



**Assembly Meeting
December 10, 2016**

**Agenda Item 2C
Minutes
(061816)**



**ILLINOIS STATE
BAR ASSOCIATION**

**ASSEMBLY MEETING
The Westin O'Hare
Rosemont, IL**

June 18, 2016

MINUTES

1. Call to Order – Umberto S. Davi, President

President Davi convened the meeting and welcomed the Assembly members.

President Davi asked the Assembly for a Moment of Silence and respect for those victims of the tragic events in Orlando, Florida.

President Davi then introduced the officers of the ISBA in attendance: Vincent F. Cornelius, President-elect; Honorable Russ Hartigan, Second Vice President; James McCluskey, Third Vice President; and Third Vice President-elect David Sosin.

2. Report of the Secretary – Sonni C. Williams, Secretary

A. Report on the Notice of the Meeting

Secretary Williams announced a quorum was present for this meeting. She further reported that proper notice of the meeting agenda had been timely mailed in accordance with Assembly Rules, but that the Notice of Meeting was not.

On Motion made, seconded, and carried, the Rules were suspended pursuant to Assembly Rule 9 with respect to proper meeting notice.

B. Review of the Rules of Procedure

C. Introduction of Newly Elected Members of the Assembly

D. Approval of the Minutes

On Motion made, seconded, and carried, the minutes of the December 12, 2015, Assembly meeting were approved.

3. Report of the Agenda & Program Committee – Sam Cannizzaro, Chair

Committee Chair Cannizzaro summarized the purpose, membership and procedures of the Assembly Agenda and Program Committee. He recognized and thanked the members of the Committee for their service: Imani Drew, Nancy Easum, Mathew Huff; and Tamika Walker.

Upon the recommendation of Committee Chair Cannizzaro, motion made, seconded and carried, the Assembly agenda was approved.

4. President's Report – Umberto S. Davi

President Davi expressed his thanks to the Association, its officers, and his family for the honor of serving as the Association's 139th President. He briefly commented on his travels around the state as an ambassador to other bars, the judiciary, and the public. He noted how much he had learned from the lawyers of the state and his deep pride in being a lawyer.

President Davi noted his most memorable activity was speaking on behalf of the Association at the memorial service for Illinois Supreme Court Justice Thomas Fitzgerald.

President Davi also remarked on the efforts of the Law Related Education Committee in bringing information about the judiciary and lawyers to the public. He noted a number of activities undertaken by the LRE Committee and encouraged all Assembly members to consider participating in those activities. He also referenced the Association's proposal concerning Rule 711, which is currently pending at the Illinois Supreme Court. He noted his enjoyment over the past year with working with the Association officers and other Association leadership, and extended heartfelt congratulations to incoming President Vincent Cornelius.

President Davi then made special reference to a "Statement of the Illinois State Bar Association," provided to the Assembly members at the beginning of the meeting, concerning recent comments from a U.S. presidential candidate about U.S. District Judge Gonzalo Curiel.

On motion made, seconded, and carried, the following "Statement of the Illinois State Bar Association" was adopted by the Assembly:

The Illinois State Bar Association has a long and proud history of defending judicial independence and of supporting the Rule of Law. The recent political attacks on U.S. District Judge Gonzalo Curiel threaten to undermine these core foundations of our democracy. We recognize that individual judges are in no position to defend themselves from these attacks.

The ISBA strongly denounces the claim that Judge Curiel cannot rule impartially because of his Mexican heritage. In Illinois, our Code of Judicial Conduct governs the ethical conduct of judges and provides guidelines for determining whether a judge should recuse himself or herself or be disqualified from hearing a specific case for cause.

Candidates for political office should understand and appreciate the damage these attacks can have on the independence and integrity of our judiciary. This independence is essential for an effective and orderly justice system. Our citizens are the beneficiaries of a fair and impartial administration of justice consistent with the Rule of Law.

The ISBA and state bars throughout the country share a manifest responsibility to vigorously defend and support our system of justice and the precept of judicial independence. We must remain vigilant in collectively addressing this paramount principle that protects the fabric of our society.

5. Awards Presentations

President Davi thanked the many volunteers upon whom the Association depends. He called forward President-Elect Cornelius to assist in the award presentations. He then introduced and called forward the following individuals for special recognition and to receive Association awards for their exemplary contributions:

Board of Governors Award – Sarah J. Taylor (Carbondale);

Board of Governors Award – Robert T. Park (Rock Island);

Board of Governors Award – The Family Law Collating Committee of Mathew A. Kirsh, Jennifer A. Shaw, David H. Levy, William J. Scott, and Richard W. Zuckerman;

Diversity Leadership Award – Shira D. Truit (Belleville);

Mathew Maloney Tradition of Excellence Award – Annemarie E. Kill (Chicago);

Elmer Gertz Human Rights Award – Cindy G. Buys (Carbondale);

John C. McAndrews Pro Bono Service Award, Small Firm - Drendel & Jansons Law Group (Batavia);

John C. McAndrews Pro Bono Service Award, Corporate Law Dept. – United Airlines;

John C. McAndrews Pro Bono Service Award, Individual – Roger Benson (Kankakee);

Joseph R. Bartylak Memorial Legal Services Award – Lisa A. Colpoys (Chicago);

Excellence in Legal Education Award – John Marshall Law School Domestic Violence Legal Clinic;

Roz Kaplan Government Service Award – Alan Spellberg;

Sexual Orientation and Gender Identity Committee Community Leadership Award – Roger V. McCaffrey Boss (Chicago);

Richard H. Teas Legislative Support Award – Richard W. Zuckerman;

Young Lawyer of the Year Award, Cook County – Erin Wilson (Chicago);

Young Lawyer of the Year Award, Outside Cook County – Karoline Castens (Alton);

Law Student Division Public Service Award – Kimberly-Claire Seymour;

Austin Fleming Newsletter Editor Award – Jeffrey M. Simon (Chicago).

6. President-Elect's Report – Vincent F. Cornelius

President-Elect Cornelius addressed the Assembly and noted it was his great pleasure to do so. He spoke of his gratitude to the officers he was able to learn from when moving up the line of presidential succession: Umberto Davi, Rick Felice, and Paula Holderman. He was particularly taken with President Davi's efforts as an emissary for lawyers and the Association. He also recognized the importance of President Holderman's emphasis on keeping the Association relevant for its members, especially younger members of the bar.

President-Elect Cornelius noted that his emphasis on young lawyers played a significant role in holding the Annual meeting in Illinois, and that he would continue the work of the Task Forces on Law School Debt and Law School Curriculum. He also noted the establishment of a Council on Law School Deans as a forum for their input on Association efforts regarding law students transitioning to the practice of law. He expressed his excitement about a new Association microsite for young lawyers, constructed with input from the Young Lawyers Division and with the goal of providing meaningful services and information to young lawyers.

President-Elect Cornelius then identified a number of additional areas of focus for his presidential year including: various initiatives concerning inclusion and diversity; bringing the attention of the bar to issues surrounding implicit bias; and the continued monitoring of threats to lawyers from nonlawyer service providers.

7. Report of the ISBA Mutual Insurance Company – Jon DeMoss, President

President Davi called upon Jon DeMoss, President, ISBA Mutual Insurance Company, to address the Assembly.

President DeMoss thanked the Assembly for the opportunity to address it, and commented on the very close relationship between Association and the ISBA Mutual over the years. He further noted the completed relocation of the ISBA Mutual corporate headquarters to the 8th floor of 20 South Clark, just one floor below the ISBA offices, and opportunities for the Association to use the ISBA Mutual space for Association activities.

President DeMoss went on to describe the ISBA Mutual's ongoing support for the Association's Free CLE member benefit and Fastcase. He also noted the good year the ISBA Mutual had including: maintaining its "A rating with a stable outlook" from AM Best, and issuing a 10% dividend to all policyholders for the tenth year in a row.

Finally, President DeMoss announced that at the end of the year he would be stepping down as President of the ISBA Mutual.

President Davi congratulated President DeMoss on an exemplary career supporting Illinois lawyers as Association President, Association Executive Director, and President of the ISBA Mutual.

Motion made to express the profession's appreciation via formal resolution for President DeMoss' many years of service, which President Davi concurred and accepted.

8. 2016-17 Proposed Budget – Curtis Ross, Chair, Assembly Finance Committee

President Davi called upon Assembly Finance Committee Chair, Curtis Ross to address the Assembly.

Chair Ross thanked the Assembly Finance Committee and the Board of Governors Budget and Audit Committee for their hard work during the budget process.

Chair Ross noted the budget presented to the Assembly had been approved by the Board and achieves several goals. It improves member services, finances significant capital expenditures, and implements a planning process that takes into account operating surpluses for the next three years. He noted that the finances of the Association are excellent and that the Association is in its best financial condition in many years. The proposed operating budget reflects an anticipated surplus of approximately \$573,000 which includes ISBA Mutual contributions of approximately \$310,000. Chair Ross thanked the ISBA Mutual and its President Jon DeMoss for their continued support of important ISBA member services.

Chair Ross highlighted some significant budget items. He noted capital expenditures of approximately \$1.7 million related to the maintenance and upgrade of the 50 year old Illinois Bar Center in Springfield, and that these expenses would be drawn from long term reserves. In addition to continued member services like Fastcase and Free CLE, Chair Ross noted anticipated new member services including: a public member directory, upgraded e-commerce portals on the Association website, and an online practice management center. In terms of expenses, he noted projected increases in personnel expenses, some related to filling three new staff positions.

Motion made and seconded to approve the 2016-2017 budget.

The Assembly discussed the proposed budget. A number of issues and questions were raised, including: whether the anticipated budget surplus could be used for the IBC capital improvements; whether consideration was given to obtaining a loan for IBC construction costs, whether the increase in administrative expense was comparable to others bars, and efforts to address credit card and bank service charges. In response, Chair Ross, ISBA Director of Finance Archer, and ISBA Executive Director Craghead noted: the budget surplus would be used to replenish long term reserves, a loan for construction was considered but determined not to be financially sound, administrative costs (primarily staff compensation) was researched in relation to other associations and found to be comparable, if not slightly below comparables, and that credit card charges are periodically reviewed with the most recent renegotiation completed last year.

Motion carried to approve the 2016-2017 budget.

9. Proposed Bylaw Amendment (Elections) – Celia Gamrath, Cook County

President Davi called upon Celia Gamrath, Assembly member, Cook County, and former Member of the Board to address the Assembly concerning two governance related matters.

Member Gamrath thanked the Assembly for the opportunity to raise some governance issues. Member Gamrath first commented on the time and effort spent by the Board at its May meeting in appointing approximately 49 members to fill vacant Assembly seats. She went on to discuss and present a proposal to amend the Association bylaws to eliminate the requirement that the Board fill vacant Assembly seats and to establish a new procedure for filling vacant seats.

Motion made and seconded to amend the Association bylaws and Election Procedures to establish a new procedure for filling Assembly vacancies as reflected in the materials attached to the agenda.

After discussion, motion made, seconded, and failed to bifurcate the proposal into two votes: (1) to eliminate the Board requirement of filling Assembly vacancies; and (2) the establishment of the new vacancy filing procedure as specified in the agenda materials.

After further discussion, motion made, seconded and carried to call the question.

Main motion to amend the Association bylaws and Election Procedures to establish a new procedure for filling Assembly vacancies as reflected in the materials attached to the agenda carried.

Member Gamrath next introduced an informational item concerning whether 40 geographical Assembly seats should be replaced with 40 section representative seats (one from each section). It was suggested that such a change might bring greater practice area expertise to the Assembly, and reduce the likelihood of vacancies. Member Gamrath invited Assembly members to provide her with comments.

The Assembly engaged in a brief discussion of the issue. Some points raised included: (1) the complexity of the details of implementing such a structural change; (2) a show of hands of current Assembly members who also serve on section councils; (3) the need for the Assembly structure to enhance the diversity of thought on issues; (4) the need to address disaffected younger lawyers seeking out leadership opportunities; (5) the need to eliminate the barrier between the Thursday and Friday section council activities during the Annual and Mid-Year meetings and the Assembly on Saturday.

Member Gamrath concluded by noting that any additional developments in this area would be reported to the Assembly.

10. Associate Member Dues – Curtis Ross, Chair, Assembly Finance Committee

President Davi called upon Assembly Finance Committee Chair, Curtis Ross to present a proposal from the Standing Committee on Bar Services and Activities to rename and expand the “Law Office Administrators and Legal Assistants” membership category along with an increase of the category’s dues from \$55 to \$99. Chair Ross also noted that the Board of Governors approved the proposal.

Motion made and seconded to amend the bylaws as proposed by the Bar Services Committee.

After discussion, a motion to amend the main motion was made and seconded to include a reference in the listed examples of “legal assistants” at bylaw section 1.1(i)(2) of “other persons involved in law office management.”

[Under the amendment, section 1.1(i)(2) would read in amended part “Legal assistants, *such as paralegals, legal secretaries, court personnel, or persons involved in law office management*, consisting of nonlawyers...” (amendment in italics)].

After further discussion, motion made, seconded, and carried to call the question.

Motion to amend the main motion carried.

Main motion as amended carried.

11. Report on Legislation – Richard D. Felice, Chair

President Davi called upon ISBA Legislative Director James Covington to address the Assembly on legislative activities.

Director Covington reported that the past legislative session was a successful one for the ISBA, and directed the Assembly’s attention to five specific legislative developments. These included: the adoption of the Revised Uniform Fiduciary Access to Digital Assets Act, effective immediately; a rewrite of the Limited Liability Company Act, effective July 1, 2017; changing standards with respect to child support, effective July 1, 2017; a clean-up bill for last year’s Marriage and Dissolution of Marriage Act, effective January 1, 2017; and a rewrite of the Parentage Act’s provision regarding artificial reproduction. Director Covington also highlighted possible future action on court filing fees, both in the civil and criminal areas. He also commented on the Association’s historic support for juvenile justice initiatives, and the adoption of three juvenile justice bills this past year.

Finally, in response to a question from the floor, Director Covington noted that there had been no legislative movement or action concerning a services tax.

12. Election of Assembly Agenda and Program Committee Members

President Davi announced three seats were available on the Assembly Agenda and Program Committee that needed to be filled by election. Two seats were available from Cook County, and one seat was available from outside Cook County. All seats have a two year term.

From Cook County, Celia Gamrath and Anthony Iosco were nominated.

Motion made, seconded and carried to close nominations. Candidates Gamrath and Iosco were declared elected.

From Outside Cook County, Lindsay Roalfs and David Schaffer were nominated.

Motion made, seconded, and carried to close nominations. After election by secret written ballot, Lindsay Roalfs was declared elected.

13. Report on Illinois Bar Foundation – Elizabeth Kaveny, President

President Davi called upon IBF Third Vice-President Deanne Brown to address the Assembly.

Third Vice-President Brown thanked the Assembly for the opportunity to address it and noted that the IBF had recruited 50 new or upgraded Fellows this past fiscal year. She also noted that now nonlawyers, companies, and vendors could become Fellows. She also noted a new program opportunity where contributors can now designate in which Appellate District they would like their contribution to be used.

Third Vice-President Brown provided a description of the good works of the IBF, including the distribution of Access to Justice Grants. She also referenced an upcoming IBF reception in Collinsville. Finally, Third Vice-President Brown officiated at drawing for the 50 new or upgraded Fellows. The prize was an iPad pro. President Davi announced the winner: Katherine Conroy.

14. Resolutions

A. Retiring Assembly Members

A Resolution in Honor of Retiring Members of the Assembly was read by the Chair Assembly Rules and Bylaws Committee:

***Resolution in Honor of
Retiring Members of the Assembly
June, 2016***

Be it resolved that the Illinois State Bar Association, through its duly authorized officers and representatives, express its gratitude and appreciation to the following retiring members of the Assembly for their dedicated and important service over a period of years to the Association, the profession, and to our system of justice. They are:

Steven Amjad
Robert J. Anderson
Steven A. Andersson
Patrice Ball-Reed
Luke A. Behme
Terry Brady
Sean D. Brady
Thomas A. Bruno
Elvis C. Cameron
Sam F. Cannizzaro
Nikki Carrion
Anthony V. Casaccio
Lynn Cavallo
Joel Chupack
Mark Churchill
Kimberly Cook
Donald M. Craven
Richard J. Curran, Jr
Dion U. Davi
Kim Davis
Gina A DeBoni
Kathie B Dudley

Sarah Duffy
Angela Baker Evans
Pablo Eves
Howard W. Feldman
Richard D. Felice
John M. Fitzgerald
Eugene F. Friedman
Jennifer W. Hammer
Robert Handley
Jim Hansen
Mark Jeep
Michele M. Jochner
Stephanie S. Johnson
Henry D. Kass
Amy L. Keys
John Kim
John F. Knobloch
Eli Koror
Theodore G. Kutsunis
George Leynaud
Joseph F. Locallo, III
Michael R. Lucas

Adam Margolin
Grace Mata
Colleen McLaughlin
Heather McPherson
Ronald D. Menna, Jr.
Michele Miller
Julie A. Neubauer
Daniel E. O'Brien
J. Damien Ortiz
Frank A. Perrecone
David Rabinowitz
Krysia Ressler
Ennedy Rivera
Susan W. Rogaliner
Maren Ronan-Kantas
Rhonda L. Rosenthal
Anthony E. Rothert
Richard A. Russo
Donald L. Shriver
Deborah Jo Soehlig
Tom Speedie
Letitia Spunar Sheats

Timothy J. Storm
Michael S. Strauss
Steven D. Titiner
Jared Trigg
Shira Truitt

Richard L. Turner, Jr
David J VanderPloeg
John A. Wasilewski
Cory White
Dick B. Williams

Mary M. Williams
Mark E. Wojcik
Daniel K. Wright
Bernie Wysocki

B. 2013-2014 President

A resolution honoring ISBA President Umberto S. Davi was read by President Elect Cornelius:



*Resolution in Honor of
President Umberto S. Davi*

WHEREAS, Umberto S. Davi served in 2015-16 as the one-hundred-thirty-ninth President of the Illinois State Bar Association;

WHEREAS, he formed a Special Committee to examine Illinois Supreme Court Rule 711 and championed the Committee's recommendation that the Rule should be expanded to allow law students to gain practice experience under the supervision of private practitioners;

WHEREAS, he oversaw the successful launch of IllinoisBarDocs, which brings a low-cost library of fully automated legal forms to ISBA members;

WHEREAS, he organized an important meeting of ISBA leadership and the deans of Illinois' Law Schools to discuss and explore the recommendations put forth in the Final Report of the ISBA's Task Force on Law School Curriculum and Debt;

WHEREAS, he worked with Judge Robert Anderson, president of the Illinois Judges Association, to expand the joint ISBA/IJA "Courtrooms in the Classroom" project beyond the schools, bringing civics education to adult groups such as the VFW and the Jaycees;

WHEREAS, he began a much needed update of our historic Springfield headquarters that includes ADA-related upgrades and renovation of aging HVAC, electrical, and plumbing systems;

WHEREAS, he continued Past President Richard Felice's successful Solo and Small Firm Practice Institute by having four separate day-long CLE seminars in Rockford, Fairview Heights, Bloomington, and Rosemont;

WHEREAS, he redoubled the ISBA's efforts to explore the implications of limited license legal technicians for practicing lawyers, consumers, and other stakeholders in the justice system;

WHEREAS, he presided over the first ever joint meeting of the governing boards of the State Bar of Wisconsin and the ISBA;

WHEREAS, he worked cooperatively with the Illinois Judges Association, Justinian Society of Illinois, and The John Marshall Law School to conduct The Distinguished Professional Services Joint Dinner where Chief Justice Rita Garman, Secretary of State Jesse White, and Susan Sher were honored;

WHEREAS, he participated in a formal session of the Illinois Supreme Court by offering remarks in memory of Hon. Thomas Fitzgerald;

WHEREAS, he led a successful member travel program to Sicily;

WHEREAS, he was a preeminent emissary of the ISBA through attendance at a multitude of affiliated bar events;

THEREFORE, BE IT RESOLVED that the Board of Governors hereby expresses its appreciation and admiration for the many accomplishments of Umberto S. Davi in his service as President, and further that the Board expresses appreciation to Janet Davi who complemented the Presidential year through her style and grace.

15. Adjournment

THERE BEING NO FURTHER BUSINESS before the Assembly, on motion made, seconded and carried, the meeting was adjourned

Respectfully Submitted:



Sonni C. Williams
Secretary