

Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

Reflections of a Judicial Extern

BY MADELINE POOLE

YEARS BEFORE I BEGAN LAW

school, I envisioned what it would mean to begin my journey toward becoming a lawyer. Yet it was not until my classmates and I stood together during orientation and took the Oath of Professionalism that the responsibility and privilege of entering the legal profession began to feel real. One principle from that ceremony particularly resonated with me: law is not simply a career, but a profession. Throughout my first year, as I learned to analyze legal issues, strengthen my writing, and apply the law, I continued to reflect on what that distinction truly meant. It was not until my judicial externship that the principle transformed from an abstract ideal into

something I could observe, experience, and ultimately strive to embody.

Working as an extern in the chambers of Justice Jesse G. Reyes at the Illinois Appellate Court, First District, has taught me that the legal profession is defined not only by the work attorneys and judges perform, but by the people who dedicate themselves to it. I have observed Justice Reyes approach every case with care, every conversation with genuine interest, and every person with respect. Whether taking the time to explain his reasoning, greeting colleagues throughout the city, or continually seeking to expand his own legal knowledge, he has demonstrated to

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◀ Bench & Bar Chair Judge Kenya Jenkins-Wright (left) presents plaque to outgoing Chair Sam Limentato during the Annual Meeting at the Ritz-Carlton in St. Louis on June 12, 2026. Congratulations, Sam, on a successful bar year, and thank you for your outstanding leadership and service to the Bench & Bar Section!



▲ On June 12, 2026, Bench & Bar Section Council Members met during the Annual Meeting at the Ritz-Carlton in St. Louis.

Reflections

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me that excellence in the legal profession is defined not only by legal ability, but by character and the relationships you build along the way. I also have the privilege of learning from law clerks and courthouse staff whose diverse backgrounds and unwavering commitment to the administration of justice have challenged me to become a better researcher, writer, and advocate. They have welcomed every question, shared their thought processes openly, challenged me to think more deeply, and given me the confidence that I can contribute meaningfully.

While the practical legal skills I have gained are invaluable, the greatest gift of this externship has been the opportunity

to learn in chambers alongside people who embody the very ideals that drew me to the legal profession. I now understand why law students and professionals often describe judicial externships as the most significant part of their legal education. I am leaving my externship inspired to carry forward the same curiosity, generosity, commitment to continual growth and learning, and dedication to others that have shaped my own experience. ■

Madeline Poole has completed her first year of law school at Loyola University Chicago School of Law as a Civitas ChildLaw Fellow. She is currently a judicial extern in the chambers of Justice Jesse G. Reyes of the Illinois Appellate Court, First District.

Recent Appointments and Retirements

1. The Circuit Judges have appointed the following to be Associate Judges:
 - Greg C. Sticka, 13th Circuit, May 1, 2026
 - Michael P. Regnier, 11th Circuit, May 15, 2026
 - Matthew J. Canna, Cook County Circuit, May 18, 2026
 - Juanita N. Dotson, Cook County Circuit, May 18, 2026
 - Alexander D. Marks, Cook County Circuit, May 18, 2026
 - Tene L. McCoy Cummings, Cook County Circuit, May 18, 2026
 - Hon. Ginger L. Odom, Cook County Circuit, May 18, 2026
 - Nicholas G. Pappas, Cook County Circuit, May 18, 2026
 - Hon. Linda Sackey, Cook County Circuit, May 18, 2026
 - Vincent M. Coyle, 16th Circuit, June 1, 2026
2. The following judges have retired:
 - Hon. Diana Rosario, Cook County Circuit, May 31, 2026
 - Hon. Jeffrey A. Goffinet, Associate Judge, 1st Circuit, July 24, 2026
 - Hon. Luis A. Berrones, Associate Judge, 19th Circuit, July 31, 2026
 - Hon. Susan Clancy Boles, 16th Circuit, 4th Subcircuit, July 31, 2026
 - Hon. Stephen Kouroi, 10th Circuit, July 31, 2026
 - Hon. Steven L. Nordquist, Associate Judge, 17th Circuit, July 31, 2026
3. The following judge has resigned:
 - Hon. Kenton J. Skarin, Associate Judge, 18th Circuit, June 7, 2026

Bench & Bar

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The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

Are Civil Petitions for Rule to Show Cause Filed in Domestic Relations Matters Pleadings or Motions?

BY JUDGE JAMES A. SHAPIRO, JUDGE MITCHELL B. GOLDBERG & ALISON RIMKUS

Introduction

Whether by design or coincidence, certain things in life are subject to prolonged dispute. For example, since its introduction in 1966, the child-oriented confectionery known as “Razzles” (which starts out hard and eventually turns chewy) has been the subject of dispute as to whether it is a “candy” or a “gum.” Indeed, in its marketing efforts, its original manufacturer used to have a contest for kids to argue for each option.

Similarly, for many years, family law practitioners in Cook County have been bedeviled by the question of whether petitions for rule to show cause seeking to

hold a party in indirect civil contempt of court (“Petitions for Rule”) are pleadings or motions. It is an important question because it determines the permitted practice regarding these filings. If it is a pleading, it can be subject to a motion to strike or dismiss. 750 ILCS 5/105(d) (2026). If it is a motion, it cannot be stricken or dismissed. *In re Marriage of Wolff*, 355 Ill. App. 3d 403, 407 (2d Dist. 2005).

Moreover, if it is a pleading, it would be subject to fact pleading requirements. Illinois’s Code of Civil Procedure would require the responding party to admit or deny each allegation paragraph by paragraph, lest a court deem an undenied

allegation admitted. If it is a motion, however, the response should be in narrative fashion. See James A. Shapiro & Mitchell B. Goldberg, *From the Judge’s Side of the Bench: The Value of a Narrative Response*, Decalogue Tablets (Spring 2024).

Before attempting to answer the question, it is first helpful to understand some potential causes of confusion by practitioners.

Potential causes for confusion

The single biggest potential cause for confusion as to whether Petitions for Rule are pleadings or motions in the family law context may come from the Illinois Marriage and Dissolution of

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Marriage Act (IMDMA) (750 ILCS 5/101 *et seq.* (2026)) itself. The IMDMA acknowledges that family law, which is a civil practice area, falls under the Civil Practice Law. See, e.g., 750 ILCS 5/105(a) (2026) (“The provisions of the Civil Practice Law shall apply to all proceedings under this Act, except as otherwise provided in the Act”). However, almost immediately the IMDMA goes on to require that the initial pleading in a case brought under the act “shall be denominated a petition” (rather than a complaint) and that a “responsive pleading shall be denominated a response.” 750 ILCS 5/105(c) (2026). Those same words are also used to refer to the filings in motion practice in other civil cases. As the IMDMA requires practitioners to use the same nomenclature for pleadings and motions, resulting confusion is completely understandable.

Another potential cause of confusion is the fact that at least a few appellate decisions have considered and affirmed the granting of motions to dismiss Petitions for Rule. See, e.g., *In re Marriage of O'Malley*, 2016 IL App (1st) 151118, ¶ 55; *In re Marriage of Nesbitt*, 2014 IL App (1st) 131825-U, ¶ 56. Practitioners rely on the mere willingness of courts to rule on such cases as an implied recognition that Petitions for Rule are pleadings instead of motions. However, such practitioners do so at their peril, as none of the parties in those cases ever raised the issue of the inapplicability of motions to dismiss to Petitions for Rule, and, thus, those courts did not actually address that question.

To directly answer the question of whether Petitions for Rule are pleadings or motions and to overcome the above bases for potential confusion, it is important to understand (a) the distinction between pleadings and motions and (b) the nature and procedural requirements of Petitions for Rule. Each of these issues shall be addressed in turn.

Understanding the difference between a pleading and motion in family cases

Given the above, it is important for family law practitioners to understand the distinction between pleadings and motions. A pleading consists of a party's formal allegations of his claims or defenses. *William J. Templeman Co. v. Liberty Mut Ins. Co.*, 316 Ill. App. 3d 379, 388 (1st Dist. 2000). A pleading is a document setting forth the pleader's facts in a paragraph-by-paragraph format. See 735 ILCS 5/2-603 (2026). It should contain facts that petitioners consider relevant to build the framework of their cause of action.

In the family law context, the IMDMA expressly states that pleadings include “any petition or motion filed in the dissolution of marriage case which, if independently filed, would constitute a separate cause of action.” 750 ILCS 5/105(d) (2026). When answering a pleading, admitting or denying each allegation is obligatory, and does the useful work of narrowing the issues for trial. According to Illinois's Code of Civil Procedure, “every answer and subsequent pleading shall contain an explicit admission or denial of each allegation of the pleading to which it relates.” 735 ILCS 5/2-610. In the family law context, only pleadings are subject to motions filed pursuant to sections 2-615 and 2-619 of the Code of Civil Procedure. 750 ILCS 5/105(d) (2026); see also *In re*

Marriage of Sutherland, 251 Ill. App. 3d 411, 414 (1993) (2-615 motions); *Wolff*, 355 Ill. App. 3d at 407 (2-619 motions).

By contrast, in the family law context, “[a] motion is an application to the court for a ruling or order in a pending case.” *Wolff*, 355 Ill. App. 3d at 407 (denying a motion to dismiss a motion to reconsider because the request to reconsider was not a pleading). Examples of motions (which are not subject to motions to strike or dismiss) include motions for reconsideration (*id.*), motions for temporary relief (*In re Marriage of Engst*, 2014 IL App (4th) 131078, ¶¶ 18-21), and motions to enforce compliance with a marital settlement agreement (*In re Marriage of Nguyen*, 2023 IL App (1st) 221045-U, ¶ 23).

Though there is no bright-line test, there are clear, functional differences between pleadings and motions that carry implications in their separate roles. The *Nguyen* case illustrates this point. *Id.* In *Nguyen*, the ex-wife filed a motion to compel enforcement of her Marital Settlement Agreement (MSA). *Id.* ¶ 6. The ex-husband filed a motion to dismiss the ex-wife's motion to compel. The court reasoned that a petition to start or modify a dissolution action is a pleading because it commences a new action. *Id.* ¶ 23. The wife's motion was simply to enforce a previously entered MSA. As logic did not support the idea that a motion to compel enforcement started anything new, the court held it to be a motion. Therefore, the court found the respondent's motion to dismiss was statutorily unsound as he could not move to dismiss a motion. See *id.*

In sum, pleadings are those filings that can stand as independent causes of action or responses thereto. Motions are merely applications for relief within existing cases. They are materially different and need to be treated as such.

Understanding Petitions for Rule and civil contempt

A Petition for Rule seeks a finding of *civil* contempt. *Milton v. Therra*, 2018 IL App (1st) 171392, ¶ 37. Indeed, the issuance of a rule to show cause is only appropriate in civil contempt. *Id.* This is because in criminal contempt proceedings, a respondent has a right against self-incrimination and cannot be required to “show cause” as to why the respondent should not be held in contempt. *Id.*

Whether contempt is civil or criminal turns on the purpose of the contempt charge. *Id.* ¶ 35. Civil contempt is used to compel compliance with a court order, usually for the benefit or advantage of another party to the existing proceeding. *Id.* Civil contempt proceedings are coercive in nature and are avoidable through obedience. *Id.*; see also *City of Chicago v. Bryan*, 2022 IL App (1st) 211074, ¶ 29 (civil contempt is designed to compel future compliance with existing court orders). Of critical importance, a person held in civil contempt must be able to “purge” the contempt by complying with the order the court sought to enforce. *Id.*; *Milton*, 2018 IL App (1st) 171392, ¶ 35.

In contrast, the purpose of criminal contempt is to punish past conduct, rather than to coerce future conduct. *Bryan*, 2022 IL App (1st) 211074, ¶ 30. It is used to punish past willful and contumacious behavior, including an act committed against the majesty of the law in disrespect of the court or its process. *Milton*,

2018 IL App (1st) 171392, ¶ 35.

Contempt, whether civil or criminal, may be direct or indirect. *Id.* ¶ 36. The distinction between direct and indirect contempt largely depends on where the contumacious conduct took place. *Id.* Direct contempt occurs in the judge's presence or in an integral or constituent part of the court. *Id.* All other contempt is indirect and must be established by the presentation of evidence. *Id.*

Importantly, a finding of civil contempt relies on the existence of a court order and willful disobedience of that court order. *Id.* Longstanding Illinois practice permits the commencement of civil contempt proceedings by the filing of a petition in the court having jurisdiction of the cause wherein the order was entered. *Hake v. People*, 230 Ill. 174, 192-93 (1907).

The party petitioning for a civil contempt finding bears the initial burden to establish a *prima facie* showing of a willful violation of a court order. *In re Parentage of Melton*, 321 Ill. App. 3d 823, 829 (1st Dist. 2001). Noncompliance with a court order is *prima facie* evidence of civil contempt. *In re Marriage of Ray*, 2014 IL App (4th) 130326, ¶ 15. Where a party asserting the violation of a court order establishes a *prima facie* showing of a willful violation of a court order, the court enters a rule to show cause. *Melton*, 321 Ill. App. 3d at 825. The trial court's entry of a rule to show cause is the first step in enforcement of its orders. *Id.* at 831.

Procedurally, the Petition for Rule and the rule to show cause work in concert to notify the alleged contemnor of the allegations against the respondent and the time and place of the evidentiary hearing on the claim within a reasonable time in advance of the hearing. *Milton*, 2018 IL App (1st) 171392, ¶ 35; *Melton*, 321 Ill. App. 3d at 829. When a party establishes a *prima facie* case of civil contempt, the burden shifts to the contemnor to show cause why they should not be held in contempt. *Ray*, 2014 IL App (4th) 130326, ¶ 15. To meet this burden, the contemnor may present evidence that noncompliance was not willful and contumacious, and that a valid excuse exists for such noncompliance. *Id.*

Petitions for Rule are motions

As shown above, a party files a Petition for Rule in the court in which the order seeking enforcement was entered. It cannot be filed as a new, separate case. Indeed, Illinois courts have recognized that civil contempt proceedings are a continuation of the original cause of action. *Bryan*, 2022 IL App (1st) 211074, ¶ 30; *Levaccare v. Levaccare*, 376 Ill. App. 3d 503, 509 (1st Dist. 2007) (quoting *People v. Budzynski*, 333 Ill. App. 3d 433, 438 (4th Dist. 2002)).

In the context of family law, the Illinois Supreme Court has explicitly held that a pending civil contempt petition is not a separate claim independent of a dissolution action. *In re Gutman*, 232 Ill. 2d 145, 153-54 (2008) (recognizing that though Illinois Supreme Court Rule 304(b)(5) permits a contemnor to seek immediate review of a contempt finding and sanction imposed, a pending contempt petition "was not a separate claim independent from the dissolution action"). This contrasts with criminal contempt proceedings, which are separate and distinct and not part of the original case being tried. *Id.*

It is important to note that many practitioners often cite to the more than half-century-old language from the Illinois Supreme Court in *Kazubowski v. Kazubowski*, 45 Ill. 2d 405 (1970), to argue that Petitions for Rule constitute separate causes of action, qualifying them as pleadings under the IMDMA. There, the Supreme Court stated, "[A civil] contempt proceeding is final and appealable because it is an original special proceeding, collateral to, and independent of, the case in which the contempt arises." *Id.* at 415. However, in *Gutman*, our Supreme Court clarified that the full context in *Kazubowski* "limit[s] the original and special status to an *adjudication* of contempt." *Gutman*, 232 Ill. 2d at 152 (emphasis added). The Supreme Court further stressed that no other court has treated a *pending* contempt petition as a separate proceeding. *Id.* The *Gutman* court thus held the "justification for treating contempt petitions as separate proceedings for purposes of appeal is not present when there has been no ruling and sanction imposed." *Id.* at 153. In light of the holding in *Gutman*, Petitions for Rule, which are the filings that begin civil contempt proceedings well before any ruling or sanction, do not constitute separate causes of action, and thus cannot be defined as pleadings under the IMDMA.

Since a Petition for Rule is an "application to the court for a ruling or order in a pending case," it is a motion and not a pleading. *Wolff*, 355 Ill. App. 3d at 407; *cf.* 750 ILCS 5/105(d) (as it could not be independently filed and could not constitute a separate cause of action, it is not a pleading). Accordingly, since a Petition for Rule could not be independently filed and could not constitute a separate cause of action, it is not a pleading. *Cf.* 750 ILCS 5/105(d) (2026). Thus, it cannot be subject to motions filed pursuant to sections 2-615 and 2-619 of the Code of Civil Procedure. 750 ILCS 5/105(d) (2026).

Conclusion

Unlike Razzles, which really do have properties of both candy and gum, Petitions for Rule do not have the properties of both pleadings and motions. Though the nomenclature used pursuant to the IMDMA and some prior appellate opinions have served as sources of confusion, a serious review of the differences between pleadings and motions and an understanding of the specific requirements of Petitions for Rule and the considerations involved in civil contempt, makes clear that Petitions for Rule are motions; they are not pleadings and, thus, not subject to dispositive motion practice. ■

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The authors would like to thank David C. Adams, Esq. for his helpful editorial suggestions.

Legislation, Litigation, and Looking Ahead: Discussing Internet Usage Trends and How to Protect the Privacy of Minors and Prevent Their Exploitation

BY MAURA HENEGHAN

WITH ALMOST ALL TEENS IN

the United States saying they “use the internet daily, including four-in-ten who say they are almost constantly online,” there is no denying that being online is a part of everyday life for most teens in the United States.¹ The increasing presence of AI chatbots has also impacted how teens behave online. About two-thirds of teens have used an AI chatbot and three-in-ten teens report a daily use of chatbots.² This constant online presence raises the question of whether enhanced legislation is needed to specifically protect the data privacy of minors and ensure they are not targeted through their online usage. However, passing legislation can be a slow process. Would change be better effectuated through lawsuits against major social media companies or online providers?

As technology has evolved and internet usage by minors has increased, there is a greater need for the protection of their data privacy and the prevention of their exploitation. This article seeks to examine recent activity in both legislation and litigation spheres to determine what the future of data privacy protection and internet regulation for minors will look like and what the best path forward may be.

Legislation

A major piece of federal legislation that serves to protect the data privacy of minors is the Children’s Online Privacy Protection Act or “COPPA.” COPPA outlines requirements that online providers and services “directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age” must follow.³

More recent proposed legislation includes the Kids Online Safety Act (KOSA)⁴ and the Kids Internet and Digital Safety Act (KIDS Act) which have been reviewed by Congress. The KIDS Act passed the U.S. House of Representatives on June 29, 2026.⁵

The KIDS Act aims to protect children from being exploited online and to prevent online companies from targeting minors through certain algorithms and addictive features.⁶ The KIDS Act also aims to address issues that chatbots may pose to minors. The KIDS Act would require certain disclosures to be made regarding AI chatbots, the prohibition of certain topics when communicating with a chatbot, and for a study to be conducted focused on how chatbots impact children’s mental health.⁷ Chatbots and artificial intelligence in general has primarily been regulated by a patchwork of state legislation up until this point.⁸ The increasing prevalence of AI chatbots across various platforms may highlight a need for more uniform legislation to protect the interests of minors.

This legislation in the United States comes as some other countries are banning children from social media altogether. France recently passed a law banning social media for children under the age of 15.⁹ Britain also plans to implement legislation that will ban social media for users under the age of 16.¹⁰ Australia also has passed a law prohibiting social media companies from allowing users under the age of 16 to have an account on the site.¹¹

Governor of Illinois JB Pritzker recently signed a bill called the Children’s Social Media Safety Act aimed at combatting the addictive algorithms of social media platforms and requiring social media platforms to “confirm a user’s age through the device’s operating system.”¹² The bill will also ensure there are stronger “default

privacy settings” for minors.¹³

The Illinois law doesn’t go into effect until 2028, and the KIDS Act still needs to pass the U.S. Senate. While legislation has been proposed and passed, there has also been litigation occurring recently related to the harmful impacts of online platforms on minors. These lawsuits may also be a way of pushing for change with the regulation of data privacy and online protections for minors.

Litigation & lawsuits

With the increasing usage of social media and online platforms by minors, lawsuits related to the impacts of social media and online usage by minors have started to increase as well. There is one such case in California in which the jury found Meta and YouTube “were negligent in the design or operation of their respective platforms, and that the negligence was a substantial factor in causing harm to the plaintiff.”¹⁴ The jury in that case awarded the plaintiff \$3 million in damages and “recommended an additional \$3 million in punitive damages.”¹⁵ The plaintiff in that case reported being on Instagram for 16 hours in a single day, but when the Head of Instagram was told this information “he denied that it was evidence of an addiction.”¹⁶ Meta and YouTube are both appealing the verdict of that case, with YouTube in particular arguing it is not a social media company but instead is a streaming service.¹⁷

This case along with another case from New Mexico in which a jury found Meta “knowingly harmed children’s mental health and concealed what it knew about child sexual exploitation on its social media platforms” signal that the impacts of social media and online usage by minors are starting to come to light and be taken seriously by the legal system.¹⁸

The verdicts for the plaintiffs in these

two cases could serve as precedent in similar cases.

Looking ahead

The recent increase in legislation and lawsuits centered on protecting minors' data privacy and from exploitation on social media sites signals a need for greater regulation of online and social media platforms to protect the privacy interests of minors visiting these sites.

With the recent wins for plaintiffs against large social media companies, this could be an indicator of more lawsuits to come as the results of prolonged internet and social media usage come to light. The results of Meta and YouTube's appeal in the California case will also influence future litigation regarding the effects of social media on children.

In considering how to most completely and comprehensively protect the data privacy of minors and prevent their exploitation, a combination of legislation and litigation will likely result in the best protections for minors. Whether the KIDS Act passes the U.S. Senate and becomes law will also play a major role in the regulation of social media sites and online platforms. If the KIDS Act does not become law, perhaps more states will enact laws like Illinois' Children's Social

Media Safety Act. This, however, could pose challenges if each state has different regulations and requirements for online platforms and there is not at least a baseline protection in place.

The legislation passed and proposed and the lawsuits against major social media companies suggest a trend towards more regulation to protect children online. As more information about the impacts of online and social media use on children are revealed, there will likely be more regulation needed in the future. ■

Maura Heneghan is a second-year law student at the University of Illinois Urbana-Champaign College of Law. During her 1L summer, she was an extern for Justice Debra Walker. She looks forward to serving as the President of the Energy & Environmental Law Society during her 2L year and serving as a member on the Journal of Law, Technology & Policy. Maura can be contacted at maurakh2@illinois.edu.

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Editor's Note: Register for the Solo & Small Firm Conference

BY KIMBERLY DUDA

ON SEPTEMBER 17-18, join your colleagues for ISBA's 2026 Solo & Small Firm Conference, "From Log Cabin to Legacy," a two-day, in-person event bringing Illinois solo and small firm attorneys together at the historic Pere Marquette in Peoria. This conference offers practical CLE programming, real-world insights,

and valuable tools to help you build, grow, and sustain a successful legal practice.

Register by August 30 to take advantage of the Early Bird Pricing. ■

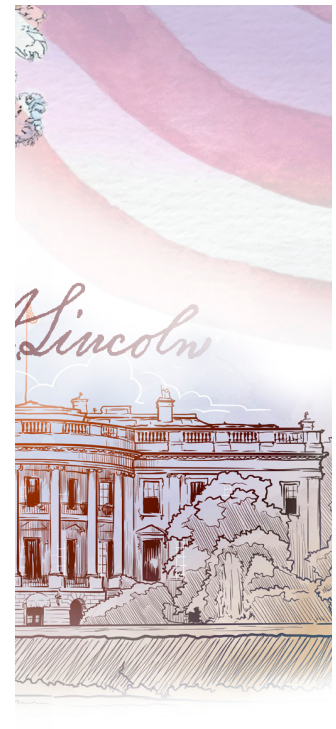
ILLINOIS STATE BAR ASSOCIATION

SOLO & SMALL FIRM CONFERENCE 2026

September 17 & 18 | Peoria Marriott Pere Marquette
501 Main Street, Peoria



isba.org/cle/ssf



FROM LOG CABIN TO LEGACY: Growing and Sustaining a Solo or Small Firm in Illinois

Join us for ISBA's 2026 Solo & Small Firm Conference, "From Log Cabin to Legacy," a two-day, in-person event designed to bring Illinois solo and small firm attorneys together.

Hosted at the Pere Marquette in the historic city of Peoria, this program delivers actionable CLE, real-world insights, and the tools you need to help you build, grow, and sustain a lasting legal practice. Whether you're launching your first law firm or focused on strengthening an established law business, you'll gain the best practice tips and strategies for every stage of your professional journey.

THURSDAY, SEPTEMBER 17

9:45 a.m. – 6:10 p.m. (social events to follow)

FRIDAY, SEPTEMBER 18

8:30 a.m. – 3:15 p.m. (complimentary breakfast served beforehand)

Attend live onsite and earn up to 13.0 hours MCLE credit, including up to 7.0 hours Professional Responsibility MCLE credit (subject to approval).

Be sure to book your room at the Peoria Marriott Pere Marquette no later than Sunday, August 16, 2026, for the special ISBA room rate of \$145/night (see website for details).

Presented by:



ILLINOIS STATE
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Sponsored by:



2026 Annual Meeting

Illinois State Bar Association

June 11-12, 2026 | The Ritz-Carlton | St. Louis, Missouri

