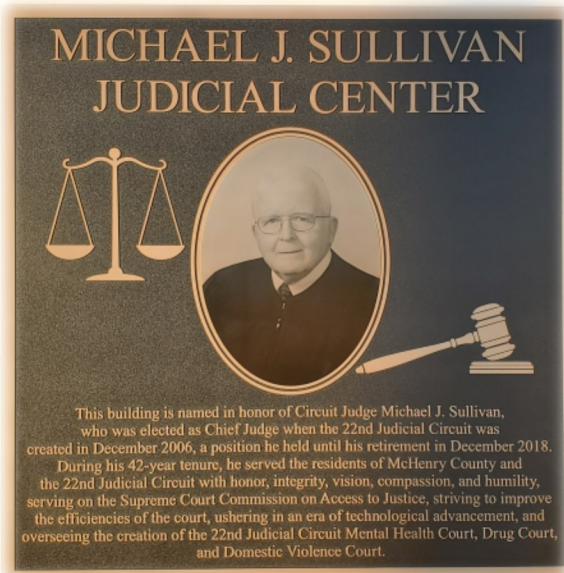


In Brief

22nd Judicial Circuit—September 19, 2019

Courthouse Dedication Ceremony in honor of Judge Michael J. Sullivan (Retired)



Judge Michael J. Sullivan (Retired)



Chief Judge James S. Cowlin



Justice Rita B. Garman, IL Supreme Court

Upcoming Events

Board of Governors

2018/19

Executive Committee

Jennifer L. Johnson
President

Jenette Schwemler
1st Vice President

Peter Carroll

2nd Vice President

Dawn Roth

Secretary

Patrick Kenneally

Treasurer

Committee Chairs

Elizabeth Vonau

ADR/Mediation

John McAndrews

Bylaws

H. Case Ellis

Civil Practice

Thomas Vaclavek

Commission on Professionalism

Hon. Justin Hansen

Continuing Legal Ed.

Brian Stevens

Criminal Law Section

Dawn Roth

Family Law Section

Hon. Mark Fachinni

Judiciary/Court Rules

Jenette Schwemler

Law Day

Steven Greeley

Legal Aid

Scott Jacobson

Legislative

Hon. Robert Baderstadt

(Ret.)

Membership/Directory

Bill Bligh

Newsletter

T.J. Clifton

Outreach

Doreen T. Paluch

Real Estate

Vonda Vaughn

Social

Drake Shunneson

Technology

Amber Bishop

Young/New Lawyers

Steven Greeley, Jr.

Past President

Date	Event	Location	Time
November 7	Criminal Law Section	MCBA Office	Noon
November 12	Family Law Section Meeting	MCBA Office	Noon
November 14	Civil Law Section Meeting	MCBA Office	Noon
November 19	Board of Governors Meeting	MCBA Office	Noon
December 5	Holiday Party	Crystal Lake	5pm
December 17	Board of Governors Meeting	MCBA Office	Noon
January 2	Criminal Law Section	MCBA Office	Noon
January 9	Civil Law Section Meeting	MCBA Office	Noon
January 14	Family Law Section Meeting	MCBA Office	Noon
January 21	Board of Governors Meeting	MCBA Office	Noon
January 28	General Meeting	MCBA Office	Noon

Board Meeting Minutes

[July](#) Meeting Minutes

[August](#) Meeting Minutes

[September](#) Meeting Minutes

Inside this issue:

Presidents Page	3
Swearing in of Judge Johnson	4
Member News	5
Trial Call	6
Understanding & Avoiding Parental Alienation	9
Mathematics of Addiction & Co-dependency	12-13

President's Page

By Jennifer L. Johnson

2019/20 MCBA President



One of the most important attributes that I learned growing up was helping others. My mother was a single parent, a school teacher, and a staunch advocate of the Golden Rule: Do unto others as you would have done unto you. I have strived to live by that standard, and work daily to instill it into my children.

We have a unique opportunity as attorneys to be able to help others. Whether we volunteer our time and abilities to those in need; volunteer for Prairie State Legal Services or other legal aid or pro bono legal service providers; or even helping out a colleague we all should seize the opportunity to help when we can. We have so many opportunities to assist right here in McHenry County.

The Pro Se Mediation program takes place on Thursday mornings in Courtroom 103. The program allows attorneys to provide mediation services to pro se litigants in small claim and forcible entry and detainer matters. Prairie State Legal Services is another great program that is always looking for attorneys to volunteer their time for those who cannot afford an attorney for various matters, including divorce, guardianships, drafting wills, and so many more areas of law. Another way to help Prairie State is to serve on its Campaign for Legal Services, which is the committee that assists in fundraising through event planning and its annual appeals campaign.

I am also excited to spread the word about our Pro Se Help Desk, a project that Steve Greeley started developing during his term as Bar President, which will start on November 18, 2019. We plan to have volunteer attorneys staff a help desk for pro-se litigants on Mondays from 9:30-11:30 in the rotunda area of the second floor of the courthouse. This will be yet another opportunity for our bar members and local attorneys to

volunteer a small amount of their time to assist pro se litigants in a limited interaction to assist them in navigating the legal system. Many surrounding counties already employ a pro se help desk in some fashion and we are excited to bring the opportunity here to McHenry County. If you are interested in volunteering for a Monday morning for this program, please contact Steve Greeley (SGreeley@fgmlaw.com) or Erin Frommes (mchenrycountybar@gmail.com). More information will follow regarding the launch of this program, including information on a volunteer training session scheduled for November 13, 2019 at 12:00 pm at the McHenry County Bar Association office.

The Illinois Supreme Court Commission on Access to Justice, which was created by the Illinois Supreme Court in June of 2012, has the mission to “promote, facilitate and enhance equal justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable.”¹ We have so many opportunities here in McHenry County to be able to advance the Supreme Court’s mission. By volunteering your time, even if an hour a month, for one of these many platforms that we have available to our Bar Association members, I can assure you that the reward that you feel for helping others will be worth the time spent to help someone in need.

Do unto others as you would have done unto you. A simple theme with an unmatched reward. I hope you all have a wonderful holiday season and hopefully find some time to help others in some capacity, either in the legal field or otherwise.

¹ Illinois Supreme Court Rule 10-100

The Swearing In of Judge Johnson



Member News



On August 22, Circuit Judges Michael Chmiel and Justin Hansen of McHenry County and Arbitration Administrator Agnes Kretowicz, coordinated and helped present Arbitrator Training 2019 at the Michael J. Sullivan Judicial Center in Woodstock. Attorneys Case Ellis, Meaghan Alexander, Michael Fleck, Donna Sandacz, and Bruce Armstrong also participated in the Training, which was designed to educate new arbitrators, update current arbitrators, and provide attendees with complimentary continuing legal education. The Training was sponsored by the Twenty-Second Judicial Circuit, the McHenry County Bar Association, and Heritage Title Company of McHenry County.

New Members

Welcome to the MCBA!

Kaitlyn Glenn
Colette Kennedy
Stephanie Thompson
Shaina Kalanges
Seema Schaffer
Jeffery Leving
Dave Tersteeg
Hon. Jennifer L. Johnson
Sufyan Qadir
John Mennie

Save the Date!

MCBA Holiday Party &

Toys for Tots Toy Drive

December 5, 2019

Crystal Lake Country Club

Civil Trial Call

Case Number: 17LA317

Plaintiff: Kathleen Hettermann

Defendant: Donna Schaefer

Plaintiff's Attorney: Tutaj Freeman, LLC

Defendant's Attorney: Charles Busse

Judge: Thomas A. Meyer

Dates: July 29—August 1, 2019

Medical: \$180,868.31

Pain & Suffering: \$100,000

Loss of Normal Life: \$361,736.62

Plaintiff's Contributory Negligence: 50%

Net Total Verdict: \$180,868.31

Last Demand: \$100,000

Last Offer: \$50,000

Case Number: 17LA270

Plaintiff: Becky Thomas

Defendant: Christian Heaney

Plaintiff's Attorneys: Donald Stinespring &
Thomas Popovich

Defendant's Attorney: Noonan, Perillo & Thut

Judge: Kevin G. Costello

Dates: August 26—August 29, 2019

Gross Verdict: \$7,500,000

Case Number: 15LA412

Plaintiff: Anita Fridae

Defendant: James Liss Jr.

Plaintiff's Attorney: Russo & Russo

Defendant's Attorney: Law Office of Steven Lihosit

Judge: Kevin G. Costello

Date: October 7, 2019

Medical: \$17,778.20

Pain & Suffering: \$6,000

Loss of Normal Life: \$2,000

Net Total Verdict: \$25,778.20

**You Do the Legal Work
Let Us Do the Footwork**

Process Serving

Delivery of Legal Documents

Skip Tracing

Reasonable Service Rates



1900 E. Golf Road, Suite 950
Schaumburg, IL 60173

(847) 380-8966

ilinfo@rancoassociates.com
www.rancoassociates.com

Illinois Agency License #117.001785

*Serving the legal community
for more than 30 years!*



Your time is money. Are your closings taking too long?

Our goal is to complete closings in one hour or less, and we meet that goal the majority of the time. Ask around. Then call or email Fred Roediger (815) 479-8400, froediger@htc24x7.com



HERITAGE TITLE COMPANY

4405 Three Oaks Road · Crystal Lake
htc24x7.com



RESIDENTIAL · COMMERCIAL · REFINANCING · CONSTRUCTION ESCROW

STRONG & RELIABLE.

Like our Trust and Wealth Management Services.

In a sea of change, we are your rock – a solid foundation strategically guiding you toward your financial goals. From estate planning to retirement success, you can count on Home State Bank – the only bank in McHenry County with an on-site Trust department – to provide steadfast advice and expertise to plan your financial future.

Wealth Management and Trust Services

Investment Management for Individuals, Families and Institutions

- Expert research and analysis
- Portfolio evaluation and focus

Certified Financial Planning

- Comprehensive plans for life, college and retirement

Trust and Estate Administration

- Locally directed and determined

Court Supervised Guardianship

- Minors
- Disabled adults

Call Mark Weber at 815-788-3404 today.



40 Grant Street, Crystal Lake, Illinois 60014

Investment Products and Services are:

Not FDIC Insured | May lose value | No bank guarantee

PREMIER

COMMERCIAL REALTY

9225 S. Route 31

Lake in the Hills, IL 60156

WWW.PremierCommercialRealty.com

We Have Buyers and Tenants Seeking Quality Properties NOW!



Bruce Kaplan
847-507-1759



Kevin Kaplan
309-261-0920

SELLING AND LEASING

COMMERCIAL/INDUSTRIAL PROPERTIES FOR 42 YEARS

INDUSTRIAL - COMMERCIAL - OFFICE - LAND - RETAIL - BUSINESS
Serving McHenry, Kane and Lake Counties

Understanding and Avoiding Parental Alienation

By: Tiffany M. Newton, *Gehris & Associates*

Going through a divorce is hard enough for most people, but parents with children often have it even harder. It may seem almost impossible to get through the divorce process without having a negative impact on the children. However, when one parent is purposely turning the children against the other parent and discouraging a relationship with the other parent, the children may be at risk for more than just confused feelings and being caught in the middle. In extreme cases, the behaviors of one parent may seek to drive away the other parent in an attempt to abolish the relationship between the children and the other parent.

Parental alienation encompasses extreme behaviors. In fact, a New York Appellate Court recently stated that in order for parental alienation to occur the alienating parent has to intentionally damage the reputation of the other parent in the eyes of the children and the alienated parent must demonstrate no “legitimate justification” for those actions. *J.F. v. D.F.*, 61 Misc.3d 1226(A), 2018 N.Y.Slip.Op. 51829(U). Parental alienation involves behaviors by parents that are intended to diminish the interest of the children in spending time with the other parent or refusing to have contact with the other parent.

It is important that parents not discuss the litigation process, cost of litigation, or other issues between mother and father in the presence of their children. Discussions with the children by one parent which attempt to convince the children that they do not have a good time with the other parent or that they do not enjoy spending time with the other parent can foster negative feelings toward that other parent. Engaging in a course of conduct designed to alienate the child from the other parent does not serve the best interest of the children. In situations where the children historically had a good relationship with both parents and are now demonstrating extreme hatred toward one parent, an examination of both parents may be necessary to determine whether the change in how the children are feeling is due to the actions of one of the parents.

The Illinois Marriage and Dissolution of Marriage Act requires that the Court consider all relevant factors in determining the best interests of the minor children in allocating parenting time. One of the many factors to be considered is the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child. 750 ILCS 5/602.7(b)(13). In a recent unpublished opinion, *In Re Marriage of Moore*, the Appellate Court upheld the decision of the lower court after it considered parental alienation and stated that a circuit court may suspend a parent’s visitation or eliminate a parent’s parenting time if the Court finds by a preponderance of the evidence that the parent engaged in conduct that seriously endangered the child’s mental, moral or physical health or that significantly impaired the child’s emotional development. 2018 IL App (3d) 170279-U.

What can family law practitioners do with regard to parental alienation? Family law practitioners have an obligation to consider the best interests of this children while still advocating for their clients. This can be a difficult road to navigate when one parent is engaging in parental alienation behaviors. Clients should be guided to deal with these behaviors and correct the situation before things rise to the level of parental alienation. This can be done by addressing the issue of parental alienation right away with clients. It is important to advise parents that their children should not be involved in the litigation and the litigation should not be discussed with the kids. Parents may not understand the unintended consequences that these behaviors may have on their children. Clients should keep track of the other parent’s actions that interfere with their parenting time. Allocation Judgments and Parenting Plans should include provisions that limit the behaviors generally associated with parental alienation and provide guidelines for effective co-parenting. It may also be necessary to employ the assistance of a third party such as a counselor, therapist, *guardian ad litem*, or law enforcement depending on the severity of the parental alienation behaviors. Most importantly, family law practitioners should encourage parents to co-parent and consider the best interests of the children even when this is difficult and relationships are strained. Parents need to be made aware of the impact that their conduct has on the children’s relationship with the other parent.

The McHenry County Bar Association participated in the Care4 Breast Cancer 5K run/walk on October 20, 2019. Our team, which included TJ Clifton, Natalie Fredrickson-Gardner, Steve Jaenicke and Brian Stevens, raised \$753!



MCBA member Brian Stevens at the start line



**Connecting people who care
with causes that matter.**

815.338.GIVE (4483)
thecfmc.org • connect@thecfmc.org

The Community Foundation for McHenry County
630 N. Route 31, Suite 101, Crystal Lake, IL 60012

By partnering with The Community Foundation for McHenry County, we can help your clients:

- structure tax-wise gifts that carry out their charitable vision and establish an enduring legacy in McHenry County
- make an informed choice for their gift backed by our expertise, resources and local knowledge
- ensure their generosity makes the most impact in the place they live and love

**THE
COMMUNITY
FOUNDATION**
FOR McHENRY COUNTY

AN AFFILIATE OF
THE CHICAGO COMMUNITY TRUST

LOCAL. EXPERIENCED. DEDICATED.



WINTRUST WEALTH MANAGEMENT

Trust Services provided by The Chicago Trust Company, N.A.

Corporate Trustee Services • Personal Trust Administration
Estate Settlement • Special Needs Trusts
Guardianships



Alansa C. Ferguson
Vice President & Trust Officer

Located at: Barrington Bank & Trust
201 S. Hough Street, Barrington, IL 60014
847.842.2607 • aferguson@wintrustwealth.com



Penelope Johns
Vice President & Trust Officer

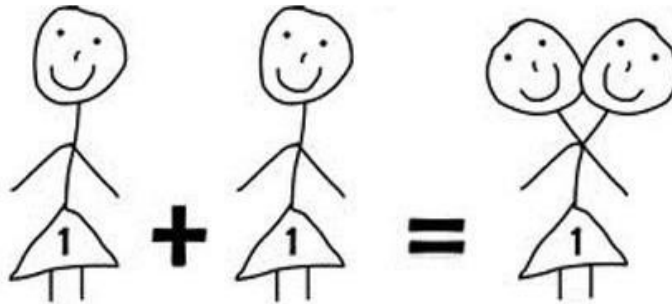
Located at: Crystal Lake Bank & Trust
70 N. Williams Street, Crystal Lake, IL 60014
847.479.5200 • pjohns@wintrustwealth.com

Securities, insurance products, financial planning, and investment management services are offered through Wintrust Investments, LLC (Member FINRA/SIPC), founded in 1931. Trust and asset management services offered by The Chicago Trust Company, N.A. and Great Lakes Advisors, LLC, respectively. © 2019 Wintrust Wealth Management

Investment products such as stocks, bonds, and mutual funds are:
NOT FDIC INSURED | NOT BANK GUARANTEED | MAY LOSE VALUE | NOT A DEPOSIT | NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY

The Mathematics of Addiction & Co-Dependency

By Joe Scally M.A., J.D., LAP Clinical Case Manager



Maybe you've heard that word codependent. Maybe your child, spouse, colleague, co-worker or friend is struggling with addiction to something like alcohol, drugs, gambling or sex. Maybe you've agonized along with them in their struggle. Maybe you've found that it's very difficult to help them and you've become bitter and frustrated. Maybe you've wondered if that word codependent applies to you. Maybe you're asking what that even means.

There is a lot of confusion about the concept of codependency. This confusion is not helpful in addressing the confusion and pain that comes along with trying to help someone battling an addiction. The word codependent is often used in a pejorative, belittling or dismissive way. Because of this, many mental health professionals decline to use the term. Yet, when properly understood, the concept of codependency can be a good way of understanding our responses to the pain, uncertainty and disruption that goes along with trying to help someone who is actively in addiction. When we see that the roots of codependency are in a normal, caring, and loving reaction to a friend or relative we can better see the path to improving our own well being. It may even lead us to do things that will enhance the likelihood that our loved one will seek the help they need.

A useful way of thinking about codependency is based on the definition given by the author Melodie Beattie. Her book, *Codependent No More*, helped put the word codependency into common usage. She defines a codependent as "one who has let another person's behavior affect him or her, and who is obsessed with controlling that person's behavior." It is hard to imagine not being affected by the behavior of a friend or relative who is engaging in addictive behaviors. So, in meeting the first part of the definition, the codependent person is simply displaying a human response to that situation. We can predict that, in that situation, many people will try to help. However, it's often hard to know what is the best way to do so. Should we ignore the alcoholic or engage with her? Should we search for the drugs and throw them out? Should we pay some of his bills to avoid damage to his credit? Obviously, the choices the helper makes will affect him or her as well as the person with an addiction. Given these often opposing motivations, ambivalence is a normal response to struggles with addiction.

Given these choices, the person trying to help can become obsessed with making things better by controlling the addicted person's behavior. The second part of the above definition is then met. He or she has become codependent. This doesn't happen all at once. As we have stated, it evolves from normal, predictable, caring human behavior. James Farris, PhD. describes how codependents begin to change their plans and take on some of the responsibilities of the person with an addiction in an effort to control the destructive behavior. This can result in increasingly problematic behaviors. As they become more focused on helping, codependents stop caring for their personal appearance and health, have difficulty making decisions, become anxious and tired, struggle with setting limits, drink, engage in compulsive behaviors like drinking or smoking themselves, feel more resentful and angry, and blame themselves. If these tendencies are not addressed they lead to increasing isolation, health problems, sleep disturbances and mood problems. In the extreme, codependents feel hopeless,

helpless, suicidal, or become addicted themselves.

The first step in addressing codependence is recognizing the need for self care. Codependents can become so involved in helping their addicted loved ones that they lose track of themselves. Reclaiming parts of one's life is important for the codependent. Accepting that the addictive behaviors are largely out of one's control is important for the codependent person. The prayer attributed to Rev. Dr. Reinhold Niebuhr speaks to this attitude; "Grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference, living one day at a time, accepting hardship as a pathway to peace, taking this world as it is, not as I would have it...." The codependent person must recognize that all he controls is his own behavior. He must understand that his well being is important. He can then choose to begin exercising more, eating better, getting needed medical treatment, reducing his own use of substances, meditating, engaging in pleasant distractions such as growing a garden, hiking, or reading. Seeking therapy, attending Al-Anon or Families Anonymous meetings, or volunteering to help others, are also good choices as are taking breaks and vacations, getting a haircut, listening to music. Note that none of these activities depend on whether the friend or relative of the codependent person is actively engaged in addiction.

Initially, the codependent person may say "How can I do any of those things? Won't ignoring _____'s problem make it worse? Won't he do something foolish, illegal, destructive, if I'm not paying attention?" The codependent person should ask themselves if not engaging in self care has made the problem better. Has it kept _____ from doing foolish, illegal, destructive things? Hopefully, she will conclude that she doesn't have much control over _____'s behavior. Hopefully, they will further conclude that taking care of themselves is important regardless of their loved one's condition.

While a codependent person should seek to heal themselves simply because they are valuable and are entitled to do so, the healing may also be beneficial to their loved one's fight with addiction. Jeffrey Foote PhD., Carie Wilkens, PhD., and Nicole Kosanke, PhD., are directors at the Center for Motivation and Change. In their book, *Beyond Addiction: how science and kindness help people change*, they discuss that when a person who has engaged in codependent behaviors is redirected to taking care of himself, he is better able to set and maintain boundaries and expectations. He is better able to extend loving kindness at appropriate times, not out of an effort to control, but simply to nurture. Being kind to the loved one does not mean a person is being codependent. For instance, it's all right to make breakfast for someone on Sunday morning, even though they are abusing a substance at other times. When the codependent person models a more balanced, satisfied, purposeful life this can have a powerful positive impact on the person struggling with addiction.

LAP's mission is to help, protect, and educate our legal community about substance use, mental health and wellness. If you or someone you know needs support with mental health or wellbeing, do not hesitate to contact LAP. Our services incur no cost, and are always 100% confidential.

gethelp@illinoislap.org, 312-726-6607

