



In Brief

Murder Mystery Party!

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Upcoming Events

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2017/18

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Commission on Professionalism

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Continuing Legal Ed.

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Criminal Law Section

Dawn Roth

Family Law Section

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Judiciary/Court Rules

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Law Day

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Legislative

Hon. Robert Baderstadt

(Ret.)

Membership/Directory

Hon. Mary H. Nader

Newsletter

T.J. Clifton

Outreach

Doreen T. Paluch

Real Estate

Vonda Vaughn

Social

Drake Shunneson

Technology

Amber Bishop

Young/New Lawyers

Rhonda L. Rosenthal

Past President

Date	Event	Location	Time
November 8	Civil Law Section Meeting	MCBA Office	Noon
November 13	Family Law Section Meeting	MCBA Office	Noon
November 15	Criminal Law Section Meeting	MCBA Office	Noon
November 20	Board of Governors Meeting	MCBA Office	Noon
December 6	Holiday Party	Crystal Lake Country Club	5:30 pm
December 18	Board of Governors Meeting	MCBA Office	Noon
January 3	Criminal Law Section Meeting	MCBA Office	Noon
January 8	Family Law Section Meeting	MCBA Office	Noon
January 15	Board of Governors Meeting	MCBA Office	Noon
January 22	General Meeting	McHenry County Admin. Building	Noon

Board Meeting Minutes

[July](#) Meeting Minutes

[August](#) Meeting Minutes

[September](#) Meeting Minutes

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New Members

Jason Montemayor

Robin Becker

Michelle Clesceri

Thank you to Heritage Title for Sponsoring the Annual Picnic & Softball Game!

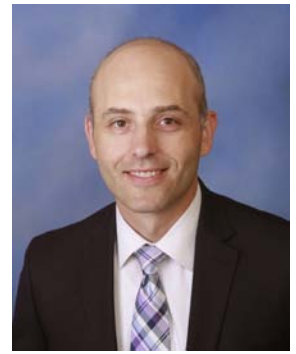
Mother Nature did not cooperate with our Annual Softball Game. We all enjoyed the meal and jerseys provided by Heritage Title, but the game became a Home Run Derby. A good time, albeit cold and wet, was had by all.



President's Page

By Steven J. Greeley, Jr.

2018/19 MCBA President



I thought I would use this opportunity to talk about some ideas that could help our Bar and our Mission to better ourselves to better help clients. Many may disagree with these and I am hoping to hear about your feelings either way because hopefully this will spark discussion and action on new endeavors to help fulfill our Mission.

BAR GATHERINGS

In my short time as President, I have learned about the various Committees to which I have had no direct involvement and I realized that Bar participation is declining. I think this is a product of our increasingly hectic lives, as well as the lack of interest from large factions of the Bar not on the types of gatherings we put together.

We have around three hundred and fifty members, but really only about one hundred participate regularly. Many that participate, do so in only one facet. They will just attend general meetings, section meetings or certain social events. To get more people involved, we are working on making changes to our events to spark interest.

As for our general and section meetings, we have new venues, new food options and more interesting content. Be on the lookout for the upcoming CLE events and take advantage of this great opportunity to get many, if not all, of your CLE taken care of via our Bar meetings.

The membership of the Bar voted and showed its interest in more social events. We put together a Murder Mystery Night that was very well received. We have the annual Christmas party scheduled for Thursday, December 06, 2018. After the New Year, we are planning on having additional social events, including a bowling night during the first quarter and we are looking for a Thursday night in June for a Prairie State Fundraiser at Niko's Red Mill where the Band PB&J, featuring Judge Berg and Barney Papp, will perform. We are also seeking to put together a co-ed recreational softball team for Friday evenings starting in March at Lippold Park in Crystal Lake. If you are interested in any of these, please contact us so we can get you on the invitation list. Hopefully, we can grow interest in our events as well as participation in the Bar.

BAR OFFICE

Hopefully, we build interest in our meetings but even based on the current levels of participation, our conference room at the Bar office cannot hold all of the attendees for many meetings. We have found that hosting meetings at our facility, where we can avoid rental and catering charges, is the most cost effective.

Our lease for the current unit expires in mid-2019 and therefore we will be on a search to locate a facility that has office space, as well as a meeting room that can accommodate more people. Our plan is to try and find a venue that can provide the most space and fit within our budget.

COURTHOUSE CHILDCARE

Through the outreach and strategic planning interest groups, Judge Chmiel brought forth the idea of a child waiting room where volunteers would watch over children while the adults who brought them appeared in Court. This program is also in place in other counties and non-attorney volunteers donate their time to take on the childcare. This program will help streamline efficiency for the courthouse which is good for all of us.

INCREASED ADVERTISING FOR THE ATTORNEY REFERRAL SERVICE

The Bar Association has an Attorney referral service on its website which allows Members to identify their areas of practice and contact information for potential clients. Lake County charges nearly ten times as much as we do for the service and generates over thirty thousand dollars in revenue towards the program and I believe they are using some of those funds to boost the search engine returns with people who are looking for attorneys so that more people click and use the service. I am certainly in favor of trying some marketing to bring in more clients to our members.

All of these ideas are in their planning stages and any input from you is important to make sure we are moving forward in the way that the membership desires. Therefore, please do not hesitate to reach out to me by phone, email or in person to discuss these and any other ideas that you may have.

Sgreeley@fgmlaw.com
815-923-2107

PLANNING FOR LAW DAY 2019 IS UNDERWAY!

By: Jennifer L. Johnson, *Zanck Coen Wright & Saladin, P.C.*


Believe it or not, we are already busy planning for Law Day 2019. The American Bar Association has recently announced Law Day's theme as "Free Speech, Free Press, Free Society". As many of you know, part of our activities for Law Day include an essay contest, which will allow local students to write essays based on this theme and submit them for judging to our committee. With a topic like this, the essays are sure to be plentiful and competitive!

Additionally, our Law Day Committee will have our first meeting on Tuesday, November 6, 2018 at 12:00 pm at the McHenry County Bar Association office. We will begin planning for the event at this meeting. We are always looking for committee members, so if you are interested in joining us, please let us know by either contacting me (jjohnson@zcwlaw.com) or Erin Frommes (mchenrycountybar@gmail.com). Our committee not only plans the event, but also coordinates the essay contest, attorney visits to local schools, selection of the Liberty Bell and Distinguished Service Awards and the high school program, which takes place at McHenry County College and is always well attended by several of our county's high schools.


In January, 2019, we will be sending out nomination forms for the Liberty Bell and Distinguished Service Awards. The Liberty Bell Award is given to a lawyer and the Distinguished Service Award is given to a non-lawyer. If you would like to nominate someone that you believe has made a difference in our community in some way, please submit a nomination!

Save the date for the High School Law Day program at McHenry County College on April 12, 2019 and the Law Day Luncheon on May 3, 2019. We hope to see you there!



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Time To Push Back Against ‘Boys Will Be Boys’

By: Justice Mary S. Schostok

Recently I attended a cocktail reception at a downtown law firm. Present were lawyers, judges and businessmen/women. The crowd was large and the atmosphere was jolly. It was a celebration of sorts.

As I was standing there, I was approached by a lawyer who had a non-lawyer friend with him. The lawyer came up to me, introduced his friend and offered a hug, to which his friend said, “Don’t I get a hug, too?” I hugged the man, while at the same time I heard the lawyer say something extremely offensive and sexist to his friend about me. He certainly said it loud enough for me to hear. I was so taken aback that I stood there with my mouth agape. They moved on, but I did not.

The rest of my evening was ruined and spent in a fog. The comment gnawed at me for days until I mentioned it to one of my dear friends in the profession. She was even more offended than I and said, “You have to say something.”

I thought, say what, and to whom? Say something to him, his boss? Still stinging from the comment, I was confused. I’m a couple of months away from turning 60, and I’m still clueless when something like this occurs. My uncertainty on how to deal with the matter answered my question: “What do I do?” If I’m clueless, other women probably are too, thus I chose to write this letter.

I entered the legal profession in 1986, where the female-to-male ratio in law school was around 35 percent. (Today women make up the majority in law schools throughout the country). We were all in the same miserable boat, so I didn’t really feel any disrespect directed at me from my fellow (male) law students. Unfortunately, the professors were a different story, as most of them were still getting used to women in the profession.

Upon graduation in 1986, I moved on to the practice of law. I was with a private firm in Pittsburgh for a year prior to moving to Illinois after marrying. In Illinois, I joined the state’s attorney’s office, where at that time “boys will be boys” and girls had to join in just to survive.

I am not proud of the fact that women in the office would join in the banter with the men in hopes of being a part of the crowd, but that was in the ’80s, and the #MeToo movement was not yet afoot. At the time vulgarity was not something that offended me, as I knew I had to “go along to get along.” I wasn’t the only one. I am not by any means degrading the state’s attorney’s office, as that was probably the best time of my life, and perhaps my favorite job (for reasons other than mentioned). We had to put up with comments from defense attorneys as well as judges. One colleague, during a pretrial conference, was told to “go get a male assistant to help you negotiate this case.” Can you imagine if a judge said that to a young female assistant today? We were much more intimidated then, as women were still in the minority in the profession.

After getting on the bench, the fraternity was not as strong as in the office and things seemed much tamer. Sure, you had to put up with men calling you “sweetie” while on the bench, but I chalked that up to “his advanced age.” I was never offended.

Not being offended and putting up with these comments became exhausting the older I became.

I no longer “giggle” at crass things said by men, and I certainly try not to “join in the fun.” Unfortunately, I did not come to this position earlier in my career. I write this letter to encourage all female attorneys younger than me not to wait until you’re 60. Stop giggling and start talking.

I commented on a lawyer's inappropriate behavior to a young female attorney friend of mine. Her response was, "Oh, that's just him. He's our comic relief." No, he is not your comic relief, he is your worst nightmare! Why do we make excuses? As women, we must have self-respect or no one will respect us. It's not funny, it's not right, it's offensive and vulgar and we have to begin to stand up.

It boggles my mind that in today's culture, the #MeToo movement, that men would continue to talk like this. Do they not read the newspapers, listen to the daily news reports? Do they have no respect for their wives, their daughters, their colleagues?

Some ask, "What will it take for this to stop?" I will tell you exactly what it will take. It will take all of us to stand up and say "enough is enough." When someone makes an inappropriate comment, we must say, "that's not nice" or "that's inappropriate" or "please don't talk like that in front of me" without fear of being fired or black-balled.

We have to stop thinking we may be labeled as a "snitch" or "a prude." We must think of ourselves as the strong women we are, the strong women who got through three years of law school, who worked diligently to pass the bar, get a job in the profession, and perhaps raise a family while still working. If you are strong enough to do all of these things, you are certainly strong enough to stand up to a man who treats you with disrespect.

You are probably thinking, "Well, you didn't say anything to that man." No, I didn't, because I was in complete and utter shock over what was said to me. I thought, if he had the nerve to say that to a judge, imagine what he will say to a female lawyer, a law clerk or a secretary. I intend to give him this letter prior to publication and let him know he was the genesis. I will also tell him that if he ever speaks to me or any other woman this way again, I will deal with it differently.

I regret that my reaction was delayed, but I will react differently in the future. I write this so we will all act immediately upon hearing offensive comments from here on out. Please learn from my mistakes.

To all of the young female lawyers in our profession, be strong. Don't tolerate this behavior as the women in my age group did. Now that the gender gap is very narrow, you no longer have to be weak (as we were) and in fear of your job security. There is comfort and strength in numbers. Take advantage of it, don't be taken advantage of.

Let's move on together to change our profession.

Justice Mary Seminara-Schostok sits on the Second District Appellate Court. She is the former President of the Illinois Judges Association, the current Chair of the Judges Retirement System, a Trustee on the Illinois State Board of Investments, a Commissioner on the Illinois Courts Commission, and a mother of three.



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Civil Trial Call

Case Number: 17SC2058

Plaintiff: State Farm as subrogee of Janine Karkow

Defendant: Kristyn Jarke

Plaintiff's Attorney: James O'Dea

Defendant's Attorney: Wein & Associates

Trial Date: August 6, 2018

Judge: Kevin G. Costello

Verdict: Plaintiff

Net Total Verdict: \$3,412.98 (property damage)

Last Demand: \$3,296.68

Last Offer: \$2,747.23

Case Number: 17SC423

Plaintiff: Adrea Cooper

Defendant: Kevin Daleiden

Plaintiff's Attorney: Keis/George LLP

Defendant's Attorney: Alison Harrington

Trial Dates: August 13-14, 2018

Judge: Michael J. Chmiel

Verdict: Defendant and counter-plaintiff

for \$18,000 plus cost

Last Demand: \$5,141.77

Last Offer: \$0

Case Number: 17SC2127

Plaintiff: State Farm as subrogee of Philip Krueger

Defendant: Mary Ponce-Zepeda

Plaintiff's Attorney: Barrick Switzer, Long, Balsley & Van
Evera P.C.

Defendant's Attorney: Giamanco Law Partners

Trial Date: August 13, 2018

Judge: Thomas A. Meyer

Verdict: Plaintiff

Net Total Verdict: \$3,930.12

Plaintiff's Contributory Negligence: 0%

Net Total Verdict: \$3,930.12 subrogation

Last Demand: \$2,400

Last Offer: \$3,600

Case Number: 17AR331

Plaintiff: Donald Hensley

Defendant: Ryan Reiche

Plaintiff's Attorney: James F. Bishop & Associates

Defendant's Attorney: Querry & Harrow, Ltd.

Trial Dates: August 20, 2018

Judge: Michael J. Chmiel

Verdict: This case settled after jury sworn in but before
opening statements for an undisclosed amount.

Last Demand: \$9,500

Last Offer: \$8,000

Case Number: 18LM509

Plaintiff: Senseless, LLC

Defendant: Juan Carlos Garcia Ibanez

Plaintiff's Attorney: Doreen Paluch

Defendant's Attorney: Richard Morton

Trial Date: October 9, 2018

Judge: Thomas A. Meyer

Verdict: Plaintiff sued for possession of property

Net Total Verdict: Awarded possession

Case Number: 17SC2506

Plaintiff: State Farm as subrogee of Carlos Rodriguez

Defendant: Anastacio Yarez

Plaintiff's Attorney: Barrick Switzer Long Balsley & Van
Evera, P.C.

Defendant's Attorney: Goldman & Grant

Trial Date: October 9, 2018

Judge: Michael J. Chmiel

Verdict: Plaintiff

Net Total Verdict: \$3,144.69

Last Demand: \$3,200

Last Offer: \$1,600



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There is No Shame in Asking for Help

Melissa O'Neill, LCSW
Director of Clinical Operations, Timberline Knolls



Stress, in and of itself, is not bad. High-achieving individuals in the law profession often thrive under a modicum of pressure; however, too much of any good thing is, in fact, too much.

Most people know of the dangers involved with maladaptive coping strategies such as alcohol, substances, even gambling. Conversely, few recognize the negative consequences involved when food is used in a similar fashion.

Food exists to fuel the body and provide pleasure to the palate. It was never intended to serve as a tool for coping with stress; and yet, untold numbers of people use food for that purpose every single day.

Stress eating, also known as emotional eating, has little to do with hunger or enjoyment. Its exclusive agenda is emotion avoidance. This is how it can unfold: after an impossibly difficult day at work, you swing by and pick up a pizza on the way home. You eat far past the point of feeling full, but notice that the stress is diminishing. You grab a pint of ice cream, and before you know it, the tub is empty.

Another common scenario involves hidden candy or other treats in the desk drawer—you have a combative conversation...you immediately reach for a chocolate bar to mitigate distress and feel better.

Questions you can ask to help determine if you are struggling with emotional eating include:

- Do you eat more when you're feeling stressed?
- Do you eat when you're not hungry or when you're full?
- Do you eat to feel better (to calm and soothe yourself when you're mad, bored, anxious, etc.)?
- Do you reward yourself with food?
- Do you regularly eat until you've stuffed yourself?
- Does food make you feel safe? Do you feel like food is a friend?
- Do you feel powerless or out of control around food?

Emotional eating is frequently a mindless behavior and, of course, it works in the moment. While focusing on the food and the process of consumption, you are not reviewing a painful argument or horrendous case load because your mind is otherwise occupied. The problem is, when the soothing behavior stops, everything you sought to avoid returns.

Emotional eating is a temporary distraction, but a dangerous one because ultimately you can experience medical complications such as increased weight, diabetes, heart disease, heightened cholesterol and blood pressure, to name only a few. Add that to the psychological consequences of the shame, secrecy and guilt often associated with emotional eating and your discomfort only escalates. Finally, reaching outside of ourselves for temporary relief often only postpones our stress without tending mindfully to our emotional needs over time.

For this reason, it is not uncommon for emotional eating to lead to other food-related addictions or disorders. In women, Bulimia is one of them, in which vomiting is used to reverse the consumption of food. If extreme weight gain occurs, women often head in the diametrically opposed direction and start restricting.

Although men can and do fall victim to Bulimia and Anorexia, Binge Eating Disorder (BED) is much more likely. With this disorder, an enormous amount of food is typically consumed in a somewhat out-of-control manner, but no compensatory behavior such as purging or excessive exercising is utilized. Therefore, weight gain is nearly inevitable. BED is the fastest growing eating disorder in America today, especially among men.

The legal profession often presents a double-edged sword. Regardless of which aspect of law you practice, pressure is inherent to the work. And no doubt, the majority of you exist in the shadow of the ever-popular, media-driven attorney

stereotype: strong, in control, highly competitive, smart, capable, confident—the list of attributes goes on and on. These qualities provide precious little room for problems of a psychiatric nature. This is precisely why many find it difficult to ask for help, perceiving it as weakness or even failure.

Here is the bottom line: all attorneys are human beings. As such, you may need help from time to time. Whether you struggle with food, alcohol, drugs, or other issues such as trauma, depression or anxiety, recovery is possible.

There is no shame in asking for help. There is only sorrow if you suffer in silence and do not get the professional treatment you need and deserve.

To learn more about other ways to improve your overall wellbeing as an attorney, call 312-726-6607 or email gethelp@illinoislap.org the Lawyers' Assistance Program.



PRESS RELEASE

LAP Expansion: Kane/DuPage County LAP Office Opens

In response to the growing need for LAP's services in the collar counties and beyond, we have opened our doors in Kane County. Schedule your appointment to meet with Dr. Diana Uchiyama, a licensed psychologist and lawyer and start your journey on the path to wellness.

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secure (sĭ-kyōōr') adj.

1. A situation that you can depend on because it is not likely to change.
2. Affording safety, as a place: *He needed a secure hideout.*
3. Feeling confident and free from fear or anxiety: *everyone needs to have a home and to feel secure and wanted.*
4. Firm and not likely to fail; stable.

[*syn.* defensible, defended, dependable, insured, protected, safe, shielded, sound, strong, trustworthy, watched over]

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Mobilizing for a Purpose after a Legal Career “Ends”

First female Presiding Judge of a Cook County district Court in 1992; retiring from the bench in 1999; inspiring and influencing change artistry everyday—meet Sheila Murphy, shifting the paradigm in Illinois by demonstrating the crucial role and purpose of judges and lawyers as lifelong civil servants within the communities we serve.

Murphy’s work spans service as a Cook County Public Defender, Federal Defender panel attorney, of counsel to Rothschild, Barry and Myers, trial judge, and Presiding Judge of the Sixth District. She brought the first Drug Treatment court in Illinois, opened a school in the basement of the courthouse for children who were expelled, rescued children from the hallways of the courts by opening a huge children’s room. The first Domestic Violence court in the suburbs was opened with the help of 37 Police Chiefs of the area. With the advice of the Court Administrator, Joy Lee, the staff learned about trauma. Substance abuse and mental illness. LAP helped lawyers and judges in need. The Attorney General of the United States, befriended Judge Murphy. Janet Reno provided funds through the Justice Department to send seven Markham Judges to Miami in January to learn how to preside in Drug Treatment Courts. Judges who started out with some opposition changed their minds.

“When things are going wrong, they’re actually going right, and you just don’t know it.

If it doesn’t go according to the plans, look at the big picture and focus on your goal, remember we’re all change artists, each person can effectuate change.” - Hon. Sheila Murphy

Throughout her career, Murphy got right to work. She advocated for more women to be in positions of power, and for the Cook County Bar Association to have defense of prisoners’ opportunities.

While it is easy to focus on the wins, as an Associate Judge in Domestic Violence court, Murphy recalls she was faced with significant opposition to her diverse thinking. After identifying the need for a children’s room in the Domestic Violence, courthouse, Murphy stepped up installing a room for children to play in when required to be at the courthouse. A judicial supervisor told her to stop work on the children’s room, “You’re not a social worker” he remarked. When she continued the effort, Murphy was swiftly re-assigned to Traffic Court. Meeting resistance with integrity, grace, and determination, sometimes means picking your battles, arming yourself with the ability to adapt within the circumstances and practice patient resiliency. Later Murphy, was rescued by another woman, Laurel Bellows who objected. She was

transferred to chancery. Today, her story is an example of remarkable character and sharp intellect in her decision to save this battle for future change.

Today Murphy champions her days with a natural bold and wise attitude, her work never ends. After observing the progressive structure of the Red Hook Community Justice Center in Brooklyn, New York, Murphy is now working to develop new resources and attitudes within the Illinois court system. She teaches Restorative Justice with Professor Michael Seng at John Marshall Law School and is Co-Chair of the Restorative Justice Project. Seng and Murphy also edited a law book, “Restorative Practices...A Holistic Approach.”

Taking the time to proactively think through the framework a Judge is setting up for an individual within his/her sentence can mean the difference between life and death. For example, providing tennis shoes is an easy way to improve morale and balance behaviorisms by encouraging naturally occurring endorphins associated with cardio exercise. A change artist, Murphy is always asking how we can do better for those we serve. A JMLS student, asked the Judge at Red Hook what they would do if a sentencing solution isn’t working, a failed drug test for example. The Judge responded “that means I’m doing something wrong, I need to reassess my approach.” Murphy vivaciously declares, “This is the attitude we need in the courts, on the streets, in the attorney’s office, and at the social services desk, THIS is how we effectuate change. Kindness creates change. Fear creates violence.”

Change is possible no matter what you do. YOU can effectuate change, YOU can be a change artist in your own community. But it’s important to start with yourself first. You never know where your message will go or who will receive it. If you’re not ready or unsure if you’re ready to be a catalyst for change in your community, you’ve got a resource in LAP!

LAP provides resources and support to help judges, attorneys, and law students – the only entity that provides cost-free, confidential counseling for attorneys by attorneys. Sheila Murphy has been a LAP member since the ‘80s and serves on the Board by appointment of the Illinois Supreme Court.

No individual will end their legal career unaffected by wellness issues. We need to help each other and create a community of change artists – lucky for us that community is grounded in LAP. Check us out online or give us a call 312-726-6607 to hear about what’s happening at LAP!