



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

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

• FINAL PRINTED ISSUE •

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If you build your own corner office they will come!

By Sharon L. Eiseman; Chair, Women and the Law Standing Committee

This article about a recent interview I conducted is my substitute Chair's column, and is intended as a preview of a future roundtable discussion/exploration about women attorneys making the tough career choices—mostly to 'go it on their own.' Recently, over a lunch crammed into very tight schedules, I had the pleasure of engaging in dialogue with three very dynamic members of the W & L Committee about their career paths and choices made and not made along the way. I asked these particular women—Annemarie Kill, Sandra Crawford, and Stephanie Nathanson—to participate because each one founded and is pres-

ently managing her own firm, either as a solo practitioner or with partners, and each one has reached this point in time by means of a different journey.

After a boisterous warm-up conversation, I scrapped my neatly ordered list of questions and dove into the subject with the following: How did you get to this very stage of your professional life? What follows are the funny, touching, and very individualized stories of two of these women and the insights and guidance from all three of them.

Stephanie, a 2002 law school graduate, was born into a family of lawyers, including her mother, who went to law school later in her educational career. She recalls attending her mom's law school classes when a young child and pretending to take notes. As a young adult, Stephanie worked in her father's law firm which concentrated in representing injured plaintiffs in medical malpractice claims. There she saw firsthand the stress of the business and how practicing in that specialized field was often like riding a financial roller coaster. Those experiences caused her to initially decide she'd never be a lawyer, but after unfulfilling forays down other career paths, Stephanie found herself taking the LSAT exam and enrolling in law school despite her mother's efforts to persuade her otherwise.

Following law school gradua-



Sharon L. Eiseman

tion, Stephanie joined a med-mal law practice. What she encountered as a young adult in her family's firm hadn't changed by the time she herself was ready to advocate for injured plaintiffs: it is a field dominated by men except for mavericks like Lorna Propes. This preponderance of males creates a difficult environment for women, who more often than their male counterparts face challenges within the practice and are continually required to prove themselves to colleagues.

Despite her participation on numerous trial teams and her strong work ethic, Stephanie wasn't treated like the male associates who earned higher salaries with more benefits because "they have families to support" while she was told that her lower salary was already "a lot of money for a single woman." In addition, she wasn't invited to sporting events to which the male attorneys, with or without clients, were invited. Also unlike the male associates, she was expected to do her own secretarial work.

In mid-2007, Stephanie found herself at a crossroads, in part due to the Tort Reform Act which, by capping monetary awards and thus the damages injured parties could claim, caused plaintiffs' firms to scale back. This circumstance combined with her being undervalued at her firm inspired Stephanie to leave. Striking out on her own with a male attorney she had worked with was one of the best career decisions she has made. Though this path is fraught with substantial risk, it is her own and she is in charge of judging, utilizing, testing, and expanding her own talents and

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skills, and enjoying the results of her own successes, including how to reward herself.

Annemarie's story is different. While working for a small firm, she was 'plucked' from her somewhat comfortable career by two women who wanted to establish a family law practice and sought her as their third partner. At the time, she was not considering her options, and does not relish change, so she had to be 'sold' by her colleagues that starting this venture would be good for her. Selling points were the vision of one of her future partners who knew where she wanted to be and that she intended to be in charge of her own career.

Annemarie also believes that a true partnership is rare, so she was captivated by the expressed belief that the three of them were going to be a team and do it together, and that they understood there would be ups and downs when one or the other of them wanted to have children. One of the ups and downs came early in the opening of their office when they did not yet have furniture or a phone system. So what, they decided, we'll eat and work on the floor, but celebrate with a bottle of champagne!

Since the beginning, it was clear they were 'sisters'; since 2000, just like sisters, they've had their share of disagreements and difficulties that have required their mutual support and resolution. And to make another analogy: as in a marriage, the partnership requires brutal honesty, which is a challenging dynamic, given that, as a female, she was required to be polite and not aggressive.

What do these three women have to say to those considering a leap into a new venture or new area of law? Here is some advice based on what they've

seen in their practices and in the courts:

- Women are generally hesitant to assert their worth and promote themselves when asked about such things as their background, skills and fees. Taking charge in these areas is like getting into a pool of cold water; whether you do it by incremental steps to build a steely reserve or suddenly immerse yourself, JUST GET IN! As in swimming, it is amazing how warm the water feels once you've made the jump and the commitment.
- When you don't have good female role models, forging your own way can be lonely and frustrating. Seek out other women who are also making the effort at entrepreneurship, and look for the successful businesswomen who are leaders in their bar groups and who appear to have a nurturing edge.
- Being kind to oneself is also difficult because of the strong work ethic we've developed. Our interviewees talked of working long hours waiting for someone (for Sandra, it was the 'work police') to look the other way so they could take a break. Having recognized they are their own monitors and bosses, they can give themselves permission for indulgences, like coming in late, shopping on the internet, and
- The 'big guys' don't always play fair, so be on the alert.

Other useful lessons that these women have learned to promote business and to reinforce their confidence as female attorneys:

- When prospective clients say: "You're too young," Stephanie and her partner say: "Yes, we're young,

but we're also hungry and therefore ready to work hard to prove ourselves, do a good job and show you we're on the up and up." People respond positively to this honesty.

- When prospective clients have been approached by a mega-firm that may have a great reputation, they tell the individuals that they won't be able to get through to their own attorneys because "you're one out of a hundred. If we represent you, you'll have the relationship with me and always be able to talk directly with me."
- Just like Jerry McGuire, you have to step into the living room and 'sell the deal.'
- Their research on reports from jury consultants tells them that the negative images the public has of attorneys don't apply to women attorneys, so use your gender to your advantage—or at the very least, be confident about your female gender.
- Women aren't accustomed to promoting their skills to their circle of friends who often don't even know the real nature of their practices, yet once friends learn about their work and their success, those same friends are thrilled to refer business to them. Annemarie reports that when she finally took the leap with two colleagues to establish their law firm, she was amazed that people, from personal friends to law school classmates, were "coming out of the woodwork" with referrals. You too should not hesitate to 'promote' yourself to friends and family.

That's it for now. Stay tuned for more conversation from budding and established entrepreneurs. Some roundtable events are in the works.

Representing unmarried couples: The need for Illinois legislative action

By E. Lynn Grayson

Legislative change is required to ensure the legal rights of unmarried couples are protected in Illinois. This was the conclusion reached by a panel of distinguished speakers at the December 6th ISBA Midyear Meeting program, "Legal

Implications of Effective Representation of Unmarried Couples." Presented by the ISBA Standing Committees on Women and the Law, Minority and Women Participation, Sexual Orientation and Gender Identity, Human Rights and the Task Force on

Diversity, the program addressed legal challenges faced by Illinois attorneys in representing unmarried couples.

The ISBA Assembly voted in June to support the concept of rights for unmarried couples as expressed in the proposed Illinois Religious Freedom

Protection and Civil Unions Act (HB 1826). Other states have legalized civil unions and extended rights to unwed couples including California, Hawaii, Maine and New Jersey. In opening the program, ISBA President Joe Bisceglia noted that "such issues, regarding the rights and obligations of couples in committed relationships are significant and growing. There's a lack of clarity in the law which poses significant problems regarding them."

As the first speaker, Cook County Associate Judge Nancy Katz observed that there are at least 1,138 federal rights and responsibilities accorded to couples based upon marital status. These rights address a range of areas including social security, veteran benefits, taxation and employment benefits to name a few. She also noted that numerous other rights and responsibilities are conferred upon married couples by state law.

Retired Circuit Court Judge Edward Duncan, Wheaton, and Naperville attorney Ronald Broida discussed a recent Illinois case, *Costa v. Oliver*, where state courts concluded no property rights existed since the man and women living together, as husband and wife, for 25 years were not legally married. In moderating this discussion, Chicago attorney Richard Wilson observed that "Illinois has a bruising case law history of refusing to recognize agreements between unmarried couples." He further noted that the central issue isn't about whether a couple is gay, lesbian or straight, but whether they're married.

Chicago attorney Andrea Schleifer reviewed domestic partnership registries available in some jurisdictions including Cook County. While this recognition accords some legal rights and responsibilities, some unmarried couples enter into partnership or cohabitation agreements, particularly as it relates to raising children together. Ms. Schleifer has drafted many agreements for couples who wanted to live together and has seen these agreements become more comprehensive over time to address the sharing of rights, responsibilities and income. Edwardsville attorney Jennifer Shaw observed that while such agreements may provide the court some guidance as to what these parties intended when they formed their partnership agreement, the big question remains whether partnership or cohabitation agreements are enforceable in Illinois.

State Representative Gregory Harris, the lead sponsor of HB 1826, said the proposed legislation simply represents today's reality. At the program, he said, "myself and colleagues who support this bill are trying to make Illinois public policy more consonant with evolving realities of same-sex and opposite-sex partners, including seniors who may not wish to enter into marriage for a variety of reasons." Chicago attorney James Madigan, Lambda Legal Defense, discussed legal recognition of domestic partnerships in other states and the need for such legislation in Illinois. Chicago attorney Colleen Connell, American Civil Liberties Union, observed that this area of the law has been the exclusive province of the states for 200 years and that the federal government is simply not in the business of defining marriage. Her comments reinforced the need for state legislative change as proposed in HB 1826.

HB 1826 would recognize civil unions in Illinois and provide important legal rights and responsibilities to unmarried couples, now excluded from the Illinois Marriage and Dissolution of Marriage Act. HB 1826 would provide equal protection under the law for same-sex and opposite-sex couples in committed relationships and further safeguard the interests of children of these unions. Illinois joins Georgia and Louisiana as the only jurisdictions that refuse to recognize any property rights for unmarried cohabitating partners. In Illinois, it is time for a change—legislative action is needed to overcome the inequality under the law now faced by unmarried couples in this state.

For more information about this important legal issue, see Answering the Call of Our Changing Society: The Illinois Religious Freedom and Civil Unions Act (House Bill 1826) (ISBA *The Catalyst*, Vol. 13, No. 1, November 2007) by Annemarie E. Kill, Avery Camerlingo Kill, LLC; Status of Unmarried Couples Explored By Seminar Panel (ISBA *Bar News* and Illinois Court Bulletin, January 2008) by Jeff Cappel; also see Equality Illinois—Why Yes on HB 1826—available at www.eqil.org.

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PICTURED AT RIGHT: (Standing, left to right): ISBA Board of Governors Mark Wojcik, Women and the Law Vice-Chair Lynn Grayson, ISBA President Joe Bisceglia and Women and the Law Chair, Sharon Eiseman. (Seated, left to right): Judge Nancy Katz, Richard Broida and Retired Judge Edward Duncan.



PICTURED AT LEFT: (Seated, left to right): Program moderator, Sharon Eiseman and program speakers, Illinois State Representative Greg Harris, ACLU's Colleen Connell; and Lambda Legal Defense's James Madigan.

PICTURED AT RIGHT: (Standing, left to right): Chicago attorney and program moderator Richard Wilson and program speakers, Chicago Volunteer Legal Services' Phillip Mohr; Edwardsville attorney Jennifer Shaw; and Chicago attorney Andrea Schleifer.



PICTURED AT LEFT: (Standing, left to right): Women and the Law Committee members and program supporters Mary Petrucci, Sandra Crawford, Annemarie Kill (also a program moderator) and Lynn Grayson.

A best practices guide for attorneys representing victims of domestic violence

By Nikki Carrion¹

Over the years, I have represented numerous victims of domestic violence in all types of legal matters. From my early years as a domestic violence staff attorney at Land of Lincoln Legal Assistance Foundation to my years in private practice, I have represented victims of domestic violence in civil order of protection cases, divorce and custody litigation, and immigration to name a few. During my practice and participation in various local and statewide committees dedicated to serving victims of domestic violence and their children, I, along with other highly knowledgeable professionals, have encountered various problems and issues that are relevant to the effective representation of victims of domestic violence. The purpose of this article is to identify those issues and provide lawyers with insight and practical suggestions on how to most effectively represent victims of domestic violence.

American Bar Association's Commission on Domestic Violence

Recently, the American Bar Association's Commission on Domestic Violence published a document titled "Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault, and Stalking in Civil Protection Order Cases"² (hereinafter referred to as "ABA Standards of Practice"). I believe that the ABA Standards of Practice is a good reference for lawyers who may choose to represent victims of domestic violence, specifically in civil protection order cases. I will refer to this document whenever applicable, however, the purpose of this article is to provide lawyers with practice suggestions for representing clients who are victims of domestic violence in all types of legal matters, not just civil orders of protections only.

Best Practices Guide for Lawyers Representing Victims of Domestic Violence

Question #1: To enter or not to enter?

Like any other case, a lawyer must

first decide whether or not to represent this particular client in the type of legal matter involved. In deciding whether or not to represent a victim of domestic violence, the lawyer should have competent knowledge in at least four areas: (1) competent knowledge of the law, (2) competent knowledge of domestic violence and its dynamics, (3) competent knowledge of cultural issues relating to representation, and (4) competent knowledge of collateral legal issues and litigation.

Competent knowledge of the law.

All practicing attorneys are ethically bound to have competent knowledge of the applicable law before representing any client in any type of legal matter.³ Depending on the type of legal matter involved, the lawyer should read the relevant statutes and case law so as to be able to adequately and ethically advise the client regarding his or her legal options and their respective consequences. For example, as referenced in the ABA Standards of Practice, before representing a client in a civil protection order case, "the lawyer should have, at a minimum, basic litigation skills, an understanding of the burden of proof, knowledge of the requirements to obtain a protection order and remedies available to victims under the statutes of their particular jurisdiction."⁴ In Illinois, the law governing civil orders of protection is found in the Illinois Domestic Violence Act. (hereinafter referred to as the "IDVA").⁵ Thus, before representing a client in a civil order of protection matter in Illinois, the lawyer should be thoroughly familiar with the IDVA and any case law relevant to the client's particular facts and legal issues in the case.

Competent knowledge of domestic violence and its dynamics. Beyond the duty to have competent knowledge of the law, a lawyer representing victims of domestic violence should also have competent knowledge of domestic violence and its dynamics. This aspect of a lawyer's representation of a client who is a victim of domestic violence is a vital component of effective representation. The ABA Standards of Practice suggests that "the lawyer should under-

stand the potential risk of escalated violence due to litigation, and how the experience of domestic violence, sexual assault and/or stalking may affect the client-lawyer relationship, including the process of establishing rapport with and gathering information, evidence and case direction from the client."⁶ At a minimum, the lawyer should be familiar with basic statistics regarding the incidence of domestic violence, the dynamics of power and control in abusive relationships, common characteristics of an abusive relationship,⁷ common factors that increase the risk of lethality in an abusive relationship, and the effects of domestic violence on the victim and children. There are many resources available to the practitioner including local domestic violence shelters and social service organizations such as the Illinois Coalition Against Domestic Violence,⁸ the US Department of Justice,⁹ the Illinois Criminal Justice Information Authority,¹⁰ and the American Bar Association's Commission on Domestic Violence.¹¹

Competent knowledge of cultural issues. The ABA Standards of Practice provides good suggestions for lawyers when representing culturally diverse clients who are victims of domestic violence. Specifically, the ABA Standards of Practices states "Cultural differences exist in the ways in which survivors of domestic violence, sexual assault and stalking react to the violence they experience; interact with police, lawyers and judges; describe events which have transpired; communicate needs and goals; and make decisions about how best to address the situation. While lawyers need to develop cultural awareness, it is important not to reinforce stereotypes in the process. In order to enhance cross cultural communication, lawyers should (1) refrain from making assumptions about a client based on the client's cultural affiliation(s); and (2) refrain from generalizing based on the lawyer's own experience. Instead, the lawyer must learn about the individual client's values, experiences and priorities through sensitive questioning and perhaps more importantly, through

careful listening and attention to verbal and nonverbal cues.”¹² For an excellent discussion on cross-culture lawyering see “the Five Habits: Building Cross-cultural Competence in Lawyers” written by Susan Bryant.¹³

Competent knowledge of collateral legal issues and litigation. Finally, before deciding to represent a client who is a victim of domestic violence, the lawyer should identify any collateral legal issues and potential litigation in order to adequately advise the client regarding potential legal consequences of the instant matter. For example, in deciding whether or not to represent a client in a civil order of protection case, if the client has children, the lawyer should advise the client about correlative legal issues regarding potential divorce, paternity, child support, and custody litigation. As a personal general rule, when there is a dissolution of marriage pending, I will not routinely represent victims of domestic violence in order of protection cases when children are involved unless the client is also prepared to have me represent him or her in the divorce action. Because the IDVA has available remedies regarding temporary custody, visitation, and child support, whatever happens in the order of protection case will invariably impact a dissolution of marriage. In my personal view, it is difficult to adequately address the needs of the client in one matter without addressing the needs of the client in the other matter. I have a particular personal “pet peeve” when certain lawyers tell the client that he or she will only represent the client in a divorce but not an order of protection (particularly when there are children involved). The client then comes to me asking for representation in the order of protection even though they already have a lawyer in the divorce. In my view, the lawyer refusing to represent the client in the order of protection matter after having entered into an attorney-client relationship in the divorce is acting precariously if not unethically. There are several possible consequences to having two different lawyers representing the client: (1) the client may receive very different advice from the two different lawyers (which exposes both lawyers to potential malpractice issues) and (2) as an order of protection case is generally an expedited proceeding whereas a divorce can drag on for years, any findings or rulings in an order of protection case can set the tone for future litigation in the

divorce case (which may be favorable or unfavorable to your client).

Other collateral legal issues that may affect your representation of a client who is a victim of domestic violence include, but are not limited to, criminal issues such as when the abuser (or the victim) is being prosecuted for domestic battery and the client may be called as a potential witness, juvenile court issues such as when the client (and/or the abuser) may be investigated by the Department of Children and Family Services for potential child abuse, and immigration issues that may impact your client’s immigration status. In any of these cases, the lawyer should have a ready list of referrals of service providers, including other attorneys who specialize in these legal areas, to address all of the potential needs of the client.

Question #2: Once I decide to take the case, how do I effectively represent the client?

Once a lawyer decides to represent the client who is a victim of domestic violence, there are several vital steps that a lawyer should take with each prospective client. First, the lawyer must clearly define and communicate with the client the scope of representation and the lawyer should have the client sign an employment agreement for legal services memorializing same. Second, the lawyer must discuss the safety of the client and any children with respect to the representation. Safety should always be the primary factor in any decision made by the client. As mentioned previously, a client (and his or her lawyer) needs to understand that a client is often in increased danger for escalating violence after a separation from the abuser (this is commonly referred to as “separation violence”). The assessment of a client’s safety and the threat of escalated violence will impact vital decisions that the client must make with respect to any legal course of action or strategy. In order to assess the safety of the client, the practitioner should refer the client to community-based advocates and local domestic violence social service organizations or shelters to discuss the client’s individual safety plans. Safety planning is essential to effective representation of a client who is a victim of domestic violence. As referenced in the ABA Standards of Practice, “a domestic violence safety plan may include (but is not limited to): methods for limiting harm during a violence incident; keep-

ing children safe from abuse; preserving assets; minimizing opportunities for abuse at court, at home, at work, online, or at school; planning before leaving an abusive relationship; and enforcing a protection order... The lawyer should always discuss with the client the safest way to conduct the client-lawyer relationship. For example, it may not be wise for the lawyer to call the client at home, leave messages, send mail or be seen publicly with the client. The lawyer should notify the client in advance of legal developments, e.g. when the perpetrator will be served so the client can adapt the safety plan.”¹⁴

After referring the client to community-based advocates to assist in safety planning with the client, the lawyer should gather all relevant facts from the client regarding the nature of the abuse and the relationship, significant events, and other relevant information. It is often useful for the lawyer to assist the client in making a timeline of events starting from the beginning of the relationship to the present in order to understand the progression of the relationship and the abuse. The lawyer should be careful however not to focus solely on physical abuse. Often times the significant events that a client may relate to the lawyer don’t involve physical violence at all, but rather, certain types or patterns of behavior that have particular significance to the client as it relates to her own assessment of her safety. It is crucial to ask the client about any such behavior and ask the client the question “what did that behavior mean to you?” For example, I once had a client who left her husband after 30 years of marriage and horrible physical abuse who told me that she knew she had to leave or she would die after he started gambling and drinking. Because her husband was a pastor and was presumably afraid of any potential consequences the abuse would have on his job or standing in the community, he always beat her in places that were not easily seen by others such as her stomach and top of her head under her hair. Even though he wasn’t particularly physically violent during the time he started gambling and drinking, when I asked her what that behavior meant to her she responded that because he was a pastor at their church and such behavior was “forbidden,” that she believed that he was starting to act without regard to any authority or any consequences and she became convinced that he would kill her. Had I not asked her what that par-

ticular behavior meant to her, I would not have had a full understanding of her assessment of her own safety at that particular time when she first decided to seek my legal advice. Without that understanding, I may not have been able to fully advise her as to her specific legal options taking into account her own safety assessment.

In addition to the timeline, it is sometimes helpful to have your client journal about the progression of the relationship and the abuse. Often, the client simply cannot recall all of the significant events of the relationship and the abuse at one time.¹⁵ Journaling may help the client recall events that will aid the lawyer in fact gathering and developing the theory and strategy of the case.

In addition to the client's recollection of the events in the relationship, the lawyer should also try to gather as much independent evidence as possible such as photographs, physical evidence, police reports, medical records, other court orders, and prior criminal history of the parties. Make sure your client signs all of the appropriate releases regarding medical records to ensure access to vital information.

Once the lawyer gathers all of the facts and evidence of the case and decides on a case strategy with the client considering the client's safety, the lawyer must diligently prepare and try the case as in all other types of legal matters.¹⁶ However, there are several special considerations that a lawyer representing victims of domestic violence must be cognizant of during the course of litigation. First, the lawyer should collaborate with other professionals such as community-based domestic violence advocates, counselors, legal services, etc., to the maximum extent possible. The ABA Standards of Practice refers to this collaboration as "Holistic Representation."¹⁷ The commentary to the ABA Standards of Practice in its discussion on holistic representation notes that "Failure to coordinate with other professionals may lead to undue stress and frustration for both the lawyer and the client, resulting in impaired representation."¹⁸ Because a client who is a victim of domestic violence invariably has a variety of needs including, but not limited to, safety planning, economic independence preparation, physical or mental health issues, or substance abuse issues, etc., the lawyer should encourage the client to reach out to these other professionals to help the client address these issues and successfully

navigate through the stress of litigation. Second, the lawyer must be cognizant of the client's confidentiality and privacy rights. As in any client representation, a lawyer must generally keep a client's information and statements confidential pursuant to ethical rules.¹⁹ However, in the case of a client who is a domestic violence victim, these rights and ethical duties are crucial as any inadvertent disclosure could jeopardize the client's safety. For example, when meeting with the client for the first time, the lawyer should ask the client if the abuser knows the client's address. If not, and the client wants to keep that information confidential, the lawyer should file any necessary pleadings such as a Motion for Non-Disclosure of Address listing an alternative address for the client for the court file. Similarly, the lawyer should be careful not to give the abuser any other relevant personal information of the client or children such as birth dates and social security numbers. Additionally, when working collaboratively with other professionals such as advocates, counselors, etc., the lawyer should be cautious about disclosing any information that could be used against the client such as third parties who may be mandated to report suspected child abuse to authorities. "If the client consents to the release of information to a third party, the consent should specify exactly what information may be released, that the release is time-limited, and it should be in writing."²⁰

Question 3: Now that the case is concluded, what are the lawyer's responsibilities?

After the conclusion of the case, a lawyer should clearly advise the client that the client-lawyer relationship has ended and what the client's rights and responsibilities are with respect to the enforcement, modification, renewal, or extension of any court order. With respect to civil orders of protection, the lawyer should advise the client about all enforcement remedies including criminal penalties²¹ for violations of orders of protection, and civil and criminal contempt proceedings. Of course, in the event of an unfavorable outcome, the lawyer should advise the client about his or her rights for appeal, rehearing or modification. The lawyer should clearly advise the client whether or not the lawyer will be representing the client in any future matters including the issues of enforcement, modification, or extension of any court orders. The lawyer should put all of this information in writing to the client in

the form of a closing letter or something similar.

Conclusion

In conclusion, when representing a client who is a victim of domestic violence, a lawyer must be cognizant of the special circumstances and attendant ethical duties that accompany representation of these clients. It is my hope that this article has offered some practical insight and suggestions for lawyers who choose to represent victims of domestic violence. If anyone has a question or comment about any of the suggestions or information in this article, please feel free to contact me at nikki_carrion@yahoo.com. I would love to share your comments with the other members of the Standing Committee on Women and the Law and possibly use them for upcoming articles on this or other related issues in upcoming editions of *The Catalyst*.

1. Nikki Carrion is in private practice with the law firm of Thomas, Mottaz, and Eastman in Alton, Illinois where she concentrates in family law and domestic violence. Nikki is also a member of the Illinois State Bar Association's Standing Committee on Women and the Law and the Standing Committee on Delivery of Legal Services. Amie Sobkowiak also contributed to this article. Amie is the managing attorney of the Will County Legal Assistance Program in Joliet, Illinois and is a member of the Illinois State Bar Association's Standing Committee on Women and the Law.

2. American Bar Association's Commission on Domestic Violence, Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault, and Stalking in Civil Protection Order Cases, (2007), available at <http://www.abanet.org/domviol>

3. See Rule 1.1 of the Illinois Rules of Professional Conduct.

4. See supra. note 2 at page 4.

5. 750 ILCS 60/102 et seq.

6. See supra note 2 at page 24.

7. However, it is important that a lawyer not engage in stereotyping as not all abusive relationships and victims of domestic violence exhibit the most common traits. Each case is different and the lawyer must gather all of the facts and relevant information from the client before making any conclusions about whether or not there is or has been abuse in the relationship.

8. Available at <http://www.ilcadv.org>

9. Available at <http://www.ojp.usdoj.gov>

10. Available at <http://www.icjia.org>

11. Available at <http://www.abanet.org/domviol>

12. See supra. note 2 at page 27.

13. Susan Bryant, the Five Habits:

Building Cross-cultural Competence in Lawyers, 8 Clin. L. Rev. 33 (2001).

14. See supra. note 2 at pages 33-34.

15. For a discussion on the impact of trauma on a domestic violence victim's ability to recall and relate information see the

ABA Standards of Practice, supra. note 2 at pages 34-35.

16. For a detailed discussion on the preparation, negotiation, and trial of a civil order of protection case see the ABA Standards of Practice, Id. at 44-55.

17. See supra. note 2 at page 38-39.

18. Id.

19. See Rule 1.6 of the Illinois Rules of Professional Conduct.

20. See supra. note 2 at 32.

21. 720 ILCS 5/12-30.

Use the Web, but don't let it use you

By Matt Arbogast, Leadtooth Web & Print Design, Chicago

On June 29, 2007, an unbelievably large number of people waited in line for hours, some for days, to get their hands on iPhones. BlackBerrys are everywhere and some laptops can fit in your shirt pocket. We're right in the middle of the digital age. Over the past few years Web sites have gone from a useful marketing tool to an absolute necessity. People no longer use phone books. Why dig out a huge book when you can type what you're looking for and find it in two seconds?

I'm not trying to educate you on the importance of the Web though. You're a lawyer. You're smart. You probably use the Web on a daily basis. So what happens when you start a practice or join one that still uses marketing strategies from the 80s? Like everything else, you hop on the computer and search for a Web designer. What you'll find is pages and pages of companies offering Web design and hosting services. It can be scary and overwhelming. Taking advantage of people who have no idea what ftp, javascript, iframes, and animated GIFs are is easy to do. There are hundreds of companies out there eager to take your thousands of dollars in exchange for a site that should cost a quarter of that.

There are some important things that everyone should know before having someone create a Web site for them:

- **Work with someone who is local!** Unless absolutely impossible, meet face to face with perspective Web designers. Although the finished work will be in the digital world, this will be your Web site for a very long time and building a working relationship with the designer will help increase communication and give you certainty throughout the process.

- **Many Web design companies seem to forget the actual design part of the work.** Go to the Web design company's Web site and browse through their portfolio. Templates and stock photos are often used by Web design companies, with the end result being a generic-looking site with no individuality or personal flavor. Remember, this is YOUR site! The worthwhile designers will make you aware that your input is appreciated and necessary to make the site as effective as possible. A design should be approved by you, with changes able to be made at no additional charge.
- **Do a little bit of homework.** Think about what you'd like on your site. If you want a company bio, try to have it already prepared. Take some photos if you can. Spend a few hours online looking at different sites and write down the addresses of ones that you like. The more you can bring to the table, the more satisfied you'll be by the finished site.
- **Ask for all prices up front.** A one-of-a-kind site for a small business should cost you less than \$800, often a good bit less depending on your needs. Many companies charge monthly "maintenance" fees. These are unnecessary and are often used by big companies who hire recruiters to find them clients. The recruiter's payment is this "maintenance" fee. Most reputable Web designers will include up to six months of free updates with the price they give you, then simply charge an hourly rate for updates after that. If you do not need anything changed on your site, you won't have to pay a cent. Web hosting is another aspect of Web site creation. Usually you will

pay a flat price for the Web design and need to pay an annual amount for your site to be hosted (hosting is what keeps your site visible online). Simple, small business sites can be hosted for under \$40 per year. This also includes registration of your address (i.e., www.yourWebsite.com).

- **Sign a contract.** This will protect you from any copyright issues and give you all of the information of the company doing the work for you.
- **Make certain that you are given your Web site ftp information (it is used to transfer your site from a computer to the Web site) and you know where your site is hosted.** You should be given your username and password for your site. If it is not given to you, ask for it. With this information you'll be able to have any Web designer edit and update your site.

With there being so many companies out there, you will be able to find one that you can trust to build you a Web site that fits your needs and your style. Remember that this is your representation on the Internet. It is accessible all over the world and should be something that you're proud of. Should you currently or ever need to have a Web site created, I hope these tips will make the process easier, more comfortable, and save you some money. Use the Web, but don't let it use you.

Matt Arbogast is the founder and designer of Leadtooth Web & Print Design in Chicago. He has been designing Web sites and print material for 12 years. For samples of Matt's work, check out www.hfritschlaw.com and www.xexchicago.com. Feel free to contact Matt with any further questions at matt@leadtooth.com or 773-318-3993.

Our very own 'Tish' Spunar-Sheats joins the ranks of ISBA Laureates!

We announce with great pride the fabulous news that fellow Committee member Letitia Spunar-Sheats has been selected by the Board of Regents of the ISBA Academy of Illinois Lawyers to be one of the six distinguished attorneys of the 2008 Class of Laureates, for which she was nominated by our Committee. Laureates are selected based on their commitment to the highest principles of the legal profession through service to the law, the profession and the public. Tish has consistently displayed a strong and unwavering commitment to these high ideals through exemplary service to her clients, steadfast support of the profession, and her mentoring of young attorneys.

As a principal in the law firm of Sheats and Kellogg for the past 32 years, Tish has concentrated in general civil litigation, family law, wills, estates and real estate. She had the courage and confidence to start her own practice at a time when it was unusual for women to venture down that difficult road. That practice is thriving today, no doubt due to Tish's special brand of personal and impeccable service to her clients and her uncommon ability to achieve a balance between zealous advocacy and civility toward opposing counsel, a trait which is recognized by judges before whom she appears. In addition to the rigorous demands of her law practice, Tish teaches at

National Louis University's College of Management and Business.

The mere breadth of Tish's contributions to the ISBA is noteworthy. Though an ISBA member since 1973, Tish is rarely just a "member" of any group, and therefore she has held many leadership positions within the Association. She served on the Assembly, and has chaired the Minority and Women's Participation Committee, the Bar Services and Activities Committee (known as the Membership and Bar Activities Committee at the time), and the Assembly's Agenda and Program Committee. She served on the CLE Committee, Judicial Evaluation Committee, General Practice Section Council, Elder Law Committee, and is a strong, current influence on the Women and the Law Committee. Tish is a devoted supporter of the Foundation, and you might see her pull up to the Laureate Awards Luncheon venue in the striking sports car she won in the IBF Gala Raffle several years ago!

But Tish's contributions to the organized bar don't end with the ISBA. Tish has been tremendously active in the Chicago Bar Association and the Women's Bar Association of Illinois.



Letitia Spunar-Sheats

During her tenure as president of the John Marshall Alumni Association Board of Directors, she recognized the importance of investing in the future of the profession by supporting law students.

Perhaps Tish most impressively and effectively serves the profession through her personal support of colleagues. She consistently motivates other attorneys, especially women, to aspire to reach every goal. Through her willingness to share her experience and her calming influence, she encourages others to pursue appointments and elections to bar association positions. These characteristics are particularly noteworthy because, despite an occasional defeat, Tish never succumbs to bitterness, loses focus of her goals, or allows anything to mar her optimism for the future of the profession. This contagious philosophy, combined with her sage advice, inspires others to seek bar leadership positions that they might have avoided, and to take risks in their own careers. Past and present members of our Committee have personally experienced Tish's selfless and nurturing guidance. Tish is dedicated to her profession, yet is equally dedicated to the individual attorneys who comprise it. As a mentor and leader, Tish simply represents the best of the legal profession, and we are thrilled about the recognition of her contributions that the Laureate designation reflects.

Acupuncture: What, When, Why and How?

By Dr. Shanna Fritsch, DC

For thousands of years, Eastern Medicine has used acupuncture to treat everything, including emotional disorders, pain, analgesia and wrinkle reduction. However, even though acupuncture has been gaining popularity throughout American culture, there are many who are unsure of its history and basic principles. The purpose of acupuncture, in its simplest

form, is the restoration of balance. Health is balance. An imbalance in your body can create pain, disease, or any other symptom.

Origin: Acupuncture's earliest record is found in the 4,700-year-old Yellow Emperor's Classic of Internal Medicine (compiled around 100 B.C.E.) This text is said to be the oldest medical textbook in the world. Shen Nung, known

as the father of Chinese Medicine, has been credited with creating these theories and had documented theories on circulation, the heart, and the pulse over 4,000 years before European medicine had even conceptualized them.

Qi: At the very base of Chinese Medicine is Qi (pronounced roughly as chee, and sometimes written as chi). Qi is the basis of all living things,

the building block for all matter of the universe—all that is spiritual, physical, emotional, and mental. The word Qi when used alone means air. If one says Qi Kong, then Qi means breathing. However, roughly translated, Qi means energy. Not like “wow that Mountain Dew gave me a ton of energy” but more like a person’s vital force, their spirit, their “life energy.” Qi flows vertically through the body via 14 meridian or channels. Twelve channels are paired with one running down each side of the body and 2 channels are unpaired and run through the midline of the body. Acupuncture points used for needling are found at specific locations throughout the body where the meridians are accessible at the surface of the skin. Restricted flow of Qi, otherwise known as “blocked Qi,” causes an imbalance of Yin and Yang which leads to pain or disease. Blocked Qi can be restored to balance by acupuncture treatments in which the needles ensure an even circulation of Qi through the meridians.

Yin and Yang:

Yin and Yang are two polar entities, like North and South. They may only be understood in relation to a whole. They can never be separated. Everything is divided into one of the two categories, Yin or Yang. To complicate things even more, all things have both a Yin aspect and a Yang aspect. Each aspect can be further divided into Yin and Yang. Yin and Yang mutually create each other, control each other, transform each other. One cannot exist without the other. The original meaning of Yin meant the shady side of the slope and Yang was the sunny side of the slope. This continues until everything is divided: day/night, male/female, seasons, times, parts of the body, colors, smells and feelings, etc. If Yin and Yang are out of balance, then everything is out of balance, because Yin and Yang is balance!

Treatment:

An acupuncturist can diagnose an imbalance, and can analyze the symptoms to determine which acupuncture points to use to reverse the imbalance. In most cases, a time-tested pattern (is over 4,000 years long enough?) of points is used for each ailment. During the treatment, the doctor places very small needles in the skin at these predetermined foci or acupuncture points. The needles are inserted at angles varying from 35-90 degrees from the skin, with 1/8 to 1/2 of an inch of the needle

typically entering the skin. Initially, these incredibly small needles may cause slight discomfort, but most people do not feel their insertion. The patient then lies calmly for 20 minutes before the needles are removed. Most patients report feeling calm and relaxed, yet aware, following their treatment. Most treatments will also include a short-term diet plan and short-term herbal supplementation to restore balance as soon as possible. This is important because a long-term imbalance can in itself create more imbalances. For example, eating a predominance of fatty foods and carbs (i.e., not a balanced diet) can lead to high cholesterol, high cholesterol can lead to heart disease, and heart disease can lead to heart attack or stroke which can lead to death.

Western Theories:

Research has proven that acupuncture is successful in treating many illnesses, but why does it work? There are a variety of theories, and here are a few:

(1) Gate Control Theory:

Gate Control Theory is basically the idea that if you stub your toe and then pinch your arm, your toe won’t hurt so badly. In other words, your spinal cord is a highway that carries impulses, such as pain, to your brain. The highway is only one lane each way. There are various on-ramps from all areas of your body, but the more impulses that share the highway, the longer they will have to wait to get to the brain, and the less pain you will feel. So, where at first you were feeling toe pain after stubbing your toe, if you then pinched yourself you would feel toe pain, arm pain, toe pain, arm pain, etc. More traffic on the highway means longer travel times to the brain, which means less pain impulses per second.

(2) **Endorphin Theory:** Endorphin Theory claims that acupuncture stimulates the release of the feel good, opiate-like, pain killing endorphins in the brain.

(3) Augmentation of Immunity:

Another theory is called the Augmentation of Immunity. This theory suggests that acupuncture raises white blood cell counts (which fight infections), anti-bodies (immune system pathogen identifiers), prostaglandins (a hormone eventually creating the sensation of pain... this is what pain-killers prevent the

synthesis of), specific hormones and general immune system function.

(4) **Neurotransmitter Theory:** The Neurotransmitter Theory states that acupuncture affects levels of neurotransmitters such as serotonin (which regulates anger, aggression, body temperature, mood, sleep, vomiting, sexuality and appetite) and noradrenaline (which works with epinephrine to increase heart rate, release of glucose stores and increasing readiness of skeletal muscle for “fight or flight” response).

(5) **Circulatory Theory:** And then there is the Circulatory Theory which suggests that acupuncture affects the constriction or dilating of blood vessels due to the possible release of histamine in response to acupuncture.

Conclusion:

There are many theories in Western medicine with regard to acupuncture’s effect on the body, but the direct, specific reason it is successful in treating most problems has not been found. Recent research has proven acupuncture just as successful as Western Medicine (and safer with less negative side effects) in treating a wide range of ailments and illnesses. The Chinese have known this for over 4,000 years. Acupuncture may not be the answer to every problem, but it has actually been tested more—about 4,670 years longer than most of our “safe” prescription drugs! The Food and Drug Administration, who once classified acupuncture needles as “investigational” devices (in which clinical studies are required to establish the safety and effectiveness), has now reclassified acupuncture needles as medical devices for use by qualified practitioners. This means that we are seeing an increase in insurance coverage for acupuncture, and there are state bills currently being considered by the legislature that require insurance companies to cover acupuncture.

Maybe health is just as simple as balance. Maybe balance is dependent on Qi flow. Maybe acupuncture can restore balanced flow of Qi. If it works, it works. All theories aside, I have seen the success of acupuncture time and time again—easily, simply, quickly with little impact on the patient’s life except for a small number of 20 minute treatments dedicated to restoring their health. Isn’t it time to find your balance?

Lawyers as peacemakers — An opportunity to learn and explore

By Sandra Crawford

President Bisceglia opened 2008 with a question for all of us—"Lawyer-warrior or lawyer-peacemaker—what's the better public image for our profession?" See, President's Page, *Illinois Bar Journal*, Vol. 96, No. 1, page 8. Therein he talks about a prevailing resistance in our community to dispute resolution models other than the traditional litigation model. He also shared the following "truths" he has come to over his past 30 years of trial experience:

1. Litigation is generally not "good business." As Lincoln and Voltaire recognized, it is expensive and time consuming, and the result is uncertain. It uses time, energy, and resources that could be better spent by the litigants in pursuing new opportunities instead of arguing over past disputes;
2. Most civil cases settle before trial;
3. If items 1 and 2 are true, the ines-

capable conclusion is that the litigants are well served by attempting to settle their civil disputes as soon as possible.

President Bisceglia urged ISBA members to "[e]mbrace the growing use of alternative methods of dispute resolution at every opportunity. It is here to stay. In the process, our image as lawyers—as problem solvers—is enhanced." (Id st page 8).

To help with the paradigm shift and the work needed to embrace the "peace marker" model of conflict resolution the ISBA General Practice Section is offering a program this Spring. The program is entitled "Our Obligation to Fit the Process to the Problem: New and emerging Alternative Dispute Resolution Models."¹ This program will give participants an opportunity, not only to learn about different models now available, but to explore their own personal conflict styles through

the use of a self-assessment tool and guided exercises. My hope is that looking through a "mirror" (such as the use of a self-assessment tool provides) will help us to start to affirmatively answer President Bisceglia's question. Are you a warrior? Are you a peacemaker? Or, are you something other? Through answering these threshold questions we may be able to open broader dialogues which will lead us to answering the ultimate question of "what's the better public image for our profession?"

1. Those interested in additional information about this program or about the various non-traditional conflict resolution models referred to in the President's article, please feel free to contact the author, Sandra Crawford, at (312) 7626-8766 or at law-crawford@comcast.net. For more information about Collaborative Law in general go to www.collaborativepractice.com or www.collablawil.org.



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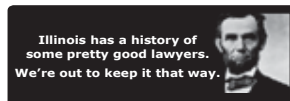
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