



ILLINOIS STATE BAR ASSOCIATION

THE CHALLENGE

The newsletter of the Illinois State Bar Association's Standing Committee on Racial and Ethnic Minorities and the Law

Chair's column

By Jameika Mangum

Spring is in the air! I know this winter has been quite rough, but spring is approaching. The Standing Committee on Racial and Ethnic Minorities and the Law co-sponsored an event with the ISBA Standing Committee on Women and the Law and Northern Illinois University College of Law. The event was held on March 21, 2014, and offered a glimpse into the life of Myra Colby Bradwell. Starting in 1869, Bradwell's efforts to be admitted to the Illinois bar, including an appeal to the United States Supreme Court in 1873, had been rebuffed based on her gender. On its own motion, in 1890, the Illinois Supreme Court admitted Bradwell to the bar, based on her original application.

Other legal trailblazers in Illinois include Alta May Hulett, Lloyd G. Wheeler, and Ida Platt. In 1873, Hulett became the first woman admitted to practice law in Illinois, after passing the bar examination two times. Three years earlier, Hulett had been denied admission to the bar based on her gender. She successfully lobbied the legislature to enact legislation prohibiting the use of sex as a bar to any profession. Once admitted to the bar, Hulett, then 19 years old, opened a law practice in Chicago after her admission to practice law. However, in 1877, Hulett died of heart disease.

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Voting rights in America: The Voting Rights Amendment Act of 2014

By Athena T. Taite

So long as I do not firmly and irrevocably possess the right to vote I do not possess myself. I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.

—Martin Luther King, Jr.

U.S. Senator Patrick J. Leahy (D-VT) quoted Martin Luther King, Jr., when Sen. Leahy introduced the Voting Rights Amendment Act of 2014.¹ As a follow-up to the last issue of *The Challenge*, this article does not take a position on the Voting Rights Amendment but hopes to inform the debate regarding the aftermath of

Shelby County, Alabama v. Holder (2013), in which the U.S. Supreme Court found part of the Voting Rights Act of 1965 to be unconstitutional.

The Voting Rights Amendment Act of 2014 seeks to amend the Voting Rights Act of 1965. The legislation is a bipartisan response to the Supreme Court's concern in *Shelby* that certain provisions of the Voting Rights Act were not based on current voting conditions. Both proponents and opponents of the post-*Shelby* Voting Rights Act have criticized the Voting Rights Amendment Act. Some persons believe that the legislation is unnecessary, and some persons believe that the legislation will not adequately protect voting rights.

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Chair's column

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Lloyd G. Wheeler was the first African-American to be admitted to practice law in Illinois. Wheeler was admitted to practice in 1869. Wheeler moved from Illinois, and practiced law in Arkansas, where he was admitted to the bar in 1871. In 1894, Ida Platt became the first African-American woman

admitted to the bar in Illinois. In 1906, Platt started her own solo law practice.

I started my solo law practice in 2010, and I raised many eyebrows with my decision. Imagine being a woman in 1873, and starting your own law firm. I wonder what challenges these inspiring women faced.

Almost four years after starting my law practice, I am still enjoying my legal career. I have had the opportunity to assist many individuals and businesses with legal issues. Many legal trailblazers have practiced in Illinois, and I am happy to be an Illinois lawyer. ■

Voting rights in America: The Voting Rights Amendment Act of 2014

Continued from page 1

Sen. Leahy introduced the Voting Rights Amendment Act to the U.S. Senate on January 16, 2014. The legislation is numbered S.1945. As of January 16, 2014, S.1945 had two cosponsors: Sen. Christopher A. Coons (D-DE) and Sen. Richard J. Durbin (D-IL). Congressman F. James Sensenbrenner (R-WI) introduced an identical bill in the U.S. House of Representatives.² The House bill is numbered H.R.3899. As of January 16, 2014, the House bill had three cosponsors: Rep. Spencer Bachus (R-AL), Rep. Steve Chabot (R-OH) and Rep. John Conyers, Jr., (D-MI). Since then, nineteen members of the House have joined as cosponsors, including two members of the Illinois delegation: Rep. Mike Quigley and Rep. Jan Schakowsky.

S.1945 would amend the Voting Rights Act of 1965 to define the current voting conditions that require a jurisdiction to obtain federal preclearance before implementing changes to voting laws or practices. Pursuant to S.1945, the Voting Rights Act would cover States that had five or more voting rights violations during the previous fifteen calendar years, at least one of which was committed by the State itself. The Act would cover political subdivisions within a state if the political subdivision had three or more voting rights violations during the previous fifteen calendar years. One voting rights violation would be enough to trigger scrutiny of a political subdivision, if the political subdivision had extremely low minority turnout during the previous fifteen years. S.1945 describes how the federal government would determine whether a political subdivision has had a persistent, extremely low minority turnout. The bill also defines "minority" as persons who

identify themselves as being of Hispanic or Latino origin, of a race other than white, or of two or more races.

Using the current conditions described in S.1945, it appears that certain states covered under the pre-Shelby Voting Rights Act would not be covered under the new legislation, including Alabama, Arizona, Florida, South Carolina and Virginia.³ However, as reported by Sen. Leahy, S.1945 would improve the Voting Rights Act by allowing States or jurisdictions to be "bailed in" for results-based violations, not just intentional voting rights violations as required by the current Voting Rights Act.

Disappointing to some watchdog groups is the legislation's provision on voter identification laws. S.1945 excludes from violations triggering federal oversight any objection by the Attorney General to voting prerequisites that individuals provide photo identification for voting in federal, state or local elections. Voter identification laws have been enacted in various states, and some states will not count a voter's ballot unless the voter produces photo identification. Many voting rights advocates expect the 2014 elections to be a test of the effect of voter identification laws. The Associated Press reported in February 2014 that voters in ten states will be required to produce photo identification before voting.⁴ The states include Alabama, Texas and Virginia. In Texas, some prospective voters will have to travel 200 miles round-trip to obtain proper photo identification for voting, because some Texas counties do not have a satellite office of the government agency that issues the photo identification. The Associated Press also reported that doz-

ens of mail-in ballots for a special election in Arkansas in January 2014 were discarded because voters failed to include a copy of their photo identification. Such reports concern voting rights advocates in Virginia, because the 2013 statewide election for attorney general was decided by 165 votes.⁵ However, S.1945 includes as violations triggering federal oversight voting prerequisites that a court prevents from being enforced. Sen. Leahy also contends that S.1945 amends the preliminary injunction standard for voting rights cases to respond to the need for immediate, preliminary relief where a plaintiff can establish that a voting measure is likely to be discriminatory.

The Voting Rights Amendment Act of 2014 also seeks transparency in changes to voting laws or practices. As Sen. Leahy told the Senate, the amendment would provide for public notice of changes affecting federal elections. The amendment would also require states and political subdivisions to release information on polling place resources for federal elections. To improve transparency in federal, state and local elections, S.1945 would require public notice of changes in the constituency participating in an election (e.g., changes due to redistricting). Where the constituency has changed, S.1945 would require public notice of the demographic and electoral data in the geographic area subject to the change, including demographic information for the voting age population and the number of registered voters. Smaller jurisdictions, including municipalities with a population of 10,000 or less residents, would not be required to comply with the transparency provisions in S.1945. Finally, S.1945 clar-

ifies that the Attorney General has authority to assign observers to enforce various voting rights, including bilingual election requirements.

Sen. Leahy presented the Voting Rights Amendment Act of 2014 as a bipartisan bill, since it is sponsored by Democrats and Republicans in the House. He encouraged Democrats and Republicans in both houses of Congress to come together as they have in the past to ensure protections that voters have under the Voting Rights Act of 1965. As an example of bipartisanship on voting rights, Sen. Leahy specifically highlighted the 2006 bipartisan reauthorization of the Voting Rights Act, when the vote in the Senate was 98 to 0, and the vote in the House was 390 to 33. As Sen. Leahy suggested in his remarks, the voting matters in S.1945, which address discrimination on the basis of race, color or membership in a language minority group, are important for all Americans, in that the right to vote is fundamental to the principle that we should be able to participate in our democracy. The Act, which is more detailed than described above, has supporters and detractors. However, it is a start in an important debate about the future of the Voting

Rights Act and deserves our further consideration. ■

1. Information about the Voting Rights Amendment Act of 2014 found at: Leahy, Sen. (VT), "S.1945," Congressional Record ONLINE, Jan. 16, 2014, Thomas, available: <<http://thomas.loc.gov>> (last accessed, Feb. 28, 2014). Also see, U.S. Senate, 113th Congress, 2nd Session, S.1945, Voting Rights Amendment Act of 2014, ONLINE, Thomas, available: <<http://thomas.loc.gov>> (last accessed, Feb. 28, 2014).

2. Information about the House bill found at: U.S. House, 113th Congress, H.R.3899, Voting Rights Amendment Act of 2014, ONLINE, Thomas, available: <<http://thomas.loc.gov>> (last accessed, Feb. 28, 2014).

3. National Journal, "New Voting Rights Act Rewrite Would Revive Federal Oversight for Only 4 States," National Journal Online, available <<http://www.nationaljournal.com/congress/new-voting-rights-act-rewrite-would-revive-federal-oversight-for-only-4-states-20140116>> (last accessed, March 4, 2014).

4. Information about photo identification laws found at: Associated Press, "Primaries Offer 1st Major Test of Voter ID Laws," Chicago Daily Law Bulletin Online, Feb. 28, 2014.

5. Official Results-General Election-November 5, 2013, Virginia State Board of Elections, available: <<http://electionresults.virginia.gov/resultsSW.aspx?eid=7&type=SWR&map=CTY>> (last accessed, March 4, 2014).

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Human trafficking interview

On November 23, 2013, Willow Creek Community Church North Shore hosted a seminar on human trafficking, and particularly the commercial sexual exploitation of children (CSEC), to help train first responders to identify victims of sexual trafficking, detect risk factors, and effectively engage and serve youths impacted by trafficking. The Director of the Salvation Army Promise Program was the seminar keynote speaker. Leading into the seminar, he was interviewed by Nancy Turner of Moody Radio. As the Standing Committee on Racial and Ethnic Minorities and the Law, the Administrative Law Section Council, and the Standing Committee on Women and the Law are currently planning a seminar on CSEC aimed at raising awareness amongst attorneys on this issue of grave importance, we thought it appropriate to publish the text of the interview for our readers. Thanks to ex officio Daniel Saeedi for providing the transcription of the interview.

—Yolaine Dauphin

Q: Thank you for listening and I am Nancy Turner and joining us is the Director of the Salvation Army Promise Program. And good morning sir. I would like to know what this Promise Program is and what is going to be taking place at the North Shore Campus of Willow Creek Community Church on the 23rd of November. But tell us about it. What is the Promise Program?

A: The Promise Program stands for partnership to Rescue our Minors from Sexual Exploitation, i.e. sex trafficking. We have been in operation since 2007. It is a program that is run by the Salvation Army and fundamentally there is a task force of 30 member organization that work with Promise under the umbrella of the Salvation Army to combat sexual exploitation of children. And there are really four provisions of Promise: constant incessant awareness that's training that we are going to be doing on November 23rd at Willow Creek North Shore. And those are professional trainings on a professional curriculum that we use for law enforcement, social service, medical, mental health providers. We conceive that as a fundamental aware provision of Promise. Simultaneously we prevent it from happening and we have a separate curricu-

lum where we go into the high risk high schools. And that is called Traffic Ed. And that is specifically designed to be facilitated by young people who train and meet directly with the children in some of these high risk high schools. And train them about defining CEC (Commercial Exploitation of Children), if you are in it how to avoid it, how to disclose and be taken care, the media impact on their lives, some of the cultural things that we have. Younger is better. And how really not to fall prey to sex trafficking. And that fulfills the Promise Prevention Piece.

Thirdly, we intervene and Promise has a group – a very secretive group and it has to be – that works in Pulman, the Roseland community, and they are stakeholders in those communities, active community against trafficking. And we have trained them on surveillance techniques and so what they do in those communities, as they are running their businesses or working in the community, when they see patterns of sex trafficking of children, they report those patterns on a secure template that goes to a secure Web site. Chicago PD gets that and I do as well. So that fulfills our intervention.

And last but not least, Promise has a home for girls called Ann's House and it is a long-term, trauma-based residential home and it is in the Chicagoland area, in a home that is not designated nor the town that it is in but it is in the Chicago area and it provides long-term, trauma-based residential care for 10 girls, 12- 21 years of age and that really is Promise in our four provisions.

Q: Tell our listeners why a home like that has to stay anonymous.

A: There is a lot of danger involved in this, and not only for the girls and young ladies in the home, but also for the staff as well. So we have a lot of – the men, and sometimes women, that can engage in using a child for commercial reasons, pimping them out per se, or any number of other egregious acts will basically do anything to find them, relocate them and, in their minds, get their revenue back. We have to be real careful

Q: So, who should go to the seminar that is

coming up?

A: Law enforcement professionals, social service professionals, medical, mental health professional and first responders of any kind that deal with kids, children, per se. Because these are the identifiers of CSEC.

Q: Tell us what is the current state of child sex trafficking in Chicago? Like how many each day and this is going to break my heart. I don't even know if I want to know this but I have to ask the question

A: The numbers are, and of course, nobody stands up and says I'm a sex trafficker, but so you have to be somewhat understanding of the numbers, but the numbers we have from real good authorities here in Chicago are anywhere from 16,000 to 25,000 girls, boys, primarily girls and young women, on a daily basis.

Q: No, daily?

A: Daily, in any 24 hour period. And that's Chicago and surrounding areas. That's huge

Q: That's huge. That is so far beyond what I would even have imagined. So, for our listeners today, what would you suggest because many listeners aren't in those fields that you suggested come to this. What can be our take away?

A: Your take away is don't be paranoid but be vigilant with your children. And with your neighbor's children. It takes a community to combat this, to identify and combat it. And learn about the issue – go to the various websites – like www.sapromise.org and go to those various websites and look and read and study up and that you know fundamentally what is going on and how big it is. Because it is happening through the internet. It's happening in our schools. And it is not just – there is no socio-economic breakdown on this. It can be with any kid that is sitting in a classroom, or any kid sitting at the computer at home – they can reach them. So be vigilant.

Q: Please go to our Web site: Thisistheday.FM. You will find a couple of links there, including the one just mentioned: sapromise.org. That will all be up there. You can go to Facebook and find out more as well. Sir, thank you so much. Once again

this is taking place – vital – pass it on to friends you may have that – once again, please name the people who will most benefit from coming to this. Name those

A: Law enforcement professionals, social service workers, mental health providers, also medical providers as well, and

just anyone who is a first responder who works directly with children.

Q: Okay. Very good. Go to our Web site thisistheday.fm, get the information about this vital seminar taking place – close by, Willow Creek North Shore Campus on

Waukegan Road in Northfield from 8:00 until 3:30 p.m. Saturday, November 23. Sir, thank you for spending time with us this morning.

A: Thank you. ■

Seminar on the commercial sexual exploitation of children

By Yolaine Dauphin

On January 25, 2007, the Illinois State Bar Association (ISBA) raised a clarion call to action in the fight against human trafficking. In a seminar entitled “The Secret World of Human Trafficking,” presented by the Committee on Women and the Law with co-sponsorships by the Committees on Minority and Women Participation and on Delivery of Legal Services, and the International and Immigration Law, Human Rights and Child Law Sections, the ISBA sought to raise awareness of the blight of human trafficking and urge attorneys to get involved in ending this injustice. Seven years later, on October 10, 2014, the ISBA’s Standing Committee on Racial and Ethnic Minorities & the Law, Administrative Law Section Council, and Standing Committee on Women and the Law propose to conduct another seminar on human trafficking, one which focuses, however, on the plight of children who are trafficked for commercial sexual exploitation (CSEC).


The Standing Committee on Racial and Ethnic Minorities & the Law, the Administrative Law Section Council, and the Standing Committee on Women and the Law have invited several bar and judicial associations to co-sponsors the CSEC seminar, including the American Bar Association, the Black Women Lawyers’ Association (BWLA), the Cook County Bar Association (CCBA), the Illinois Judicial Council (IJC), the National Association of Administrative Law Judges, the National Association of Women Judges, and the Women’s Bar Association of Illinois (WBAI). To date, the Human Trafficking Task Force of the ABA, and the WBAI have joined as co-sponsors, while representatives from BWLA and CCBA have participated in the planning process for the seminar.

As with the 2007 seminar, it is anticipated

that a blue-ribbon faculty will raise awareness amongst attendees about the issue of human trafficking generally. The focus will then shift to trafficking in the United States and, particularly, in Chicago, with comprehensive information provided about CSEC. The 2014 seminar will provide attorneys with the skills to: recognize the commercial sexual exploitation of children; detect risk factors; identify and effectively engage victims; and provide appropriate representation to victims. Also, the seminar will include panel discussions on the role of the prosecutor and the role of the court in the fight against trafficking. The

planning committee further hopes to challenge judges in general to increase their level of training on the issue of CSEC.


Confirmed speakers to date are Judge Virginia Kendall; the Director of the Salvation Army Promise Program; Professor Jody Raphael; and Chicago Police Detective Al Krok (ret.). The list of invited speakers includes State’s Attorney Lisa Madigan; Cook County State’s Attorney Anita Alvarez, Gary Haugen, President and CEO of the International Justice Mission; and E. Susanne Francis, Psy.D, MBA, Executive Director of Cornerstone Counseling Center of Chicago. ■



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May

Thursday, 5/1/14- Webinar—Introduction to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00.

Thursday, 5/1/14- Teleseminar—Trusts and the New Medicare Tax. Presented by the Illinois State Bar Association. 12-1.

Friday, 5/2/14- Chicago, ISBA Chicago Regional Office—Beyond Bullying and School Violence: Issues and Best Practices. Presented by the ISBA Education Law Section. All Day.

Friday, 5/2/14- Springfield, President Abraham Lincoln Hotel—Civil Practice Update. Presented by the ISBA Civil Practice and Procedure Section. 9:00-4:00.

Friday, 5/2/14- Teleseminar—Attorney Ethics and Elder Abuse (Live Replay from 1/10/14). Presented by the Illinois State Bar Association. 12-1.

Friday, 5/2/14- East Peoria, Embassy Suites—Insurance, Surety Bonds, and Bankruptcy Issues for Construction Projects. Presented by the ISBA Construction Law Section, ISBA Commercial Banking, Collections and Bankruptcy Section, ISBA Insurance Law Section, and ISBA Tort Law Section. 8:25am-4:15pm.

Monday, 5/5/14- Webinar—Advanced Tips to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00.

Tuesday, 5/6/14- Teleseminar—Limitations on Closely Held Company Owners-Business Opportunities and Non-competes. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 5/7/14- Teleseminar—Attorney Ethics When Supervising Other Attorneys (Live Replay from 1/24/14). Presented by the Illinois State Bar Association. 12-1.

Wednesday, 5/7/12- Chicago, Standard Club—Tips of the Trade: A Federal Civil Prac-

tice Seminar 2014. Presented by the ISBA Federal Civil Practice Section. 9-4:30.

Friday, 5/9/14- Webinar—Boolean (Keyword) Searches on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00.

Friday, 5/9/14- Teleseminar—Ethics of Beginning and Ending an Attorney-Client Relationship. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 5/14/14- Teleseminar—Ethical Issues for Business Attorneys (Live Replay from 1/7/14). Presented by the Illinois State Bar Association. 12-1.

Thursday, 5/15/14- Teleseminar—Role of “Trust Protectors” in Trust Planning. Presented by the Illinois State Bar Association. 12-1

Thursday, 5/15/14- Chicago, ISBA Chicago Regional Office—It’s Not Just Family Law Anymore. Presented by the ISBA Family Law Section. 8:30-5.

Friday, 5/16/14- Teleseminar—Ethics of Working with Witnesses. Presented by the Illinois State Bar Association. 12-1.

Friday, 5/16/14- Chicago, ISBA Chicago Regional Office Suite 950—2014 SIU Health Care Institute (viewing of live webcast). Presented by SIU and the Illinois State Bar Association and the ISBA Health Care Section. 9-3:30.

Monday, 5/19/14- Teleseminar—Attorney Ethics and Digital Communications (Live Replay from 1/31/14). Presented by the Illinois State Bar Association. 12-1.

Tuesday, 5/20/14- Teleseminar—2014 Sexual Harassment Update. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 5/21/14- Teleseminar—Techniques for Tax Efficiently Withdrawing Capital From a Closely Held Company. Presented by the Illinois State Bar Association. 12-1.

Thursday, 5/22- Friday, 5/23/14- Carbon-dale, SIU School of Law. Attorney Education in Child Custody and Visitation Matters in 2014 and Beyond. Presented by the ISBA Bench and Bar Section, SIU School of Law and The Dispute Resolution Institute. 12:30-5pm; 9-4:45.

Wednesday, 5/28/14- Teleseminar—UCC Issues in Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1.

Thursday, 5/29/14- Teleseminar—Trust Investments: A Guide to Trustee Duties & Liability under the UPIA. Presented by the Illinois State Bar Association. 12-1.

Friday, 5/30/14- Teleseminar—Attorney Ethics and Social Media. Presented by the Illinois State Bar Association. 12-1.

June

Tuesday, 6/3/14- Teleseminar—Family Feuds in Trusts. Presented by the Illinois State Bar Association. 12-1.

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

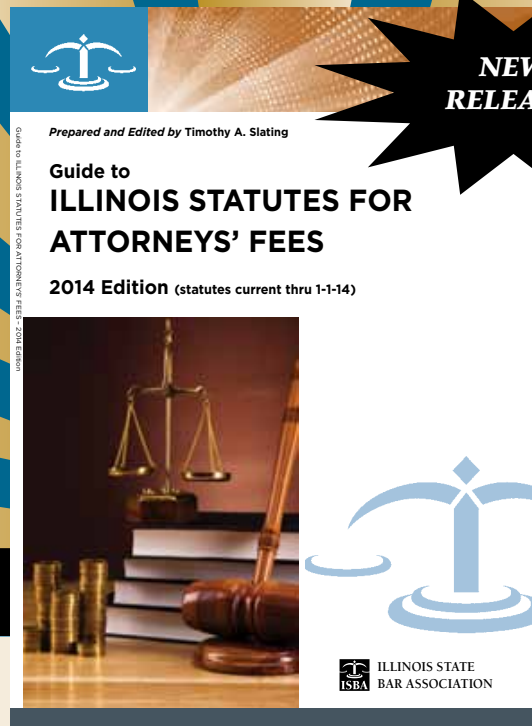
Thursday, 6/5/14- Teleseminar—2014 Ethics in Litigations Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

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

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

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

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