

Rural Practice

The newsletter of the Illinois State Bar Association's Section on Rural Practice

Tips for Handling Civil Cases Throughout the State of Illinois

BY DENNIS M. LYNCH

THROUGHOUT MY PERSONAL injury and workers' compensation practice, I have been fortunate to handle cases throughout the State of Illinois in both State and Federal court, in multiple districts of the Appellate Court and the Supreme Court of Illinois. I have also handled cases nationwide, including in Indiana, Missouri, Kentucky, Colorado, Nevada, and Michigan. Some of these cases required multi-week trials far from my home. I've spent the night in many Hampton and Holiday Inns, found the best local coffee shops, and rushed to get a dinner order in before the kitchen at the corner tap closed. Today, about 50% of my caseload is outside of my "home county."

Every locale has its own unique practice and procedure. This article will address

a few tips for when you find yourself far from home.

Check the local rules and standing orders

The most important tip is hopefully the easiest: check the local rules and standing orders for the county/court/judge to whom you have been assigned. Although the Illinois Code of Civil Procedure and Illinois Supreme Court Rules dictate most of our procedure, local rules and a judge's standing order can greatly impact your practice. While they cannot conflict with the Code of Civil Procedure or Supreme Court Rules, they can modify them and address issues on which these rules are silent. Local rules can address anything

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Key Issues for Attorneys Reviewing Solar Leases in Illinois

BY EAN R. ALBERS

MANY RURAL PRACTITIONERS and agricultural attorneys routinely encounter solar leases as a result of sustained development interest across Illinois. These leases can bind property for 30 to 50 years or more and, although each transaction carries its own nuances, several recurring legal and economic considerations consistently require close scrutiny to protect landowners' interests.

A threshold issue is understanding the true duration and financial consequences of the agreement. Solar leases typically include an option period that often spans two to five years followed by construction, operations, and multiple renewal terms that can extend the total commitment to half a century. While annual rents generally exceed traditional cash rent or crop share

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from when a motion for summary judgment or request to admit can be filed, whether and how the court accepts courtesy copies, when the court accepts agreed orders, briefing schedules, and procedures for approving settlements for minors, decedents, and disabled persons. A few judges I have appeared in front of have standing orders forbidding a motion for summary judgment from being filed until an informal conference has been held with the judge. You do not want to have to explain to your client, or partner, or even your spouse or yourself, that you devoted hours of time compiling a motion for summary judgment and all of the exhibits just for the judge to strike it because you did not comply with a local rule or standing order.

Talk to the locals

The written local rules and standing orders are great, but sometimes the most important things are unwritten. Every court and every judge has their own likes and dislikes that are not committed to writing. Either retaining a local lawyer, or at least talking to local attorneys, will have valuable insight into the practices of the court and judge. Once again, these “unwritten rules,” can be critical. How does the judge handle *voir dire*? What hours are devoted to trial? How strict or lenient is the judge on “for cause” or “hardship” challenges? I’ve had situations in one county which would not be considered a hardship which in another county resulted in the immediate dismissal of a juror without question or comment sought from the lawyers. One of the many benefits of the ISBA is our network of lawyers throughout the state. Use that network and gather the information you need to zealously represent your client.

Observe the judge

After scrupulously reading the local rules and your judge’s standing order, and after talking to local attorneys, make time for yourself to observe the judge

handling other cases and see how he or she addresses common issues. Also observe what kind of call the judge handles. In most parts of the state, judges often have general calls, addressing everything from probate to family law to civil cases to name changes. Regardless of the type of call or what you know about a judge’s background, never take for granted that they “know” your area of law or your issue. Always thoroughly explain the law and your position. This is also very helpful in courts where law student interns or law clerks handle the initial drafting of a decision.

When I am handling a case before a judge or county that is new to me, I will always make an effort to observe them before I appear in front of the Court. Or, if I cannot observe them before the call, I will show up early and/or stay late during my call to get a better handle on the judge. With Zoom (more on this in a minute), this has become an easier proposition.

To Zoom or not to Zoom

Supreme Court Rule 45 requires, in my understanding, courts to allow routine non-evidentiary matters via remote appearance such as Zoom. Some judges love it. Some hate it. Some begrudgingly accept it. Regardless of whether a judge allows appearance by Zoom, it is important to find out to what extent your judge “likes” Zoom. Particularly when appearing in a new county or before a new judge, I will usually make an effort to appear in person the first time a case is up. Even in counties that I appear in regularly and are accepting of remote appearances, I still make an effort to periodically appear in person. I think many judges appreciate the effort. When a case or issue becomes complicated, it is better to appear in person. Sometimes, however, remote appearances cannot be helped. If I am before a Zoom-resistant judge, I will explain why I am appearing remotely or why I can only appear remotely on a certain day, such as that I will be out of

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Published at least four times per year. Annual subscription rates for ISBA members: \$35.

To subscribe, visit www.isba.org or call 217-525-1760.

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town for a deposition, traveling for a bar event, or a family conflict.

Observe the community

In addition to knowing your court and judge, get to know the community your case is going to be heard in—especially if your case is going to be resolved in a jury trial. Is there a major employer or employers in town? I once tried a case in a county where the defendant was a large employer and large community presence, so much so that the defendant moved for a substitution of judge from the judge to whom we were initially assigned and

the only other judge assigned to that county recused himself. Many prospective jurors also had some relationship to the defendant. Another important consideration is the timing of a trial in counties where farming is the major industry. Depending on when your case is tried, you may be limiting your juror pool.

ABK: Always be kind

The final tip is not unique to this article. Always be kind to everyone you encounter. With all due respect to the judiciary, always, always, always be the nicest to the sheriff deputies, bailiffs, and court staff.

This not only includes, but is especially true, when you believe you are being treated poorly, unfairly, or you feel looked down upon as an “out of towners.” But never be afraid to (kindly) ask questions of the judge or court staff to make sure you are following the right procedures. ■

Dennis M. Lynch is the owner of Coleman Lynch & Partners, which represents injured clients statewide. He currently serves on the Tort Law Section Council (previous Chair), the Civil Practice Section Council, and the Bench and Bar Section Council. He has previously served on the ISBA Board of Governors and Assembly.

SAVE THE DATE

Annual Meeting²⁰²⁶ Illinois State Bar Association

June 11-12, 2026 | The Ritz-Carlton | St. Louis, Missouri

WELCOMING PERRY J. BROWDER AS THE 2026-27 ISBA PRESIDENT

Join us in the dynamic Clayton business district of St. Louis for our 2026 Annual Meeting. Indulge yourself in the luxurious amenities the Ritz-Carlton has to offer and explore beautiful downtown St. Louis! You won't want to miss this great opportunity to connect with fellow colleagues and attend our excellent lineup of programming.

We hope to see you there!

isba.org/annual

Key Issues for Attorneys Reviewing Solar Leases in Illinois

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arrangements, counsel must assess whether fixed or escalating payments adequately compensate for lost agricultural income and potential consequences under state and federal farm programs, such as the Conservation Reserve Program. Lease provisions addressing crop damage, soil compaction, and drainage tile disturbance, are equally significant. Clear damage formulas, repair obligations, and restoration standards help minimize disputes long after construction ends.

Solar leases in Illinois tend to operate as hybrid lease and easement instruments that grant developers expansive rights for access roads, underground and overhead electrical lines, vegetative management, fencing, and temporary laydown areas. These easements, if drafted broadly, can permanently alter a farm's operational layout. Because solar facilities are frequently built on high quality agricultural land, construction impacts must be addressed in detail. Provisions concerning topsoil removal and replacement, compaction limits, erosion control, and post-construction restoration should be explicit rather than left to developer discretion.

Decommissioning, meaning what happens when the project reaches the end of its useful life, is one of the most consequential components of a solar

lease. A well-crafted agreement should specify the full scope of required removals, including panels, electrical equipment, cabling, access roads, and concrete foundations; should establish soil and drainage restoration standards; should set definite deadlines for completing decommissioning; and should require robust financial security (*i.e.*, bonds, letters of credit, or escrow accounts).

In addition to local and zoning-based requirements (*e.g.*, 55 ILCS 5/5-12020 of the Counties Code), Illinois solar projects must comply with the *Agricultural Impact Mitigation Agreement* ("AIMA") required under the Renewable Energy Facilities Agricultural Impact Mitigation Act, 505 ILCS 147. The AIMA establishes statewide minimum standards for topsoil handling, compaction mitigation, drainage tile repair, construction traffic limitations, vegetative management, etc. Because the AIMA functions as a regulatory baseline rather than a comprehensive safeguard, attorneys should request that the project incorporate it, along with any enhanced landowner protections, directly into the lease to ensure those obligations are privately enforceable. Further, landowners should not rely exclusively on the AIMA as unique facets of solar projects, such as battery energy storage, are not comprehensively outlined within the

AIMA or current Illinois law.

Early involvement of counsel yields better outcomes for landowners. Coordinating with lenders, accountants, and tenant farmers; obtaining construction plans and tile maps; and evaluating long-term operational impacts, all help clients understand the costs and benefits of hosting solar facilities. Outside of maintaining a working knowledge of applicable law, counsel should be well-versed in market trends as well as up-to-date studies on solar project effects on property values, nuisance concerns, and competing technologies. Developers expect negotiation, and thoughtful revisions can meaningfully reduce risk for landowners committing their property to potentially many decades of solar development.

Altogether, solar projects remain an area of practice with extensive uncertainty and broad scope for real estate attorneys. This brief discussion is only a broad overview of potential areas of concern that attorneys should be mindful of when reviewing and advising clients. ■

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This article was originally published in Real Property (December 2025, Vol. 71, No. 6), the newsletter of ISBA's Real Estate Law Section.



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ISBA Rural Practice Section Council

Member Profile: Elizabeth M. Reynolds

Background and introduction

1. Full Name: Elizabeth M. Reynolds
2. Hometown/Current Residence: Downers Grove, IL (hometown)/ Ottawa, IL (residence)
3. Law School Attended and Year of Graduation: Southern Illinois University School of Law, 2020
4. Year Admitted to the Illinois Bar: 2022
5. Current Role or Status (e.g., practicing attorney, judge, retired): Practicing attorney
6. Brief overview of your current or most recent practice: The majority of my practice involves representing injured workers and litigating workers' compensation cases. Prior to that I did labor and employment law and some wrongful death cases in Missouri. In addition to Illinois, I am also licensed in Missouri and became licensed there first.



Elizabeth M. Reynolds

Career path and practice

Q: What inspired you to pursue a legal career, particularly in a rural setting?

A: I moved to Ottawa in 2004 and have wanted to be an attorney since I was eight years old. Ottawa is a rural community with one other Spanish-speaking attorney and it is the county seat with three court houses. Additionally, there are very few female attorneys and I've witnessed firsthand how underrepresented segments of the population suffer. I saw an opportunity to make a positive change in my community and finally went for it by taking a huge risk. I returned to school to pursue my JD in 2017 and it was the best decision I ever made.

Q: What areas of law have you focused on throughout your career?

A: Workers' compensation petitioner's

work, labor and employment law, and personal injury, including wrongful death.

Q: Did you always intend to practice in a rural area? Why or why not?

A: Yes, I would prefer to be a big fish in a small pond and to use my time to improve conditions in my community by assisting local people. I've always admired the work small town attorneys do and their breadth of knowledge of the law.

Q: Describe your typical client base and the community you serve.

A: I typically represent injured workers who sustained an injury while on the job.

Q: What do you enjoy most about your legal career?

A: I love eliminating injustices in the world and seeing my clients happy.

Q: What aspects of the practice are most challenging or frustrating?

A: Managing client expectations is the hardest part of my job. Working with

injured people is difficult because they are in pain, experiencing hardship with their health and careers, and experiencing financial instability at the same time.

Q: Was there anything you actively worked to change or improve in the legal system or in your practice environment?

A: No, not yet.

Q: How has rural legal practice changed over the course of your career?

A: I've seen many attorneys retire and close their practices without a succession plan. I've also seen many large nationwide firms try to encroach on the legal market of small communities. Often clients feel disappointed with the lack of communication and relationship hurdles associated with these large nation-wide firms. Additionally, AI has become an issue that has made my practice easier and more challenging at the same time. It facilitates legal research, making it much easier and faster to get quality answers to my legal questions. However, my clients are also able to ask legal questions to ChatGPT, Google, etc. and they are often provided with inaccurate answers further confusing them. Sorting out AI-induced confusion has caused a lot of frustration for me as I have to sort out misinformation provided and made readily available by AI.

Accomplishments and contributions

Q: What professional accomplishments are you most proud of?

A: I am most proud of the personal recommendations and referrals I have received from my clients, repeat clients, and positive reviews online. Of course there are the financial victories of my cases but knowing that I have made a positive impact on so many people is the priceless accomplishment I am most proud of.

Q: Have you been involved in community service, local organizations, or bar association work? Please describe.

A: I am the General Assemblywoman for the 13th Judicial Circuit for the ISBA, and on the Workers' Compensation Section as well as the Rural Practice Section Council. I am a member of the Justinian Society of Lawyers, the LaSalle County Bar Association, the Workers' Compensation Lawyers Association, and Illinois Trial Lawyers Association, to name a few.

Q: Are there any cases, projects, or experiences that stand out as especially meaningful or impactful?

A: I have a wrongful death case that I am working on for a dear friend and her family who tragically lost a loved one years

ago. I am very passionate about this case and look forward to obtaining a positive outcome for the family who has been through so much.

Looking ahead

Q: What advice would you give to young attorneys considering rural practice?

A: Challenges are opportunities to grow and nurture relationships with more experienced attorneys because they are the best teachers.

Q: What opportunities do you think exist today in rural law practice that didn't exist earlier in your career?

A: Judicial opportunities are more abundant as many of the Baby Boomers are retiring. There is tremendous

opportunity for all interested in the law in rural communities.

Q: How can the Rural Practice Section Council better support attorneys in rural areas?

A: Networking and educational opportunities are key because attorneys in rural areas often lack the networking abilities available in more densely populated areas.

Q: Anything else you'd like to share with your peers or the broader legal community?

A: It is important that we, as a legal community, do more to prevent AI platforms such as ChatGPT from providing legal advice to members of the public. ■

Member Appreciation & Recognition *Reception*

May 14, 2026 | The Morton Arboretum | Lisle, IL

Celebrate Member Appreciation Month!

Join us on May 14 from 5:30-7:30 p.m. for our annual Member Appreciation and Recognition Reception. Congratulate the 2025-2026 ISBA Award recipients, connect with your ISBA friends and colleagues, and enjoy an evening of networking at the beautiful Morton Arboretum. The reception will feature hors d'oeuvres and complimentary beer and wine. We hope to see you there!

isba.org/events/memberappreciation

