

Bench & Bar

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

Child Law Section Council Establishes Subcommittee on Guardian Ad Litem Best Practices

ISBA Members,

The Child Law Section Council has established the Subcommittee "GAL Best Practices." Attached is the mission statement, which was approved by the Child Law Section Council. It identifies specific tasks, which include: survey,

collect, assess, develop, and propose. GALs are appointed in many areas of the law. If you are interested in your area of law and how it intersects with GALs, this email is for you.

The goals we hope to accomplish

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ISBA Child Law Section Council Guardian Ad Litem Best Practices Subcommittee Mission Statement

Courts have a special responsibility in any case involving a child. The court's authority extends to the appointment of a guardian *ad litem* where the child is a party, victim, witness or whose wellbeing is at issue. The statutes governing the appointment of a guardian *ad litem* are subject to the type of legal matter involved.

The Illinois State Bar Association Child Law Section Council has created a subcommittee to explore how Illinois is utilizing best practices where a guardian *ad litem* is appointed on behalf of a child.

The purpose of this subcommittee is to collaborate and:

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are: A) Statewide Best Practice Guidelines; B) GAL Handbook; C) Standard Forms/Orders; D) Education, Training, and Mentorship for GALs; and E) Legislative and Policy Recommendations.

In order to work toward these goals, we have created the following sub-committees:

- Forms & Orders - creation of clear, efficient statewide forms for GALs.
1. Questionnaires & Surveys - creation and distribution of questionnaires and surveys to GALs and other stakeholders to obtain data-driven information which will be utilized to reach the goals of the subcommittee.
 2. Training & Education - creation of GAL training and education to foster standards of best practices.
 3. Statutes & Policy - review of current GAL statutes for differences and similarities as well as provide recommendations to foster clarity and consistency pertaining to legislation, rules, regulations, and policies.

4. Community Outreach - communication with each bar association in the state to obtain statewide participation, including but not limited to obtaining information from each circuit on a) local court rules on GALs; b) list of GALs in all areas of practice; and, c) local court forms.
5. Handbook – creation of a GAL Best Practices Handbook for the State of Illinois incorporating the work of the above sub-subcommittees.

If you have any interest in being on a sub-subcommittee or potentially a leadership role in one of these sub-subcommittees, please email us at gal.bestpractices@gmail.com to let us know your interest.

We look forward to working with you all.

Thank you,

Josette Allen – Co-Chair, GAL Best Practices Subcommittee, Child Law Section Council

Lindsay Roalfs – Co-Chair, GAL Best Practices Subcommittee, Child Law Section Council ■

ISBA Child Law Section Council Guardian Ad Litem Best Practices Subcommittee Mission Statement

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1. Survey the statutory provisions, rules, regulations and policies relating to the appointment of a guardian *ad litem* and analyze the following factors, among others, as to whether:
 - there is clarity and consistency in the law,
 - they are child-centric and equity focused, and
 - they promote a child's best interest.
2. Collect information regarding the practices and procedures of guardians *ad litem* from multiple stakeholders in each judicial circuit.
3. Assess whether the practices and procedures relating to legal matters involving a guardian *ad litem* promote a child's best interest and are:
 - child centric,
 - developmentally appropriate,
 - strength based,
 - trauma informed,
 - equity focused, and
 - expeditious.
4. Develop standards of best practices for guardians *ad litem*.
5. Propose legislation, rules, regulations and policies in matters involving the appointment and responsibilities of a guardian *ad litem* as well as how best to support guardians *ad litem*. ■

Bench & Bar

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OFFICE

ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITORS

Hon. Barbara L. Crowder
Daniel E. O'Brien

PUBLICATIONS MANAGER

Sara Anderson

✉ sanderson@isba.org

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The Pandemic's Indelible Mark

BY HON. JASMINE V. HERNANDEZ, MACKENZIE RYNDAK, & HON. E. KENNETH WRIGHT, JR.

While not eradicated, the general populous has elected to leave the COVID-19 pandemic in the rearview mirror. Children are back in school, cheering fans fill stadiums and amphitheaters, travelers overrun airports, and the entire Circuit Court of Cook County is either fully in-person or follows a hybrid in-person/Zoom model. As COVID variants pop-up, the more cautious among us slip on N95 masks, restock hand sanitizer, and proceed with our day.

As eager as we may be to bid adieu to that perilous and stress filled time, the effects of COVID-19 are lingering and omnipresent. From the loss of friends and loved ones to vacant commercial spaces to the word “Zoom” changing from a verb to a noun, COVID-19 has left an indelible mark on the world.

In this article, judges and attorneys in the academic sector share how the pandemic has impacted their work. They describe the following changes that they have noticed and discuss the pros and cons of each: access to cases, people and opportunities, communication, and relationships.

Access to Cases, People, and Opportunities

As a result of the pandemic, many people found themselves working remotely from home and other locations. Pre-COVID, remote workers were few and far between. However, pandemic restrictions and the emergence of technology like Zoom and Google Meet changed everything. However, unfettered access to this technology has resulted in an overreliance on it as well as the mistaken belief that everyone has equal access to it.

While initially advanced and distributed to allow continuity of operations during the pandemic, Zoom and Google Meet very quickly embedded themselves into the fabric of modern society. For many people in the workforce, desktops and laptops became gateways into classrooms and worksites. Despite restrictions being dropped, many

schools and employers still utilize the technology to different degrees.

Northwestern Pritzker School of Law's alumna and interim associate dean of diversity, equity, and inclusion, Samantha Woo, shares alumni affinity groups emerged from the pandemic as another avenue for alumni who reside outside the region to stay connected. Intended to mirror Northwestern's student affinity organizations, alumni affinity groups allow alumni to connect with each other as well as to develop programming with local students. Woo further notes that this past summer a few students also secured summer externships companies and organizations located outside of Illinois. These unique opportunities also came with unique challenges such as never physically being in the workspace or meeting their supervisors in-person. Finally, faculty, administration and law student organizations all continue to use Zoom, and similar technology, to connect with speakers from around the globe as well as each other.

Similarly, Loyola University School of Law continues to utilize online platforms to connect students with speakers, professors, and even each other. Josie Gough, an alumna, former assistant dean for inclusion, diversity, and equity, and current Curt and Linda Rodin clinical assistant professor of law and social justice reminds us of the value of having a remote learning option even with the pandemic behind us. “Not everyone comes into law school at the same place, remote learning gives students the flexibility to learn where they are at,” Gough continues, “Students are so resilient, but online tools are valuable especially in light of world events [such as the death of George Floyd, the January 6 United States Capitol attacks, or wars abroad].” The option of remote class gives both students and faculty extra space to process these pivotal moments as well. Also, she notes, “Even if a student is simply ill, remote learning still allows them to participate in the class.”

In the courthouse setting, Zoom

continues to make court within reach for litigants who previously did not attend hearing dates due to professional or personal obligations, or simply a lack of resources. Now rather than miss an entire day of work for a traffic ticket or a status date, litigants may participate in their case remotely. This also saves all parties the time and expense of public transportation, gas, and parking.

Unfortunately, greater access has come at the price of over reliance on electronics and technology, as well as the assumption that everyone equal access to said electronics and technology. In addition, may allow for unintentional familiarity and less formality in previously formal procedures.

Technology increases access to many things so long as you have it. Nowadays, *not* having a smartphone or smartwatch is the exception to the rule; however, true access includes a strong Wi-Fi connection, speakers and a camera that work, as well as knowledge of how to utilize any given application and all its functions. Some people may have basic devices, but not the necessary memory, storage, or reliable Wi-Fi to honestly say they have *meaningful* access. Furthermore, knowledge and comfort using applications like Zoom or Google Meet tend to be an issue, especially for senior users who may have no additional exposure to these tools other than for court. It is a steep learning curve.

All the circuit courts in Cook County have dedicated Zoom rooms that litigants may use to attend court hearings. Zoom rooms are equipped with technology as well as staff to help navigate computers, court schedules, and language barriers. These Zoom rooms allow thousands of people to participate in their court proceedings. Unfortunately, lack of access still hinders others, especially those who live in rural areas, or do not have the ability to travel to a location with the requisite technology.

Finally, additional access has led to a loss of compartmentalization and unintentional familiarity. Pre-pandemic some individuals

viewed their workplace as a respite from their home life and vice versa. With those physical barriers gone, professional and personal lives can quickly merge. Similarly, colleagues and strangers may see aspects of your life they may not have otherwise been privy to.

Honorable Clarence Burch (“Burch”), who presides over the misdemeanor jury call in the First Municipal District, recalls at the start of the pandemic attorneys and defendants alike took a bit more of a causal approach to court. They did not appear as conscious or concerned about of their surroundings or what their camera exposed to the world. However, as time passed, and especially after users were made aware that Zoom sessions were being recorded, Burch noticed participants became more sensitive to their appearance and their surroundings when they joined Zoom calls.

Communication

The pandemic increased communication overall, especially with certain segments of the court. Also, what is particularly striking, although not surprising, is the now prevailing preference to handle *most* matters remotely rather than in person. In fact, it is not a stretch to say the main line of communication amongst certain demographics is via email or text. While helpful, and at times perhaps more expedient, it is a barrier to face to face interaction.

During the pandemic litigants and counsels alike were encouraged to confer with each other outside of court more often, so as to maximize their time before the court. Burch commented that pre-pandemic assistant state’s attorneys, assistant public defenders, and private defense attorneys all interacted with each other but not to the extent they do now. He has noticed attorneys ironing out more pretrial matters amongst themselves thereby allowing him to focus more on motions and jury trials. In addition, everyone appears more cordial with each other.

While communication overall may have increased, it is also worth noting the most popular *type* of communication is via Zoom or emails. Woo observes that students

will often make appointments with her, as well as other administration and faculty, via Zoom even if they are physically on campus. “Students seem to have a different comfort level communicating via Zoom or even emails. Emails used to be relatively brief, a precursor to the meeting or to even coordinate a meeting or call to fully address a matter. Now it is not unusual to open very lengthy emails, and for parties to continue to exchange emails when perhaps a phone call may be more effective,” Woo comments.

Similarly, there appears to be less formality around certain courtroom communications as well. Especially in cases involving counsel for both sides, attorneys may communicate changes in dates to the court via email, including all parties on the email, rather than formally motion a case back up.

Relationships

Without question, technology has both positively and negatively impacted relationships. It allows people to more easily develop and maintain long-distance relationships. On the flip side, it also makes it more difficult to build relationships with peers and colleagues, some of whom may be mentors. Technology also allows people to present a one dimensional view of themselves, so it is harder to determine if someone needs assistance, is in crises, and/or what services if any may be beneficial.

As touched on above, technology connects people from all corners of the globe. Whether it is for educational or personal purposes, it provides a means of meeting when face to face interactions may otherwise be impossible due to geographic location, or even simply inconvenient. The pandemic has shown us that isolation can be very damaging, especially in the context of life altering events. Any means of interacting and supporting each other is good.

However, remote connections do have limits. It is one thing to have Zoom venting session with years long friend versus a person you are becoming acquainted with. “During the pandemic, students lost out on relationship building with their peers as well as teachers and other mentors who may become sponsors or mentors,” commented

Gough. Because of the value of mentor/mentee relationships – guidance, support, further relationship building, and possible employment opportunities in the future – Gough felt this loss was especially significant for students who may not have opportunities to cultivate such relationships through other channels.

Additionally, as social media proves time and time again, it is easy to present a picture of good health, well-being, and understanding via a photograph or video chat. Even if the individuals have a history, either person may miss silent calls for help or signs of distress. Gough shares her academic perspective, “It is harder to provide services to those need it simply because you do not know who may need it ... When students are physically present in the building, teachers and administration have more opportunities to observe and assess whether help is needed.” She continues, “[Students] may not even realize they need assistance, much less the types of [internal resources], assistance and support available to them.”

Conclusion

The pandemic left an indelible mark on the world and changed how those of us in the legal profession learn and operate. As we continue to utilize the “new” tools available to us, we must also recognize their limitations and make sure we continue to consider an explore how these technologies affect the ways we work, communicate, and build relationships. Zoom calls and emails are extremely convenient and efficient – they have presented us all with exciting new opportunities in our work and social lives – but do we lose something substantial by not meeting face-to-face to discuss problems and brainstorm solutions?

While this technology makes long-distance social and work relationships easier to navigate, are we allowing vulnerable and struggling people to slip through the cracks when we work and socialize virtually instead of coming into an office every day or meeting friends for coffee or dinner? Especially in the court system, Zoom and e-filing have made it so that many litigants do not have to expend precious time traveling to and appearing in court to handle their cases. However, are

we denying others the ability to rigorously defend and assert their rights when they do not have the access to or means of using reliable Wi-Fi or these virtual applications?

The new tools that we began using to adjust to life with COVID-19 have changed the way we work and live together.

Generally speaking, these changes are for the better, but we also must acknowledge the pitfalls and unintended consequences that come along with the benefits and consider how we best approach those problems as we continue to adapt to this new way of living.■

Recent Appointments and Retirements

1. Pursuant to its constitutional authority, the supreme court has appointed the following to be circuit judge:

- Hon. Nigel D. Graham, 9th Circuit, December 15, 2023
- Hon. James F. Heuerman, 14th Circuit, January 2, 2024
- Hon. Matthew Bertaini, 12th Circuit, 4th Subcircuit, January 8, 2024

2. The circuit judges have appointed the following to be associate judges:

- Zachary Pollack, 12th Circuit, December 18, 2023

- Shenonda R. Tisdale, 12th Circuit, December 18, 2023
- Denton W. Aud, 2nd Circuit, January 2, 2024
- Eun K. Yoon, 16th Circuit, January 29, 2024

3. The following judges have retired:

- Hon. Marmarie J. Kostelny, 16th Circuit, December 1, 2023
- Hon. Mark I. Shaner, 2nd Circuit, December 15, 2023
- Hon. Carmen K. Aguilar, Cook County Circuit, December 31, 2023
- Hon. Stanley H. Steines, 14th

Circuit, December 31, 2023

- Hon. Paula A. Gomora, 14th Circuit, January 5, 2024
- Hon. Janet Adams Brosnahan, Cook County Circuit, 3rd Subcircuit, January 28, 2024
- Hon. Paul A. Karakul, Cook County Circuit, January 29, 2024
- Hon. Janes S. Cowlin, 22nd Circuit, January 30, 2024
- Hon. Lauren Gottainer Edidin, Associate Judge, Cook County Circuit, January 30, 2024 ■

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