



ILLINOIS STATE BAR ASSOCIATION

ADMINISTRATIVE LAW

The newsletter of the Illinois State Bar Association's Section on Administrative Law

Co-editor's introduction to the May issue

By J.A. Sebastian

Enduring Traditions and Emerging Challenges

This May 2011 issue of the Administrative Law newsletter includes our regularly-collected summary of decisions of interest to administrative law practitioners, compiled by the Honorable Ed Schoenbaum (thank you, Ed), and our 9th Chair's column contributed by Ann Breen-Greco (thank you, Ann). In the March 2011 issue of this newsletter (ISBA Administrative Law, vol. 40, no. 7, at 10), we reproduced an article written by McHenry County Bar Association

President Thomas J. Kasper that provided a personal perspective on Law Day, which inspired a request to the members of the Administrative Law Section Council to reflect on Law Day, now in its 40th year of volunteer lawyers serving on the ISBA Administrative Law Section.

We hope that you had a moment to consider the invitation of President Kasper to participate in Law Day activities in your own community. As noted by McHenry County Bar Association Presi-

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Chair's column

By Judge Ann Breen-Greco

On May 1, the United States will celebrate Law Day, as it has since President Dwight D. Eisenhower declared it in 1958. It was later codified into law by Public Law 87-20 on April 7, 1961. Prior to President Eisenhower's declaration, May 1st was known as May Day, a day to remember the struggles of workers who were killed or oppressed in their fight for better wages and working conditions.

Last week, President Obama proclaimed March 25, 2011, as the 100th Anniversary of the Triangle Shirtwaist Factory Fire. On March 25, 1911, a fire spread through the 8th, 9th, and 10th floors of the Triangle Shirtwaist Factory in lower Manhattan. Flames spread quickly and the workers, mostly teenage girls, encountered locked doors and broken fire escapes. As people outside watched in horror, the young women began jumping out of the windows to escape the fire, falling to their deaths on the street below. Nearly 150 young women died. A century later, President Obama reflected on the tragic loss of

these young lives and the movement they inspired, stating that the Triangle Factory fire was a galvanizing moment, calling American leaders to reexamine their approach to workplace conditions and the purpose of unions.

As a result of this tragedy, large-scale improvements to safety regulations were instituted both in New York and across the United States. The tragedy strengthened the power of organized labor, which represented workers who previously had been at the mercy of factory owners who locked doors to prevent works from stealing materials, as they did in the Triangle Shirtwaist Factory. The tragedy was compounded when those factory owners were brought to trial but found not guilty.

The President noted that "... we are still fighting to provide adequate working conditions for all women and men on the job, ensure no person within our borders is exploited for their labor,

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Co-editor's introduction to the May issue

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dent Kasper, "we have the best legal system in the world and this is because of the service to the Rule of Law by thousands of dedicated lawyers" and judges throughout this great land.

Law Day originated in 1957 when then-American Bar Association President Charles Rhyne envisioned a special day for celebrating the American legal system. On February 3, 1958, President Dwight Eisenhower established Law Day by issuing a proclamation. Every president since then has issued an annual Law Day proclamation. In 1961, May 1 was designated by joint resolution of Congress as the official date for celebrating Law Day. According to the Legal Information Institute, the President is requested to issue

a proclamation, calling on all public officials to display the flag of the United States on all government buildings on Law Day and inviting the people of the United States to observe Law Day. Previous Law Day themes included "Justice for All," "Foundations of Freedom", and "Struggle for Justice."

This year's Law Day theme reflects the core values of our ideals of equality and justice under law. A copy of the 2011 Presidential Proclamation is reproduced below. Just imagine that in 2011, the President of the United States of America and his wife are both lawyers, both admitted to the Illinois bar. What a proud tradition we Illinois lawyers share this May Day.

If time did not permit you to celebrate

Law Day in your community, then take a moment to reflect on Law Day 2011 now and what being a lawyer in Illinois in the 21st century means to you. We are all very blessed to have the true privilege of being members of this grand profession. Some of the members of the Section Council have contributed their own reflections on Law Day 2011, as noted below.

Finally, we encourage you to attend the Thursday, May 5, 2011, section-sponsored CLE program "Municipal and State Administrative Law Judge Education Program," at the ISBA regional office, at 20 S. Clark Street, Room 900, Chicago. Earn 7.00 hours of MCLE credit. Receive a \$10 discount off the fee as a member of the Administrative Law Section.

In addition, ISBA-member legal services attorneys may attend for only \$25 if they work full-time or part-time for a not-for-profit, non-governmental organization, with documentation sent 10 days prior to registration. Please go to <http://www.isba.org/cle/lisa> for the form. Hope to see you at the ISBA Law Ed program on May 5, 2011. ■

Dated April 29, 2011

Presidential Proclamation--Law Day, U.S.A.

At the core of our Nation's values is our faith in the ideals of equality and justice under law. It is a belief embedded in our most cherished documents, and honored by President Eisenhower when he established Law Day in 1958 as "a day of national dedication to the principles of government under law." Each Law Day, we uphold our commitment to the rule of law and celebrate its protection of the freedoms we enjoy.

This year, we pay tribute to one of America's Founders and our second President, John Adams. As a young attorney in colonial Massachusetts, John Adams was asked to represent a British officer and eight British soldiers charged with firing into a crowd and killing five men in the Boston Massacre. In the face of mass public outcry and at great personal risk, he accepted the case and showed the world that America is a nation of laws and that a fair trial is the right of all people.

President Adams' legacy of dedication to fairness and the rights of the accused has been carried forward by members of the legal profession for more than two centuries. It is championed by those who represent the accused and exemplified by women and men who are devoted to securing equal rights for all, both in America and around the world.

On this Law Day, I encourage all Americans to celebrate and reflect upon the example left to us by President John Adams and our centuries of adherence to the rule of law. In so doing, we help ensure future generations will inherit and promote the ideals that help move our Nation forward.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with Public Law 87 20, as amended, do hereby proclaim May 1, 2011, as Law Day, U.S.A. I call upon all Americans to acknowledge the importance of our Nation's legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

BARACK OBAMA



**ILLINOIS STATE
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Chair's column

Continued from page 1

and uphold collective bargaining as a tool to give workers a seat at the tables of power. Working Americans are the backbone of our communities and power the engine of our economy."

Over the last few months, close to home in Illinois, we saw an attempt by the Wisconsin governor to eliminate collective bargaining rights for workers through legislation. The people of Wisconsin rallied and, despite the fact that the law was passed, one judge has so far prevented its implementation. As we reflect on what we now celebrate as Law Day, we should also be mindful that Law Day was meant to supplement May Day celebrations, which were perceived as "communist" despite the fact that the day was celebrated around the world to commemorate the struggle of workers for better working condition.

In proclaiming the first law day, President Eisenhower stated: "In a very real sense, the world no longer has a choice between force and law. If civilization is to survive it must choose the rule of law." Wikipedia. As members of the legal profession, we can celebrate Law Day while also recognizing the vital role that the law has played in establishing better working conditions for workers particularly through the regulations embodying safety standards for workers, regulations which we in the administrative law community work to ensure are upheld.

36 U.S.C. § 113 states, in part:

Law Day, U.S.A., is a special day of celebration by the people of the United States—

(1) in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; and

(2) for the cultivation of the respect for law that is so vital to the democratic way of life.

I have just returned from a day at the United Nations with the American Bar Association. Throughout the day we had meetings with Ambassador Susan Rice, U.S. Permanent Representative to the United

Nations, and members of her staff; Dr. Asha-Rose Migro, Deputy Secretary-General of the United Nations, Patricia O'Brien, Legal Counsel, Under-secretary-General for Legal Affairs; Robert Orr, Assistant Secretary-General for Policy Coordination and Strategic Planning; Kiyotake Akasaka, Under-Secretary-General for Communications and Public Information, Department of Public Information; Andre Terrakov, Executive Director, United Nations Dispute Tribunal; and Shelley Inglis, Policy Advisor/Team Leader, Rule of Law: Access to Justice and Security, Democratic Governance Group, UN Development Programme. The fact that so many high-level UN officials met with the American Bar Association and lauded the work of the ABA and the legal profession demonstrates to us the vital role that we all play in working for democracy, fundamental fairness, and the rule of law, both at home and abroad. We can continue to celebrate the day originally designated for workers and their struggles, while we also work within the legal profession, in our country and around the world, to ensure that workers' rights are recognized as human rights and that protections guaranteed to them by law are upheld. ■



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Reflections on Law Day

May First was designated as Law Day by President Eisenhower in 1958, and by Congress in Public Law 87-20 on April 7, 1961. Even Wikipedia admits that "few outside the legal community in the United States are even aware of the existence of Law Day." Most countries celebrate the date as International Workers Day, and even in this country, citizens exercise their right to free assembly with active protests, like the 500,000 or more who participated in demonstrations seeking new immigration policies in May, 2010. I am reminded of the Vietnam War demonstrations in Champaign-Urbana during May, 1970, the year before I started at the University of Illinois...and of the idiocy of that war, and of the similarly expensive three we are now engaged in. At the time, I agreed with the French 18th century philosopher Guizot, and thought that anyone not a radical at 20 had no heart. After graduating, and

going on to law school, I again agreed with him, and thought anyone not a conservative at 30 had no head. Now, my children are re-converting me, and I sympathize with anyone who will take a public stand for change in law, politics, and policy. My grandfather had a quote from Edmund Burke, which applies as well to law as it does to politics: "The only thing necessary for the triumph of evil is that good men do nothing." An active democracy is the basis for American law. It is our responsibility as lawyers to make the will of the people effective.

—By William A. Price, Member,
Administrative Law Section Council

As I think about an annual celebration of the Rule of Law, I can't help but think about the impact of law on society and society on the Rule of Law.

How much has law changed our lives for the worse or the better. I am blind. At one time, states could and did; prohibit my attendance at school, bar me from marrying, or force me to travel with a sighted person.

Now, states can do none of those things. In fact, most people are appalled by the notions of exclusion and segregation. I wonder whether society evolved first or the rule of law forces evolution of ideas. The interaction seems to me to be complicated. Law and society are perpetually intertwined.

Law Day often serves as a vehicle for education. Law and its impact on society and society and its impact on the law are complex. We should reflect on the interconnections as we serve the legal system and we need to convey that complexity when we teach about the Rule of Law.

—By Patti S. Gregory-Chang,
Vice-Chair, Administrative Law
Section Council ■

Case summaries

Compiled by Hon. Edward J. Schoenbaum

Illinois Supreme Court

Election Code 3d Dist.

Goodman v. Ward, No.109796 (March 24, 2011) Will Co. (KARMEIER). Appellate court affirmed.

A candidate seeking the office of circuit judge in a judicial subcircuit must be a resident of that subcircuit at the time of submitting a petition for nomination to the office. Electoral Board erred in denying objections to petitions for candidate who did not reside in subcircuit at time he filed his nomination petitions. Judges have eligibility requirements different from those of legislators and executive branch officers, and state constitution requires that all applicable requirements, including residency in the selecting unit, must be met no later than at time petitions are submitted. (FREEMAN, THOMAS, GARMAN, BURKE, and THEIS, concurring).

Unemployment Insurance 1st Dist.

Williams v. Board of Review, No. 109469 (March 24, 2011) Cook Co. (THEIS) Appellate court affirmed.

Board of Review of Department of Em-

ployment Security denied applicant trade readjustment allowance (TRA) benefits, under federal Trade Act of 1974, because she missed statutory "8/16 week" deadline to enroll in approved training program. Presumption of equitable tolling applies to 8/16 week deadline, given the Act's subject and purpose, and as this deadline appears once in the Act, and is in straightforward language. Act expressly requires notice to a worker who applies for unemployment insurance of the benefits available under the Act, and Board failed to provide applicant with required notice. Thus, Board erred in failing to toll the 8/16 week deadline and in denying benefits to applicant. (KILBRIDE, FREEMAN, THOMAS, GARMAN, KARMEIER, and BURKE, concurring). Elections 1st Dist.

Illinois Appellate Court

Election Code 1st Dist.

Rosenzweig v. Illinois State Board of Elections, No. 1-10-0027 (April 7, 2011) Cook Co., 4th Div. (GALLAGHER) Affirmed.

Respondent Republican candidate for State Representative signed the nominating

petition of a Democratic candidate for the same office for which she intended to run, which was in effect supporting the nomination of her own opponent. Restriction in Section 8-8 of Election Code prohibits signing a nominating petition for a candidate from one political party and then running as a candidate for another political party in the same election cycle. Thus, nominating petitions of Respondent Republican candidate were invalid. (NEVILLE and PUCINSKI, concurring).

Pensions 1st Dist.

Filskov v. The Board of Trustees of the Northlake Police Pension Fund, No. 1-09-3151 (April 5, 2011) Cook Co., 2d Div. (HARRIS) Reversed.

Plaintiff police officer was injured while entering his unmarked police vehicle during patrol for gang activity; car unexpectedly moved forward and ran over his foot. Court entered judgment in favor of officer for an on duty disability pension benefit, reversing Police Pension Fund's decision. Police Pension Fund's decision was not clearly erroneous because at time of injury, officer was not responding to a call, and had yet to resume

patrol, and he was attempting to enter rear seat of unmarked squad car in station's parking lot, moving items off the seat. This did not involve a "special risk" arising from his being a police officer, but an ordinary risk that all citizens assume when entering vehicle or moving items off seat of vehicle. (CONNORS, concurring; CUNNINGHAM, dissenting).

Workers' Compensation 1st Dist.

***Baumgardner v. Illinois Workers' Compensation Commission*, No. 1-10-0727WC (April 11, 2011) Cook Co., WC Div. (HOFFMAN) Affirmed.**

Claimant, an employee of Cook County, filed claims for injuries to right knee occurring in three separate incidents. Commission did not err in finding that Claimant's condition of ill-being resulting from that accident had to be evaluated as of time of arbitration hearing.

Workers Compensation Act clearly contemplates a single determination as to permanency of a claimant's condition as a result of an employment accident. As Claimant suffered multiple injuries to the same body part as a result of successive accidents and those claims were tried together, Commission properly evaluated the totality of the evidence as related to Claimant's overall condition of ill-being at the time of hearing and entered a single award encompassing full extent of disability. (McCULLOUGH, HUDSON, and HOLDRIDGE, concurring; STEWART, specially concurring).

Workers' Compensation 1st Dist.

***The City of Chicago v. Illinois Workers' Compensation Commission*, No. 1-09-2320WC (April 11, 2011) Cook Co., WC Div. (HOLDRIDGE) Affirmed in part, vacated in part, and reversed in part; remanded.**

Claimant is not entitled to an award under both Sections 8(d)(1) and 8(d)(2) of Workers Compensation Act for the same condition of ill-being. Where a claimant has sustained two separate and distinct injuries to the same body part and the claims are consolidated for hearing and decision, unless evidence presented at the consolidated hearing permits delineation and apportionment of nature and extent of permanency attributable to each accident, Commission may consider all the evidence presented to determine the nature and extent of the claimant's permanent disability as of the date of hearing.

Given the employer's failure to give explanation justifying the delay in payment of the wage differential benefit, Commission's award of penalties and attorney fees was not against manifest weight of the evidence. (McCULLOUGH, HOFFMAN, and HUDSON, concurring; STEWART, concurring in part and dissenting in part).

Zoning 1st Dist.

***Christian Assembly Rios De Agua Viva v. The City of Burbank, Illinois*, No. 1-10-3822 (March 31, 2011) Cook Co., 3d Div. (QUINN) Affirmed.**

Plaintiff church entered into contract for purchase of former restaurant building in area zoned commercial, and paid \$50,000 in earnest money. Zoning contingency in contract gave 120 days to try to obtain zoning change, but City denied request for special use permit. Plaintiff knew, at time of entering into contract, of commercial zoning and that church use was allowed only by special use permit. Plaintiff could not rely in good faith on probability that City would approve use of property as church. Plaintiff thus failed to establish "probability" that City would approve special use permit, and it had no vested right to do so; thus, court properly denied Plaintiff's motion for preliminary injunction. (MURPHY and STEELE, concurring).

Election Code 1st Dist.

***Jackson v. Board of Election Commissioners of The City of Chicago*, No. 1-11-0361 (February 18, 2011) Cook Co., 4th Div. (PUCINSKI). Reversed. (Court opinion corrected 3/14/11).**

Candidate for alderman who is in arrears on property taxes is also in arrears in payment of taxes due to the City, due to her improperly claiming homeowner's exemptions on multiple properties for previous tax years, and candidacy is thus prohibited by Section 3.1-10-5(b) of Illinois Municipal Code which bars candidacy of any person in arrears in payment of tax or other debt due to the municipality. Even though City stated in letter that candidate did not owe any debt to City, the statutory enactments of property tax collection system establish that portions of property tax levied by City, even though collected by County, are taxes due to the City. (GALLAGHER and LAVIN, concurring).

Election Code 1st Dist.

***Lyons MVP Party v. Lyons, Illinois, Municipal Officers Electoral Board*, No. 1-11-0439 (March 10, 2011) Cook Co., 1st Div. (R.E. GORDON). Reversed with instructions.**

Court affirmed decision of Municipal Electoral Board to invalidate nomination papers filed by new political party and its slate of candidates for municipal election, finding nomination papers invalid as the petition sheets identified "MVP Party" yet statements of candidacy were on forms with the heading "nonpartisan". As "nonpartisan" did not appear on petition sheets, and as petition sheets informed signers of name of party, candidates should have been allowed place on ballot. Doctrine of laches inapplicable, as Petitioners filed notice of appeal eight days after circuit court's decision, and motion for expedited appeal was granted; and no prejudice resulted from any delay, as even if Petitioners had filed notice of appeal day after circuit court decision, ballots would still have had to be reprinted. (GARCIA and McBRIDE, concurring).

Tax 1st Dist.

***DTCT v. The City of Chicago Department of Revenue*, Nos. 1-09-2272, 1-09-2274, 1-09-2275 Cons. (February 18, 2011) Cook Co., 6th Div. (CAHILL). Affirmed. (Court opinion corrected 3/15/11).**

City Department of Revenue imposed tax assessment against a group of corporations under the employer's expense tax which applies to businesses with 50 or more full-time employees, based on Department's finding that it could combine the employees of commonly owned, though separately incorporated, McDonald's restaurants. Consolidation of employees of restaurants was proper, as plain language of Chicago Municipal Code indicates that City intended that employer's tax would apply to Plaintiffs' business arrangements, given ordinance's broad definition of "business". (McBRIDE, concurring; GARCIA, dissenting).

Workers' Compensation 1st Dist.

***Metropolitan Water Reclamation District of Greater Chicago v. Illinois Workers' Compensation Commission*, No. 1-09-2546WC (February 22, 2011) Cook Co., WC Div. (HOFFMAN). Reversed. (Court opinion corrected 3/11/11).**

Accounting clerk employee fractured both wrists when she stumbled and fell on a six-inch dip in an inclined commercial drive-

way while walking to bank to deposit checks in employer's account. Claimant established that her job duties exposed her to a risk greater than that faced by the general public, as dip in driveway was a street hazard and a job risk to claimant, who was required to use the public way to make bank deposits two or three times per week. Thus, injuries sustained arose out of and in course of her employment, entitling her to worker's compensation benefits. (McCULLOUGH, HUDSON, and STEWART, concurring; HOLDRIDGE, specially concurring).

Workers' Compensation 1st Dist.

Sanchez v. Rental Service Corp., Nos. 1-08-3304, 1-09-0165, 1-08-3304, 1-09-0165, (March 10, 2011) Cook Co., 4th Div. (PUCINSKI). Reversed and remanded.

Court improperly restricted employer's recovery on a workers' compensation lien against proceeds of settlement obtained by its former employee. Order limited employer's recovery to amount paid by Illinois Insurance Guaranty Fund, but barred recovery of amount paid by its workers' compensation carrier before carrier went into liquidation. Entire lien should have been enforced; whether employee was paid workers' compensation benefits by Fund or insurance carrier, employer has statutory right to reimbursement as provided in Section 5(b) of Workers' Compensation Act. (GALLAGHER and LAVIN, concurring).

Workers' Compensation 1st Dist.

Mulligan v. Illinois Workers' Compensation Commission, No. 1-09-2507WC (March 28, 2011) Cook Co., WC Div. (STEWART) Reversed and remanded.

Claimant, who was vice-president of sales and marketing, suffered two work-related accidents. Commission erred in allowing IME physician's evidence deposition and report over Claimant's Section 12 objection to untimely disclosure. When Section 12 objection is made, the proponent of medical testimony has burden to prove compliance with Section 12, including showing of good cause for failure to meet time deadlines for disclosure and for taking of evidence deposition. (McCULLOUGH, HUDSON, and HOFFMAN, concurring; HOLDRIDGE, specially concurring).

7th Circuit Court of Appeals

Aliens

Barma v. Holder, No. 09-4135 (April 5, 2011) Petition for Review, Order of Bd. of Immigration Appeals Petition denied.

Bd. did not err in finding that alien (native of Canada) was subject to removal based on his presence in US beyond his 6-month visa, and that alien did not qualify for cancellation of removal under 8 USC section 1182(a)(2) where alien had prior conviction on charge of possession of drug paraphernalia. Bd. could properly view prior conviction as one relating to controlled substance, which precluded any attempt by alien to cancel his removal, and Ct. rejected alien's claim that he was eligible to have said disqualifying offense waived under section 1182(h).

Aliens

Lemos v. Holder, No. 11-1386 (April 7, 2011) Petition for Review, Order of Dept. of Homeland Security Petition dismissed.

Ct. of Appeals lacked jurisdiction over alien's petition to review Dept. of Homeland Security order that denied alien's request to vacate 1997 removal order that had been reinstated on November 1, 2010. Instant petition was untimely since it was filed beyond relevant 30-day period as set forth in 8 USC section 1252(b)(1). Ct. rejected alien's arguments that 30-day period did not start until he was actually served with reinstatement order, or that underlying request for stay of reinstatement order and Dept.'s denial of his request to vacate original removal order was tantamount to denial of reviewable motion to reopen removal proceedings.

Employment Discrimination

EEOC v. Konica Minolta Business Solutions USA, Inc., No. 10-1239 (April 29, 2011) N.D. Ill., E. Div. Affirmed.

In charge pending before EEOC in which employee alleged that employer subjected him to race discrimination when it disciplined him for failing to meet sales quota and terminated him after he had filed internal race discrimination claim, Dist. Ct. did not err in entering order enforcing EEOC request for subpoena seeking records relating to hiring sales personnel at all four of employer's Chicago-area facilities. Standard of relevance for purposes of EEOC subpoena is not onerous, and while instant charge did not concern allegation of discriminatory hiring, subject matter of subpoena request was still relevant on broader issue of whether employer had engaged in pattern and practice of race discrimination (that could be subject of potential EEOC charge against employer) and/or whether employer used race to steer applicants to instant employee's facility.

Employment Discrimination

Silverman v. Bd. of Education of the City of Chicago, No. 10-2977. (March 21, 2011) N.D. Ill., E. Div. Affirmed.

Dist. Ct. did not err in granting defendant-employer's motion for summary judgment in Title VII action alleging that defendant refused to renew plaintiff's 2004-2005 special ed teaching position on account of her pregnancy, and then ultimately terminated plaintiff from second special ed position in retaliation for filing charge of discrimination. Fact that EEOC ultimately found reasonable cause to believe that defendant had discriminated against plaintiff did not require denial of instant motion for summary judgment, and plaintiff failed to show that defendant's explanation, that plaintiff was selected for non-renewal in 2005 because she was least effective special ed teacher, was unworthy of belief where plaintiff only offered her disagreement with principal's assessment. Moreover, with respect to plaintiff's retaliation claim, Ct. rejected plaintiff's contention that her more difficult, 2005-2006 teaching assignment constituted adverse act. Plaintiff also failed to offer evidence either that other teachers with similar assessments on teaching skills were treated more favorably, or that principal's negative assessment with respect to plaintiff's performance in second teaching position was unworthy of belief.

OSHA

Nat'l Roofing Contractors Asso. v. U.S. Dept. of Labor, No. 11-1340 (April 7, 2011). Petition for Review, Safety Standard Issued by Sec. of Labor Petition dismissed.

Ct. of Appeals dismissed petitioners' request for stay of Directive STD 03-11-002 and their request to review said Directive that pertained to OSHA regulation (requiring use of certain slide guards or other fall-protection systems on construction projects) that had originally been adopted in 1994. While petitioners argued that said Directive was essentially new standard that permitted filing of instant petition for review, said Directive did not represent new standard, but rather represented enforcement of existing 1994 slide guard regulation. Thus petitioners were precluded from filing any sort of court challenge, because any such challenge should have been filed within 60 days of enactment of 1994 regulation. ■

Upcoming CLE programs

To register, go to www.isba.org/cle or call the ISBA registrar at 800-252-8908 or 217-525-1760.

June

Wednesday, 6/1/11- Webinar—Conducting Legal Research on FastCase. Presented by the Illinois State Bar Association. 12-1.

Wednesday-Friday, 6/1/11-6/3/11- Chicago, ISBA Chicago Regional Office—CLE Fest. Presented by the Illinois State Bar Association. 8-5 both days.

Tuesday, 6/7/11-Teleseminar—Inter-Species Mergers: Combining and Converting Different Types of Business Entities, Part 1. 12-1.

Wednesday, 6/8/11- Teleseminar—Inter-Species Mergers: Combining and Converting Different Types of Business Entities, Part 2. 12-1.

Wednesday, 6/8/11- Chicago, ISBA Chicago Regional Office—Issues Facing Municipalities in a Difficult Economic Climate. Presented by the ISBA Local Government Section. 12:30-5:00.

Thursday, 6/9/11- Rock Island, Stoney Creek Inn—Legal Writing: Improving What You Do Everyday. Presented by the Illinois State Bar Association. 8:30-12:45.

Thursday, 6/9/10- Chicago, ISBA Regional Office—ISBA's Reel MCLE Series. Presented by the Illinois State Bar Association. 1-4.

Friday, 6/10/11- Bloomington, Holiday Inn and Suites—Legal Ethics in Corporate Law- 2011. Presented by the ISBA Corporate Law Department Section. 12:30-4:45. Max 90.

Friday, 6/10/11- Chicago, ISBA Regional Office—Third Annual Animal Law Conference. Presented by the ISBA Animal Law Section. 9-5.

Friday, 6/10/11- Bloomington, The Chateau—Trial Issues in Criminal Practice. Presented by the ISBA Criminal Justice Section. 9-4.

Tuesday, 6/14/11- Teleseminar—2011 Estate & Trust Planning Update, Part 1. 12-1.

Wednesday, 6/15/11-Teleseminar—2011 Estate & Trust Planning Update, Part 1. 12-1.

Wednesday, 6/15/11- Webinar—Advanced Legal Research on FastCase. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 6/21/11- Teleseminar—Commercial Real Estate Workouts, Deleveraging, Refinancing and Restructuring, Part 1. 12-1

Wednesday, 6/22/11- Teleseminar—Commercial Real Estate Workouts, Deleveraging, Refinancing and Restructuring, Part 2. 12-1

Wednesday, 6/22/11- Chicago, ISBA Regional Office—Cyberlaw Symposium. Presented by the ISBA Intellectual Property Section. TBD.

Thursday, 6/23/11- Chicago, ISBA Regional Office—Trial Issues in Criminal Practice. Presented by the Criminal Justice Section. TBD.

Thursday, 6/23- Friday 6/24/11- Chicago—Great Lakes Benefits Conference. Pre-

sented by the ASPPA and the IRS; co-sponsored by the ISBA Employee Benefits Section.

Friday, 6/24/11- Bloomington, Holiday Inn and Suites—Issues in Illinois Public Construction Contracting. Presented by the ISBA Construction Law Section. 8:55-4:30.

Friday, 6/24/11- Fairview Heights, Four Points Sheraton—Legal Writing: Improving What You Do Everyday. Presented by the Illinois State Bar Association. 8:30-12:45.

Tuesday, 6/28/11- Teleseminar—Directors of Private Companies: Duties, Conflicts, and Liability. 12-1.

Thursday, 6/30/11- Teleseminar—Equity and Incentive Interests in LLCs. 12-1

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Wednesday, 7/6/11- Webinar—Conducting Legal Research on FastCase. Presented by the Illinois State Bar Association. 12-1.

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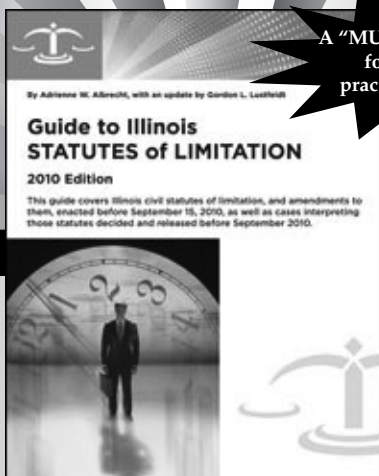
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