

The Catalyst

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

Chair column

BY MELISSA OLIVERO

It is my honor and privilege to serve as the Chair of the ISBA's Standing Committee on Women and the Law for 2017-2018. We are fortunate to have Vice Chair Lori Levin and Secretary Kelly Thames-Bennett completing our leadership team. Our committee is off to another strong start following our well-attended meeting at the ISBA's Annual Meeting in Lake Geneva. The Committee's theme for this year is *Recognizing the Contribution of Women in the Law*.

Our Committee plans to continue

its tradition of nominating deserving attorneys for awards both within the ISBA and from outside groups. We also plan to work on creating an ISBA Award to recognize the contribution of outstanding women within our profession. We also hope to update our Committee's website with information on the Committee's history and past Chairs. This is just a quick look into what our Committee has in store for the 2017-18 bar year.

It's going to be a wonderful year!

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How to overcome your fears and land your dream career

BY CORRI FETMAN

Being a female attorney is ridiculously overwhelming. There, I said it. Whether you are a judge, partner in a law firm, associate, prosecutor, or run your own law practice, I am certain at some point you have toyed with the idea of switching careers or changing jobs. When this happens, you start fantasizing about any career but law. In your spare time, you research your designated new job or profession. In fact, you start thinking about it obsessively. Just when you are

about to take that next step, you look at the drawer of bills or your family obligations and, just as logically, you talk yourself out of it. So what is really preventing you from your dream?

How do you go from being paralyzed with fear when it comes to the thought of leaving your cushy position to becoming that strong, independent, happy person? By addressing each and every fear you have rationally and methodically until you have

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Chair column

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I would like to thank our exceptional immediate past Chair, Julie Johnson, and all of the remarkable Chairs who preceded her for building our Committee into the strong group it is today. I know I have some huge shoes to fill! If you would like to learn more

about our Committee or to get involved, please contact me directly or join us as a guest at our next meeting on October 13, 2017, at noon at the ISBA Chicago Regional Office. Our meetings are open to all ISBA members and we always welcome guests. ■

How to overcome your fears and land your dream career

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reasoned all of the daunting apprehension right out of them. After all, F-E-A-R is often “false evidence appearing real.”

Overcoming any given anxiety regarding an issue is kind of like the grown-up version of disabling your fear of the “boogeyman” when you were a child. The more you believe that you are NOT afraid of “it”, the more you drain “it” of its power over you. But because we are not children anymore, simply repeating “I am not afraid, I am not afraid” over and over again will no longer suffice. We need to truly believe that we are deep down unafraid. And to do that, it is best to write out whatever worries and anxieties we may have, and then write down rational solutions and reasons why we should not fear them. You know, like adults.

So here they are, my friends. I have listed a few of the most common fears that people have regarding a potential job or career change (a.k.a. the most common reasons why people decide to forego transformation in lieu of an unhappy situation) along with the reasons why you should really not fear them at all.

1. Fear of What Others In the Legal Profession Might Think of You

How to deal with small-minded people in the legal profession who talk behind others’ backs...IGNORE THEM. They hate that! The less fuel you give the nitwits to feed their scandal-fire, the less they will have to talk about and the more likely it will become that they stop talking about you

altogether.

The bottom line is that opinions are a dime-a-dozen and usually only doled out by those who have nothing else exciting in their lives to occupy themselves with. You can’t let the negative thoughts of a few other people stand in the way of your happiness no matter how irritating or humiliating it may feel.

Surround yourself with mentors and people in the legal profession who will root for you-not rain on your parade. Most importantly, what people say to you is about THEM-not you. The sooner you learn that, the sooner you can move forward and meet your goals. One last simple word of advice, if you truly knew how little time people actually think about you, you would NEVER give their opinions much credence.

2. Fear of Financial Ruin

You did not get to where you are at by accident. Any success is gained by having a viable plan with steps for execution. The same holds true for a new job or career change. Unless you just won the power ball lottery or you are a direct descendant of Bill Gates, you will only be able to overcome this fear by planning and research. While this may seem to be a daunting task, it is not difficult as you think. All you have to do is to pretend that you are giving advice to your client and the rest will follow. If you take yourself out of the equation, you will fare better at figuring out the game plan. Not only will you need to hire

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professionals, but your experts will get you through the hell of moving forward. Even though they may provide some harsh data, their guidance will give you help to be more prepared in the end. By way of example, if your accountant tells you that you need \$500,000 to start your new business, you will know where you stand. You can then assess whether you need to take out loans, be kinder to your rich eccentric aunt, or stay at your miserable attorney position for a few more years.

3. Fear of Being Called a “Failure”

Let’s get one thing straight, shall we? *You* are not a failure just because your career is not going as planned. You know who is a failure? The person who stays in an unhappy, dysfunctional job or career out of fear or inertia.

What you are is a brave, self-aware individual who has made the decision to take control of your own happiness by ending your unhealthy job position in an attempt to find the path that is meant for you in life. Bet that makes you feel a lot better about yourself, right? Good! It should! Because making changes even if you have a family or other financial obligation is nothing to feel ashamed

about. It is a process that takes an immense amount of courage, strength, and patience.

No one is perfect, and on the same note, no one expects you to be perfect either. Life is a learning process and no one is a master at how to manage one perfectly from start to finish. So cut yourself a little slack and take a lesson away from each mistake you make. You will grow from each slip up, I promise.

4. Fear of the Unknown

This general fear is basically just an amalgam of all the fears listed above. Not knowing what is going to happen next in our lives can be scary and stressful. Fearing the unknown can cloud our minds and keep us from seeing what we really want from life.

But you’ve just got to get over your fears and move on. The choice is yours: do you want to spend the rest of your life living in fear and repressing your innermost wants and needs, or do you want to spend the rest of your days living exactly the life you feel was meant for you without any inhibitions or restrictions?

Whoever originally said the famous quote, “What doesn’t kill you makes you stronger” must have been a female attorney

in the throes of a deep, dark career crisis amidst the backdrop of a high paying legal career. And if so, truer words have never been spoken. Your career or job change will be challenging and there will be times when you wish you could just curl into a ball and hide from reality forever, but trust me, it will not kill you. Facing the fears that stop most people from going through it is the first step in shedding a layer of who you are now for who you will become...and that person will be a much lighter, happier, yet stronger version of yourself.

Life is not a dress rehearsal. Be different from the rest of the population who goes through life half-asleep and hopeless... choose your own happiness and ignore anyone who gets in your way! ■

Corri Fetman is the President of Corri Fetman & Associates, Ltd. Fetman has practiced in the State of Illinois since 1988. Fetman has a boutique law firm and practices in the following areas: divorce, custody and matrimonial law; prenuptial and postnuptial agreements; corporate counsel for corporations and small businesses; drafting and negotiation of contracts. Fetman serves on the ISBA Corporate Council, ISBA Women and the Law Council and the Women’s Board of the Illinois Holocaust Museum and Education Center. www.cfalawfirm.com (312) 341-0900

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New paid sick leave and minimum wage raises underway in Chicago and Cook County

BY LORI A. GOLDSTEIN

On July 1, many employers in Chicago and Cook County faced new requirements and revised their policies and practices. Employers with 1 or more employee must now provide paid sick leave (PSL) to most employees, including temporary and part-time employees. Covered employees earn 1 hour of PSL for every 40 hours worked, up to 40 hours of PSL every year. PSL can be used for employee or family illness/injury and other specified reasons.

Additionally, Chicago's minimum wage increased from \$10.50 to \$11/hour, and Cook County's rose from the state's \$8.25 wage to \$10/hour. The majority of Cook County municipalities voted by home rule to opt out of the sick leave and/or wage increase. Challengers argue (litigation is pending) that only the state can constitutionally pass such laws, and that businesses would have to reduce staff and lower/eliminate benefits, and/or raise prices, jeopardizing future business.

APPLICABLE RULES AND CONFLICTS

Although the city and county ordinances are similar, there ARE differences between the laws and the rules established for implementation. Employers must be aware of which rules apply to what circumstances. The Chicago regulations provide that in the case of a conflict between the Chicago and Cook County ordinances, the Chicago ordinance shall prevail within the City. The Cook County law does NOT apply to employees who work (only) in Chicago - they are covered by the Chicago ordinance. Otherwise, follow the general legal principle that the provision most generous to the employee governs.

Businesses with locations and/or employees outside of Cook County (including outside of Illinois) may also be subject to PSL laws in those states, cities

and counties where they have employees, following a national trend of PSL laws. It is crucial that employers determine and follow each applicable law based on jurisdiction.

Employers who already provide sick days or paid time off (PTO) at a rate and in a manner that complies with applicable law may be deemed to satisfy the requirements. Most, however, will require policy modifications, including broadening the reasons allowed for taking leave, adding carryover rights and changing the medical certification rule. (Many employers require a doctor's note for employees who are absent for 3 days for illness. Under the new laws, employers can only require medical certification for absences exceeding 3 consecutive days.)

Non-compliance could be costly. Violators can be subject to a fine of up to \$1,000 per day per affected employee, plus lost wages, and injunctive relief. Employees may also bring a lawsuit for violations.

COVERED EMPLOYERS

The Chicago PSL law covers employers, including nonprofits, who maintain a business facility in Chicago and/or who are required to obtain a business license to operate in the City. "Business facility" means a place maintained by an Employer where it conducts business operations, and also includes places where a domestic worker or home health care worker is employed and engages in work for an Employer. A person or entity that employs 1 or more employees, including domestic workers, home health care workers or day laborers who qualify as Covered Employees, is an Employer for PSL. (The Illinois overtime exemption for employers with less than 4 employees does not apply, even to small employers of domestic or home health care workers.)

Cook County's PSL and minimum wage

laws apply to employers with their principal place of business within Cook County and at least 1 Covered Employee, unless the municipality in which they operate has opted out of the ordinance. Any fixed location where the business of the employer is transacted is a "place of business," e.g. store, restaurant, office, factory and storage facility, as well as a residence where a person employs a Covered Employee as a domestic worker.

There is a significant distinction to note. While the city and county PSL rules and Cook County's minimum wage all apply to employers with 1 or more covered employee, Chicago's Minimum Wage rules do not apply to employers with less than 4 employees - other than employers of domestic workers (i.e. the same meaning as in the Illinois Minimum Wage Law.) Therefore, Chicago employers with less than 4 employees (other than domestic workers) need not pay Chicago minimum wage. But they are subject to Chicago PSL rules. Chicago employers with 1 or more domestic employee are covered by both and must pay the new minimum wage for work performed in Chicago by a Covered Employee.

COVERED EMPLOYEES

A "covered employee" is any employee who works at least 2 hours in a 2-week period while physically present in the respective geographic boundary (either Cook County or Chicago) and works at least 80 hours in any 120-day period. (Both laws recognize exemptions, such as employees covered by collective bargaining agreements and employees under 18. There are also rules for seasonal employees and breaks-in-service.)

SICK LEAVE ACCRUAL

Under both ordinances, covered employees accrue 1 hour of paid sick

leave for every 40 hours worked, up to a maximum of 40 hours in a 12-month period. Employees who are exempt from overtime requirements accrue paid sick leave based on the number of hours worked in a normal work week, up to 40 hours.

FRONT-LOADING OPTION

Alternatively, employers can use a “front-loading” method and award employees a lump sum of 40 hours of paid sick leave immediately upon the date of an employee’s eligibility. This may eliminate the burden of calculating accrued paid sick leave, but could also provide some employees more sick leave than they would have otherwise been eligible to receive.

WHEN AND HOW ACCRUED LEAVE MAY BE USED

An employer may require employees to work up to 180 days before using any accrued sick leave. If an employee separates employment before the end of the 180-day period, the employer is not required to pay the employee the sick leave accrued but not used. Unlike vacation/PTO, employees are not due accrued, unused sick leave when employment ends. Employers may also establish a minimum increment of 4 hours in which paid sick leave can be used.

SICK LEAVE CARRYOVER

An employee who does not use all accrued paid leave by the end of the 12-month period may carry over to the following year half of all unused, accrued time, up to 20 hours. However, if the employer is subject to the Family Medical Leave Act (FMLA), workers can carry over additional PSL plus time allowed under the FMLA (amount is different under each ordinance.)

PERMISSIBLE USES OF SICK LEAVE

Employees may use accrued paid sick leave in the following situations:

- The employee or the employee’s family member is ill or injured.
- The employee needs to receive medical care, treatment, diagnosis or preventative medical care.
- The employee needs to care for a

family member receiving medical care, treatment, diagnosis or preventative medical care.

- The employee or the employee’s family member is the victim of stalking or domestic or sexual violence.
- The employee’s place of business is closed due to a public health emergency.
- The employee needs to care for a child whose school or place of care has been closed due to a public health emergency.

NOTICE/CERTIFICATION

An employer may require that a covered employee provide up to 7 days’ notice if the paid sick leave is reasonably foreseeable. If the leave is not reasonably foreseeable, an employer may require that a covered employee notify the employer via phone, email or text message on the same day the sick leave is taken. Additionally, an employer may require medical certification supporting the leave for absences exceeding 3 consecutive work days.

RECORDKEEPING

Employers must maintain personnel and payroll records for 5 years showing details of PSL earned and used.

TAKEAWAY FOR EMPLOYERS

Given how many employers operate both in Cook County and in Chicago, having two different sets of rules is extraordinarily burdensome. Hopefully, the nuances and unanswered questions will be resolved through court/agency interpretation or legislative clarification. Until then, employers should do their best to comply.

Formal Notice

The Cook County and Chicago Commissions on Human Rights, responsible for enforcing the respective laws and rules, have issued model rules and posters. Employers should display the poster in a conspicuous location in the workplace. Employers were also required to give each worker notice of their rights under the ordinance with their first paycheck on/after July 1.

Written Policy

The regulations make clear that a

written policy is essential. Otherwise, certain assumptions will be made about an employer’s practices and employees’ rights that may lead to penalties for employers. For example, if an employer cannot show a written policy with reasonable requirements for employees to provide notification, the Commission will presume that employees can use paid sick leave without providing any prior notice.

Employers should obtain a legal assessment as to which laws and rules apply and proposed revisions/updates/creation of sick leave and related policies (e.g. PTO, FMLA, short-term disability leave.)

Training

Train supervisory and payroll/benefits personnel to comply with the new benefits and recordkeeping rules. ■

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*Sorry, if you’re a licensed Illinois lawyer you must be an ISBA member to order.

Women in Leadership in the American Bar Association's Judicial Division

BY JUDGE ANN BREEN-GRECO

For the first time in the history of the ABA's Judicial Division (JD), there will be four women in leadership: Chair – Judge Ann Breen-Greco, Chair Elect (and member of the Women in Law Committee) – Judge Toni Clark, Vice Chair – Judge Liz Lang-Meier, Vice Chair, and immediate past Chair, Col. Linda Murnane. Judge Toni Clark also makes history by being the first African-American woman in JD leadership. Judges Breen-Greco, Clark, and Murnane have also been long-time activists in the National Association of Women Judges. Judge Clark serves as the NAWJ Delegate to the ABA House of Delegates. Judge Breen-Greco has served as the NAWJ's Vice President of Districts and is the NAWJ liaison to the ABA's Commission on Domestic and Sexual Violence. Col. Murnane has been a frequent speaker at the NAWJ conferences.

Judge Breen-Greco is a new member of

the ISBA's Standing Committee on Women and the Law. Previously she has been Chair of the ISBA Administrative Law Section and ISBA Alternative Dispute Resolution Section.

Judge Breen-Greco's theme for her year as ABA Judicial Division Chair is:

Fostering Creative/Collaborative Leadership Globally to Ensure Fairness in Justice Systems

- **Ensuring Fairness through:** judge and lawyer mindfulness and leadership; leveraging technology; innovative techniques for ensuring orderly and fair proceedings in the courts; and what judges can do when social policy undermines the premise of justice and how judges can address public health crises.
- **Working globally:** (1) the ABA mid-year meeting for 2018 (January 31

to February 6) will be in Vancouver, British Columbia, which will provide an opportunity to include judges and administrative tribunals from Canada and judges from other countries; and (2) focus on the United Nations' Declaration of the International Decade for People of African Descent – 2015-2024, which also highlights the current public health crises in the United States.

Judge Breen-Greco is interested in working collaboratively in her role as ABA Judicial Division Chair and as a member of the ISBA Standing Committee on Women and the Law on issues of mutual concern. One issue that Judge Breen-Greco has been working on in the ABA judicial Division is a resolution proposed by the National Association of Women Judges regarding appointments from the bench of women and minorities. ■



SAVE THE DATE

Working with low-income clients

October 25, 2017 • 12 p.m. - 5:00 p.m. Central (reception to follow)

Live webinar

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Gain a better understanding of the challenges faced by low-income clients and the impact these challenges can have on their ability to meet the demands and requirements of a legal case. Learn how to build rapport and communicate effectively with these types of clients, as well as why pro bono volunteers are so important to this demographic.

Member Price: Free for the first 30 registrants

Good news

The Women and the Law Committee congratulates members Margaret Manetti and Kristen Prinz on being named to Crain's Business Most Influential Women Lawyers in Chicago. Only 60 women attorneys received this distinct honor from the Chicagoland legal community, which was all nomination-based.

Margaret Manetti works at Codilis and Associates as a supervising attorney, overseeing and training junior attorneys in consumer finance litigation, as well as

conducting trainings in house on discovery skills, bankruptcy, the practical application of Illinois law in eviction court, and the Consumer Finance Protection Bureau regulations. She was just named as the ISBA Cook County Young Lawyer of the Year in 2017. Margaret balances her role at work with her husband, also an attorney, and their two children.

Kristen E. Prinz is the principal and managing partner of The Prinz Law Firm, where she prides herself on working to

make employment better for businesses and employees. Kristen both litigates cases on the trial and appellate level, and counsels executives, professionals and business owners on all aspects of employment law. Kristen also runs her firm while being an active mother to daughters Zoey and Olive, ages 4 and 2, respectively.

WATL prides ourselves on nominating and supporting our members for honors and awards within the ISBA and the legal community at large. ■

Spotlight on Women and the Law Member Lori G. Levin

BY JESSICA MARSHALL

Attorney Lori G. Levin is a long-time member of the Standing Committee on Women and the Law, of which she has been a member since 2007 and is currently serving as our Secretary. Lori is an attorney in Private Practice, handling a variety of criminal, juvenile justice, domestic violence, elder and mental health law issues, and she has been in private practice since 2009. Prior to her private practice, Lori was the Executive Director of the Illinois Criminal Justice Information Authority. Prior thereto, Lori was a Supervisor in the Cook County State's Attorney's Office as well as a Trial Attorney. During her tenure as a Trial Attorney, Lori tried 50 felony jury cases and hundreds of bench trials. She was rose to first chair in the Felony Trial Courts at 26th and California, and was then promoted to a supervisor in the Seniors and Persons with Disabilities/Mental Health Division.

Lori received her Juris Doctor from Georgetown University Law Center and received her Bachelor of Science in Journalism from the University

of Illinois. Lori is very active in the Women's Bar Association, the Illinois State Bar Association and the American Bar Association. Lori is a past President of the Women's Bar Association. She also has co-chaired numerous WBAI committees as well as served on the Board of Directors for six years. Lori is currently a member of the Criminal Justice Section Council and an Assembly member, and she was previously Chair of the Mental Health Law Committee, Chair of the Standing Committee on Continuing Legal Education, as well as an Elder Law Section Council Member. The Standing Committee of Women and the Law is extremely proud that just this year, Lori was selected as a Laureate of the Illinois State Bar Association's Academy of Illinois Lawyers, an extremely high honor.

Lori is a Super Lawyer, which she has been nominated by her peers for over several years. She has also been selected as a Leading Lawyer for her practice areas. Lori also was the 2014 recipient of the Illinois State Bar Association's

Matthew Maloney Tradition of Excellence Award. Lori has been a champion for Illinois' ratification of the Equal Rights Amendment. She can be found organizing support for the Amendment through our state's legislature. She is always in the know regarding the most recent progress of the ratification. Lori is an exemplary attorney, who works with some of society's most vulnerable population. She is an advocate, an educator and an active participant in the Illinois legal community. Furthermore, Lori is always available to other attorneys for assistance, her expertise and advice, when called upon to help or lend a hand. She is always ready and willing to volunteer for anything that needs to be done for our committee, and she eagerly accepts challenges presented to her. Lori prides herself in being both a mentor within the legal community.

Lori was asked a variety of questions relevant to women and the practice of law, and her answers were as follows:

Q: Tell us a little bit about the areas in which you practice.

Lori: After spending a long time in public service, I opened my law practice in 2009. I handle a variety of matters but primarily criminal and juvenile cases, DCFS Administrative Appeals and legal issues, both in the criminal and civil arenas, pertaining to the mentally ill. This has been the most rewarding chapter of my career. I love helping people and love figuring out the best way to try to achieve the best results for them.

Q: What advice would you give to young female attorneys who are just starting their career? Is there anything you wish you would have known before you started practicing?

Lori: My advice to young female attorneys is that know that the persons you meet in your career will be your

colleagues throughout it. Know that your word is your bond and comport yourself accordingly.

Q: If you had to pick one public policy issue that is near and dear to you, what would you pick and why?

Lori: The one public policy issue near and dear to me is that Illinois needs to finally ratify the Equal Rights Amendment to the United States Constitution. The Illinois Constitution itself guarantees the same rights to women as well as men. It is incongruent that the same does not hold true in the United States Constitution. Although women have made great strides towards equality, the mechanisms achieving that have been statutes, which can be repealed. A Constitutional guarantee

of equality would subject allegations of sex discrimination to a higher burden. The time is long overdue for women to have equal rights under the law.

Q: Tell us about your family and your hobbies.

Lori: I am married and have two grown step-children. Hobbies: I love yoga and the Bar Method but don't do enough of either of them! I also love to read.

We are very proud of all of Lori's accomplishment and congratulate her on her Laureate selection! We know that we can expect many more great things from Lori. ■

Upcoming CLE programs

TO REGISTER, GO TO WWW.ISBA.ORG/CLE OR CALL THE ISBA REGISTRAR AT 800-252-8908 OR 217-525-1760.

October

Wednesday, 10-04-17 LIVE Webcast— Issues to Recognize and Resolve When Dealing With Clients of Diminished Capacity. Presented by Business Advice and Financial Planning. 12-2 pm.

Thursday, 10-05-17 - Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 10-05-17 – Chicago, ISBA Regional Office—The New Bankruptcy Rules and Advanced Topics in Consumer Bankruptcy. Presented by Commercial Banking, Collections & Bankruptcy. 8:55am – 4pm.

Thursday, 10-05-17 – LIVE Webcast— The New Bankruptcy Rules and Advanced Topics in Consumer Bankruptcy. Presented by Commercial Banking, Collections & Bankruptcy. 8:55am – 4pm.

Friday, 10-06-17 – Holiday Inn and Suites, East Peoria—Fall 2017 Beginner DUI and Traffic Program. Presented by Traffic Law. Time: 8:55 am – 4:45 pm.

Friday, 10-06-17 – Holiday Inn and Suites, East Peoria—Fall 2017 Advanced DUI and Traffic Program. Presented by Traffic Law. Time: 8:55 am – 4:30 pm.

Friday, 10-06-17 – Chicago, ISBA Regional Office—Pathways to Becoming Corporate General Counsel and the Issues You Will Face. Presented by Corporate Law. Time: 9:00 am – 12:30 pm

Monday, 10-09-17 – Chicago, ISBA Regional Office—Workers' Compensation Update – Fall 2017. Presented by Workers' Compensation. Time: 9:00 am – 4:00 pm.

Monday, 10-09-17 –Fairview Heights—Workers' Compensation Update – Fall 2017. Presented by Workers' Compensation. Time: 9:00 am – 4:00 pm.

Tuesday, 10-10-17 – Webinar— Outlook for Mac. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 10-11-17 – LIVE Webcast—Enforcing Illinois' Eviction Laws: A Basic Guide to Landlord Remedies and Tenant Rights. Presented by Real Estate Law. 12-1 pm.

Wednesday, 10-11-17 – LIVE Webcast—Working Effectively with Interpreters. Presented by Delivery of Legal Services. 2-3:30 pm.

Thursday, 10-12-17 – Chicago, ISBA Regional Office—Illinois Medicaid Rules and Procedures Bootcamp. Presented by Elder Law. 8:15 am – 4:30 pm.

Thursday, 10-12-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm. ■