

# The Catalyst

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

## Chair's column

BY LORI LEVIN

Lynn Price is someone you should know and whose story you will hear if you attend the Women and the Law Committee's program on Girls in Crisis: Foster Care and Immigrants in May.

A former Illinois child in foster care, Lynn learned at age eight that she had a biological sister living in another Chicagoland home. Subsequently, they had limited, supervised visitation but did not develop a bond or friendship until they were young adults.

After graduating from the University

of Illinois, she started a family and career, winding up in Las Vegas, where she volunteered at a children's shelter and served as a court appointed special advocate and learned about the larger child welfare system. Lynn used that knowledge to help others in those capacities but also as a foster parent, adoptive parent and founder of Camp to Belong.

For 25 years, Camp to Belong has reunited more than 13,000 siblings who live in separate foster, adoptive, and

*Continued on next page*

Chair column

1

Promoting access to justice among self-represented litigants

1

Spotlight on Andrea L. Kmak

4

Share your talents!

4

Spotlight interview with Deane Brown of Hughes Socol Piers Resnick Dym, Ltd.

5

Good news column

5

## Promoting access to justice among self-represented litigants

BY DEANNA HOYT

In 2015, 93 of Illinois' 102 counties reported that more than 50 percent of civil cases involved a self-represented litigant on at least one side. Self-represented litigants face many challenges such as unfamiliarity with civil law and procedure. As a result of the growing number of self-represented litigants, the Illinois Supreme Court created The Illinois Supreme Court Commission on Access to Justice (ATJ

Commission) in 2012. The propose of the ATJ Commission is to promote, facilitate and enhance equal access to justice, with an emphasis on access to Illinois civil courts and administrative agencies, for all people, particularly the poor and vulnerable. To promote meaningful access to the courts, the ATJ Commission follows five guiding principles: plain language, process simplification, procedural fairness, equal

access, and continuous improvement. The ATJ Commission has come up with ten initiatives to create action plans to carry out the principals. Many counties across the state have begun implementing these initiatives as a way to ensure that a person's income is not determinative of their access to justice.

In criminal cases, indigent defendants

*Continued on next page*

## Chair's column

CONTINUED FROM PAGE 1



Lynn Price

relative homes. The camps are held at campsites throughout the United States as well as in Australia, strengthening sibling connections and giving at risk youth the opportunity to enjoy a safe, camping experience.

Lynn has received the Presidents Service

Award from President Clinton, Oprah's Angel Network Use Your Life Award from Oprah Winfrey, and the University of Illinois Alumni Humanitarian Award. She has also been recognized as a 2017 AARP Purpose Prize Fellow, a Sigma Delta Tau Outstanding Alumni, and a Hear Her Song Honoree by the Canales Project.

We look forward to hearing from Lynn as well as our other national and local blue ribbon speakers at our May 17 program. Subsequent chair columns will feature our other speakers as well as provide program details. We are grateful to Shawn Kasserman and Tomasik, Kotin Kasserman LLC for agreeing to sponsor this program. ■

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## Book review: *The Woman Behind the New Deal* by Kristin Downey

CONTINUED FROM PAGE 1

are guaranteed representation as a matter of right. While in civil cases, indigent litigants are not offered that same right. Legal aid clinics and attorneys acting *pro bono*, assist the court in helping provide representation to indigent clients in civil matters. However, they are not equipped or funded sufficiently to single handily address the growing concerns about access to justice in Illinois. Another unique problem facing litigant in civil matters is the litigants who live just above the Federal Poverty Level are unlikely to qualify for legal aid or *pro bono* services. Those living just above the Federal Poverty level do not qualify for free services because they earn too much, yet they often rarely have the financial resources available to them to hire private attorneys.

The first principal guiding the ATJ Commission is plain language. Courts should help self-represented litigants (SRLs) have access to a wide variety of

plain language resources. This is intended to help SRLs exercise and understand their civil rights and to reduce the barriers they encounter while using the court system. The first initiative is to create standardized forms, which must be accepted by all state courts in Illinois. These documents can be found at the Access to Justice website at: <http://www.illinoiscourts.gov/CivilJustice/AccessToJustice.asp>. Subcommittees are continually updating and translating the forms into different languages. The second initiative is to support and expand the use of court-based facilitators. Facilitators are usually non-lawyers who provide legal information and procedural guidance to SRLs. Ideally, a facilitator would be one whose sole responsibility is to assist SRLs. The final initiative under the first principal is to develop other court services and court websites that assist SLRs in the civil litigation process.

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The second principal is process simplification. Court procedures and policies should be streamlined and communicated in plain language to allow SRLs to be able to navigate the system while preserving substantive and procedural fairness and due process rights. The fourth initiative suggests that courts recommend policies which enable remote access to the court system, and to promote technologies that also enable remote interpreting services. Remote language interpreter services and remote access for those who are disabled or incarcerated can help increase access to the court system to groups that are underrepresented. Additionally, through technology legal aid and *pro bono* attorneys from more populated areas can remotely represent those in more underserved areas of the state. The fifth and final initiative under the process simplification principal is to research common court procedures and processes and recommend how to make them easier for SRLs to understand and comply with.

The third principal is procedural fairness. SRLs should have access to a court system that serves as a neutral, accessible, transparent, non-biased, non-discriminatory forum in which they can seek and obtain a legal remedy. During the court process SRLs should be addressed with dignity, respect and professional courtesy by all court staff. The sixth and seventh initiatives, under the procedural fairness principal, are that guidelines and training programs should be developed for judges and court personnel who encounter significant numbers of SRLs. Both judges and circuit clerks have expressed the need for more training and resources to help them better serve the growing number of SRLs.

The fourth principal is equal access. All litigants should have access to justice regardless of their socio-economic background, English proficiency, legal representation status, or other circumstances. The eighth initiative is language access resources and assistance services be developed by courts. Unfortunately, just being bilingual is not a sufficient qualification to be a court interpreter. Court interpreters need to understand the legalese and if they do not, it can cause incorrect

evidence to be presented, and affect the reliability of testimony, and mislead judges, attorneys, or juries. The ninth initiative is to work with bar associations and other community groups to identify, develop, and promote the implementation of court policies and rules that promote legal representation, including limited scope representation. Increasing the use of limited scope representation can help SRLs obtain counsel for a portion of their case, and allow for attorneys to exit without having to follow the process of withdrawing from a case as you would with a general appearance. The final initiative is to develop community-based programming to help build trust in the court system through education about access to justice resources that are available. The ATJ Commission should take an active role in facilitating outreach activities that reach marginalized communities.

The final principal is continuous improvement principle. The ATJ Commission should continually evaluate and reflect on its works to make sure that the initiatives are being carried out in an effective way.

The 19<sup>th</sup> judicial circuit court, Lake County has begun to implement some of the ATJ Commission's initiatives. Currently, the home page on the court's website features quick links for court forms and the Center for Self-Representation. The Center for Self-Representation is in the law library of the main courthouse and is often staffed by members of the JusticeCorps. There SRLs can obtain standardized forms and ask questions regarding courtroom procedures. Also, the Probate Division provides additional assistance by offering a self-help desk on Fridays. The court forms page provides various forms for nine different types of civil and criminal matters. Each section provides standardized forms approved by the Illinois Supreme Court and other forms standardized by the Circuit Court of Lake County. Additionally, in the Clerk's Office there are designated clerks to assist SRLs in e-filing cases, appearances, motions, and other forms.

The biggest undertaking Lake County has done to assist SRLs, has been the creation of a courtroom solely dedicated to SRLs in divorce and child custody matters. This

courtroom was created in the Fall of 2018, in the Family Division. When a person, represented or unrepresented, files a divorce or child custody case in Lake County, it is automatically assigned to one of four judges. Then at the first court date, the judge determines if both parties are SRLs. If both parties are SRLs, the case gets reassigned to the SRLs room. If one party is represented by an attorney then the case remains with the Judge it was originally assigned. The hope is that by moving the SRL cases into one courtroom it will allow for the judge to have more time to explain the process to the SRLs, while still keeping the courtrooms' call efficient. In the courtroom solely dedicated to SRLs, specific needs and issues that face SRLs, can be addressed by the judge without the pressure from attorneys in the room to get the call moving quicker.

As self-represented litigants continue to be a large part of civil matters attorneys, court clerks, court support staff, and judges need to be conscious of how they can help promote access to justice for all regardless of the litigants' background. It is important that those involved professionally with the judicial system realize and know how to advocate for justice for self-represented litigants and not just paying clients. ■

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*Deanna Hoyt is an attorney practicing law at Schlesinger & Strauss.*

1. *Advancing Access to Justice in Illinois: 2017-2020 Strategic Plan*, Illinois Supreme Court Commission on Access to Justice, available at [http://www.illinoiscourts.gov/supremecourt/Committees/ATJ\\_Commn/ATJ\\_Comm Strategic\\_Plan.pdf](http://www.illinoiscourts.gov/supremecourt/Committees/ATJ_Commn/ATJ_Comm Strategic_Plan.pdf).
2. Ill. S. Ct. R. 10-100.
3. *Advancing Access to Justice in Illinois*, *supra* note 1 at 2.
4. *Id.* at 13.
5. *Id.* at 20-24.
6. *Id.* at 25-27.
7. *Id.* at 29.
8. *Id.* at 31-35.
9. *Id.* at 36.
10. <https://www.19thcircuitcourt.state.il.us/>.

# Spotlight on Andrea L. Kmak

BY JENNIFER BUNKER SKERSTON

Andrea L. Kmak is a new member to the Women and the Law Committee having been appointed in 2018. She grew up in Homer Glen and currently practices at SpyratosDavis LLC where she focuses on insurance defense, personal injury, insurance coverage, subrogation, arbitration, probate, and commercial litigation matters. She practices in both of the firm's locations in Lisle and Chicago. Her biggest influences are her family members who have taught her to give 100 percent in life's endeavors.

Ms. Kmak attended Lockport Township High School and graduated from Elmhurst College with Bachelors of Science in both Business Administration and Political Science and Minors in both Spanish and Urban Studies. Her mother is a paralegal and encouraged her to become an attorney. Ms. Kmak attended The John Marshall Law School. Even during law school, Ms. Kmak attended Illinois State Bar Association

("ISBA") events, local bar association events, and ISBA-sponsored CLE. She now is a practicing attorney and wishes to be more involved in the ISBA and further utilize the networking opportunities that the ISBA offers.

As an attorney, she finds most rewarding the opportunity to be able to build strong professional relationships and trust with clients. She specifically enjoys working with clients on a day-to-day basis and knowing that they truly trust her to handle their case. Although Ms. Kmak has a good sense of humor, do not tell her any lawyer jokes! Ms. Kmak finds the overall stigma of the profession to be the most disappointing aspect about being an attorney.

In addition to serving on the ISBA Women and the Law Committee, Ms. Kmak is also involved with the DCBA Brief as an Editorial Board member, DuPage Association of Women Lawyers as a director,

and DuPage County Bar Association as a Civil Law Section Leadership Committee member.

Ms. Kmak advises new female lawyers to do what they love and to not forget to take time to take care of themselves. She is currently engaged to Luke, who is a high school P.E. teacher, and their wedding is planned for August 2019. In her spare time, Ms. Kmak enjoys going to the gym, doing yoga, and spending time outdoors with her two dogs, Sadie and Piper. She also volunteers on the weekends with the Western DuPage Special Recreation Association where she assists in teaching a yoga class for adults with disabilities. ■

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*Jennifer Bunker Skerston is a member of the WATL Committee and a partner at Law Offices of Reilly & Skerston, LLC in Streator, Illinois, where she focuses her practice on estate planning and administration, family law, and civil litigation.*

# Share your talents!

BY MARYLOU LOWDER KENT

A few years ago, the Illinois State Bar Association included in its mission the education of the public and students of all ages about the important role of attorneys and judges in our justice system and the importance of an independent judiciary in the administration of justice. The responsibility of administering this task was given to the Standing Committee on Law Related Education for the Public. The Committee oversees several opportunities for attorneys and judges to volunteer their time in their communities toward the advancement of civics education.

**Lawyers in the Classroom** is a program that has been around for several years. This program offers a lawyer the chance to go back to school to speak to students on a law-related subject. Schools will generally

request a speaker and will be paired with a volunteer who has indicated a willingness to make a difference in the lives of students in the volunteer's community.

The **Speakers Bureau** is geared toward civic and fraternal organizations who are interested in learning about a specific area of law, such as estate planning. The organization is matched with a volunteer who is knowledgeable in the area requested. Available on the ISBA website is a publication entitled "ISBA Speaker's Bureau: A Guide for Lawyers Invited to Speak" to assist volunteers when making presentations to their local community organizations.

In addition, the **Mock Trial Invitational** is an ISBA sponsored program that provides high school students throughout Illinois the chance to participate as attorneys and

witnesses in a trial from start to finish and to learn the intricacies of the trial process. Volunteers are always needed to serve as judges or evaluators during the invitational, which will be held this year on March 9-10 at the UIS Public Affairs Center in Springfield.

As women attorneys, many of us have families and other responsibilities that we are constantly juggling. However, through our well-earned knowledge and experiences, we also have much to offer our communities. If you are interested in learning more about these programs or in volunteering your time and talents, please contact Kim Furr at the Illinois Bar Center. ■

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*WATL Committee member and past chair of the Law-Related Education Committee for the Public*



# Spotlight interview with Deane Brown of Hughes Socol Piers Resnick Dym, Ltd.

**1. What are of law do you practice?**

Employment law. Specifically, I represent executives making six figures or more in severance negotiations, discrimination claims, non-compete matters, and employment agreements, including executive compensation issues.

**2. What do you enjoy about it?**

I went to law school to help people, and I do that every day. When you lose a job, it can be very difficult, as you have lost your ability to support yourself and your family. Often times, my clients have worked for many years for a company and it is a very emotional situation. I do a lot of handholding as well as effective advocacy. I also really like working with executives, as they are generally quite intelligent and accomplished. Many of my clients become my friends.

**3. Have you managed to “balance” your work and family life?**

I have managed a work-family life balance by having a hands-on husband, excellent nannies and au pairs, and working in a mid-size law firm with a reasonable billable hours requirement. When my daughter, who is now 22 years old, was younger, I used to get to work early so that I could be home with her in the evenings as much as possible. I am also very organized. We used to have a big dry erase calendar on the wall in our kitchen with everyone’s schedules on it, to avoid missing important dates or double booking.

**4. What advice do you have for other working moms?**

Remember that working moms are great role models for their children. If you can afford

it, hire great childcare so that you will have peace of mind when you are work, and invite your child’s friends over for playdates. Also, when your kids are really young, try to go parent and tot classes on the weekends to meet other working parents and their kids. Also, hire cleaning and landscaping help if you have the ability so that you can spend quality time with your family when you are home.

**5. What is the best advice you ever got?**

The best advice I received is for business generation. It was to join bar associations and cross-industry networking groups, and become leaders in those organizations.

**6. What got you interested in joining Women and the Law?**

As a past president of the Women’s Bar Association of Illinois and a lawyer dealing with gender discrimination issues, I felt that I could make a meaningful contribution to Women and the Law and learn a lot too.

**7. Tell me about your other involvements in the ISBA.**

I am a member of the Labor & Employment Law Section Council and serve as ex officio of the Bench & Bar Section Council. Previously, I served as chair of the Assembly Rules and Bylaws Committee and as chair of the Committee on Professional Conduct. I was also appointed to both the Special Task Force on the Future of the Courts and the Assembly Governance Committee.

**8. Do you have any new goals for this year?**

As a new shareholder in my firm, my goal is to learn about law firm management issues.

**9. What are your top three book**

**recommendations?** They are all by Ron Balson, a lawyer in Chicago who became an author: *Once We Were Brothers*, *Karolina’s Twins*, and *The Girl from Berlin*.

**10. What do you do with your free time? Do you have any hobbies?**

In the summer I play a lot of golf. I also work out, read, and go to movies, plays, and restaurants.

**11. What women’s issues are most important to you?**

Fighting against gender discrimination, including sexual harassment, in the workplace and women’s rights to reproductive freedom. ■

## Good news column

- Margaret Manetti has joined the litigation practice of Sosin, Arnold & Schoenbeck, Ltd.
- Jessica C. Marshall has been named a partner at Anderson & Boback, LLC.
- Jennifer Bunker Skertson joined her current firm as partner effective January 1; the firm’s new name is Law Offices of Reilly & Skerston, LLC.
- Erin Wilson has opened her own law practice, The Law Office of Erin M. Wilson LLC, as of January 21, 2019. ■