *pro se* litigants find resources to help them get their cases through the system and reduce or at least limit delays experienced in the courtrooms. Since then, the Desk has essentially been staffed by one facilitator – Jim Huddleston, who departs the Circuit on October 23, 2009. Wishing Mr. Huddleston best wishes, the Circuit is working to fill his shoes with hopes of keeping the Desk in good working order.

Since about 1969, the County has benefited through the dedication and service of Mary McCauley who serves as a Supervisor in the Juvenile Division of the Department of Court Services. On October 23, 2009, Ms. McCauley retires from the mentoring of juvenile delinquents (and others) through the juvenile justice system of the County. Wishing Ms. McCauley best wishes, the Circuit will work with the Administrative Office of the Illinois Courts in arriving at whether and to what extent her shoes can be filled.

MCBA Member News

The Law Firm of Franks, Gerkin & McKenna P.C., is pleased to announce that Steven J. Greeley, Jr. has been named a partner of the firm.

Steve's primarily practice areas include personal injury, commercial/general litigation, and local government law as Township Attorney for Townships in McHenry County, as well as serving as a Commissioner of the McHenry County Historic Preservation Commission.

He also serves as a member of the McHenry County Legal Aid Committee and is a member of the Leadership Committee of the Prairie State Campaign for Legal Services.



Steve is graduate of Western Illinois University and Northern Illinois University College of Law, where he served as Editor-in-Chief of the law review.

New Members



Robert Vladimir Deters is the newest associate to join Weisz, Botto and Gilbert, P.C. in Woodstock, IL. Robert was born and raised in West Bend, WI by his mother and father, Bob and Barbara, along with his sister, Kate, a practicing attorney in Raleigh, NC.

Robert attended the University of Wisconsin-Madison as an undergraduate and received a B.A. in International Relations. He continued his education at the University of Wisconsin for law school, getting his J.D. in 2005.

At the University of Wisconsin Law School Robert was a member of the Innocence Project where he spent a year working to overturn the convictions of those wrongfully incarcerated. He also spent a semester as an intern at the Wisconsin Supreme Court.

In Chicago, Robert was a member of First Defense Legal Aid where he provided pro bono representation on an on-call basis for residents of Chicago who had been arrested and not yet hired a lawyer.

For the past three years Robert has practiced in Chicago where he did criminal defense work and immigration law. His primary area of focus at Weisz, Botto and Gilbert, P.C. is criminal defense, traffic and DUI defense.

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New Members (continued)

Attorney Sally (Oeffling) Wiggins, is a “local.” With her 8-year-old son Baylor who attends Crystal Lake schools, she currently resides in Woodstock. Sally was born in McHenry County in Harvard, Illinois, attended St. John’s Elementary school in Johnsburg and graduated from Johnsburg High School in 1981. Sally attended Ringling School of Art and Design and National College of Education in Evanston where she received a Bachelor of Art. After an established paralegal career, Sally attended John Marshall Law School where she was a selected member of the Moot Court Board, Moot Court Teams and Trial Advocacy Teams. After she received her Juris Doctor degree and was admitted to practice in Illinois 1994, she clerked for the Honorable Judge Paul E. Plunkett of the United States District Court for the Northern District of Illinois. She began her litigation career with the law firm of Hervás Sotos Condon and Bersani in Itasca where she represented municipalities and law enforcement.



Sally is currently a partner at the Chicago law firm of Niro Scavone where she leads litigation and trial teams on international cases across the United States and in Europe. She has tried cases in the areas of Employment Law, Municipal Defense, Trade Secret Misappropriation, Contract Law, Trademark Infringement and Patent Infringement. She practices in both state and federal courthouses where she has obtained combined verdicts of over a \$100 million dollars. She is admitted to practice as a Member of the Federal Trial Bar where she has represented private clients and has been appointed by the United States District Court for the Northern District of Illinois to represent pro bono litigants.

In addition, Sally has provided pro bono legal services for Lawyers for The Creative Arts, a not-for-profit representing Chicago area artists, served as a judge on multiple occasions for The John Marshall Law School Moot Court and The John Marshall Law School Trial Advocacy competitions and served as a member of the Ethics Committee for the local Leafs Hockey Club organization. She also has served in multiple ways to support Breast Cancer Awareness and Police Memorial campaigns.



Melanie L. Cairns has recently transferred to the Woodstock office of Prairie State Legal Services from the Rock Island office of Prairie State where she has worked as a staff attorney since graduating from the University of Wisconsin Law School in 2007. During law school, she worked as a law clerk at Disability Rights Wisconsin and as a project assistant and student attorney in the Frank J. Remington Center’s Family Law Project. She also served as a Senior Articles Editor and the Editor-in-Chief for the Wisconsin Women’s Law Journal.

Prior to attending law school, Melanie, who has a BSW from Colorado State University, coordinated youth and family programming for the YWCA of Minneapolis and worked with adolescents in both group home and day treatment center environments. Melanie’s commitment to advocate on behalf of low-income and traditionally underserved populations led her to attend law school with a focus on public interest service and subsequently to Prairie State. She is looking forward to her new position in McHenry County where she will primarily focus on homelessness prevention.

Melanie was a member of the Rock Island County Bar Association and a member of the planning committee of the Women’s Bar Committee of Rock Island & Scott Counties (Iowa).

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Trial Call

Case Number: 06LA116
Plaintiffs: Brian Laine & Raymond Hass
Defendant: George Georgiandis
Plaintiffs' Attorney: James Tutaj,
Law Office of Thomas J. Popovich
Defendant's Attorney: Theodore A. E. Poehlman
Trial Date: 7/20/09-7/24/09
Judge: Maureen P. McIntyre
Verdict: Plaintiff
Medical: Laine- \$123,397.57
Hass- \$ 64,787.86
Pain & Suffering, Future Pain & Suffering:
Laine- \$750,000.00
Hass- \$362,500.00
Lost Wages: Laine- \$22,176.80
Hass- \$6,260.80
Loss of Normal Life: Laine- \$750,000.00
Hass- \$362,500.00
Gross Verdict: Laine- \$1,645,574.37
Hass- \$796,048.66
Plaintiffs' Contributory Neglect: 45%
Net Total Verdict: Laine- \$905,065.92
Hass- \$437,826.76

Case Number: 06LA135
Plaintiff: Michele Gobeyn
Defendants: Dr. Richard Persino, Mercy Crystal Lake
OB/GYN & Insurer: IL State Medical Society Insurance
Plaintiff's Attorney: Mitchell Lipkin, Lipkin & Higgins
Defendants' Attorney: Mark Benjoya, Cassidy, Schade, LLP
Trial Date: 8/3/09-8/6/09
Judge: Michael T. Caldwell
Verdict: Defendant
Last Demand: \$ 1,000,000.00
Last Offer: \$ 0

Case Number: 03LA292
Plaintiff: Gary Gauger
Defendant: County of McHenry
Plaintiff's Attorneys: Matthew Charles Crowl, Sarah L. Ellis,
Thomas Henchan
Defendant's Attorney: James Sotos, John Timbo, Jeff Given
Trial Date: 8/10/09-8/20/09
Judge: Maureen P. McIntyre
Verdict: Defendant

Case Number: 08LA387
Plaintiff: Robin Taylor
Defendant: Rita M. Schnigen
Insurer: American Access
Plaintiff's Attorney: Paige Hoyt,
Michling Hofmann, Vinton, Plaza & Wick
Defendant's Attorney: Jon Parrillo, Parrillo, Weiss & O'Halloran
Trial Date: 9/14/09-9/15/09
Judge: Michael T. Caldwell
Verdict: Mistrial- Hung Jury
Last Demand: \$ 20,000.00
Last Offer: \$ 2,500.00

Case Number: 05AR1213
Plaintiff: Rogers Memorial Hospital Etc.
Defendant: Wayne M. Rogers
Plaintiff's Attorney: James Mullally,
Franks, Gerkin & McKenna, P.C.
Defendant's Attorney: David Thollander,
Thollander Law Firm
Trial Date: 10/13/09-10/15/09
Judge: Michael T. Caldwell
Verdict: Plaintiff
Medical: \$5,541.00
Total Net Verdict: \$5,541.00

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McHenry County Bar
Association

Holiday Party

Date: December 4, 2009

Time: 5:00pm - 7:30pm

Where: Pirro's Restaurant

(Banquet Room)

228 Main Street,

Woodstock

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