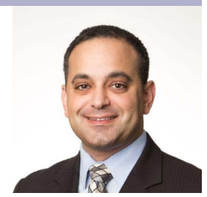
THE DECALOGUE TABLETS

Spring 2018

The Decalogue Society of Lawyers

TABLETS
Spring 2018

President's Column



By Mitchell B. Goldberg

As we cross the halfway mark of the 2017-18 bar year, I am extremely proud to be the president of the Decalogue Society of Lawyers—the oldest continuously functioning Jewish bar association in the United States. And I offer my continued appreciation to our hardworking officers, board members, and members.

Over its nearly 84 years, Decalogue has fostered involvement in the organization's activities, seeking to combine those attributes of our lives unique to being both attorneys and Jews. Though there are many methods for members to express and develop as attorneys and Jews separately, Decalogue serves as a crucial and unique forum to combine those aspects in the activities, potential, and strength of a bar association. This year, Decalogue has continued its tradition of offering a broad range of programs to benefit its members, the Jewish community, the legal community, and the general public.

We hit the ground running almost immediately following our Installation Dinner in June. This has, of course, included the standard menu of Decalogue's offerings. For example, our CLE Committee has continued its tradition of offering extremely robust and timely legal lectures. Our judicial evaluation committee, along with those of the Alliance of Bar Associations, has worked diligently to educate our electorate regarding the quality of judicial candidates. Our Social Action Committee led a successful Maot Chitim program for the High Holidays together with our annual Chanukah party at the CJE Robineau Residence in Skokie. Our Mentoring Committee matched several young practitioners with stellar seasoned attorneys. Our Young Lawyers and Law Students Division organized several fun socials and networking events. And finally, our Events Committee organized several wonderful events, including the annual Reception In Honor of the Judiciary and Decalogue's Chanukah party that honored State's Attorney Kim Foxx, Judge Tommy Brewer, Rabbi Andrea London, and ISBA President Russell Hartigan.

But it has also included numerous initiatives that address the problems in our community and country. Starting in the summer, Decalogue assisted in spearheading an anti-violence summit held in November at the CBA building, where attorneys volunteered to assist numerous non-profits engaged in efforts to combat gun violence plaguing Chicago. We drafted and filed an amicus brief before the United States Supreme Court on the issue of the immigration ban. We have continued to build bridges with others in the face of rising anti-Semitism in the United States. Following the events in Charlottesville, Virginia, I called a press conference at the Loop Synagogue to address the rise in anti-Jewish and racist hate, and was joined on stage by the presidents of almost every bar association and legal organization in Chicago.

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Best Practices: *Dowling*, Revisited

by Michael Zhang

Introduction

"A rose by any other name would smell as sweet;" said a thirteen-year-old Juliet to Romeo. In the vernacular of the modern-day millennial, Juliet's pronouncement in Shakespeare's[1] timeless tragedy roughly translates into a dab.

Fast forward approximately 400 years since the time of *Romeo and Juliet*, when on May 3, 2007, the Illinois Supreme Court issued its opinion in *Dowling v. Chicago Options Associates*, 226 Ill. 2d 277 (2007). In it, the Court affirmatively recognized three types of retainers available to attorneys in Illinois: the classic retainer, the security retainer, and the advance payment retainer. Six years after *Dowling*, the Commission published an E-Blast entitled "Minimizing Your Risk – The Proper Handling of Retainers," summarizing the three types of retainers and the requirements for each. *See* https://www.iardc.org/minimizingyourrisk_retainers.pdf. In short, advance payment retainers are the lawyer's property immediately upon payment, and that means no client trust accounts, no ledger sheets, no hassle. The classic retainer goes a step further – the client relinquishes all interest in those funds. See *In re McDonald Bros. Construction, Inc.*, 114 B.R. 989 (Bankr. N.D. Ill. 1990). To the solo practitioner who divides their time between practicing law and chasing clients around for outstanding fees, the allure of a retainer that ostensibly guarantees a lawyer's fees regardless of any work performed must seem irresistible. To that same practitioner, it may be useful to delve a little deeper into the three types of retainers before boldly declaring that a retainer is "non-refundable," lest that attorney wants to belong on an increasing list of lawyers who are being investigated for improper use of these retainers.

The Classic

The Court in *Dowling* defined the classic, or general, retainer in the following way:

> [A classic] retainer is paid by the client to the lawyer to secure the lawyer's availability during a specific period of time or for a specified matter. This type of retainer is earned when paid and immediately becomes property of the lawyer, regardless of whether the lawyer ever actually performs any services for the client.

Dowling, 226 Ill. 2d at 286. The Restatement, which refers to the same type of retainer as an "engagement retainer," submits that the retainer is:

> a fee paid, apart from any other compensation, to ensure that a lawyer will be available for the client if required. An engagement retainer must be distinguished from a lump sum fee constituting the entire payment for a lawyer's service in a matter and from an advance payment from which fees will be subtracted… A fee is an engagement retainer only if the lawyer is to be additionally compensated for actual work, if any, performed.

Restatement (Third) The Law Governing Lawyers, §34 (2001). In the simplest of terms, a classic retainer has nothing to do with compensation for services: the lawyer's promise to be *available* earns the retainer; any actual *work* performed will require additional payment.

The Advance Payment

Next, we move on to the advance payment retainer, the subject of *Dowling*'s inquiry. In *Dowling*, the Court set forth the following requirements for an advance payment retainer:

> (1) It must be in writing;
> (2) It must clearly disclose to the client the nature of the retainer, where it will be deposited, and how the lawyer will handle withdrawals from the retainer in payment for services rendered;
> (3) It must contain language advising the client the option to place his or her money into a security retainer;
> (4) It must advise the client that the choice of the type of retainer to be used is the client's alone, and if the attorney is unwilling to represent the client without receiving an advance payment retainer, then the agreement must so state;
> (5) Finally, it must set forth the special purpose behind the retainer and explain why an advance payment retainer is advantageous to the client.

The last requirement is where most attorneys falter. There are few scenarios in which an advance payment retainer would be appropriate, *Dowling* being one those few. In *Dowling*, the client wished to hire counsel to represent him against judgment creditors. Paying the lawyers a security retainer would have meant that the funds still belonged to the client, which in turn made it subject to the claim of the client's creditors. By using an advance payment retainer, the client placed the funds out of the reach of his creditors and secured legal representation. In the absence of a carefully drawn retainer agreement, the majority in *Dowling* turned to the parties' intent –their desire to shield the client's assets from the judgment creditor – as the controlling factor in construing the retainer as an advance payment retainer. Where intent cannot be gleaned from the language of the parties' agreement, then it must be construed as a security retainer.

The Security

Like Shakespeare, the security retainer needs no introduction, but perhaps deserves endless discussion and its own SparkNotes. *See* Rule 1.15 of the Illinois Rules of Professional Conduct. It is by far the most common type of retainer used by attorneys. A security retainer allows the attorney to hold the retainer to secure payment of fees for future services and provides, well, security. Money is deposited into an IOLTA account and remains the property of the client until it is earned by the attorney. It is simple in concept, but not always so simple in execution.

Table Time

Every fee agreement, regardless of type, should be viewed through the prism of Rules 1.5 and 1.16(d). That is, every fee collected by the lawyer must be reasonable, and all fees are subject to refunds (in the case of classic retainers, a refund is appropriate if the attorney reneged on the promise and was unavailable for representation). If widespread confusion and panic has not yet set in, here is a table:

	Classic	APR	Security
Interest	Lawyer's upon payment	Lawyer's upon payment	Client's until applied to legal services
Deposit	Operating account	Operating account	Trust account
Purpose	Present payment to secure future availability	Payment in exchange for commitment to provide legal services	Secure payment of fees for future services that lawyer is expected to perform
Writing required?	No[2]	Yes	No[3]
Need to be reasonable?	Always	Always	Always
Subject to refund?	Always	Always	Always

For advance payment retainers, it may be helpful to ask the following questions:

1. It is necessary to accomplish some purpose for the client that cannot be accomplished by using a security retainer?
2. Is the intent of the parties clear from the terms of the contract?
3. Does it meet the elements set forth in *Dowling*?
4. Is the language of the engagement letter unambiguous?

If the answer is "no" to any of the above questions, there is a good chance that it is not an advance payment retainer.

For classic retainers, the following set of questions may provide guidance:

1. Is the lawyer charging a classic retainer while at the same time agreeing to represent a client in a specific legal matter?
2. It the fee being collected for work that had been performed, was being performed, or was to be performed?
3. Does the client have any questions as what the money is being used for?

If the answer to any of those questions is "yes," then the retainer might not be so classic.

Wherefore art thou, retainer?

The proverbial rose here is the security retainer, and calling it by another name does not make it so. Neither advance payment retainers nor classic retainers are intended to be used by lawyers as an across-the-board, standard business practice. Attorneys who venture into unfamiliar territory simply to save themselves the hassle of maintaining complete records or to avoid issuing refunds risk an unhappy client filing a request for investigation. Finally, here is a tl;dr (too long; didn't read) for the millennial: be careful when using classic or advance payment retainers.

Michael Zhang is Litigation Counsel of the ARDC Litigation Division

Dowling Footnotes

[1] Mr. Shakespeare went on to produce "West Side Story" and will be directing the upcoming live-action film "The Lion King".

[2] However, an agreement in writing is always preferred, if not required, by the Illinois Rules of Professional Conduct. See Rule 1.5(b)-(c).

[3] See above footnote.

President's Column *(Cont'd)*

We have also expanded our role in the Cook County Sheriff's Office's Tolerance Council. And we have been active participants in the Roundtable of Bar Associations. Also, together with the Arab American Bar Association, we recognized the contributions of Jewish and Arab attorneys to build bridges and foster understanding between our communities. Our anti-Semitism Committee continues to confront and address the rise of hate on college campuses, and works to educate campus populations in addressing and combating anti-Semitic behavior. Further, we have co-sponsored important Israel programing, including a seminar at the CBA about lawsuits on behalf of terror victims, the Judge Gerald Bender Legal Lecture about Israel's democracy, and along with DePaul's Center for Jewish Law and Judaic Studies, the misuse of classrooms in the United States to promote untruthful anti-Israel agendas.

Decalogue's motto is "Justice, Justice Shalt Thou Pursue." For over eight decades, Decalogue has been at the forefront of promoting justice in society, improving access to and the administration of justice, and bettering the legal profession. During the first half of this year, I have been extremely proud of our efforts to promote justice, understanding, and tolerance within our community and elsewhere. These efforts are not easy. It takes hard work. And I am extremely grateful to the many members who have contributed to our successes.

But the year is not over. We have numerous upcoming events over the coming months, such as A Wider Bridge (which promotes LGBTQ rights in Israel) on Sunday, April 29. Your presence at and support for these events is important to show others the strength of our society. Indeed, in the face of the rise in anti-Semitism, social upheaval, and constant threats to the rule of law, Decalogue is more relevant today that it has been in a generation. We need you. And there are many opportunities to volunteer in making positive differences for others.

As we move onward into 2018, I look forward to facing the challenges and celebrating victories alongside my fellow Decalogue members, as we continue to promote the protections guaranteed to Jewish citizens as well as all other citizens under our country's beautiful system of law. Wishing you all continued blessings and good things.

Case Law Update: *People v. Holmes*

by James A. "Jamie" Shapiro

Void *ab initio* doctrine does not retroactively invalidate probable cause based on a statute later held unconstitutional on federal constitutional grounds or on state constitutional grounds subject to the limited lockstep doctrine

In *People v. Holmes*, 2017 IL 120 407, our supreme court held that even though the aggravated unlawful use of a weapon statute was declared unconstitutional and therefore "void *ab initio,*" it was not so "*initio*" as to vitiate probable cause to arrest a defendant, even though the statute was declared unconstitutional after the arrest.

In *Holmes*, the defendant was arrested when a Chicago police officer saw a revolver in defendant's waistband. After the arrest, police also discovered that defendant lacked a Firearm Owner's Identification (FOID) card. The police then arrested the defendant and charged him with four counts of aggravated unlawful use of a weapon. Two of those counts were based on a statute subsequently held to be facially unconstitutional in *People v. Aguilar*, 2013 IL 112116, ¶ 22 based on the Second Amendment. After the State dismissed those two counts, the trial court granted the defendant's motion to quash the arrest and suppress evidence, since the arrest was based on those now-dismissed counts. The state appealed. The Illinois Appellate Court affirmed. 2015 IL App (1st) 141256, ¶ 40. The State petitioned for leave to appeal and the Illinois Supreme Court allowed it.

Our supreme court reversed the appellate and trial courts. It stated "The void *ab initio* doctrine is a state jurisprudential principle. When a statute is held to be facially unconstitutional, the statute is said to be void *ab initio*, i.e., void 'from the beginning.'" 2017 IL 120 407, ¶ 12 (quoting *People v. McFadden*, 2016 IL 117424, ¶ 17). Although the law is clear that a defendant cannot be prosecuted under a statute that is void *ab initio*, it is less clear is whether the void *ab initio* doctrine is meant to be given such literal interpretation as to extend its reach to probable cause. *Id.* It did not.

In so ruling, the court had to distinguish *People v. Carrera*, 203 Ill. 2d 1 (2002). *Carrera* held that a statute on extraterritorial arrests previously declared void *ab initio* because it violated the single subject rule in the state constitution did vitiate probable cause. *Id*. at 16. *Holmes* distinguished *Carrera* on three grounds: First, in *Carrera* the statute was void *ab initio* because of a *state* constitutional violation rather than a federal one. Because the aggravated unlawful use of a weapon statute was void *ab initio* on the basis of the federal Constitution (i.e., the Second Amendment), it did not vitiate probable cause for the initial arrest. 2017 IL 120 407, ¶ 19. Second, *Carrera* did not decide whether the good faith exception to the exclusionary rule applied because the State had forfeited the issue in that case. *Id.* ¶ 20. Finally, *Carrera* did not implicate the limited lockstep doctrine—as *Holmes* ultimately did—because the single subject rule does not have a counterpart in the federal Constitution. *Id.* ¶ 21.

Because of the limited lockstep doctrine, our supreme court in *Holmes* was bound by federal precedent, and applying the state void *ab initio* doctrine to probable cause violated a U.S. Supreme Court case, *Michigan v. DeFillippo*, 443 U.S. 31, 38 (1979). The court's holding was also consistent with two state supreme court cases as well, *People v. Blair*, 2013 IL 114122 (void *ab initio* doctrine does not mean statute never existed; state supreme court cannot repeal statutes—only legislature can), and *People v. McFadden*, 2016 IL 117424 (void *ab initio* doctrine did not automatically invalidate a predicate conviction for unlawful use of a weapon by a felon).

The court ultimately held that the void *ab initio* doctrine does not retroactively invalidate probable cause based on a statute later held unconstitutional on federal constitutional grounds or on state constitutional grounds subject to the limited lockstep doctrine. *Id.* ¶ 37. Justice Kilbride filed a lone dissent accusing the majority of bringing the void *ab initio* doctrine one step closer to its demise, and effectively overruling *Carrera* by reading it so narrowly. *Id.* ¶ 42.

#MeToo In Criminal Court

by Adam Sheppard

The #MeToo movement has catapulted sexual harassment into the public consciousness. Prosecutions for inappropriate sexual advances are increasingly common. This author's firm recently represented an 80-year-old man, with dementia, who was charged with battery based on an allegation that, while shopping at a clothing store, he told a 19-year-old saleswoman that he liked a tattoo on her neck, touched it, and stated that he would like to kiss her. After extensive negotiations with the State's Attorney's office, moments before the trial was due to start, the State agreed to dismiss all charges in exchange for a public apology and an agreement to stay out of the store. The case highlights the difficulty in distinguishing between inappropriate sexual advances and criminal conduct.

Criminal statutes do not provide a bright line rule for determining when an inappropriate sexual advance constitutes a crime. For example, the battery statute prohibits knowingly making physical contact "of an insulting or provoking nature." 720 ILCS 5/12-3(b). The statute does not define the terms, "insulting or provoking." The harassment through electronic communication statute prohibits using electronic communications (e.g., text messages or emails) for the purpose of "making any comment, request, suggestion or proposal which is *obscene* with an intent to offend." 720 ILCS 5/26.5-3(a)(emphasis added). The statute does not define the word, "obscene," but the Illinois Appellate Court, Second District, has held that the dictionary definition should apply: "disgusting to the senses" or "abhorrent to morality or virtue." *People v. Kucharski*, 2013 IL App (2d) 120270, ¶35 (2d Dist. 2013)(citing, Merriam–Webster Online Dictionary, *available at* http://www.merriam-webster. com/dictionary/obscene (last visited Jan. 17, 2013)). Such standards may be ambiguous.

Several commentators have recently pondered when an inappropriate sexual comment or advance becomes a crime. In January, one day after the Golden Globes, French actress Catherine Deneuve and more than 100 other women, including prominent actresses, academics, and publishers, submitted a letter to the newspaper *Le Monde – The New York Times* later republished it – which argued that the #MeToo movement has gone too far. The letter began as follows:

> "Rape is a crime. But insistent or clumsy flirting is not a crime, nor is gallantry a chauvinist aggression."

https://www.nytimes.com/2018/01/09/movies/catherine-deneuve-and-others-denounce-the-metoo-movement.html

Carrie Lukas – president of the non-profit Independent Women's Forum and author of *The Politically Incorrect Guide to Women, Sex, and Feminism* – recently noted: "Safe romantic gestures - candy, cards, compliments and flowers - might be construed as aggressive and harassment." https://www.reuters.com/article/us-valentines-day-usa/metoo-movement-means-changes-for-valentines-day-romance-idUSKBN1FL4UF.

Generally, to constitute a crime, the accused must have acted with a *mens rea*, "a guilty mind." Accordingly, in determining whether an inappropriate sexual advance rises to the level of a crime, the primary focus should remain on the accused's *intent*. The harassment through electronic communication statute has the right idea in requiring proof that the accused acted with a specific intent to offend. 720 ILCS 5/26.5-3(a). Unfortunately, not all criminal statutes – such as the battery statute – require proof of a *specific* intent. But even in battery cases, the defendant's mental state remains an element of the offense. See *People v. Robinson*, 379 Ill.App.3d 679, 684-85 (2d Dist. 2008)("Regardless of whether one calls battery a specific intent crime or a general intent crime, however, the criminality of defendant's conduct depends on whether he acted knowingly or intentionally, or whether his conduct was accidental."). In the aforementioned case involving the 80 year-old man, defense counsel presented a letter from the client's psychiatrist which documented that the defendant not only had dementia, but early onset of Alzheimer's disease.

The #MeToo movement is obviously well-intentioned. However, as Justice Brandeis cautioned: "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding." *Olmstead v. United States*, 277 U.S. 438, 479 (1928)(Brandeis, J., dissenting). Accordingly, those in the criminal justice system must carefully examine whether the alleged inappropriate behavior truly rises to the level of a crime.

Adam Sheppard is a partner in Sheppard Law Firm, P.C., a criminal defense firm. He is Decalogue society officer and editorial board member.

Do you want to write for the Tablets?
Email us your topic ideas by July 15 for the Fall issue
decaloguesociety@gmail.com

Attention to Detail: How the Tax Cuts and Jobs Act Harms Sexual Harassment Victims

By Gail Schnitzer Eisenberg

President Donald Trump signed the Tax Cuts and Jobs Act just before Christmas leaving a lump of coal in the stockings of sexual harassment victims.[1] The bill includes a little-publicized provision that increased the tax burden for women who preferred to confidentially settle their sexual harassment claims rather than confront their harassers in a public court.

In addition to the well-reported tax cuts for the wealthy and corporations, the Tax Cuts and Jobs Act took aim at deductions that complicated the tax code and while denying government coffers of revenue. In many ways, the tax code codifies societal values. In doing so, tax deductions and credits incentivize desirous behavior.[2] Rescinding a deduction is meant as a disincentive by making that behavior more costly.

Society wants to encourage investment in industry. Thus, a taxpayer may generally deduct ordinary and necessary expenses paid or incurred in carrying on any trade or business from their taxable income unless an exception applies.[3] The exceptions are the tax code's method for disapproving certain business activities like bribes or behaviors leading to fines and penalties.[4]

Over the past few months, our country has been moved by the stories of ubiquitous workplace sexual harassment, especially that at the hands of powerful, repeat offenders like Harvey Weinstein.[5] Many of these offenders used confidentiality provisions in out-of-court settlements to keep allegations out of the public domain, often paid for by their companies concerned about their financial and public-relations exposure.[6] The cycle of settlements allowed Weinstein, for one, to continue to victimize women.[7]

Against this backdrop Representative Ken Buck (R-Colo.) and Senator Robert Menendez (D-N.J.) offered amendments to the Tax Cuts and Jobs Act meant to make sexual harassment settlements more costly.[8] Both Buck and Menendez claimed to target businesses paying off employees for their silence, but implicitly judged women who chose to keep their identities and experiences confidential.[9]

The House bill did not incorporate Buck's amendment, but the Senate version includes Menendez's.[10] I was unable to find debate about either amendment. The Conference Committee concluded, seemingly with no discussion, that such an exception should apply to settlement payments and attorney fees subject to nondisclosure agreements paid in connection with sexual harassment or sexual abuse.[11]

Section 13307 of the reconciled bill thus amends Section 162 of the Internal Revenue Code to deny a tax deduction "under this chapter" (Chapter 1) for "any settlement or payment related to sexual harassment or sexual abuse if such settlements of payment is subject to a nondisclosure agreement, or … any attorney's fees related to such a settlement or payment."[12] It appears that Sen. Menendez intended to amend just section 162,[13] which relates to business expenses, but the final draft rescinded any deduction under all of Chapter 1, "Normal Taxes and Surtaxes," of the IRC. Therefore the sexual harassment provision applies to the victims as well as to the businesses that pay settlements.

While the new law disincentivizes both parties from undertaking confidential settlements,[14] that disincentive will felt more acutely by victims rather than the companies supporting offenders. "For a business that generates billions in revenue, like the parent company of Fox News, a nondisclosure agreement can have far more value than tax savings."[15] Under the previous regime, a victim could deduct her attorney's fees from her income in recognition that she was not retaining that portion of the settlement funds.[16] Now, she will be taxed on the entirety of the settlement. "Where attorney's fees are a large portion of the settlement, victims actually might end up worse off after taxes than if they never came forward at all."[17]

To many victims, these settlements are not "hush money," but damages suffered as a result of the harassment. Even if not forced from her job due to a hostile work environment or fired for refusing quid pro quo sexual advances, a victim may suffer diminished earnings due to the emotional distress and may need costly counseling or psychiatric care.

To be clear, many victims prefer a confidential settlement as much as the companies do. Despite the anti-retaliation provisions of Title VII, public filings may limit future employment opportunities. Further, long, drawn-out litigation may further victimize a plaintiff by putting her word and sex life under a microscope while postponing needed funds to pay for medical care or other expenses as she searches for alternative employment.

It is also important to recognize the limits of such confidentiality agreements. Subsequent victims, if any, can seek previous complaints against their harassers and investigative documents in discovery. Also, previous victims can also be subpoenaed in future litigation and cannot be precluded from speaking to law enforcement.

So what can be done about this poorly thought through and largely ignored provision of the tax bill? Perhaps an equal protection challenge is in order. Although the provision lacks a gender-based classification, it may nonetheless run afoul of the Fifth Amendment's protections for equal protection. Because the provision is facially neutral, a challenger would have to show that the provision has an intentional disparate impact on women.

Certainly the sexual harassment provision has a disparate impact on women. While there are male sexual harassment victims, statistics demonstrate that women are much more likely to be victims due to workplace power dynamics.[18] But was that disparate impact intentional? It was certainly recklessly indifferent, but given the aforementioned lack of debate and the sponsors' public statements, it may be difficult to prove intent.

Sexual Harassment Victims *(Cont'd)*

Any court challenge, moreover, would have to wait until next year's tax filings. Actions "with respect to Federal taxes" are exempted from the Declaratory Judgement Act.[19] And an injunction from a district court barring the implementation of this section seems barred by the Anti-Injunction Act.[20] There are exceptions where a taxpayer does not have an adequate remedy at law, but the IRS says, "[t]he remedy is to pay the tax assessed …. and file a refund suit in federal district court or the United States Court of Federal Claims, or, in the case of income, estate or gift tax, to litigate the merits of the tax in the United States Tax Court."[21]

There are other options—the provision could be interpreted by the IRS to apply solely to business deductions, or Congress could revise the law to clarify that the change does not apply to individual filers.

A change is in order. While society has benefited from the recent recognition of the ubiquity of sexual harassment and assault, we must question whether discouraging confidentiality provisions in settlement agreements are the best for victims. While most women can answer, #metoo, not every victim wants to or can be an activist and our tax code should respect her choice.

Gail Schnitzer Eisenberg is an associate at Stowell & Friedman, Ltd., where she represents employees in discrimination, retaliation, whistleblower, and sexual harassment cases. She also co-chairs the Decalogue Legislative Affairs committee. Gail can be contacted at GEisenberg@sfltd.com.

[1] Naomi Jagoda, *Trump signs tax bill into law*, THE HILL (Dec. 22, 2017), http://thehill.com/homenews/administration/366148-trump-signs-tax-bill-into-law.
[2] Stanley S. Surrey, "Tax Incentives as a Device for Implementing Government Policy: A Comparison with Direct Government Expenditures," 83 HARVARD L. REV. 705 (1970).
[3] 26 U.S.C. § 162.
[4] 26 U.S.C. § 162(c) & (f).
[5] Sarah Almukhter et al., *After Weinstein: 49 Men Accused of Sexual Misconduct and Their Fall From Power*, N.Y. TIMES (Dec. 22, 2017), https://www.nytimes.com/interactive/2017/11/10/us/men-accused-sexual-misconduct-weinstein.html.
[6] "[C]ompanies cherish nondisclosure agreements because they significantly help protect the company's reputation and protect them from follow-on lawsuits or additional lawsuits." Prof. Gordon Klein, as quoted in Christina Caron, *Tax Bill Would Curb Breaks for Sexual Abuse Settlements*, N.Y. TIMES (Dec. 16, 2017), http://nyti.ms/2kBxFQN.
[7] "Mr. Weinstein has reached at least eight settlements with women." Jodi Kantor & Megan Twohey, *Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades*, N.Y. TIMES (Oct. 5, 2017), https://nyti.ms/2yKx98H.
[8] Christina Caron, *Tax Bill Would Curb Breaks for Sexual Abuse Settlements*, N.Y. TIMES (Dec. 16, 2017), http://nyti.ms/2kBxFQN.
[9] "America has been watching Hollywood for decades, but not watching closely enough. Behind the red carpets and glitzy premieres is a culture of deceit and depravity. As Congress rethinks our tax code, we need to rethink the way we treat Hollywood by eliminating the business expense deduction for hush money associated with sexual assault and sexual harassment cases." Press Release, Ken Buck Offers Amendment to Fight Sexual Harassment in Hollywood (Nov. 14, 2017), *available* at https://buck.house.gov/media-center/press-releases/ken-buck-offers-amendment-fight-sexual-assault-hollywood.
[10] *See* Senate Comm. on Fin., Description of the Chairman's Modification to the Chairman's Mark of The Tax Cuts and Jobs Act (Nov. 15, 2017) at 57, https://www.finance.senate.gov/imo/media/doc/11.14.17%20Chairman's%20Modified%20Mark.pdf.
11 Conference Report to Accompany H.R. 1, Tax Cuts and Jobs Act (Dec. 15, 2017) at 431, https://www.congress.gov/115/crpt/hrpt466/CRPT-115hrpt466.pdf.
[12] Section 13307, H.R. 1 (2017), https://www.congress.gov/bill/115th-congress/house-bill/1/text.
[13] Erin Mulvaney, *How the Tax Bill Confronts Sexual Harassment in the Workplace*, NAT'L L.J. (Dec. 21, 2017), https://www.law.com/nationallawjournal/sites/nationallawjournal/2017/12/20/how-the-tax-bill-confronts-sexual-harassment-in-the-workplace/?slreturn=20180015222107.
[14] Rep. Buck noted that the current deduction "makes it less financially costly for the business to engage in or allow activity that draws lawsuits." Press Release, supra note 10.
[15] Christina Caron, *Tax Bill Would Curb Breaks for Sexual Abuse Settlements*, N.Y. TIMES (Dec. 16, 2017), http://nyti.ms/2kBxFQN.
[16] Anthony C. Infanti, Why are Republicans punishing sexual harassment victims in their tax bills? THE HILL (Dec. 19, 2017), http://thehill.com/opinion/finance/365592-why-are-republicans-punishing-sexual-harassment-victims-in-the-tax-bill.
[17] Id.
[18] Maria Puente, *Women are rarely accused of sexual harassment, and there's a reason why*, USA TODAY (Dec. 18, 2017), https://www.usatoday.com/story/life/2017/12/18/women-rarely-accused-sexual-harassment-and-theres-reason-why/905288001/.
[19] 28 U.S.C. § 2201.
[20] I.R.C. § 7421(a) provides as a general rule that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom the tax was assessed."
[21] Internal Revenue Manual Section 5.17.5.8.1 (01-06-2017), https://www.irs.gov/irm/part5/irm_05-017-005#idm139794408732640.

Young Lawyers' Corner
Ten Things Associates Should Know about Preparing for Trial

By Steven Vanderporten and Martin D. Gould

For any aspiring trial lawyer, it is an exhilarating opportunity to second-chair or otherwise assist on a trial. Many will obtain this opportunity as associate attorneys. In this role, successful preparation includes both substantive and practical components.

1. Trial Checklist. Begin your preparation at least 60 days before trial by making a Trial Checklist of all the tasks that need to be completed. A good starting point is your judge's pre-trial order, which should contain deadlines and other parameters for pre-trial submissions. Otherwise, the most common items to include on a Trial Checklist are Requests for Supplemental Discovery, Evidence Depositions, Expert Disclosures, Motions *in Limine,* Witness Lists, Exhibit Lists, Verdict Forms, Jury Instructions, Jury Questionnaires, Offers of Judgment, Stipulations, Demonstrative Exhibits, Deposition Abstracts, Trial Subpoenas, Statements of the Case, Trial Briefs, Audio-Visual or Technical Support, Page-Line Designations, Trial Notebooks, Exhibit Folders, and "Pocket" or Research Memoranda. There is no "one size fits all" Trial Checklist. Consult with your trial team regarding any additional or unique items to add. Assign attorneys and staff to specific tasks, so that nothing is missed. As trial approaches, send daily updates to the trial team regarding which tasks are completed and which still need to get done.

2. Motions *in Limine*. As an associate, you may be asked to draft motions *in limine,* asking the court to admit, exclude, or limit the extent to which a party at trial can use evidence or testimony. Consult local rules or your judge's standing order to determine when the motions *in limine* are due, whether there is a limit to how many you can file, and whether any evidentiary issues will be addressed by the court as a matter of course. When drafting these evidentiary motions, identify the applicable law governing relevance, expert testimony, foundation, hearsay, and the exclusion of evidence due to undue prejudice. Generally, motions *in limine* should be narrowly focused on the contested testimony or evidence. Attach the contested evidence or testimony addressed in the motion as an exhibit for the court's convenience. If you are asked to argue a motion *in limine,* be prepared to discuss the authority cited in your motion, and obtain a clear ruling from the judge to avoid ambiguities regarding the admissibility of evidence moving forward.

3. The Exhibit List. Create an Exhibit List for all exhibits that could be introduced by your client at trial. You may be asked by a partner to monitor the introduction of exhibits during trial. Your Exhibit List should reflect whether exhibits were "*Marked,*" "*Stipulated,*" "*Subject to MIL,*" "*Subject to Objection,*" and "*Admitted.*" It does not hurt to be over-inclusive with your Exhibits List; nothing will require you to mark, introduce, or otherwise rely on exhibits just because they appear on your Exhibit List. In many jurisdictions, exhibits can also be added to the Exhibit List mid-trial. Check local rules or your judge's standing order for whether unconventional exhibits, such as demonstrative exhibits or deposition transcripts, need to be included on Exhibit List.

4. Demonstrative Exhibits. Identify whether your case can benefit from the use of demonstrative aids such as movies, diagrams, animations, models, and simulations. Demonstrative exhibits are not traditional evidence, but are utilized by trial lawyers to explain matters or evidence that are relevant. Determine whether demonstrative exhibits need to be exchanged with opposing counsel ahead of time. Learn the applicable law in the event your demonstrative exhibit is challenged. Work with any expert witnesses ahead of time if they intend to testify using the demonstrative aid. Think creatively: demonstrative exhibits are generally not allowed back in the jury room, but juries often remember them nonetheless.

5. Trial Support Companies. Trials are a big business. Many companies offer a breadth of useful and unique services to assist with trial. Among them are copying services, technical and audio-visual support, and the creation of demonstrative exhibits. These services can be expensive. Obtain quotes before releasing trial support companies to do any work. Get approval from your client to incur the expense of these companies' assistance. This can be easy to forget during a frenzied pre-trial preparation. You don't want to be responsible for a bill your client will not pay for.

6. Live Witnesses. Live witnesses are, invariably, essential to your trial presentation. If you do not control the witness, make sure to get trial subpoenas out early, at least two months in advance if possible. Get their cell phone numbers and develop a rapport with them in advance of trial. You may need them to be flexible with when they are going to testify. Witnesses regularly take off work or rearrange family care obligations to participate in your trial. They are seldom paid for their time. Treat them fairly. Give them relevant scheduling updates as you get them. It may also be your job to facilitate their appearance at trial. If they are traveling from far away, offer to assist with coordinating their travel and lodging.

7. Medical Bills. If you are on the plaintiff's side of a civil case, plan in advance on how you will get the medical bills into evidence. Send requests to admit during discovery. If discovery has already closed, discuss with counsel whether they will stipulate that some or all of the bills are reasonable and customary for the geographical area. If you cannot get stipulations for all the bills, get your trial subpoena out to the "keeper of the bills" early and make sure you can have live testimony in court to lay proper foundation.

8. Impeachment Material. If there will be expert witnesses involved, assign someone the task of compiling additional impeachment material for trial, including deposition transcripts from other cases and published materials from the expert or reliable content specific sources.

(cont'd next page)

Student Action

by Logan Bierman, *Decalogue Board of Managers Student Representative*

Chicago Kent:
On October 23rd we held a bone marrow stem cell registration through Gift of Life. Gift of Life is a bone marrow stem cell registry that seeks out life saving matches for people suffering from leukemia and other blood diseases. Only 2% of people are registered so there is a really big need to grow the registry. We had a table and had our members collecting swabs for submission.

On November 28th, we participated in Chicago-Kent's Holiday Fest. We had a table full of Chanukkah decorations, jelly donuts, and over 75 mini latkes for our guests to enjoy.

On November 28th, we hosted Professor Steven Resnicoff at Kent. Professor Steven H. Resnicoff is a professor at DePaul University College of Law, where he has received numerous awards for his teaching and scholarship, and director of its Center for Jewish Law & Judaic Studies. He spoke to a group of students about how the West and its international law institutions have abandoned religious minorities, women, children, and the LGBT community. We served kosher pizza for lunch. It was a terrific afternoon full of open, interesting conversations and questions.

DePaul:
Rosh Hashana dinner on September 20th and a Yom Kippur Break Fast the following week. Additionally, we co-sponsored an event at DePaul to bring in two Israeli soldiers to speak about their experiences in Israel.

Northwestern:
Combined happy hour with Northwestern's Jewish Medical School Organization.
Passed out apples and honey in the atrium for Rosh Hashanah
Hosted a Yom Kippur Break Fast
Annual Student/Faculty Shabbat Dinner.

Loyola:
9/15 Welcome Shabbat
Decalogue Society hosted a number of students for a Shabbat dinner to get to know each other and introduce what our chapter would be up to for the semester.

10/3 Anti-Semitism and Civil Rights
Decalogue Society joined together with the Black Law Student Association to host Ken Marcus, president and founder of the Louis D. Brandeis Center for Human Rights Under Law. Marcus spoke about his work with the Office of Civil Rights in the Department of Education and his efforts to protect students who are victims of anti-Semitic hate crimes.

11/14 Hunger Week Bagel Sale
As part of the law school's Hunger Week programming, Decalogue Society held a bagel sale. All proceeds were donated to Ezra Multiservice Center.

11/30 Chanukkah Party Study Break
Decalogue Society held a Chanukah party for students to drop in and take a break from studying for finals. We served sufganiyot and latkes, and played dreidel.

SAVE THE DATE

Young Lawyer/Student Spring Social
Wednesday, April 11, 2018

Watch your email for more information

Ten Things *(Cont'd)*

9. Copies, and more Copies. There is almost nothing more stress-inducing for an associate second-chairing a trial than to be asked during trial for an exhibit or other document they do not have. Don't allow this to happen. Make multiple copies of all discovery, exhibits, impeachment materials, motions *in limine,* transcripts, etc. Be assured that your trial team will misplace exhibits or mark them up. We recommend having at least five clean copies of exhibits and other important documents in the case.

10. Snacks. Trial preparation and trial is going to keep you busy, be prepared in case you miss lunch.

Steven Vanderporten is an associate at Swanson, Martin & Bell LLP's Chicago office. Martin D. Gould is an associate at Romanucci & Blandin, LLC. Both concentrate their practices in litigation.

The Counterweight to Evil

by Justice Michael B. Hyman

The subject of race and religious tolerance in America has once again come to the fore, stirring up divisiveness and strong emotions along with widespread public outrage. While the current discord, like its many predecessors, will pass into the shadows, the issues that generated the controversy will not, and they remain as contentious as ever. In the words of Edmund Burke, the influential Anglo-Irish politician, "An event has happened on which it is difficult to speak, and impossible to be silent."

Each of us should ask ourselves what we are doing to meaningfully challenge hate, bias, and hidden barriers in our society. For justice and right to triumph, lawyers and judges must find personal and professional ways to ensure our nation fulfills the promise that is America and the promises that are guaranteed to all by the Constitution of the United States of America, as amended.

The Greek lawmaker and poet, Solon (638-558 BC), expressed our duty when he was asked how justice could be secured in Athens. Solon responded, "If those who are not wronged feel the same indignation as those who are." But that indignation, I believe, has little impact unless it is accompanied by action. Too often we are beset by indifference, and perhaps just as bad, by ignorance. We cannot be passive spectators to racism, anti-Semitism, homophobia, Islamophobia, xenophobia, and similar kinds of hostility. Indeed, no one is safe unless we are all safe. We (and by "we" I refer to judges and lawyers) have an inherent obligation, due to our pledge to uphold the Constitution, to protect our democratic values and promote equality, social justice, and pluralism. In the words of Justice Louis D. Brandeis, "The greatest menace to freedom is an inert people."

The evils of racism, anti-Semitism, and the other forms of intolerance continue to recur, giving rise to an ugly reality that vilifies and dehumanizes groups of people for being who they are, and, in the process, diminishes and endangers all of us.

Vilification

The most common tool of perpetrators of hate, vilification, is bullying, name-calling, and false accusations carried to the extreme. The objective of vilification is to deny civil rights and to spur discrimination against those in its sights. Both malicious and destructive, vilification seeks to negatively affect the lives of its victims. Vilification is incompatible with living in a just and equitable society.

Dehumanization

Then there is dehumanization, the most hideous manifestation of intolerance. Dehumanization labels its victims as inherently undesirable, unworthy inferiors to be identified and avoided. The perpetrators want to marginalize those they fear, isolate them, and breed despair within them. They define them as "outsiders" who are not one of "us" and do not belong with us. Their disgusting rhetoric claims the "outsiders" to be enemies, who are suspect, odious, and objectionable.

When the hate mongers devolve into debasing their victims, negating their humanity, the worst instincts of human beings can take over. This permits slavery, human trafficking, ethnic cleansing, genocide, and other crimes against humanity. No decent citizen should condone or sit still in the presence of efforts to dehumanize others.

In a democracy, it is the judicial branch that serves as a counterweight to the evils of which I write. But laws alone do not supply a sufficient antidote to intolerance. Ours is a profession that endeavors to foster human welfare and human dignity, a profession that requires its members to respect and promote differences, to wrestle with critical questions about tolerance and intolerance, to resist silence. And to speak up. I have, now it's your turn.

Rehearing: "The world is not dangerous because of those who do harm. It's dangerous because of those who watch and do nothing."—Albert Einstein

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Jews and the Animal Welfare Movement

by Marcia Kramer

Jews have been involved in issues of social justice from the beginning of their existence. The directive, that Jews participate in *tikkun olam* (repairing the world), is deeply ingrained in the Jewish psyche. In today's climate of social action and inclusiveness, young people in particular are drawn to social justice movements. Animal welfare is one of these movements.

Animal welfare is an inclusive term that spans all things from shopping for products that were not tested on animals to the extremes of illegal breaking and entering to free lab animals from their cages (an ill-considered action that puts both the perpetrators and the animals who are being "saved" at risk). The term itself, however, implies that only the welfare or well-being of an animal is of concern and is based on the premise that humans may use animals how they choose, so long as animals don't suffer unnecessarily.

Animal rights, a more strident characterization that demands a recognition that animals have an inherent right to be free of suffering at the hands of humans, has become a mantra for many who are drawn to an abolitionist's view of our society's exploitation of animals for food, fur and research. Today's animal lovers encompass to varying degrees notions of welfare, protection and rights, depending on whether the individual is associated with an animal industry, is an animal owner, or believes that benefiting from animals is a modern kind of slavery where dominion is a key component of the human and non-human animal relationship.

But where do Jews come into this equation? Judaism teaches that animals are part of God's creation and should be treated with compassion. Human beings must avoid *tza'ar ba'aeli chayim* (causing pain to any living creature). A person must feed his animals before himself (Deuteronomy 11:15); animals must be allowed to rest on the Sabbath (Ex. 20:10 and Deut. 5: 14); and an animal's suffering must be relieved (Deuteronomy 12:4). These are just a few instances mentioned in the Torah that speak to the welfare of animals. This may reinforce the notion that Jews have an obligation to consider the welfare of animals on an individual basis, but it doesn't account for the involvement of so many individual Jews in the animal welfare movement.

Leaving aside Noah's efforts to prevent the extinction of all animal species, there are few well documented cases of animal protectionism—particularly on the part of Jews—until the nineteenth century.

In 1824, Lewis Gompertz was one of the founders of England's Society for the Prevention of Cruelty to Animals, later renamed the Royal Society for the Prevention of Cruelty to Animals. However, when the group limited its membership to Christians due to other founders' objection to his veganism, he, as a Jew, left to establish his own group, the Animals' Friend Society. (John Davis, "Lewis Gompertz -- Jewish 'Vegan' and Co-Founder of the RSPCA in 1924," Vegsource.com (2011).)

More than 150 years later, Peter Singer, an Australian Jew and philosopher, published a seminal book in 1975, *Animal Liberation: A New Ethics for Our Treatment of Animals*, which called for an end to speciesism that allows humans to cause pain and suffering to animals while exploiting them for food and research. His book inspired many individuals who became the current leaders of animal protection around the world.

One individual inspired by Singer was Henry Spira. After fleeing from Belgium before the outbreak of World War II, Spira and his parents eventually settled in the U.S. Already an activist in the civil rights movement, Spira read the article "Animal Liberation," upon which Singer's book was based. Spira became a leading proponent of the animal welfare movement in the United States, especially with regard to the use of animals for research, testing and food production. He founded the group Animal Rights International in 1974 and helped establish a model for animal advocacy.

Another refugee from Europe, Alex Hershaft, was born in Poland and escaped from the Warsaw Ghetto in 1942. He and his mother lived in hiding until 1945, and then in a refugee camp until 1950, when Alex found his way to the U.S. In 1976, after coming under the influence of Peter Singer, Alex founded the Farm Animal Rights Movement to promote a vegan lifestyle and an animal rights agenda. According to Hershaft, "Animals are the most defenseless, the most vulnerable, therefore the most oppressed sentient beings on earth."

Allegations about the cruelty of kosher (or any) slaughter, as well as the rapid expansion of factory farming techniques for raising animals may be one reason why vegetarianism is a unifying theme for Jews in the animal welfare/animal rights movement. Roberta Kalechofsky founded her group, Jews for Animal Rights, on the concept of *tza'ar ba'aeli chayim*, focusing on vegetarianism and using alternatives to animals for product safety testing. She also founded Micah Publications, which publishes *Haggadah for the Liberated Lamb*, a Passover Haggadah for a vegetarian seder and *Judaism and Animal Rights: Classical and Contemporary Responses,* a compilation of articles by rabbis, doctors, veterinarians and philosophers on animal rights.

Richard Schwartz, president emeritus of Jewish Veg (formerly Jewish Vegetarians of North America), is also co-founder of the Society of Ethical and Religious Vegetarians and one of the top authorities on the teachings of Judaism regarding the obligation to show compassion for animals. Jeffrey Cohan, executive director of Jewish Veg (www.jewishveg.org), has an impressive board of directors, advisory board, and rabbinic council that contains luminaries from around the country (as well as Israel) representing a full array of observances and practices.

The reality that the suffering of farmed animals ends in the slaughterhouse but begins at birth is one reason that a Jewish philosopher, lecturer and ethicist took on the role of working to improve living conditions of animals on ranches and farms. Bernie Rollin, a New York Jew turned cowboy, has been a professor at

Jews and the Animal Welfare Movement *(Cont'd)*

Colorado State University for more than 40 years. He is the author of many influential books on animal rights and welfare, including *Animal Rights and Human Morality* (1981) and most recently, his biographical *Putting the Horse Before Descartes* (2011). In 1985 he also successfully lobbied to amend the Animal Welfare Act to require that all animal research protocols be required to undergo review by an Institutional Animal Care and Use Committee before being approved. (Mary Guiden, "Bernie Rollin Lauded with Lifetime Achievement Award," Spring 2016.)

And then there are the lawyers. In 1978, a San Francisco attorney, Joyce Tischler, was introduced to a like-minded fellow attorney and founded the group Attorneys for Animal Rights (AFAR). Working on the model of the emerging environment law movement, Tischler, and a growing number of other local attorneys, began to make their mark. In its first official filing, AFAR took on a case of a dog whose deceased owner had stipulated that her pet be euthanized when she died to protect him from suffering in an animal shelter. In filing an amicus curiae brief, AFAR supported the position of the SPCA, which refused to turn the dog over to authorities for euthanasia. According to Tischler, "First, AFAR argued that a will provision directing the deliberate and unnecessary destruction of a healthy dog should be deemed unenforceable as against public policy. Second, AFAR argued that the court should amend the will under the doctrine of *cy pres*, so that the SPCA would be directed to find an appropriate home for Sido. Doing so would ensure that the actual intent of the testatrix (to protect her dog) would be realized." The case was not fully adjudicated because, during trial, the Governor signed a special bill to release the dog for adoption. (Joyce Tischler, *The History of Animal Law, Part 1 (1972-1987)*, Stanford Journal of Animal Law and Policy (2008).)

This was the first of many cases for the group, which in 1984, became the Animal Legal Defense Fund. Joyce Tischler remains General Counsel for ALDF. ALDF is a great asset to anyone who has an interest in working in or supporting the field of animal law. From a few lawyers (some of them Jewish), to a full staff and thousands of members across the country, ALDF offers resources for lawyers, law students and information for animal advocates. For practicing attorneys, they offer resources to attorneys involved in animal criminal justice cases (http://aldf.org/about-us/programs/criminal-justice-program) and also have opportunities for pro bono work (http://aldf.org/about-us/programs/pro-bono-program/) around the country and in many different areas of specialty.

Besides Jewish animal advocates and Jewish animal lawyers, there are Jewish legislators. This session, there are 24 Jewish members of the U.S. House of Representatives. Of these, 22 are members of the Congressional Animal Protection Caucus. Only four of these Representatives have less than a perfect score (100%) from the Humane Society Legislative Fund in their annual review of votes on animal bills in Congress.

There are many more leaders and followers in the animal welfare movement, and there is only room to mention a few of these pioneers who committed themselves to lessen the suffering of animals.

What draws Jews to concerns about animal welfare? First and foremost is the sense in that Jews have a responsibility to perform tikkun olam. As animal advocates become more vocal, the ways in which animals suffer become more and more apparent. The availability of media—the distribution of still and video images, the sharing of information on Facebook and Twitter, and the many outlets for stories of animal suffering—have contributed to the explosion of information. That's where the concept of *tza'ar ba'aeli chayim* goes from being an abstract idea to an imperative directive. It's when it hits close to home.

Marcia Kramer is the director of legal and legislative programs with the National Anti-Vivisection Society, based in Chicago, and co-founder of the Chicago Bar Association Animal Law Committee.

Meet Life's Challenges With Perseverance and You Will Succeed!

By Helen B. Bloch

I'm a 21st century attorney of the sandwich generation. It follows the motto, "If you need something done, ask a busy person to do it." I have taken care of an ill mother, raised two small boys, and participated in bar association, charitable and professional organizations all while growing a law practice from ground zero. Technology and the flexibility to work in non-traditional environments have played key roles.

Let's return to 2007. By this point I was practicing for 9 years. I was an associate at Bellows and Bellows P.C., where I learned a great deal about running a business. My clients were interesting and diverse. I could be counseling an executive in an employment matter who was about to be terminated as to how to position herself or himself for a severance package, or preparing for an out-of-state arbitration on a securities matter before FINRA. In between, I handled estate planning, divorce, business disputes, and whatever else came through the door.

Fortuitously in the summer of 2007 I bumped into a colleague whom I had had cases against when I was an Assistant Corporation Counsel for the City of Chicago. We decided to catch up at Starbucks. Our meeting reminded me of the various other areas in which I had experience from my prosecutorial and defense days at the City that I had not encountered in private practice. I say "fortuitously" because our reunion led me to open my own general practice, which enabled me to take care of my mother and raise my children without risk of losing my job. This is key because in today's society a family needs two revenue generators to survive. Because I had my own practice, my income never dwindled from the salary I made as an associate even when family needs required that I spend little time in the office.

When I started my firm in the fall of 2007, it was on a shoestring budget. After I mailed notices detailing my diverse practice, I was pleasantly surprised by the response. Police officers who remembered me from my City days asked for help in landlord-tenant disputes. Executives recommended me to their colleagues who were being terminated. Friends asked that I help form their companies and review their contracts. Government attorneys who recalled that I had workers' compensation experience recommended that I assist their injured buddies. Real estate folks who remembered that I was a prosecutor asked that I defend their interests against the City.

Truly I was enjoying the practice that I was building and the freedom to be my own boss. The joys of freedom hit me about 6 months in. While on my way from the Wheaton courthouse to the office, I stopped at a mall to buy a purse. My phone rang. It was a client for whom I was in the midst of negotiating a separation package. We were on a deadline and an answer was needed ASAP. I stepped into the store dressing room and walked the client through what needed to be done. As I went up to the cashier to buy my purse, I realized that this one call just paid the bill. What a great feeling to know that I could support myself even while straying from the office.

In March 2009, my first child, Megill, was born. I was determined to breastfeed, raise my son, and continue working. The last thing I wanted to happen was to lose my practice which was just beginning to flourish. There were times when Megill would be resting on my "breast friend" suckling while I was on the phone with clients or responding to emails. Before Megill started daycare, I arranged for my husband to watch him while I was in court. New client meetings were scheduled around Megill's feedings and my husband's availability. Clients simply thought I was a busy person and were happy to meet at mutually agreed upon times. They were unaware that I had been pregnant and was a new mom.

Megill was 3 months old when the bomb hit. My mother, who had Parkinson's, was out of money. Her caregivers walked out on her. Shortly thereafter, she sustained an infection and was hospitalized. Overnight I had to petition the court to become her guardian. This was no simple task. A guardian ad litem was appointed, and each decision I made was scrutinized and subject to court order.

While maintaining my law practice and keeping my pledge to breastfeed a newborn, I had to manage my mother's healthcare and finances, clean her apartments, and research facilities that were suitable for her needs. Emotionally, it was hard to keep it together. My mother needed me. It broke my heart to see her in the condition she was in, knowing that my son and children to be never would know the strong, brilliant woman who shaped me into who I am. I wanted to do more for her, but could not because I had to keep working, raise a son, and be a wife.

I was heartbroken over my mother's steady decline and frustrated with her institutional life. In 2010 I brought her home with a 24-7 caregiver. Emotionally, her care became easier. However, I was now responsible for two additional people – mom and caregiver. I arranged her social calendar and visits with doctors and bought the household supplies. But I had peace of mind that she was in good hands.

I missed working from the office for days on end. I spoke with clients from waiting rooms, in the car, or at my mother's apartment while cleaning or checking on her and her caregiver. I reviewed documents and agreements from wherever I needed to be. My schedule was anything but routine. Despite the challenges, I maintained a steady stream of income – an impossible feat had I not been my own boss.

I have an amazing husband who continues to pitch in with child-rearing responsibilities. Still, it is only I who can maintain my practice. While at times I have forgone networking opportunities that could have generated significant business, I always returned calls from potential clients and never neglected a client – I just worked in non-traditional settings and at my own schedule with deadlines in mind.

Life's Challenges *(Cont'd)*

My family situation has stabilized. Nevertheless, as a mother who wants to participate in school activities, having my own law practice gives me the flexibility to participate in life's occasions – whether mundane or grand. There are times when I will work late into the evening because I know that I have an upcoming hearing or deposition around the same time as my son's school assembly. I love the ability to schedule most work deadlines around my children's needs without answering to anyone as to my whereabouts.

My practice has continued to flourish. I am back to attending events and engaging in the extracurricular activities that are necessary to building and maintaining a business. Luckily, I can include office support staff, in addition to my immediate family, when I calculate my yearly financial goals.

My mother passed away March 8, 2015. I had no regrets. As we say in my mother's tongue, it was basheret (meant to be) that I took the risk to work for myself. Had I not done so, I could not have maintained a job and taken care of my family.

Helen B. Bloch is 1st Vice President of the Decalogue Society of Lawyers. A version of this article was originally published in Grit, the Secret to Advancement: Stories of Successful Women Lawyers (ABA Publishing, 2017). Reprinted by permission of the author.

My Night at the Theatre with Justice Mikva

By David W. Lipschutz

I have said it many times: "Judges are the celebrities of the legal profession." As it happens, one judge in particular is not only a celebrity of the law, but she is also a celebrity of the stage. I am referring to the brilliant, pragmatic, and talented Justice Mary L. Mikva of the Illinois First District Appellate Court.

Last year, while I was preparing for my interview with Judges Thorne and Esrig, I contemplated what and who would be the topic of my next judicial encounter. By sheer coincidence, at that time, I happened to see a play at The Artistic Home entitled Buried in the Bahamas. The play was directed by the choreographer of Speech & Debate, a then-upcoming production I was directing. Buried in the Bahamas also starred Justice Mikva (although the program listed her only as Mary Mikva).

A few days later, I was talking with that play's director, and I asked if Mary Mikva was related to the legendary Hon. Abner Mikva (of blessed memory). She responded, "I'm not sure. But Mary is a judge, so they're probably related." I plotzed. I could not believe that I had just seen a judge in a theatrical production. She was a double-celebrity. Needless to say, I knew I had to invite Justice Mikva out for an evening of theatre.

When I contacted her, Justice Mikva suggested we go see Speech & Debate; after all, I was the director and her former director was my choreographer. Justice Mikva thoroughly enjoyed the play, and she thought the actors were all talented young artists with bright futures ahead of them.

I was also able to enjoy a cup of tea with the judge after the show and ask about her experiences working both in the theatre and in the courtroom. We talked about her fondest theatrical memories. Her favorite productions were Lovers by Brian Friel as well as her understudy performances as Amanda in Mary-Arrchie Theatre's The Glass Menagerie (as an understudy, an actor is never guaranteed a performance; therefore, Justice Mikva getting to perform in the role several times is quite an accomplishment).

Justice Mikva and I are similar as we both have had a great passion for theatre and law our entire lives. However, we disagree on whether attorneys and actors are interconnected. I believe attorneys are just well-paid actors (many of my opposing counsel are hams!). Conversely, Justice Mikva views attorneys as meticulous, calculated and unemotional, and she sees actors as brimming with emotions.

Attending the play with Justice Mikva was an absolute pleasure, and it has reinforced my dedication to both the law and theatre. The judge not only remarked that my actors in Speech & Debate are gifted performers, but she commented several times throughout the evening that Chicago is full of immensely talented and passionate artists. I hope that my night at the theatre with Justice Mikva has sparked the desire and interest of everyone reading this to spend an evening seeing a play or musical in this beautiful city full of the best actors.

David W. Lipschutz is Senior Associate at Arnold Scott Harris, P.C. He is also a director and performer throughout Chicago, and he is a company member of Handbag Productions and Brown Paper Box Co.

ISBA Mutual Policy Expansions Improve Support for Practice Closings, Cyber Risks

By Jeff Strand

Law firms close for any number of reasons, not just when an attorney reaches a certain age and decides to retire. Firms merge, lawyers go in-house on the corporate side and close their practice, and death or disability unexpectedly shut a firm's doors, as well.

If your practice closes, especially unexpectedly, have you thought about how your clients will be maintained if you are no longer available? More importantly, have you thought about what happens with malpractice claims that may be made against you after your firm has closed?

These are some of the considerations of a successful succession plan. However, if you are like many lawyers, it is probably something you may not have even considered. According to the Attorney Registration and Disciplinary Commission ("ARDC"), 77% of sole practitioners do not have a succession plan.

Expanded Extended Reporting Period options relieve these protection worries

One way ISBA Mutual can help mitigate this issue is to ensure you are properly covered. To that end, we have provided expanded coverage that provides for a free and unlimited extended reporting period (known as a tail) in the event of death, disability or retirement that will cover claims arising from professional services rendered before your practice has closed. This should give you one less worry as you handle your succession plan this year.

The expanded Extended Reporting options are among a group of policy enhancements ISBA Mutual has enacted effective this year. This is a direct response to feedback that we've received from policyholders and attorneys.

Other features of the 2018 ISBA Mutual Insurance policy include:

- Unlimited Extended Reporting Period available to multi-lawyer firms;
- A free, 24-month extended reporting period for practicing lawyers who are called to active military duty;
- $0 deductible option;
- A "defense outside the limit" option, so that malpractice defense costs will not erode your policy limit of liability;
- Claims will not be settled without your consent;
- The first $5,000 of defense costs related to malpractice claims are paid by ISBA Mutual before your deductible is applied;
- ARDC disciplinary defense coverage is provided by ISBA Mutual and is paid on your behalf. This coverage is in addition to the policy limits of liability.

Another area of growing concern to the legal community is cyber security, especially when the cost of breaches can be high from every perspective. As a result, we have included important coverage for claims in response to breaches and other cyber risk, at no additional cost.

The five areas of cyber-related coverage include:

<u>Information security and privacy</u>
You now have expanded coverage for damages and expenses over privacy law violations. If your computer security fails to prevent a breach or you don't disclose a breach in a timely manner, you are protected against related claims for theft, loss, or unauthorized disclosure of personally identifiable non-public information or third-party corporate information.

<u>Privacy breach response services</u>
These include client notification, credit monitoring and fraud protection services as well as crisis communications. Another area of expanded coverage is forensic and legal assistance to determine the extent of the damage and provide guidance for fixing the issue so you comply with applicable laws. Defense expenses and penalty coverage for your firm are also covered should your violation of a privacy law lead to a regulatory proceeding.

<u>Website media content liability</u>
These changes now cover damages and expenses for seven specific acts related to violations of copyright, trademark and intellectual property rights within web content, including defamation, libel or slander and plagiarism.

<u>Cyber extortion loss</u>
If your computers and data get hacked and your firm is a victim of cyber extortion or ransomware, coverage for these payments is now included.

<u>PCI fines and penalties</u>
Also covered are PCI fines and penalties that may result from a cyber breach.

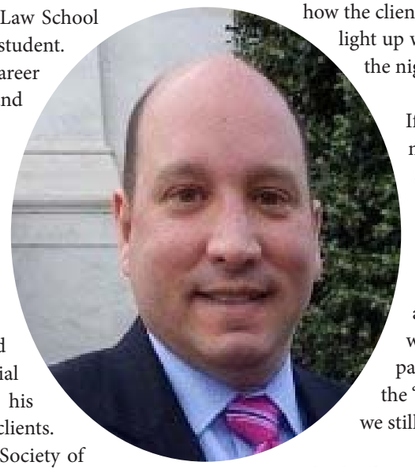
It is important to monitor and respond to the changes in the legal environment that affect the risks faced by Illinois attorneys. Our aim at ISBA Mutual is to help you stay on top of these risks and ensure our policy coverage protects you, your clients, and the legal profession.

Jeff Strand is President and CEO of ISBA Mutual

Remembering Steve Rizzi

By Steve Weinberg

Steve Rizzi was my lifelong friend and law partner. I called him "The Riz" or Rizzi. We met in 8th grade when our junior high schools merged into one and we all attended Maple Junior High. Steve went to Glenbrook North High School and then chose the University of Arizona.



Steve and I reunited at IIT-Chicago Kent Law School where Steve was a proud and energetic law student. He was excited to follow his father Dom's career path. Steve learned his sense of justice and fairness from his father.

Steve Rizzi was a lawyer's lawyer. He loved being a lawyer and he loved lawyers. He also loved to argue. Steve appreciated good lawyering even if it was coming from his opponent.

Steve was a personal injury litigator and distinguished himself as an excellent trial attorney. He never backed down from his position and he fought vigorously for his clients. Steve became President of the Decalogue Society of Lawyers where he worked to increase membership and Decalogue's visibility and influence within the Chicago legal community.

Steve and I became law partners after about ten years of practice. Steve was a great law partner. Even though we had separate offices, Steve was the managing partner of our firm and he handled all of the issues relating to the firm. He was honest and forthright and gave our client's a strong sense of confidence. Steve was always concerned with how I was doing personally.

Steve was a great springboard for legal theories, even in areas outside his expertise. One day Steve appeared at one of my trials and watched for an entire afternoon. After court Steve went into the jail with me and helped me prepare the client to testify. He wanted me to do well and also wanted to observe the way other lawyers prepared clients to testify. Steve was invaluable with his input offering his insights and suggestions often. What was more impressive was that Steve came to court again the next day to see how the client testified during the trial. I saw Steve's face light up when I asked a question that he gave to me the night before.

If I was having a bad day, and there were many, there was no better person than Steve Rizzi to put things in the proper perspective. He always greeted me with a smile and he made me laugh. Steve and I were partners for 12 years. Steve left to accept a position with Meyers and Flowers, a respected plaintiff's personal injury firm where he became a partner. Even though our partnership had dissolved, Steve remained the "civil division" of my criminal law firm, and we still referred cases back and forth.

I think of Steve everyday. I miss sharing the practice of law with him but most of all I miss his pride, enthusiasm and his friendship. RIP my old friend I'll get it covered down here.

Steve Rizzi served as President of Decalogue from 2011-2012 and passed away September 17, 2017. Steve was widely loved and admired for his kindness, generosity and good humor, and will be greatly missed. May his memory be for a blessing.

Steve, Rachael and Suzi at the 2011 Installation Dinner

To honor Steve's memory and legacy, donations are being accepted by the Bright Start College Savings Plan on behalf of his daughter Rachael Rizzi.

Steve always placed great importance on education and higher learning, please help him bring his goals for Rachael to fruition.

To receive an invitation to make a tax free donation in Steve's name, please send your full name, email address, and phone number to suzi@suzannestiefel.com

Chai-Lites

By Sharon L. Eiseman

We do know **Mitchell Goldberg** is a Super Decalogue President this term but it appears that his prodigious talents are far more widely recognized. Mitchell was recently selected by Thomson Reuters as a Super Lawyer in Securities Litigation and, not to be outdone, the Chicago Law Bulletin placed him on its list of Leading Lawyers in the field of Commercial Litigation. What's next on the horizon for our esteemed leader?

Remember when we noted that Board member **Michael Rothmann** had just been installed as the Second Vice President of the Northwest Suburban Bar Association? Very fast forward, it seems, and the time has come for his installation as the NWSBA's PRESIDENT! That significant event will take place on June 14, 2018 at 5 p.m. at Maggiano's in Schaumburg followed by a post-installation party, including Casino Night, with all proceeds going to the Northwest Suburban Bar Foundation. The NWSBA made a wise choice a few years ago when approving Michael for inclusion in the executive line-up. We wish him well in his approaching presidential term and will be on the sidelines cheering him on to the finish line.

Michael is excited about assuming leadership of such a dynamic bar group and he has great plans for the Association. And yes, we know he'll be busy, BUT we won't let him off the hook for his commitment to help stem the tide of a growing animus toward Jews through his ongoing work on the DSL's Committee on Anti-Semitism. Perhaps, during the 2018-19 terms of the Decalogue and the NWSBA, there is even an opportunity for a program co-sponsorship on this pressing issue. It isn't too early to consider the idea.

On September 14, 2017, Board member **Sharon Eiseman,** along with other Decalogue members who must have been on the race course, participated in the Chicago Volunteer Legal Services' 5K RACE JUDICATA. This event is the agency's annual fundraiser which takes the runners through the City's Museum Campus and along the lakefront and ends in Arvey Field where the participants celebrate with food and drink and relief to have finished. To Sharon's utter astonishment, she won a trophy for finishing first in her age category—the specifics of which will NOT be revealed in this Tablets section. Instead, buried somewhere in this publication, you can find the photo of the trophy CVLS gave her, a tiny bobble-head statuette of a determined female runner in short shorts with her ponytail flying in the wind—of course just like Sharon looked—or at least how she felt. Sharon gazes at that young woman every day just to find courage to show up for work!

During the last part of 2017, **Jessica Berger** and **Nicole Annes**, Co-Chairs of Decalogue's Social Action Committee, checked off a number of volunteer projects on their impressive list of social service activities they had identified earlier in the year as attainable goals. During the Rosh Hashanah/Yom Kippur Holidays in September, they organized a group of Decalogue members as part of a 'Maot Chitim' program to help deliver special kosher meals to residents of two apartment buildings on Chicago's northside who otherwise would not have been able to fully observe the High Holidays. Those members besides our Co-Chairs who participated in the High Holiday Project included **Kim Pressling, Sharon Eiseman, Deborah Gubin, Olwen Jaffe, Steve Ross,** and **Shaina Wolfe,** some of whom brought family members to assist.

On December 17, in celebration of Chanukah, **Nicole** and **Jessica** organized a group of Decalogue volunteers for a visit to the Robineau Retirement Living Residence in Skokie for an afternoon feast of Latkes and joyful singing. Those of us who participated, some with their own family members in tow, included **Helen Bloch, Sandra Brostoff, Kim Pressling, Sharon Eiseman, Mitchell Goldberg, Barry Goldberg, Olwen Jaffe, Gerald Parker**, and **Jordan Silver.** These volunteers visited and ate with the residents and made up for a lack of vocal talent with sheer bravado as they belted out signature Hanukkah songs for which the residents joined in. Helen and her son also treated the residents to several well-known tunes on the piano. Much fun was had by ALL.

Paul Plotnick, a member of Decalogue since 1974, was presented with the Luis Amador Award at a meeting of the Kiwanis Club of Skokie Valley Kiwanis, a NFP organization he joined in 1986. Dr. Luis Amador was head of the Kiwanis Spastic Research and Allied Diseases project. The Award was conferred upon Paul by the Division 7 Clubs. The photo shows Paul with Dennis Dean, Past Lt. Governor of Division 7; the Division's current Lt. Governor David O'Rear; the Skokie Chief of Police; current President, Tony Scarpeli; and Paul's wife Eleanor, also a member of the Kiwanis. This organization is well known both locally and nationally for its dedication to helping children worldwide. In addition to providing community grants to local schools and other organizations that serve children in need, the Kiwanis sponsors an annual Festival of Cultures to support the diversity and inclusion initiatives that help the community find strength in their population differences.

Past President of the Decalogue and current President of the Decalogue Foundation, **Robert Matanky**, participated on a panel with Rabbi Yona Reiss of Av Bet Din and the Chicago Rabbinical Council, and Professor Steven Resnicoff, Director of the Center for Jewish Law & Judaic Studies (CJLJS) at DePaul College of Law that was part of the December 3, 2017 Gerald C. Bender Memorial Lecture Program held at the Lincolnwood Jewish Congregation AG Beth Israel. Entitled The Israeli Supreme Court: A Force for or Against Democracy?, The Program, co-sponsored with the CJLJS and Congregation AG Beth Israel, with generous support from the law firm of Katz & Stefani LLC, was a live, half-day CLE that was featured prominently in Decalogue's list of CLE offerings for 2017. The nature of the subject and the prominence of the speakers garnered substantial attendance, with the subtopics prompting lively dialogue among panelists and between the presenters and the audience.

On January 29, 2018, one of our most publicized members, **Chuck Krugel**, was quoted in Rocket Matter's article, the "Most Challenging Part of Running a Law Firm: Part Two." We may ask him to share his secrets at a CLE Program, provided we also get Part One. Then, on February 5, 2018, Chuck (who surely has a marketing agent) was quoted in SHRM's (Society of Human

Chai-Lites *(Cont'd)*

Resources Management) article "Wage and Hour Class Actions Can Cost Employers Millions; Top 10 employment-related lawsuits in 2017 had a combined value of $2.72 billion." That's another topic that might fit into our CLE program very nicely.

Carrie Seleman, President of the Decalogue chapter at Loyola University School of Law, was one of two recipients of the Robert Gordon Scholarship at the Jewish Judges Association annual dinner September 26, 2017. Carrie has been extremely active in the Jewish Community and is a strong supporter of Israel. She has a Jewish Studies Certificate from Indiana University and has served as President of the Board of Directors of the Helene G. Simon Hillel Center, President and Campus Electoral Coordinator for the Indiana Israel Public Affairs Committee, and National Chair of Campus Democrats for a Secure Israel. Carrie has been named as associate editor of the Children's Legal Rights Journal and has been named a Court Appointed Special Advocate.

Want to be in the next edition of 'Chai-Lites'? All you have to be is a member! Let us know about you or any other members who were celebrating, presenting, publishing, being recognized, volunteering, acquiring more titles, running to the office or even running for office!

Decalogue members running in the March 20 primary election

This is for informational purposes only. Decalogue does not endorse candidates.

Joel Chupack (D), 12th subcircuit Maki Vacancy
Kent Delgado (D), 6th subcircuit Chevere Vacancy
Corri Diane Feltman (D), Countywide Dooling Vacancy
Michael Perry Gerber (R), 13th subcircuit Lawrence Vacancy
Jonathan Clark Green (D), Countywide Clay Vacancy
Patrick Dankwa John (D), Countywide Jordan Vacancy
Myron "Mike" Mackoff (D), 8th subcircuit Pethers Vacancy
Bonnie C. McGrath (D), 8th subcircuit Fabri Vacancy
James "Jamie" Shapiro (D), 8th subcircuit Fabri Vacancy
Andrea Michelle Webber (D), 6th subcircuit Cooke Vacancy

Decalogue members running for office in the Illinois State Bar Association Election. Voting: March 26 through April 30.

This is for informational purposes only. Decalogue does not endorse candidates.

Anna Krolikowska for 3rd Vice President
Mark Karno for Board of Governors (Cook)
Ellis Levin for Cook County Assembly
Curtis Ross for Cook County Assembly

Welcome New Members!

Sharon D. Allen
Kina N. Arnold
Max P. Barack
Jon Brown
Joel B. Bruckman
Elizabeth Burrell
Jade Carpenter
Jeffrey Dan
David Gerbie
Dan Gutt
Stephanie M. Gwynn
Kahlia R. Halpern
Rebecca M. Israel
Michele Katz
Ethan Kirner
Stephen Klein
Kevin Langendorf
Gabrielle Levy
Livia Maas
Justin M. Mantell
Laura S. Platt
Rochelle Prager
Marc Raifman
Burton Reiter
Aaron S. Rosenblatt
Robert Schur
Victoria S. Shoemaker
Noah Siegel
Diane J. Silverberg
David B. Silvers
Joseph E. Sitzman
Alan Sohn
Laurence Spektor
Nicolette Taber
Naomi Weitzel
Eliot Wineberg

Go Green!

Decalogue members now have the option of receiving communications solely by email. If you would like to dispense with paper copies of the Tablets, event invitations, and membership notices please use the link below to let us know to put you on our email only list.

https://interland3.donorperfect.net/weblink/WebLink.aspx?name=E254534&id=70

Decalogue Ratings for the March 20, 2018 Primary Election

Countywide

(Vacancy of the Hon. Eileen Mary Brewer) D
Oran F. Whiting Recommended
Kathryn Maloney Vahey Recommended
John Maher Recommended

(Vacancy of the Hon. Evelyn B. Clay) D
Kathleen Theresa Lanahan Recommended
Jonathan Clark Green Recommended
Michael I. O'Malley Recommended
Lori Ann Roper Recommended

(Vacancy of the Hon. Deborah M. Dooling) D
Tom Sam Sianis Recommended
Timothy John Leeming Recommended
Corri Diane Fetman Not Recommended

(Vacancy of the Hon. Laurence J. Dunford) D
Thomas F. McGuire Recommended

(Vacancy of the Hon. Lynn M. Egan) D
Rosa Maria Silva Recommended

(Vacancy of the Hon. Thomas E. Flanagan) D
Amanda Moira Pillsbury Recommended
Preston Jones, Jr. Recommended
Keely Patricia Hillison Recommended
Ioana Salajanu Not Recommended

(Vacancy of the Hon. Russell W. Hartigan) D
Cecilia Anne Horan Recommended
Keith L. Spence Not Recommended

(Vacancy of the Hon. Michelle D. Jordan) D
Clare Quish Recommended
Jerry Barrido Recommended
Patrick Dankwa John Recommended

(Vacancy of the Hon. Sheila McGinnis) D
Brian Terrence Sexton Recommended
Peter Michael Gonzalez Recommended
Bradley R. Trowbridge Recommended

(Vacancy of the Hon. Jean Prendergast Rooney) D
Jack Hagerty Recommended
Mable Taylor Not Recommended

Subcircuits

1st Sub-Circuit
(Vacancy of the Hon. Orville E. Hambright, Jr.) D
Litricia P. Payne Not Recommended
Erika Orr Recommended

2nd Sub-Circuit
(Vacancy of the Hon. Bertina E. Lampkin) D
Tiana Ellis Blakely Recommended
Frederick H. Bates Recommended

2nd Sub-Circuit
(Vacancy of the Hon. Marjorie C. Laws) D
William H. Laws Recommended
Adrienne Elaine Davis Recommended

2nd Sub-Circuit
(Vacancy of the Hon. James L. Rhodes) D
Toya T. Harvey Recommended
Tiesha L. Smith Not Recommended

2nd Sub-Circuit
(Vacancy of the Hon. John D. Turner, Jr.) D
Travis Richardson Recommended
Ieshia Gray Recommended

2nd Sub-Circuit
(Vacancy of the Hon. Valerie Turner) D
Devlin Schoop Recommended
Arthur Wesley Willis Recommended

2nd Sub-Circuit
(Vacancy of the Hon. Camille E. Willis) D
Debra A. Seaton Highly Recommended
Sheree D. Henry Recommended
Ubi O'Neal Not Recommended

3rd Sub-Circuit
(Vacancy of the Hon. Maureen F. Delehanty) D
Patrick Thomas Stanton Recommended
Michael Hayes Recommended
Kevin Patrick Cunningham Recommended

4th Sub-Circuit
(Vacancy of the Hon. Thomas M. Davy) D
David R. Navarro Highly Recommended
Caroline Jamieson Golden Recommended

4th Sub-Circuit
(Vacancy of the Hon. James G. Riley) D
John Andrew O'Meara Recommended
Elizabeth Ciaccia-Lezza Recommended
Martin D. Reggi Recommended
Danny Collins Recommended

5th Sub-Circuit
(Vacancy of the Hon. Patricia Banks) D
Rhonda Salleé Not Recommended
Yvonne Coleman Recommended
Gino Betts Not Recommended
Gwendolyn D. Anderson Not Recommended

5th Sub-Circuit
(Vacancy of the Hon. Rickey Jones) D
Marian Emily Perkins Recommended
Jenetia Marshall Not Recommended
David L. Kelly Recommended

Ratings *(Cont'd)*

5th Sub-Circuit
(Vacancy of the Hon. Edward Washington, II) D
Robert Harris Recommended
Shay Tyrone Allen Not Recommended
Mary Alice Melchor Recommended

6th Sub-Circuit
(Vacancy of the Hon. Gloria Chevere) D
David C. Herrera Recommended
Kent Delgado Highly Recommended
Sean Patrick Kelly Not Recommended

6th Sub-Circuit
(Vacancy of the Hon. Richard C. Cooke) D
Edward J. Underhill Highly Recommended
Charles "Charlie" Beach Recommended
Andrea Michelle Webber Recommended

6th Sub-Circuit
(Vacancy of the Hon. Robert Lopez Cepero) D
Linda Perez Recommended
Stephanie K. Miller Recommended

8th Sub-Circuit
(Vacancy of the Hon. Candace J. Fabri) D
James "Jamie" Shapiro Recommended
Stephen Feldman Not Recommended
Robin Denise Shoffner Recommended
John Christopher Benson Recommended
Bonnie C. McGrath Not Recommended

8th Sub- Circuit
(Vacancy of the Hon. Laura C. Liu) D
Lindsay Huge Highly Recommended
Michael Forti Recommended
Cyrus Hosseini Not Recommended
Athena A. Farmakis Recommended

8th Sub- Circuit
(Vacancy of the Hon. Sheryl A. Pethers) D
Jeanne Marie Wrenn Recommended
Myron "Mike" Mackoff Highly Recommended
Rishi Agrawal Recommended

10th Sub-Circuit
(Vacancy of the Hon. Eileen O'Neill Burke) D
Stephanie Saltouros Recommended
Gwyn E. Ward-Brown Not Recommended
Lorraine Murphy Recommended

10th Sub-Circuit
(Vacancy of the Hon. Donald J. Suriano) D
Colleen Reardon Daly Recommended
Noreen Patricia Connolly Not Recommended
Gerald Cleary Recommended
Jill Rose Quinn Recommended
Thomas J. Gabryszewski Recommended

11th Sub-Circuit
(Vacancy of the Hon. Kathleen G. Kennedy) D
Joanne F. Rosado Recommended
Scott J. Frankel Recommended

12th Sub-Circuit
(Vacancy of the Hon. William O. Maki) D
Joel Chupack Recommended
Carmine Trombetta Recommended
Thomas Raymond Molitor Not Recommended

(Vacancy of the Hon. William O. Maki) R
David Studenroth Highly Recommended
Alan M. Jacob Not Recommended

13th Sub-Circuit
(Vacancy of the Hon. Clayton J. Crane) D
Ketki "Kay" Steffen Highly Recommended

(Vacancy of the Hon. Clayton J. Crane) R
Gary William Seyring Recommended
Susanne Groebner Recommended

13th Sub-Circuit
(Vacancy of the Hon. Jeffrey Lawrence) D
Shannon P. O'Malley Not Recommended

(Vacancy of the Hon. Jeffrey Lawrence) R
Daniel Patrick Fitzgerald Recommended
Michael Perry Gerber Highly Recommended

13th Sub-Circuit
(Vacancy of the Hon. Ann O'Donnell) D
Samuel J. Betar II Recommended

(Vacancy of the Hon. Ann O'Donnell) R
Christine Svenson Recommended

14th Sub-Circuit
(Vacancy of the Hon. Rodolfo Garcia) D
Marina Ammendola Recommended
Beatriz A. Frausto-Sandoval Not Recommended

15th Sub-Circuit
(Vacancy of the Hon. George Scully, Jr.) D
Ashonta Rice-Akiwowo Recommended
Michael B. Barrett Recommended

15th Sub-Circuit
(Vacancy of the Hon. Frank G. Zelezinski) D
Anthony Swanagan Recommended
Scott McKenna Recommended

(Vacancy of the Hon. Frank G. Zelezinski) R
Karla Marie Fiaoni Not Recommended

For ratings from all of our Alliance partners, visit
voteforjudges.org

Decalogue Calendar

Wednesday, March 14, 12:15pm-1:15pm
CLE: Judicial Recusals and SOJs
Speaker: Patrick John
134 N LaSalle Room 775
RSVP: www.decaloguesociety.org/services/legal-education

Thursday, March 15, 11:30am-1:30pm
"Adjudicating in the Middle East: My Time on the Israeli Supreme Court"
Speaker: Justice Salim Joubran
Union League Club, 65 W Jackson
Tickets: $40 RSVP: (312) 435-5946

Thursday, March 22, 12:00pm-1:30pm
Decalogue Model Seder
Co-sponsored with Jewish Judges Association
Guests: Cook County Bar Association, Illinois Judicial Council, Advocates Society
Loop Synagogue, 16 S Clark
RSVP: www.decaloguesociety.org/events

Sunday, March 25, 9:00-11:30am
Pesach Mitzvah Project with Maot Chitim
820 W Belle Plaine or 2111 N Halsted
(volunteers are also needed to pick-up meals at the warehouse for delivery to the residences)
RSVP: www.decaloguesociety.org/events

Tuesday, March 27 12:00-2:00pm
CBA/Decalogue CLE
"How To Respond To An ARDC Inquiry/Complaint Letter"
321 S Plymouth
RSVP: 312-554-2056

Friday, March 30 sunset-Saturday, April 7 sunset
PASSOVER

Wednesday, April 11, 12:00-1:30pm
CLE: 2018 Ethics Update
Speaker: Wendy Muchman
Location: ISBA Mutual, 20 S Clark
1.5 hours Professional Responsibility Credits pending
RSVP: www.decaloguesociety.org/services/legal-education

Wednesday, April 11, 6:00-8:00pm
Young Lawyer & Law Student Spring Social
Location TBA

Tuesday, April 17, 5:15pm
Committee Against Anti-Semitism
205 W Randolph Ste 1750

Tuesday, April 24, 12:00-1:30pm
Vanguard Awards
Decalogue Honoree: Judge Shelley Sutker-Dermer
See next page for details

Wednesday, April 25, 12:15pm-1:15pm
CLE: Courtesy and Civility in the Legal Profession
Speaker: Justice Jesse Reyes
134 N LaSalle Room 775
RSVP: www.decaloguesociety.org/services/legal-education

Wednesday, May 9, 12:15pm-1:15pm
CLE: Criminal Law
Speaker: Donna Makowski
134 N LaSalle Room 775
RSVP: www.decaloguesociety.org/services/legal-education

Wednesday, May 9, 5:30pm-7:30pm
Monthly Social (TBA)

Saturday, May 19 sunset-Monday, May 21 sunset
SHAVUOT

Wednesday, May 23 12:15pm-1:15pm
CLE: Jewish Multi-Culturalism
Speakers: Mel Ferrand, Aviva Flint, Amy Zaretsky
134 N LaSalle Room 775
RSVP: www.decaloguesociety.org/services/legal-education

Wednesday, June 13, 5:30pm-7:30pm
Monthly Social (TBA)

Tuesday, June 5, 6pm
JUF TIP Dinner
Hyatt Regency Chicago, 151 E Wacker
Speaker TBA

Tuesday, June 19, 5:15pm
Committee Against Anti-Semitism
205 W Randolph Ste 1750

Wednesday, June 27, 5:15pm-8:30pm
84th Annual Installation & Awards Dinner

And watch your email for more events:
Reproductive Life: Ethical Issues from a Jewish Perspective
A Wider Bridge
Israel Insights Lecture Series

Decalogue events, as well as events of interest to the Jewish and Legal communities can be found on our website
www.decaloguesociety.org/events

Van•guard (noun)
A group of people leading the way in new developments or ideas

2018 Vanguard Awards

Tuesday, April 24, 2018
11:30 a.m. reception • 12:00 p.m. lunch
Standard Club • 320 S. Plymouth Court • Grand Ballroom

Together we will honor the individuals and institutions who have made the law and legal profession more accessible to and reflective of the community at large.

2018 Honorees:

Maryam Ahmad
The Chicago Bar Association Honoree
Hon. Samuel Betar III
Arab American Bar Association of Illinois Honoree
Dorothy Capers
Black Women Lawyers Association Honoree
Rep. Kelly Cassidy
Lesbian and Gay Bar Association of Chicago Honoree
Veda Dmitrovich
Serbian Bar AssociationHonoree
Raja Gaddipati (posthumous)
Asian American Bar Association Honoree
Hon. Shelvin Louise Marie Hall
Cook County Bar Association Honoree
Alex Menchaca
Hispanic Lawyers Association of Illinois Honoree
Dennis Mondero
Filipino American Lawyers Association Honoree
The Office of Accessibility & Education Outreach
Advocates Society Honoree
Pedro Soler
Puerto Rican Bar Association Honoree
Hon. Shelley Sutker-Dermer
Decalogue Society Honoree
Hon. Neera Walsh
South Asian Bar Association of Chicago Honoree
Hon. Diane P. Wood
Women's Bar Association Honoree
Gary Zhao
Chinese American Bar Association Honoree

$70 per person
$700 for table of 10
For reservations, contact Tamra Drees at 312-554-2057 or tdrees@chicagobar.org.

To reserve a place at Decalogue's table RSVP through our website
www.decaloguesociety.org/events
You can also order a kosher meal by registering with Decalogue

The Decalogue Society of Lawyers
134 North LaSalle Ste 1430
Chicago IL 60602

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