ILLINOIS STATE BAR ASSOCIATION

NOVEMBER 2016 VOL 54 NO. 3

The Globe

The newsletter of the Illinois State Bar Association's Section on International & Immigration Law

Editor's comments

BY LEWIS F. MATUSZEWICH

This third issue of *The Globe* for this ISBA year has some notable items. Patrick Kinnally, Chair of the International and Immigration Law Section Council authored, "A Crime Involving Moral Turpitude, in Search of a Standard." The Illinois State Bar Association's Web site (www.isba.org) allows you to review information concerning various publications, including the Section newsletter topics and to search newsletters by topics or authors. If you enter Patrick M. Kinnally, it lists 83 articles by Pat in the various ISBA newsletters. However, that is probably underestimating his production since it starts only with the October, 2000 article in *Civil Practice and Procedures*, and Pat produced articles for the ISBA prior to that time.

Since 2009, once or twice a year, Florian S. Jörg submits to us an update concerning Swiss business law. The current article covers significant changes in Swiss law between January 1 and July 1, 2016.

Through the introduction of Lynn Ostfeld, former Chair of the International and Immigration Law Section Council,

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A crime involving moral turpitude: In search of a standard

BY PATRICK M. KINNALLY

The phrase "crime involving moral turpitude" (CIMT), since its inception in the Immigration and Nationality Act (INA), has been criticized for its lack of definition and perplexing application to a variety of alleged deportable acts. It supposedly categorizes behavior which may or may not be harmful (*Arias v. Lynch* 14-2839 (7th Cir. 8-24-16) [*Arias*]. More importantly, a conviction for a CIMT can prevent an otherwise eligible immigrant from obtaining cancellation of removal, adjustment of status to lawful residence, or other remedies that would thwart removal. Congress in the last century has never defined what is meant by a crime involving moral turpitude. Maybe it might want to get around to doing so in our lifetimes.

Sixty-five years ago, in *Jordan v. DeGeorge* (314 U.S. 223 (1951) [*Jordan*], the Supreme Court held the failure to pay taxes on distilled spirits was a CIMT. It reversed the 7th Circuit Court of Appeals

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Editor's comments

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Jihong Wang and Paul Kossof, of the Hong Kong-based law firm of Zhong Lun, provided to us the article, "Foreign Participation in Malaysian Construction Projects – A Practical Introduction."

Almost three decades ago, the Illinois State Bar Association worked with the National Bar Association of Poland and the Advocates Society of Chicago and DePauw University College of Law and its' International Human Rights Institute to bring 30 young attorneys from Poland to Chicago for classes and internships. An update on this project, which will be an introduction to the project by many readers, is included in this issue and more information will be provided in subsequent articles.

As always, thank you to all of our contributors.

Lewis F. Matuszewich
Matuszewich & Kelly, LLP
Telephone: (815) 459-3120
(312) 726-8787
Facsimile: (815) 459-3123
Email: lfmatuszewich@mkm-law.com ■

A crime involving moral turpitude: In search of a standard

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that found the offense was not a CIMT (183 F.2d 768). The Supreme Court found this to be the case even though the only victim was the government who failed to collect some revenue on whiskey sales. It focused on the fact that fraud upon the government was such a "** contaminating component in any crime that American courts have, without exception included such crimes to be within the scope of moral turpitude**". This ruling for the following reasons seems aberrant.

What constituted the character of the fraud was unexplained by the Supreme Court, such as being inherently wrong (*malum in se)* or merely wrong because prohibited (*malum prohibitum*) (See *Padilla v. Gonzalez* (7th Cir. 2005) 397 F.3d 1016. Even our Illinois Supreme Court in a recent opinion concluded there is no clear consensus in the federal courts about how to define a CIMT (*People v. Valdez* 2016 IL 119860 (sl op. Pp 7-8).

In *Jordan*, Justice Jackson in dissent declared, I believe correctly, that whatever a CIMT is, Congress failed to warn individuals of what would be the criminal consequences of their conduct. In short, a CIMT was vague, and thus void.

He observed that in the Legislative debates you can see some inkling of what is, or more likely, not meant by the term:

> Mr. Sabath ***You know that crime involving moral turpitude has not been defined. No one can really say what is meant by saying a crime involving moral turpitude. Under some circumstances, larceny is considered a crime involving moral turpitude- that is stealing. We have laws in some States under which picking out a chunk of coal on a railroad track is considered larceny or stealing. In some States it is considered a felony. Some states hold that every felony is a crime involving moral turpitude. In some States the stealing of a watermelon or a chicken is larceny. Of course, if the larceny is of an article, or a thing which is less than $20 in value, it is a misdemeanor in some States, but in other States there is no distinction. [Hearings before House Committee on H.R. 10384, 64th Cong. 1st Sess. P.8 (341, US 223, 234 (1951), Jackson, dissenting).

The Globe

Published at least four times per year. Annual subscription rates for ISBA members: $25.

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OFFICE
ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITORS
Lewis F. Matuszewich
Geeta M. Shah

MANAGING EDITOR / PRODUCTION
Katie Underwood
kunderwood@isba.org

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Another Representative opined:

> Mr. Woods*** I would make provisions to get rid of an alien in this country who comes here and commits felonies and burglaries, holds you up on the streets, and commits crimes against our daughters, because we do no want that kind of alien here, and they have no right to be here. *** The rule is that if we get a man in this country who has not become a citizen, who knocks down people in the street, who murders or who attempts to murder people, who burglarizes our houses with blackjack and revolver, who attacks our women in the city, those people should not be here. *** (Hearings before House Committee on Immigration and Naturalization on H.R. 10384, 64th Cong., 1st Sess. 14). Mr. Woods was not an ordinary witness. As the then Police Commissioner of New York City, his testimony appears to have been most influential in this provision of the 1917 Act. (Jordan, 341 U.S. 223, 235, Jackson, dissenting fn. 8).

Justice Jackson focused on the fact that the legislative history left the term CIMT undefined. He believed the term was ambiguous and that the strongest support for what constituted a CIMT was a crime of violence.

Justice Jackson's observations foretold the Seventh Circuit's opinion in *Arias* when he states:

***

> We should not forget that criminality is one thing- a matter of law – and that morality ethics and religious teaching another. Their relations have puzzled the best of men. Assassination, for example, whose criminality no one doubts, has been the subject of serious debate as to its morality. This odes not make the crime less criminal but it shows on what treacherous grounds we tread when we undertake to translate ethical concepts into legal ones, case by case. We usually end up condemning all that we personally disapprove and for no better reason than that we disapprove it. In fact, what better reason is there? Uniformity and equal protection of the law can come only from a statutory definition of fairly stable and confined bounds.
>
> ***

(*Jordan*, Jackson dissenting 341 U. S. 223, 242).

As an aside, it is interesting to note that a recent opinion has held the congressional standard for what constitutes a crime of violence is unconstitutionally indeterminate when applied to the aggravated felony statute of the INA (8 USC 1227 (a)(2)(A)(iii). *Dimaya v. Lynch* (803 F.3d 1110 (2015)). Cert. granted. (15-1498, Sept. 29, 2016) (See Also, *Johnson vs. United States* (2015) 576 U.S. _____). I am not sure who is correct on that analysis but it seems there are many Judges and lawyers who disagree on what our congressional representatives said what a CIMT or an Aggravated felony is for immigrants. Construing what a CIMT is more daunting.

Arias is a good example of why Congress should say what a CIMT denotes or abandon it as a ground of removability and inadmissibility.

Maria Arias (Maria) came to the United States from Ecuador 15 years ago. She was convicted of "falsely using a social security number to work, (42 U.S.C. 408 (a)(7)(B). It is a federal crime to misrepresent a social security number to be one's own for *any* purpose. In Maria's case her use of the number was to get a job. Her employer, Grabill Cabinet, (Grabill) did not object to her conduct because she was an excellent employee. Maria has three children, two of whom are United States citizens. She has been married to her husband since 1989 and has always filed income tax returns in this country.

Her conviction after she pleaded guilty, resulted in a sentence of one year of probation and $100 special assessment fee. The Seventh Circuit found that such a penalty, was the lightest offense one was likely to find in modern federal practice (SL. Op. At 3) Even so, it was a felony. Once she completed that sentence Grabill rehired her, even though Aria's indictment claimed she intended to deceive Grabill. That is a non-sequitur.

Later, Maria received a notice to appear for immigration removal proceedings. She admitted removability but petitioned for cancellation of removal based on her decade plus of continuous residency in the United States, and that her removal would cause "exceptional and extremely unusual hardship to her United States citizen children, spouse, or parents. 8 U.S.C. 1229 b(b)(1).

Cancellation of removal, however, is unavailable to immigrants like Maria whom are convicted of a CIMT. Of course, the immigration judge and the Board of Immigration Appeals (BIA) found Maria's conviction to be a CIMT. The Seventh Circuit, noting a split in the Circuit Court of Appeals jurisprudence. (*Guardado-Garcia v. Holder* 615 F. 3d 900 (8th Cir. 2010) with *Beltran Tirado v. INS* 213 F.3d 1179 (9th Cir. 2000) remanded the case to the BIA for a different reason. (See *Matter of: Silva Trevino* 26 I&N Dec. 550 (A.G. 2015). It held the BIA at the direction of the Attorney General was required to address how government adjudications are to determine whether a particular criminal offense is a CIMT under the INA (*Arias*, Slip. Op at 13) Since the BIA had not done that, it had erred in concluding Maria was removable. Notwithstanding, Circuit Judge Hamilton's opinion and Circuit Judge Posner's concurrence show clear dismay with how governmental regulators construe what a CIMT is, and how it is applied.

Arias observed that the standard federal definition of a crime involving moral turpitude tracks *Black's Law Dictionary*. The latter states a CIMT is "an act of baseness vileness or the depravity in private and social duties which man owes to his fellow man or to society in general." (Arias SL. op at 17). The majority and concurrence attribute no efficacy to such definition. Judge Posner observed such a definition approaches gibberish.

As Judge Posner stated,

> "***What does inherently base, vile or depraved, words

> that have virtually dropped from the vocabulary of modern American's- mean and how do any of these terms differ from" contrary to the accepted rules of morality? How for that matter do the "accepted rules of morality differ from "the duties owed between persons or to society in general"? And, -urgently- what is depravity? A partial list of synonyms according to a Google search, includes corruption, vice, perversion, deviance, degeneracy, immorality, debauchery, profligacy, licentiousness, lechery, prurience, obscenity, indecency, a wicked or morally corrupt act, the innate corruption of human nature due to original sin, moral perversion, bestiality, flagitiousness***"

(Arias, SL. Op at 18).

I do not believe Maria Aria's offense comport with any of these outdated terms which purportedly comprise a CIMT, in the lexicon of government administrative law judges or the BIA. They are words of an ethical or religious nature which the federal government has no expertise in scripting as a basis for grounds that may result in deportation.

Judge Posner observed these words have no place in modern legal analysis and are not a part of American vocabulary. They are relics which need no veneration. He found the traditional analyses of what constitutes a CIMT are backward looking and not consonant with modern English. He surmises, correctly that noone, except lawyers and judges have any idea what "turpitude" let alone "moral turpitude" means. Do you?

Fraud is a serious charge. It has criminal as well as civil consequences. Does the quantum of its character amount to baseness or depravity? Is fraud vile?

Did Maria Arias intend to harm anyone by using a false social security number? More importantly, the statute upon which she was convicted does not contain as an element that the accused have an intent to cause harm to a person or another's property. If a CIMT as a ground for removal has any legal value it should start with an examination of the statutory offense having an intent to harm as an element.

Perhaps on the Seventh Circuit's remand the BIA will tell us in today's vernacular what a crime involving moral turpitude actually means to people like Maria Arias who is probably still working at her job at Grabill Cabinet.

I guess we will see. ■

Patrick Kinnally concentrates in general and commercial litigation, immigration and citizenship and administrative, environmental and local government law. Pat, currently Chair of the International and Immigration Law Section Council, can be reached at Kinnally Flaherty Krentz Loran Hodge & Masur PC by phone at (630) 907-0909 or by email to pkinnally@kfkllaw.com.

Patrick M. Kinnally
Kinnally Flaherty Krentz Loran Hodge & Masur PC
2114 Deerpath Road
Aurora, IL 60506-7945
Pkinnally@kfkllaw.com

Updates in Swiss business law

BY FLORIAN JÖRG

In the period from January 1, 2016 to July 1, 2016, the following significant changes became effective from the perspective of Swiss business law.[1]

Amendments to the criminal law on corruption

The amended criminal corruption law entered into force as from 1 July 2016. Private bribery is now also regulated in the Criminal Code instead of only in the Unfair Competition Act. Private bribery is deemed to exist when a person who has received an undue advantage from a third party is derelict in his trust and loyalty obligations in violation of private law. The bribed person is not a public official but – as an employee, agent or associate – is bound by a fiduciary relationship under private law which he exploits to his own economic advantage in violation of his contractual obligations. This extension entails that private bribery is also a criminal offence in Switzerland when it does not constitute a distortion of competition. The scope of application of private bribery was thus extended. The legislator intended that it now also extends to members of sports federations (FIFA, UEFA, IOC etc.), in particular.

Private bribery is now a criminal offence liable to public prosecution. A criminal complaint is therefore not required, unless it is in a minor case. Instances of bribery among private individuals that take place outside business/official activities are still not subject to the new provision. The decisive criterion is whether someone receives compensation for an activity or not.

New law on company names across all legal forms

Significant changes in the law on names of companies also entered into force as from 1 July 2016. Now, the new rules on names are applicable for all companies irrespective of their legal form. Previously, the naming of companies was strongly dependent on the distinction between partnership and joint-stock companies. As a consequence of the amendments, once the name has been chosen for a company, it may be used for an indefinite period of time irrespective of the company's legal form. Thus a change of partners in a partnership does not automatically lead to a change in the company's name. This is intended to ensure that the value created by a company name is preserved. Freely invented names are now also permitted

for partnerships. Conversely, partnerships must now indicate their legal form in the company name.

In addition, the amendments to the law extend the exclusiveness of the company name to the whole of Switzerland. Partnerships existing under the old law continue to be subject to exclusiveness under the old law, and an adaptation to the new rules will only become necessary when the partner who is relevant to the name leaves the company. However, an adaptation to the new rules is possible on a voluntary basis and makes sense if the company wants to benefit from nationwide exclusiveness.

FATCA treaty between Switzerland and the US: new exemption clause for accounts of lawyers and notaries public

The treaty between Switzerland and the United States concerning cooperation for the easier implementation of FATCA (Foreign Account Tax Compliance Act) entered into force some time ago. The treaty provides comprehensive identification requirements on the part of banks with regard to holders and beneficial owners of accounts.

The Swiss and American authorities recently signed an agreement in which an exemption clause for accounts of lawyers and notaries public was adopted into the FATCA Treaty. The exemption clause, which became effective as from 29 February 2016, has the advantage that clients of lawyers and notaries public no longer need to be identified by the banks, thus ensuring that the lawyers' and notaries' professional secrecy can be preserved.

The exemption clause requires that a lawyer or notary public accredited in Switzerland opens this account, that he uses the assets deposited in this account exclusively for specifically professional activities, and that only assets that are subject to the list in the FATCA Treaty are deposited in this account. Also, such assets may only be deposited for the duration of the ongoing legal consultation. ■

Dr. Florian S. Joerg, MCJ, is a partner in the Zurich office of Bratschi Wiederkehr & Buob Ltd., one of the largest independent Swiss law firms. He graduated from the University of St. Gallen Law School and obtained a postgraduate degree from NYU Law. His areas of practice include corporate law, M&A and banking law. Florian advises mainly both foreign and domestic companies and banks. He is also a lecturer for private law at the University of St. Gallen Law School. Further, Florian is admitted to the Swiss bars and to the bar in New York (not practicing) and he is a member of IBA, ABA, IPBA and NYSBA. Currently, he is also the co-chair of ABA SIL's M&A and Joint Venture Committee, a former co-chair of the Europe Committee and a Fellow of the American Bar Foundation. For questions please contact Florian S. Jörg at +41 58 258 10 00 or by email to florian.joerg@bratschi-law.ch.

1. The FATF recommendations, the entry into force of the Financial Infrastructure Act, the amendments to the Debt Collection and Bankruptcy Act and some more changes that became effective as from January 1, 2016 were dealt with in the last communication.

Foreign participation in Malaysian construction projects: A practical introduction

BY JIHONG WANG (SENIOR PARTNER) AND PAUL KOSSOF (LEGAL CONSULTANT), ZHONG LUN LAW FIRM

Malaysian construction projects are often attractive to foreign companies as, in addition to its relatively steady and high growth, Malaysia offers a comparatively stable political and legal environment. Propelled by the One Belt, One Road Initiative, Chinese construction companies are funding and building many of the country's most important projects.

Zhong Lun attorneys led by Senior Partner Jihong Wang assisted a Fortune 500 construction company with a potential large-scale water works project. Our team conducted legal environment due diligence, met with the local government, etc. Based on this experience, the following article seeks to provide a practical introduction to foreign participation in Malaysian project investment, EPC contracting and public-private partnerships.

Brief Overview of Malaysia's Economy and Construction Industry

With an average annual economic growth of over six percent since the 1950s, Malaysia now possesses one of the highest GDPs in Southeast Asia (over USD 800 billion). As more than 80 percent of its GDP is derived from exports within only a few industries, Malaysia has recently implemented federal policies (Malaysia has a federal system) to diversify its economy as well as reduce both domestic need for and economic reliance upon oil and gas products.

Construction projects in Malaysia are addressing this market diversification push including office buildings for financial and services industries, power projects to expand its energy capabilities (ranging from coal to renewables) and various transportation projects to address a growing population. A new city was even built, Putrajaya, to address overcrowding in capital Kuala Lumpur by relocating almost all of the federal government (this project utilized over USD eight billion in investment).

Foreign Investment

Beginning in 2009, the Malaysian government began removing restrictions on foreign equity participation in

various construction-related industries including engineering, architecture, telecommunications, schools and hospitals. Currently, foreign investors may establish several forms of local business entities as well as directly invest in local companies (contributions can include cash, equipment, technology, franchise rights, etc.) to participate in local construction projects.

Foreign entities considering investing in Malaysia should understand what the Malaysian Investment Development Authority (**MIDA**) offers as the government administration responsible for promoting foreign investment as well as take advantage of their online information and foreign investor services. We also recommend reviewing materials from the Economic Planning Unit (**EPU**; a government agency directly under the Office of the Prime Minister that influences economic and related policies, such as environmental) and Ministry of Domestic Trade, Cooperative and Consumerism (**MDTCC**; government ministry that advises on federal laws and regulates trade, business registration and governance, and specific industries including oil and gas). Construction companies will also work with the Construction Industry Development Board (**CIDB**) as it handles many of the related permits and licenses.

Malaysia offers various incentives to foreign investors including a wide spectrum of tax exemptions and benefits. However, as investors must actively apply for these benefits, it is important to be aware early on of what incentives you may qualify for so as to ensure adequate time to properly file the associated applications.

EPC Contracting

The Malaysian construction industry is relatively open to foreign contractors, and many of China's largest construction companies are involved in EPC projects ranging from transportation infrastructure to power plants (key players include China Railway Construction, China National Machinery Import & Export Corporation (coal power plants) and China National Nuclear Industry 23 (oil and gas, renewable energy, etc.)).

For both private and government projects, a foreign company intending to perform EPC work must first incorporate a local business entity (usually an LLC) and then obtain a Registered Contractor Certificate from CIDB (**CIDB License**), which is required for performing any type of construction work. These licenses have seven registration grades ranging from G1 (tenders not exceeding MYR 200,000, or app. USD 48,000) to G7 (no limit).

The CIDB registration criteria make it difficult for foreign contractors to obtain higher-grade licenses (e.g., previous and ongoing Malaysian projects, local technical personnel, local financial capability), so they frequently bid with Malaysian construction companies through joint ventures or consortiums. Malaysian construction companies often contribute little capital or technology, their main contribution being the CIDB License and other local qualifications). For comparatively small projects, it is also possible for foreign contractors to obtain a project-specific license.

In addition to applying for general construction permits, the local company may need industry-specific approvals. It is also important for companies to understand foreign vs. local labor requirements (and to negotiate potential exemptions, if necessary) as well as the procedures and related restrictions/fees for hiring foreign employees.

Finally, although Malaysian law does not require public tenders for performing government project EPC work, and some projects are directly awarded, federal and state projects often utilize public bidding.

Public-Private Partnerships

Following the general common law trend, Malaysia does not have legislation dedicated to PPPs. Instead, its PPP framework is set on an administrative level (primarily by the Malaysian Public Private Partnership Unit (**3PU**)). On the federal level, PPP participants should be mindful of industry-specific laws such as the *Railways Act* for railroad projects and *Electricity Supply Act* for energy projects. Some of the other most relevant federal laws include the *Port Authorities Act*, *Land Acquisition Act* and *Telecommunications Act*.

Malaysian law does not require that PPP projects be awarded through public bidding. For federal projects, 3PU will determine whether a PPP project shall be granted via public bidding or direct award. 3PU tends to require bidding to facilitate competition and fair dealing; however, 3PU has allowed direct awards depending on the typical factors such as project complexity.

Bidding is also not necessary for projects awarded on the state level. State governments will tend towards public bids (mainly to increase competition), but have directly awarded projects.

Engaging Legal Counsel and Other Due Diligence Professionals

This article provides a general introduction to foreign participation in Malaysian construction projects. Depending on the project, Malaysia presents a potentially suitable environment for foreigners to invest in and build projects. However, successful implementation requires a comprehensive understanding of the legal environment including federal and state incentives and restrictions on foreign involvement, potential transactional structures, approvals, tax and currency exchange (just to name a few).

Given the scale and complexity of cross-border construction projects, it is always advisable to carefully identify qualified consultants including attorneys (from both the outbound and target country) and financial advisors as well as to conduct complete and proper due diligence before determining whether to participate in a project. ■

Zhong Lun is a leading full-service Chinese law firm with overseas offices in New York, Los Angeles, San Francisco, Hong Kong and Japan. Our thriving outbound practice represents some of China's largest construction companies throughout the world within the infrastructure, real estate, energy and natural resources sectors, navigating diverse legal environments and providing comprehensive legal services that both address the numerous risks facing cross-border investment and construction while tailoring our services to the internal requirements and cultures of Chinese central, state-owned and private enterprises. Please contact paulkossof@zhonglun.com or wang.sec@zhonglun.com to learn more.

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Twinning Project update

BY LEWIS F. MATUSZEWICH

Over 25 years ago, the Illinois State Bar Association entered into a Twinning Agreement with the National Bar Association of Poland. Led by Thomas M. Keating of the ISBA's International and Immigration Law Section, the Agreement called for a wide range of activities, including educational and training programs.

A major step was a grant from the U.S. Information Agency for the participation of DePaul University College of Law and its International Human Rights Law Institute, then headed by Douglass Cassel, Jr. the Illinois State Bar Association, the National Bar Association of Poland (Naczelina Rada Adwokacka) and the Advocate's Society of Chicago led by Richard P. Bogusz. The President of the National Bar Association of Poland was Maciej Bednarkiewicz and the contact for the Twinning Project was Marek Mazurkiewicz, who is still an active Advocate in Warszawa, Poland. This funding provided the resources for a group of ten young Polish attorneys to come to Chicago for approximately 18 weeks. The first eight weeks were devoted to specially designed courses at DePaul University College of Law. These included courses on international human rights, the rule of law, the rights of individuals, constitutional law, the role of the judiciary, etc. Each intern was provided two four-week internships at government agencies, judicial offices, or private law firms and continued research at DePaul University.

The first group of 10 interns came to Chicago in 1992 and was followed by an additional ten interns in both 1993 and 1994. Each intern was provided at least two mentors, usually one from the Illinois State Bar Association and one from the Advocate's Society of Chicago. Supplementing the formal classes at DePaul were lectures arranged by the ISBA International and Immigration Law Section concerning fundamental introduction to U.S. civil procedure, family law, criminal defense, business organization, etc.

The thirty advocates selected to come to Chicago were uniquely qualified with a high level of talent and education.

Two illustrations of this:

President of the National Bar Association of Poland (2007-2010) - Joanna Agancka-Indecka came to Chicago under the program in 1993 from Lodz, Poland. A graduate from the Faculty Law of the University of Lodz, she became an assistant professor and then Chair of the Penal Procedure of the Faculty of Law and Administration of the University. She received training at the International Criminal Court at the Academy of European Law.

Shortly after her return from Chicago, she was elected in 1994 as a member of the Human Rights Commission of the Polish National Bar Association. She was elected Vice President of the Polish National Bar Association in 2004 and served as its President from 2007 through 2010.

Joanna was a Legislation Expert to the Sejm (Parliament) and in 2009 she received the Knight's Cross of the Order of Polonia Restitua, and in 2010 she served on the Codification Commission on Penal Law for the Ministry of Justice.

As a historical note, in April 1940, after Russia invaded Poland in coordination with Germany (the Molotov-Ribbentrap Pact), Stalin ordered 5,000 Polish officers taken into the Katyn Forest, they were shot and thrown into mass graves. Other near-by massacres included additional military officers, police officers, business and land owners, and lawyers, always the lawyers are the target, estimates of the total executed are 22,000 in total. This became known as the Katyn Forest Massacre.

In April, 2010 on the way to participate in a ceremony in memorial of the 70th anniversary of the Katyn Forest Massacre a Polish Air Force plane crashed near the City of Smolensk, Russia, killing all ninety six people on board. This included the President of Poland, a former President of Poland, the Chief of the Polish General Staff and other Polish military officials and government officials.

Included in the list of victims who were passengers on the plane was Joanna Agancka-Indecka, who was participating in the trip as the President of the National Bar Association of Poland. She was 46 years of age and this was seven years after she participated in the Twinning Project in Chicago.

Senator - Zpigniew Cichon was one of the 1992 advocates and was from Krakow, Poland. Zpigniew graduated with a degree in administration in 1975 and in 1976 from the Faculty of Law at Jagiellonian University in Krakow. In 1982 he completed his apprenticeship and was admitted as an advocate to the Advocate Council in Krakow.

If you go to his law office in Krakow, you will see, proudly displayed, his Certificate of Participation in the Twinning Project Internship in Chicago with DePauw University College of Law and the Illinois State Bar Association.

In March, 1996 Zpigniew submitted to the European Court of Human Rights the case for the Plaintiff, Jerzy Bronionwski against the Government of Poland. While the case was very fact-specific, it stands for the concept that an individual may sue the government for its action, or in this case, its inaction. The European Court of Human Rights, sitting as a grand chamber consisting of seventeen judges, agreed with Zpigniew Cichon and his co-counsel.

Zpigniew continues to practice as an advocate in Krakow and has been elected to the Senate and the Parliament.

The above are just two examples, both of whom have cited in their official biographies their participation in the program with the Illinois State Bar Association and DePaul University College of Law. Future articles will include information concerning other ISBA Twinning Project participants. ■

THE GLOBE
ILLINOIS BAR CENTER
SPRINGFIELD, ILLINOIS 62701-1779
NOVEMBER 2016
VOL. 54 NO. 3

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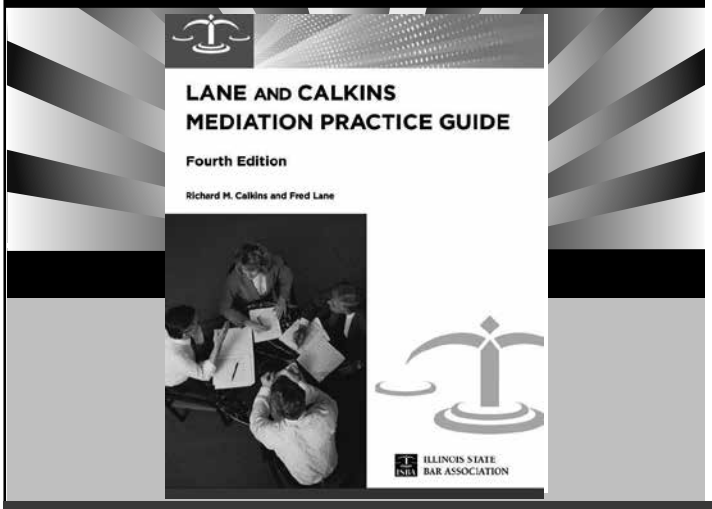

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