

# ILLINOIS LAWYER NOW

QUARTERLY

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FALL 2011

3

Technology Tools for Lawyers program set to roll out. Plus some other recent ISBA tech upgrades.

7

ISBA President John Locallo issues call for ISBA office as Board and Assembly seats open for spring election.

12-13

Highlights from the upcoming Solo & Small Firm Conference in Springfield.

## All-new look for ISBA's Chicago Office

**A**n nine-month real estate search... six months of exhaustive planning...a summer of demolition, construction and finishing touches. After a year and half of hard work, it has all been worth it for the final product that is the all-new Chicago Regional Office (CRO).

After a thorough search of available properties, ISBA leaders chose to remain at 20 South Clark, a block south of the Daley Center courthouse, and convenient to the Dirksen Federal Building and public transportation. ISBA moved into 20 S. Clark in October of 1990. It is the Association's third Chicago location after first opening a Windy City office in the early 1980s.

This renovated space will serve the Association's current and future needs, and includes significant technological improvements. Center stage is the addition of a studio for recording CLE programs for online viewing and other



**Top:** The new main lobby of the Chicago Regional Office features space for members to relax and a workstation for members to conduct business. **Bottom:** ISBA 2nd Vice President Paula H. Holderman and ISBA President John G. Locallo led the planning and redesign of the Chicago Regional Office. View more photos of the CRO demolition and renovation at [iln.isba.org/blog/photo-gallery](http://iln.isba.org/blog/photo-gallery).

improvements to enhance CLE programs held at the CRO (see sidebar at right for more on improvements for the CLE programs).

"It is very exciting, not only is it a great looking space, it is a user-friendly space. The space is wide-open for better (Continued on page 4)

- |  |   |
|--|---|
| Capitol Chronicle summarizes things going on in Springfield that are of interest to ISBA members . . . . 5 | Young lawyer Chris Niro sues Lady Gaga -- and prepares for media onslaught . . . . 14 |
| Legal Tech - Attorney Bryan Sims details smartphone and tablet apps of interest to lawyers . . . . 8       | Judge Barbara Crowder on National Pro Bono Week . . . . 15                            |
| Chicago lawyer Marcus Schantz takes on a difficult case and unpopular client -- and wins . . . . 10-11     | Best Practice: How much is your firm worth? . . . . 17                                |
|  | CLE Calendar . . . . 20-21  |

## CLE classroom and studio go high-tech

**T**echnology is an integral part of the legal practice – as well as the continued education of the legal community – which is why the ISBA has worked hard to update the ISBA Chicago Regional Office. Come and see the big reveal mid-October at one of our upcoming CLE programs!

### What to Expect

Gone are the days of the attendees straining to hear and see our speakers. The new classroom now has four pull-down screens that are evenly spaced and mounted along a single wall (ensuring that there isn't a bad seat in the house), a high-quality sound system (ensuring that you'll be able to hear every word of the lecture), four mounted projectors (ensuring that your view of the speaker's slides on the screen is crystal clear), and two mounted cameras (ensuring the cameraperson won't be in your way anymore). But the benefits don't stop there. All programming will be capable of being broadcast live with high output technology – meaning, even if you can't get to Chicago for one of our great Law Ed programs, chances are, you'll be able to catch it via the Internet. Whether offered as a live webcast or rebroadcast at a later time, you can be sure the quality of our electronic CLE will surpass that of the past.

### What's Coming

The ISBA Section Councils and Committees are working hard to create (Continued on page 4)

# It's Time To Analyze Your Professional Liability Insurance...



**Don't assume a simple renewal of your Liability Insurance is the correct course of action.**

There is more to providing professional liability insurance to Illinois Lawyers than collecting premiums and paying claims. ISBA Mutual Insurance goes beyond the typical client-insurer relationship. We are actively involved with our members to reduce risk and prevent loss. Our premiums include providing resources, training and advice that is specific to the unique needs of Illinois Lawyers.

These efforts have literally paid dividends for our membership and have afforded them over **\$9,700,000 in premium dividends** since fiscal year 2000. In addition to these hard dollar savings, we believe our investment in our members have saved them countless hours of soft dollar savings providing them more time to focus on their clients.

**ISBA Mutual Insurance has been exclusively serving Illinois lawyers and law firms since 1988.**

ISBA Mutual was formed twenty-three years ago through the efforts of Illinois lawyers banding together to help one another by establishing our own insurance company. Our company has grown to be one of the most significant providers of malpractice insurance for lawyers in Illinois.

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## ISBA set to roll out Technology Tools for Lawyers

**Fastcase, Illinois Lawyer Now feature recent upgrades**

The Illinois State Bar Association will soon roll out a variety of recommended technology services for members. Helping ISBA members adapt to technology is the main goal of President John G. Locallo. A special web page is being set up for ISBA members to follow progress on these initiatives. It will be at [isba.org/practicetech](http://isba.org/practicetech)

Here's a list of services President Locallo and his team are exploring:

1. Practice-management software that provides features such as time and billing, document management, etc.
2. Credit card processing to help members accept credit card payment from clients
3. Online backup and storage to give members reliable and affordable backup of electronic information
4. IOLTA accounting tools to help members comply with increasingly complex IOLTA rules
5. Website design and hosting that can help members create effective and affordable sites
6. Automated legal forms

"We'll be rolling practice management software out for ISBA members at a reduced cost. We will also be providing CLEs to teach members how to use that software," President Locallo said. "We are also looking at the downloading of legal forms. More and more people are going online to find information and that is making it imperative that lawyers have websites. We are going to make sure our members have the tools to at least have a basic website for their practice."

**Fastcase:** The Illinois State Bar Association, thanks to generous contributions from the ISBA Mutual Insurance Company, is happy to announce that the entire Fastcase

premium library is now available free of charge to ISBA members.

This means bankruptcy cases and all federal district cases (not just those from Illinois-based districts) are now available. ISBA members now receive it all – there are no additional charges or missing pieces from the Fastcase package of services.

Fastcase's library currently goes back 50 years. Fastcase is in the process of building back its library of Illinois cases (Appellate and Supreme Court) to 1819 – the year of Illinois' first reported case.

### Illinois Lawyer

**Now:** Illinois Lawyer Now, the Illinois State Bar Association's news blog, was upgraded this summer to improve three key areas: member commenting, photo slideshow and archives search.



ISBA members can now comment on blog posts just like they do on the main ISBA website. The username and password are the same for both sites.

Several ISBA members shared their experiences on Sept. 11, 2011 in response to a request from President Locallo. Read those comments at [bit.ly/pFnCUg](http://bit.ly/pFnCUg).

The new photo gallery and slideshow is a much more user-friendly way to view photos from bar events. All of the photos can be viewed effortlessly by hitting the play button.

Archived posts can now be found by a certain date or from the search bar. This feature was not available previously and greatly improves access to past content. The Search Archives link can be found on the left hand side of the page at [illinoislawyernow.com](http://illinoislawyernow.com). ♦♦♦

## ISBA Lawyers inspire others through classroom visits

As part of the ISBA's initiative to make a difference in the lives of Illinois students, and to assist in expanding diversity in the legal profession, lawyers are invited to go back to school and speak to students on law-related topics.

The ISBA Lawyers in Classrooms program provides ways for Illinois teachers to search an ISBA volunteer database to find lawyers in their areas who are willing to speak on specific subjects.

Typical classroom presentations should last for 30-60 minutes (curriculum available for all age levels) and should be on topics that the teachers wish discussed or enhanced by the participating ISBA volunteer. You can also join a group of lawyers and judges to visit a classroom together to give students a broader picture of the legal community.

Jennifer Franklin, an Assistant Attorney General with the Illinois Attorney General's Office, recently visited Whitney

Young High School in Chicago as part of a diverse group of other attorneys.

"It was a very rewarding experience. The students were very engaged – some were interested in careers in the law and some just had particular questions about the law," Franklin said.

Franklin, a member of the ISBA's Committee on Law Related Education for the Public, encouraged judges and newly admitted attorneys to get involved in addition to experienced lawyers.

"We're always looking for stories from people who have gone out to the schools so we can highlight that success."

The Committee also encourages ISBA members to let teachers know about Lawyers in Classrooms and to take advantage of it.

Get more information and download an application at [www.isba.org/lawyersinclassrooms](http://www.isba.org/lawyersinclassrooms). ♦♦♦

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[www.illinoislawyernow.com](http://www.illinoislawyernow.com)



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The ISBA does not provide members' e-mail addresses.

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**(Continued from page 1)**

ter accessibility, there is better lighting and better meeting space," ISBA President John G. Locallo said. "Most important are the upgrades to the CLE room because we'll be using upgraded technology to do both recording and online streaming of our CLE programs. The improved audio-visual equipment will also make for a better interface between the speakers and audience."

The CRO hosts many of the Association's CLE offerings and provides meeting space for its sections and committees.

"I think the spaces have been vastly improved and enhanced for our membership. I think our members are truly going to be pleased with the difference we have made in all of the spaces – but especially in the classroom and meeting space and the reception area," ISBA 2<sup>nd</sup> Vice President Paula H. Holderman said. "The working space for our members is vastly better and will make a nice professional statement for the bar association."

The ISBA appreciates efforts by ISBA committees and section councils to hold meetings at other locations during the construction phase.

President Locallo added: "I think it's going to be a real happening spot for our members to come and enjoy and also learn about the bar and their individual practice areas."

The 31-story tower at 20 S. Clark that houses the CRO was recently granted Silver LEED certification by the U.S. Green Building Council. LEED certifications shows that a building is using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO<sub>2</sub> emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

The renovated space has been updated with fire sprinklers in accordance with Chicago codes and has been adapted to the latest in ADA accessibility.

We hope to see you soon. ♦

**(Continued from page 1)**

ate an intriguing lineup of programming in our remodeled and updated space. Here's just a glimpse of what's already on our calendar in the Chicago office:

- Hot Topics in Consumer Collections (Oct. 17th)
- What You Need to Know about LLCs (Oct. 18th)
- The IMDMA and the Welfare of Pets (Oct 20th) (Onsite program and live webcast)
- Preparing Your Case: Pre-Trial Considerations (Oct. 21st)
- Social Media is Here to Stay (Nov. 30) (Live studio webcast)

Looking for up-to-the date information on a new law or case? Well, stay tuned for even more hot topic presentations coming soon from our new ISBA Studio!

For more information about any of our upcoming programs, please visit: <http://www.isba.org/cle/upcoming> ♦

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# Capitol Chronicle

by Jim Covington

*Director of Legislative Affairs*

The General Assembly will meet for veto session for three days in late October and three days in mid-November and may address some of the following bills.



**Medical records of deceased family members.** Senate Bill 1694 (Wilhelmi, D-Joliet; Brady, R-Bloomington) creates a procedure and statutory form to allow certain family members to get the medical records of deceased family members without being forced to open an estate. A surviving spouse may make a written request for a copy of his or her deceased spouse's records if: (1) An executor or administrator has not been appointed for the deceased's estate; or (2) The deceased did not appoint an agent under a power of attorney for health care who was authorized to act for the deceased after death, and the deceased had not specifically objected to disclosure in writing. If there is no surviving spouse, the records may be released if requested in writing by (1) an adult son or daughter of the deceased, (2) a parent of the deceased, or (3) an adult brother or sister of the deceased. Senate Bill 1694 also amends the Illinois Power of Attorney for Health Care to allow an agent to access the principal's medical records after the principal's death if the principal has delegated that authority in the power of attorney. Senate Bill 1694 has passed the Senate and is awaiting a vote in the House.

**Healthcare Power of Attorneys—access to principal's medical records.** Public Act 97-148 (Wilhelmi, D-Joliet; Mathias, R-Buffalo Grove) is related to Senate Bill 1694. Public Act 97-148 eliminates the recently enacted ability of an agent to access the principal's medical records on execution of the power of attorney. Public Act 97-148 reverts the statute to prior law in which the agent is empowered to get access on an event or time that the patient designates in the statutory short-form. Effective July 14, 2011.

**Modification of custody or visitation orders for military deployment.** House Bill 1589 (Pritchard, R-DeKalb; Jacobs, D-Moline) does five

things: (1) Expands existing law to address modification of custody or visitation caused solely by a parent being deployed for active military duty. (2) Preserves judicial discretion and supervision to ensure that any accommodation for a deployed parent is in the best interest of the child. (3) Limits modification orders for deployment to temporary status, so that when the deployment is ended the service member does not bear a clear and convincing burden of proof to restore the prior custodial order. (4) Provides for expedited custody hearings for deployed service members and authorizes participation by electronic means. (5) Authorizes "substitute visitation" while the parent is deployed if the judge determines it is in the best interest of the child. Awaiting a Senate concurrence vote on a House amendment.

**Adam Walsh Act.** Senate Bill 1040 (Haine, D-Alton; Mussman, D-Schaumburg) amends the Sex Offender Registration Act to implement the federal Adam Walsh Act (also called SORNA—the Sex Offender Registration and Notification Act). If a state fails to implement SORNA, it loses 10% of its Byrne grant funding that translates into a decrease for Illinois of about \$900,000 or less for the state police and local law enforcement. The issue that has surfaced is how much more than \$900,000 will it cost Illinois to implement. Only 14 states have complied with SORNA because of this same issue, and many are starting to shy away from compliance. Among the many things Senate Bill 1040 does is continue to define sex offenders to include consensual sex between teens and increase registration periods for sex offenders from 10 years to 25 years or natural life without any possible relief for good conduct. Awaiting a Senate concurrence vote on a House amendment.

**Excluded powers of attorney.** House Bill 1712 (Beaubien, R-Barrington; Silverstein, D-Chicago) was amendatorily vetoed by Governor Quinn. As passed by the General Assembly, House Bill 1712 excluded from the Illinois Power of Attorney Act certain kinds of limited agencies executed by or for financial institutions primarily done for various business, commercial, and governmental purposes that don't need to be revoked on creation of a new power of attorney. House Bill 1712 also immunized those acting as agent under such powers of attorney from various responsibilities and liability imposed by the Illinois Power of Attorney Act. House Bill

1712's intent was to ensure that these kinds of powers of attorney were not revoked using the statutory short form and provide some immunity to agents acting under those powers of attorney. In last year's rewrite of the Illinois Power of Attorney Act, the statutory short-form states that all prior powers of attorney for property are revoked. (PA 96-1195 effective July 1, 2011)

Governor Quinn's amendatory veto makes four changes to House Bill 1712 because he believed that the bill as passed may inadvertently make some seniors more vulnerable to elder abuse. (1) House Bill 1712 as passed created 14 categories of "excluded power of attorney." The amendatory veto deleted three of those categories. (2) House Bill 1712 as passed exempted the agents under "excluded powers of attorney" from certain responsibilities and potential liability of the Illinois Power of Attorney Act. The amendatory veto removes those exemptions. (3) Last year's rewrite of the Act says the execution of a power of attorney does not revoke previously executed powers of attorney unless the subsequent one does so. House Bill 1712 clarifies an excluded power of attorney may be revoked only by the mechanism provided in that power of attorney or, if none, by written instrument signed by the principal and the agent making specific reference to the excluded power of attorney in question. The amendatory veto left this clarification but deleted language that went further than that. (4) House Bill 1712 as passed amended the statutory short-form for property to insert a statement that excluded powers of attorney are not revoked. The amendatory veto deletes that exemption and limits the revocation language to all prior *statutory* powers of attorney instead of all prior powers of attorney.❖

**Jim Covington** is Director of Legislative Affairs for the Illinois State Bar Association. He is a 1976 graduate of Eastern Illinois University and a 1979 graduate of the University of Oklahoma College of Law.

# WHEN RESULTS MATTER..

## WHY CHOOSE ANYONE ELSE?

**\$14 Million** for the family of a woman who died during child birth and her daughter who suffered brain damage

**\$11.4 Million** when a man died when doctors negligently performed a cervical fusion surgery

**\$10.1 Million JURY VERDICT** for a 72 year old woman severely injured by a truck

**\$10.1 Million RECORD HIGH JURY VERDICT** for a teenager killed by a Greyhound bus

**\$7.8 Million** for a woman who suffered a severe stroke after a delayed diagnosis of meningitis

**\$7.65 Million** for a man seriously injured when construction equipment malfunctioned

**\$6.95 Million JURY VERDICT** for a man whose his leg was amputated at a City of Chicago construction site that was improperly barricaded

**\$6.8 Million** for a woman brain damaged after a tracheotomy was negligently managed

**\$6.7 Million** for the family of a 24 year old man who was killed on an Illinois expressway after collisions with a car and commercial motor vehicle.

**\$6 Million RECORD HIGH JURY VERDICT** for a teenager injured when a truck crashed into her motorcycle

**\$5.8 Million** when a wheel assembly dislodged from a semi-trailer truck and killed a teenager

**\$5.5 Million** when a baby suffered permanent brain damage as a result of a wrongly administered drug

**\$5.5 Million JURY VERDICT** for a woman killed when her vehicle crashed into an improperly maintained construction area

**\$5.3 Million JURY VERDICT** when a 12 year old died when doctors and nurses negligently managed her airway

**\$5 Million** for a man who suffered severe back injuries while undergoing physical therapy to repair a herniated disc

**\$5 Million RECORD HIGH SETTLEMENT** when a worker was severely injured in a farming incident

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# An invitation ... be a leader in ISBA

by John G. Locallo

ISBA President

**H**ere is a simple fact. The leaders of the ISBA are elected in an open election by ISBA members. Another fact is that it is easy to become a candidate for ISBA office.

In fact, ISBA members in early 2012 will elect 23 new members of the 201-member Assembly, 6 new members of the 27-member Board of Governors, and a new Third Vice-President who will become President three years later. Members who seek office will be required to file nominating



petitions with the requisite number of signatures of eligible voters no later than 4:30 p.m. on Tuesday, January 31, 2012. More details are below, and full details are available on the ISBA website at [www.isba.org/elections](http://www.isba.org/elections).

The Assembly is the policy making body of the Association. It meets twice a year, and members serve three-year terms. The Board of Governors functions as the administrative and managing body with full authority to act between Assembly meetings consistent with positions of the Assembly. The Board typically meets five times a year, and Board members serve three-year terms.

Your Association depends on the active involvement of members representing the full spectrum of the profession. The opportunity is here, and the door is open.

**Consider becoming a candidate! ♦**

**ISBA depends  
on the active  
involvement of  
members . . .  
Full details are  
available on the  
ISBA website  
[www.isba.org](http://www.isba.org).**

## NOTICE OF ISBA ELECTION

### Office of Third Vice-President

**6 – Seats on the Board of Governors**

**23 – Seats on the Assembly (Cook County)**

**0 – Seats on the Assembly (Outside Cook County)**

There follows a listing of the offices in the Illinois State Bar Association to be filled by the 2012 annual election. Those elected to the Board of Governors and Assembly take office at the opening of the Annual Meeting on June 14, 2012, and the third vice-president takes office at the close of the Annual Meeting on June 16, 2012.

Office and Term	No. to be elected	Incumbent(s)
Third Vice-President -	1	no incumbent*
Board of Governors, 3 year term		
Cook –	1	Mauro Glorioso – Westchester **
Area 1 (Circuit 18) –	1	James F. McCluskey – Lisle
Area 3 (Circuits 12, 13 16, and 21) –	1	Lisa M. Nyuli – South Elgin
Area 4 (Circuits 10, 14 and 15) –	1	Elizabeth Jensen – Peoria**
Area 6 (Circuits 7, 8 and 9) –	1	Carl Draper – Springfield**
Area 8 (Circuits 3 and 20) –	1	Russell Scott – Belleville
Assembly, 3 year Term		
Cook County	23	Kenneth E. Baime – Chicago Michael G. Bergmann – Chicago** Dennis J. Burke – Chicago Joe Cataldo – Glenview** John W. Damisch – Chicago** Mark W. Damisch – Northbrook** Sharon L. Eiseman – Chicago** Robert Fink – Chicago Melanie Frazek – Blue Island David Huber – Chicago Anna P. Krolikowska – Northbrook Jeffrey G. Liss – Chicago** Daniel T. Madigan – Chicago Richard P. Miller – Arlington Heights Cristina Mungai – Chicago Leonard Murray – Chicago

Office and Term	No. to be elected	Incumbent(s)
Cook County	23	Julie A. Neubauer – Chicago Katherine A. O'Dell – Chicago Alan Pearlman – Northbrook** Ronald A. Rascia – Chicago Willis R. Tribler – Chicago Beth D. Wade – Arlington Heights** Michael J. Zink – Chicago**

\* Under the bylaws the third vice-president automatically succeeds to the office of second vice-president; therefore, there is no incumbent for this office.  
\*\* Ineligible to succeed due to term limitations.  
\*\*\* Ineligible to succeed due to term limitations.

**NOMINATION**  
Members who wish to be candidates for office must reside in the proper geographic jurisdiction, must meet other requirements for particular office, and must be in good standing with the ISBA at the close of the nominating period.

**Voting Address:** Bylaws Sec. 1.11 reads: For purposes of voting and candidacy for ISBA elected office, a member's voting address shall be his or her primary legal office as designated by the member. If a member's primary legal office is not within the state of Illinois, such member may designate their Illinois residence as their voting address; if no voting address is designated, the member shall be considered a non-resident.

Nominating petitions must be in writing and in the substantial form set forth in Para. 3.2. (See Election Policy Para. 3.2.) Printed copies of the nominating petitions are available upon request at the Office of the Executive Director, Illinois State Bar Association, 424 South 2nd Street, Springfield, IL 62701. (Telephone toll free 800/252-8908, fax 217/525-0712 or visit the ISBA website, either under "About>Leadership" or directly at [www.isba.org/leadership](http://www.isba.org/leadership).)

Nominating petitions may be filed no earlier than Tuesday, January 3, 2012 and must be filed by 4:30 p.m. on Tuesday, January 31, 2012 at either the Illinois Bar Center, 424 South 2nd Street, in Springfield or the ISBA Chicago Office at 20 S. Clark Street, 9th Floor, Chicago. Petitions must be physically submitted with original signatures. Petitions submitted via email or fax will not be accepted. (See Election Policy Para. 3.4.)

The ISBA Bylaws and Policy and Procedures on Association Elections, additional pertinent information and petition forms for each category of candidacy may be found on the ISBA website, either under "About>Leadership" or directly at [www.isba.org/leadership](http://www.isba.org/leadership).

**Voting**  
All members of the Association in good standing (except law student members) are eligible to vote for the office of third vice-president.

Eligible members residing in the areas in which there are contested elections may vote in the appropriate Board of Governors and Assembly race.

The 2012 Elections will be conducted by electronic voting. Paper ballots will be utilized in some instances. Full details on the voting process will be provided to the full active membership well in advance of the formal election.

By policy, a member's dues must be paid by March 1, 2012 for the period ending June 30, 2012, in order to be eligible to vote in ISBA Elections.

September, 2011

Robert E. Craghead, Executive Director

# Is there an app for that?

by Bryan Sims bsims@simslawfirm.com

*Sims Law Firm, Ltd., Naperville*

**M**y completely unscientific surveys of attorneys (consisting mostly of talking with other attorneys and observing them in court) leads me to believe that attorneys are embracing the mobile side of the practice of law. Almost all attorneys that I run into seem to be using a smartphone of some sort and many are also using an iPad or other tablet.

In this column I want to address some of the apps that attorneys might use in our practice on these mobile devices. Some of the apps I discuss are legal specific, some are general apps that have legal uses, and some are just useful apps, regardless of your profession.

The apps I discuss below are apps that have proved useful to me. This means that I am discussing only apps that are available to me. I have an Android powered smartphone and an iPad2. This means that if there is a great app that is available only for the Blackberry, I don't know about it and will not be talking about it.

**Fastcase.** Fastcase makes a free app for both the iPhone and iPad. The app allows you to search Fastcase's database. Right now you cannot connect your app account with your regular account. However, given that the app provides you with free legal research, it is tough to complain. Even if you do not use Fastcase regularly, having this app on your device, means that you can easily search for a case from court or another location. *Platforms available: iPhone and iPad.*



**WestlawNext.** The primary service I use for legal research is WestlawNext. West has released an app for the iPad that allows me to access my WestlawNext account. This is one of the most used apps on my iPad. The app contains all of the functions that I get when I access my account on the computer, but they are properly sized and formatted for my iPad. I like this app so much, that I have found that I prefer to do my research on the iPad rather than using my computer. Not only is it easy to use, but it also means that I am not tethered to my desk and can work from more comfortable locations. Quite simply, it's just as easy or easier to do my research from my iPad with this app as it is to do the research



from my desk. This app is free, but you must have a WestlawNext subscription to use it. *Platforms available: iPad.*

**LogMeIn Ignition.** One of my favorite services for years has been LogMeIn. This service allows you to install an application on a computer and then remotely control that computer from any computer with access to the internet. Best of all, the program that you install on your computer is free. Further, as long as you access the computer only through other computers, there is no charge for using the service. LogMeIn, however, allows you to access the computer from a variety of mobile devices. The stickler is that LogMeIn charges for the apps for the mobile devices. The cost is \$29.99. However, the convenience of being able to remotely control a computer makes this cost well worth it. In fact, I bought this app for both my Android phone and my iPad. *Platforms available: iPhone, iPad, Android, and Android Tablet.*

**Evernote.** This is a great note-taking, web clipping, store anything program. If you have never tried this program, I urge you to experiment with it. It is free and easy to use. Evernote allows you to create notebooks to sort information by category and then to create individual notes within each notebook. You can store text, pictures, websites, weblinks, just about anything in these notes. All of these features would make this a program that you should install on your computer. What makes the program great, however, is that you can sync your notebooks with Evernote's servers and then access that same information from any of your mobile devices. This means that the information available to you is the same no matter which device you happen to have on you. *Platforms available: iPhone, iPad, Android, Android Tablet, Windows Phone 7, BlackBerry, and Palm Pre.*

**Dropbox.** I use Dropbox as the example here because it is the most popular and easiest to use of these types of services. Dropbox is a cloud based service that allows you to store information in the cloud and then access it from your various devices. If you have ever emailed a document to yourself so you could access it from somewhere else, Dropbox does the same thing without using email. Also, you can set it up so that uploading a document to Dropbox is as easy as dragging it to a folder on your hard drive. Other similar services that are available are Box.net and Spider Oak. All of these services offer a limited amount of storage for free, with the option to purchase additional storage. I have used this before on my phone, while in court to pull up a copy of an order. I certainly wouldn't want to read a long document on my phone. However, using it to double check something is invaluable. *Platforms available: iPhone, iPad, Android, and BlackBerry.*

**Pandora.** I admit that this is not legal related at all. However, if you have not used Pandora, I recommend that you check it out. Pandora is an internet radio station that allows you to tailor your music by selecting a song or artist. Pandora then tries to play other songs and artists that you will like based upon your original selection. The great thing about the service is that the song choices are not determined by a computer simply crunching numbers. Instead, the song choice is powered by the Music Genome Project, in which an analyst (who typically has at least a four-year degree in music theory) analyzes each song based upon 400 different musical characteristics. This results in song matches that are remarkably accurate, at least to my taste. The basic service as well as the apps are free. *Platforms available: iPhone, iPad, Android, BlackBerry, and Palm Pre.*

**PNC Mobile.** I used PNC as an example because I have accounts there and I use their app. However, other banks have apps as well. The features may vary, however, in general these apps allow you to view your account balances, perform transfers, locate branches and ATMs and remotely deposit money. Some banks' apps have more features than others. However, if your bank has an app, check it out. You may be surprised at the banking you can do from your phone or tablet. On a related note, check for an app with any vendor that you use regularly. For example, the apps from airlines are almost always easier to use than accessing the website through your mobile browser. *Platforms available: Varies.*

**OpenTable/Yelp!** I have found these apps absolutely invaluable when traveling (whether for business or pleasure). Yelp! makes it very easy to find restaurants in strange cities. The restaurant entries contain ratings along with patron reviews, business hours, contact information, expected cost, etc. Additionally, if your mobile device is equipped with GPS, the app can pinpoint your location and show you the restaurants nearest you. OpenTable allows you to make restaurant reservations directly from your mobile device. It makes making a reservation a breeze. Both of these apps are free and should be on your mobile device. *Platforms available: iPhone, iPad, Android, BlackBerry, Palm Pre, and Windows Phone 7.*

In discussing these apps, with the exception of the first two, I have stayed away from single platform apps. That being said, in addition to the apps discussed above, there are a variety of additional apps that are available only for the iPad (and sometimes the iPhone) that are very useful for reviewing an analyzing documents or conducting other legal work. My suggestion is that, regardless of what device you have, if you are using it to perform a specific function or access a particular provider, search your app store and determine if what you are doing can be accomplished more efficiently through an app. ♦

## 45 ISBA members sworn-in by U.S. Supreme Court



This group of 45 ISBA members were admitted to the U.S. Supreme Court earlier this summer. The ISBA group met with Supreme Court Justices Ruth Bader Ginsburg and Sonia Sotomayor immediately after the swearing-in. The ISBA's next trip to the U.S. Supreme Court will be on June 3, 2013.

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# Against all odds

*Taking on the difficult case and unpopular client - and winning*

by Marcus Schantz [marcus@schantz-law.com](mailto:marcus@schantz-law.com)

**Chicago Criminal Defense Attorney**

**A**ttorneys who represent criminal defendants sometimes have unpopular clients. It's part of the job. There are few clients more unpopular than one that shoots police officers with a handgun. In a recent jury trial, I represented such a client.

In August 2009, I was hired to represent Kenneth D. Green. He was being held in the Cook County Jail with no bond. He had shot two Chicago police officers that were in his apartment executing a lawful search warrant. When I first met Mr. Green, I did not find him to be a gun-wielding, cop shooting, gangster thug as described in the media. Instead, I met a 21-year-old young man named Kenny who had a defensible case. I knew from our first meeting that his case was going to jury trial. And that it would be a case no one thought I would win.

Two senior Assistant State's Attorneys were assigned to this case. It was assigned to one of the courtrooms at the Cook County Criminal Courthouse on 26th & California. The indictment was a massive 48 counts with several counts of Attempt First Degree Murder of a Police Officer, Aggravated Battery with a Firearm of a Police Officer, Armed Violence, and narcotics charges.

**I was intimidated. Two police officers were shot in the leg and my client had done it. A small amount of crack-cocaine was also found in the bedroom from which my client shot the police officers. Those are bad facts.**

At trial, I would have to own those facts but explain them to the jury in a way that mitigated them. It was going to be a tough sell and I knew I would need a good jury. I would first have to convince the jury that Kenny was justified in shooting the police officers – a seemingly impossible task. My pre-trial Answer listed the affirmative defenses of self-defense, defense of dwelling, and defense of another. I also had to prevent the State from proving the crack-cocaine found in his bedroom was his or that he even knew it was there. Even if the jury found Kenny was justified in shooting the police officers, he could still spend the majority of his adult life in prison if the jury believed the crack-cocaine was his.

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My trial strategy was to explain the crack-cocaine belonged to Kenny's brother. I had good supporting facts. The search warrant was in the brother's name. The search warrant complaint read that the confidential informant bought crack-cocaine from my client's brother and that the drugs were retrieved from the same bedroom from which my client shot (and crack-cocaine was found). Nowhere in the search warrant complaint was my client mentioned. There was no evidence my client was involved in the selling of drugs.

The Independent Police Review Authority completed an extension investigation into this incident. I had statements from all of the police officers who were on scene, along with statements from my client's family members who were also there. I likened the police statements to deposition testimony -- which we never get in criminal cases. If anything, we get a brief narrative in an arrest report and maybe quick testimony at a preliminary hearing or grand jury proceeding. But with the Independent Police Review Authority statements, I knew how the police were going to testify ahead of trial. A significant part of my trial strategy was crafted around the police version of the event.

In my opening statement, I told the jury how this happened through the eyes of my client. I felt my self-defense strategy had merit and was supported factually. The police officers were in civilian clothes. No one heard them knock and announce. My client was asleep in a closed bedroom and heard a loud booming noise outside of his door. Then he heard a scream. The police had made a violent entry into the rear of his apartment, right on the other side of his bedroom door. Once inside, the police found my client's brother and his girlfriend on a bed along with three small children. Kenny got out of bed and walked toward his door to see what was causing the ruckus. As he reached for the doorknob, a foot burst through the bottom of it. He panicked and had a reasonable basis to be extremely fearful.

A few days prior, some local gang members threatened to come into his apartment with the intent to shoot. Kenny's brother, who was on mandatory supervised release (parole), was selling crack-cocaine. Kenny was not home very much and didn't know this. But he lived his entire life in the violent South Side neighborhood of Roseland and had been shot in three separate random acts of street violence.

I explained to the jury that because of these facts, Kenny was reasonably in fear for his life and that of his family. He acted within seconds. He grabbed a .22 revolver that he had acquired just days earlier, after being threatened. He crouched down and looked through the hole in the door. Whoever was on the other side was still trying to kick the door down. Kenny fired his gun four times low to the ground. He wasn't trying to kill anyone. He was showing he was armed and not afraid to defend himself.

**Unfortunately, bullets struck two police officers – both in the lower leg.** Police immediately returned fire through his closed door and also blindly through an outside window. A total of 37 police rounds were fired into the bedroom. Kenny took refuge in the one place in the bedroom not being peppered with gunfire. Once the gunfire stopped, Kenny heard "officer down" and only then realized it was police officers in his apartment. He immediately put down his gun and complied with all commands.

An exhaustive search found about three grams of crack-cocaine, some in the bedroom in which Kenny was sleeping. And some near the bed in which Kenny's brother was sleeping. Kenny's brother was also arrested, but only charged with possessing crack-cocaine with intent to deliver.

This case had to be tried delicately. I knew there would be juror sympathy for the two officers who were shot while doing their job. Thus, I did not want to put the Chicago Police Department on trial. However, on cross-examination, I elicited testimony which, I would later argue, showed the police were reckless and at fault.

**(Continued on page 11)**

Search warrant photos showed the crack-cocaine found in Kenny's bedroom was in very small packages and hidden from plain view. Testimony at trial established my client only spent two nights a week at home. On nights when he wasn't home, his brother (the crack dealer) and his girlfriend slept in the bedroom where the crack was found. The brother's girlfriend also testified that she knew about the drug dealing. She also knew that my client's brother kept crack-cocaine in that bedroom and moved it everyday.

My client testified credibly. And his testimony convinced the jury that what I said in my opening statement was the truth. He was scared. He feared for his life. In a matter of seconds he acted to save his life. He wasn't trying to kill. He didn't know it was the police trying to kick down his door. And the crack-cocaine was not his nor did he know it was in the bedroom.

Leaving the courthouse on the evening I rested my case, I felt a good closing argument could secure 'not guilty' verdicts.

In closing, I argued that the entire search warrant operation had been rushed, was not adequately prepared for, and was executed carelessly. There had been inconsistencies in the police testimony. I reminded the jury of them, but never called the police liars. I told the jury that if put in the same situation, I would have done the same thing. I argued my client acted reasonably and was justified in doing so. I also added that no evidence linked my client to crack-cocaine but rather the police evidence showed the drugs belonged to his brother. I asked the jury for 'not guilty' verdicts.

Less than two hours later, the verdicts were in: 'Not guilty' on all counts.

After spending 25 months in the Cook County Jail, my client went home that night. He called me around 10:30 p.m. on his way home. It was one of the best phone calls of my entire life. ♦



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For more information about the 11 "Hanging Out Your Shingle" sessions and the other 26 sessions held throughout the Conference – including program descriptions and speaker listings -- Visit [WWW.ISBA.ORG/SOLOCONFERENCE](http://WWW.ISBA.ORG/SOLOCONFERENCE)

### REGISTRATION INFORMATION:

Conference registration is *online only*.

**On-site Registration: \$400 ISBA Member / \$700 Non-Member**

No registration accepted without payment; Visa, MasterCard, American Express and Discover all accepted. Fee includes attendance at sessions of choice, admission to all meal/social functions (*excluding dutch treat dine-around/networking dinner and Lincoln Ghost Walk Tour*), and a flash drive containing all of the course materials. Registrants will also be able to download any or all of the course materials online free of charge. Print materials are available for an additional \$75; pre-orders must be received by October 10. Full refunds available through October 17, less a \$10 administrative fee. *Visit the Conference website for information about the Registration Pricing, Meal/Social Functions, and more.*

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## “You can’t win a lawsuit in the media – but you can lose it.”

by Christopher Niro cniro@nshn.com

*Niro, Haller & Niro; ISBA YLD Council*

**T**hat phrase has been on my mind most often over the past two months... and it has been quite appropriate since filing the lawsuit *Francescatti v. Stefani Germanotta, a.k.a. “Lady Gaga,” et al.*, (N.D. Ill. No. 1:11-cv-5270), alleging that arguably the biggest pop star in the world right now has committed copyright infringement. As a reminder, no attorney, young or experienced, should ever employ the strategy of “ready, FIRE, aim!” -- especially in a high-profile case. Do not think that the media, the blogosphere or even the court of public opinion has any real bearing on the case or your duties as an officer of the court. Before filing any case, especially against a “high profile” defendant, be sure to go through the critical step of performing due diligence regarding your claims.

If you are preparing to file a claim against a person or entity that is covered extensively in the media, you should pay extra attention to the details of your case. Conduct thorough interviews of your client and their associates; double-check the facts; consult with experts and do your own research. In law school, professors always said that you should take what your clients tell you with a grain of salt. Proceed cautiously. It is your obligation to investigate each aspect of your client’s story to make sure that it can stand up to close scrutiny. There

are several reasons for this. In a high profile case, your complaint will be read by and investigated by teams of lawyers as well as people without legal experience or knowledge of the litigation process. Reporters and John Q. Public do not care, or likely understand, what is an “amended pleading.” Mistakes in an initial pleading can work their way into the story and paint an inaccurate picture of the nature of the claims.

**You have a choice of when to file and how to announce the lawsuit.**

You can go high profile -- with a press release, TV and radio interviews and even employ a PR firm to spin the story. We chose to go low profile, believing that the publicity would do more harm than good. Our first obligation is to our client -- to be sure they receive a fair, speedy and just adjudication of their claims -- not to publicize yourself or try your claims in the media. The day the complaint was filed, I assumed that the national celebrity media would pounce on the “scandal” as they would likely call it, and we would be inundated with calls from reporters asking all types of probing questions. The senior partner responsible for the case had assigned me the job of fielding media calls. That first day, to say the least, I was surprised at the volume of calls and questions from reporters: None!

Now, I had no problem with that, because as an associate, trust me, I have plenty of other work that I needed to get done. Again, the adage, “you don’t win a case in the media...” popped into my mind, and I moved on to other projects. Then, at 8 the next morning, I received a call from a reporter working for TMZ.com. I gave a short interview and then a few hours later, I spent the rest of the day fielding an endless stream of calls from other reporters.

We had prepared for the onslaught. When handling calls regarding a highly technical case, such as copyright infringement, most nuanced details do not fit well into soundbytes or quickly quoted phrases. Some news outlets do not have the time or the space to discuss the nuance that your case might rest upon. Therefore, when giving an interview, try to be as broad, straightforward and as general as possible; do not get into the nuances of your case. Those details are likely to be misstated and even if accurate lost on the reader. Again, the reporter is not your judge or jury.

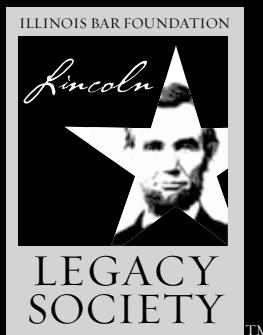
**Unfortunately, sensation sells newspapers, and unlike movies and TV lawyer dramas, we all know that our cases -- even the highest profile -- are not the most sensational.** Therefore, be extremely careful of what you say during an interview. Never, ever disparage a party. Be confident in your case, but do not predict results or brag about its value. It is important in an interview, much like a deposition or trial, to anticipate questions, prepare responses and have a planned theme or message. Having a theme and a plan for how you handle the media is very helpful to keep you “on message.” You also need to prepare your client for the inevitable scrutiny they will receive and the negative commentary that will flow through the news media.

Provided that you have done your due diligence investigation, thoroughly researched your claims and focused on your proper role as the attorney for the client, a high-profile case can help your practice and enhance your reputation. Of course, the opposite is also true.

A high-profile case is not intimidating or unmanageable, especially if you have an experienced mentor at your firm (you should) that can help you stay on the path to proving your case in court -- *not* on TMZ.com. Save the bravado for the successful post-trial or settlement interviews.

One thing that I recommend never doing: reading the comments section of a website discussing your “high profile” case. In the end, you will best serve your client by preparing the case and working diligently to reach a successful conclusion. ♦

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## Pro Bono Proud: Celebrate National Pro Bono Week

by Hon. Barbara Crowder  
blcrowder@co.madison.il.us

**D**o you pro bono? If so, show you are "Pro Bono Proud" during National Pro Bono Week by attending a celebratory event. If not, why not? More opportunities abound to find a pro bono project that meets your time and abilities than ever before. And even more ways to pro bono may be coming to a circuit near you.

National Pro Bono Week is October 23 through 29, 2011. The ISBA through the Standing Committee on the Delivery of Legal Services joins with the ABA to ask all bar associations and lawyers to participate both by performing pro bono work and by joining in the celebrations. Help showcase the efforts of the great lawyers who volunteer and the range of services available for those who need them.

How? Pass a resolution in your local bar group to join those being passed throughout the nation lauding the efforts of pro bono attorneys. Then publicize it! A sample resolution is available for use as a draft. Write letters to the editors of local newspapers to discuss the programs available and to promote the good works of the volunteers. A sample letter to the editor is also available to use as a draft to put information about local pro bono efforts before the public. Finally, host a reception thanking the lawyers who do pro bono work and urging the others to sign up for some of the new programs that are being introduced.

Some areas are hosting breakfasts, lunches, or dinners with the judiciary so that the courts can thank those who help in pro bono projects such as foreclosure mediations, family court mediations or who serve as guardians ad litem without compensation. Chicago usually has a breakfast with the judges among its many events.

Vermillion, Douglas and Madison counties are planning meals with their judges at which all of the lawyers who have performed pro bono service during the last year will be honored.

Another way to celebrate is to find new ways to help those who would like to be involved in pro bono assistance. Madison County is rolling out a new project to expand the assistance available at the courthouse by having volunteers from the Madison County Bar Association handle appointments referred through Land of Lincoln. Volunteers are asked to sign up for one hour time slots to staff the appointments. Thus, each volunteer knows exactly how much time he or she is donating. The appointments will help people understand their rights and options before proceeding *pro se* or may match people with a program that can assist them. The first day of appointments will be during National Pro Bono Week to better spotlight this new program.

Those with smart phones who want even more pro bono information can avail themselves of a new Illinois Pro Bono Mobile App that will be ready for downloading beginning October 24th (during National Pro Bono Week). The App will be available for iPhone, Android and Blackberry devices and is designed for Illinois attorneys or legal professionals to access statewide Pro Bono resources and view upcoming MCLE training or other events on the Illinois Pro Bono calendar. It is based off the Illinois Pro Bono website [www.illinoisprobono.org](http://www.illinoisprobono.org) and also has articles on specific areas of law to help pro bono attorneys provide service.

More event ideas can be found at [www.celebrateprobono.org](http://www.celebrateprobono.org). However your community and bar association decides to show you are Pro Bono Proud, please share your efforts and event details with the ISBA. We are proud of you! ♦

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### Meeting Overview

#### Thursday, December 8

- Opening Reception for Joint Meeting
- "Pathways to the Academy: Becoming a Law Professor or Administrator" Sponsored by SIU School of Law

#### Friday, December 9

- CLE Master Series Program Exhibits - Services for Members
- Illinois Bar Foundation - Fellows Awards Breakfast

- Joint IJA/ISBA Program – "Illinois Juvenile Justice: A Work in Progress"
- IJA Meeting Luncheon – Law School Alumni Receptions
- Reception and Dinner Honoring Supreme Court of Illinois
- ISBA Assembly Meeting

#### Saturday, December 10

### Meeting Registration

Onsite registration for the ISBA Midyear Meeting opens Thursday, December 8 at 7:30 a.m.

### Hotel Reservations

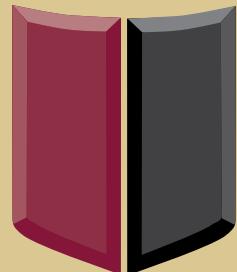
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# Succession/exit strategies: How much is your firm worth?

by John W. Olmstead, MBA, Ph.D, CMC

olmstead@olmsteadassoc.com

**S**uccession/exit planning is a highly personal process. There is no off-the-shelf solution that is right for everyone. An effective process involves using a methodical, logical and rational approach. Most law firm owners or partners spend more time planning a family vacation than on planning their succession/exit from their law firms.

A succession/exit plan is a comprehensive roadmap to successfully exit a law firm. It asks and answers all the business, personal, financial, legal and tax questions involved in exiting a firm. Typical phases consist of:

- Phase I - Objectives/Internal Review
- Phase II - Valuation/Analysis
- Phase III - Strategies & Plans
- Phase IV - Implementation

Once you have determined your succession/exit goals and objectives, a valuation of your firm should be conducted. This will give you a feel for the value of your practice.

A comprehensive valuation is one of the cornerstones of the succession/exit planning process. Without a good idea of what your firm is worth, it is impossible to make informed succession/exit planning decisions. Without a valuation you will not be able to plan for retirement, do comprehensive tax planning, formulate a good estate plan or understand the full extent of various exit options. A business valuation impacts virtually every component of the succession/exit planning process, including:

- **Retirement:** How much will the transfer of ownership shares provide for retirement?
- **Estate Planning/Tax:** Impact upon estate planning. How much estate tax exposure is attributable to the firm?
- **Life Insurance:** Is life insurance adequate given the value of the firm?
- **Buy-Sell/Shareholder/Partnership Agreements:** What value should be included in buy-sell agreements for transfers and buyouts? Will a valuation formula work? Should the agreement call for a formal independent valuation?
- **Financial:** How much loan collateral might be available? How much is the firm worth in a sale, merger or internal transfer?

You cannot begin to formulate a succession/exit plan without a baseline valuation.

## Determining Value

There is no one "right answer" when valuing a law practice. There are different types of valua-

tions performed by different advisors for different reasons. Valuations can be extensive or ballpark estimates. If you are planning on transferring your ownership interests now (within a year or two), it's a good idea to get more than a ballpark idea of value. However, if you are three to five years away from transferring your ownership interests, a ballpark estimate should suffice for planning purposes. You should update this ballpark estimate annually.

While law firm owners and partners would like a simple "plug and play" approach to establishing a value for their firms, such an approach does not exist in the real world. There are too many variables that come into play. However, the following four valuation approaches/methods are standard practice and an understanding of these approaches can help you understand the process:

### Valuation Approaches/Methods

#### Asset-Based Valuation

The asset-based valuation method is based on the premise that the value of the firm is best determined by adding the value of all the firm's assets and subtracting the liabilities, leaving the net value of its assets. An asset-based valuation is further segmented into five approaches:

1. Book value
2. Replacement cost
3. Appraised value
4. Liquidation value
5. Market value

Since most law firms maintain the financial records on a cash-based method of accounting, their cash-based financials are adjusted to accrual-based financials for valuation purposes since the largest assets of a law firm are typically accounts receivable and work in progress. Asset-based valuation methods ignore the importance of a firm's earnings and cash-flow. For this reason, this valuation approach generally is not used to determine the market value of a firm.

#### Rule of Thumb

The rule-of-thumb approach is simple and direct. Multiply one year's gross revenue by a factor of x. The result will be the stream of income's value.

- We usually suggest that you average the firm's gross fee revenue over the past five years to even out any peculiar ups or downs in the revenue stream. Then multiply this average year's gross fee revenue by a given factor. The factor varies with the industry and even with geographic location. Accounting firms, for example, are valued at 1.0 to 1.5 times (100 to 150 percent) annual gross fee receipts. A well established standard is still in its infancy in law firms. Some

argue that the multiplier for the rule-of-thumb method for law practices should be between 0.5 to 3.0. However, based upon what we have seen in recent sales of law practices, the multiplier for the rule-of-thumb method for law practices is ranging between 0.6 to 1.0 (60%-100%) of annual year's gross fee revenue. Another way to look at it would be 1.2 to 2.0 (120% to 200%) times net income. (Based upon partnership method of accounting and not including owner's compensation as an expense)

If there is a great deal of repeat business and client loyalty can be transferred, the multiplier will be higher. In the sale of a law practice, a portion of the clients and referral sources will not stay with the practice, by reason of the close personal relationships usually developed. This factor must be considered when determining the multiplier. If the firm is dependent on a few large clients the multiplier will be lower.

#### Comparable Firm Transactions

This method involves researching what other law firms similar to your firm are being sold for in the marketplace and then applying that data to your valuation. Since law firms are privately held, access to this sort of information is difficult to obtain. Therefore, this method of valuation is of limited value. However, even if limited information is available such information can be used to supplement other method(s) being used to value your firm.

#### Discounted Cash Flow

Valuation experts often consider this a superior method of valuation since it is based on projected future financial performance of the firm, rather than historical financial performance. This method uses estimates of a firm's future cash flows and the expected rate of return a buyer would reasonably expect on those cash flows.

Typically combinations of two or more valuation methods are used when valuing a law practice and there are pros and cons of each method.

#### The Bottom Line

In the final analysis the value of the practice is what your partners will agree to or what an outside buyer will pay for the practice. The valuation process is simply a tool to use to help you get to this point. ♦

*John W. Olmstead, MBA, Ph.D, CMC, ([www.olmsteadassoc.com](http://www.olmsteadassoc.com)) is a past chair and member of the ISBA Standing Committee on Law Office Management and Economics. For more information on law office management please direct questions to the ISBA listserver, which John and other committee members review, or view archived copies of **The Bottom Line** Newsletters.*

## YLD: At your service



Council member Tarek Fadel, Chair Heather Fritsch, Vice-Chair Meghan O'Brien and Secretary Jean Kenol enjoy the YLD Golf Outing

by Jean Kenol jkenol@msclawfirm.com  
*Mahoney, Silverman and Cross, LLC, Joliet*

The very essence of the legal profession is helping others. The Young Lawyers Division of the ISBA understands this and leads by example. YLD has a long tradition of service and has organized and orchestrated events such as the Annual Holiday Party, Bean Bag Tournament and Golf Outing to raise money that has enabled us to provide over \$200,000 in grants in the last 10 years to charities such as CASA, the Public Interest Law Initiative and various children's advocacy programs. We have also been able to help establish children's waiting rooms in courthouses throughout the state.

The Council of the YLD has also rolled up our collective sleeves, and participated in days of service. For example, the Council members volunteered with Sky Rise Chicago Tower Up. Participants raced up the steps of Willis Tower to raise money for Rehabilitation Institute of Chicago and as volunteers, we assisted with the organization and support of the participants. The Rehabilitation Institute of Chicago is the nation's leader in providing comprehensive physical medicine and rehabilitation care to patients from around the world and is the leader in research and development of the most cutting-edge treatments and technologies in its field. The YLD Council will volunteer at the Chicago

Food Depository in October. We will be packing bulk products to individual/family sizes, assembling boxes with assorted food, checking expiration dates and labeling and gleaning products. The Food Depository distributes donated and purchased food through a network of 650 pantries, soup kitchens and shelters to 678,000 adults and children in Cook County every year.

The individual members of the YLD have also made service a part of their practice with various pro bono projects. Matthew Huff, a solo practitioner, volunteers on a monthly basis for the Wills for Heroes program. At Wills for Heroes workshops volunteer lawyers create testamentary wills and powers of attorney for local emergency first responders and their spouses or partners.

Public service not only provides valuable help to those less fortunate, it benefits us in many other ways. As a younger attorney, pro bono cases affords you the opportunity to cut your teeth in different areas of law and gain valuable experience. It allows you to have direct, meaningful contact with clients and will help you develop critical skills such as listening, communicating and managing expectations. It's a great way to expand your network, create new relationships and promote our profession in a positive light. If you need help getting involved in pro bono or service projects, please contact the ISBA or your local bar association. ♦

**ILLINOIS STATE BAR ASSOCIATION**

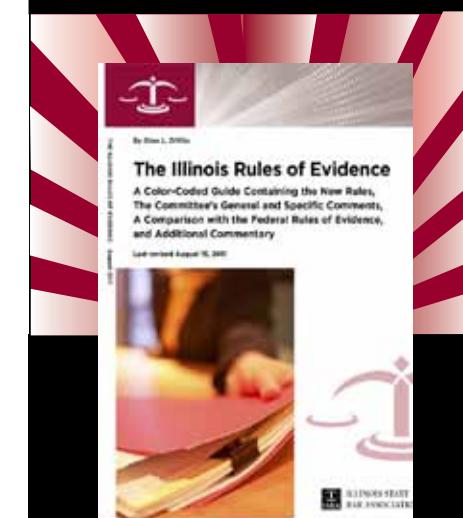
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or by emailing Janice at [jishmael@isba.org](mailto:jishmael@isba.org)

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## IN MEMORIAM

Visit IllinoisLawyerNow.com for expanded and timely obituaries of ISBA members.

**James J. Ahern, Skokie, IL**  
Admitted 1955  
Date of Death: 2/4/11

**William A. Barnett, Chicago, IL**  
Admitted 1941  
Date of Death: 6/18/11

**Hon. Lois A. Bell, Winchester, IL**  
Admitted 1985  
Date of Death: 7/2/11

**Alex J. Beresoff, Lombard, IL**  
Admitted 1972  
Date of Death: 5/12/11

**Arthur Taylor Bernstein, East Dundee, IL**  
Admitted 1999  
Date of Death: 1/2/11

**Robert J. Bier, Quincy, IL**  
Admitted 1962  
Date of Death: 6/7/11

**Warren E. Carbary, Elgin, IL**  
Admitted 1948  
Date of Death: 7/5/11

**Hon. Charles W. Chapman, Edwardsville, IL**  
Admitted 1979  
Date of Death: 5/15/11

**Joseph E. Davis, Chicago, IL**  
Admitted 1960  
Date of Death: 11/24/10

**Vivian Nellie Doering, Escondido, CA**  
Admitted 1989 (CA/DC); 1993 (IL)  
Date of Death: 4/6/11

**Cornelius T. Ducey Sr., Belleville, IL**  
Admitted 1949  
Date of Death: 6/28/11

**Rolfe E. Ehrmann, Dixon, IL**  
Admitted 1975  
Date of Death: 7/27/11

**Alfred E. Gallo, Hillside, IL**  
Admitted 1954  
Date of Death: 8/15/11

**Jeffrey W. Hellberg, Sr., Amarillo, TX**  
Admitted 1967  
Date of Death: 3/2/11

**Leo Herzl, Glencoe, IL**  
Admitted 1952  
Date of Death: 7/21/11

**Wilson Hoefle, Belleville, IL**  
Admitted 1937  
Date of Death: 7/4/11

**Charles R. Hug, Des Plaines, IL**  
Admitted 1970  
Date of Death: 6/25/11

**Terrence M. Johnson, Lake Barrington, IL**  
Admitted 1974  
Date of Death: 1/31/11

**Mary K. Kahl, South Portland, ME**  
Admitted 1977  
Date of Death: 7/9/11

**Ernest S. Kettleson, Joliet, IL**  
Admitted 1955  
Date of Death: 7/3/11

**John P. Konecky, Rock Island, IL**  
Admitted 1971  
Date of Death: 2/8/11

**Oral Kost, Peoria, IL**  
Admitted 1953  
Date of Death: 6/30/11

**Harold B. MacKenzie, Wheaton, IL**  
Admitted 1940  
Date of Death: 7/2/11

**Richard M. Manzella, Bloomington, IL**  
Admitted 1999  
Date of Death: 6/2/11

**Ramon H. Mason, Morton, IL**  
Admitted 1949  
Date of Death: 1/13/11

**John C. McCarthy, Rockford, IL**  
Admitted 1939  
Date of Death: 8/2/11

**John H. McCord, Urbana, IL**  
Admitted 1965  
Date of Death: 5/18/11

**William Wood McKittrick, Kenilworth, IL**  
Admitted 1939  
Date of Death: 12/25/10

**Edward J. McWethy, Aurora, IL**  
Admitted 1952  
Date of Death: 4/3/11

**Angelo D. Mistretta, Burr Ridge, IL**  
Admitted 1954  
Date of Death: 4/11/11

**Robert W. Morrison, Mahomet, IL**  
Admitted 1944  
Date of Death: 12/31/10

**Brian S. Nelson, Moline, IL**  
Admitted 1986  
Date of Death: 10/18/10

**Irwin Panter, Chicago, IL**  
Admitted 1937  
Date of Death: 2/17/11

**Charles J. Perrin, Venice, FL**  
(formerly Pekin, IL)  
Admitted 1951  
Date of Death: 8/13/11

**Harold B. Pomerantz, Chicago, IL**  
Admitted 1979  
Date of Death: 4/9/11

**Paul C. Schmidt, Oldsmar, FL**  
(formerly Chicago, IL)  
Admitted 1986  
Date of Death: 4/21/2011

**William O. Shank, Crystal Lake, IL**  
Admitted 1955  
Date of Death: 2/23/11

**Scott M. Smith, Cambridge, IL**  
Admitted 1992  
Date of Death: 4/3/11

**Walter V. Smith, Stamford, CT**  
Admitted 1985  
Date of Death: 6/28/11

**John R. Sullivan, Palos Heights, IL**  
Admitted 1960  
Date of Death: 12/24/10

**Ervin F. Wilson, Elmhurst, IL**  
Admitted 1946  
Date of Death: 7/16/11

**Susan M. Wyse, Chicago, IL**  
Admitted 2007  
Date of Death: 5/29/11

**John A. Zaleski, Algonquin, IL**  
Admitted 1956  
Date of Death: 12/1/10

**John Zambreno, Oak Park, IL**  
Admitted 1973  
Date of Death: 8/23/10



## ILLINOIS BAR FOUNDATION

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# CLE calendar

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SERIES

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Master Series Presented by  
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Live Webinar\*

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12:00 - 1:00 p.m.

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**Every attorney's worst nightmare is to  
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**Stuart I. Teicher** is a professional legal educator who focuses on ethics law. A practicing attorney for over 17 years, Stuart's career is now dedicated to helping fellow attorneys survive the practice of law and thrive in the legal profession. Mr. Teicher teaches seminars, provides in-house training to law firms, and gives keynote speeches at conventions and association meetings. He is an adjunct Professor of Law at Rutgers Law School in Camden, New Jersey where he teaches Professional Responsibility and at Rutgers University in New Brunswick where he teaches undergraduate writing courses.

**Sean Carter** is a Harvard law graduate who practiced law for a decade at major law firms on both coasts and in-house at a public-traded financial institution. In 2002, Mr. Carter left the practice of law to pursue a career as the country's foremost Humorist at Law. Since then, he has crisscrossed the country delivering his Lawpsided Seminars for state and local bar associations, law firms, in-house corporate legal departments, and law schools. His humorous approach to the everyday dilemmas faced by lawyers has made him a favorite at legal conferences from Hawaii to Maine – and everywhere in between.

For more information and to register,  
please visit:

[http://www.isba.org/cle/2011/10/31/  
nightmare](http://www.isba.org/cle/2011/10/31/nightmare)

\*Requires telephone & Internet connection

\*\*Professional Responsibility MCLE credit subject to  
approval



## ■ OCTOBER

### 13 - Chicago

#### Collaborative Law: The Nuts and Bolts

*Presented by the ISBA General Practice, Solo and Small Firm Section; co-sponsored by the ISBA Alternative Dispute Resolution and the ISBA Young Lawyers Division*  
3.5 MCLE credit hours, including  
1.0\* PMCLE credit hours

### 14 - Springfield **FREE**

#### Divorce Basics for Pro Bono Attorneys - 2011

*Presented by the ISBA Delivery of Legal Services Council*  
3.5 MCLE credit hours

### 17 - Chicago

#### Hot Topics in Consumer Collections

*Presented by the ISBA Commercial Banking, Collections & Bankruptcy Section; co-sponsored by the ISBA Young Lawyers Division*  
6.0 MCLE credit hours, including 1.0  
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### 18 - Teleseminar

#### 2011 Americans With Disabilities Act Update

*Presented by the Illinois State Bar Association*  
1.0 MCLE credit hour

### 18 - Chicago

#### What You Need to Know About LLCs

*Presented by the ISBA Corporation Securities and Business Law Section*  
3.75 MCLE credit hours, including  
0.75\* PMCLE credit hour

### 19 - Webinar

#### Advanced Legal Research on Fastcase

*Presented by the Illinois State Bar Association*  
0.75 MCLE credit hours, including  
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### 20 - Chicago

#### The Illinois Marriage and Dissolution of Marriage Act and the Welfare of Pets

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### 20 - Live Webcast

#### The Illinois Marriage and Dissolution of Marriage Act and the Welfare of Pets

*Presented by the ISBA Animal Law Section; co-sponsored by the ISBA Family Law Section and the ISBA Human Rights Section*  
3.0 MCLE credit hours

### 21 - Chicago

#### Preparing Your Case: Pre-Trial Considerations

*Presented by the ISBA Tort Law Section*  
6.0 MCLE credit hours, including  
1.0\* PMCLE credit hour

### 21 - Bloomington-Normal

#### Real Estate Law Update- 2011

*Presented by the ISBA Real Estate Section*  
6.25 MCLE credit hours, including  
1.0\* PMCLE credit hours

### 21 - Chicago

#### The Impact and Opportunities of the Affordable Care Act

*Presented by the ISBA Health Care Section*  
1.0 MCLE credit hour

### 21 - Galesburg

#### General Practice Update - 2011 Video Replay

*Presented by the ISBA Bench & Bar Section; Co-sponsored by the Knox County Bar Association*  
6.25 MCLE credit hours, including  
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### 24-28 - Chicago

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### 25 - Teleseminar

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### 31 - Live Webinar

#### Nightmare on Ethics Street

*Presented by the Illinois State Bar Association*

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## ■ NOVEMBER

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*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour



### 2 - Teleseminar

#### Middle Market Mergers and Acquisitions, Part 2

*Presented by the Illinois State Bar Association*

1.0 MCLE credit hour



### 3 - Lombard

#### Real Estate Law Update- 2011

*Presented by the ISBA Real Estate Section*  
6.25 MCLE credit hours, including  
1.0\* PMCLE credit hour

### 4 - Chicago

#### 2011 Federal Tax Conference

*Presented by the ISBA Federal Taxation Section*

6.75 MCLE credit hours, including  
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## 8 - Teleseminar

### Title Insurance in Real Estate

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1.0 MCLE credit hour

## 10 - Teleseminar

### Ethics of Working with Witnesses

Presented by the Illinois State Bar Association

1.0 MCLE credit hour, including 1.0\* PMCLE credit hour

## 10 - Chicago

### Family Law Nuts and Bolts - Fall 2011

Presented by the ISBA Family Law Section  
7.0 MCLE credit hours, including  
1.0\* PMCLE credit hour



## 15 - Webcast

### Environmental Law for Non-Environmental Lawyers - Session 1: Permitting and Due Diligence Issues

Presented by the ISBA Environmental Law Section

MCLE credit to be determined

## 15 - Teleseminar

### UCC Article 9/Foreclosure of Personal Property Part 1

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 16 - Teleseminar

### UCC Article 9/Foreclosure of Personal Property Part 2

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 18 - Chicago

### The Economic Ramifications of Health Care Reform

Presented by the ISBA Health Care Section  
3.0 PMCLE credit hours

## 18 - Chicago

### Forensics: Using Evidence to Build Your Case

Master Series Presented by the ISBA Criminal Justice Section Council

6.50 MCLE credit hours



## 22 - Teleseminar

### Estate Planning for Farms and Ranchland

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 9 - Teleseminar

### Trust Alternatives

Presented by the Illinois State Bar Association

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## 30 - Teleseminar

### Employment Tax Planning Across Entities

Presented by the Illinois State Bar Association

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## ■ DECEMBER

## 1 - Chicago

### Recent Developments in State and Local Tax - 2011

Presented by the ISBA State & Local Tax Committee

3.0 MCLE credit hours

## 1 - Teleseminar

### Business Planning with S Corps, Part 1

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 2 - Teleseminar

### Business Planning with S Corps, Part 2

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 20 - Teleseminar

### Asset Protection Strategies for Real Estate

Presented by the Illinois State Bar Association

1.0 MCLE credit hour

## 21 - Teleseminar

### Tax Efficient Methods of Getting Money out of a Business

Presented by the Illinois State Bar Association

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**It's Not Too Late to Register!**

**40 Hour**

**Mediation/Arbitration Training**

**Chicago**



**October 24-28, 2011**

**ISBA Regional Office**

**20 S. Clark Street, Suite 900**

Don't miss this opportunity to learn how to resolve conflicts in a non-adversarial, non-confrontational manner. In one week, Richard Calkins and Fred Lane will introduce you to the art of mediation, with each day expanding on the previous day's material. Topics include the caucus form of mediation, ethical considerations, Alternative Dispute Resolution mechanisms, closing techniques, arbitration, and conference mediation—all with an emphasis on peacemaking techniques. In addition to the lecture material, the program offers hands-on training and requires each participant to complete two full mediations as a mediator. The program, which is sponsored by the Illinois State Bar Association and the ISBA Alternative Dispute Resolution Law Section, qualifies for 40 hours of MCLE credit, including 40 hours of Professional Responsibility MCLE credit (subject to approval).

The program is taught by Richard Calkins and Fred Lane—two nationally recognized mediators, authors, and educators. Until 20 years ago, both Mr. Calkins and Mr. Lane were well-known and highly regarded litigators. Since then, however, they have successfully mediated over 5,000 cases. Together, Mr. Calkins and Mr. Lane co-founded the International Academy of Dispute Resolution and co-authored two books: *Mediation Practice Guide* (published by the ISBA) and *Lane & Calkins Mediation Practice Guide* (published by Wolters Kluwer/Aspen).

**Registration for the 40-Hour Mediation/Arbitration Training program includes a copy of Lane & Calkins Mediation Practice Guide.**

#### Comments from past attendees –

- Overall, excellent program. - Attendee, Spring 2011
- The book for this course is excellent and it was a privilege to learn from the authors. The practical experiences gained are probably more valuable than anything I've gotten from a CLE before. - Attendee, Fall 2010
- This was an excellent program that included great material and hands-on practical advice. - Attendee, Fall 2010
- Mr. Lane and Mr. Calkins are both engaging speakers and have a wonderful rapport. I loved the "war stories." They are as instructive as they are engaging. - Attendee, Spring 2010
- I had 32 years as a circuit judge, and absorbed every kind of seminar that the judicial Conference subcommittee on education tossed at judges. [Yours] is the best seminar I have ever attended. I carried away more from [this program] that is of value than you can ever be thanked for. - David Slocum, Fall 2009
- This was one of the very best programs I have attended. Lane and Calkins team well together to present the materials. - Attendee, Fall 2009

For more information and to register, please visit: <https://www.isba.org/cle/2011/10/24/mediation>

\* PMCLE denotes that the Professional Responsibility MCLE credit is subject to approval.

## Illinois Supreme Court disbars 12, suspends 43, censures 10

The Illinois Supreme Court has announced the filing of disciplinary orders involving a number of licensed lawyers. Sanctions were imposed because the lawyers engaged in professional misconduct by violating state ethics law. For the full list including suspensions, censures and reprimands, please visit [bit.ly/o7zRT](http://bit.ly/o7zRT).

### DISBARRED

**Catherine M. Brame**, Bloomington: Ms. Brame was disbarred in California for misappropriating over \$80,000 in client funds. The Illinois Supreme Court imposed reciprocal discipline and disbarred her.

**Richard William Fischer**, St. Louis: Mr. Fischer was disbarred in Missouri for accepting a \$5,000 retainer and then failing to perform any legal services or return the retainer to the client. He also did not pay his bar enrollment fee, failed to comply with continuing legal education requirements, engaged in the unauthorized practice of law while he was suspended, failed to file state tax returns, and did not cooperate with the Missouri lawyer disciplinary authorities. The Illinois Supreme Court imposed reciprocal discipline and disbarred him.

**Donna M. Guerin**, Elmhurst: Ms. Guerin was convicted in a federal court in New York of tax evasion and conspiracy to defraud the United States. She and others acted to defraud the Internal Revenue Service by designing, marketing, implementing and defending fraudulent tax shelters using means and methods intended to deceive the IRS about the validity of those shelters, and about the circumstances under which the tax shelters had been marketed and implemented.

**Peter Thomas Howe**, Troy, Mich.: Mr. Howe misappropriated more than \$65,000 from a personal injury client.

**Jussi Kustaa Kivistö**, Boca Raton, Fla.: Mr. Kivistö disbarred in Florida for collecting excessive attorney's fees from a decedent's estate. The Supreme Court of Illinois imposed reciprocal discipline and disbarred him.

**James Cyril Kotz**, Burbank: Mr. Kotz was convicted in federal court of creating a fictitious scheme to conceal the receipt of taxable income garnered through the sale of real estate. He was sentenced to a three-year term of probation.

**Ellen Frances Lang**, Denver, Colo.: Ms. Lang induced her mother to purchase a home in Evanston by falsely claiming that she, Ms. Lang, had been diagnosed with cancer and that she needed to live near to where she was receiving cancer treatments. She caused the home's sellers to execute a warranty deed conveying title of the property to Ms. Lang, rather than her mother, and then concealed from her mother the fact that she held title to the property. She then obtained a mortgage on the property and used the \$150,000 loan proceeds for her own benefit.

**Steven Robert Liss**, La Jolla, Calif.: Mr. Liss was disbarred in California for engaging in the unauthorized practice of law, charging unconscionable and illegal fees, failing to return unearned fees, and failing to put client funds into a client trust account. The Supreme Court of Illinois imposed reciprocal discipline and disbarred him.

**Edward James Mahon**, Wheaton: Mr. Mahon misappropriated \$5,000 in client settlement funds, engaged in the unauthorized practice of law by continuing to represent clients after he had been removed from the Master Roll of Attorneys for failing to register.

**Timothy O'Reilly O'Sullivan**, St. Louis, Mo.: Mr. O'Sullivan was disbarred in Missouri for engaging in the unauthorized practice of law while he was suspended, failing to comply with continuing legal education requirements, not filing state tax returns, and not cooperating with the disciplinary authority. The Supreme Court of Illinois imposed reciprocal discipline and disbarred him.

**David Michael Shults**, Northbrook: Mr. Shults neglected five different client matters and charged an unreasonable fee. He failed to appear at his disciplinary hearing.

**Harvey Dwayne Wright**, South Holland: Mr. Wright was disbarred on consent. He misappropriated funds from three clients and entered into a prohibited business transaction with a client when he borrowed money from that client. ♦

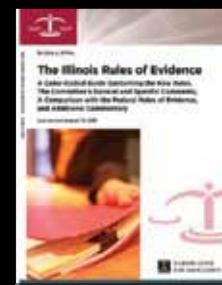
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### GENERAL TOPICS

#### NEW! 2012 Daily Diary

The ISBA Daily Diary is an attractive book, with a sturdy, flexible sewn binding, ribbon marker, and elegant dark green cover. It includes useful reference information, ample space for daily appointments and client record-keeping and month-at-a-glance calendars with plenty of space for phone numbers and addresses. Order now for September delivery. **\$27.95**

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### CRIMINAL LAW

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### COMING SOON!

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ILLINOIS STATE BAR ASSOCIATION

# ISBA Books

## ISBA events calendar

2011

**October 14 (Friday) Chicago**  
ISBA Board of Governors meeting

**October 14 (Friday) Chicago**  
IBF Gala at the Four Seasons Hotel

**October 27-29 (Thursday – Saturday) Springfield**  
Solo and Small Firm Conference, Springfield Hilton

**December 2 (Friday) Chicago**  
YLD Holiday Party, Cubby Bear Lounge

**December 7 (Wednesday) Chicago**  
Distinguished Counsellors Luncheon (Class of 1961),  
Weston Michigan Avenue Hotel

**December 8-10 (Thursday – Saturday) Chicago**  
ISBA/IJA Midyear Meeting, Sheraton Chicago Hotel & Towers

2012

**January 20 (Friday) Chicago**  
ISBA Board of Governors meeting

**February 16 (Thursday) Chicago**  
IBF Lawyers Rock Legends at Buddy Guy's

**March 9 (Friday) Quincy**  
ISBA Board of Governors meeting

Visit [www.illinoislawyernow.com/bar-calendar](http://www.illinoislawyernow.com/bar-calendar) for a list of bar events from around the state.

## FIRM ANNOUNCEMENTS

- New Partner/Associate • Received an Award • New Office Space



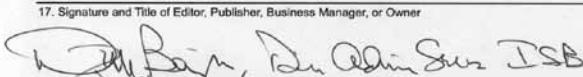
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17. Signature and Title of Editor, Publisher, Business Manager, or Owner		Date  <b>9/27/11</b>
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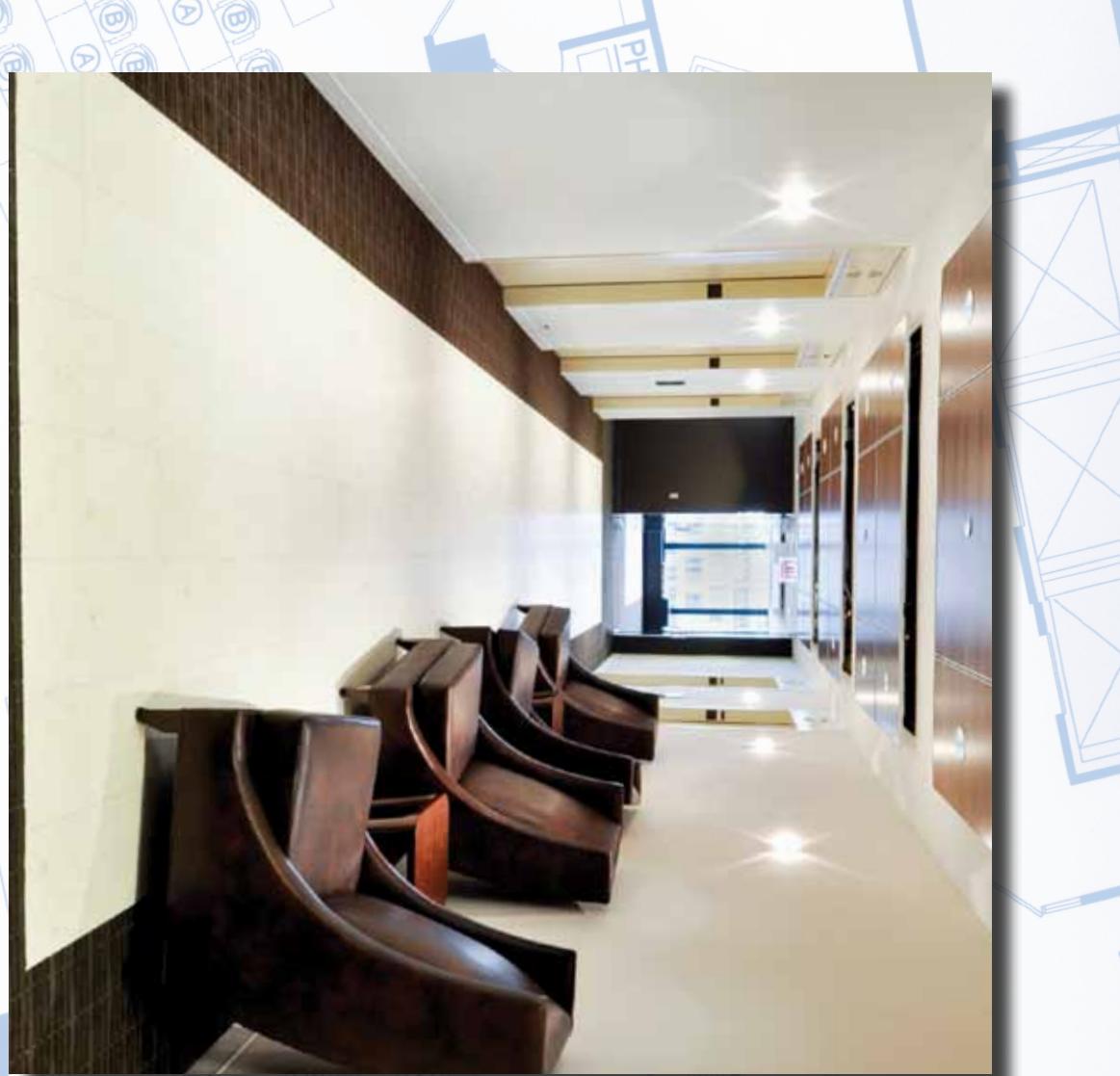
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**COVER PHOTO:** The new elevator lobby of the ISBA's Chicago Regional Office. The space has been completely renovated and expanded to serve the association's current and future needs. Photos by Tina Smothers Photography.



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