



September/October 2009



**ILLINOIS STATE
BAR ASSOCIATION**

LAW-RELATED EDUCATION

The Newsletter of the ISBA's Committee on Law-Related Education

Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.

Our LRE Newsletters are going to be emphasizing Abraham Lincoln in the coming editions to help teachers prepare for and enjoy celebrations of the 200th anniversary of his birth. All editions are archived at <http://www.isba.org/Sections/lrenewshome.html>

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CONGRATULATIONS ARE IN ORDER!
Hinsdale Central High School Takes 4th Place at the
2009 National High School Mock Trial Championships in Georgia.
Congratulations Hinsdale Central High School!!

ISBA High School Mock Trial Invitational - Format Change

We are please to announce that the ***Constitutional Rights Foundation Chicago*** has agreed to become an official co-sponsor of the ISBA's High School Mock Trial Invitational. The CRFC will assist in preparation of the mock trial case and support documents each year, which we are sure will considerably enhance the program. Welcome CRFC!

There are some other changes to the ISBA Mock Trial Invitational. Due to the recent economic downturn, the Illinois State Bar Association's High School Mock Trial Invitational will undergo a format change for the 2010 trials. The old format of asking all schools to attend a weekend in Springfield is no longer economically feasible and we will be moving to a regional format. Schools are invited to register with ISBA and they will be assigned to one of four regional trial locations:

Region I – Cook County

Region II – DuPage County

Region III – Collar Counties (Lake, Kane, McHenry, Winnebago, Will)

Region IV – Downstate (Bloomington)

The top two teams from each regional trial will be invited to Springfield on Saturday, March 13, 2009 for final rounds in this program. Regional trial dates and locations will be circulated as plans are finalized.

Regional programs in Illinois have been in place for a number of years in Cook and the collar counties, and the same dedicated volunteers who have been coordinating these regional programs are in place and will continue their excellent efforts in their respective areas.

In addition to the top eight teams from the four Regions, two "Wild Card" teams will be selected from among the teams placing third and fourth in each region.

This regional format conforms to that used by the vast majority of states with mock trial programs. If our numbers increase, we can expand to offer additional regions in the future. The four region format we'll be using ensures that no region is over-burdened with too many teams. Teams may only participate in the region to which they are assigned. Assignments will be made by county of origin for the teams participating whenever possible, but some teams may need to attend a regional outside their own county for equity stake.



While we will miss seeing everyone in Springfield, we hope this new format will increase interest in the program and make it more affordable for teams, increasing participation at the local level.

The registration fee will increase to \$100 per team registering. \$25 of each fee paid will go toward supporting the regional program. The remaining funds will be used to fund the larger program, the finals in Springfield, awards, certificates, etc.

ISBA HIGH SCHOOL MOCK TRIAL INVITATIONAL 2010 TEAM REGISTRATION FORM

My school wants to participate in the 2010 Illinois State Bar Association High School Mock Trial Invitational. Enclosed is my check for **\$100.00**.

I understand that we will be assigned to a regional trial and that only the top two teams from each region will be invited to participate at the mock trial final trials in Springfield. I also understand that my team has a chance to participate as a "Wild Card" team if we place third or fourth in our regional trial.

Teacher/Coach _____

School name _____

School address _____

County _____

School phone number _____

School fax _____

Teacher e-mail _____

OFFICIAL REGISTRATION DEADLINE IS DECEMBER 21, 2009

Send this completed form to: Donna Schechter, Mock Trial Coordinator,
Illinois State Bar Association

424 South Second Street, Springfield, IL 62701

If you have questions about the mock trial event, please contact Donna at 800.252.8908 or by e-mail to dschecht@isba.org.



*When I do good, I feel good.
When I do bad, I feel bad.”
A. Lincoln*

Civil Rights in the 1860's Versus Civil Rights Today



Would President Lincoln's views on civil rights differ from ours today?

In the 1860's "civil rights" would have meant rights that every white, male citizen of the United States could expect to have protected by our Constitution. Women and minorities often weren't included, unless states had addressed protections for them in their own constitutions or through state laws.

Want to see which Amendments to the Constitution had been adopted by 1861 when Lincoln took office as President? Visit:
http://en.wikipedia.org/wiki/List_of_amendments_to_the_United_States_Constitution

The first 12 Amendments had been ratified and there hadn't been a Constitutional Amendment since 1804.

What is known as the Compromise of 1850 ended the slave trade to the United States, but it allowed slavery to continue. This was a series of laws enacted to determine if the Mexican territory the United States received after the Mexican War should be free or slave.

The 13th Amendment, abolishing slavery, was proposed in January of 1865 when Lincoln was still alive, but wasn't enacted until December of that year, months after his death.

Women's suffrage, or the right to vote for women, wasn't passed until 1920.



The 14th Amendment, that extends the protections and rights under the Bill of Rights to all states, wasn't ratified until 1868. This amendment ensures due process and offers equal protection rights.

Students should visit and read the information at Wikipedia on Voting Rights: http://en.wikipedia.org/wiki/Voting_Rights_Act_of_1965

What are Jim Crow laws? http://en.wikipedia.org/wiki/Jim_Crow_laws
What kind of "test" did some voters need to pass in order to vote? (Literacy)
Should voters know how to read and write? Why or why not?
Should voters be required to pay a "poll tax" in order to cast a ballot? Why or why not?
Should ballots be available in a variety of languages? Why or why not?
Should voters be required to show identification before receiving a ballot? Why or why not?

Additional Resources:

<http://www.abanet.org/vote/2008/landmarkcases.shtml>

<http://www.infoplease.com/timelines/voting.html>

<http://www.flaglerelections.com/kids/history.htm>

http://www.law.cornell.edu/uscode/uscode42/usc_sec_42_00001973---b000-.html

http://www.usdoj.gov/crt/voting/42usc/subch_4h.php

*Be sure you put your feet in the
right place, then stand firm. A.
Lincoln*

Kids - Build Your Own Lincoln-Related Site!



The Illinois Historic Preservation Agency has expanded its program that helps students re-create three-dimensional historic Illinois landmarks to



include Lincoln-related buildings. Visit http://www.illinoishistory.gov/ps/Construct_mainstreet.htm#BYOL

The site says, “**In honor of the 2009 Bicentennial of Abraham Lincoln's birth** you can now Build Your Own HO-scale cardboard models of actual historic buildings associated with Abraham Lincoln. Funded by the Illinois Abraham Lincoln Bicentennial Commission and the Old State Capitol Foundation, the first five of these models are now available free online. More will be added during this bicentennial year until all ten are online. For more information about the Bicentennial click www.lincoln200.net.”

Lesson Plan - Mock Trial Script



We received the following message from the Putnam County Bar Association and have received their gracious permission to reprint.

Happy Law Day from Putnam County Bar Association! True, we're the smallest County and may be the smallest Bar Association in the State, but we get very active every year for Law Day, with a program we have hosted annually for the past 30 years for all Putnam County High School Seniors, including a tour of the Courthouse, Jail and County Offices, voter registration, and presentation of a Mock Trial we write for each event, giving students about twenty minutes to prepare their parts as counsel, witnesses, judge and all court personnel. Our mock trial outline this year was in keeping with *A Legacy of Liberty - Celebrating Lincoln's Bicentennial*.

Hon. Scott A. Shore, Putnam County Resident Circuit Judge and Law Day Chair.

*Reprinted with Permission from the Putnam County Bar Association
Attorney Roger C. Bolin, President
Hon. Scott A. Shore, Putnam County Resident Circuit Judge, Law Day Chairman
(and writer of this year's mock trial "script").*

IN THE CIRCUIT COURT OF PUTNAM COUNTY
TENTH JUDICIAL CIRCUIT OF ILLINOIS

EVE NODD	}	
	}	
Plaintiff,	}	
	}	
VS.	}	CASE # 09 – L - 424
	}	
LINK CONN	}	
	}	
Defendant.	}	

STATEMENT OF THE CASE



This civil lawsuit is brought by Plaintiff Eve Nodd to collect damages from Defendant Link Conn, who, she claims, weaseled out of his promise to take her to the 2009 PCHS Prom & Afterglow -- ruining what would have otherwise been the most fantastic night of her life.

Plaintiff's saga begins with her long-standing plans to be taken by Link to the Prom and Afterglow and it seemed to Eve that everything was proceeding according to plan. She had successfully convinced Link to invite her, knowing he might have otherwise had his sights set on PCHS bombshell, Bette Winn. Just to seal the deal, she spent half her senior-year earnings on a killer prom dress, purse and shoes. By February, she had prodded Link into renting an avocado green tuxedo she had found on-line to match her ensemble, and to order the most exotic picture-perfect floral corsage imaginable. The hardest part of the plan was to convince Link's brother to lend Link his shiny new Corvette, which cost her a crisp \$100 bill and her promise to personally wash the car weekly by hand, for two months.

All plans were in place, it seemed, until the day before Prom when Link arrived outside her house – not driving a shiny new Corvette, but rather riding atop an old mule, with another beside it for her – their transportation for Prom weekend! When Eve demanded to know what was going on, Link eloquently introduced himself... as the one and only log-splitting, back-slapping, story-telling Abraham Lincoln, at her service. The rest, you might guess, is history – but there's bound to be two sides to every sordid story!



A Legacy of Liberty - Celebrating Lincoln's Bicentennial.
Atty. Roger C. Bolin, PCBA President
Hon. Scott A. Shore, Law Day Chairman

TESTIMONY OF PLAINTIFF EVE NODD

On Direct, Eve's attorney will ask questions to which Eve will answer:

1. I am a Senior at Putnam County High School.
2. I have dreamt for months about finally attending the Prom and Afterglow with Link Conn, the hottest guy at school.
3. I knew he wanted to take me – to prom that is – and nothing was going to interfere with that plan – his plan – unless of course that Bette Winn got to him first.
4. I may have suggested to Link that he invite me, but it was his idea from the first.
5. He offered to get a tux to match my dress, shoes and purse, and to buy me the perfect corsage, and he wanted to borrow his brother's new Corvette to pick me up for the Prom but his brother insisted on \$100 which he didn't have. I had to pay his brother the \$100 and promised to wash his car for two months, by hand... but Link had promised me he'd pay me back the \$100 and that he'd wash his brother's car for two months so I wouldn't have to.
6. Prom was going to be the best night of my life, but all that went down the tubes when Link showed up at my door step this morning on top of some old donkey or mule or something, with another for me to ride – and he says this is our transportation for the whole weekend, too!
7. Link says he thinks he's Abe Lincoln. I, on the other hand, think he's just trying to get out of taking me to the Prom -- and I think Link stinks! Either way, I am NOT getting on that donkey on Prom night, and I am not going with Abe Lincoln unless he shows up as Link, in a Corvette, in an avocado green Tuxedo, with the picture-perfect corsage of my dreams.
8. If he doesn't come clean, I'm out \$1,000 for the dress, shoes, purse and stupid Corvette, and I want at least \$100,000 for a broken heart, pain and suffering.

On Cross Examination by Link's attorney, Eve will have to admit (if asked):

1. Yes, I may have coaxed or even forced Link to take me to the Prom.
2. Yes, I saw Link being hypnotized at school yesterday, and I was convinced that he was truly under hypnosis ---but I think, it wore off by the end of the day – and I think he cooked up this scheme to get me to dump him so he can suddenly pop back to normal and take Bette Winn to the Prom and Afterglow instead.
3. Yes, it would be neat to attend Prom with Abraham Lincoln... but he's NOT Abe Lincoln, and I'm NOT riding to Prom on a donkey!
4. If he doesn't start telling the truth RIGHT NOW, he's HISTORY !



TESTIMONY OF PLAINTIFF'S WITNESS BETTE WINN

On Direct, Eve's attorney will ask questions to which Bette will answer:

1. I am a Senior at PCHS and I know both the parties.
2. I had talked to Link long ago about taking me to the Prom and I even offered to give him all my casino and carnival winnings so he could get that big bad boom box he wanted to bid on at the Afterglow.
3. He said he'd take me, but would first have to find a way to dump Eve Nodd without her knowing it.
4. I'm hoping Eve does dump him, and if she does, I know he's going to ask me to attend with him instead.

On Cross Examination by Link's Attorney, Bette will have to admit (if asked):

1. She was also present in class when Link was placed under hypnosis and is totally convinced that he was not faking. He really became Abe Lincoln, and seemed to know everything about him.
2. True, it may not be a coincidence that his name is Link –Conn.
3. True, if he really believes he is Abraham Lincoln, he's not going to want to go to the Prom with anyone... he really will take the first train back to Washington.
4. She does understand that it would hurt Eve's feelings either way... whether Link is lying and winds up with her, or isn't lying and returns to Washington.
5. She doesn't know if Link is Link or Link is Abe.... Link has not "let on" if this is still part of a plan to dump Eve.
6. Yes, there's a possibility that Link is still Abe and won't show up to take her to the Prom by car OR by donkey!
7. Yes, the real culprit here may be Harry Headley, the Hypno-Historian.



**TESTIMONY OF DEFENSE WITNESS, HARRY HEADLY
(ACCLAIMED HYPNO-HISTORIAN)**

On Direct, Link's attorney will ask questions to which Harry will answer:

1. I was hired for the week before Prom to offer my nationally acclaimed living history presentation to various classes at PCHS.
2. Given any topic in history, I make the pages of history books literally come alive with character, re-creating history through the eyes and actions of students, whom I place under a temporary hypnotic trance to re-live the parts of historical heroes of the past.
3. It was Thursday, April 23, 2009, when I first met Link. He was truly interested in American History and the perfect subject for my presentation honoring Abraham Lincoln's 200th birthday.
4. I explained to the class how this all works, and asked Link if he would volunteer, which he did. I placed him under hypnosis and, under my control, I convinced him that he was, indeed, Abraham Lincoln. The class was skeptical, until Link, on my command, recited the entirety of the Gettysburg Address and Emancipation Proclamation, not just by heart, but as if he himself had written it that very day. It was awesome.
5. Something went wrong. When I snapped my fingers to remove the hypnotic trance, nothing happened. I tried again and again, nothing happened. Somehow, Link's own will took over, as if he himself WAS Abraham Lincoln and had no intent or desire to be told otherwise. His determination was so strong that I could not break it, or snap him out of it, by any means. He appeared, just as he does today, to be Abraham Lincoln, the one and only!

On Cross Examination by Eve's Attorney, Harry will have to admit (if asked):

1. This has never happened before. In all my years of presentations as a hypno-historian, I have never see or heard of such an occurrence.
2. Yes, I have contacted my insurance company and I have apologized to the family. They are very shaken – although they should actually be proud to have an American legend and former President as their son.
3. I don't know how long this might last. His determination is very strong to remain as he is, Abe himself.
4. There is some chance that he is faking it, but he has me convinced.
5. Yes, I hope this case will make me very rich and very famous!



TESTIMONY OF DEFENDANT, LINK CONN

On Direct, Link's attorney will ask questions to which Link will answer:

1. I am Abraham Lincoln. I was born in Ol' Kentuck on Feb. 12, 1809. We, and my sister, Sarah, moved to Indiana when I was 7. My mom died when I was 9, and my dad remarried to a woman also named Sarah, Sarah Johnson, who had 3 kids of her own, and we were all one big happy family. We moved to Illinois when I was 21, and I struck out on my own to make myself a living. I worked as a postman, I worked in a store, and whatever I do, I'm 100% honest about it even when it hurts to tell the truth! I've never been sued for telling the truth!
2. I am pretty familiar with your fair county, having been here on several occasions and on one very memorable day in September of 1845, when I met a couple local potato farmers here named Durley. Williamson and Madison Durley. Brothers. They wanted me to come out against slavery in exchange for their vote for Congress but at the time, I was more interested I guess in getting Texas to join the Union, and, well... I wrote them a letter explaining it all. And I see it's downstairs in the hallway for you all to read. This county was always at the forefront of the movement to end slavery, and played an important role in the underground railroad, too. You citizens have much to be proud of!
3. I also know that Granville hosted the Buell convention – also known as the Granville Convention of November 18, 1851 -- that eventually convinced me to sign into law the Land Grant Act on July 2, 1862, creating the University Of Illinois and lots of other great institutions of higher learning for folks like us.
4. I'm sorry to say that I don't know any one named Eve Nodd, or Bette Winn, or any of these kind folks, though I would love to know you all much better, and share a few stories. I was told she needed a ride this fine morning, so I traded three stories and a song for two fine horses and rode over to Miss Eve's homestead. She flew clear off the handle, and if it's all the same to you folks, I have to get back to Washington, as there's trouble brewing and I have a couple speeches to write.

On Cross Examination, Link will have to admit (if asked):

1. I have to be honest. I would NEVER wear an avocado green Tuxedo, and I DON'T like being told who I'm taking to a dance or some fancy gambling casino carnival. I prefer to wear my black tails and favorite stovepipe hat.
2. I would never tell a lie, even for my own sake, as legend has it.
3. It's not lying for me to say I'm Abe Lincoln, because I am!



JUDGE'S SCRIPT

Good Morning. As the Bailiff announced in opening court, I am Judge _____ and I will preside over today's proceedings. We require strict adherence to Court Rules and if I see any infractions, the Bailiff will be called upon to deal with you!

Today's case is a civil suit in which Eve Nodd claims damages against Link Conn for devising a scheme to break his promise to take her to the Prom and Afterglow. She seeks compensation for her out-of-pocket losses and she will seek damages for her pain and suffering, anguish and embarrassment.

To collect any damages, the Plaintiff must prove the Defendant is liable, and that she sustained the damages he claims to have sustained, by a preponderance of the evidence, or in other words, that these propositions are more likely true, than untrue. That will be for the jury to decide.

Order Of Proceedings: (keep things moving!!!)

1. Plaintiff, call your first witness to be sworn and to then take the stand.
2. Defense, you may cross-examine.
3. The Witness is excused.
4. Plaintiff, call your next witness to be sworn and to then take the stand.
5. Defense, you may cross-examine.
6. The Witness is excused.
7. Does the Plaintiff Rest?
8. Defense, call your first witness to be sworn and to then take the stand.
9. Plaintiff, you may cross-examine.
10. The Witness is excused.
11. Defense, call your next witness to be sworn and to then take the stand.
12. Plaintiff, you may cross-examine.
13. The Witness is excused.
14. Does the Defense Rest?

FOR FUN: WHEN SOMETHING IMPORTANT IS SAID, STOP THE PROCEEDINGS AND ASK COURT REPORTER TO READ IT BACK!

Now that the evidence is concluded, Each Lawyer will have one minute to tell the jury what each side wants the jury to do, and why. (Call time if necessary!)

Instruct the Jury!

When the Jury returns:

Does the jury have a verdict? Please hand it to the Bailiff to hand to me.

(Read the Verdict and announce judgment!)



**JUDGE’S INSTRUCTIONS TO THE JURY
AT THE END OF THE CASE**

Ladies and gentlemen of the Jury, it is now time for you to deliberate on your verdict. You must first select a foreperson who will preside over your deliberations. Any verdict you reach must be unanimous. You will be given two forms of verdict.

If you find in favor of the Plaintiff, Eve Nodd, you will use Verdict Form A and you will determine the amount of damages to be assessed for her claimed losses including her out-of-pocket expenses for her dress, purse and shoes totaling \$1000, and for the rent she paid Link’s brother for use of his Corvette in the sum of \$100, and for Plaintiff’s claimed damages for pain and suffering, embarrassment, humiliation, and loss of her (last chance in a lifetime) prom night experience.

If you find in favor of the Defendant, Link Conn (also known as Abraham Lincoln), you will have no occasion to consider the issue of damages and you would instead use Verdict Form B.

Ordinarily, you would have as many hours or days as it would take to reach a verdict. Unfortunately today, you have FIVE MINUTES!

BAILIFF, PLEASE TAKE THESE VERDICT FORMS AND THE JURORS INTO THE JURY ROOM TO BEGIN THEIR DELIBERATIONS!

INSTRUCTIONS FOR COURT REPORTER

The Court Reporter provides the only record of the trial for review, during trial or to repeat an answer the Court or parties did not hear, and provides the transcripts in the event of an appeal. In this Mock Trial, the Court Reporter should make quick notes of key testimony, **and may (or may not) be called upon by the judge to read back the last question or answer, from time to time!** The Court Reporter also reports all parties’ names and their roles for the Record. Please “fill in” the student-participants’ names (ask for help if needed!)

Plaintiff, Eve Nodd	_____
Plaintiff’s Lawyer	_____
Plaintiff’s Witness, Bette Winn	_____
Defendant, Link Conn	_____
Defendant’s Lawyer	_____
Defense Witness, Harry Headley	_____
Circuit Clerk	_____
Court Reporter	_____
Bailiff	_____
Judge	_____
Jurors:	

Front Row (right to left)

Back Row (right to left)



THE CIRCUIT CLERK ADMINISTERS THIS OATH TO EACH WITNESS:

Do you solemnly swear or affirm that you will tell the truth, the whole truth, and nothing but the truth?

THE BAILIFF OPENS COURT BY SAYING:

All Rise! The Circuit Court for the Tenth Judicial Circuit of The State Of Illinois Is Now In Session, The Honorable Judge _____ Presiding!

THE JUDGE “DIRECTS TRAFFIC”

BY TELLING COUNSEL:

WHEN TO CALL THEIR NEXT WITNESS,
WHERE THE WITNESS SHOULD STAND TO BE SWORN IN BY THE
CIRCUIT CLERK,
WHEN TO PROCEED,
WHEN TO CROSS EXAMINE, AND

BY TELLING WITNESSES:

TO SPEAK UP
TO ANSWER A QUESTION IF THE WITNESS REFUSES
TO STEP DOWN WHEN THE WITNESS IS DONE TESTIFYING

BY TELLING JURORS:

WHEN TO BEGIN THEIR DELIBERATION
WHAT ISSUES THEY ARE TO DECIDE

BY TELLING THE COURT REPORTER

WHEN TO READ BACK A QUESTION OR ANSWER

THE JUDGE RULES ON OBJECTIONS BY SAYING:

(If the judge agrees with the objection): SUSTAINED!

(If the judge disagrees with the objection) OVERRULED!

THE COURT REPORTER

Takes notes of each question and answer, and each ruling by the court, prepared to “read back” a prior statement if directed to do so by the judge. If a lawyer asks to have something read back, the Court Reporter should ask the judge to direct whether the Court Reporter should do so.



VERDICT FORM A

We, the jury, find FOR the Plaintiff, Eve Nodd, and AGAINST the Defendant, Link Conn.

We award damages to the Plaintiff, itemized as follows:

Out-of-pocket losses for dress, purse, shoes
(claimed by plaintiff to total \$1,000): \$ _____

Corvette "rental" (claimed to be \$100): \$ _____

Pain and suffering, embarrassment, loss of
prom experience (Plaintiff seeking \$100,000) \$ _____

TOTAL DAMAGES AWARDED: \$ _____

Signature of Foreperson

VERDICT FORM B

We, the jury, find AGAINST the Plaintiff, Eve Nodd, and FOR the Defendant, Link Conn.

Signature of Foreperson

*Reprinted with Permission from the Putnam County Bar Association
Attorney Roger C. Bolin, President
Hon. Scott A. Shore, Putnam County Resident Circuit Judge, Law Day Chairman
(and writer of this year's mock trial "script").*

Thank you!



*"I happen temporarily to occupy
this big White House. I am
living witness that any one of
your children may look to come
here as my father's child has."
A. Lincoln*

Another Lincoln Mock Trial Is Available!



The 2003 Illinois State Bar Association High School Mock Trial materials was based on Lincoln history. In 1841, Abraham Lincoln wrote a letter to a friend discussing a situation that had occurred in the Springfield community.



Using this letter as background, the Committee on Law-Related Education crafted witness affidavits for the trial.

**SPRINGFIELD
JUNE 19, 1841**

DEAR SPEED:

WE HAVE HAD THE HIGHEST STATE OF EXCITEMENT HERE FOR A WEEK PAST THAT OUR COMMUNITY HAS EVER WITNESSES; AND ALTHOUGH THE PUBLIC FEELING IS SOMEWHAT ALLAYED, THE CURIOUS AFFAIR WHICH AROUSED IT IS VERY FAR FROM BEING OVER, YET CLEARED OF MYSTERY. IT WOULD TAKE A QUIRE OF PAPER TO GIVE YOU ANYTHING LIKE A FULL ACCOUNT OF IT, AND I THEREFORE ONLY PROPOSE A BRIEF OUTLINE. THE CHIEF PERSONAGES IN THE DRAMA ARE ARCHIBALD FISHER¹, SUPPOSED TO BE MURDERED; AND ARCHIBALD TRAILOR, HENRY TRAILOR, AND WILLIAM TRAILOR, SUPPOSED TO HAVE MURDERED HIM. THE THREE TRAILORS ARE BROTHERS: THE FIRST, ARCH, AS YOU KNOW, LIVES IN TOWN; THE SECOND, HENRY, IN CLARY'S GROVE²; AND THE THIRD, WILLIAM, IN WARREN COUNTY; AND FISHER, THE SUPPOSED MURDERED, BEING WITHOUT A FAMILY, HAD MADE HIS HOME WITH WILLIAM.

ON SATURDAY EVENING, BEING THE 29TH OF MAY, FISHER AND WILLIAM CAME TO HENRY'S IN A ONE-HORSE DEARBORN AND THERE STAID OVER SUNDAY, AND ON MONDAY ALL THREE CAME TO SPRINGFIELD (HENRY ON HORSEBACK) AND JOINED ARCHIBALD AT MYRES', THE DUTCH CARPENTER. THAT EVENING AT SUPPER FISHER WAS MISSING, AND SO NEXT MORNING SOME INEFFECTUAL SEARCH WAS MADE FOR HIM; AND ON TUESDAY AT 1 O'CLOCK P.M., WILLIAM AND HENRY STARTED HOME WITHOUT HIM. IN A DAY OR TWO HENRY AND ONE OR TWO OF HIS CLARY'S GROVE NEIGHBORS CAME BACK FOR HIM AGAIN, AND ADVERTISED HIS DISAPPEARANCE IN THE PAPERS.

THE KNOWLEDGE OF THE MATTER THUS FAR HAD NOT BEEN GENERAL, AND HERE IT DROPPED ENTIRELY TILL ABOUT THE 10TH INST., WHEN KEYS RECEIVED A LETTER FROM THE POSTMASTER³ IN WARREN COUNTY THAT WILLIAM HAD ARRIVED HOME AND WAS TELLING A VERY MYSTERIOUS AND IMPROBABLE STORY ABOUT THE DISAPPEARANCE OF FISHER, WHICH

¹ Described in Mr. Lincoln's article appearing in the Quincy Whig as "somewhat above the age of fifty; had no family, and no settled home; but who boarded and lodged a while here and a while there, with persons for whom he did little jobs of work. His habits were remarkably economical, so that an impression got about that he had accumulated a considerable amount of money."

² Clary's Grove is near present day Tallula, Illinois, approximately 20 miles outside Springfield

³ Charles Stice



INDUCED THE COMMUNITY THERE TO SUPPOSE HE HAD BEEN DISPOSED OF UNFAIRLY. KEYS MADE THIS LETTER PUBLIC, WHICH IMMEDIATELY SENT THE WHOLE TOWN AND ADJOINING COUNTRY AGOG. AND SO IT HAS CONTINUED UNTIL YESTERDAY. THE MASS OF THE PEOPLE COMMENCED A SYSTEMATIC SEARCH FOR THE DEAD BODY, WHILE WICKERSHAM WAS DISPATCHED TO ARREST HENRY TRAILOR AT THE GROVE AND JIM MAXCY TO WARREN COUNTY, TO ARREST WILLIAM.

ON MONDAY LAST, HENRY WAS BROUGHT IN AND SHOWED AN EVIDENT INCLINATION TO INSINUATE THAT HE KNEW FISHER TO BE DEAD AND THAT ARCHIE AND WILLIAM HAD KILLED HIM. HE SAID HE GUESSED THE BODY COULD BE FOUND IN SPRING CREEK BETWEEN THE BEARDSTOWN ROAD AND HICKOX'S MILL. AWAY THE PEOPLE SWEEPED LIKE A HERD OF BUFFALO TO CUT DOWN HICKOX'S MILL-DAM NOLENS VOLENS⁴ TO DRAW THE WATER OUT OF THE POND, AND THEN WENT UP AND DOWN AND UP THE CREEK FISHING AND RAKING AND RAKING AND DUCKING AND DIVING FOR TWO DAYS, AND AFTER ALL NO DEAD BODY FOUND. IN THE MEANTIME A SORT OF SCUFFLING GROUND HAD BEEN FOUND IN THE BRUSH, IN THE ANGLE OR POINT WHERE THE ROAD LEADING INTO THE WOODS PAST THE BREWERY AND THE ONE LEADING IN PAST THE BRICK GROVE MEETS. FROM THE SCUFFLE GROUND WAS THE SIGN OF SOMETHING ABOUT THE SIZE OF A MAN HAVING BEEN DRAGGED TO THE EDGE OF THE THICKET WHERE IT JOINED THE TRACK OF SOME SMALL WHEEL CARRIAGE DRAWN BY ONE HORSE, AS SHOWN BY THE ROAD TRACKS. THE CARRIAGE TRACK LED OFF TOWARD SPRING CREEK. NEAR THIS DRAG TRAIL, DR. MERRYMAN FOUND TWO HAIRS WHICH, AFTER A LONG SCIENTIFIC EXAMINATION, HE PRONOUNCED TO BE TRIANGULAR HUMAN HAIR, WHICH TERM HE SAYS INCLUDES WITHIN IT THE WHISKERS, BECAUSE THE ENDS WERE CUT, SHOWING THAT THEY HAD FLOURISHED IN THE NEIGHBORHOOD OF THE RAZOR'S OPERATIONS.

ON THURSDAY LAST, JIM MAXCY BROUGHT WILLIAM TRAILOR FROM WARREN. ON THE SAME DAY ARCHIE WAS ARRESTED AND PUT IN JAIL. YESTERDAY (FRIDAY) WILLIAM WAS PUT UPON HIS EXAMINING TRIAL BEFORE MAY AND LAVELY. ARCHIBALD AND HENRY WERE BOTH PRESENT. LAMBORN PROSECUTED, AND LOGAN AND BAKER AND YOUR HUMBLE SERVANT DEFENDED.

A GREAT MANY WITNESSES WERE INTRODUCED AND EXAMINED, BUT I SHALL ONLY MENTION THOSE WHOSE TESTIMONY SEEMS MOST IMPORTANT. THE FIRST OF THESE WAS CAPT. RANSELL. HE SWORE THAT WHEN WILLIAM AND HENRY LEFT SPRINGFIELD FOR HOME, ON

⁴ nolens volens - whether willing or not.



TUESDAY BEFORE MENTIONED, THEY DID NOT TAKE THE DIRECT ROUTE WHICH YOU KNOW LEADS BY THE BUTCHER SHOP, BUT THAT THEY FOLLOWED THE STREET NORTH UNTIL THEY GOT OPPOSITE OR NEARLY OPPOSITE MAY'S NEW HOUSE, AFTER WHICH HE COULD NOT SEE THEM FROM WHERE HE STOOD; AND IT WAS AFTERWARDS PROVIDED THAT IN ABOUT AN HOUR AFTER THEY STARTED, THEY CAME INTO THE STREET BY THE BUTCHER SHOP FROM TOWARDS THE BRICKYARD. DR. MERRYMAN AND OTHERS SWORE TO WHAT IS STATED ABOUT THE SCUFFLE GROUND, DRAG TRAIL, WHISKERS, AND CARRIAGE TRACKS.

HENRY WAS THEN INTRODUCED BY THE PROSECUTION. HE SWORE THAT WHEN THEY STARTED FOR HOME, THEY WENT OUT NORTH, AS RANSELL STATED, AND TURNED DOWN WEST BY THE BRICKYARD INTO THE WOODS AND THEN MET ARCHIBALD; THAT THEY PROCEEDED A SMALL DISTANCE FARTHER, WHEN HE WAS PLACED AS A SENTINEL TO WATCH FOR AND ANNOUNCE THE APPROACH OF ANY ONE THAT MIGHT HAPPEN THAT WAY; THAT WILLIAM AND ARCHIE TOOK THE DEARBORN OUT OF THE ROAD A SMALL DISTANCE TO THE EDGE OF THE THICKET, WHERE THEY STOPPED AND HE SAW THEM LIFT THE BODY OF A MAN INTO IT; THAT THEY THEN MOVED OFF WITH THE CARRIAGE IN THE DIRECTION OF HICKOX'S MILL, AND HE LOITERED ABOUT FOR SOMETHING LIKE AN HOUR, WHEN WILLIAM RETURNED WITH THE CARRIAGE BUT WITHOUT ARCH, AND SAID THEY HAD PUT HIM IN A SAFE PLACE; THAT THEY WENT, SOMEHOW, HE DID NOT KNOW EXACTLY HOW, INTO THE ROAD CLOSE TO THE BREWERY AND PROCEEDED ON TO CLARY'S GROVE.

HE ALSO STATED THAT SOME TIME DURING THE DAY WILLIAM TOLD HIM THAT HE AND ARCHIE HAD KILLED FISHER THE EVENING BEFORE; THAT THE WAY THEY DID IT WAS BY HIM (WILLIAM) KNOCKING HIM DOWN WITH A CLUB AND ARCHIE CHOKING HIM TO DEATH.

AN OLD MAN FROM WARREN CALLED DR. GILLMORE WAS THEN INTRODUCED ON THE PART OF THE DEFENSE. HE SWORE THAT HE HAD KNOWN FISHER FOR SEVERAL YEARS; THAT FISHER HAD RESIDED AT HIS HOUSE A LONG TIME AT EACH OF TWO DIFFERENT SPELLS ONCE WHILE HE BUILT A BARN FOR HIM, AND ONCE WHILE HE WAS DOCTORED FOR SOME CHRONIC DISEASE; THAT TWO OR THREE YEARS AGO FISHER HAD A SERIOUS HURT IN HIS HEAD BY THE BURSTING OF A GUN, SINCE WHICH HE HAD BEEN SUBJECT TO CONTINUED BAD HEALTH AND OCCASIONAL ABERRATION OF MIND. HE ALSO STATED THAT ON LAST TUESDAY, BEING THE SAME DAY THAT MAXEY ARRESTED WILLIAM TRAILOR, HE (THE DOCTOR) WAS FROM HOME IN THE EARLY PART OF THE DAY AND ON HIS RETURN, ABOUT 11 O'CLOCK, FOUND FISHER AT HIS HOUSE IN BED AND APPARENTLY UNWELL; THAT HE ASKED HIM HOW HE HAD COME FROM



SPRINGFIELD; THAT FISHER SAID HE HAD COME BY PEORIA AND ALSO TOLD OF SEVERAL OTHER PLACES HE HAD BEEN AT, MORE IN THE DIRECTION OF PEORIA, WHICH SHOWED THAT HE AT THE TIME OF SPEAKING DID NOT KNOW WHERE HE HAD BEEN WANDERING ABOUT IN A STATE OF DERANGEMENT.

HE FURTHER STATED THAT IN ABOUT TWO HOURS HE RECEIVED A NOTE FROM ONE OF TRAILOR'S FRIENDS ADVISING HIM OF HIS ARREST AND REQUESTING HIM TO GO ON TO SPRINGFIELD AS A WITNESS TO TESTIFY AS TO THE STATE OF FISHER'S HEALTH IN FORMER TIMES, THAT HE IMMEDIATELY SET OFF, CALLING UP TWO OF HIS NEIGHBORS AS COMPANY, AND RIDING ALL EVENING AND ALL NIGHT OVERTOOK MAXCY AND WILLIAM AT LEWISTOWN, IN FULTON COUNTY; THAT MAXCY REFUSING TO DISCHARGE TRAILOR UPON HIS STATEMENT, HIS TWO NEIGHBORS RETURNED AND HE CAME ON TO SPRINGFIELD.

SOME QUESTION BEING MADE AS TO WHETHER THE DOCTOR'S STORY WAS NOT A FABRICATION, SEVERAL ACQUAINTANCES OF HIS (AMONG WHOM WAS THE SAME POSTMASTER WHO WROTE TO KEYS AS BEFORE MENTIONED) WERE INTRODUCED AS SORT OF COMPURGATORS, WHO SWORE THAT THEY KNEW THE DOCTOR TO BE OF GOOD CHARACTER FOR TRUTH AND VERACITY AND GENERALLY OF GOOD CHARACTER IN EVERY WAY. HERE THE TESTIMONY ENDED AND THE TRAILORS WERE DISCHARGED, ARCHIE AND WILLIAM EXPRESSING, BOTH IN WORD AND MANNER THEIR ENTIRE CONFIDENCE THAT FISHER WOULD BE FOUND ALIVE AT THE DOCTOR'S BY CALLOWAY, MALLORY, AND MYRES, WHO A DAY BEFORE HAD BEEN DISPATCHED FOR THAT PURPOSE; WHILE HENRY STILL PROTESTED THAT NO POWER ON EARTH COULD EVER SHOW FISHER ALIVE.

THUS STANDS THIS CURIOUS AFFAIR. WHEN THE DOCTOR'S STORY WAS FIRST MADE PUBLIC, IT WAS AMUSING TO SCAN AND CONTEMPLATE THE COUNTENANCES AND HEAR THE REMARKS OF THOSE WHO HAD BEEN ACTIVELY ENGAGED IN THE SEARCH FOR THE DEAD BODY. SOME LOOKED QUIZZICAL, SOME MELANCHOLY, AND SOME FURIOUSLY ANGRY. PORTER, WHO HAD BEEN VERY ACTIVE, SWORE HE ALWAYS KNEW THE MAN WAS NOT DEAD AND THAT HE HAD NOT STIRRED AN INCH TO HUNT FOR HIM. LANGFORD, WHO HAD TAKEN THE LEAD IN CUTTING DOWN HICKOX'S MILL-DAM AND WANTED TO HANG HICKOX FOR OBJECTING, LOOKED MOST AWFULLY WOEBOGONE; HE SEEMED THE "WICTEM OF HUNREQUITED AFFECTION," AS REPRESENTED IN THE COMIC ALMANACS WE USED TO LAUGH OVER. AND HART, THE LITTLE DRAYMAN THAT HAULED MOLLY⁵

⁵ Lincoln's affectionate name for Mary Todd Lincoln



HOME ONCE, SAID IT WAS TOO DAMNED BAD TO HAVE SO MUCH TROUBLE AND NO HANGING AFTER ALL.

I COMMENCED THIS LETTER ON YESTERDAY, SINCE WHICH I RECEIVED YOURS OF THE 13TH. I STICK TO MY PROMISE TO COME TO LOUISVILLE. NOTHING NEW HERE EXCEPT WHAT I HAVE WRITTEN. I HAVE NOT SEEN SARAH SINCE MY LAST TRIP AND I AM GOING OUT THERE AS SOON AS I MAIL THIS LETTER.

YOURS FOREVER, A. LINCOLN

After the trial, the following notice was published in the Springfield newspaper:

PUBLIC MEETING

At a large and respectable meeting of the citizens of Springfield, held on the evening of the 22nd inst., for the purpose of expressing the feelings of the community in relation to the late supposed murder in this city.

On motion, WM. D. Herndon, Esq. Was called to the chair. And J.N. Francis appointed Secretary.

At the request of the Chair, Dr. E.H. Merryman, in a few remarks, stated the object of the meeting.

On motion by CHAS. R. HURST, a committee was appointed, consisting of C. R. Hurst, E.D. Baker, E.H. Merryman and James Gourly, to draft resolutions expressive of the sense of the meeting.

After a short consultation, the committee reported the following preamble and resolutions, which were unanimously adopted.

WHEREAS, great excitement has been created in the city of Springfield and its neighborhood, by a report that one Archibald Fisher had been murdered in or near this city some time since, which report has been widely circulated; and whereas, a most diligent search and examination has been made by the public authorities and private citizens to ascertain the truth of said report, and the said Archibald Fisher has been produced in Springfield alive and uninjured, and identified to our satisfaction to be the same individual who was supposed to have been murdered, and whereas we deem it due to the community and to the individuals who have been accused of the murder, that the reports which have gone abroad should be corrected, and the apprehension of the public quieted.

RESOLVED, That we are satisfied that there remain no grounds for suspicion that any murder has been committed in this vicinity.

RESOLVED, That we deeply regret that our fellow citizen, ARCHIBALD TRAYLER, should have been suspected of so foul a crime; and that the respect we have long entertained for his integrity and upright deportment, has been in no wise diminished by the accusation made against



him before those circumstances were known; and that we are convinced that all such suspicions and accusations are utterly unjust and untrue, and are not justified by the circumstances developed on the examination, but are strongly repelled by his past peaceful conduct and amiable character. On motion, the city papers were requested to publish the proceedings of the meeting.

Meeting adjourned.

WM. D. Herndon, Ch'm.
J.N. Francis, Sec'y

The materials for this 2003 case, and all other ISBA mock trial materials, are available at <http://www.isba.org/teachers/mocktrial/cases.html>

*Am I not destroying my enemies
when I make friends of them?
A. Lincoln*

Illinois Supreme Court and Abraham Lincoln

For information on individuals who have served on the Illinois Supreme Court, there's a wonderful website that contains brief biographical information on each of the justices, and photos of them as well.

<http://www.state.il.us/court/SupremeCourt/Historical/JusticeTL.asp>

Which Justices might have heard cases where Lincoln appeared before the Supreme Court in Springfield, Illinois? Look at the dates the Justices served



on the Supreme Court. Lincoln practiced in Springfield between 1836 and 1860.

This site also includes a list of Lincoln's Supreme Court cases, with citations:
<http://www.state.il.us/court/SupremeCourt/Historical/Lincoln.asp>

More Lincoln Resources On-Line

- There is now a second web site prepared by *The Lincoln Institute* under a grant from *The Lehrman Institute*. Through hyperlinks, it connects to *Mr. Lincoln's White House* at <http://www.mrlincolnswhitehouse.org/> the first site which the Institute's staff researched and designed to provide the physical and personal backdrop to President Lincoln's decisions during the Civil War. The second web site deals with Lincoln's Friends and his relationships with those who were close to him in New Salem, Springfield and Washington, D.C. Visit with Mr. Lincoln and his friends at <http://www.mrlincolnandfriends.org/>
- If you haven't visited the ALPLM website, you might want to. There are resources for teachers on a number of topics, including: "Gettysburg Address Teacher Resources," "Mrs. President – from Martha to Laura," as well as resources to help you plan for Women's History Month and Black History Month, and how they do "Christmas at the White House." <http://www.alplm.org/education/teachers.html>
- Read about Lincoln and antebellum America at <http://lincoln.lib.niu.edu> This site contains over 3000 images as well as sound and video files.
- Read about Abraham Lincoln's United States Supreme Court at <http://showcase.netins.net/web/creative/lincoln/education/supreme.htm> Did you know that in 1863 the U.S. Supreme Court had ten justices?



*The better part of one's life
consists of his friendships. A.
Lincoln*

* * *

Another Great ABA Resource Available On-Line

The American Bar Association has a list of Pioneers in the Legal Profession posted on-line at <http://www.abanet.org/publiced/raisingthebar.html> Individuals on this page are listed to help teachers plan their celebrations of Black History Month (February), National Hispanic Heritage Month (September 15-October 15), Asian Pacific American Heritage Month (May), and National American Indian Heritage Month (November) as well as Women's History Month (March). These resources are up-to-date! U.S. Supreme Court Justice Nominee Sonia Sotomayor is included!

**Updated Version of *Understanding the Illinois Constitution*
Available On-Line**

Frank Kopecky, one of the authors of the popular handbook, *Understanding the Illinois Constitution*, is working on a revised and updated edition that will include mention of Governor Blagovich's impeachment and other constitutional issues in Illinois. The new edition will also include new materials, including a discussion guide that can be used as a pre-test for classroom use. Due to financial limitations, the revised edition will be available on-line only.

ABA Lists the 25 Greatest Legal TV Shows



The August, 2009 edition of the American Bar Association's *ABA Journal*, includes an article listing the top 25 greatest legal television shows ever to air on American TV. Author Stephanie Francis Ward writes that television has always loved a good show about lawyers and the law. She asked 12 experts, including a television critic, scholars and lawyers, which shows were their favorites. Read the full ABA article at <http://www.abajournal.com/magazine/> Here's their list:

1. L.A. Law (1986-1994)
2. Perry Mason (1957-1966)
3. The Defenders (1961-1965)
4. Law & Order (1990-)
5. The Practice (1997-2004)
6. Ally McBeal (1997-2002)
7. Rumpole of the Bailey (1978-1992)
8. Boston Legal (2004-2008)
9. Damages (2007-)
10. Night Court (1984-1992)
11. Judging Amy (1999-2005)
12. Owen Marshall: Counselor at Law (1971-1974)
13. JAG (1995-2005)
14. Shark (2006-2008)
15. Civil Wars (1991-1993)
16. Harvey Bridman, Attorney at Law (2000-2007)
17. Law & Order: Criminal Intent (2001 -)
18. Murder One (1995-1997)
19. Matlock (1986-1995)
20. Reasonable Doubts (1991-1993)
21. Law & Order: Special Victims Unit (1999 -)
22. Judd For the Defense (1967-1969)
23. Paper Chase (1978-1979, 1983-1986)
24. Petrocelli (1974-1976)
25. Eli Stone (2008-2009)

September 11 Lesson Plans Available

Published by Social Studies School Service, the September 11th Education Program: A National Interdisciplinary Curriculum, is the first ever comprehensive 9/11 curriculum, which includes a Teacher's Guide inclusive of 7 flexible, comprehensive lessons, 3 hours of DVD content (oral histories, archival footage), Remembrance Video Program and Discussion Questions and Web Resources. An Initiative of the September 11th Education Trust/World Trade Center United Family Group in collaboration with Taft Institute for Government at Queens College, the program is made possible by the generous support of the North Jersey Media Group Foundation, Principal Program Sponsor, and is funded in part by the ACE INA Foundation and 9/11 community members.



To order the September 11th Education Program, download free content and to learn more, visit www.LearnAbout9-11.org

**Illinois State Bar Association
Lawyers in Classrooms Program**

Teachers, don't forget that ISBA member lawyers are signing up as volunteers to help you in your classroom presentations. The volunteers are listed on the ISBA's Website at <http://www.isba.org/lawyersinclassrooms/> There are numerous topics from which to choose, or feel free to find a lawyer in your area, contact him or her, and discuss other options that might benefit your class. There are lawyers waiting to hear from you!



ISBA Lawyers in Classrooms – Lawyer Sign up Form

This informal program will provide ways for Illinois teachers to search an ISBA volunteer database to find lawyers in their areas who are willing to speak on specific subjects. The list will be available on our law-related education website, <http://www.isba.org/Sections/lawrelateded.asp>, as an on-going resource for teachers.

Mr./Ms./Mrs _____ (full name)
Address: _____
City: _____
County: _____ State: _____ Zip: _____
Office Phone: _____ E-mail: _____

I am willing to speak

_____ In my neighborhood
_____ In my city
_____ In neighboring counties
_____ In my county
_____ Statewide

Please select all that apply. I'm willing and able to volunteer to speak on the following topics:

- ___ Abraham Lincoln and other famous lawyers in Illinois (grade school)
- ___ Alternative Dispute Resolution – reaching consensus and problem solving
- ___ Becoming a Lawyer (junior high and high school levels)
- ___ Careers in the law (high school level)
- ___ Constitution/Bill of Rights issues (junior high and high school levels)
- ___ Consumer issues/Contracts and responsibility (high school level)
- ___ Current events: law-related issues in the news
- ___ Diversity – the law is on your side (middle and high school)
- ___ Drugs, Guns and Safety issues in schools (junior high and high school levels)
- ___ Employment issues (high school level)
- ___ Environmental issues – how to “green” your classroom
- ___ Establishing good credit...and keeping it (high school)
- ___ Fairy Tales and the Law (using mock trial fairy tales to teach about the law (grade school)
- ___ Famous trials
- ___ First amendment as it relates to schools and students
- ___ Fourth amendment as it relates to schools and students
- ___ How real are lawyers on TV and Film? (high school)
- ___ Marriage and family law (high school level)
- ___ Mock trials – I'd be available to meet with a mock trial team to help fine-tune their presentations
- ___ Planning a class courtroom visit – able to assist with plans and attend
- ___ So what if I'm arrested? What's the worst that can happen? (middle and high school)
- ___ The Adversarial System/steps in the trial process
- ___ The Court System and its role in government (middle and high school)
- ___ The importance of Rules and Authority (grade school)
- ___ The Law School Experience (high school and college)
- ___ Traffic Laws and Courts (high school level)
- ___ Working your way through college (high school)
- ___ Others _____

**Please return completed form to: Donna Schechter, Illinois State Bar Association,
424 South Second Street, Springfield, Illinois 62701 or fax it to 217.525-9063.**



The Illinois State Bar Association's Law-Related Education Newsletter is provided free of charge on a quarterly basis during the school year. We are dedicated to promoting law-related education resources and discussion topics appropriate for use in classroom or community settings. If you do NOT wish to receive this complimentary newsletter, please reply and indicate in the message line that you wish to be removed from our mailing list.

- *Current subscribers: If your e-mail changes, please let us know. And, please feel free to forward this publication to others who may be interested.*
- *Note: The Illinois State Bar Association's Standing Committee on Law-Related Education for the Public does not share or sell this mailing list.*

This and other editions of the ISBA's LRE Newsletter are available on-line at <http://www.isba.org/Sections/lrenewshome.html>

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