



# *In Brief*



August 2016

A Quarterly Publication of the McHenry County Bar Association

## **40TH ANNUAL GOLF OUTING**

**AUGUST 5, 2016**



## 2014-15 Board of Governors

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*Past President*

## Board of Governors Meeting Highlights

### May 17, 2016

#### **PRESIDENTS REPORT:**

Stephanie Kasten presented the contract for the Spring 2017 Destination Seminar at Osthoff Resort for approval. Unanimously approved.

#### **CRIMINAL LAW SECTION:**

Rob Deters was elected President again with Samantha Piekarski as Vice President and Kyle Kunz as Secretary/Treasurer at the May CLS meeting.

#### **FAMILY LAW SECTION:**

The FLS Section will keep their officers the same for the 2016/17 year: Paul Zukowski as President, Colleen Thomas as Vice President and TJ Clifton as Secretary/Treasurer.

### June 21, 2016

#### **ADR/MEDIATION:**

The committee is working on a Fall seminar to take place on October 7, 2016.

#### **LEGAL AID:**

Prairie State Legal Services is looking at layoffs due to funding problems.

### July 19, 2016

#### **PRESIDENT'S REPORT:**

Judge Gerhardt thanked Michelle Gehris for the donation of the conference table and Michelle Wiejaczka for the donation of 6 chairs for the lawyers lounge.

#### **LEGAL AID:**

S. Greeley reported that Geri Dolan, the managing attorney at the McHenry County Prairie State Legal Services office will be retiring on August 11, 2016. Once a month Prairie State Legal staff have been setting up at the Veterans Administration Commission at the Family Health Partnership Clinic to help those who need legal services along with the services of those two groups.

#### **LEGISLATIVE:**

S. Jacobson hopes to facilitate the ability to get a child waiting room at the courthouse and will explore funding.

### New Members

Dolores Wigman  
Sean Trausch  
Thomas Pasquesi  
Matthew Kriezelman  
Jean Butler

## *President's Page*

**Honorable Mark R. Gerhardt**

**2016/17 MCBA President**

I never planned to become a lawyer. I did not decide to become a lawyer until after I received a history degree from the University of Illinois. Upon finding out the value of my history degree, I applied for law school.

I never planned on being a litigator; that happened during trial advocacy class when I discovered out that was the only thing I enjoyed about law school. Thus, the die was cast. Many years later, as I enjoy my current job, I look at all the jobs I had from age fifteen on, be it law related or otherwise, and consider that whether I enjoyed a job or not had little to do with what I actually did for a living, but rather the people I worked with. I am happy to say, I have almost always enjoyed my work.

The By-Laws of the McHenry County Bar Association state, "It is formed to promote the common interest of the members of the Bar to improve, through self-education and education of the public, the standing of the legal profession in the community, and to better secure equal justice under law to which all citizens are entitled." I have found being involved in the Bar Association has enhanced my experience as a member of the Bar and, through the interaction with those in my profession, it has allowed me to enjoy my work. The comradery and common goals, as well as the self-education and education of the public, have played a large role in forming who I am professionally and personally.

The McHenry County Bar Association does a wonderful job promoting self-education of its members. Numerous opportunities are presented at monthly general meetings and section meetings to earn continuing legal education credits. Seminars, both local and the destination seminar, also provide this important service for the members of the Bar. The MCBA also does a wonderful job of educating the public. In the past few years, there have been charity events, and educational events including the yearly Law Day presentations. Each year when Law Day rolls around, the Bar Association presents a high school program to the students to help educate them concerning the legal system. A number of members of our Bar volunteer their time to participate in this program and also visit classrooms to expose students to the law.

There are countless other ways that members of our Bar serve the public. For example, by serving on non-profit boards, participating in PADS, and in many other actions that go unnoticed and unrecognized. I am proud to be a member of such an organization that reaches out to its community to provide these important services.

The Bar Association also provides an important social component through its general meetings and sections for members to interact, network, and enjoy each other's company. It provides wonderful opportunities not only to enjoy each other's company, but also to learn from each other in a relaxed setting. Lawyers of the Bar enhance their skills and the quality of their life through this social interaction. The Bar Association is important in providing for the lawyer's lounge in the courthouse, as well as functions, receptions, social get-togethers, holiday parties, the softball game, and the golf outing.

As your new President, I, the Executive Committee, and the Board of Governors, will strive to continue to promote the common interests as reflected in our By-Laws. I hope that the Bar Association, in some small measure, will help you enjoy your work more as it has done for me.

## Surprise Revocations in Illinois

by: Ray Flavin

As attorneys we don't like surprises, in fact we are paid to help our clients avoid them. Of course this doesn't stop your state legislature from attempting to cause those surprises in almost every legislative session. For those of you who regularly practice DUI law, this surprise will shock you. For those of you who don't do DUIs (those who willfully avoid this tangled mess of laws), this will merely affirm what a great career decision you have made. Before putting this article together, I polled seven attorneys, 3 prosecutors and 4 defense attorneys with this scenario:

***Your client who was just charged with his first DUI has just described an exciting night to you. He tells you he was driving down a city street that featured parking on both sides of the road and bars on both sides of the street. As he carefully made his way down this street, one drunk pushed another drunk from in between two cars in front of your car. Contact was made and the drunk who hit the front of your car brushed himself off and continued across the street toward the other bar. Your client stopped Drunk#1 and calls the police. The police arrive, send Drunk #1 to the hospital, and take your client to the station where he blows 0.00. The police ask him to take a blood draw which they say is going to take some time because they will have to take him to the hospital to get the blood. Because it is late and he has to let his dog out (who is at the house by himself) he declines. What result?***

1. If you guessed he is suspended for 6 months, please review 625 ILCS 5/11-501.1, you guessed wrong. It wasn't a particularly good guess because everyone polled above did not select this answer.
2. If you guessed he is suspended for a year, please review 625 ILCS ILCS5/11-501.1(c). And you guessed the same answer that EVERYONE who took the survey answered. However, sadly you are still guessing wrong.
3. If you guessed he is revoked for one year, then congratulations for not guessing until you read what the correct answer was.

In cases where an accident causes Type A injury to another, the law revokes the driver's license for those who refuse any requested chemical testing. While you may have an argument that this was not a Type A injury, (See Odom v. White, 948 N.E.2d 1072 (2011), your client's driver's license will be SUMMARILY revoked. You must take action in order to prevent that revocation. Illinois DUI law changes very frequently in the legislature's constant quest to be "tougher on DUI." When consulting a client keep a copy of current law nearby. I keep the Illinois Legislative website: <http://www.ilga.gov/legislation/ilcs/ilcs.asp> open on my desktop while I consult clients. It is an easy way to quickly check if statutes have been "improved" by the legislature while I give advice to my clients.

*Ray Flavin, is a member of McHenry Bar Association and has represented clients charged with DUI for over 23 years in McHenry County Illinois. You can reach him at (815)334-9004.*





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## Save the Date!

### MCBA Annual Picnic & Softball Game



September 16, 2016

Veterans Acres Park

Crystal Lake

5:00 pm—8:00 pm

Come and enjoy food and either play or watch the softball game! Watch your email for more details and to rsvp for the picnic or to get on a team!

Any questions/suggestions can be directed to the Young/New Lawyers chairperson, Amber Michlig, via e-mail at [amichlig@salawus.com](mailto:amichlig@salawus.com).

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## MCBA 2016/17 LEADERSHIP ELECTED AT ANNUAL MEETINGS

### 2016/17 Board of Governors Executive Committee

- President—Honorable Mark R. Gerhardt, *22nd Judicial Circuit Court*
- 1st Vice President—Rhonda L. Rosenthal, *Rhonda L. Rosenthal, P.C.*
- 2nd Vice President—Steven J. Greeley, Jr., *Franks, Gerkin & McKenna, P.C.*
- Secretary—Jennifer Johnson, *Zanck, Coen, Wright & Saladin, P.C.*
- Treasurer—Thomas J. Cynor, *22nd Judicial Circuit Court*



### 2016/17 Family Law Section Officers

- President—Paul Zukowski, *Prairie State Legal Services*
- Vice President—Colleen Thomas, *Thomas Law Office*
- Secretary/Treasurer—TJ Clifton, *Zukowski, Rogers, Flood & McArdle*

### 2016/17 Criminal Law Section Officers

- President—Robert V. Deters, *Harter & Schottland, P.C.*
- Vice President—Samantha Piekarski, *Madsen, Sugden & Gottemoller*
- Secretary/Treasurer—Kyle Kunz, *McHenry Public Defenders Office*



STATE OF ILLINOIS  
CIRCUIT COURT  
22ND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS



June 30, 2016

**For Immediate Release**

**Contact: James Wallis**  
**Trial Court Administrator**  
**Phone (815) 334-4351**  
**Email: [courtadmin@co.mchenry.il.us](mailto:courtadmin@co.mchenry.il.us)**

**JUDGE CHMIEL ELECTED TO JUDGES ASSOCIATION BOARD**

(Woodstock, IL) Circuit Judge Michael Chmiel was elected to the Board of Directors of the Illinois Judges Association at the annual meeting held on June 3, 2016 at Chicago-Kent College of Law. Judge Chmiel will serve a three year term. There are approximately 50 members of the Board of Directors.

The Illinois Judges Association is composed of 1,250 active and retired Illinois State Court Judges. The IJA provides education and services to its members and information about court operations to the public.

Judge Chmiel has been a circuit judge for eleven years and is a member of various bar associations, including the McHenry County and Illinois State Bar Associations. Judge Chmiel participates in various community-based organizations and coaches girls fast pitch softball.

The Illinois Judges Association also installed new officers for 2016-17 at the annual meeting. They are: President, Israel A. Desierto, Cook County; 1st Vice-President, Judge (Ret.) John P. Coady, Taylorville, IL; 2nd Vice-President, Judge James E. Snyder, Cook County; 3rd Vice President, Judge Margaret J. Mullen, Lake County; Secretary, Judge Diane M. Shelley, Cook County and Treasurer, Judge Barbara Crowder, Madison County. For more information about the Illinois Judges Association, see [www.ija.org](http://www.ija.org)

*The mission of the 22nd Judicial Circuit of McHenry County is to be the guardian of life, liberty and property to all seeking access to justice, by adhering to practices that ensure equality, fairness and confidence in the judiciary.*

McHenry County Government Center  
2200 North Seminary Avenue, Woodstock IL 60098  
Office: 815/334-4385 Fax: 815/338-0248





# 40TH ANNUAL MCBA GOLF OUTING

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Home State Bank is your Community Bank Trust Department. As a proud sponsor of the MCBA, the Trust & Wealth Management Group provides premier Investment Management and Fiduciary services to your client and the community.

### **Breakfast Sponsor: Gateway Foundation Alcohol & Drug Treatment Center**

[recovergateway.org](http://recovergateway.org)

Gateway Alcohol & Drug Treatment has 9 locations throughout Illinois and the St. Louis Metro East area. We specialize in providing substance abuse treatment to help people get life back on track. Our Alcohol & Drug Treatment Programs offer personalized substance abuse treatment plans that uncover the underlying causes of addiction. At Gateway, our substance abuse experts are committed to providing the most advanced treatment plans that give each individual the tools and knowledge to understand and overcome addiction.

### **Lunch Sponsor: Fidelity National Title**

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Fidelity National Title provides a full line of title insurance and related services.

### **19th Hole Sponsor: Franks, Gerkin & McKenna, P.C.**

815-923-2107    [www.fgmlaw.com](http://www.fgmlaw.com)

We are happy to competently assist and pay for your referrals for injury, comp & other matters in McHenry and all surrounding counties.

### **Raffle Sponsor: Zanck, Coen, Wright & Saladin, P.C.**

815-459-8800    [www.zcwlaw.com](http://www.zcwlaw.com)

The law firm of Zanck, Coen, Wright & Saladin, P.C. was formed nearly 40 years ago with one goal in mind: providing residents of McHenry County and surrounding areas with the highest level of legal representation. Over the years, our full-service law firm has expanded and acclimated to changes in the law and within the county.

### **Beverage Cart Sponsor: Caring Transitions**

815-308-5532    [www.ctnorthern.com](http://www.ctnorthern.com)

Caring Transitions conducts Estate Liquidation sales; performs estate appraisals and Family Division appraisals.

### **PGA Golf Instruction on the Driving Range Sponsor: Salvi, Schostok & Pritchard, P.C.**

312-372-1227    [www.salvilaw.com](http://www.salvilaw.com)

The personal injury attorneys at Salvi, Schostok & Pritchard, P.C. have decades of experience helping victims of personal injuries, car accidents, and medical malpractice. Our lawyers are recognized among the best in the nation by their legal peers.



## On Course Contest Winners

## Straightest Drive

Male—Guy Youman

Female— Sam Piekarski

### Longest Drive

Male— Guy Youman

Female— Lisa Waggoner

### Closest to the Pin

Male— Craig Krandel

Female— Mollie Dahlin

### 1st Place Foursome

Kevin Justen

Cameron Justen

Hank Justen

Rueben Escamilla

**Closest to the Pin Contest Sponsor: Smart Start of Illinois**

At Smart Start of Illinois, our staff's backgrounds uniquely qualify us to be your go-to resource for information about alcohol monitoring devices and the Illinois Secretary of State BAIID Program. We pride ourselves on providing the best customer service in the field of alcohol monitoring, in addition to affordable devices for DUI and Family Law Clients.

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Old Republic Title is a highly rated national underwriter, providing title insurance policies and related real estate, products and services for residential and commercial transactions since 1907.

**Longest Drive Sponsor: Frank A. Quatrino & Associates, LLC**

Frank A. Quatrino & Associates, LLC is a law firm serving McHenry, Boone, Lake & Cook counties. Our attorneys concentrate in personal injury, workers compensation, divorce and criminal matters.

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## Hole 1: Heritage Title Company

815-479-8400      [www.htc24x7.com](http://www.htc24x7.com)

Heritage Title of McHenry County is a full service title company for all of your title insurance needs: residential, commercial, short sales, minutes of foreclosure, and new construction, with outstanding customer service.

**Hole 2: Favaro & Gorman, Ltd.**

Practice concentrated in employment law and related litigation in Federal and State courts, before the EEOC, IDHN and Department of Labor.

### Hole 3: Attorneys' Title Guaranty Fund

312-752-1414      [www.atqf.com](http://www.atqf.com)

Through its thousands of member attorneys across Illinois, Wisconsin, Michigan, and Indiana, Attorneys' Title Guaranty Fund, Inc. (ATG) has presided over more than three million home closings and provided homebuyers and lenders with competitively priced title insurance since 1964. The only Bar-Related® title insurance company based in Illinois, ATG has built a significant market share by providing excellent service at competitive prices.

## Hole 5: American Community Bank & Trust

815-338-2300 [www.amcombank.com](http://www.amcombank.com)

## Hole 6: The Law Offices of David Gervais

815-459-2844      [www.gervaislaw.com](http://www.gervaislaw.com)

The Law Offices of David Gervais is a general practice firm concentrating in family, criminal, juvenile, probate, and commercial law. We pride ourselves on offering professional, courteous legal representation and advice to our clients in McHenry, Lake, and Kane counties of Illinois.

## Hole 7: Wheatland Title Guaranty Company

Wheatland Title Guaranty Company is a full service Title Insurance Company founded in 1982. Our services include providing Right of way clients, Commercial clients and Residential clients with a full range of title products and services. Office locations include Crystal Lake, Yorkville and Chicago.

**Hole 8: Chicago Title**

224-828-4795    [www.chicagotitle.com](http://www.chicagotitle.com)

Provider of title insurance, closing escrow services and construction escrow services to real estate professionals.

**Hole 9: First American Title**

815-956-8900    [www.firstamericantitle.com](http://www.firstamericantitle.com)

First American Title provides the greatest value to consumers and business clients by providing a combination of top quality title insurance products, personalized customer service, and low title insurance rates.

**Hole 10: Fidelity National Title**

815-356-3500    [www.fidelitydesktop.com](http://www.fidelitydesktop.com)

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**Hole 12: First National Bank**

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**Hole 13: Madsen, Sugden & Gottemoller**

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Madsen, Sugden & Gottemoller is a versatile personal injury and criminal defense law firm in Crystal Lake, IL. With deep roots in the community and a comprehensive knowledge of the local courts, we take pride in providing our clients with superior accessibility and prompt service in all matters.

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**Hole 16: Stans—LPS Midwest**

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**Hole 18: Taradash Law Firm**

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**Golf Outing Committee**

Kelly Vaclavek, Chairperson	Steven Greeley
Jennifer Johnson	Keith Sloan
Honorable Mark R. Gerhardt	Vonda Vaughn

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**Port Edward**—20 W Algonquin Road, Algonquin, IL 847-658-5441 [www.portedward.com](http://www.portedward.com)

**Marengo Ridge Golf Club**—9106 Harmony Hill Road, Marengo, IL 815-923-2332 [www.marengoridgegolfclub.com](http://www.marengoridgegolfclub.com)

**Donahue & Walsh, P.C.**—4310 Crystal Lake Road, McHenry, IL 815-344-8860 [www.donahueandwalsh.com](http://www.donahueandwalsh.com)

**Raue Center for the Arts**—26 N Williams Street, Crystal Lake, IL 815-356-9212 [rauecenter.org](http://rauecenter.org)

**Lou Malnati's**— [www.loumalnatis.com](http://www.loumalnatis.com)

**Crystal Woods Golf Club**—5915 S Route 47, Woodstock, IL 815-338-3111 [www.crystalwoodsgc.com](http://www.crystalwoodsgc.com)

**Peggy Kinnane's**—8 N Vail Street, Arlington Heights, IL 847-577-7733 [www.peggykinnanes.com](http://www.peggykinnanes.com)

**Akasha Yoga**—121 North Main Street, Crystal Lake, IL 815-356-7089 [www.akashayogacenter.com](http://www.akashayogacenter.com)

### **Raffle Prizes/Winners**

**Grand Prize—\$1000—***Carlos Arevalo*

**Cub Tickets courtesy of Heritage Title Company—***Katie O'Neil*

**White Sox Tickets courtesy of Heritage Title Company—***Katie O'Neil*

**White Sox Tickets courtesy of Fidelity National Title—***Dan Johnson*

**Turnberry Foursome courtesy of Turnberry Country Club—***Chris Poulson*

**Trader Joes basket and GC courtesy of Joseph Canevello, Connections Counseling—***Craig Krandel*

**Wine Tasting courtesy of PRP Wine International—***Denise Kuzniewski*

**One night stay at The Osthoff Resort courtesy of The Osthoff Resort—***Kevin Justen*

**\$150 TicketMaster Gift Card courtesy of Frank A. Quatrino & Associates, LLC—***Pam Justen*

**Deluxe Photography Session courtesy of Robert Campbell fine portraiture—***Jennifer Johnson*

**Large Family Deluxe Photography Session courtesy of Robert Campbell fine portraiture—***Pam Justen*

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## **Tips for Better Sleep – Part 1**

**By: Karmen Wong**

**Writer and Blogger for the Illinois Lawyers' Assistance Program (LAP)**

If your day contains a lot of stress, it can be difficult to fall asleep or stay asleep, which then might create more stress. Here are a few tips to help reduce your daily stress and prepare you for a good night's rest.

### **1. Get Some Quiet Time With Someone You Like**

Try spending ten or fifteen minutes of quiet time with your significant other or family member directly before bed. The idea is to create some pleasant relaxation time, so avoid major discussions or entertainment which includes cliffhangers. Adding another person into your routine will increase your accountability, and on busy days when it's been difficult to speak to this person, you'll be guaranteed a little bit of interaction. Some activities to try are body stretches, listening to soothing music, meditation or a short beauty treatment like a face mask or hand massage. If you live alone, you can do any quiet activity by yourself, or you might want to make a phone or video call.

### **2. Use Your Evening Commute Wisely**

It may be hard to slow down for bed if your entire day has been going nonstop. Whether your evening commute is ten minutes or one hour, treat this time (as much as possible) as "me time." This is an ideal time to avoid social media, as other people's vacation pictures can bring you down after a 10-hour work day. Indulge in your favorite music, podcast or book. If you're not driving, you might want to work on a hobby. Daydreaming is also a great option, or even singing in your car. The flow of creative energy will help you feel refreshed, and this break can help you process thoughts that might have built up over the course of the day.

Keep a look out for Part 2 of our two part Tips for Better Sleep series to learn more about how to improve your sleep. To learn more about other ways to improve your overall well-being as an attorney, call 312-726-6607 or email [gethelp@illinoislap.org](mailto:gethelp@illinoislap.org) the Lawyers' Assistance Program.

## 2016 Legal Aid Awards Presentation



PRAIRIE STATE LEGAL SERVICES  
*Equal Access to Justice*



2016 Award winners pictured L to R: Elizabeth Pfiffner, TJ Clifton, Linda Cunabaugh, Ashley Wilson

---



Keynote speaker: Lester  
Munson, *Senior Writer &  
Legal Analyst at ESPN*

---



Award Presenter: Honorable  
Michael T. Caldwell

---

## Jury Trial Call

**Case Number:** 15SC109

**Plaintiff:**

State Farm Fire Casualty Co, as Subrogee of Mario Cabrera

**Defendant:** Maria Angeles

**Plaintiff's Attorney:** Oltman Law Group

**Defendant's Attorney:** David Earl

**Trial Date:** May 23, 2016

**Judge:** Thomas A. Meyer

**Verdict:** Defendant

**Case Number:** 14ED1

**Plaintiff:** City of Harvard

**Defendant:** Elvis Henson, Trustee, et.al.

**Plaintiff's Attorney:** Zukowski, Rogers, Flood & McArdle

**Defendant's Attorney:** Filler & Associates

**Trial Date:** July 11-13, 2016

**Judge:** Thomas A. Meyer

**Verdict:** For Plaintiff

Eminent Domain

Net Total Verdict: \$25,700

**Last Demand:** \$42,000

**Last Offer:** \$17,000

**Case Number:** 12LA381

**Plaintiff:** Lawrence Pauls & Robin Pauls

**Defendant:** Aftab Poshni, MD

**Plaintiff's Attorney:**

Charles Falkenberg of Karlin & Fleisher, LLC


**Defendant's Attorney:**

William Gruebel of Nora & Partners, LLP


**Trial Date:** July 11-15, 2016

**Judge:** Michael T. Caldwell

**Verdict:** Defendant

**TARADASH**  
Workers' Compensation Lawyers

Workers' Compensation



**Randy Taradash**  
Taradash Law Office  
908 S. Route 31  
McHenry, IL 60050

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**3,000,000 POLICIES IN 50 YEARS.**

LAWYERS PROTECTING CONSUMERS.  
ONE TRANSACTION AT A TIME.



**In the midst of celebrating our 50th year, we issued our three millionth policy.**

Congratulations to homeowners William “Billy” and Jill Thompson of Oglesby, Illinois, and to the ATG attorney-member who issued the policy, Dick Fiocchi (far left) of Bernabei, Balestri & Fiocchi, Spring Valley, Illinois. Congratulating Billy and Jill are ATG President Peter Birnbaum (second from left) and ATG Senior Vice President, Jerry Gorman, far right.

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**These homeowners and this ATG member represent what we strive for every day:  
Protecting the investment of every homeowner,  
and preserving the lawyer’s role in the process.**

**For 50 years.**

LAWYERS AT THEIR BEST FOR FIFTY YEARS



ATTORNEYS’ TITLE GUARANTY FUND, INC.

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# MCBA Calendar of Meetings & Events

Date	Event	Location	Time
August 16, 2016	Board of Governors Meeting	MCBA Office	Noon
August 23, 2016	General Meeting	Woodstock Country Club	Noon
September 1, 2016	Criminal Law Section Meeting	MCBA Office	Noon
September 13, 2016	Family Law Section Meeting	MCBA Office	Noon
September 16, 2016	Annual Picnic & Softball Game	Veterans Acres Park, Crystal Lake	5:00 pm
September 20, 2016	Board of Governors Meeting	MCBA Office	Noon
September 27, 2016	General Meeting	Woodstock Country Club	Noon
October 6, 2016	Criminal Law Section Meeting	MCBA Office	Noon
October 7, 2016	Mediation Seminar	Home State Bank, Woodstock	TBD
October 11, 2016	Family Law Section Meeting	MCBA Office	Noon
October 18, 2016	Board of Governors Meeting	MCBA Office	Noon
October 25, 2016	General Meeting	Woodstock Country Club	Noon

McHenry County Bar Association  
 110 South Johnson Street, Suite 210  
 Woodstock, IL 60098