



IN BRIEF

A Quarterly Publication of the McHenry County Bar Association February 2020



Law Day 2020 Schedule of Events

March 16, 2020—Middle School Essay Contest deadline

April 6-24, 2020—Elementary School Visits

April 17, 2020—High School Law Day Program at MCC

May 1, 2020—Law Day Ceremony at the Michael J. Sullivan Judicial Center

Upcoming Events

Board of Governors

2018/19

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Continuing Legal Ed.

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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
February 6	Criminal Law Section Meeting	MCBA Office	Noon
February 11	Family Law Section Meeting	MCBA Office	Noon
February 18	Board of Governors Meeting	MCBA Office	Noon
February 25	General Meeting	MCBA Office	Noon
March 5	Criminal Law Section Meeting	MCBA Office	Noon
March 10	Family Law Section Meeting	MCBA Office	Noon
March 12	Civil Law Section Meeting	MCBA Office	Noon
March 17	Board of Governors Meeting	MCBA Office	Noon
March 24	General Meeting	MCBA Office	Noon
April 2	Criminal Law Section Meeting	MCBA Office	Noon
April 14	Family Law Section Meeting	MCBA Office	Noon
April 21	Board of Governors Meeting	MCBA Office	Noon
May 1	Law Day	Courthouse	11am

Board Meeting Minutes

[October Meeting Minutes](#)

[November Meeting Minutes](#)

[December Meeting Minutes](#)

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President's Page

By Jennifer L. Johnson

2019/20 MCBA President



Happy New Year! I hope this article finds everyone refreshed after the holidays and ready to tackle another year. I gave up making resolutions years ago. Although I think of the New Year as a clean slate and a chance to change some things personally and professionally, in making resolutions, without fail, I always seem to have broken them a month or two into the New Year. But, each year I always give pause and reconsider the notion of making a resolution or two for the upcoming year. I have not made any yet for this year, but instead have thought about things that I can change or do differently this year to become more effective both personally and professionally.

One of the things that I strive to do on a daily basis is to exhibit kindness. Whether it may be in the form of a simple hello to someone, holding the door for someone, or something on a larger scale, I try to do this daily. My husband, Nick, and I tell our children often that it takes such a small effort to often make a lasting impact on someone. They are probably still a little too young to realize what that means now, but hopefully we will instill this value in them as our parents did with us. When encountering some attorneys, I am sure that we can all agree that this principle is often lost on them. Unfortunately, professionalism is often times decreasing in our profession, and I encounter a lack of professionalism more often than is necessary, as I am sure some of you can relate. Perhaps some attorneys don't have a personality that exhibits the "kindness" attribute, or perhaps they do but don't practice it in a professional setting, or maybe the attorney feels that they aren't representing their client

to the fullest extent if they handle a case with professionalism. From experience, professionalism certainly goes a long way in accomplishing a meaningful resolution in a case. I hope to continue this practice of kindness and professionalism, even though it proves difficult on occasion, during this year.

Something else that I strive to do regularly is help others. Whether that is in the form of volunteering on a board that is meaningful to me, accepting a referral from Prairie State Legal Services, or volunteering my time at the courthouse as either an arbitrator, mediator or at the Help Desk, it is such a small amount of time invested with such a large reward. In my last article I wrote about the variety of programs available to the McHenry County Bar Association membership. We have access to many programs that would allow any one of us to volunteer with any varying time commitment to help others in some capacity. I can assure you the reward is greater than the time invested. Again, this is a practice I hope to be able to undertake even more often this year.

So, as we embark on another year, whether you make resolutions or just simply try to do something a little different for the upcoming year, I hope you are able to find your balance between your professional and personal lives, find some time to exhibit kindness, professionalism or do something, no matter how small, to help others. We are all fortunate to practice in a community such as ours, and I wish you all a prosperous and wonderful 2020!

MCBA Attorney Help Desk

By Steven J. Greeley, Jr.

Monday, November 18, 2019 was the first session and we have helped over 100 people to date! The MCBA Attorney Help Desk is in session every Monday from 9:30 AM to 11:30 AM in the second floor rotunda at the courthouse. Self-represented litigants are able to come on a first-come, first-serve basis for a 15 minute session with the volunteer attorney to get procedural guidance. The Circuit Clerk's office also currently provides someone from their office to assist with e-filing and with locating additional resources.

The Help Desk Committee, now including Judge Chmiel, Judge Gervais, Judge Hansen and Jennifer Johnson, began work in 2016 to study the similar programs of the other northern Illinois courthouses to assemble our program. The Committee recognized the need for the program to give assistance to self-represented litigants, which helps achieve the goals of our Supreme Court and the Bar Association of equal access to justice for all.

Malpractice coverage was a must in order to establish the program and was the main hurdle due to the cost involved, but thankfully, we have malpractice coverage donated by Administer Justice, a local charity group based in Elgin that conducts clinics and otherwise assists those in our area in need of legal guidance and representation.

Currently, we have two attorneys volunteer each week. Thank you to our list of volunteers below and those who will volunteer going forward. To volunteer for an upcoming Monday session, please go to the website below or contact the bar office. Also, to help fund documents, signage, and other materials, please send what you can to the Bar office. You can make checks out to the MCBA.

<https://www.signupgenius.com/go/8050F48AFAD2FA1F85-attorney>

<u>Thank you to those who have volunteered:</u>	
Jennifer Johnson	Carol Hill
Pamela Brunkalla	Sara Busche
Tamara Marshall	Will Petsche
Robert Burke	Lauren Harris
Shaina Kalanges	Case Ellis
Paula Rieghns	Carl Metz
Rebecca Lee	Elizabeth Ellis
Natalie Fredrickson Gardner	Jean Butler
Michael Cortina	Tom Carroll
	Steve Greeley

Member News

Meet new member Jason Blumenthal



Jason is a McHenry County native and a 2012 Johnsburg High School graduate. He received his Bachelors of Science in Political Science and Economics from Bradley University in 2016 and continued onto Northern Illinois University to receive his Juris Doctorate and Masters in Public Administration. As a recently admitted attorney, he is eager to start helping people navigate the legal system. In his spare time, Jason enjoys watching the Chicago Cubs, fishing, and is a political junkie.

HELP!

Volunteers are needed to speak to 4th and 5th grade classrooms in McHenry County as part of the 2020 Law Day Celebration. Each volunteer is matched with a class or classes. The volunteer and teacher agree on the topic and time. Visits will take place from Monday, April 6 through Friday, April 24, 2020.

If you wish to volunteer, please send an email to:

MHNader@22ndcircuit.illinoiscourts.gov

Thank you to all those that donated to the TLS Veterans drive! We were able to donate \$355 that was raised from the 50/50 raffle at the golf outing and a number of other supplies. Pictured below is Mary Ott; TLS Veterans, Jennifer L. Johnson; MCBA President and TJ Clifton; MCBA Outreach Chair.



New Members

Welcome to the MCBA!

Ashur Youash
Allison Urbaszewski
Jason Blumenthal
Matthew Malinowski
Gouthami Vanam
Ryan Sugas
Roderick Drobinski

Civil Trial Call

Case Number: 16LA196

Plaintiff: Leticia Palomino

Defendant: Cole Quick

Plaintiff's Attorney: Roberto Acevedo

Defendant's Attorney: Rich Foss

Judge: Thomas A. Meyer

Dates: October 28-October 31, 2019

Pain & Suffering: \$5000 past, \$10,000 future

Gross Verdict: \$15,000

Net Total Verdict: \$15,000

Last Demand: \$150,000

Last Offer: \$100,000

Case Number: 15LA396

Plaintiff: Charles Casamento

Defendant: Village of Bull Valley, et al

Plaintiff's Attorney: KRV Legal, INC

Defendant's Attorney: Peterson Johnson & Murray

Judge: Thomas A. Meyer

Dates: November 18-November 20, 2019

Verdict: Plaintiff

Net Total Verdict: \$55,000

Last Demand: \$75,000

Last Offer: \$30,000

Case Number: 16LA328

Plaintiff: Tobias Ramos

Defendant: Luis Medina, et al

Plaintiff's Attorney: David Nemeroff

Defendant's Attorney: James Devine

Judge: Kevin G. Costello

Dates: December 2-December 5, 2019

Verdict: Defendant

Last Demand: Unknown

Last Offer: Unknown

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CIVIL DIVISION UPDATE

By Judge Mike Chmiel

The work of the Civil Division of the Twenty-Second Judicial Circuit continues in good fashion, through the work of those who practice in our courtrooms, and the conscientious staff of the Court. Thanks go to them and those who serve as Guardians Ad Litem in Probate, Arbitrators, and Mediators, especially in our Self-Represented Mediation Program. Huge thanks also go to the Volunteers who have staffed the new Attorney-Help Desk on Mondays!

Please continue to check the Court's website for updates to Standing Orders, which are designed to facilitate practice in our courtrooms. We are also working to publish calendars in similar fashion, to show when the calls of our respective judges will be closed. As circumstances allow, to help with the judicial staffing of our courtrooms, please try to avoid February 3-7 and March 30-April 3, when all judges of our State are required to attend an educational conference.

With further regard to scheduling, at the January 14th Meeting of our Division, we began planning to again provide free training this year. For mediators, we are looking to continue to target the afternoon of the "Thursday before Memorial Day" – May 21, 2020. For arbitrators, we are looking to continue to target the afternoon of the "Thursday before Labor Day" – September 3, 2020. For probate, we are looking to continue to target the afternoon of the "Thursday before Halloween" – October 29, 2020. Details will be forthcoming as we approach each training, and MCLE and PMCLE credit will be targeted for each program. If you might like to participate as a presenter or panelist, please let me know.

At the January 21st Meeting of the Local Rules and Forms Committee of our Circuit, a complete redraft of the forms which are used in handling Probate cases in our Circuit was approved and will head to the Circuit Judges for further consideration. An Interest Group of the Civil Practice Section of the McHenry County Bar Association had reviewed each form on the Clerk's website and submitted various recommendations to the Court last Spring. Thereafter, Court Staff reviewed each recommendation, redrafted the forms, and developed eight new forms. Sincere thanks go to all who have participated in this process.

Other notes from our meetings include the following: Limited Scope Appearances are being used less than anticipated throughout the State. They appear to serve Access to Justice, and should be considered in certain cases. See Rule 1.2(c), 4.2, and 5.5 of the Illinois Rules of Professional Conduct of 2010, and Rules 13 and 11 of the Supreme Court of Illinois. Access to Justice further suggests the need to facilitate participation through interpreters and assisted participation for those who are incarcerated. Please advise the Court in advance in open court or through communications copied to those in the case, Court Administration, and/or Court Security when any such circumstances may exist. Step-up and coverage counsel are often utilized in our courtrooms. While we will generally not require the filing of an appearance for simple requests for continuances, appearances should be considered and/or draft orders should include the name of the attorney who actually appeared in open court, which should also be put into the oral/electronic record of the case. A standard "HIPAA Order" in consideration of the requirements of the Health Insurance Portability and Accountability Act of 1996 is being developed. And lastly, you may have noticed the electronic docket of the Clerk often includes "five o'clock settings." Please note these are administrative reminders and do not mean a case will be called in open court that day (although the case probably has something due that day).

Questions, suggestions, and comments remain welcome. Best wishes for a good 2020!

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Hon. Michael J. Fusz, ret.



H. Case Ellis, Esq.



Hon. Margaret Mullen, ret.



Hon. J. Edward Prochaska, ret.

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Anyone Can Do It- Simple Lessons from Practicing Law with my Dad

By John McAndrews

For the past five years, I have enjoyed the privilege of practicing law with my dad Patrick McAndrews. As time has gone on, I have grown to appreciate many of the lessons and skills I have learned through this experience. If you had asked me five years ago what makes a good lawyer my answer probably would have been something along the lines of a strong legal intellect, a hard work ethic, the ability to think quickly on one's feet, and sort through complex issues in a timely fashion. I still believe these are qualities that go towards making a good lawyer, and my answer today would include those things, but being a good lawyer goes way beyond that.

I now place much more value in things that are sometimes taken for granted. Things that are simple and anyone can do, but too often are not adhered to. One of my dad's favorite expressions is "I may not know the law, but..." It is what follows this statement that I have been able to learn some of my most valuable lessons. For the record, I ask my dad legal questions just about every day, and a few times his answers have proven that he in fact, on occasion, does know the law. But whether you "know" the law or not there are a few things that anyone can do to be a better lawyer.

1. Call People Back

This seems almost comically obvious, but undoubtedly we have all been on the receiving end of waiting and waiting for a call back never to receive it. Things get left unresolved, tempers flare, and what may have been an otherwise simple matter becomes over complicated because of a lack of communication. It is also likely, that we have been personally guilty ourselves of not calling someone back promptly, or at all. We get busy, time goes by, and we forget; it does happen, and I have found first hand that this simple act can be tougher than you realize in practice, (especially during busy times). Calls may often go unreturned for other reasons, most of us have probably received at least a couple of rambling voice mails from would be clients that we can immediately tell will not lead to actual representation. It may be tempting to write these calls off and just hope they don't call back. However, even if we know we can't help someone, just by calling them back and being polite we can hopefully leave a positive impression, and it may end up paying dividends in the future. A call may be put off because we are waiting on someone else to call us back so that we can provide an update to our client. I have found it is especially important to communicate during these times, we may not be able to provide the answer or update that our client or colleague is looking for, but we can be honest about what's going on, and not just keep someone in limbo because we don't know something. This leads me to a second valuable lesson-

2. If you don't know something, be honest.

It has been my experience that people will often expect, because you are a lawyer, you will have an answer to just about any legal question that is out there. Obviously, this is not the case. While it may be easy to admit to not knowing something when someone asks the random hypothetical or off the wall question, it can be tougher when we think we SHOULD know something. During my five years of practice I have learned that you will always be confronted with new challenges in this business. Even in areas of law that I practice every single day, I am constantly coming across unique issues or scenarios that I have not encountered before. It might be tempting to try and fake our way through an answer if we don't know something, to try and project confidence to a client. A far better approach, and one that almost all clients will appreciate much more, is being honest and saying that you don't know but will work to get them an answer. Almost always there is someone out there who does know the answer, and in these situations I have benefited greatly from having a network of attorneys who I can go to and seek advice. Which brings me to my next

lesson-

3. Build Personal Relationships with Fellow Attorneys

I am tremendously lucky that I have been able to practice with someone who has spent forty years forging strong bonds with other attorneys in the area. My dad seemingly knows EVERYONE and for the most part this has led to immediate good will between myself and other attorneys I have worked with during my time practicing. This has enabled me to feel comfortable asking fellow attorney's questions, and they are almost always happy to help when they can. Having a strong relationship with your colleagues can also make it much easier when difficulties arise while working across from them. By being friendly and respectful towards our colleagues, as well as taking a genuine interest in them on both a professional and personal level, it can go a long way towards building those relationships. This applies to clients as well.

There are certainly other simple things that we as attorneys' can do to improve ourselves, but these three items form a solid foundation in the "anyone can do it" category. While they may be simple they are not always easy, but if a conscious effort is made, these simple actions can make a big difference.



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A word from the ADR/Mediation Chair... **By Beth Vonau**

Would you like to be on the Approved Mediator List in Family Court? There are 40-hour divorce mediation training programs approved by the Association for Conflict Resolution being offered in Chicago in the next few months. Mediation is a great opportunity to help people find solutions to problems by working together. Sometimes people don't hear each other through all the noise of a divorce but through mediation they can find a way to hear each other and be heard. Since every family is different – when parties craft a solution that best fits their own family, the result is often an agreement by which the parties are more willing to live. Bringing people together in a constructive environment can really make a difference in the lives of parents and children as they navigate the new reality of life after court. Being a part of that kind of problem solving is challenging but rewarding work.

Update your information on the Approved Mediator List – have you changed your address, email, phone contact, or hourly rate? Do you offer services in more than one language? Let us know so we can update the list! Email us at my.seminar.hours@gmail.com.

The Family Mediation Advisory Council is reviewing all current family law mediators to confirm that all who were required to turn in their CLE hours for mediation in June 2019 have done so. As a reminder – by the end of June each year the group reporting their compliance with the MCLE rules to the Illinois Supreme Court need to also report the completion of the required CLE hours as outlined in Local Court Rule 18.04(c) to remain on the Approved Mediator List. The requirement is 6 hours of continuing education classes approved by the Family Mediation Advisory Council every two years.

The Family Mediation Advisory Council approves of continuing education classes that meet one of the following requirements:

- Expands the mediators' understanding of family dynamics, family development, children's reactions to parental separation, parental alienation, and child development;
- Provides insight into diversity issues that may be raised in mediation or give insight into institutional or environmental bias and/or discrimination;
- Provides information on how mediation is done in other communities or settings;
- Promotes one's professional development as a mediator;
- Provides insight into issues of domestic violence, substance abuse, and mental health treatment or disorders;
- Teaches ethics and obligations of a mediator;
- Surveys the mediation process or some portion thereof.

Mediators should be prepared to provide an explanation of how the coursework they have taken meets the above listed requirements. The Family Mediation Advisory Council may ask the mediator to provide a course description or outline should it be deemed unclear by the Family Mediation Advisory Council that the coursework meets the above requirements.

Courses offered by the American Academy of Matrimonial Lawyers and the Illinois State Bar Association are examples of places where you can find reputable training courses that are relevant to family law mediation. Additionally, each fall the Family Mediation Advisory Council hosts a 3-hour seminar on topics relevant to family law mediators. This year our seminar was held on October 4, 2019. We welcomed the following speakers who addressed the topics indicated: Hon. Judge Jeffrey L. Hirsch, Mediation from the Judge's Perspective; Karen Kozlowski Graham, MA, LCSW, Supporting LGBTQ+ Youth and Families; and Joe Canevello, LCSW, Mental Health and Parenting Time Refusal. Thank you to our speakers. Their time is valuable, and we are grateful they volunteered to join us and share their knowledge.

Do you have a suggestion for a topic or speaker for our Fall 2020 seminar? Are you encountering an issue or concern in mediation that you feel needs to be addressed by the Council? Speak up! We would love to hear from you. Planning for the fall seminar will start in the summer – so send your ideas and/or your proof of CLE completion by the end of June. We hope to see you all at the next seminar this fall!

The Volunteer Mediation Program is need of additional volunteers. Please contact Court Administration to sign up for a morning. You get the file in advance so you are able to review the pleadings and determine what issues appear to be present, then the parties meet with you at the Court Administration Office for one hour to try to work out a solution. With the approved forms, you can check boxes and neatly write in additional information that parties agree to have as part of their settlement, get it signed by the parties, and Court Administration will copy the document right there for you to bring over to the Judge. It is an excellent way to get pro-bono hours done!

NOTE: If you have changed your name since first registering to practice law, you are still required to register in the year of the name you first registered under. The Family Mediation Advisory Council will not know that you report on a year other than the name under which you practice now – so please let us know you report in a different year. **Anyone required to report June 2019 that has not reported their compliance to the Family Mediation Advisory Council will be cut from the list.**