



THE CATALYST

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

A final view from the Chair

By Mary F. Petruchius

Rise up, reach back

My year as Chair of this distinguished committee has utterly flown by! I had lofty plans for this year and I am happy to report that those plans were more than realized by this amazing group of women.

The August 22, 2013 program and reception, "30 Female Blackstones Gather in Chicago" was a huge success. This occasion honored the thirty women lawyers from across the country who gathered in Chicago in August of 1893 for the first-ever national meeting of women lawyers. It was inspiring to hear the panelists' stories of their personal journeys, complete with struggles and

accomplishments.

At our annual meeting in June, Paula addressed the WATL members and set forth her plan and initiatives for the upcoming year. She asked the WATL to review the ABA's Gender Equity Toolkit to determine how we can apply it specifically to Illinois' and small to mid-sized firms. We formed a special Gender Equity Subcommittee to accomplish that goal. As this newsletter goes to press, I am proud to announce that on May 8, 2013, Paula Holderman and the WATL is presenting "Because You're Worth It! Achieving Excellent Compensation & Advancement in

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Women in conflict—A UN response

By Cindy Galway Buys and Julia Kaye Wykoff

"It has probably become more dangerous to be a woman than a soldier in an armed conflict."

—Major General Patrick Cammaert, former UN force commander

In areas of armed conflict, horrifying reports of violent rapes made their way to the United Nations Security Council. Rather than conventional war tools such as guns, tanks, and bombs, raping and abusing women seemingly became a favorite tactic in many war-torn countries.

The most brutal stories of sexual violence come from the Democratic Republic of the Congo.¹ Soldiers in the Congo "trademark" their manner of violating women. After raping a woman, certain groups of soldiers shoot a gun into her vagina. Other groups of soldiers rape with

bayonets, sometimes causing fistulas, or holes between a woman's vagina and one or more of her internal organs. These fistulas can leak urine or feces, causing other health issues.² In developing countries, a woman's virtue is prized, whether through virginity or fidelity to her husband. These brutal rapes result in shaming of the victim and their husbands, families, and communities oftentimes shun raped women. Degradation of the women may also be viewed as degrading the family and community. These tactics have proved more destabilizing than traditional warfare, as these soldiers have managed to humiliate, infect, and disperse their victims.

While the circumstances of sexual violence are horrifying, the aftermath is arguably more shocking. In 2013 study by the World Health Organi-

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the Legal Profession.” This program and networking reception following is the result of countless hours of dedicated hard work by this great subcommittee, whose members include Veronica Felton Armouti, Julie Neubauer, Emily Masalski, and Kristen Prinz.

Angela Evans and the CLE Subcommittee presented the extremely successful CLE on bullying this year. Angela is currently working with Yolaine Dauphin to present an updated CLE on human trafficking that will be offered in the next year.

The WATL is continuing its tradition of producing award winners. Melissa Olivero is to receive the Northern Illinois University’s Outstanding Alumni Award for the College of Law on April 25. Julie, Emily, and I will be attending the awards dinner to pay tribute to Melissa. Tracy Douglas will receive the ISBA Young Lawyer of the Year for Downstate Illinois Award at the ISBA Awards Luncheon on June 20. This Committee will be in attendance to honor you, Tracy! More award recipients to come from this committee, I’m sure of that!

March 21, 2014 is a day I am sure will live

on in many committee members’ memories for years to come. As Paul Holderman, our program moderator, so beautifully said, “The stars have aligned today. You will never have this group of women together ever again.” We were honored to have as panelists for “*Myra Bradwell: The Practice of Law in the Wake of Her Legacy*” the Honorable Anne Burke, Joy Cunningham, Rita Garman, Shelvin Louise Marie Hall, Susan Hutchinson, Mary Jane Theis, and Diane Wood. Jennifer Gust from Hinshaw and Culbertson rounded off the panel as youngest and non-judge member. If anyone questioned what the phrase, “Rise Up and Reach Back” meant before that day, there was certainly no doubt in one’s mind after seeing and listening to these magnificent women!

Speaking of rising up and reaching back, at the beginning of my term as Chair of the Standing Committee on Women and the Law, I challenged all of us with Secretary of State Madeleine Albright’s quote, “*There is a special place in hell for women who don’t help other women.*” I can honestly say that, although I may spend some time in purga-

tory, I don’t think I will be visiting that special place. I hope that I helped a couple of women this year and that they, in turn, will reach back for another woman.

Finally, I would like to thank our amazing *Catalyst* editors. With your gentle but firm persistence, you have given readers a consistently excellent newsletter. Obviously, we couldn’t have had such a valuable publication without our immensely gifted authors, who provide us with your knowledge, opinions, and insights.

It’s been a truly wonderful year for me and for the WATL and, with Tish’s leadership, 2014-15 can only be better! ■

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Women in conflict—A UN response

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zation, “women who had been physically or sexually abused were 1.5 times more likely to have a sexually transmitted infection.”³ In the Congo, roughly 30% of raped women now have the HIV virus.⁴ This statistic is alarming, particularly in Africa, where the AIDS/HIV epidemic continues to take the lives of millions. AIDS/HIV in third world countries often is a death sentence. Women infected through rape and sexual violence quite literally die as a result of infection by rape.

These reports and statistics alarmed the United Nations Security Council (UNSC), and in 2000, the UNSC took its first stance on the rights of women in armed conflicts. That first step led to the adoption of no less than six additional resolutions on women in conflict. Over the last decade, the theme of women, peace and security has resulted in more resolutions than any other theme area addressed by the United Nations Security Council. While

these resolutions are certainly steps in the right direction, much more work needs to be done to protect women in conflict.

Resolution 1325 (2000)

Resolution 1325 was the UNSC’s first response to issues facing women in armed conflict.⁵ This resolution was groundbreaking because it urged women to take an active role in the prevention of conflicts, resolution of conflicts, peace negotiations, peace-building, peacekeeping, and humanitarian response. Additionally, the resolution stressed the equality of women in the efforts to maintain international peace and security.

This resolution brought to light many alarming statistics about issues facing women in conflict. First, the resolution expressed concern that women and children account for the majority of displaced persons and refugees during times of armed conflict. Ad-

ditionally, as violence against women has become a war tool, particularly in African countries such as the Congo, this resolution addressed sexual abuse in armed conflict. Specifically, violence against women includes “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”⁶ Resolution 1325 called on member states to take the necessary measures to ensure women and girls are free from gender-based violence in times of conflict.

Not only did Resolution 1325 offer insight into the key issues facing women in conflict, but it also offered some suggested solutions on how to address these issues. First, the resolution urged member states to incorporate women into the decision-making pro-

cess, particularly regarding the “prevention, management, and resolution of conflict.”⁷ Additionally, the resolution urged the Secretary General of the United Nations to appoint more women as representatives in order to “expand the role and contribution of women in the United Nations.”⁸

Resolution 1820 (2008)

Security Council Resolution 1820 expanded on Resolution 1325, but this resolution emphasized the important issues surrounding rape and gender violence against women.⁹ The Security Council noted that civilians are most affected by armed conflict. Among those civilians are women and girls, who are targeted through use of gender-based sexual violence.¹⁰ In conflicts, rape and other forms of sexual violence have been employed as “a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group; and that sexual violence perpetrated in this manner may in some instances persist after the cessation of hostilities.”¹¹

The Security Council expressed its deep concern that, despite the illegality of such acts of violence, rape and sexual violence continue to occur, becoming “systematic and widespread, reaching appalling levels of brutality.”¹² Given such acts of violence were occurring at this time, the Security Council demanded the “immediate and complete cessation” of acts of sexual violence.¹³ The Security Council further noted that those engaging in sexual violence are engaging in war crimes, crimes against humanity, and/or a consecutive act with respect to genocide. As such, the Security Council demanded that member states prosecute those engaging in such acts of sexual violence to ensure that women have equal protection under international law. The Security Council further requested a zero tolerance policy with regards to rape as a war tool and encouraged militaries to educate their troops about issues facing women in armed conflict.

Resolution 1888 (2009)

On September 30, 2009, the Security Council passed resolution 1888.¹⁴ Essentially, this resolution expounded on previous resolutions regarding women in conflict, because the Security Council remained “deeply concerned over the lack of progress on the issue of sexual violence in situations of armed conflict in particular against women and children, notably girls.”¹⁵

The Security Council reminded all member states of their duty to prosecute those responsible for “genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against civilians, and in this regard, noting with concern that only limited numbers of perpetrators of sexual violence have been brought to justice, while recognizing that in conflict and in post conflict situations national justice systems may be significantly weakened.”¹⁶ To hold perpetrators responsible, the Security Council suggested the use of international criminal courts.

While much of the resolution recounts data and suggestions made in the previous resolutions on sexual violence, it is clear in this resolution that the Security Council is extremely alarmed about the growing issue of sexual violence in armed conflict. To address the issue, the Security Council uses strong language, *demanding* that parties to armed conflicts take *immediate* action to protect women and children.

Resolution 1889 (2009)

Shortly after Resolution 1888, on October 5, 2009, the Security Council passed Resolution 1889.¹⁷ In contrast to the earlier resolutions, this one focused on the lack of women in leadership positions in member states and the United Nations itself. The Security Council noted the need for women leadership in order to end issues women face, particularly issues of sexual violence. In expressing its concern about the lack of women in leadership roles, the United Nations Security Council noted that these issues continue in post-conflict times.

Without the involvement of women in post-conflict life, women may face more “violence and intimidation, lack of security and lack of rule of law, cultural discrimination and stigmatization, including the rise of extremist or fanatical views on women, and socio-economic factors including the lack of access to education.”¹⁸ Additionally, the Security Council noted that women should not be viewed as *victims* but rather should be *empowered* by giving women active roles in peace building.¹⁹ The Security Council continued to condemn sexual violence against women, but the main message of this resolution centered on the need for female leadership around the world. To ensure women are treated fairly, the Security Council noted its intention to include provisions promoting

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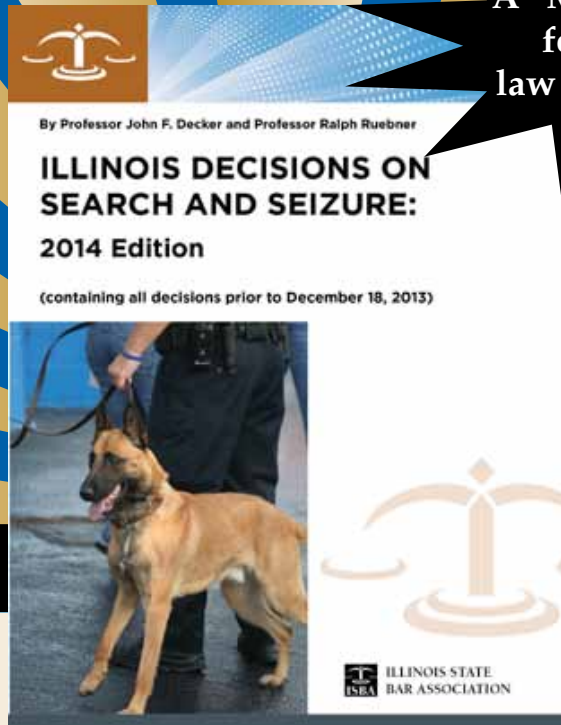
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some pretty good lawyers.
We're out to keep it that way.

gender equality in all mandates of the United Nations.

Resolution 2106 (2013)

On June 24, 2013, the Security Council passed Resolution 2106, which prohibits sexual violence in armed conflict and post-conflict situations.²⁰ This resolution recognized the Declaration on Preventing Sexual Violence, which was adopted during the London G8 conference in April 2013. In this resolution, the Security Council sought to affirm women's political, social, and economic empowerment. The Security Council reaffirmed that rape and other acts of sexual violence in armed conflict are war crimes, and Member States should prosecute violators.

Resolution 2106 noted that systematic monitoring of acts of sexual violence was essential. It urged member states to encourage timely, objective and accurate information as a basis for prevention of sexual violence.

The resolution also called for the deployment of Women Protection Advisors (WPA) in accordance with Resolution 1888.²¹ These WPA's will contribute to the monitoring and reporting of sexual violence in order to comply with the UN's requirements of data collection regarding sexual violence. WPA's additionally will prepare reports on investigations of human rights violations so the UN and member states understand patterns and trends of sexual violence. In working closely with peacekeepers and injured persons, WPA's are asked to be professional and empathetic while working to gather information about sexual violence in conflict areas.

The Security Council emphasized the important role members of society—particularly women's organizations—play in raising awareness about the importance of preventing sexual violence during armed conflicts. To prevent these situations, a zero tolerance policy will ensure full accountability by Member States if conduct by their nationals violates this resolution.

Resolution 2122 (2013)

Most recently, on October 18, 2013, the UNSC reaffirmed its commitments to the previously stated resolutions and urged all states to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW currently has 187 state parties, not including the United States.²² Resolution 2122 further emphasized "persisting barriers to full implementation of Resolution 1325 (2000) will only be

dismantled through dedicated commitment to women's empowerment, participation, and human rights, and through concerted leadership, consistent information and action, and support, to build women's engagement in all levels of decision-making."²³

Like prior resolutions, Resolution 2122 expressed deep concern about the human rights violations against women in armed conflict. Women and girls are particularly vulnerable during conflicts, and the international community must do more to ensure that differentiated impacts on women are limited. The Security Council additionally condemned all violations of international law, but particularly violations including women and girls involving rape, sexual and gender based violence, killing and maiming, obstructions to humanitarian aid, and mass forced displacement.

"Stop Rape Now"

In addition to adopting the above resolutions, the United Nations took action against sexual violence in armed conflict through its campaign "Stop Rape Now."²⁴ This campaign works to prevent all forms of gender-based violence, including sexual violence in conflict. The goal of "Stop Rape Now" is to "generate public awareness on the growing use of sexual violence as a weapon of warfare, and how to prevent it; end impunity for perpetrators of sexual violence in conflict; improve and scale up services for survivors; address the longer-term impacts of sexual violence on communities and national development."²⁵

Although sexual violence in conflict areas is still prevalent, the "Stop Rape Now" campaign has given women in war-torn countries a voice they lacked before. Women were often ignored or hurt for speaking out against the violence they faced. Now, women are telling their stories and bringing awareness to the terrible situations they face. As women continue to tell their stories, awareness will continue spread throughout the international community. Such awareness may bring relief to women worldwide.

Conclusion

According to Pablo Castillo Diaz of UN Women, these resolutions addressing women, peace and security have changed the normative landscape and practice at the United Nations.²⁶ Soldiers and other high-ranking officials who commit rape are being put on trial.²⁷ Peacebuilding funds have

significantly increased in the last three years, as has the number of women serving on important commissions. Women now hold positions of leadership in the UN, such as Navi Pillay, the UN High Commissioner for Human Rights. And the participation of women is changing the conversation, bringing more focus to issues such the need for access to clean drinking water and childcare.²⁸ Former Under-Secretary General of the UN, Special Representative on Children and Armed Conflict Radhika Coomaraswamy is also encouraged by these UN resolutions, prosecutions of perpetrators in international criminal tribunals, and the robust monitoring and reporting requirements that have been adopted with respect to women in conflict, which are the most extensive requirements as compared to any other issue.²⁹ As a result of these measures, she asserts, there has been "a sea change in attitude" in the international community. Thus, progress is being made.

But that progress is slow. Female peacekeepers have only increased from 1% in 1993 to 4% in 2014.³⁰ Enforcement and implementation by states of many aspects of these UN resolutions and treaty obligations designed to protect women remain limited.³¹ For example, some of the posts created to monitor sexual violence remain unfilled and funds are lacking to carry out the mission. Thus, much more work remains to be done, both to protect women during conflict and to ensure gender equity in post-conflict goals set forth in these UN resolutions are achieved. ■

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1. Stephanie Nolen, "Not Women anymore. . .", Ms. Magazine (spring 2005), <http://www.ms magazine.com/spring2005/congo.asp>.

2. Fast Facts & FAQ, FISTULA FOUNDATION, (accessed on March 25, 2014), <http://www.fistulafoundation.org/what-is-fistula/fast-facts-faq/>.

3. World Health Organization, Violence against women, Fact Sheet N 239 (updated Oct. 2013), <http://www.who.int/mediacentre/factsheets/fs239/en/>.

4. Nolen, *supra* note 3.

5. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

6. Global Norms and Standards: Ending Violence Against Women, UN WOMEN, (accessed on March 25, 2014), <http://www.unwomen.org/en/>

what-we-do/ending-violence-against-women/global-norms-and-standards.

7. Id. at ¶ 1.
8. Id. at ¶ 3-4.
9. S.C. Res. 1820, U.N. Doc. S/RES/1820 (June 19, 2008).
10. Id.
11. Id.
12. Id.
13. Id. at ¶ 2.
14. S.C. Res. 1888, U.N. Doc. S/RES/1888 (Sept. 30, 2009).
15. Id.
16. Id.
17. S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009).
18. Id.
19. Id.

20. See S.C. Res. 2106, U.N. Doc. S/RES/2106 (June 24, 2013).

21. Id. at ¶ 7.
22. United Nations Treaty Collection, (accessed on March 24, 2014), https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
23. See S.C. Res. 2122, U.N. Doc. S/RES/2122 (Oct. 18, 2013).
24. *Stop Rape Now*, Stop Rape Now (accessed on March 1, 2014), <http://www.stoprapenow.org/about/>.
25. *Stop Rape Now: U.N. Action Against Sexual Violence in Conflict*, Stop Rape Now (accessed on March 1, 2014), <http://www.stoprapenow.org/uploads/aboutdownloads/1282162584.pdf>.
26. Pablo Castillo, Comments delivered at the American Association of Law Schools Annual

Meeting, New York NY, Jan. 3, 2014. UNITED NATIONS WOMEN, (accessed on March 25, 2014), <http://www.unwomen.org/>.

27. *DR Congo officers in rape and war crimes trial*, BBC News Africa (Nov. 20, 2013), <http://www.bbc.com/news/world-africa-25019953>.
28. UN Women, Facts and Figures, <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#notes>
29. Radhika Coomaraswary, Grotius Lecture delivered at ASIL Annual Meeting, Washington, D.C., Apr. 9, 2014.
30. United Nations Peacekeeping, Gender Statistics, <http://www.un.org/en/peacekeeping/resources/statistics/gender.shtml>
31. Coomaraswamy, *supra* note 31.

Spotlight on Chief Judge Judith K. Brawka, Kane County's first female Chief Judge

By Alice Sackett Henrikson

Chief Judge Judith K. Brawka was only 17 years old when she decided to pursue a legal career. She states her father encouraged her to pursue a legal career because he thought it would be a good profession for women. He also thought it would be a good profession for her specifically because he felt his teenage daughter had a flair for dramatics and the ability to argue relentlessly for an often meritless situation in his opinion.

Judge Brawka graduated from DePaul University in 1975 and Northwestern College of Law in 1978. I asked her about the number of women in her law school class and how she was treated by her male classmates and professors. She states that there was a big push at the time to admit women to law school. She estimates that more than a quarter of her law school class was women. Judge Brawka says her male classmates were much more accepting of women in law school than the professors. She believes that all of the professors, young or old had a difficult time with women in class. The older ones because they did not feel women should be there. The younger ones because they had not gone to law school with women and were institutionalized to believe that law school was for men. Some professors were unaccustomed to women challenging them and their reasoning. Other professors seemed to be bemused by the women and their ideas. Overall Judge Brawka believes that the men

involved in her law school experience had a difficult time finding boundaries for their relationships with the women in her class. Professors in particular couldn't seem to decide if these women should be treated as sexual partners or students.

After law school Judge Brawka knew she wanted to pursue a career in public service. She initially interviewed with Mary Robinson at the Appellate Defender's Office because there was a posted vacancy. However Judge Brawka was not fond of writing which was essential for the job. Robinson gave her a contact at the Kane County Public Defender's Office. Brawka interviewed around Christmas time. Geneva had its full Christmas regalia out including a large star of Bethlehem on top of the courthouse. Brawka had traveled out to Geneva around dusk and spotted the star as she rolled into town. She remembers thinking maybe that was a good omen. Brawka fell in love with the quaintness of Geneva and thought it would be a good place to work. She interviewed at the old Hansel and Gretel restaurant near the courthouse and was hired in 1978. Eight years later she was appointed as the head of the Kane County Public Defender's Office, a post she held until 1998, when she was made an associate judge.

Judge Brawka recalls that there were very few women involved in the courtroom practice of law in Kane County when she started out. Former Circuit Judge Patricia Golden

was practicing at that time and was a great source of support for her. Brawka also recalls that Circuit Judge Karen Simpson was hired as a student with a 711 license shortly after Brawka started in the Public Defender's Office. Brawka relates that there was a group of about 12 women practicing law in the area that met monthly for dinner to support each other.

Judge Brawka found the judges in Kane County at that time to be more progressive thinkers than the judges she had appeared in front of in Cook County as a 711. In Kane she found that some judges had difficulties with boundaries with women, but that most were cautiously polite. Brawka also found her male colleagues to be accepting. She states, "Maybe I was wearing rose colored glasses but that behavior was not focused on me," relating that she did not personally experience any overt problems or issues. Brawka did, however, witness the discrimination of other women, in that they were often treated dismissively by the judges. Often when the male Assistant State's Attorneys would see this behavior from the judges they would jump in and belittle the women as well. Brawka attributes the close-knit nature of the courthouse between the Public Defenders, State's Attorneys and Judiciary as giving her a shield in that area. She states that working so closely together brings a certain level of familiarity and trust so she was not targeted. She adds that she was a hard worker and was

always prepared for court.

Judge Brawka believes that the attitude towards women has come a long way since she started. She attributes the fact that many of her male counterparts have had daughters that have entered the profession in making a world of difference. Brawka feels that the struggle of women in the profession to find balance in their lives has also benefitted younger male attorneys. Many younger attorneys in her experience have determined that they don't want to work so much that they don't have time for family. She feels the younger generation realizes that you can work hard and do well in the profession and still develop strong family bonds and relationships.

Judge Brawka believes that women have brought new insights to the profession. She credits the women before her that helped pave the road for her and the other women that follow. While Brawka feels the legal profession is much more accepting of women now, she believes the first inroads for women were made in the criminal arena and that is where women have found the most success overall in terms of acceptance. Brawka was the Presiding Judge of the Civil Division in Kane County from 2009-2012. She notes that very few women practice in the "big money" civil arena and that there are virtually no female "first chairs" handling those cases outside of Cook County. Judge Brawka notes that arena is still predominantly men.

When asked what advice she would give to new female attorneys, Judge Brawka states that those women need to have an appreciation for the fact that the role of women in the profession has been a work in progress. She states that women need to conduct themselves in a manner that is appropriate of the progress that has been made and to think about what they can do to make the progress move forward. Judge Brawka strongly believes that women need to be role models as a good professional attorneys, and not try to be "one of the boys." She finds it disheartening to see women swearing like "sailors" in a need to fit in with certain groups of men, or not calling men out on their inappropriate comments or off-color jokes. Similarly she finds it unfortunate that some women wear inappropriate clothing to court. Brawka states both men and women should come to court dressed appropriately and prepared on the facts of their case.

When asked what was the biggest challenge she faced in her legal career, Judge Brawka said it was difficult to rise above the

stereotypes that the men in the profession had for women. She states it was difficult to always be "on". However, being forced to always be "on" made her well prepared on every case. Brawka relates she was only the second woman that had ever been a public defender in Kane County. Judge Brawka was asked repeatedly after she started "you're not going to cry are you"? Apparently her predecessor sometimes cried in court. Judge Brawka learned quickly that any show of emotion, even if it was an emotion a man would show in court, would be counted as a strike against her.

When asked why she personally believes diversity is important in the profession and on the bench, Judge Brawka states that we learn so much from other people's life experiences and that our exposure to others does wonders to open our minds. She believes that being a minority anywhere is difficult and can feel incredibly isolating. Diversity brings understanding and is a benefit for everyone.

The late Justice Thurgood Marshall is quoted as saying, "Nobody got where they are by pulling themselves up by their own bootstraps." I asked Brawka "What does that quote mean to you, both personally and professionally, particularly for women?" Judge Brawka related that she would not be where she is today without the example of other women that came before her, like Patty Golden. She also credits the network of women that banded together for those monthly dinners to lend support, guidance and friendship. Incidentally Thurgood Marshall was a great source of inspiration to Judge Brawka. She recalls sending him a "Get Well" card when he was sick while she was in law school. One of her most treasured possessions is a response letter she received from his wife.

I asked Judge Brawka what she has done personally and professionally to help other women achieve their goals in the profession. She states she has tried to help women and men achieve good things in the profession. In addition she has encouraged diversity through hiring practices and has tried to give good experiences to diverse candidates that have been hired by giving them projects to challenge themselves. Judge Brawka has also tried to be supportive and encouraged more women to apply for judicial positions.

Justice Bradley of the U.S. Supreme Court wrote in the Myra Bradwell case that "[t]he constitution of the family organization, which is founded in divine ordinance, as

well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and function of womanhood." I asked Judge Brawka her thoughts on that quote. She states that she believes fewer men subscribe to that theory than before but that many women still think that way.

Judge Brawka feels that the increasing number of women in the practice of law and in the judiciary has affected how law is practiced. She states that no one, on their deathbed wishes they had spent more time at the office. She credits the influx of women to the profession for raising the bar and setting the example that life is about your choices. As more women have risen in the profession people have realized that they can be a success at work and still have a loving and nurturing family. Success as she states is all how you define it.

As for what challenges she believes still exist for women in the profession today Judge Brawka states that it is still a challenge for women to move forward into partnership and management positions, and to maintain the viability of their practices financially which is common to all lawyers.

Judge Brawka was elected to serve out the balance of Justice Robert Spence's term as Chief Judge in November of 2012. She was subsequently elected to her own term in 2013 making her the first female Chief Judge for Kane County. Her term will end on December 1, 2015. Judge Brawka states she is grateful to have the opportunity to work for and with her fellow judges in managing the court system and enjoys working to solve the challenges that come along the way. She also appreciates the opportunity to achieve some goals that resonate with her personally, such as the start up for the Residential Foreclosure Mediation Program and collaborating to improve the education and services for the children housed at the Juvenile Detention Center.

I asked Chief Judge Brawka what her personal goals were for the future and she responded "To make sure I leave this justice system a little bit better place than when I started in 1978." ■

Alice Sackett Henrikson is an associate at Turner Law Offices in Sycamore, IL. She concentrates her practice in personal injury, worker's compensation and wrongful death. Alice is a former Kane County Assistant State's Attorney with extensive experience in criminal, juvenile and mental health law. She can be reached at ahenrikson@RTurnerlaw.com or (815) 895-2131. Read about our practice at: www.RTurnerlaw.com.

Divorce Corp. movie underscores family court woes, collaborative law offers solution

By Sandra Crawford

Some movies just cry out for a sequel. As the action ends and the credits begin to roll, a consensus among viewers swells: there's some unfinished business here, there's got to be a better way to end this story. That was the case recently when I had the opportunity to attend the premiere screening of an important documentary film, called *Divorce Corp.* In the film, director Joseph Sorge puts a spotlight on just how ugly family law court can be.

Certainly, it has been tempting for some observers to dismiss the movie, which focuses on some extreme ways in which couples and families are left in shambles by a process that can be manipulated, twisted, abused and otherwise perverted.

But, still, what remains is the harsh reality that such extremes can occur in the first place. Also true, though left unexplored in *Divorce Corp.*, is that for more than 20 years now the practice of collaborative law has offered a highly desirable alternative for couples seeking a "kinder, gentler" divorce. So we should not settle for the film's ending, which leaves this question hanging: "Should we do away with family law court?" A much more relevant, and hopeful, question: as a civilized society, what steps can we take to ensure that family law increasingly shifts out of the court system so that collaborative divorces become the norm?

The first step is the same step I have undertaken with every client in my 12 years of practicing collaborative law: education. The philosophy behind collaborative law is simple: even if your marriage fails, that doesn't mean you have to carry that failure over into your post-marriage lives. Traditionally, divorces have been litigated matters, characterized by drawn-out, expensive and combative affairs in which each side "lawyers up."

Now practiced in at least 25 countries, Collaborative Divorce (aka Collaborative Law or Collaborative Practice) is a "no-court-client-centered" dispute resolution process that separating spouses can use with the help of professionals (licensed legal, mental health and financial professionals) trained in collaborative law and mediation. Among other components of Collaborative Law, the

professionals (lawyers, mental health and financial professionals) enter a written commitment not to go to court, and commit to withdraw if either or both of the spouses decide that litigation (i.e., third-party decision making by a judge) is necessary or desired.

So far, thousands of families have benefited from this approach. And anyone contemplating divorce or who knows someone in that situation should make a point of understanding collaborative law and other alternatives to a court process, such as private mediation and unbundled legal services. Otherwise, the likelihood of "divorce disaster," as highlighted vividly in *Divorce Corp.*, rises—with children bearing the brunt of

its long-lasting ill effects. And those negative outcomes inevitably spin off into the broader community where we live, work and attend school. ■

In 1990 Sandra Crawford was licensed to practice law in Illinois as a recently divorced mother of twin daughters. Now remarried and founder of a Chicago-based law practice, since 2002 she has been helping couples through the collaborative divorce process and, since 1994, through the mediated process of divorce.

She can be reached at www.lawcrawford.com or lawcrawford@att.net. For a comprehensive list of attorneys and other professionals worldwide who actively practice Collaborative Law, visit www.collaborativepractice.com.

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The Good Girls Revolt

By Mary Kay Devine

In 1970, 46 female *Newsweek* employees sued for sex discrimination. It was a bold move for a group of “good girls” who were brought up to be polite, diligent, and deferential. But the feminist movement had opened their eyes to the injustices happening in their own workplace, so they fought back. And they WON!

A crowd of over 200 gathered to hear Lynn Povich, one of those 46 women and author of *The Good Girls Revolt*, tell her story. She was joined by Jesse Ellison, a recent *Newsweek* writer who, along with her female colleagues, realized that even in 2010 men were getting better writing assignments, higher salaries, and more promotions. Jesse and her female coworkers banded together to co-author a *Newsweek* article that ques-

tioned how much had actually changed for working women in the 40 years since that 1970 victory.

Povich and Ellison talked with the lively crowd about the need for women to speak up, join together, and fight for change in their workplaces and the wider world. See their video message for working women at womenemployed.org/good-girls-revolt.

CALL OUT QUOTE: “Women today have a harder fight. But it is possible to make change within the system.” –Lynn Povich

Join the revolt. Attend Women Employed’s largest event of the year, The Working Lunch. Network with 1,000 of Chicago’s business, community, education, and politi-

cal leaders at Women Employed’s signature gala event. We’ll strengthen partnerships, celebrate milestones, and renew our commitment to expanding opportunities for working women. It’s our biggest event of the year—we hope to see you there! Visit womenemployed.org/theworkinglunch for more information and to purchase tickets. ■

Mary Kay Devine is a Chicago-based feminist and mother of four. Mary Kay’s day job is the Director of Community Initiatives at Women Employed, a nonprofit that mobilizes people and organizations to expand educational and employment opportunities for America’s working women. Founded in 1973, WE has a 40-year track record of opening doors, breaking barriers, and creating fairer workplaces for women. For more information, visit www.womenemployed.org.

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Wednesday, 6/4/14- Teleseminar—2014 Ethics in Litigation Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

Thursday, 6/5/14- Teleseminar—2014 Ethics in Litigations Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

Thursday, 6/5/14- Lombard, Lindner Conference Center—Real Estate Transactions- Beyond the Ordinary and Mundane and Interactive Ethics and Professionalism Panel Discussions. Presented by the ISBA Real Estate Section. 9-4:15.

Friday, 6/6/14- Live Studio Webcast (room C)—The Do’s & Don’ts of the BAID Machine. Presented by the ISBA Traffic Laws and Courts Section. 12-1.

Friday, 6/6/14- Webinar—Introduction to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:00.

Tuesday, 6/10/14- Webinar—Advanced Tips to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:00.

Tuesday, 6/10/14- Teleseminar—The Perils of Using “Units” in LLC Planning. Presented by the Illinois State Bar Association. 12-1.

Thursday, 6/12/14- Springfield, Old State Capitol- Foundation Hall—What Lawyers can Learn from Lincoln the Circuit Lawyer. 100- 4:15.

Friday, 6/13/14- Teleseminar—Planning for Estates Under \$10 Million. Presented by the Illinois State Bar Association. 12-1.

Monday, 6/16/14- Teleseminar—Successor Liability in Business Transactions: The Risk of Selling Assets But Retaining Liability (Live Replay from 2/11/14). Presented by the Illinois State Bar Association. 12-1.

Monday, 6/16/14- Webinar—Boolean (Keyword) Searches on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:00.

Tuesday, 6/17/14- Teleseminar—2014 Estate and Trust Planning Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

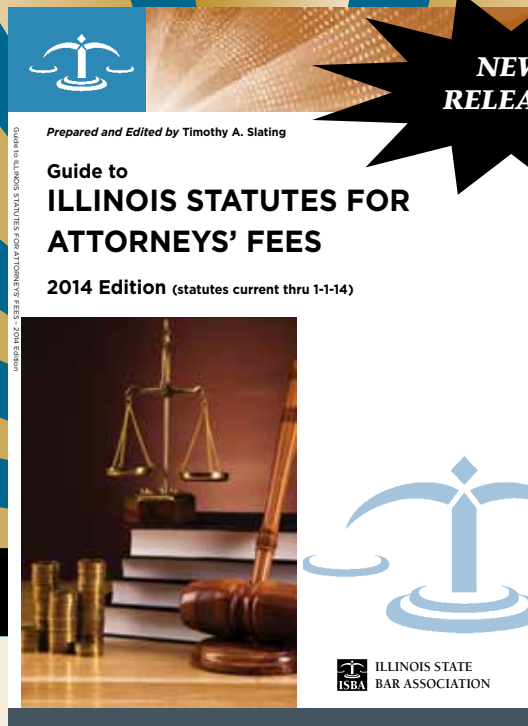
Wednesday, 6/18/14- Teleseminar—2014 Estate and Trust Planning Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 6/24/14- Teleseminar—Sales Agreements: UCC Article 2 and Practical Considerations. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 6/25/14- Teleseminar—Buying and Selling Commercial Real Estate, Part 1. Presented by the Illinois State Bar Association. 12-1.

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