



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

The newsletter of the ISBA's Standing Committee on Women & The Law

Grandparents raising grandchildren—What they should know

By Annemarie E. Kill, Avery Camerlingo Kill, LLC

In the U.S. there are more than six million children who live with grandparents or other relatives. In Illinois alone, more than 100,000 grandparents are caring for their grandchildren. These "Grandparents Raising Grandchildren" are primarily female, under 60 years old, and are caring for

their grandchildren on a long-term basis. The grandparents often assume caregiving responsibilities because of the death of the parents, the abuse or neglect of the children, or the substance abuse, illness or incarceration of the parents. The number of programs dedicated to servicing these grandparents is growing and is expected to continue. However, many grandparents often don't know exactly where to start. The following are common questions, brief answers, and a list of available resources for grandparents who find themselves—again—raising children.

1. Am I eligible for financial assistance? Where can I get it? There are several types of financial assistance available to grandparents raising grandchildren. These include:

- **Temporary Assistance to Needy Families** ("TANF"). TANF is comprised of two types of assistance:
 - "Child Only Grants" provide, regardless of the grandparents' income, a small grant of approximately \$100 per month depending on the county of residence. Perhaps more importantly, receipt of this grant automatically qualifies the child to receive medical assistance. It also often serves as proof that the child actually resides with the grandparent. If the grandparent is working, the child may also qualify for day care assistance. The grandparent need not provide income information or comply with welfare program work requirements.

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There is no time limit on the receipt of a child-only grant. Eligible children can continue to receive monthly assistance until they reach the age of 18. It is important to note that a grandparent is not eligible to receive the child-only grant if he or she is receiving foster care benefits (this usually occurs when there was DCFS involvement at some point). In order for a grandparent to receive the child-only grant, one must show that the child is 1) living with the grandparent and 2) proof of the relationship. If the grandparent receives child support (which is quite unlikely) this grant may need to be repaid.

- "Regular TANF Grants" are available if grandparents have a limited income. This amount is greater than the child-only grant. Grandparents are then subject to work participation requirements. The benefits are limited to a period of five years.

CONTACT: Illinois Department of Human Services
800- 843-6154 (press option #1)
<www.dhs.state.il.us>.

- **Social Security.** A grandchild may be eligible for benefits on the work record of a parent. If the child is not eligible for benefits based on the work record of the parent, and if one of the parents is deceased or disabled, the grandchild may be considered a "child" of a retired grandparent

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for the purposes of benefits. The grandparent would then receive dependent benefits for the grandchild in addition to the grandparent's regular benefits.

CONTACT: Social Security Office
800-772-1213
www.socialsecurity.gov.

- **Food stamps/WIC.** A low-income guardian of a child under five years of age may be eligible for WIC (Women, Infant and Children) assistance. The Illinois LINK card (sometimes known as food stamps) may also be available if the grandparents are low-income.

CONTACT: Illinois Department of Human Services
800-843-6154 (press option #5)
www.dhs.state.il.us.

- **Child Support.** In order to collect child support for a grandchild, there generally must be some type of order entered as to custody. If so, a grandparent may contact the child support enforcement agency for his or her respective county.

CONTACT: Illinois Child Support Enforcement
800-447-4278
www.ilchildsupport.com/customer_service_cs.html.

2. Can I enroll my grandchild in the school district where I live? A common problem for grandparents is attempting to enroll their grandchild in school. Although many grandparents are told that they must provide various types of court documentation regarding "custody," generally the law does not require such. The Illinois School Code, 105 ILCS 5/10-20.12b, provides that "the residence of a person who has *legal custody* of a pupil is deemed to be the residence of the pupil." However, the term *legal custody* is defined as *one* of the following:

- Custody exercised by a natural or adoptive parent with whom the pupil resides.
- Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.
- Custody exercised under a statutory

short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

- Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.
- Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

Clearly, a court order is not required. Note that subsection (iv) shows an additional benefit of applying for the TANF "child only" grant. The receipt of the child only grant alone should allow a grandparent to enroll the child at the grandparent's local school district.

3. Can I obtain medical insurance for my grandchild?

There are several sources for medical insurance for a grandchild. First, a grandparent's employer-provided health insurance plan may provide benefits to dependents. The plan documents will define "dependent" which may include a grandchild. Second, if a grandparent is receiving the TANF "child only" grant, the child will qualify for Medicaid. Remember, this is available regardless of the grandparent's income level or assets, and does not require a court order regarding custody. Third, if the grandparents are low-income, the Illinois KidCare program offers health care coverage to children. KidCare may also provide assistance in paying premiums of private health insurance plans.

CONTACTS: Illinois Department of Human Services (regarding Medicaid)
800-843-6154 (press option 1)
www.dhs.state.il.us.

KidCare
P.O. Box 19122
Springfield, IL 62794-9122
866-468-7543

www.kidcareillinois.com.

4. How do I get custody/guardianship of my grandchild?

Grandparents often question the types of custody and guardianship, as well as the necessity of obtaining such an order. A grandparent has numerous options under the following statutes:

- **Illinois Marriage and Dissolution of Marriage Act ("IMDMA").** (750 ILCS 5/601(b)). With the IMDMA, the grandchild must not be "in the physical custody" of the parents in order for the grandparents to have the right to petition for custody. There must also be a "voluntary relinquishment" by both parents. This order would award "custody" which gives authority to grandparents for most decision-making. Child support may still be obtained since the natural parents remain financially responsible for the child. Parents still have right to visitation and possible future modification of order.
- **Juvenile Court Act.** (705 ILCS 404/1-1 et. seq., 705 ILCS 405/2-27). Placement through the Juvenile Court Act usually happens as a result of abuse and neglect proceedings being brought against one or both parents. In the past, DCFS had limited placements to those over 65 but rescinded the rule in July, 2003. If a grandparent receives placement in this manner, the grandparent can also receive foster care payments and possibly child support from the parent(s). The parents also have the option of requesting a modification of such orders. Generally, the Department of Children and Family Services remains the legal guardian of the child, and must approve major decisions by the grandparents. However, there is now a "Private Subsidized Guardianship," a new permanency option where the grandparent actually becomes the legal guardian. This is only considered in long-term care situations where reunification of the parents and child has been ruled-out as a goal.
- **Probate Act.** (755 ILCS 5/1-1 et.seq.). The Probate Act provides for "guardianship" rather than "custody" of the child, and

will suffice as authority for most decision-making. Like the IMDMA, the parents must voluntarily relinquish the child and the child must currently not be in the custody of his or her natural parents. The parents remain financially liable for the child, and they may move to terminate the guardianship. A grandparent may still receive child support with this type of order.

A parent may also designate a grandparent as a "standby guardian." See 755 ILCS 5/1-2.23, 755 ILCS 5/11-5.3, and 755 ILCS 5/11-13.1. This is a document which must be filed and approved by the court.

However, it only becomes effective upon the parents' incapacity or death. Suggested language is found in the statute.

In addition, a parent may execute a "short-term guardianship" document which provides decision-making authority to a grandparent for up to 60 days. See 755 ILCS 5/1-2.24. 755 ILCS 5/11-5.4. This need not be filed with the court,

and becomes effective on the date it is signed. Again, suggested language is found in the statute.

- **Adoption Act.** (750 ILCS 50/1 et.seq.). Adoption involves a complete termination of parental rights. The parents must consent or be demonstrated unfit in order for a grandparent to adopt.

5. Is there a grandparent support group in my area? Can I get more information on raising my grandchild?

Yes! There are many local support groups throughout the state of Illinois. In addition, the following groups are fantastic resources for grandparents who find themselves raising their grandchildren:

CONTACTS: Illinois Department on Aging Grandparents Raising Grandchildren 1-800-252-8966

To find a local support group, go to <http://www.state.il.us/aging/1directory/grg_support.pdf>.

Illinois Family Caregiver Support Program. This program is administered through local "Area Agencies on Aging," which have various locations throughout Illinois. The Illinois Family Caregiver Support Program is designed to provide referrals and information for caregivers 60 and older. However, they can also refer younger grandparents to appropriate agencies. **To find a local office, go to <www.state.il.us/aging/2aaa/aaa-main.htm>. and click on the appropriate county.**

AARP Grandparent Information Center
601 E Street, NW
Washington, DC 20049
888-OUR-AARP 888-687-2277
<www.aarp.org/life/grandparents/helpraising>.

U.S. Government Administration on Aging
800-333-4636
<www.firstgov.gov/Topics/Grandparents.shtml>.

The Chicago Bar Association/Alliance for Women: Call to Action for Women Attorneys

By E. Lynn Grayson¹

The Chicago Bar Association Alliance for Women announced its Call to Action for women attorneys on January 25, 2005. This Call to Action seeks to increase the number of women partners and to enhance leadership opportunities for women attorneys in law firms. Ten law firms emerged as leaders to promote this Call to Action by becoming lead signatories: Baker & McKenzie, DLA Piper Rudnick Gray Cary, Jenner & Block LLP, Katten Muchin Zavis & Rosenman, Kirkland & Ellis, McGuire Woods, McDermott, Will & Emery, Schiff Hardin, Sidley Austin Brown & Wood and Sonnenschein Nath & Rosenthal.

This Call to Action, the first in Chicago but similar to Calls to Action put out by other U.S. bar associations, addresses the problem of a disproportionately low percent of women attorneys in leadership ranks in Chicago's

law firms. Even though females have been recruited into these law firms in roughly proportionate numbers to their graduation from the top law schools for many years—statistics kept by the National Association for Law Placement ("NALP") indicate that the percent of female associates has increased 40 percent since 1998—yet women attorneys are not seen in leadership positions as evidenced by the lack of female equity partners, practice group leaders, committee chairs and managing partners. The Alliance for Women believes that the leaders of Chicago's law firms must address and work to solve this issue.

In 2004, NALP statistics revealed that the average percent of women partners in Chicago law firms was 18.12, as evidenced at right by the top 20 firms ranked according to female representation in the partnership.

Rank	Law firm	%
1	McDermott, Will & Emery	26.7
2	Sonnenschein, Nath & Rosenthal	24.3
3	Katten Muchin Zavis Rosenman	23.3
4	Gardner Carton & Douglas	22.7
5	McGuire Woods	22.5
6	Schiff Hardin	20.1
7	Kirkland & Ellis	19.3
8	Piper Rudnick	19.0
9	Skadden, Arps, Slate, Meagher & Flom	18.9
10	Winston & Strawn	18.3
11	Mayer, Brown, Rowe & Maw	17.8
12	Lord, Bissell & Brook	17.6
13	Sidley Austin Brown & Wood	17.5
14	Chapman and Cutler	17.0
15	Seyfarth Shaw	17.0
16	Wildman, Harrold, Allen & Dixon	17.0
17	Jenner & Block	16.7
18	Vedder, Price, Kaufman & Kammholz	16.7
19	Bell, Boyd & Lloyd	15.6
20	Foley & Lardner	15.4

These statistics from the *Chicago Lawyer's Diversity Survey of Chicago law firms* (July 2004) reveal only 10 law firms are at or above the 18.12 average percent. In addition, since most of the firms have two-tiered partnerships, the numbers of equity partners are even lower than the numbers in the above chart. Jenner & Block and Sidley Austin Brown & Wood are the only single-tier partnerships in the top 20 firm listing. It is important to note that these statistics are self-reported to the *Chicago Lawyer* and reflect the percentages of female partners as a percent of total partners.

In November, 2004, the Chicago Bar Association approved the Call to Action developed by the Alliance for Women. The specific goals of the Call to Action are:

- to increase the percent of its women partners by 3 percentage points from its 2004 levels by December 31, 2007;
- to have women represented on every firm committee in the same proportion as the number of women partners by December 31, 2007;
- to increase the number of women practice group leaders by December 31, 2007;
- to review its flexible hours policy and its use in order to ensure that alternative schedules are an equitable and viable option by December 31, 2007; and
- to improve materially any disparity in the rates in which men and women are retained, promoted and laterally recruited at the firm by December 31, 2007.



From the left to the right in the front row: Jane DiRenzo Pigott, R3 Group LLC/Alliance for Women Co-Chair; Pam Baker, Sonnenschein Nath & Rosenthal; Theresa Cropper, DLA Piper Rudnick Gray Cary US LLP; Susan C. Levy, Jenner & Block, LLP; Amy Manning, McQuire Woods LLP; Linda Myers, Kirkland & Ellis LLP; and, E. Lynn Grayson, Jenner & Block/Alliance for Women Co-Chair. Back row: Regine Corrado, Baker & McKenzie LLP; Olivia Tyrell, Baker & McKenzie LLP; Leslie Dent, Katten Muchin Zavis Rosenman; Patricia Slovak, Schiff Hardin LLP; and, Kathleen Roach, Sidley Austin Brown & Wood LLP.

This Call to Action was specifically designed to allow every law firm to succeed at addressing the problem of the lack of women in leadership positions. The Call to Action goals serve to raise awareness of these concerns and to outline an action plan over a three-year period. In addition, the Alliance for Women developed a companion guidance, *Best Practices for Ensuring Compliance With Commitment*, to assist law firms in meeting these goals.

The Call to Action will be sent to the Managing Partners of Chicago firms and to General Counsels of Chicago businesses. While the Call to Action is targeted at law firms, any Chicago area legal organization is welcome to participate. Becoming a signatory is a simple process: provide the name and contact information for the firm and the contact person at the firm who will be responsible for meeting the goals of the Call to Action. A yearly report will be issued to the Chicago legal and business communities to monitor the progress of all firms in meeting the stated goals. Signatory firms will receive special

recognition for their commitment to the Call to Action. A final report will be issued in 2007.

The Alliance for Women expects to get broad support from the Chicago legal community for its Call to Action. The Call to Action, related guidance and lead signatories are posted on the Chicago Bar Association's Web site at <<http://www.chicagobar.org/calltoaction>>. Any person or firm interested in more information or a copy of the Call to Action may contact members of the Alliance for Women Call to Action Committee: Leslie Dent (ldent@kmzr.com), Lynn Grayson (lgrayson@jenner.com), Jennifer Nijman (jnijman@winston.com), Jane DiRenzo Pigott (jdpigott@r3group.net) or Kathy Roach (kroach@sidley.com). The Call to Action also is available at <<http://www.chicagobar.org/calltoaction>>.

1. Ms. Grayson is a Partner at Jenner & Block LLP and is the Co-Chair of the Chicago Bar Association Alliance for Women.

Meeting Annie E. Thar

By Meredith E. Ritchie

Annie Thar's enthusiasm for the legal profession is contagious! When I had lunch with Annie recently, she shared her thoughts and views concerning her career, volunteer work and family (and how all three can successfully co-exist).

During the seven years following her graduation from Northwestern University Law School, Annie worked

at two prestigious Chicago firms. Annie quickly found her niche in the area of insurance-related issues. One of her assignments included helping her client form ISBA Mutual Insurance Company, a lawyer-owned professional liability insurance company. Shortly after returning to work following the birth of her second child, Annie was laid-off. This event

turned out to be one of the best things that happened to her career because it permitted Annie to explore other options and the type of career she ultimately wanted.

"If you work hard," Annie says, "people take notice." Her diligence on behalf of ISBA Mutual led to a job offer at ISBA Mutual, which led to her later appointment as the company's

General Counsel. During her nine years at ISBA Mutual, Annie wrote a column for the *Illinois Bar Journal* for more than six years, participated in numerous American Bar Association panels and spoke at many seminars. She participated in countless ISBA committees and section councils.

Annie became known as the “go-to” attorney on legal malpractice prevention and ethics. She enjoyed rendering preventive advice on legal malpractice. “Loss prevention advice is different for large firms, small firms and solo practitioners and is always evolving,” says Annie.

Three years ago, Annie joined Winston & Strawn LLP as its Conflicts Partner, concentrating in professional responsibility law including conflicts clearance. “The firm is my client,” says Annie. Annie gave the area a complete overhaul, creating more than 20 new engagement letters for the firm depending on the client and the matter. “The key is to make loss prevention and conflicts avoidance as simple as possible for attorneys who

are busy with client demands.” asserts Annie.

Annie stresses that she had to earn the respect of fellow partners. Implementing new procedures, especially as a new partner, is not always popular. Now, partners from the firm's offices across the world seek out her advice and counsel. The reason Annie believes she is now well received is based on her “fair treatment of all offices while being a straight shooter,” she says. Annie has traveled to Winston & Strawn's offices in London, Paris, Geneva, New York, Washington D.C., Los Angeles and San Francisco, rendering advice and getting to know the partners.

Throughout her career, she has taken each one of her three sons on separate business trips. Not only have her sons enjoyed the trips, but they have also observed her making legal and business decisions. Seeing their mom work has instilled a “great sense of respect for women,” she says. Her husband, who is returning to school to become a teacher and coach, is

extremely supportive of her work. “Having a supportive family plus advances in technology are important factors for working mothers,” Annie says. Accessing e-mails from home at night or on her blackberry allows her to immediately address the needs of her client when away from the office.

Building relationships and establishing resources are necessities for lawyers. That is why Annie stresses that networking is important for women and that women should not be timid about using the word “networking.” Annie promotes bar association-related events where attorneys have the opportunity to interact while accomplishing something positive.

Not only did I learn a lot during my lunch with Annie, but I thoroughly enjoyed my conversation with this dynamic, energetic attorney!

Meredith E. Ritchie is vice chair of the Standing Committee on Women & the Law and is Deputy General Counsel for the State of Illinois Department of Central Management Services.

Catch your breath: A little awareness is eye opening

By *Christine L. Childers*¹

It takes hearing the stories of others to realize that we do not have it so bad. I am lucky to have a loving husband and family, a rewarding career, and, above all, my health. Lynn Kotsiantos also seemed to have it all, and those who knew and loved her were surprised to find out the one thing she did not have: her health. Lynn, at 42 years of age, lost her nine-month battle with lung cancer in April 2003. She was a non-smoker and, by outside appearances, very healthy. Lynn left her husband to care for their three small children.

How Lynn was affected with this deadly disease is perplexing. Additionally, the facts about lung disease and women are astounding: more than half of the one million people in metropolitan Chicago suffering from lung disease are women; lung cancer kills more women than breast, ovarian and cervical cancer combined; more women die from chronic obstructive pulmonary disease than men; and, in

2000, 65 percent of asthma deaths occurred in women. (American Lung Association of Metropolitan Chicago). While these facts may be shocking, even more so is the fact that very little money is dedicated to researching why these facts are true and developing treatments to address the disease.

Dr. Laura Rogers, a Chicago allergist and personal friend to Lynn, was also perplexed by the loss of her friend, the increase in the number of women affected by lung disease, and the fact that very little is being done in the form of research and the development of treatments. Therefore, Dr. Rogers decided to do something about it: she approached the American Lung Association of Metropolitan Chicago and proposed a women's lung health conference. Out of her loss and frustration was born the Catch Your Breath Women and Lung Health Conference and Luncheon, with the goal of raising awareness, increasing money for research and eradicating

the social stigma that is often associated with lung disease.

In May 2004, Dr. Rogers asked me to serve on a committee to plan the first annual conference and luncheon. Since I was relatively new to the Chicago community, I viewed the committee as an opportunity to make a connection with others—others outside of my law firm and the legal community. When friends and colleagues asked me what I was doing on the committee, I often wondered what I could possibly add to the planning. At the time, I did not realize the impact such an event would have on me personally.

Over the ensuing six months, the committee and subcommittees met on a regular basis and, after several months of planning, the first annual conference and luncheon was held on November 10, 2004, at the Marriott Hotel Downtown, in Chicago. More than 350 people attended and more than \$220,000 was raised for research and education programs dedicated specifi-

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cally to women and lung disease.

The event was supported by many great people, including First Lady Patricia Blagojevich, who served as an honorary chair, Attorney General Lisa Madigan, who received the Legislative Award, Congresswoman Jan Schakowsky and Michelle Obama. Additionally, the conference sessions were taught by many of Chicago's finest medical professionals and the research keynote was delivered by Dr. James Kiley, the Director of the Division of Lung Diseases at the National Heart, Lung and Blood Institute of the National Institutes of Health. There were also numerous celebrities, including Kathy Brock of ABC7 News, who served as the Mistress of Ceremonies, and Kaitlin Sandeno, Olympic Swimmer and four-time medalist who delivered the Keynote Speech.

What, however, was eye opening for me during the planning process, the many pre-events, and the luncheon, was to learn the facts about lung disease, something I have not had the opportunity (or the need as I previously thought) to think about, and to hear the stories of so many who have been affected, either personally or through a loved one, with lung disease. First, obviously, was the reality of the story of Lynn—a perfectly healthy young woman who lost a battle to a disease she never should have gotten. Second, was seeing the many

attendees who were obviously afflicted with lung disease and attended some portion of the event to show their support for the Catch Your Breath cause. Finally, was the story of Kaitlin, who, through careful management of her asthma, has led a very active lifestyle and has won gold, two silver and bronze medals, broken the 800m freestyle relay record, and been a two-time NCAA champion.

Through these stories and observations, I now realize that lung disease is a reality; it is not just a smoker's disease and does not affect just those who do not care about their health. Additionally, my eyes have been opened to the fact that lung disease could affect me or my family and friends.

More needs to be done in the areas of research and development of treatments so that the Lynns of this world can survive and overcome, or at least manage, their diseases. In this regard, I have already committed to serving on next year's committee to plan the second annual conference and luncheon. I invite you to get involved or attend the conference and luncheon—I promise you, it will be time well spent.

1. Christine L. Childers is a third-year associate at Jenner & Block, where she focuses her practice in corporate finance, mergers and acquisitions, general corporate counseling, and bankruptcy/ corporate restructuring.

What you don't know can hurt you

By Patrice Ball-Reed

The old adage "What you don't know can't hurt you" doesn't apply to your knowledge of Administrative Rules. As a member of both the Assembly and Standing Committee on Legislation, I had heard the acronym "JCAR" mentioned at various times. However, I did not investigate beyond determining what the letters meant. "JCAR" is the Joint Committee on Administrative Rules. I learned much more when I volunteered to complete a periodic review of the JCAR activities for the Legislative subcommittee of Women and the Law. This article provides the

information that I have learned in my volunteer efforts.

If you practice before any Administrative agency, perform services or need services from a State agency in Illinois, it is in your best interest to become familiar with JCAR. It is easy to obtain the weekly report from the Committee. The weekly report is titled the Flinn Report/Illinois Regulation. You may download it from the Web site or receive it by mail. The regulations are also listed in the Illinois Register produced by the Secretary of State. All agencies of the executive, judicial, and legislative branches of

state government are subject to the rulemaking provisions of the Illinois Administrative Procedure Act except the Governor, the General Assembly, the Supreme and Appellate Courts and those agencies specifically exempted by legislation. JCAR is a bipartisan oversight committee which was created by the Illinois General Assembly in 1977. The Joint Committee conducts a systematic review of administrative rules promulgated by state agencies. Twelve legislators are appointed to serve on this committee by the legislative leadership. The current committee consists of Senators J. Bradley Burzynski, James F. Clayborne, Jr., Maggie Crotty, Steve Rauschenberger, Dan Rutherford, Ira Silverstein and Representatives Brent Hassert, Tom Holbrook, David Leitch, Larry McKeon, David Miller, Rosemary Mulligan.

The Flinn Report is distributed on a weekly basis. The report lists the New Regulations, Proposed Regulations and Second Notices of Rulemakings. The section for New Regulations indicates the issue which the regulation addresses and the Department that issued the new regulation. At the conclusion of the information on the new regulation, the name of a contact person is listed to obtain copies of the regulation. The section for Proposed Regulations provides the same information but also concludes with the time period for commenting on the particular regulation. The final section lists the Second Notices for specific regulations and the date when that regulation will appear on the JCAR meeting agenda. This section also lists when it was proposed as well as the section of the Administrative code where the rule will appear in print.

Knowledge is power. Having the knowledge concerning which rules are promulgated by a particular agency allows you the opportunity to support or oppose the regulation. An agency may not understand the practical impact of a rule that is being issued without the expertise of an attorney who practices in the area. As members of the public, it also gives you ability to exercise your right to address issues that will influence the outcome of services to the community.

I began reviewing the Flinn Reports in June of 2004. Due to the volume of regulations, I have only listed the regu-

lations which were published from December 3, 2004 and January 7, 2005. The following list reflects the topic addressed in the rule, the Department promulgating the rule and the date which the Flinn Report discussed the rule.

December 3, 2004

New Regulations

- Nursing Homes – Department of Public Aid
- Child Support – Department of Public Aid
- Mental Illinois – Department of Public Aid
- Motor Fuels – Department of Agriculture
- Adoption Policy – Department of Children and Family Services
- Utilities – Illinois Commerce Commission
- Gifted Students – State Board of Education
- Driver Education – State Board of Education
- Deer Hunting – Department of Natural Resources
- Property Taxes – Department of Revenue
- Library Grants – Secretary of State
- State Employees – State Employees' Retirement System of Illinois
- Commercial Vans – Department of Transportation
- Oversize/Overweight Vehicle Permits – Department of Transportation
- Toll Highway Authority – Illinois State Toll Highway Authority
- Exhibits on State Property – Department of Central Management Services

Proposed Regulations

- Children's Health – Department of Public Health
- Transfer Students – State Board of Education
- Radioactive Materials – Illinois Emergency Management Agency
- Public Assistance – Department of Human Services
- Mental Health Services – Department of Corrections
- Nutrition Labeling – Department of Agriculture

Second Notices

- Medical Payment – Department of Public Aid
- Specialized Health Care Delivery Systems – Department of Public Aid

- Hospital Services – Department of Public Aid
- Medical Assistance Programs – Department of Public Aid
- Issuance of Licenses – Secretary of State
- Repeal of "Rulemaking Procedures" – Department of Transportation
- Specifications for Tank Cars – Department of Transportation
- Procedures for the Department of Human Rights – Department of Human Rights
- Americans with Disabilities Act Grievance Procedure – Department of Human Rights
- Injurious Species – Department of Natural Resources
- Illinois Veteran Grant (IVG) Program – Illinois Student Assistance Commission
- Americans with Disabilities Act Grievance Procedure – Illinois Student Assistance Commission

January 3, 2005

New Regulations

- Public Assistance – Department of Human Services
- Hazardous Materials – Department of Transportation
- State Employees – Department of Central Management Services
- Watercraft Taxes – Department of Revenue

Proposed Regulations

- Waste Disposal – Pollution Control Board
- Medical Assistance – Department of Public Aid
- Farrier Licensing – Illinois Racing Board
- State Treasurer – Illinois State Treasurer
- Railroads – Illinois Commerce Commission
- Mining Rule Withdrawn – Department of Natural Resources

Second Notices

- Public Schools Evaluation, Recognition and Supervision – State Board of Education
- Electrologist Licensing Act – Department of Financial and Professional Regulation
- Manufactured Home Community Code – Department of Public Health
- Illinois Manufactured Home Tiedown Act – Department of Public Health

- Manufactured Home Installation Code – Department of Public Health
- Illinois Modular Dwellings and Mobile Structures Code – Department of Public Health
- Manufactured Home Installer Course Accreditation Code – Department of Public Health
- Income Tax – Department of Revenue
- Claimant's Availability for Work, Ability to Work and Active Search for Work – Department of Employment Security
- Claims, Adjudication, Appeals and Hearings – Department of Employment Security
- Notices, Instructions, Reports to Workers; Inspections – Department of Employment Security
- Disqualifying Income and Reduced Benefits – Department of Employment Security
- Public Use of State Parks and Other Properties of the Department of Natural Resources – Department of Natural Resources.

The list clearly covers a broad cross section of departments and issues. The Flinn Report summarizes each of the rules without indicating a basis for the creation of the rule. Anyone who has a desire to respond to or question any of the rules would need to do an additional investigation to obtain an understanding of the background for any particular rule. In future issues of our newsletter, JCAR, as well as legislative information, will be noted for the members.

Visiting Belarus attorneys learn more about U.S. women attorneys

By Megan Jackson, 1L, Indiana University School of Law

A group of attorneys from Belarus recently visited Jenner & Block to learn more about the success of women attorneys and their professional development opportunities in the United States. The Belarus delegation visit, coordinated by David Austin, a Jenner & Block associate, was part of an ABA-sponsored program to assist international lawyers in improving legal systems in their own countries. Stephanie A. Scharf, President of the National Association of Women Lawyers and a partner at Jenner & Block, addressed the group, emphasizing the importance of networking to further women's interests in the profession. In addition, Elizabeth A. Fine, an associate at Jenner & Block, reiterated the importance of networking and emphasized the value of developing a network at an early stage. By encouraging law students to begin networking in bar associations, young professionals will have established a network on entering the field. Lastly, the delegation learned about Jenner & Block's Women's Forum, a firm-sponsored organization devoted to expanding opportunities for women within the firm as well as in the profession at large.

The delegation came to Chicago to obtain background and insight in order to improve the legal profession in Belarus. Since the fall of the Soviet Union, the legal system in Belarus has struggled under the autocratic leadership of President Alyaksandr Lukashenka. Under allegations of a rigged election, the people of Belarus

passed Lukashenka's presidential referendum to make Belarus the only country in Europe to allow its leader to stay in power virtually for life. Several reports circulated suggesting that "there is no rule of law in Belarus," thereby allowing Lukashenka's personal decrees to override the authority of the law. In fact, Lukashenka has largely ignored the decisions of the Constitutional Court, the Belarusian equivalent of the Supreme Court, by declaring its decrees unconstitutional. Belarusian Parliament has attempted to combat Lukashenka's unilateral rule by drafting a new version of the constitution. However, Lukashenka has reorganized Parliament by appointing formerly elected members, thereby undermining any progress by the opposition.

Lukashenka has stifled the spread of legal knowledge by restricting non-governmental organizations (NGOs) that would advance legal literacy. Lukashenka has the power to deny NGOs registration and liquidate any NGO after three warnings. Furthermore, tax authorities can extract money from bank accounts, based on a one-sided determination that the person or organization owes taxes. Under Lukashenka's governance, the tax authorities can legitimately disregard adverse court decisions. The President's actions make it difficult for citizens to access legal information and resources. The average citizen is unaware of her rights and unfamiliar with legal remedies.

To combat Lukashenka's dominance



In this photograph, the Belarus delegation are joined by the following Jenner & Block attorneys: Patricia Bronte, Stephanie Scharf, David Austin, Elizabeth Fine, Suzanne Courtheoux, Jayne Laiprasert and Alex Rozenblatt.

over the legal system, the American Bar Association Central European and Eurasian Law Initiative (CEELI) began a program in Belarus in 1992 to raise awareness of legal alternatives and empower the court system. CEELI initiated a similar program in Azerbaijan. The delegation visiting Chicago was part of an effort by CEELI to support legal reform in Belarus. In addition to sending foreign attorneys abroad, CEELI helps raise awareness of citizens' rights through legal literacy programs.

CEELI provides assistance to legal service centers as part of their Legal Advice Center program. CEELI trains lawyers in substantive law and advances lawyering skills through seminars. The organization hopes to encourage information sharing and support by creating networks among

participants. CEELI also launched the Community Action Initiatives program in which attorneys act on behalf of entire communities to force local authorities to comply with the law. In order to monitor Lukashenka's violations of the law, CEELI created the Independent Society for Legal Research. After Lukashenka liquidated the NGO, the group renamed them-

selves the Foundation for Legal Technologies to sidestep Lukashenka's dismantling of the organization. In addition to documenting the President's abuses, the organization is a resource center for lawyers representing NGOs. Lastly, CEELI established an International Law Video course targeted for young lawyers. The course educates attorneys on foreign,

especially Western, systems of law as models for Belarus. This program is part of CEELI's larger push to advance legal education. CEELI upholds Western models of networking so that a new generation of attorneys can hold Belarusian authorities responsible for their actions and educate the public of legal redresses in the face of state oppression.

An overview of Sojourn Shelter and Services, A domestic violence shelter serving five central Illinois counties

By Carolyn Taft Grosboll; Giffin, Winning, Cohen & Bodewes, P.C.,; Vice-President of the Board of Directors, Sojourn Shelter and Services

This year marks the 30th anniversary of Sojourn Shelter and Services, Inc. (Sojourn), a not-for-profit corporation founded to eliminate domestic violence through service, leadership and education. Sojourn is headquartered in Springfield, Illinois and serves victims of domestic violence within a five-county central Illinois region (Sangamon, Christian, Montgomery, Logan and Menard counties).

Sojourn offers several service programs. The Shelter Program provides emergency shelter for victims of domestic violence. In addition to a safe place to stay, Sojourn offers individual counseling and education group services while in shelter. Sojourn also provides community referrals and advocacy for its clients. Sojourn offers a confidential 24-hour hotline for emergencies and support.

Another program offered by Sojourn is the Children's Program. Unfortunately, children are also victims of domestic violence. Sojourn offers children individual counseling and education group services focusing on domestic violence, safety planning, and safe self-expression. In addition, Sojourn provides support to mothers by increasing their positive parenting skills and helping them understand the effects of domestic violence on their children.

Sojourn also offers a Court Advocacy Program, which provides advocacy, information and support to victims of domestic violence while going through both civil and criminal court proceedings. Clients receive assistance in completing orders of protection and receive support when going through the legal system.

The SAFER (Sojourn Advocate for

Emergency Response) Program provides an on-call advocate who responds directly to a secured scene of domestic battery. Sojourn presents options to victims of domestic violence, offers them support and any necessary transportation to leave the scene. It is vital for victims to have this immediate support following a domestic violence incident.

In addition to the Shelter Program, Sojourn offers a Non-Residential Program where individual and group counseling services are provided to adult and child victims of domestic violence who are not staying at the shelter.

Community awareness and support are critical factors in ending domestic violence. As part of Sojourn's Prevention and Education program, Sojourn provides education to the community, including professional training, domestic violence awareness and dynamics education and prevention programming. Sojourn partners with schools, businesses, agencies, civic- and faith-based organizations to prevent violence in the community.

Sojourn's newest program is called Project Voice. This program was made possible by a grant recently received by Sojourn from the United States Department of Justice. Using this grant, Sojourn became the first domestic violence shelter in Illinois to hire a full-time attorney to assist clients with a variety of legal issues. In addition to providing legal services, Project Voice seeks to engage local attorneys through domestic violence education and opportunities to serve victims in our community.

Through this grant, Sojourn was also able to hire more advocates so that victims receive immediate assistance after a domestic battery incident.

The following is a summary of ser-

vices Sojourn provided to victims of domestic violence in 2004. Sojourn assisted 1,358 victims with Emergency Orders of Protection and advocated for 519 victims during the Plenary Order of Protection Hearings. Sojourn Advocates responded to 430 Domestic Violence 911 calls in connection with the Springfield Police Department. Advocates created and updated safety plans with 564 clients. Advocates completed Shelter intakes for 252 clients last year and provided 411 hours of counseling. The Project Voice Attorney represented 25 clients at Plenary Orders of Protection hearings and met with 35 other clients to assess legal needs. The Attorney also represented 19 clients on matters other than orders of protection. Sojourn staff also accompanied approximately 255 clients to meetings with the various five-county States Attorneys' Offices.

According to the Law Enforcement Resource Center, domestic violence is the most frequently committed violent crime in the United States. The Journal of the American Medical Association (JAMA) reports that half of all women will experience some form of violence from their partners during marriage. JAMA further reports that domestic violence is the leading cause of injury to women between the ages of 15 to 44 and is more common than automobile accidents, muggings and cancer deaths combined. While great strides have been made to provide shelter, legal advice and counseling to domestic violence victims, there is much more that needs to be done. Sojourn Shelter continuously strives to provide more services and education so that every one can realize Sojourn's motto: "Peace on Earth Begins at Home."

The case for expanded stem cell research in Illinois

By Gretchen Livingston¹

Human embryonic stem cells were first isolated in 1998. Just a few years later, their promise was cut short by the policy of our federal government limiting federal funding of research involving human embryos. Because the federal government is the largest funder of medical research in the country, President Bush's executive order, entered August 9, 2001 and allowing funding of research involving only embryonic stem cell lines created before that date, effectively cut off a field of research before it had even begun. This decision deprived my eight-year-old daughter, who has type 1 diabetes, and millions like her who suffer from other diseases or conditions like Parkinson's, ALS, and spinal cord injuries, of the promise offered by embryonic stem cell research.

Unfortunately for those who could benefit from this research, politics have clouded the science. Embryonic stem cells can come from two places: excess embryos created at fertility clinics in excess of need (some estimate that 400,000 such embryos exist) or through a process of nuclear transfer technology. Excess embryos that would otherwise be destroyed could be used for research purposes, with the written informed consent of those who created the embryo, as happens with organ donation. In the process of nuclear transfer technology, an egg cell would be removed from the donor and its nucleus removed. The cell would then be combined with another cell from the body of the donor, placed in a Petri dish and chemically triggered to grow. The resulting collection of cells, never combined with sperm or placed in a womb, yields stem cells that could be used for research. The benefit of nuclear transfer technology is significant: it offers a source of cells with the same genetic make-up as the donor that could be transplanted without need for toxic immunosuppressant drugs.

The need to move forward with this important research has taken on an added urgency in recent months for a variety of reasons. First, there are something less than 20 stem cell lines (of an originally announced 78) currently available for research using fed-

eral dollars, and all of those are contaminated with animal cells in ways that have just in recent days been shown to make them useless in treating humans. The research will not progress without access to more and better stem cell lines.

Second, and notwithstanding the misrepresentations of some who oppose this research, recent successes with embryonic stem cells should inspire a more concerted effort to get on with the research. One experiment used human embryonic stem cells as biological pacemakers to correct faulty heart rhythms in pigs. In another study, scientists showed for the first time that human embryonic stem cells can turn into eye cells crucial to vision. A third experiment, using mouse embryonic stem cells, suggests that embryonic cells can produce healing compounds that can help ailing organs repair themselves. With respect to diabetes, we know that insulin-producing cells have already been created using mouse embryonic stem cells and there has been success in preliminary studies using embryonic stem cell lines from humans.

Though valuable for treating certain diseases, like some types of cancer, adult stem cells have never shown the same flexibility as embryonic stem cells. The limitations of adult stem cells were identified recently at the University of Chicago, which reported the failure of adult stem cells to regenerate damaged heart tissue. With respect to diabetes, Harvard researchers have shown that new beta cells in the pancreas are formed from existing beta cells, and not from differentiated adult stem cells. Embryonic stem cells may thus be the only source of new beta cells.

But there is no need to choose between adult stem cell research and embryonic stem cell research, as any reputable scientist would tell you. Indeed, the Juvenile Diabetes Research Foundation ("JDRF") funds both kinds of research. Only if we pursue both kinds of stem cell research simultaneously, perhaps using side-by-side comparisons, will we be able to fully realize the potential of all that the research has to offer.

Anyone who has a disease that could benefit from this research or

knows someone who does should be outraged by the political maneuvering affecting research freedom and progress. Without the support of the federal government, research has slowed, scientists have opted out of this kind of research or moved to countries more receptive to research, and those who continue with it here must figure out how to attract and use private dollars to conduct research on embryos from sources other than the approved lines without putting their federal funding at risk.

States have been left with no choice but to fill the gap in funding left by the federal government. The most notable of these is California, which in November passed a ballot initiative to fund stem cell research with nearly 60 percent of voters supporting the initiative. Hundreds of patient advocacy groups, including JDRF, research institutions, business organizations, and over 30 Nobel Prize winning scientists endorsed the initiative. Proposition 71 established the California Regenerative Medicine Institute, which will fund stem cell research through bonds, issued in \$300 million increments over the course of 10 years.

California's effort has spurred other states to act, including New Jersey, where the governor recently announced a \$389 million investment in stem cell research and our neighboring state Wisconsin, where a similar \$375 million proposal has been announced. Each of these states recognize that it is not enough to stand by while the federal government abdicates its role as a leader in the field of medical research and other states seize the opportunity to support its citizens with important medical research and clinical trials.

Illinois may have the most viable stem cell research proposal of all. In November, Illinois Comptroller Dan Hynes announced his proposal for the Illinois Regenerative Medicine Institute ("IRMI"). Like Proposition 71, the Hynes proposal will be funded by general obligation bonds, which will be issued in 100 million increments over the course of 10 years, for a total of 1 billion. But unlike the California proposal, this one has identified a source

of revenue to pay the debt service on the bonds: a 6 percent tax on elective cosmetic surgery. Some may balk at the prospect of the tax, notably plastic surgeons and those who support their work, like botox manufacturers. But the proposal only seeks to tax purely cosmetic procedures (botox injections and liposuction are two of the most common) that will affect only a tiny percentage of the population, and will not affect medically necessary reconstructive procedures. For a botox injection costing just \$400, the tax amounts to only \$24, less than the tax on a similarly priced outfit if purchased in the City of Chicago. And, better yet, we know that the proceeds from the tax on elective cosmetic surgery will go straight to important medical research.

The IRMI proposal first needs the approval of a majority of both chambers of the Illinois legislature before it will appear on the ballot for approval by Illinois voters, likely in the fall of 2006. Already, health care advocacy organizations, including JDRF, are mobilized to seek the necessary votes from our state legislators. Some of these same organizations worked on a prior effort to pass legislation that would not have funded stem cell research, but would have made it the policy of the state of Illinois to support all forms of stem cell research, established oversight of the research, and created a mechanism to allow for the donation of excess embryos from fertility clinics through a process of informed consent. That legislation failed by just two votes in the fall veto session for reasons that had more to do with politics than science. Unlike the prior legislation, the new proposal asks our legislators to put the decision to the voters of Illinois, which should make the job of our legislators an easy one.

Those who support this research must make their voices heard. A majority of people, of every political or religious affiliation, support all forms of stem cell research, including embryonic stem cell research. If we can convey that message to our legislators, our researchers can get on with their work.

1. Ms. Livingston, formerly a partner at Jenner & Block, is currently the volunteer Legislative Chair for the Juvenile Diabetes Research Foundation-Illinois.

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