



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

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

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Letter from the chair

By Celia G. Gamrath

One of the greatest things about being the Chair of Women and the Law is getting to work with so many dedicated, dynamic, and intelligent women, including E. Lynn Grayson and Claire Manning, editors of the *Catalyst*. Because of them you are already reading the second



Celia Gamrath

newsletter of this bar year—quite an impressive feat. Contributions to the newsletter from all section members are appreciated, and I urge each of you to contact Lynn or Claire if you have an article to contribute or an idea for the newsletter. After all, you are the group we want to keep informed and to maintain as members of the Section Council. I assure you that if you feel an issue is important enough to write about, the members of Women and the Law will find it interesting enough to read.

Another great thing about being Chair is the opportunity to encourage members to partake in the important work of the ISBA. One of the most important initiatives this year is the mentorship program chaired by past ISBA president Leonard F. Amari and the Honorable Sheila Murphy. The Women and the Law Standing Committee is very excited about the implementation of a formal mentoring program

to help both new and more senior lawyers develop their skills and keep on the right path in terms of ethics and professionalism.

Chances are we all had or will have a great mentor in our lives, someone who took the time to give us the benefit of their perspective, constructive criticism, and wisdom. It is compulsory that we in turn become mentors to others; that we care about the mentee and make sure she has a good example to follow. Like President Lavin, I am calling on each of you to share your talents and volunteer to be a mentor to a lawyer who needs your generosity and wisdom. Watch the ISBA Web site and other ISBA publications for further developments and information with respect to the mentoring project, and let the ISBA hear from you that you want to be a mentor.



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Thoughts from the appellate court: Or, what to do about a crocodile in the bathtub

By Justice Barbara Johnson, 2nd District Court of Appeals

When Supreme Court Justice Bob Thomas swore me in on December 2, 2002, as an appellate judge for the second district I knew exactly what to expect. Or did I? After almost 25 years of legal experience, including being a trial judge, prosecutor, and private practitioner, I was ready for the challenges of the appellate bench.

I had listened to the advice of retired Justice John Nickels and knew that as a judge, instincts made way for being an advocate of fairness, justice, and righteousness. I had hoped my years on the bench improved my listening skills for oral arguments. I pulled out my old copy of "Thinking Like A Writer: A Guide To Effective Writing And Editing," along with my "new" blue book for citations. At this stage, I didn't think I'd risk the occupational hazard of "robitis."

Life on the appellate bench is great and I truly love the challenges and the diversity. Deciding cases involving adverse possession, termination of parental rights, class action offenses, libel and natural life in prison for murder and a routine motion in one week can pique the interest of any inquisitive mind. Poignant and esoteric discussions with panel judges and law clerks has truly more drama than the Socratic method scenes portrayed in "The Paper Chase," not to mention, the wonderful comradery and the light-hearted conversations reminiscent of the movie "Legally Blonde."

The truth is that the transition from "Judge" to "Justice" has had its bumps along the way. One of the hardest assignments is learning to effectively deal with negative feedback. What happened to the days when lawyers, sheriffs, clerks and litigants referred to me as "your honor" or judge? That hasn't changed other than an occasional address of "Justice Johnson." What has changed is that the years of criticism that I might have had behind my back is now to my face. Now it's lawyers AND judges who offer their criticism and opinions. I must admit that I didn't give this area much thought before the election. None of my current eight colleagues, Presiding Judge Susan Hutchinson, and Judges Robert McLaren, John Bowman, Jack O'Malley,

R. Peter Grometer, Robert Byrne, Thomas Callum and Frederick Kapala, have been able to provide me with any wisdom. Some suggest that I need to avoid lawyers and judges whose cases were recently reversed. Why would I want to avoid a wonderful legal community and who would that benefit? After all, I like socializing with attorneys and judges. They are the friends that I see at social and bar association events and even the grocery store. Needless to say, when a case is affirmed, I'm the beneficiary of smiles, back-slapping, and thank-yous. Not so with the reversals. I remember, from when I was on the trial bench, the many espoused words of wisdom from the days when Judge Fred Geiger was a trial judge, particularly his saying "I'd rather be right than affirmed!" At that time others voicing their displeasure about a recent reversal was not a big deal. Well, it seems to be a big deal from my current vantage point.

Some of my appellate brethren tell me to state in "open court" that I do not plan on discussing any recent decisions. That might work for some lawyers and judges but not for the ones that I know. I sheepishly remember being a young judge and cornering now retired Justices Geiger and Inglis to give them a "piece of my mind." After all, how could they reverse MY case? Now that I am the "affirmer" or "reverser" I have a whole different approach. Sometimes I feel like the "terminator." Remembering an appropriate comment from a case of retired California Supreme Court Justice Otto Kaus, "... ignoring the political consequences of visible decisions is like ignoring the crocodile in your bathtub." Admittedly, I don't want to be crocodile food and I don't want to drain the bathtub. I am, however, willing to face the crocodiles.

I know that trial judges have a duty to decide a case on the basis of the law and the facts before them. I also know that nothing in a courtroom goes as planned. There are unexpected interruptions and unexpected matters not on the call. I hope that I will never forget the challenges facing the trial court judges, attorneys, and litigants.

As a member of the appellate bench

I know I must decide individual cases and controversies based on the trial court record and the law. Whether we are members of the judiciary or the legal community, we are all interested in protecting the rights of the litigants and preserving the public confidence. I am looking for the best of both worlds. I believe that we can teach each other and learn to create a better legal atmosphere in the process.

I continue to pray for wisdom, judicial independence, impartiality and accountability. Informed criticism of decisions from judges and lawyers should play an important role in judicial accountability. We all know that a judge's sworn duty, whether on the trial, appellate or supreme court, is enforcement and interpretation of the rules of law, and not winning a popularity contest. Many years ago Justice William H. Rehnquist stated it the best. "They (judges) must strive to do what is legally right, all the more so when the result is not the one the "home crowd" wants." Remember, none of us can out run the crocodile.

Note from the editors: *Elected to the Second District Appellate Court in 2002, Justice Barbara Johnson, of Lake County, brings the count of women on the appellate bench to a little over 25 percent (14 of 54 appellate justices). In the First District, eight of 25 appellate justices are women: Jill K. McNulty, Denise M. O'Malley, Anne M. Burke, Margaret Stanton McBride, Leslie Elaine South, Mary Jane Theis, Margaret O'Mara Frossard and Sheila M. O'Brien. In the Second District, two of nine appellate justices are women. In addition to Justice Johnson (the author of this article), the current Presiding Justice is Justice Susan F. Hutchinson. Justice Hutchinson is also a long-standing member of ISBA's Standing Committee on Women and the Law. The Third, Fourth and Fifth Districts each have one female justice: Justice Mary McDade (Third); Justice Sue Myerscough (Fourth); and Justice Melissa Chapman (Fifth). Profiles of these justices are available at <www.state.il.us/court>, the court's Web site.*

Remembering the achievements of pioneering women in law and government

By E. Lynn Grayson

To fully understand and, more importantly, appreciate the professional success women now enjoy, requires a brief history primer. While women today in law and government continue their struggle to overcome glass ceilings or sticky floor barriers, tremendous progress has been made by many women in a relatively short time frame. Consider the following:

1. **MYRA BRADWELL** passed the Illinois Bar Exam with high honors in 1869 and was on her way to becoming one of America's first woman lawyers. Despite an appeal to the state Supreme Court, she was refused admission because of her gender. She was publisher and editor of *Chicago Legal News* and used its pages to advocate for women's rights, and for property ownership rights by women. She ran her own business under a special charter allowing a married woman to do so. In 1892 she was admitted to the Illinois Supreme Court and United States Supreme Court.
2. President Grant had to intervene to get **BELVA BENNETT LOCKWOOD** her diploma from National University Law School. For three years she lobbied Congress to pass a bill to allow women counselors to plead before the nation's highest tribunal. In 1879 she became the first woman to practice law before the United States Supreme Court.
3. In the late 1870s, **ESTHER McQUIGG MORRIS** was elected justice of the peace in South Pass City, Wyoming, the first woman in the world to hold that office. At age 55 in 1869, this charming, reserved lady held a tea party for the candidates for the state legislature. She got a promise from each of the candidates that if elected, he would introduce a bill for women's voting rights. The winner kept his word, and surprisingly, on December 10, 1869, for the first time anywhere on earth, women were given the legal right to vote.
4. **BARBARA JORDAN** was the first woman and first African American to enter Boston University Law School. She was also the first African American elected to the

Texas State Senate and to be elected from a Southern state to Congress. She was also the first African American woman to be the main speaker at a national party convention—the Democratic National Convention in 1976.

5. **SANDRA DAY O'CONNOR** was admitted to the bar in California, but took up practice in Arizona where she became Assistant Attorney General (1965-69) and then state senator. She accepted a position in government after firms agreed to hire her only as a law clerk. She was superior court judge of Maricopa County and judge of the Arizona Court of Appeals. In 1981 President Ronald Reagan nominated her as an associate justice on the United States Supreme Court, the first woman to attain that office.
6. On March 12, 1993, **JANET RENO** of Florida became the first woman United States Attorney General, appointed by President Bill Clinton.
7. **RUTH BADER GINSBURG** was nominated as the second woman justice on the U.S. Supreme Court in 1993 by President Bill Clinton. As a lawyer she had argued six cases concerning women's rights before the Supreme Court and won five of them.
8. **MARY ROBINSON**, a lawyer, was elected the first woman president of Ireland with 52.8 percent of the votes in a run-off election in 1990. She was opposed by both of the two largest Irish political parties. She had campaigned for legalizing both divorce and contraception.
9. **SUSAN B. ANTHONY** is the woman most closely identified with the American women's suffragette movement. In 1872, she led a group of women in Rochester, NY to vote illegally in the national election to test the right to vote under the 14th Amendment. She was arrested, tried, and fined. She never lived to cast a legal ballot.
10. Early on the morning of September 6, 1870, **LOUISE ANN SWAIN**, age 70, of Laramie, Wyoming, fastened a clean apron over her housedress

and walked to the polls. She carried an empty pail for yeast to be purchased at a bakeshop on the way home. She voted and thus became the first woman in the world to cast a vote in a public election.

11. **JEANETTE RANKIN** was the first woman elected to the U.S. Congress in 1916 from Montana. She was a pacifist, and along with 48 others voted against the U.S. declaring war on Germany in 1917. In 1941 she cast the only "no" vote in U.S. Congress against declaring war on Japan and entering World War II.
12. On November 9, 1924, **NELLIE TAYLOR ROSS** was elected in Wyoming as the nation's first woman governor. **MIRIAM "MA" FERGUSON** of Texas was elected the same day, but was installed January 20, 1925.
13. When **FRANCES PERKINS** was appointed by President Franklin Roosevelt to be Secretary of Labor in 1933 she became the first woman to hold a cabinet post in the United States. Her tenure lasted throughout the Roosevelt administration, making her the second-longest-serving cabinet member in U.S. history.
14. **LIZ HOLTZMAN** became the youngest woman ever elected to Congress in 1972 at age 31. She defeated an opponent who had been in office for 50 years. Because she had little money to spend, she campaigned outside Brooklyn movie theatres where thousands were lined up to see *The Godfather*.
15. In 1969, **SHIRLEY CHISHOLM**, from Brooklyn, the first African American woman in Congress, announced her intention to become the first African American and female candidate for the presidency of the United States. In 1984, she founded the National Political Congress of Black Women.

The achievements of these pioneering women laid the ground work for the opportunities and success we now enjoy in law and politics. These women, among many others, deserve our collective respect and admiration.

Supreme Court holds statewide meetings on civility and professionalism— Committee on Women and the Law to participate

By Claire A. Manning

"Civility costs nothing and buys everything"

— Mary Wortley Montagu

The Supreme Court is making great strides in raising the consciousness of the bar on issues of civility and professionalism in the courtroom and, more generally, in the practice of law. Recently, the Court established a Special Committee on Professionalism, whose purpose is, as stated on the court's Web site, to recommend to the court "ways to promote respectful conduct, as the norm, within the legal profession." David F. Rolewick of Wheaton is the Chair of the Committee, Professor Bruce A. Bower, of Loyola School of Law is the designated Professor-Reporter, and Justice Robert R. Thomas is the court's liaison officer. Members of the Committee, and Justices of the Supreme Court, recently visited law schools throughout the state to speak to Illinois' next generation of lawyers about the importance of civility in the practice of law. Law students were asked to take a "pledge of civility."

As part of the court's ongoing efforts at increasing civility within our profes-

sion, the Special Committee on Professionalism is holding meetings throughout the state to allow members of the bar to exchange ideas about how to promote civility within our practice and in the courtroom. The Court has asked ISBA for its assistance with the Committee's meetings, and ISBA General Counsel Mary McDermott is coordinating these efforts.

The Committee on Women and the Law, a long-standing proponent of civility and professionalism within our profession, as well as in the courtroom, is pleased to participate in these meetings and to welcome a renewed aura of civility within our practice. As writer Lady Mary Wortley Montagu once said, "civility costs nothing, and buys everything." Further, the Committee on Women and the Law has been involved in updating its prior work, from a decade ago, on a study it conducted concerning gender fairness in the courtroom. The opportunity to attend these meetings, and to listen to "fellow" members of the bar exchange ideas on how to promote respectful conduct within our profession, segues well

with these ongoing efforts.

Meetings have already been held in Peoria, Collinsville and Carbondale. The next meeting of the Court's Committee will take place in Champaign on Wednesday, November 19, 2003, from 3:00 p.m. to 5:00 p.m. at the University of Illinois College of Law. Champaign attorney Laura Clower, who is a member of the Court's Special Committee on Professionalism, will be present. Claire Manning, from ISBA's Special Committee on Women and the Law, will also be present. All members of the bench and bar are invited to attend. The Champaign program is co-sponsored by ISBA, the Champaign County Bar Association, and the East Central Women's Bar Association.

Meetings in 2004 are planned as follows: January 14, Rock Island; January 28, Springfield; February 18, Dekalb; February 25, Joliet; March 10, Oakbrook; March 24, Waukegan area; April 7 and 21, Chicago. Those who would like to attend any of these meetings should make reservations with Vicki at ISBA by calling (800) 252-8908.

No bottom to the efforts of the bottomless closet

By Claire A. Manning

Note from the Editors: In each of the succeeding issues of The Catalyst, we hope to profile a not-for-profit organization worthy of the attention, and contribution, of all of us. The first of this series, The Bottomless Closet, is an organization that the Special Committee on Women and the Law has been supporting, with donations of time, money and clothing, for some time. We hope you find it worthy of support as well.

Located at 445 N. Wells in Chicago, and online at <www.bottomlesscloset.org>, the Bottomless Closet is a not-for-profit organization whose mission is "to provide professional clothing, job readiness, and post-employment training and coaching

services to women on assistance and working-poor women, enabling them to add value to the organizations that hire them while empowering them to craft a new vision for their lives." As explained on its Web site, the Bottomless Closet was founded in 1991, the inspiration of four women who were moved by a story they heard on a local radio station. In the radio program, Lynda Wright, a young mother, expressed her frustration at the difficulty she was having trying to get off of welfare and into the job market. Moved by her comment that she didn't even have the right clothes to wear to job interviews, the four women (Laurel Baer, Donna Paulino, Ann Jenkins and Mary Ann Maloney) established Bottomless Closet.

Over the past 11 years, Bottomless Closet has served more than 12,000 women, 65 percent of whom gained employment as a result of such assistance. The women served do not just need a job; they need to develop the confidence they need to successfully compete in the job market, and they need the skills necessary to keep a job. The Bottomless Closet helps with all of that. They provide professional development through workshops such as skills identification and communication, confidence building, proper office conduct, basic clothing care, etc. Additionally, each client is provided, free of charge, two suits to interview in and, once hired, the client is provided with an additional three suits.

The Bottomless Closet claims that for

each woman who achieves economic self-sufficiency, the taxpayers save more than \$7,000 a year. Further, it cites Chicago Urban League statistics as proof that women who complete the Bottomless Closet program earn an average of \$2 more per hour than other women who go straight from public assistance to work. The organization has been so successful that it has been featured on *ABC News*, the *Today Show*, the *Chicago Tribune*, the *Chicago Sun-Times* and various print media around the country. A recognized leader in boosting the self-esteem of working-poor women, organizations across the country have begun to implement similar programs.

The program faces serious challenges this fiscal year, given the impact of welfare reform and the Illinois budget deficit. These challenges are increasing the numbers of women in need and decreasing the funds of the agencies with whom the Bottomless Closet had typically partnered. The organization has made a plea for help from our Committee, and we invite all of our readers to accept the challenge. The organization's Web site is replete with testimonials from women who have been served and are

thankful for the opportunities the organization has made possible for them. The organization needs help in the following ways:

Spread the word. Tell your friends and associates. Tell those you know who might benefit from this incredible organization.

Sponsor a fundraiser. A recent fundraiser held by Comptroller Dan Hynes netted this thank you note from a happy recipient: "They give us a sense of hope where there really looked like there was no hope or way out of the environment we were in...I can finally feel good about myself and it makes for a promising future for me as well as my children."

Give clothes. The Bottomless Closet accepts "gently used professional attire on hangers" and accessories. The clothing donations are accepted on the second Saturday of each month from 9:00 a.m. until noon. Upcoming clothing donation dates are November 8, December 13, and January 10. Donations should be brought to BC's headquarters at 445 North Wells, Suite 301, Chicago.

Volunteer. Bottomless Closet offers "unlimited opportunities to serve, grow and make a difference in the

Chicagoland community." The organization trains volunteers to work with clients to prepare them for the job search by helping with resume/interview preparation, communication skills, professional image development, etc. Volunteers can also help the clients "shop" for appropriate clothing and accessories and can help with the intake functions of accepting donations and managing the inventory.

Donate. Bottomless Closet would very much appreciate financial donations from those readers who feel motivated to contribute. A donation of \$525 helps three women; \$350 helps two women; \$175 helps one woman. Donations are NOT used for administrative purposes. Administrative services are donated. Checks may be made out to Bottomless Closet and sent to 443 North Wells, Suite 301, Chicago, Illinois 60610. You can also, quite easily, donate online with a major credit card.

Bottomless Closet is located at 445 North Wells, Suite 301 Chicago, Illinois 60610. Upcoming clothing donation dates:

- November 8, 2003
- December 13, 2003
- January 10, 2004

Women's Bar Associations: Finding a model that works as hard as we do

By Amie Sobkoviak

W *hatever women do, they must do it twice as well as men to be thought of half as well. Luckily, this isn't difficult.* – Charlotte Whitton.

Clearly, Charlotte wasn't a woman lawyer. Many of us do have to prove ourselves by outperforming our male colleagues. But we can't fool ourselves—it IS difficult. Add to this that women often have twice as much to do as most men, and you get a perfect recipe for stress and burnout. Clearly we need help. Can we get it through membership in a Women's Bar Association? These groups often lean toward one of two extremes—either they encourage their members to become the equivalent of legal Amazons, or they become a high-calorie coffee klatch. Neither extreme meets the complex needs of today's women lawyers.

In the last month, I've attended a

number of meetings of women lawyers. In between taking care of business, these meetings have involved a number of conversations about what it really takes to succeed as a woman lawyer. With humor, anger, frustration and pride, the women I spoke with compared notes.

We discovered that even seemingly innocuous verbiage can cause problems. At the August meeting of the ISBA's Women and the Law Committee, we found ourselves in an unexpected debate over the term "networking." Some members felt women lawyers were less likely to attend events billed as "networking" activities. They said that in their experience, women felt that "networking" seemed artificial and impersonal and was not a valuable use of their time. Others suggested that men succeed through networking, so women who want to be successful need to do the same. The

discussion turned to the idea of perhaps using another word (instead of "networking") to describe such an event. I found out recently that's been tried: a friend of mine who works as a patent attorney for the government said she recently had to attend a "cross-fertilization" (NOT "networking") event. She said she spent the evening vaguely embarrassed and feeling more like a plant than a lawyer.

Which brings us to the larger question. As a male counterpart in my county bar association asks EVERY time he sees me (I'm the president of the local Women's Bar), "Why do you even have a 'girl's' Bar Association? We don't have a 'Men's Bar Association!'" Much as I hate to admit it, he has a point.

Do we as women attorneys band together to figure out how to beat the boys at their own game? Is our goal to network harder, play tougher, and

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bluff meaner? Conversely, maybe Women's Bar Associations should be a place we can go (for some of us, the ONLY place) where we can feel comfortable. Forget networking—bring on the brownies and gossip! Either of these extremes can cost a group members. Neither garners respect from the larger legal community. Where is the middle ground?

To me, the best and highest purpose of a Women's Bar Association surfaced largely by accident at the October meeting of the Will County Women's Bar. We had a nice mix of young lawyers and more seasoned litigators, mothers and single women, from a wide variety of backgrounds and practice areas. Over lunch, we talked about the unique hurdles we face as women lawyers. Two of us, with young children, laughed as we recounted days in which we'd spent nine hours at work, fixed dinner and helped with homework, only to realize at the end of the day that we hadn't even had five minutes to go to the bathroom. We talked about being called "missy" in court, and about clients who won't believe we're "real" lawyers.

We talked about our strengths as well. We are often better listeners, which gives us an advantage both in negotiation and in litigation. By being smaller and less prone to posturing, we can "sneak under the radar" of male oppos-

ing counsel who are used to the more traditionally male model of lawyering. And we talked about our own idea of what success really is. For some of us, it's landing a million dollar lawsuit. For some of us, it's making it through the day with all the briefs at work filed on time and all the briefs (or boxers) at home washed in a timely fashion.

In short, women need bar associations which support both the "woman" and the "lawyer" in each of us. The goal should be to pinpoint and provide services targeted to the unique needs, weaknesses and strengths of women lawyers. It's true that we do have twice as much to do as the male attorneys we know. But do we have to do it ALL twice as well and with just as much testosterone? No. We as women attorneys do more of a service to ourselves, our families, our clients, and our profession by learning how to perfect that relatively new hybrid that is the woman attorney—with, of course, a little help from our friends. After all, as my six-year-old son said when asked if he wanted to be a lawyer when he grows up, "Being a lawyer is a *girl's* job."

About the author: Amie Sobkoviak is the Managing Attorney of Will County Legal Assistance Program, Inc. and president of the Will County Women's Bar Association. She is the mother of two sons, age three and six.

Reiteration on child support

By Anne Conroy

Every few years it seems appropriate to repeat the basics of the child support enforcement system we have in Illinois, primarily for the benefit of new practitioners. Our system is very similar to that which exists in other states and is also akin to that which is in place in many other countries. The law in Illinois is a uniform one, to the extent that it conforms to the Uniform Interstate Family Support Act, which has been enacted in all 50 states. This does not mean that all state laws regarding child support and its enforcement are the same. Far from it. However, they are "substantially similar," which places them under the UIFSA aegis. It was not easy getting to that point.

The child support enforcement system which is operated through the

Illinois Department of Public Aid is based in Title IV of the Social Security Act, a federal law. Title IV enables states to establish an appropriate mechanism whereby responsible parents (read: those who have a duty to pay support) can be held to account and can be required to conform to certain standards with respect to when and where payments of child support will be made. Initially, enforcement through Title IV was confined to those cases in which the custodial parent received some form of public assistance, such as a money grant, a medical card, etc. Now, any custodial parent, regardless of his/her financial situation, can apply for, and receive, services through the child support agency. In Lake County, legal services are provided by the State's Attorney's

Office. This is a point seemingly lost even on some seasoned practitioners. One need not receive public assistance to avail oneself of the services of the Child Support Division of the State's Attorney's Office. For those who do not receive public assistance, a nominal fee may be charged for the service by the Department of Public Aid. This charge is \$25.

The child support enforcement agency in Lake County is the Illinois Department of Public Aid. This agency provides all intake services for the program, monitors withholding by employers, prepares petitions for various actions, reviews records of payments and acts in many other ways to facilitate the program of collection of child support. This agency has, by law, the ability to establish paternity, child support and sanctions for non-payment on an administrative basis, as well as going through the State's Attorney's Office. Administratively determined actions have the same force as other administrative regulations, that is, have the force of law. To overcome administrative decisions by the agency, it is necessary to exhaust all administrative remedies, just as with any other such agency. The agency also prepares for interstate service those cases in which the payor parent lives or works in another state, and the agency receives and processes requests from other states to enforce for child support, establish paternity, and so forth, against residents of Illinois.

The State's Attorney's Office of Child Support Enforcement is a division of the State's Attorney's Office which performs the legal actions necessary to uphold the enforcement program. This office initiates petitions for establishing and enforcing child support orders, rules to show cause for failure to follow support orders, paternity actions to determine parentage, efforts to obtain medical insurance coverage for the children subject to the orders of support, arrest warrants for those who fail to appear for rule hearings and assorted other legal activities concomitant to the enforcement of child support. At this writing, Thursday is the day when the child support group heads to court. Consequently, any action undertaken by private counsel in a child support case should be set on Thursday, either morning or afternoon, and served on

the State's Attorney's Child Support Division. We represent the Illinois Department of Public Aid for the benefit of the named Petitioners in the child support case.

When a child support issue comes to your office from a custodial parent, it is probably wise to consider whether it would be economically more feasible, both for the client and for you, to send the client through the child support enforcement program than to handle it yourself. For the client, there is little or no cost and for you, there is no headache, particularly in trying to collect fees from people who frequently have no resources to pay them. One adverse side is often that of time. It takes three to four weeks, sometimes, before a call to the agency results in an interview which begins the case. Then it may be two or three weeks more before the State's Attorney's Office receives the case and sets it for hearing. After that, service by the Sheriff, if necessary, takes some weeks, as does mail service. Clients are often put off by these time frames. If time is somehow of the essence, an attorney's intervention may be indicated, although for persons receiving public assistance, the State's Attorney's Office must represent the case in court, except for issues unrelated to child support, such as custody or visitation.

When the prospective client is a non-paying obligor parent, there may well be issues which would be worth the investment in an attorney's services. Certainly, some people have or perceive themselves to have legitimate reasons for non-payment of the ordered support amount. For these, the assistance of private counsel may well be worth the outlay for attorney fees. To be remembered is the fact that the Illinois Department of Public Aid is the party in interest in areas of child support itself. When custody or visitation is at issue, the Petitioner him/herself must be noticed in. For any child support issue, the Department, through its representative, the State's Attorney's Office of Child Support Enforcement, must be noticed in. The State's Attorney's Office, as long as the matter is in the child support enforcement program, remains the entity to be noticed for motions, petitions, *etc.*

Sanctions for those who do not pay child support as ordered are few under the statute. The State's Attorney's

Office generally pursues civil rather than criminal sanctions; however, the most egregious cases may be pursued in the criminal court. This varies from county to county and may also be different in those areas served by the Attorney General in Illinois. It should be noted that the non-paying parent can be subject to federal law if the amount of unpaid child support reaches certain high levels, even in Lake County, where criminal sanctions are not generally sought as remedy. Such cases would be prosecuted by the criminal division of the office.

When an individual is brought before the court on a rule to show cause why he/she should not be held in contempt for failure to pay support as ordered, the law requires that the amount of the delinquency of child support shall be the amount of purge of any contempt found by the court. Delinquency consists of that portion of arrearages which has accumulated since the last order for support entered. It is not, in most instances, the entire arrearage owing, but it can be. Judges are sometimes chary of imposing extremely large purges, but the delinquency amount is what the State's Attorney's Office seeks and what the statute requires. The possibility exists that an individual will opt for the six months in jail instead of paying the purge. The arrearage remains, though, and accumulates six months' worth of payments unpaid while the person languishes at the Babcox Hilton. In addition, there may be another rule entered shortly after the person is released from jail.

Interstate cases present a particularly difficult situation when the obligor parent is in Illinois and has had a substantial reduction in income through no fault of the individual. The UIFSA laws require that only one order for support may exist for enforcement in any given case at any given time. In the normal course, the initial order for support would follow the case from state to state, if the obligor moved, unless and until certain circumstances arise to divest the original court of jurisdiction. These can be reviewed in the Act. It is possible, though, for the initiating state to give the receiving state its okay to alter the order of support. It is also possible for the Petitioner to domesticate the order of another jurisdiction in this state so that

changes can be made to the support order. The *caveat* with domestication is that other aspects of the initial order may be open to alteration too, a result not usually favored by the Petitioner. The interstate act provides for contact between what are called "tribunals," a term referring not only to courts, but also to agencies, so as to reduce the number and size of problems with interstate enforcement. This would usually be done by telephone communication. It is a process not used to any extent at present in Lake County, but remains a possibility. Interactive television is utilized in some jurisdictions to provide a greater atmosphere of actual hearings.

Under the UIFSA laws, any order for support received by an employer from anywhere in the country must be enforced for child support and related matters, such as medical insurance coverage. Failure to withhold portions of the

obligor's income after the receipt of a notice to do so can result in sanctions against the employer. The requirements of the federal Consumer Protection Act as to what percentage of disposable income may be withheld from any person must be adhered to by the employer. Therefore, if an employer has several orders for several children of separate mothers or fathers in the case of a specific individual obligor, that employer must make an effort to pay what it can on the various orders, but not go over the percentage established in the Consumer Protection Act. This is often seen as an onerous provision by employers, of course, but must be adhered to, lest the employer subject him/herself to sanctions for failure to withhold. Ideally, any obligor with numerous support orders will act to seek reduction of the entire group so as to qualify under the Consumer Protection Act for payment of the court orders.

Some time ago, I promised to discuss what the attorney or individual should do when in receipt of "The Letter" from IDPA, the IRS or the State Department of Revenue concerning amounts owed or believed to be owed by the obligor parent on child support. I really do intend to write about that, but this article is too long now. Next month? If the issue arises from any reader in the interim, please call me and we can talk about the options.

Ann Conroy has been with the Lake County State's Attorney's Office in Child Support Enforcement for 15 years. Earlier, she was in private practice in Wisconsin and Illinois. Ann is a member of the ISBA Assembly, and has served on various ISBA Committees. She is presently on the Standing Committee on Women and the Law. If readers have questions, she can be reached at 1-(847)-360-6818.

Reflections of a downstate family lawyer's experience with domestic violence and the law: Intentional infliction of a spouse's emotional distress

By *Stephanie Ames-Cutkomp*

Stephanie is a graduate of Thomas M. Cooley Law School and has practiced law in Henry County since 1997.

Henry County has a population of about 50,000 people and is located in the 14th Judicial Circuit. Stephanie has three children and resides in rural Lynn Center. She is a member of the 14th Judicial Circuit Family Violence Coordinating Council. She is also involved in provided Law Day presentations, as well as job shadowing opportunities, to elementary children. She is a member of the Illinois State Bar Association, the Henry County Bar Association and the Rock Island County Bar Association

Most marriages end because irreconcilable differences became so vast that the parties believe there is just no going back. The parties come to me with various complaints, mostly of non-communication or infidelity. Once in a while, though, I will have a spouse that comes to me with a special kind of complaint—that she has been the victim of spousal abuse. With Domestic Violence awareness on the rise, and

with Henry County arresting at least one alleged batterer per week, and with the 14th Judicial Circuit creating the Family Violence Coordinating Council, I ask myself: why are these cases in the minority? Why so few divorces?

I recently was involved in a case that really made me ponder this question. Shortly after I attended the 14th Judicial Circuit's first Family Violence Symposium, I accepted a client who, for purposes of anonymity in this article, I'll refer to as Linda. Linda was the victim of spousal abuse. This was not my first brush with domestic violence. I had been involved with other abuse cases, and while attending Northern Illinois University, I was a Rape Victim Advocate and was on NIU's Task force against date rape. I also had taken two in-depth courses dealing with family violence and crisis issues while in law school, but Linda's situation was different.

I came back from court one afternoon and my secretary was practically in tears. She refused to leave my office until I called this woman back. When Linda answered the phone, I instantly

understood my secretary's reaction. Linda had been married for 30 years. By all accounts the marriage had been happy and nothing was out of the ordinary. Her husband had a good job. They lived in a nice house. The kids were grown up and happily living on their own. Good wholesome American family, right? Wrong. For 30 years Linda put up with abuse from her husband, but he never once hit her; he had sexually assaulted her. When she called, she was five hours from my office with no money and no place to live. She really couldn't even tell me why she left, but she knew she couldn't go back. There was such terror and desperation in her voice that I literally felt sick. I wondered what had happened to this woman to make her run so far away. I knew I had to protect her. I convinced her to come to my office.

When she arrived she was disheveled and crying and her left arm and hand were shaking uncontrollably. She could barely speak to me. She kept telling me this was all her fault and that she just couldn't take it anymore and that she had to run. She just had to run.

I tried to calm her down, but there was just no way to console her. I tried to get her to tell me why she ran but she insisted that she just didn't know. Now, I don't have a degree in psychology, but I have had enough experience with survivors of abuse to know that this woman was suffering from Post Traumatic Stress Disorder.

I talked to her for literally hours that first night and we talked over and over as we prepared for her case. The longer she was away from her husband, the more she came to realize just what made her run that fateful night. The memories of her husband acting out rape fantasies wherein she was not a willing participant on an average of once a month for almost 30 years became clearer and clearer. And because of that abuse she found herself jobless, homeless, seeing therapists at least once a week and on eight medications a day to survive. Unbelievably, even after all this she couldn't acknowledge that she had been a victim of abuse. (Sexual assault is rated one of the most severe forms of domestic violence). She felt what her husband had done to her was horrible, but okay and that she was truly the bad one. She kept saying to me, "...but he has never once hit me." Even worse, I realized as the case progressed that not only didn't she realize she was abused, but that her husband, who admitted that he had done these things, truly didn't see himself as an abuser.

I thought about this case day and night. I thought how can I help Linda get the help that she needs (i.e., medical treatment and prescriptions and money to live on while she's in therapy)? We decided to file suit against her husband for Intentional Infliction of Emotional Distress. At one time the law stated that you could not sue your spouse. Believe it or not, it wasn't until 1976 that the first protection from abuse laws went into effect. And still more than 20 years later, every 18 seconds a spouse batters their spouse and every hour a spouse kills their spouse. (FBI, 1986-7). The question is how do we make it stop? How do we make the abuser even realize that their conduct is wrong. I tried to make Linda's husband see that his conduct was unacceptable by hitting him where it hurt most—his wallet.

The approach was recently sanctioned by the Fifth District appellate court in *Feltmeier v. Feltmeier*, 777 N.E.2d 1032 (Ill.App.5 Dist.). In that

case, the courts joined the war against domestic violence. The Fifth District held that a woman could sue her husband for his alleged physical and verbal abuse over an 11-year marriage, which allegedly resulted in her diagnoses of Post-Traumatic Stress Disorder, depression, fear of men and inability to form relationships with men. The court held that such acts constituted a continuous series of acts, such that the two-year limitations period for the wife's action against her husband for intentional infliction of emotional distress began to run when the last act of abuse was suffered.

Since Intentional Infliction of Emotional Distress is a very difficult case to prevail upon, the more acts that can be claimed the better the chances are that the party will prevail. This is a big victory toward making battering spouses financially accountable for their actions. The justices did more than just rule on this issue, they made a strong statement to Illinois about domestic violence.

The court chastised the defending attorney's argument that the abuse only occurred three or four times per year over the course of the marriage. The court stated in response to this argument, "*The argument suggested that one beating a year, coupled with an act of physical restraint or an annual pelting from flying missiles, when spread out over an 11 year span, constituted marital conduct that any reasonable wife should be able to endure without suffering emotional distress.*"

As forcefully, the court also stated: "*It cannot be trivialized below the threshold of outrageousness that is actionable, by calculating the annual number of abusive events and arguing that there were not enough of them per year to matter. The allegations of Lynn's complaint typify the kind of abusive relationship that spawns a series of posttraumatic stress symptoms coined the "battered wife syndrome." This syndrome results from domestic violence and abuse that recurs, but is not necessarily constant or all that frequent. It routinely occurs between long periods of normal and routine family life. This accounts, in part, for why its victims tend to hold steadfast to the hope that the most immediate abusive episode will be the last of its kind...Most cries for help are heard only after the psychological, and in some cases physical, damage is irreversible. Even though the*

abusive events may only occur a handful of times over the course of a year, the repeated pattern of abuse inflicts daily psychic torment. Its victims live in a constant state of silent fear, generated by the knowledge that their spouse, the very person with whom they sleep every night, harbors the capacity to hurt them."

It was this case and the other domestic violence literature that finally made my client Linda understand that she had been an abused wife. Upon analysis, it was determined that her husband fit many of the characteristics of a batterer and she fit almost all of the characteristics of a battered woman. The moral of the story is, Illinois is up and coming on the war against Domestic Violence. Thanks to the Fourteenth Judicial Circuit, more professionals like me are being trained to help recognize domestic violence and combat it at the source. This circuit is dedicated to instituting programs and services that will educate and reach much farther than the criminal court. Ultimately, this education will lead the abusers to criminal court and possibly to civil court. For more information about the Family Violence Council, contact Amber McReynold at (309) 558-3738 or amcreynolds@co.rock-island.il.us

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18th Annual CWF Luncheon with Madeline Albright

By E. Lynn Grayson

The Chicago Foundation for Women celebrated its 18th annual luncheon and symposium "Inspiring Leadership" on September 25, 2003 at the Chicago Hilton and Towers. The keynote speaker was Madeline Albright—the 64th U.S. Secretary of State from 1997-2001 and former U.S. ambassador to the United Nations. Over 2,100 individuals attended the luncheon contributing in excess of \$600,000 to meet CWF's fundraising goal.

The CWF envisions a society in which the voices and potential of all women and girls are fully realized. The CWF raises and distributes funds to provide opportunities and promote solutions for all women and girls. The CWF's focus areas are: economic self sufficiency; freedom from violence; and, access to health care services and information. Since 1986, the CWF has awarded \$10.3 million to 600 organizations in the Chicago area.

In 2002-2003, CWF invested more than \$850,000 in 66 organizations across Metro Chicago in support of positive social change. A few of the groups receiving such grants included:

- Better Existence with HIV
- Chicago Coalition for the Homeless
- Chicago Women in Trades

- Girl Scouts of Chicago
- Lesbian Community Cancer Project
- NOW Foundation
- Rainbow House
- Sarah's Circle
- Young Women's Empowerment Project

These organizations and many others were recognized by CWF during the luncheon for their successful work on behalf of women and girls in our community.

Madeline Albright's remarks focused on the state of U.S. foreign affairs today as well as women's issues around the world. Ms. Albright is an energetic speaker who includes personal experiences and stories to emphasize her comments. In explaining how the few women foreign dignitaries worked together in the United Nations, she said each agreed to always take one another's call, even if ultimately support or consensus could not be reached on a particular matter or conflict. Once when a difficult situation faced the United Nations, an ambassador from the EU called complaining that he had been unable to reach Ms. Albright but yet knew she had accepted calls from the representatives of "lesser" nations. The disgruntled ambassador asked Ms. Albright

what he could do to receive the same attention. She simply replied that he could replace himself with a woman!

In a closing dialogue with Chicago journalist Carol Marin, Ms. Albright was asked if she believed the glass ceiling or sticky floor still existed for women in business and politics. She said it was still a factor that women faced but believed increasingly that women had the ability and influence to overcome such barriers by working together. She feels strongly that women can succeed and prosper only by working together and helping one another. Her closing comment to the CWF luncheon audience emphasized her belief: "THERE IS A VERY SPECIAL PLACE IN HELL FOR WOMEN WHO DO NOT HELP OTHER WOMEN."

Ms. Albright signed copies of her new book *Madam Secretary: A Memoir* following the luncheon. To learn more about the CWF and its programs, visit its Web site at <www.cfw.org>.

Lynn attended the CWF luncheon with her Jenner & Block colleagues at the invitation of the firm's Women's Forum and its Chair, Susan C. Levy.

Calendar of events

November 6, 2003 Balancing Act Committee Luncheon

Sponsor: Womens Bar Association of Illinois

Time: Noon

Location: 321 S. Plymouth Ct.

Speaker: Dr. Gretchen Skoog

Info: 312-341-8530

November 6, 2003 Hearings on the Status of Women

Sponsor: ABA Commission on Women in the Profession

Time: 8:00 a.m. - 1:00 p.m.

Location: Wyndham Chicago Hotel - 633 N. St. Clair St.

Info: 312-988-5692

November 10, 2003 New Member Reception

Sponsor: Womens Bar Association of Illinois

Info: 312-341-8530

November 13, 2003 Joint Professional Dinner

Sponsor: Womens Bar Association of Illinois

Time: 5:30 p.m.

Location: Mid Day Club, 21 S. Clark St., 56th Floor

Info: 312-340-8530

November 19, 2003 Supreme Court Special Committee on

Professionalism Meeting

Sponsor: Illinois Supreme Court; Co-sponsors: ISBA, Champaign County Bar Association, East Central Illinois Women's Bar Association

Time: 3:00 - 5:00 p.m.

Place: University of Illinois Law School, Champaign-Urbana

Info: 800-252-8908

November 25, 2003 Diversity: Is Anyone In That Pipeline?

Sponsor: Chicago Bar Association Alliance for Women

Time: 12:15 p.m.

Location: CBA Headquarters - 321 S. Plymouth Ct.

Info: 312-521-2095

**April 25, 2004
Pro Choice March On
Washington**

Sponsor: NOW, Feminist Majority,
Planned Parenthood,
NARAL – Pro Choice
America

Time: 10:00 a.m. – 4:00 p.m.

Location: Lincoln Memorial

Info: 312-422-0005

**Note from the
editors**

We would like to thank one of our members, Sandra Crawford, for the inspiring article she wrote for the last issue of The Catalyst, entitled, "Collaborative law – A new way to work the old problem of divorce." We regret that we went to print without the appropriate by-line. Sandra is an attorney in private practice, with the firm of Feingold & Crawford. Her practice concentrates on family law and civil litigation. If you would like to discuss the collaborative law process with her, she is available at (312) 263-2536.

Bills on Request

Don't forget that the ISBA Legislative Affairs Department provides copies of pending and enacted Illinois legislation on request.

Call the ISBA Department of Legislative Affairs 800-252-8908, Springfield or write the ISBA, Illinois Bar Center, Springfield, IL 62701

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Recruitment packets with complete information and recruitment materials are available by mail from Ann (ISBA, 424 S. 2nd St., Springfield, IL 62701) or on the ISBA Web site at www.isba.org.

**Certain rules apply*

Do yourself a favor

Say goodbye to paper and get this newsletter electronically

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How?

Send an e-mail to jlyman@isba.org with "The Catalyst newsletter" in the subject header. In the body of your message, include your name (first and last), your office address, the e-mail address at which you want to receive the newsletter, and say (in so many words) "please sign me up for e-mail delivery of the The Catalyst newsletter."



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