

# *THE DECALOGUE TABLETS*

**October 21, 2021 Awards Ceremony**



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*Honoring*

**Justice Michael B. Hyman, Alison Pure-Slovin, Pastor Chris Harris, Sinai Chicago,  
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See inside for more event details, CLE schedule,  
and articles on hot topics in the legal and Jewish communities.

*FALL 2021*

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## President's Column



by Mara S. Ruff

At the time I joined Decalogue in 2016, I underestimated the value of belonging to such a society and its purpose. Although the traditions of my culture were instilled in me from birth and I hold my heritage close, I did not begin seeking out specific Jewish experiences until after law school. As we embark on a new bar year, I find myself reflecting on my journey, both personally and professionally, that has led me to this moment in my career. I began my legal career as a litigator in legal services, representing abused women and children, and slowly migrated to the other side, representing Jewish systems and agencies as an advocate and lobbyist, working on a variety of vital health and human service issues important to the Jewish community and equally important to underserved and underrepresented non-Jewish communities. Upon reflection, two common themes intersect, being Jewish and being a lawyer.

What does it really mean to be a Jewish lawyer and why is this so meaningful to me? Being Jewish is very personal. Only you have the authority to shape your meaning, by your own actions and mindset. Perhaps you shape your Jewishness in the most religious ways, by carrying out your faith as an observant Jew, keeping kosher, following the rules of Shabbat, and attending shul every Saturday morning. Or maybe you keep kosher at home, but only go to synagogue on the occasional Shabbat and on the High Holidays. Or maybe you do not attend synagogue at all and carry out your Judaism through tikkun olam, by repairing the world, and giving to others that need help. However you define it, being Jewish means something to you. It is a distinct, unique, and subtle difference that keeps us all rooted together, no matter how you practice or don't practice, in culture and tradition, religious or secular, and connected as a community.

Choosing to be a member of the Decalogue Society of Lawyers, one of the oldest Jewish bar associations, means something too. The dictionary defines a lawyer as "a person whose profession is to represent clients in a court of law or to advise or act for clients in other legal matters." In practice, we know that being a lawyer is so much more. Being a lawyer means many things. To some, it ignites power. For others, it empowers. As lawyers, one of the greatest gifts we have is our ability to represent a purpose, speak for the unheard, change a system, or undo a wrong.

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## From the Judge's Side of the Bench: Early Resolution Program (ERP) for Consumer Debt Cases in the First Municipal District: Courtroom 1101 Procedures

by Judge John Michael Allegretti

This article is written to provide a general understanding of how the Early Resolution Program ("ERP") is being implemented for consumer debt cases filed in the Cook County Circuit Court's First Municipal Division. The ERP is governed by General Administrative Order 2020-09 (Amended) and General Order 2021-03. Practitioners should review said Orders for more details.

### Background

The Illinois Supreme Court issued Order M.R. 30370, dated February 23, 2021, authorizing each judicial circuit to establish an Early Resolution Program. Chief Judge Timothy Evans established an Early Resolution Program in December 2020. It is anticipated that the economic impact of the COVID-19 pandemic will ultimately result in an increased number of evictions and consumer debt collection actions. The ERP provides free legal aid, mediation services, and other resources to litigants in eviction and consumer debt cases. The Program encourages the early resolution of cases.

All consumer debt cases filed on or after February 8, 2021 in the First Municipal Division are assigned to courtroom 1101 for an initial case management call 180 days after filing.

### Initial ERP Case Management Call Procedures (1st ERP Call)

#### 1. Proper Service

Proper service, under General Administrative Order 2020-09 (Amended), Section II(C)(1), requires that notice of the ERP must be included and served with the summons. This notice shall be in English, Spanish and Polish, in the form included in the General Order, attached to the summons, and filed with the Clerk of the Circuit Court.

At the Initial Case Management Call, the Court will review each case to determine if the defendant was properly served and will find as follows:

##### a. Defendant has not been properly served

If the Court determines that the defendant has not been properly served with the requisite ERP Notice, the Court will issue an alias summons. Currently, the Clerk of the Circuit Court does not automatically set future court dates after the alias summons is served. Practitioners may request and will be granted a future court date to determine the status on service. Alternatively, Practitioners may opt to motion the case up, after proper service has been effectuated.

##### b. Defendant has been properly served

First Municipal District's General Order 2021-03, Section 3, requires that self-represented litigants be afforded a minimum of

two opportunities to appear in court after service of process has been effectuated. The Court will continue most cases for a follow-up status 28 days after the initial case management hearing. The Court requires that plaintiff's counsel notify defendant (with Zoom instructions) of the future court date. This notice must be filed with the Clerk of the Circuit Court. The Court will also determine if the case should be referred to the ERP Coordinator.

#### 2. Cases That Will Be Referred to the ERP Coordinator for Access to ERP Resources

While all consumer debt cases are assigned to the ERP Case Management Call, not all cases will be assigned to the ERP Coordinator for ERP resources. Cases that will be assigned to ERP coordinator for access to legal assistance and resources are as follows:

- a. Cases where the defendant has filed an appearance, even if the defendant fails to appear at the initial ERP Case Management Call.
- b. Cases where the defendant has failed to file an appearance, but appears in court.
- c. Cases where the parties have reached a settlement. Exception: If both parties are represented by counsel, they may agree to opt out of the ERP Program. The transfer order must state that the parties are represented by counsel and have opted out of ERP.

#### 3. Cases That Will Not Be Assigned to the ERP Coordinator for Access to ERP Resources

a. Cases where there was proper service on the defendant, but the defendant has failed to file an appearance and failed to appear on the initial case management call. In such a case, the case will be assigned a future status date (2nd ERP Date), 28 days out. The plaintiff will provide defendant with Zoom notice of the status date. If Defendant then appears, after being properly noticed, the case will be assigned the ERP Coordinator and the defendant will have access to legal resources.

b. Nonsuits. The Court will enter the order.

c. Dismissals with prejudice. The Court will enter the order.

### Case Status (2nd or Subsequent ERP Dates)

If the case was assigned to the ERP Coordinator, and the defendant was provided access to legal resources, the ERP Coordinator, plaintiff's counsel, and defendant will apprise the Court of the case's status. Generally, a case will be transferred to Courtroom 1301 for assignment to a trial room for further proceedings (trial, settlement, dismissal, default, etc.). Settlements are referred to the ERP Coordinator, and the defendant will be afforded the opportunity to access ERP legal resources.

(continued on next page)

## Judge's Side of the Bench (cont'd)

If the defendant appears in court for the first time on the status call, the case will be referred to the ERP Coordinator, and the defendant will have access to the ERP legal resources.

If the case was not assigned to the ERP Coordinator, the Court, after being apprised of the case's status, will determine if the case should be transferred to 1301 for a trial room assignment or remain on the ERP Call.

### Drafting Orders

At the Initial Case Management Call, the ERP Coordinator will draft court orders for cases assigned to the ERP Coordinator. For cases not assigned to the ERP coordinator, the plaintiff's attorney will draft orders.

At the Status Call, for cases that were previously assigned to the ERP Coordinator, (1) the plaintiff's attorney shall draft a court order transferring to 1301 for trial room assignment, indicating that the ERP requirements have been satisfied, and (2) the ERP Coordinator shall draft a separate court order stating the results of the ERP and also indicating that case was transferred to 1301 for a trial room assignment. For cases which were not assigned to the ERP Coordinator, the plaintiff's attorney shall draft the court order, transferring the case to 1301 for assignment to a trial room, which shall include language that "ERP Requirements are satisfied."

### Procedural Questions or Concerns

The Court welcomes all practitioners to observe the ERP Call via Zoom. The Court is always willing to review court procedures and answer procedural questions after the court call. In an effort to make the ERP Call more efficient and effective, the Court welcomes feedback from stakeholders.

*Judge John Michael Allegretti was elected to Circuit Court of Cook County in 2014. Judge Allegretti is currently assigned to the Civil Section of the First Municipal District, located in the Richard J. Daley Center. In this assignment, he presides over consumer debt cases and is responsible for implementing the Early Resolution Program (ERP).*

*Prior to being elected to the judiciary, Judge Allegretti served as general counsel at the Cook County Treasurer's Office, general counsel and deputy assessor at the Cook County Assessor's Office, assistant state's attorney in the Tax Division and the Torts and Civil Rights Division, judicial hearing officer at the Illinois Property Tax Appeal Board, corporate counsel for North American Real Estate Management, and an associate attorney at the law firms of Pollack, Weis and DuBrock, Tristano and Tristano, and McDermott and McDermott. He also served as an adjunct professor at Wilbur Wright College, where he taught business management, human resource management, and business law.*

## President's Column

(cont'd from page 3)

As members of the bar, we are provided the ability to help, to do better, to be better. I chose to become a lawyer for specific reasons, to help, and although I did not choose my faith, Judaism provides me the foundation in how I live my truth, personally and professionally.

I now realize that I became a member of Decalogue because being Jewish and being a lawyer means something to me. It is not just about our faith or our legal profession by itself. We, as a society, are compelled to be part of Decalogue because of our commitment to what it means to be a lawyer, on how we define our faith, or stand proud as leaders in our own community, rooted together in unique cultures and traditions. Being Jewish and/or being a lawyer means something to you too.

I am humbled and honored to be your President, standing proud as a Jewish lawyer, leading a bar that works tirelessly towards eliminating hate, raising awareness about anti-Semitism, and eradicating injustice. Decalogue's success does not only depend on the strength and dedication of our membership, but on the long-standing and valued friendships, partnerships, and support we receive from the legal community at large, the affinity bar associations, and the judiciary.

I look forward to another hard, difficult, rewarding, work-filled year leading the efforts of a historic organization, with a vital mission grounded in Jewish values, where lawyers choose to belong, a membership with a purpose, a meaning, a home.

*Mara S. Ruff is President of the Decalogue Society of Lawyers and Vice President of Government Affairs for Sinai Health System.*

### What is Decalogue planning for the coming year?

October Awards Ceremony

December Chanukah Party

February Judicial Reception

April Model Seder

May Jewish History Month Sports Event

June Installation & Awards Dinner

Watch your email for details!

## Case Law Update: Can Your Lien Be Avoided if Only the Debtor Will Benefit? The Courts Are Split

by Michael H. Traison and Amanda A. Tersigni

The United States Bankruptcy Court for the District of New Mexico has added its voice to the split in judicial authority on whether a lien or similar transfer can be avoided under sections 544, 547, 548 and 549 of the Bankruptcy Code where only the debtor itself may benefit from the avoidance. Judge Thuma in his recent decision in *U.S. Glove, Inc. v. Jacobs (In re U.S. Glove, Inc.)*, AP No. 21-1009, 2021 WL 2405399 (Bankr. D. N.M. June 11, 2021), held that notwithstanding the lack of a “benefit to the estate” requirement in section 547 of the Bankruptcy Code, an action to avoid a lien belatedly perfected during the preference period could only proceed if avoidance of the lien would benefit the estate (i.e., creditors) and not just the debtor.

Sections 544, 547, 548 and 549 of the Bankruptcy Code empower the debtor or a trustee in a chapter 11 or chapter 7 bankruptcy, respectively, to sue creditors to avoid certain transfers. The most common type are payments received in the 90 days prior to the bankruptcy filing (or 1 year for insiders), often referred to as the preference period, but the term transfer is broadly defined by the Bankruptcy Code and can include the grant and perfection of liens. 11 U.S.C. §101(54). Where the transfer is of money or property that must be recovered for the estate, this action will include a claim for recovery of the property transferred pursuant to section 550(a) of the Bankruptcy Code. Section 550(a) contains a limit that property may only be recovered for the benefit of the estate. 11 U.S.C. §550(a). However, in an action to avoid a lien or the perfection of a lien, as was the case in the *U.S. Glove* decision, section 550(a) may not be asserted and its limitation of benefit to the estate may not be applicable. (Historically, under the Bankruptcy Act of 1898 (the “Bankruptcy Act”) the avoidance and recovery provisions were contained within the same provision and courts uniformly held that avoidance powers were intended to benefit unsecured creditors and could not be used when the only beneficiary was the debtor. *U.S. Glove*, 2021 WL 2405399, at \*5, citing 11 U.S.C. §§ 67 et seq. (repealed) and *Whiteford Plastics Co. v. Chase Nat’l Bank of New York City*, 179 F.2d 582 (2d Cir. 1950).) Sections 544, 547, 548 and 549 of the Bankruptcy Code do not explicitly limit their avoiding power to situations that will benefit the estate. 11 U.S.C. §§544, 547, 548 and 549. As recognized by Judge Thuma, courts are split on whether avoidance actions that do not raise section 550 require that there be some “benefit of the estate/benefit of creditors.”

In *U.S. Glove, Inc.*, the debtor sued the defendant – who was also the debtor’s only allowed unsecured creditor – to avoid a lien that the defendant perfected more than 20 months after the grant of his security interest in the collateral securing his loan to the debtor. *Id.* at \*1-2. The defendant’s delayed perfection was within the preference period and the debtor sued the defendant to avoid the lien pursuant to section 547 of the Bankruptcy Code. *Id.* The plaintiff filed a motion seeking summary judgment and the defendant objected to the motion on the sole issue of whether the

action could proceed without a benefit to unsecured creditors (i.e., the defendant). *Id.* at \*4. (Generally, under section 547, the trustee may avoid any transfer of an interest of the debtor in property to or for the benefit of a creditor, for or on account of an antecedent debt owed by the debtor before the transfer was made, while the debtor was insolvent, within 90 days before the date of the bankruptcy petition or between 90 days and one year before the petition date if the creditor of such transfer was an insider, if it permits the creditor to get more than it would get in chapter 7. *Id.* at \*2. The Court found that the defendant more or less conceded the debtor’s prima facie case and focused on its argument that the debtor lacks standing to assert the claim because avoiding defendant’s lien would not benefit creditors. *Id.* at \*1. The defendant asserted that the avoidance powers of section 547 were inapplicable unless creditors benefit. *Id.*

Judge Thuma discussed the history of the Bankruptcy Act and the split among the courts regarding whether a “benefit to the estate” requirement is imposed when not explicitly provided for in the statute. *Id.* at \*6-9. In siding with the courts requiring a benefit to the estate, Judge Thuma detailed six bases for his decision:

- Under the Bankruptcy Act, a trustee or debtor in possession had to demonstrate a benefit to the estate before she could use her avoidance powers.
- The language and legislative history of the Bankruptcy Code’s avoidance and recovery sections do not evidence a desire to eliminate the “benefit of the estate” rule developed under the Bankruptcy Act, and the Supreme Court has repeatedly held that a clear indication is required before concluding that Congress intended to depart from the past.
- It makes no sense to have a “benefit of the estate” limitation for some avoidable transfers but not others.
- It seems likely that Congress intended the “benefit of the estate” limitation in section 550 to apply to all avoided transactions, and that Congress simply overlooked the situation in which section 550 need not be pled, like the lien avoidance action at issue.
- Granting a security interest actually is a transfer of property, so section 550 should apply.
- Requiring a benefit to the estate is consistent with the purposes of the Bankruptcy Code and the avoidance action provisions which were intended to create equality of distribution among similarly situated creditors and not to be used to generate windfalls for debtors.

Judge Thuma denied summary judgment and, notwithstanding his decision in favor of the defendant on the legal issue, held that evidence and briefing on the legal standard was needed regarding whether avoidance of the lien would benefit the estate. The Court held that, “[w]hether a particular action provides a windfall for the debtor or a benefit for the estate ‘depends on a case-by-case, fact-specific analysis’” and would require evidence. *Id.* at \*9 (citation omitted).

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## Beyond a Reasonable Doubt: Juries Don’t Get It

by Judge James A. Shapiro

The following article is an abstract from a Loyola Law Journal article published in June, 2021. The full article can be found at [https://www.luc.edu/media/lucedu/law/pdfs/9\\_Shapiro%20&%20Muth%20\(1029-1044\).pdf](https://www.luc.edu/media/lucedu/law/pdfs/9_Shapiro%20&%20Muth%20(1029-1044).pdf).

Proof beyond a reasonable doubt has been *de rigueur* in criminal cases almost since the dawn of the republic. It is based on the premise that it is better to let several guilty people go free in order to save one innocent person from wrongful conviction.

The jury in a criminal case is not merely an audience. It is the central mechanism without which the wheels of American criminal justice cannot turn—and operates as the final safeguard against a grave error. However, while the Constitution describes the importance, composition, and role of the jury, it does not explicitly use the phrase “proof beyond a reasonable doubt.”

Though not mentioned in our founding document, proof beyond a reasonable doubt is “an ancient and honored aspect of our criminal justice system.” As such, this Article does not question its conceptual wisdom, but rather its jurisprudential implementation.

Yet the meaning of “beyond a reasonable doubt” is apparently not self-evident. Jurors constantly ask for definitions of beyond a reasonable doubt. Some jurisdictions allow such a definition. Some require it. Others (like Illinois, in both state and federal courts) forbid it entirely under the supposition that its meaning is obvious and requires no definition.

Juries are understandably curious and concerned about the meaning of “proof beyond a reasonable doubt.” They correctly assert to judges that it is not self-explanatory (despite many judges’ erroneous insistence to the contrary). This creates real and significant risk the standard under which defendants are convicted is constitutionally inadequate.

When jurors misapprehend how high the burden of proof beyond a reasonable doubt is, they are in danger of convicting the innocent, the gravest kind of mistake, called “Type I error.” When they let a guilty person go free, they commit a less serious kind of mistake called “Type II error.” In fact, the theory behind proof beyond a reasonable doubt (letting several guilty people go free in order to save one innocent person) actually contemplates Type II error.

Many jurors simply don’t understand how high a burden of “proof beyond a reasonable doubt” is supposed to be. “Proof beyond a reasonable doubt” should be redefined to make it more intelligible to the average juror. Although the beyond a reasonable doubt standard is veritably sacrosanct in American law, “that’s the way it’s always been” is not a good reason to

perpetuate a standard of proof that is unintelligible to the average juror. The burden should be changed to a two-step analysis: (1) Did the prosecutor prove each and every element of the crime charged? (2) If so, keeping in mind the extraordinary injustice in the possibility of convicting an innocent person, are you convinced to a moral certainty? If American law can somehow let go of its “beyond a reasonable doubt” tradition, the incidence of grievous Type I error will be much lower.

*The Honorable James A. Shapiro is a Cook County Circuit Court Judge assigned to the Domestic Relations division and is a past president of the Decalogue Society.*

## Case Law (cont’d)

The Court noted that cases run the gamut from allowing avoidance so long as there is some benefit, to requiring that all proceeds recovered be paid directly to creditors. *Id.* See also *Rushton v. Hiawatha Coal Co. Inc. (In re C.W. Min. Co.)*, 477 B.R. 176, 189 (B.A.P. 10th Cir. 2012) (“There is also split of authority concerning how broadly to interpret ‘for the benefit of the estate.’”).

In cases where the benefits of avoidance will not run to the creditors, this decision and the others that precede it provide another basis for creditors to defend avoidance actions in addition to the traditional defenses.

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## Tech Tips: As More Work Goes Virtual, Networking Still Matters: Tips for Becoming a Virtual Networking Superstar

by Carolyn Aberman

### Networking Is Good for You

A lot has changed in the last few years, but one thing still remains true: networking is beneficial for almost everyone. You may not know that 85% of jobs are filled through networking and 80% of working professionals think of networking as an important part of their jobs. Networking can help with many aspects of your personal and professional life, like helping you find a new position, assisting with business development, giving insight into the latest industry trends, and even improving your overall life satisfaction.

### Brave New World

The pandemic significantly disrupted the traditional experiences of networking. With a growing remote workforce, networking has likely permanently changed. But even during quarantine, networking never fully went away, and its importance has not diminished. There is no time like the present to learn how to become a strong virtual networker.

While the changes ushered in by 2020 were rough in many ways, many people found a benefit in the forced break from multiple time consuming personal and professional obligations. Now, things look and feel different and networking opportunities are fewer and farther between. We are all navigating this new climate, one that includes the uncertainty about large in-person events and the possibility of renewed social distancing and mask mandates.

### Great Time to Start or Retool

If you haven't been an active networker, this is a great time to get started. Most networking experiences have been revamped in response to the pandemic, so regardless of whether you have been an active networker in the past, now is a great time to think about what your goals are for growing your network.

Often people don't engage in networking opportunities because they think of networking as a lever to achieve a specific goal. If they don't need a new job or don't do business development, they don't see a benefit to networking. Further, some get impatient with the practice of networking, thinking that results will be immediate. When embarking on any networking plan, whether intermittent or very ambitious, know that results take time and consistency of effort. Having a solid idea of what you want to achieve through your networking efforts will lead to a better experience overall. And, by establishing up front what your endgame or goal is, you can make sure to target your efforts in the right direction.

Maybe you're new to networking and you want to start small. Set an achievable goal—maybe even just to meet one new person. Then you can revisit and retool as you build your confidence. Your plan might be more focused on getting five new email addresses, or ten new LinkedIn contacts. If your goal is just to meet more people, then you may set a target of attending one event a month and accept invitations that seem interesting or where you know someone. However, if your

goal is finding a new job or clients in a certain industry, you may want to seek out events that cater to professionals in that segment. Whatever your goals, this is an opportunity to be very purposeful. Regardless of where you're starting, understand what you're hoping to accomplish and set some specific goals to measure your progress over time.

The other side of making networking effective is to make preparation and follow-through a part of your networking plan. Before attending an event, if you have access to an attendee list ahead of time, check out their LinkedIn or website profiles and search for publicly available information before the meeting. Identify whom you want to meet and try to plan a way to cross their path. After the event, take things a step further by setting a new goal to communicate with them through email, LinkedIn, or even requesting a virtual call in the weeks or months following. It's rare that you will meet someone at an event and get an immediate benefit (although not impossible). By establishing a regular cadence with someone though, there's a greater likelihood your network will be able to assist when asked.

Everyone forges their own unique path. There's no right or wrong way to network, but there is no reason not to add networking to your schedule.

### Networking Can Be Fun

Many people have an idea that networking is intimidating or that only certain people can benefit. People can be turned off by the idea of networking because they equate it to cold calling. They worry it's awkward, and you either have a knack for it or you don't.

Despite the clear benefits of networking, [research](#) suggests some still find it intimidating and one in four professionals say they "don't network at all." The reality is that networking is just one way of meeting new people. And people who are attending networking events have self-selected as being open to forging new connections. Once you make the mental shift to the idea that your goal is just to meet someone, and hopefully find ways that you can help them and potentially they can help you, hopefully you can attend events and introduce yourself to new people without the stress that comes from setting lofty business goals.

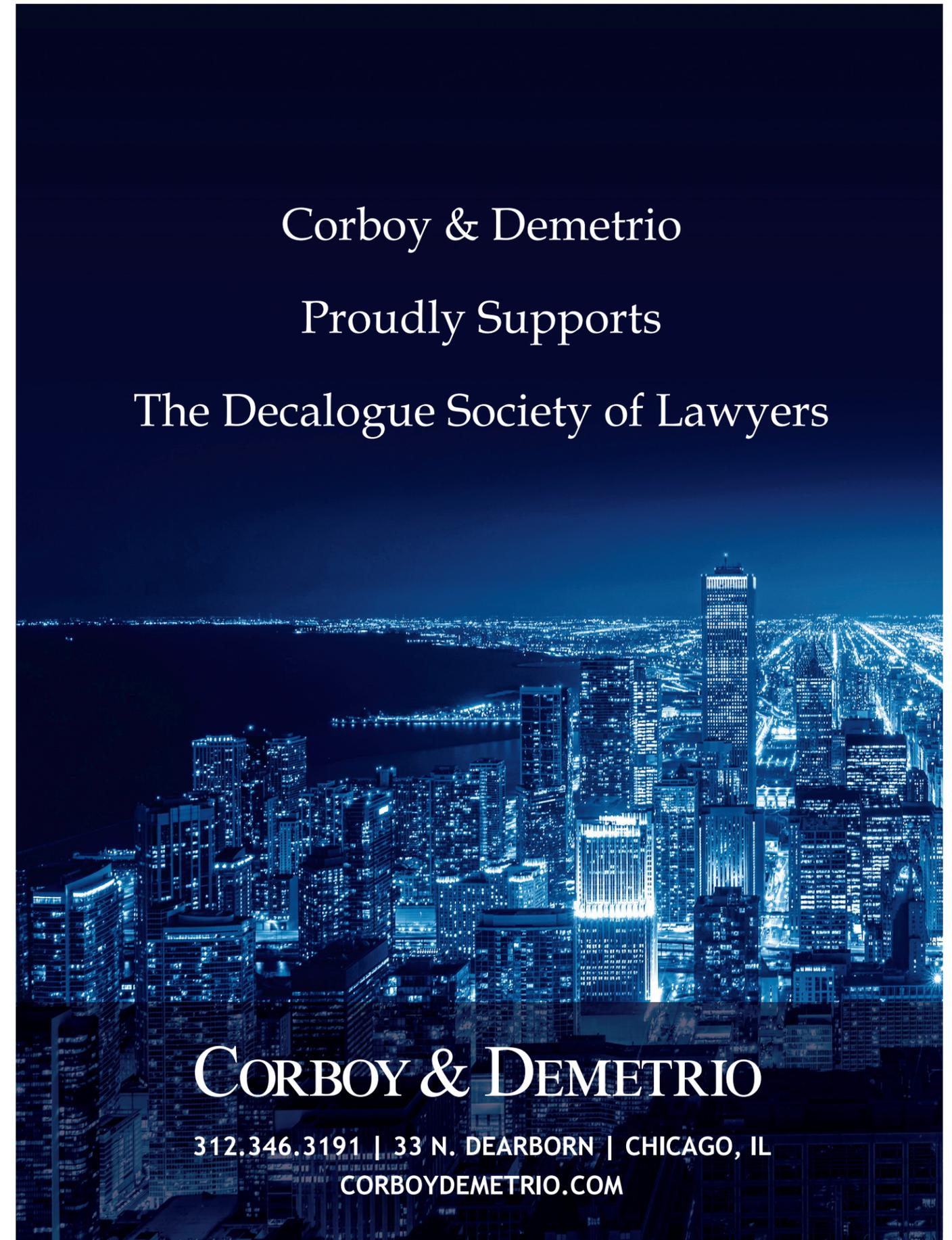
### Virtual Events May Be Less Intimidating Than In-Person Ones

If in-person events used to intimidate you, this is a great time to set a fresh goal and dive in. Virtual events have, in many ways, changed the networking game. Walking up to someone at the coffee station can be an intimidating experience. But virtually, you might feel more comfortable. You will attend the event from an environment of your choice—maybe at home, a familiar coffee shop or your office. You might be more comfortable coming out of your shell behind a keyboard.

### Additional Thoughts on Maximizing Your Virtual Networking Game

Once you have your confidence up, a goal in mind, and maybe even a little bit of experience under your belt, here are a few tips for upping your game:

*(continued on page 11)*



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## Hot Sauce and Hummus

by Patrick Dankwa John

It seems that ever since Dr. King died, the relationship between Blacks and Jews has steadily eroded. Efforts to strengthen the relationship are being made, but progress seems to be moving at a glacial pace. Why so, and what can we do about it?

I heard a joke many years ago that may help us understand part of the problem. Imagine some small rural town about 100 years ago, before modern technology like TVs, phones, and computers. There was a teenage dance held in a big barn and lots of teenagers were there. There was a shy teenage boy who lost his eye in an accident when he was a toddler. In place of his real eye, there was a prosthetic eye in his eye socket. It was made of wood and painted to look like a real eye, but it was obvious to everyone that it was a fake wooden eye. He was self-conscious about his wooden eye. There was a self-conscious teenage girl there, too. She had a really big nose and, for years, the other kids would tease her about it. She was self-conscious about her big nose. The boy asked the girl to dance. He was nervous and sensitive to rejection. The girl was delighted that he asked her to dance. She said, “You’re asking me to dance?!” The boy said “Yes, would you like to dance with me?” She said, “Oh boy, wouldn’t I, wouldn’t I!” The boy, misunderstanding what the girl meant, said, “Hey, you got some nerve, big nose, big nose!” They both felt insulted and they stormed out of the barn, leaving through different doors. They left the dance. This is what happens when we feel hurt, insulted, misunderstood. We leave the dance. We don’t ask for clarification. We leave the dance. Blacks and Jews have both left the dance.

Dr. King developed a wonderful relationship with the Jewish community. He often spoke in synagogues, and Jewish donors are responsible for perhaps 75% of the Southern Christian Leadership Conference’s budget during the civil rights movement. Additionally, Jews marched in step with Dr. King, risking their own lives to stand up for Black liberation. Jewish teachers were welcomed at historically Black colleges and universities. So what happened to us?

Two things happened. First, the nature of discrimination changed. We went from open and notorious bigotry (e.g. big signs saying things like “No Blacks, No Jews, No Mexicans”) to discrimination with a smile. The civil rights laws made most forms of bigotry illegal, but the law did nothing to change hearts. Add to this that the laws are difficult to enforce because of procedural, burden of proof, and privacy concerns. How do you know if you were denied a job because of illegal discrimination or for a legitimate reason? How would you know if you’re being paid less for doing the same work as a co-worker from a different demographic group? If you do feel that you’re the victim of discrimination on the job, you must show that the discrimination was “intentional.” In other words, the law puts the burden on the victim to prove the accused acted with something akin to malice. This means the law puts no burden on dominant group members to have an affirmative duty to curb their implicit bias. Blacks can’t hide. We can’t change our name or accent to better assimilate. We have a yellow Star of David permanently affixed to our forehead. So while Jews were able to assimilate, Blacks were not. In other words, many Jews

were able to join mainstream White society, leaving Blacks behind. This is not meant as a criticism, just an observation. Jews have every right to join the mainstream, and Blacks do exactly the same thing every chance we get. I’m just pointing out that with Jewish progress and Black stagnation, the two groups began to have less in common. There’s nothing we can do about that problem.

The second problem is that, in trying to improve Black/Jewish relations, we have focused on our similarities too much. This is a problem we can fix. Of course we have some similar experiences, and we should talk about them. But we have talked about our similarities to the exclusion of what Dr. King acknowledged are “the towering differences between the Black experience and the Jewish experience.” We don’t talk enough about those towering differences, and how they inevitably lead to Blacks and Jews having different perspectives and different policy priorities. We have a lot of feel good moments with each other, but our unwillingness to openly and honestly discuss our towering differences has led to many wooden eye and big nose moments. There are two differences worth mentioning. First is that Jews have been the subject of genocidal campaigns for thousands of years. People have wanted to wipe Jews off the planet, simply because they’re Jews. Generally speaking, that has not been the Black experience. Not only have Jews been the target of genocide, but those campaigns often seem to come out of nowhere, to have risen suddenly. And Jewish professional or financial success has never been sufficient to protect Jews from anti-Semitism. Jews were doing well in Germany just before the Holocaust. In fact, Jewish success is used by anti-Semites to justify their anti-Semitism. Rather than attribute that success to hard work and sacrifice, anti-Semites falsely claim that Jewish success was attained by fraud, theft, or deception. We can’t tolerate anti-Semitism in the naïve belief that Jews don’t need to be protected. We need to discuss how these experiences shaped the Jewish world view in a way that would be alien to most Blacks. We need to discuss how these experiences shaped the Jewish world view in a way that would be alien to most Blacks. Otherwise, Blacks will be tempted to dismiss Jewish concerns about anti-Semitism as paranoia, or worse, as an attempt by Jews to deflect any criticism of their community by feigning fear of anti-Semitism. Blacks need to understand that when Jews ask us to publicly denounce anti-Semitic statements made by respected and high profile Blacks, such requests are the product of legitimate fears, not some perverse desire to control us. Blacks need to understand that Holocaust survivors felt betrayed by their neighbors and so-called friends who turned them in to the Nazis. So, it would be natural for Jews to be cautious about who they can trust. This is common sense, not paranoia.

Jews need to understand that the Black slave experience was very different from the Jewish slave experience. All slavery involves forced labor, but that’s where the similarities end. Comparing slavery under Pharaoh to slavery under White supremacy is like comparing someone who has a one night stand to someone who runs a sex trafficking ring. They both may involve intimate relations, but the nature and scope are so different that any comparison is unhelpful. Jews need to understand the uniqueness of our slavery and how it affected us and still affects us. The Bible says that Pharaoh enslaved the Jews because he was afraid they would join with his enemies and rise up against him.

## Hot Sauce and Hummus (cont’d)

There’s no hint of the Egyptians viewing Jews as inherently inferior people. In fact, all throughout history, people have tried to force Jews to assimilate. The Babylonians tried. The Greeks tried. The Romans tried. Lord knows the Christians tried. With Blacks it’s the opposite—we’ve been trying to assimilate and we’re being excluded because we are supposedly inherently inferior—unfit to be anything other than slaves or prisoners. The Bible says that upon leaving Egypt, the Jews, with God’s help, plundered the Egyptians of their wealth (Exodus 12:36), but even today Blacks are still waiting for reparations. The Jews had 40 years of wilderness roaming to be away from the direct influence of their former captors, to adjust to their freedom, to learn how to govern themselves, and for their older members to die of old age, taking their ambivalent feelings about Egypt with them. Blacks were set free and left illiterate and penniless among our former slave masters. Because our slavery was based on our physical appearance, we continue to be easy marks. Various oppressors banned Jews from reading the Torah, but Blacks were banned from learning to read anything—it was illegal to teach us to read or write. Many Jews bravely lost their lives rather than lose their faith. Blacks were brought here and ripped from our native land so, when our children were born, they were born in the oppressor’s country, with the oppressor’s religion fed to us and our children. That religion reinforced the twin doctrines of White supremacy and Black inferiority. As Blacks watch wave after wave of immigrant groups come to America and assimilate, we’re gaslighted by being told that racism doesn’t exist—that it’s only in our head. Jews are worried about the worst that could happen, but Blacks are worried that what’s already happening will never come to an end. For us, there is an urgency and an anger that may be difficult for anyone who’s not Black to truly understand.

So what does all this mean? It means that there will be times when Blacks and Jews will have competing and conflicting interests. We will, at times, have different social, political, economic, and legal priorities. How do we strengthen and maintain our bonds of affection when that happens? How do we find the motivation to stay at the dance when we feel like running out the door? Consider this example: I’m an outspoken Zionist. But my heart broke when I saw public comments from another Zionist—Nikki Haley—denying that systemic racism against Blacks exists in America. As a Black person, denying the existence of pervasive and systemic racism is the moral equivalent of denying the reality of the Holocaust. So what am I to do, demand that Zionists disown Nikki Haley and refuse any support from her? I don’t have the answers, but I know that collectively, we can find the answers. But we must be willing to have these difficult and uncomfortable conversations. When we have our wooden eye/big nose moments, we have to be willing to give each other the benefit of the doubt. To empathize with each other. To seek understanding before passing moral judgment. And above all, let’s promise each other that whatever happens, we will never leave the dance.

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## Tech Tips (cont’d from page 8)

**1. Understand what types of virtual networking events are available.** Some things I’ve seen are breakfast, lunch, and cocktail events. There are also virtual conferences using a host of virtual platforms that offer services, including the opportunity to be randomly assigned someone to network with. Many meetings that used to be in-person are being hosted on WebEx, Zoom, Teams and other platforms. Also, some online events are creative and may include group participation in video games or virtual sessions where participants can share their thoughts simultaneously by populating a slide or answering a poll in real time.

**2. Understand the networking event format and opportunities for networking.** Once you’ve learned about events and registered, know the agenda of the virtual conference. Are there breakout sessions? If so, make sure you take advantage of them. Don’t leave once the keynote is over, but rather stay and mingle with the crowd.

**3. Engage with other event participants.** Every time I’ve attended an online development event or conference, I always engage in the chat feature if it’s available. Make sure your Zoom or Google name/handle is your full name so that people can find you online or on LinkedIn. Jot down the names of people who are participating and reach out to them when the event is over. If there’s a call for introductions or you are asked to populate the Chat with contact information, don’t just share your name, but also provide your name and email as well as your LinkedIn URL.

**4. Be prepared to be patient.** Growing your network takes time; networking is a long game. So, manage your expectations, and don’t expect that one event is going to grow your network exponentially. Keep looking for events and opportunities and keep signing up for new conferences or experiences. And don’t forget to keep the lines of communication open with the connections you make along the way.

Networking can be a positive experience; it can even be fun. It can be a great way to connect or reconnect with friends and colleagues. And if you enjoy being of service to others, networking is a two-way street and a great way to help others.

### Go Forth and Prosper

I understand it can be hard to put yourself out there. But the positive benefits of networking—socializing and improving your career—far outweigh those jitters. And as much as I would like to resume in-person networking experiences, virtual networking isn’t going anywhere anytime soon. The more you can brush up on your virtual networking skills, the better off you’ll be—whether you’re looking for a new job, growing your business, or just developing a new skill—networking really is for everyone.

*Carolyn Aberman is a former practicing attorney and Managing Partner at Lucas Group Executive Search, where she focuses on working with law firms and companies to fill their attorney needs. Carolyn brings her law firm and in-house counsel experience to place Partners, Associates and in-house counsel in roles that advance them personally and professionally. Carolyn frequently doles out networking advice to all who seek her counsel including the many benefits of LinkedIn.*

## Mishpat Ivri – Code of Jewish Law (Part I)

by Adv. A. Amos Fried

At the end of his life, Moses entreats the Children of Israel to cherish the laws he has taught them as commanded by G-d: “And you shall guard them and you shall obey them for this is your wisdom and your understanding in the eyes of the nations who shall hear all of these laws and say: such a wise and discerning people is this great nation!” (Deuteronomy 4:6). In his insightful commentary on the Torah, the 13th-century rabbinic luminary known as the Ramban (Rabbi Moshe ben Nachman) explains this verse as meaning “that these laws and legalities contain great benefits, since they are the glory of their adherents amongst men, and even those that hate them [Israel] will extol them by virtue [of these laws].” It would seem that the laws of the Torah are so manifestly just and correct, the nations of the world will be helpless but to recognize their greatness, and by extension – the greatness of Israel itself.

Throughout the Five Books of Moses, we find a plethora of laws, injunctions and legal declarations of all sorts, oftentimes with only an elusive connection between them. According to the rabbinic tradition, the Torah is comprised of 613 commandments (*mitzvot*) of which 248 are stated in the positive (mandatory) and 365 in the negative (prohibitive). The rabbis further teach us that together with the written law, Moses was also given the oral Torah which not only embellishes, elaborates and explains the Pentateuch, but provides many thousands of supplementary statutes, norms, edicts and decrees, developed, explicated and revealed as the oral tradition progressed throughout history (i.e. Mishnah, Talmud, early and later commentaries, responsa, etc.).

Modern scholarship attempts to divide this enormous corpus of teaching into two distinct groups: “religious law” regulating the practice of Judaism as a religion, and what has been classified as “*Mishpat Ivri*” (lit. “Hebrew law”) which, for want of a more eloquent phrase, essentially refers to a Jewish secular legal code, addressing matters of civil, criminal, administrative and even constitutional law. On the other hand, there are those who would argue that such distinctions are artificial and merely a contemporary grafting of categories and acuties foreign to the original intentions of both the written and oral Torahs. Take for example the somewhat enigmatic episode recounted in the book of Numbers (15:32-36) concerning a man found gathering wood in violation of the holy Sabbath. Desecration of Shabbat is surely a religious infraction, but the Torah immediately introduces a discussion as to what type of punishment the perpetrator is liable, to wit – matters of criminal law as administered under the justice system. Hence, the “religious” and the “legal” foundations of the law would seem to be inextricably intertwined.

In this regard, Hebrew law should not be confused with what has been recognized throughout the ages as *Halacha* (which includes rules of ritual conduct), “*Din Torah*” (literally, Torah law), or Hebraic law, all of which encompass the entirety of Jewish life as regulated in accordance with the precepts of the Torah. Rather, *Mishpat Ivri* concerns itself singularly with designing a codifiable legal system to serve Jewish communities as independent social collectives. It is no wonder

therefore that with the advent of modern Zionism, this effort was bestowed with a nationalistic impetus to serve as an integral facet of Israel’s rebirth amongst the community of nations. Just as the Hebrew language was revived, rejuvenated and modernized, from early in the 20th century a fledgling movement set about to formulate an indigenous system of law to govern an eagerly envisioned Jewish state.

For the most part, the establishment of Hebrew law as the law of the land was originally undertaken as a secular project, often evincing a blunt ambivalence to “historic Hebrew law.” The adjudications by what was perceived as an unenlightened non-Zionist rabbinic authority of the previous generations were to be replaced in favor of a “new and renewed Hebrew law.” And yet with time, and in retrospect rather unsurprisingly, the prospect of restoring a particularly Jewish system of law for the Jewish national polity was whole-heartedly adopted by the Religious Zionist movement as nothing less than an essential component of Israel’s messianic redemption.

At the forefront of this endeavor stood the eminent legal scholar Menachem Elon, a professor of law at Hebrew University and Israel Prize Laureate, who eventually was appointed to Israel’s Supreme Court and served there as Deputy President. In 1973, Elon published his monumental opus under the title *Jewish Law: History, Sources, Principles – HaMishpat Halvri*, a comprehensive overview of the entire field of Jewish law as traced from the giving of the Torah at Mt. Sinai until the present. Here was the culminative handbook for the practical adoption of specifically Jewish legal norms unabashedly aimed at fulfilling Israel’s prophetic destiny as a true “light unto the nations.” As a scholarly treatise, Elon’s *oeuvre* enjoyed tremendous influence and appeal. As a program for the reinstatement of Hebrew law as Israel’s formal legal code however, the result was far less impressive. Not only did critics take issue with Elon’s depiction of *Mishpat Ivri* as a monolithic continuum, enduringly faithful to the Torah and the rabbinic tradition, but the substantive application of Hebrew law was largely rejected by the Israeli judiciary. While some judges were fond of quoting Jewish sources in their rulings and verdicts, it was rare if not unheard of that a court would base its decision solely on Torah and rabbinic principles.

As a natural consequence of historical and political circumstances, by the time of Israel’s founding in 1948 its legal system was an amalgamation of numerous influences, codes and customs adopted primarily from the Ottoman and British legal regimes, along with a growing body of pre-State rulings issued by the local judiciary. Article 46 of the Palestine Order in Council, 1922, decreed under the King’s seal during the British Mandate, stated that the “jurisdiction of the Civil Courts shall be exercised in conformity with the Ottoman Law in force in Palestine on November 1st, 1914, and ... shall be exercised in conformity with the substance of the common law, and the doctrines of equity in force in England, and with the powers vested in and according to the procedure and practice observed by or before Courts of Justice and Justices of the Peace in England.” Amongst other applications, this enactment effectively meant that lacunae in the law were to be determined in accordance with English common law.

(continued on page 14)

## The Scoop on Ben & Jerry’s

by Steven R. Sheffey

Americans are dying of COVID and gun violence. Our democracy is at risk from insurrectionist Republicans attempting to suppress votes across the country. Iran is closer to nuclear weapons than when Trump took office and the two-state solution Israel needs is moving out of reach, but sure, let’s focus on whether gourmet ice cream is available in West Bank settlements or whether settlers will have to drive ten minutes into Israel to get their beloved ice cream.

I disagree with Ben & Jerry’s decision, not because it is antisemitic or a boycott of Israel, but for many of the reasons articulated by [Michael Koplow](#). It takes two to make peace, and neither the Palestinians nor Israel can make peace without the active engagement of the other. One-sided pressure on either side will cause the side under pressure to dig in and the other side to sit back and watch.

Ben & Jerry’s is not boycotting Israel. [Ben & Jerry’s](#) (and its parent company, [Unilever](#)) announced that it will stop selling ice cream in the West Bank at the end of 2022 but will continue to sell in Israel—which means it is not boycotting Israel. As [Ben and Jerry](#) themselves noted, “the company drew a contrast between the democratic territory of Israel and the territories Israel occupies.”

[Jonathan Freedland](#) explains that “far from being anti-Israel, Ben & Jerry’s have reasserted the distinction between Israel-proper and the occupied territories. They have signaled to progressive-minded customers that you can be opposed to settlements without being opposed to Israel itself.” That’s huge, especially on college campuses, where the existence of Israel itself is an issue.

Those who argue that Ben & Jerry’s is anti-Israel because it is boycotting settlements are saying “that if you object to Ma’ale Adumim then you object to Tel Aviv, that if you loathe a 54-year military occupation then you must loathe Israel.” Is that the message we want to send?

Some claim that Ben & Jerry’s independent board [wanted to boycott Israel](#) even though the board’s original statement did not call for a boycott of Israel. Rather, Unilever added the sentence affirming that Ben & Jerry’s would continue to sell in Israel.

We are not the thought police. What matters is not whether those within the Ben & Jerry’s organization agree with the statement issued by Ben & Jerry’s. What matters is the statement issued by Ben & Jerry’s and, as of now, it’s clear as clear can be it will continue to sell in Israel. If and when that changes, we’ll do what intelligent people do: we’ll reevaluate our opinion.

Ben & Jerry’s decision is neither antisemitic nor supporting Boycott, Divestment and Sanctions (“BDS”). As [Ben and Jerry](#) themselves said, “it’s possible to support Israel and oppose some of its policies, just as we’ve opposed policies of the U.S. government...As Jewish supporters of the State of Israel, we fundamentally reject the notion that it is anti-Semitic to question the policies of the State of Israel.”

Instead of giving BDS an unearned victory by parroting its claims that its pressure on Ben & Jerry’s was successful, we should tell it like it is: this was a rejection of BDS, which advocates for boycotts of Israel, and is instead a targeted, limited boycott of the West Bank that will have little economic impact. We should use this opportunity to explain why we disagree with the tactic rather than using potentially [unconstitutional laws](#) to alienate those who otherwise might agree with us. Further, we should explain that settlement expansion, while not the root of the conflict, is an impediment to a solution.

If we act as if the West Bank—which Israel has not annexed—is Israel, then we are giving a boost to the [BDS](#) movement and others who argue that the undeniable disparity in legal rights between Jews and Palestinians in the West Bank means Israel is not a democracy. If West Bank Palestinians cannot vote in Knesset elections, and they can’t, it doesn’t mean Israel is not a democracy if the West Bank is not part of Israel. If the West Bank is part of Israel, then Israel is not a democracy.

Defending Israel [against allegations of apartheid](#) depends on maintaining clarity between the West Bank and Israel. Some argue that Israel has [de facto annexed the West Bank](#). Reacting to the Ben & Jerry’s boycott as if it is a boycott of Israel lends credence to this argument. Those who argue that Ben & Jerry’s is boycotting Israel when it is actually boycotting the West Bank are not only wrong, but playing into the hands of the BDS movement.

Let’s not fall for the “double standards” fallacy. [Rabbi Jill Jacobs](#) has explained when criticism of Israel crosses the line into antisemitism. What some call “double standards” often do *not* cross that line: “Human rights activists and organizations almost always choose a focus for their efforts. (One may reasonably work to end the genocide of the Rohingya community in Burma, for instance, without simultaneously addressing Bashar al-Assad’s slaughter of his people in Syria.) Israel attracts additional scrutiny because it is a top recipient of U.S. foreign aid and the only Western nation currently carrying out a military occupation of another people. Its territory is sacred to three major world religions. The existence of a strong U.S.-based lobby dedicated to promoting the policies of the Israeli government unsurprisingly generates a counterresponse. And Palestinians have built a national movement over the past five decades, unlike more recently displaced people. These trends shape a legitimate political dynamic.”

Peter Beinart wrote [the best article I’ve yet read](#) about the double standards fallacy. You don’t have to agree with everything Beinart has ever written, or even everything in this article, to see how weak the double standards argument is in this case.

Ben & Jerry’s decision is not antisemitic. As [Michael Koplow](#) explains, Ben & Jerry’s decision “is the very definition of tying a decision not to Jewish status or even Israeli status, but to specific Israeli activity in a specific location, and to limiting the consequences of that decision to that specific location...If it is antisemitic to continue selling ice cream to Jews and to Israelis in Israel but not in territory that Israel itself defines as disputed, then the term really has no meaningful ability to distinguish between categories of behavior that are about hating Jews as Jews and categories of behavior that impact Jews for other reasons.”

(continued on page 14)

## Ben & Jerry's (cont'd from page 12)

What happens next? If you like Ben & Jerry's ice cream and you like Israel, keep eating it. If you support a one-state solution and if you support settlements, then maybe stop eating it if that makes you feel better. But before you accuse BDS supporters of hypocrisy for availing themselves of technology developed in Israel, take a good look in the mirror if you boycott Ben & Jerry's and continue to use [any of the products made by Unilever](#). You might also ask yourself whether boycotting Ben & Jerry's is the best way to send a message that you don't think boycotts are the best way to send a message.

Many states have anti-BDS laws, and some of them include refusing to do business in territory controlled by Israel, which means the West Bank. The Ben & Jerry's decision will have little economic impact on Israel, but why pass up an opportunity to pit self-proclaimed pro-Israel advocates against free speech advocates on an issue of no practical impact on Israel? That's just what we need, right? Thus far, no state anti-BDS law that has been challenged [has survived court scrutiny](#). [We'll soon see if that streak continues](#). For more on the applicability of state anti-BDS laws to Ben & Jerry's, read this conversation with [Lara Friedman](#).

We have yet to see any evidence that divesting pension funds from holdings in Unilever will hurt Unilever economically at all, nor have we seen evidence that termination of contracts with Unilever will materially affect Unilever. But it's a great opportunity for proponents of anti-BDS legislation to prance and preen and act like they are making a difference.

The problem is that if they make a difference, it will not be to Israel's advantage. Pressing for enforcement of state-level anti-BDS laws, such as the [Illinois law](#), against Ben & Jerry's will (i) reinforce the false notion that Ben & Jerry's is engaging in BDS (why would we want to tell people that a well-known progressive company is engaging in BDS when it isn't?), (ii) conflate Israel with the West Bank, and (iii) pit a loud subset of the pro-Israel community against the free speech community, forcing allies of Israel to choose between free speech and action against an American company whose decision to pull out of the West Bank will have little or no economic impact on Israel. Any action taken now against Ben & Jerry's would be premature since they will continue to sell in the West Bank until the end of 2022.

*Steven R. Sheffey is an attorney, consultant, and writer specializing in legal and public policy matters. He writes and publishes the weekly [Chicagoland Pro-Israel Political Update](#), which has thousands of subscribers in the U.S., Canada, and Israel. His work has appeared in publications such as *The Huffington Post*, *The Jerusalem Post*, *The Times of Israel*, *The Hill*, *The Daily Beast*, and *Medium*, and his speaking engagements have included events organized by Na'amat, Congregation Hakafa, North Suburban Synagogue Beth El, and the University of Haifa. The views expressed in this article are solely his own and do not necessarily reflect the views of any organizations he supports or is associated with.*

## Mishpat Ivri (cont'd from page 11)

This state of affairs remained in place for nearly 60 years until that Article 46 was abolished by a seminal piece of Israeli legislation entitled the Foundations of Law Statute of 1980. Article 1 of the Statute, labeled "Supplementary Sources of Law," declared that instead of relying on English sources, "where the court, faced with a legal question requiring decision, finds no answer to it in statute law or case-law or by analogy, it shall decide it in the light of the principles of freedom, justice, equity and peace of Israel's heritage." To be sure, the statute's phrasing did not vary excessively from the text of Israel's Declaration of Independence, which stated that "the State of Israel . . . shall be founded upon freedom, justice and peace as envisaged by the prophets of Israel." So too, Israel's Basic Law: Human Dignity and Liberty of 1992 declares as its purpose "to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state." The fact that "Jewish" preceded "democratic" would seem to indicate the dominance of the earlier over the latter.

While some saw the enactment of the Foundations of Law Statute as a prime opportunity to introduce the provisions of Hebrew law into Israel's legal system officially and unapologetically, others held that the "principles . . . of Israel's heritage" refer to much more universally accepted doctrines derived from both the Bible as well as the rich intellectual legacy that the Jewish people have cultivated over the millennia.

This dispute found vehement expression in a number of Supreme Court cases that pitted the aforementioned Deputy Chief Justice Menachem Elon against the future Chief Justice Aharon Barak. The two sparred over almost every aspect of the Foundations of Law Statute and its function, including questions of interpretation, application and primacy. Suffice it to say that although the debate has yet to be conclusively settled, in practical terms the adoption of Hebrew law *per se*, even in the event of a lacuna, has remained a rather uncommon occurrence amongst the Israeli judiciary.

Such a persistent statistic did not go unnoticed by Israel's legislature, and thus in 2018 the Knesset amended the Foundations of Law Statute to specifically mention "*Mishpat Ivri*," i.e. when faced with legal questions where no answer is found in the statutes, case law or by analogy, the courts shall rule "in the light of the principles of freedom, justice, equity and peace of the Hebrew law and Israel's heritage."

In future installments I hope to discuss to what extent the above amendment has had an effect on the judicial system in Israel, and to address as well as the various challenges, complications, and ramifications the adoption of *Mishpat Ivri* raises for the Jewish state.

*Adv. A. Amos Fried, a native of Chicago, is a licensed member of both the Israel and New York State Bar Associations and has been practicing law in Jerusalem for over 28 years. He specializes in civil litigation, criminal representation and commercial law. His private law firm is located at 5 Ramban Street in Rehavia, Jerusalem, and he can be reached at 011-972-544-931359, or [aafried@aafriedlaw.com](mailto:aafried@aafriedlaw.com).*

# The Decalogue Society of Lawyers 2021 Virtual Awards Ceremony

Thursday, October 21, 5:30pm

**Keynote Speaker:**  
**Governor J.B. Pritzker**



**Emcee:**  
**Judge Megan Goldish**

**Honoring**  
**Justice Michael B. Hyman**  
Hebrew University Fellowship Award  
**Alison Pure-Slovin, Simon Wiesenthal Center Midwest**  
Community Service Award  
**Pastor Chris Harris, Bright Star Church**  
Hon. Gerald C. Bender Humanitarian Award  
**Sinai Chicago**  
Agency Award  
**Charles A. Krugel**  
Presidential Citation  
**Judge Geri Pinzur Rosenberg**  
Intra-Society Award  
**Sarah La Pearl**  
Law Student Award

**Recognizing**  
50-Year Member: **Michael Lurie**  
25-Year Members: **Nina Appel, Rodney Cope, Bradley Dworkin, Jeffrey Goldberg, Bruce Goodman, Jack Hertz, Marvin Leavitt, Jeffrey Leving, Michael Rothstein, Steven Salk, James Shapiro, Barry Sheppard, Daniel Shmikler, Stuart Stein, Michael Wagner**

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# The Decalogue Society of Lawyers & The Decalogue Foundation

## 2021 Jewish Legal Lecture Series

### Using Law to Fight Anti-Semitism

Thursday, November 4, 2021

5:15-7:15pm



**Steven H. Resnicoff**, *Professor of Law and Director, DePaul University College of Law Center for Jewish Law & Judaic Studies (JLJS)*

#### “Free” Speech - At What Cost?

- Did reliance on “the marketplace of ideas” ever make sense?
- Does it make sense now, given modern methods of information distribution?
- Do we understand the true costs of unlimited speech?



**Diane Klein**, *Visiting Professor, Southern University Law Center, and Lecturer, Chapman University School of Law*

#### Is Critical Race Theory Antisemitic?

- Is the Movement for Black Lives (“Black Lives Matter”) or Critical Race Theory inherently antisemitic?
- What does “settler colonialism” have to do with anti-Zionism, antisemitism, and CRT?
- Do proponents of CRT and Jews have a common adversary?



**Robert A. Katz**, *Professor of Law and John S. Grimes Fellow, Indiana University McKinney School of Law*

#### When Is Diversity, Equity, and Inclusion (DEI) Training Discriminatory Under the Law?

- Can DEI training foster antisemitism by omitting mention of it?
- Can DEI training harm Jews by treating them as unambiguously white?
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Moderator: Robert W. Matanky, *Decalogue Foundation President*

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## Breaking Down Our Silos: Decalogue Co-Sponsors and Participates in Multi-Bar Event to Address Hate

by Mitchell B. Goldberg

On May 27, 2021, the Decalogue Society of Lawyers joined with twelve other bar associations to hold a forum to share and discuss ideas on how the Chicago and Illinois legal communities can move from working in our silos to take collective action to dismantle racism and hate. The other participating bar associations were the Arab American Bar Association of Chicago (AABAR), Asian American Bar Association (AABA), Black Women Lawyers Association (BWL), Chicago Bar Association (CBA), Chinese American Bar Association (CABA), Cook County Bar Association (CCBA), Filipino American Lawyers Association of Chicago (FALA), Hispanic Lawyers Association of Illinois (HLAI), Illinois State Bar Association (ISBA), Japanese American Bar Association, Korean American Bar Association of Chicago (KABA), and Lesbian and Gay Bar Association of Chicago (LAGBAC).

The well-attended event, titled “Breaking Down Our Silos,” heard messages from Mayor Lori Lightfoot and Attorney General Kwame Raoul, as well as messages from a line-up of powerful speakers from the participating bar associations. These included Kristy Gonowon (AABA/FALA), Ann Chen (CABA), Judge Bill Haddad (ret.) (AABAR), Natasha Jenkins (CCBA), Griselda Vega Samuel (HLAI), Judge Joanne Rosado (PRBA), Avanti Bakane (SABA), Deidre Baumann (LAGBAC), Azar Alexander (LAGBAC), Sonni Choi Williams (AABA/KABA/ISBA), Sang Yup Lee (AABA), Jaz Park (AABA/KABA) and Jerrod Williams (CCBA). I also spoke at this event, representing Decalogue.

Most of the speakers have been directly involved in confronting hate and fighting racist attacks and discrimination directed against various communities in Illinois and beyond. Each speaker delivered extremely important and powerful remarks regarding examples of hate experienced by the respective communities and the importance of joining together to combat such hate.

Following these remarks, participants went into discussion groups to share stories, to foster ideas for bar association collaboration in dismantling racism and hate, and to brainstorm about efforts for interpersonal solidarity. These discussion groups were facilitated by members of the event’s volunteer organizers from the participating bar associations.

The event was initially conceived of by the AABA as part of Asian American Heritage Month and to address hate experienced by multiple communities in recent years and months. Decalogue was approached to participate, given its ongoing collaboration with other bar associations to address and combat hate and injustice directed against various communities.

The issues addressed were illuminating of the shared concerns facing our communities, and of the importance of offering our visible and vocal support of each other. It also reminded us all of our important roles as attorneys and volunteers to help address issues that impact access to justice in society. Truly, in these efforts, our bar associations are stronger together.

*Mitchell Goldberg is a past president of the Decalogue Society of Lawyers.*

## Jews in Sports: The First Drafted Orthodox Jew In Major League Baseball

by Justice Robert E. Gordon

On July 12, 2021, Jacob Steinmetz, age 17, was drafted by the Arizona Diamondbacks in the third round of Major League Baseball’s draft process. He was the 77th pick overall. Jake is a right-handed pitcher who pitched for the Hebrew Academy of the Five Towns and Rockaway located in Long Island, New York.

Jake has been offered a baseball scholarship at Fordham University but has not decided whether he will attend Fordham or sign with Arizona. Jake is six-foot-six, weighs 220 pounds, and is still growing. He has a 97-mph fastball.



in 1993 and played for many other major league teams. José was not drafted but is and was an Orthodox Jew during his baseball career. In 1993, he won 10 games with the Cubs and had a 2.82 earned run average. José wore a tallis under his baseball uniform, kept kosher, and wore tefillin and davened daily. José did travel on Shabbat

when it was required by the team and played on Shabbat and on important Jewish holidays. He now works in the White Sox organization. Jake, on the other hand, has never traveled on Shabbat, but has played baseball on Shabbat as well as on important Jewish holidays. He too keeps kosher and respects the other Orthodox traditions and lives a life as an Orthodox Jew.

ESPN says that no drafted Orthodox Jew has ever played in the big leagues. However, they made no mention of José Bautista, who was born in the Dominican Republic and pitched for the Chicago Cubs

*The Honorable Robert E. Gordon is an Illinois Appellate Court Justice in the First District, 4th Division of Illinois, and a Decalogue board member.*

## The Value of Mentorship

by *Hon. Jesse G. Reyes*

*“Colleagues are a wonderful thing – but mentors, that’s where the real work gets done.” ~ Junot Diaz*

This fall around the country a new class of lawyers will be joining the ranks of the legal profession. Their formal classroom education behind them, these newcomers will now have to contend with the challenges of a new career and a new way of life. Different lessons will have to be learned, but in life there are no books which contain all the right answers. The solution to this quandary is to search and find a mentor. Having a person with experience to serve as a guide will alleviate going it alone. A mentor can point out where the pitfalls are and how to avoid them. A mentor is an experienced lawyer who will pass along guidance and advice to another less experienced attorney. Through this collaborative effort, a mentee can develop new skills and abilities. The mentor can also assist the mentee in setting career goals and provide suggestions as to how to accomplish these initiatives. The ultimate goal of the mentorship partnership is to create a forum where both mentor and mentee can exchange ideas, thoughts, and suggestions in a confidential environment. The best lawyers are ones engaged in life-long learning and one means of accomplishing this feat is by entering into a mentorship relationship. Some of the most notable members of our profession have had the assistance of a mentor. Abraham Lincoln had John Todd Stuart; Louis Brandeis had Oliver Wendell Holmes, Jr.; and Barack Obama had Michelle Robinson. Thus, if you want to achieve a satisfactory level of success in your legal career, working with an experienced lawyer can be of an enormous benefit. The question then becomes how to find the right mentor.

Selecting the right mentor can take time, and this effort may also involve some trial and error until you discover the right one. As your career evolves, you may also find the need to have different mentors. While having a mentor from your own office may be convenient, in the long run it may be more beneficial to have a mentor who is not employed in the same office. The objectivity of someone from the outside may provide some insight which may not be apparent to someone from within, particularly, as to issues involving your colleagues and the inner workings of your office. In choosing a mentor, it is important to set forth your expectations. Equally important, for the mentorship to be effective, both mentor and mentee need to be intentional in their participation and hold each other accountable. Ultimately, select the mentor who will best suit your needs and will be able to address the concerns you may have, whether law related or not. The mentor you select should be someone who can advise you on both legal as well as non-legal activities.

One of the lessons rarely taught in law school is how to effectively navigate between a professional and personal life. In other words, prior to practicing law, we never really learn how to maintain balance between these two facets of our existence. In fact, as members of the bar, we are indoctrinated with the notion that fealty to the law requires we burn the candle at both ends. In the words of Justice Joseph Story, “[The law] is a jealous mistress, and requires a long

and constant courtship. It is not to be won by trifling favors, but by lavish homage.” Upon entering the profession, we soon discover the demands of practicing law can be overwhelming at times, with the constant pressure of having to meet deadlines. The amount of work is seemingly never ending. The long and arduous hours can leave no time for a life outside the office. We often also experience a sense of no control over our choices and schedules which seem to be directed and dictated by clients, judges, and partners. In many instances, lawyers strive to address the needs of others, yet at the same time dismiss their own. How do we achieve balance in this scenario and at the same time fulfill our legal and ethical obligations as officers of the court and counselors of the law? How do we accomplish the heroic feat of saving the day for our client without ruining our day at home? One source which can provide direction and guidance is the mentor, particularly one who has dealt with the stress, anxiety, and depression which sometimes can result from engaging in the practice of law. A mentor may not have all the answers but through their past experiences and observations can at least provide the less experienced attorney with the necessary guidance to avoid the mistakes of others who have come before them.

Lastly, there are other intangible benefits to the profession in becoming involved in a legal mentorship relationship. While the newest members of our profession can derive an advantage from participating in a mentorship relationship, note that regardless of where you are in your legal career, you can always learn from someone with more experience and a different perspective from your own. Furthermore, by being involved in a mentorship the mentor can also receive a sense of satisfaction from giving back to the profession. In this ever-evolving world the mentor can in some circumstances become the mentee. It should be noted that through her or his participation as a mentor, an attorney can also lend their voice to future generations of lawyers. The value of a mentorship is indeed priceless.

*The Hon. Jesse G. Reyes is currently a justice on the Illinois Appellate Court, First District, Fourth Division.*

### Want to write for the Tablets?

Decalogue members are encouraged to submit articles on topical legal and Jewish issues.

Contact the Editor with your article idea  
[cdseleman@gmail.com](mailto:cdseleman@gmail.com)

## Gambling: Risky Business for Lawyers

by *Joe Scally*

“The best throw of the dice is to throw them away.” ~ English proverb

Opportunities to gamble are flourishing in Illinois and across the country. The 2019 Rebuild Illinois Act authorized six new casinos to be licensed and built by 2022. Sports betting is exploding across the country. The lottery, off track betting, bingo, and video gaming are also on the rise. With online betting, some form of gambling is at our fingertips all day, every day. There are more slot machines in the United States than ATMs.

Gambling can be defined as “risking something of value on an activity or event in which the outcome is uncertain in hopes of winning something of material value.” The odds are against the gambler coming out ahead in the long run. They may win a particular hand, bet, or throw of the dice, but everything is set up in favor of the house. Very few, if any, individuals will prevail if they gamble over a period of time. Nevertheless, many people gamble because they find it entertaining, exciting, or interesting. Most people are able to limit the time they spend gambling and the money they lose to acceptable levels without developing a problem.

According to the Diagnostic and Mental Health Disorder Manual 5 (DSM-5), problematic gambling behavior includes:

- restlessness or irritability when not gambling or trying to cut back
- making repeated unsuccessful attempts to control or stop gambling
- needing ever larger amounts of money to gamble in order to achieve the same excitement
- becoming preoccupied with reliving previous gambling experiences, planning the next venture, or thinking of ways to get gambling money
- gambling when feeling distressed (to relieve or distract from uncomfortable feelings)
- chasing losses (after losing one day, returns the next to “get even”
- lying to conceal the extent of gambling involvement
- jeopardizing significant relationships, jobs, or opportunities because of gambling
- relying on others to provide money to relieve financial situations caused by gambling

Persons with problematic gambling behavior fall into two general categories: 1) those who are trying to escape their problems or feelings, and 2) those who get a thrill out of the action. A person who exhibits enough of these behaviors over a long enough period can be diagnosed with a Gambling Disorder (GD). Having a GD can be conceptualized as having an addiction. Many of the same characteristics of addiction are present, including withdrawal symptoms when gambling is not available. Many gamblers have a co-occurring substance use problem. These co-occurring problems work in synergy to exacerbate the problems. For instance, a person

may be more likely to gamble when they are drinking or using cocaine to enhance the thrill of gambling and stay at the tables longer. While GD shares many of the attributes of a substance use problem, it is often harder to detect because the same physical signs (e.g., slurring words, dilated pupils, motor difficulties) are not present.

The research is not yet settled on whether increased access to gambling venues will lead to higher prevalence of problematic gambling behavior. Study results range from 4% to 9% of American adults who will experience problem gambling during their lives. Within this group are the less than 1% to 4% of adults who will meet criteria for a Gambling Disorder. However, some studies show that adolescents and young adults experience problem gambling at a higher rate.



Lawyers may be especially prone to developing problem gambling behaviors for several reasons. First, lawyers have access to money for gambling. Many lawyers earn enough money to have discretionary income for gambling. Many also have access to client trust accounts. Second, lawyers have opportunities to gamble. Because lawyers control their schedules and often out of the office for court, depositions or meetings, it is easy for lawyers to venture off to the casino. Third, lawyers often work late and can use this as an excuse when they are gambling. The availability of online gambling puts opportunity at lawyers’ fingertips while they work. Also, legal work is stressful. Lawyers with ineffective stress relief may seek out the thrill or escape of gambling. Lawyers have higher rates of substance use problems than the general population. Lawyers are good at developing and presenting cover stories that convince others there is no gambling problem. Finally, some lawyers have big egos. Their egos tell them that they can win at gambling when others cannot, and they believe they can stop whenever they want to long after gambling becomes a significant problem for them.

“I lost my house in foreclosure, cars were repossessed, I lost my law license, but still did not believe I was a compulsive gambler.”

While gambling disorder is less frequent than other substance or mental health issues, the Attorney Registration and Disciplinary Commission (ARDC) states that gambling disorder is far more costly to clients, primarily due to easy access to client trust accounts. Lawyers who raid their client trust accounts begin with the intention of “borrowing” money they intend to repay with winnings. Even as this possibility of pay back becomes more remote, lawyers continue to draw down client funds. The gambler believes that the money lost is theirs, just waiting to be won back with the right bet. As a result, individual lawyers have lost millions of dollars of their clients’ money.

Lawyers should be particularly attuned to their own behaviors in addition to any problematic behaviors exhibited by colleagues.

*(continued on page 20)*

## Gambling (cont'd from page 19)

To determine if gambling is an issue for your or a colleague, ask these two questions:

1. Have you ever felt the need to bet more and more money?
2. Have you ever had to lie to people important to you about how much you gamble?

A positive response to either question raises concerns.

Gambling Disorder is often not detected until the gambler is in desperate financial straits. The suicide rate for those affected by GD is high and recovery is difficult. Gamblers' families are also in desperate financial and emotional situations. For the lawyer gambler, careers are often in shambles by the time they seek help. Resources available for problem gamblers as limited compared to those experiencing other mental health or substance abuse disorders.

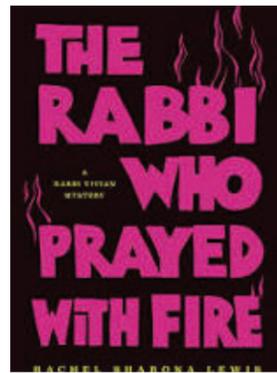
Nevertheless, there is hope. Marty, the lawyer quoted above, described how treatment slowly brought back his life. Treatment had taken him from a desperate suicidal point to a place where he was enjoying family and everyday activities. Effective treatment is available. Lawyers who are concerned about themselves or their peers can call the Lawyers' Assistance Program for help at 312-726-6607.

Joe Scally, MA, JD, is the Clinical Director at the Illinois Lawyers' Assistance Program (LAP). LAP provides free and confidential services to all Illinois judges, lawyers, and law students, to address issues related to mental health, substance use, and compulsive behaviors like gambling.

<https://illinoislap.org/>



## Book Review: *The Rabbi Who Prayed with Fire*



by Carrie Seleman

Rachel Sharona Lewis. *The Rabbi Who Prayed with Fire: A Rabbi Vivian Mystery*. LadiesLadies Press, 2021.

In the wake of Trump's presidency emboldening white supremacy and the slaughter of eleven people at the Tree of Life synagogue in Pittsburgh, as well as the wave of Black Lives Matter protests following the murder of George Floyd, a fictional synagogue in Providence burns down. The question of whether the fire was a fluke or an act of antisemitism breeds arguments dividing every real-life modern day Jewish community.

Following a queer female rabbi who was hired by a Conservative synagogue to engage more young adults and bring the congregation into the modern day, this book falls into the genre of what the literary community lovingly calls a "cozy mystery."

The synagogue suddenly catches fire and Rabbi Vivian is on a mission to figure out whether it was an accident, an act of antisemitism, or something else completely. It's cute, it's entertaining, it's lighthearted, but the B plot is why I recommend this book to all of you.

Embedded within the search for the cause of the fire, the members of the synagogue grapple with their relationship with police as those providing security to the Jewish community in times of rising antisemitism, balanced against the isolation of Jews of color who don't feel comfortable walking into a building surrounded by law enforcement. Conversations between the book's characters are wrought with comparisons of hate against different minorities and which, if any, deserves society's time and attention more than others, conversations which surround us readers every day. There are clear illustrations of the tension we experience between the children of Holocaust survivors and their children and grandchildren -- the fading survivalist instinct.

The lack of resolution of these issues is at best unsatisfying, but I think that only adds to the value of the story, reflecting the real world. The characters in this book grapple with the same issues with us, and none of them have found a solution yet, either. *The Rabbi Who Prayed with Fire* is a beautiful representation of and reflection on modern American Judaism.

Carrie Seleman is a member of the Decalogue Society of Lawyers' Board of Managers and Chair of Decalogue's Women's Committee. She works as an Assistant Public Guardian in the juvenile division of the Office of the Cook County Public Guardian and serves as the President of Jewish Women International's Chicago Young Women's Impact Network.

## Book Review: *Eli's Promise*

by Hon. Michael Jordan

*Eli's Promise*, a novel by Ronald H. Balson, St. Martin's Press, New York, 2020, 343 pages. ISBN 978-1-250-27146-4 (hardcover) and ISBN 978-1-250-27147-1 (ebook)

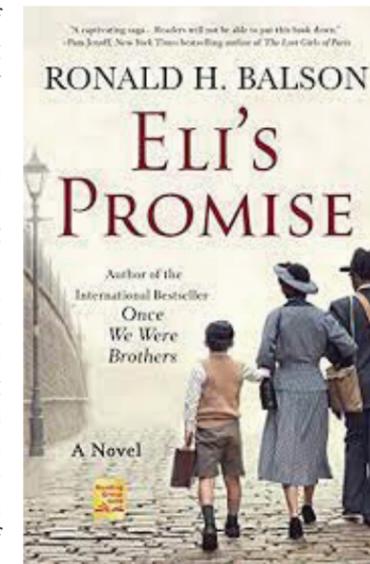
Ronald H. Balson, the author of bestsellers and well written novels *The Girl from Berlin*, *Once We Were Brothers*, *Saving Sophie*, and *Karolina's Twins*, is a Chicago trial and appellate lawyer with the Chicago law firm of Stone Pogrund & Korey.

*Eli's Promise* starts in Berlin at the close of World War II and moves back to Poland during the war years. It then progresses to the Albany Park neighborhood in Chicago in the 1960s after proceeding to a displaced persons' camp in Germany at the end of the war. The action moves from place to place and time period to time period in a seamless manner recounting events involving Eli Rosen, the protagonist-hero and his family as well as the cunning Nazi collaborator Maximilian (Max) Poleski. The author, Ronald Balson, is true to his pattern set in all his past pieces of historical fiction of sticking to the historical facts regarding dates, places, and personalities. When it gets down to the Rosen family, friends, and townspeople in each of the settings he creates personalities that are so real you develop an attachment to them all. Many of the named Nazis are actual people and the acts described by them are unfortunately true.

We experience the life of terror surrounding Eli, his wife Esther, her sister, his 5-year old son, Izaak, his father, his brother, and sister-in-law as the vise of oppression closes in on them as the Nazi oppression spreads over Europe and takes over their previously middleclass comfortable lives. Eli followed his father into the construction business and his organizing skills are quickly recognized by the oppressive Jew-hating conquerors. He and his family are separated and he must find a way to reunite them again before any are destroyed. Also, he has made a promise – as much to himself and G-d as to anyone else. He must find justice and hold Poleski accountable before he dies.

Many surprising twists and turns occur throughout the book and while none are expected, all are reasonable. The reader never really knows the next hurdle and danger or the next friend and ally participating in the events. We see in the midst of hardship and brutality that there are people with hearts filled with kindness. It takes a lot of cunning and understanding to discern the friends from those who are dangers to survival. The search for Poleski and the fulfillment of Eli's promise is nothing short of a long-lasting resolving mystery – not a who done it always, but whether the villain is still around and available to be dealt his justice. Good people are at risk and harm to them is greatly felt by the reader.

Upon finishing the book, I felt a loss. I missed so many of the characters that I had become attached to after only the first paragraphs in the book. Some of the themes in the story about isolation, degradation, and exclusion are current themes confronting our society today. We may wonder how survivors could not get into most of the countries of the world including and perhaps especially the United States due to anti-Semitism and hate of any foreigners. In the 30s and 40s and now, many Americans feel others are a drain and not really contributors to our society. Fortunately, there are some who have during the past and currently tried to set a path of acceptance to those in need without



a safe place to go back to live. Tuberculosis and its required precautions in the 40s and 50s to avoid contagion were so much like our current COVID concerns regarding hand washing and mask wearing and isolation now referred to as social distancing. Precautions were not political then as some have made them now. We see characters we endear suffer from TB as they might today from COVID with medical advice urging isolation, masking and washing.

*Eli's Promise* is a fast read. It is hard to put the book down since it grips you as much as you hold onto the book to turn the page. Balson has constructed another best seller and like his past works, one that may also win critical acclaim as well. History is much more meaningful when seen through the eyes of realistic characters having substance in a historical novel.

Robert H. Balson certainly paints a realistic picture with words conveying all the emotions that one could experience without actually being present as the events play out. Without revealing the resolution of the mysteries contained in this novel, I will say that although the author claims no connection to real people except for the Nazis, I thought I recognized a prominent figure from Chicago as I read the story. I strongly suggest that you read the book and decide for yourself.

The Hon. Michael S. Jordan served as a judge in the Circuit Court of Cook County from 1974 to 1999 and then began a private mediation and arbitration practice that continues today (Mediation & Arbitration Services, Glenview, Illinois, 847-724-3502). He has been a member of the Decalogue Society of Lawyers since 1975, previously served on the Decalogue Board, and has lectured on various subjects for the CLE program.

Read any good books lately?  
Write your review for the Tablets!

[decaloguesociety@gmail.com](mailto:decaloguesociety@gmail.com)

## My Lunch with Judge Andreou, Part 1

by David Lipschutz

Many years ago, I started the “Honorable Adventure” series of schmoozing with judges. See [My Dinner with Marty](#). The Decalogue Tablets, Spring 2017, *et seq.* By way of reminder, “To me, judges are celebrities; they are the equivalent of Brad Pitt, Kate Winslet, and Bruce Campbell.” *Id.*

Long before I enjoyed my first “Honorable Adventure,” and even long before I became an attorney, I was lucky enough to work with the Honorable Judge Frank John Andreou, Associate Judge for the Circuit Court of Cook County, Illinois, when he was simply a partner at a law firm. To use an old adage, I knew him when.

Picture this: It's 2008. A handsome, vibrant, and optimistic young man named David Lipschutz with only 2-3 gray hairs (as opposed to the dozens I now possess) is sitting on the CTA Red Line with a ten-pound constitutional law book in my lap. While presumably amid trying to wrap my head around the decision in *Gibbons v. Ogden*, 22 U.S. 1 (1824), a very kind woman sitting across from me asks if I am a law student. When I respond in the affirmative, she tells me she is the office manager of a law firm, and they are hiring a law student to be a clerk.

That law firm was none other than Andreou & Casson, Ltd.

Despite my presumably naïve and nervous persona at the interview, I was hired as the firm's law clerk! In the process, I became friendly with everyone who worked there, including one of the partners, the aforementioned Frank Andreou. We'd bond over our favorite (and least favorite) law professors, enjoyable television programs, and our mutual love of theatre and other forms of live entertainment. Frank took me under his wing and became my mentor.

Fast forward a dozen years. Frank has just been sworn in as a judge! How exciting is that!? Because I can't help but see judges as celebrities, I felt like I was the Turtle to Frank's Vincent Chase (apologies to anyone who actually gets that reference!).

When the Tablets' editorial board broached the idea of another article on the “Honorable Adventure” series, I thought, who better than my former boss and mentor, Judge Andreou (hereafter I will refer to him in a formal manner). I reached out to Judge Andreou. He informed me he was now presiding in the Skokie Courthouse, 2nd Municipal District. He had previously been in Traffic Court at the Daley Center. We decided to grab lunch one day out in the north suburbs. Unfortunately, with the world more and more uncertain due to COVID and its many Greek-lettered variants, we ended up cancelling lunch, but I still had the opportunity to visit Judge Andreou's courtroom as well as the always exciting judge's chambers.

Judge Andreou offered me a fizzy water from his fridge (judges get fridges, how cool!), and we sat down and caught up on life. It turns out Judge Andreou is pretty much the Judge Moltz of the Skokie Courthouse. Judge Moltz once told me that he is the utility infielder of the 1st Municipal District, where he handles an array and variety of courtrooms throughout the Daley Center. See [My Dinner with Marty](#). Similarly, while Judge Andreou primarily handles two specific courtrooms, he has presided over calls in a multitude of divisions across the courthouse. He also explained how everyone, especially attorneys, must be professional and respectful in his courtroom. Even if two attorneys are friendly and know each other on a first name basis, in his courtroom, they should refer to each other by their last name. On that note, I am confident that, if he scrutinizes an attorney's pleadings half as much as he did his former law clerk's, everyone better be on their best behavior in his courtroom, and they better cite their briefs!

Although Judge Andreou and I were unable to enjoy a nice lunch out on the town, I am grateful for the opportunity to bother him during his break from the bench. We decided that, when the world gets back to normal, we will have that lunch as promised, and I will write a real article about such an “Honorable Adventure” (stay tuned for [Part 2!](#)). Until then, I'll just continue to geek out about my former boss and mentor living his best life.

*David Lipschutz is currently the managing attorney at Trunkett & Trunkett, P.C. and formerly a law clerk at Andreou & Casson, Ltd.*

### Decalogue and Redistricting

The Decalogue Society of Lawyers testified at three legislative hearings in May and September, in favor of a Jewish-influence state representative district. Our request was not met, nor were similar requests from other ethnic communities. See our testimony [here](#) and [here](#). We continue to monitor the legal action challenging the adopted map.

We also submitted written testimony to the Chicago Advisory Redistricting Commission, an unofficial community-based commission which has drawn a ward map based on historic community areas. Our testimony asked for the Jewish community in West Rogers Park to be included in one ward. That request was not met in its entirety, but we are hoping for some modifications before the final map is introduced in the City Council. See our testimony [here](#).

Several of our members are now working to draw a Jewish-influence subcircuit to provide the strongest base to elect Jewish judges.

## UIC John Marshall Law School Student Action

by Benjamin Usha

1. We have partnered with Jewish Graduate Student Initiative. Link below:

<https://www.thejgsi.org/campus/ullinois-chicago-law>

2. We are planning a number of on-campus tabling events for the holidays.

3. We are planning a November 3rd panel event on Law and Policy within International Conflict Resolution, focusing on the practitioner's lens.

4. We have been approached by the UIC Law Office of Diversity Equity and Inclusion to have dialogue about Israel-Palestine at some point this fall. This is separate from the above event.

5. We are aiming to expand our social media presence through Facebook, Instagram, and Twitter.

6. We would like to take action in response to the Canary Mission's report on antisemitism at UIC. Link below:

[https://canarymission.org/campaign/SJP\\_University\\_of\\_Illinois\\_Chicago](https://canarymission.org/campaign/SJP_University_of_Illinois_Chicago)

7. We would like to have a panel speaker event on antisemitism to commemorate International Holocaust Remembrance Day on January 27th and are considering collaborating with other Student Chapters for this event.

8. We plan to collaborate with the editorial team to contribute to the Decalogue Tablets publication in the Spring.

### How Fascism Takes Root in a Democracy

On Sunday, September 26, Decalogue presented a program about the dangers of fascism in the current political climate, how people are drawn into extremist groups and how to help disengage them.

We watched the Lesson Plan documentary about the 1967 Third Wave experiment in California, and heard from Mark Hancock and Phil Neel, two of the students featured in the film who also helped create it, followed by a presentation by Jeff Schoep, an extremism disengagement consultant.

The program is available to view on our [Facebook Page](#).

Other resources:

<https://www.thewavehome.com/>

<https://beyondbarriersusa.org/>

## Young Lawyer & Law Student Leaders

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Lilah Kleban (Membership Co-Vice President)

Sarah Wolf-Knight (Membership Co-Vice President)

Efrem Berk (Treasurer)

Kyle Padden (Social Liaison)

Tessa Weil Greenberg (Volunteer Liaison)

3L Representatives

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Joel Mackler

Abbey Derechin

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(Religious & Cultural Programming Chair)

Jamie Saevitzon [Jamiesaevitson@gmail.com](mailto:Jamiesaevitson@gmail.com)

(Academic, Legal & Cultural Programming Chair)

Kate Kaplan [kkaplan1@uchicago.edu](mailto:kkaplan1@uchicago.edu) (Alumni Relations Chair)

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Alexis Mufarreh [amufar2@uic.edu](mailto:amufar2@uic.edu) (Secretary)

Links to videos of most of Decalogue's 2020 and 2021 events are available for viewing on our website at

[www.decaloguesociety.org/past-events](http://www.decaloguesociety.org/past-events)

## 2021-2022 CLE Schedule

1 hour General CLE credit for Decalogue members only unless otherwise specified

**Registration opens 4-8 weeks prior to the class. Classes will be via Zoom until further notice**

Special Member-Only Event

**Thursday, October 28, 5:30-8:00pm**

**How to Run for Judge in Cook County**

Speakers: Ross Secler, *Odelson & Sterk*, Aviva Patt, *Questor*

*Services*, Justice Aurelia Pucinski

1.75 hours General CLE credit

Register [here](#)

**Thursday, November 4, 5:30-7:30pm**

**Using Law to Fight Antisemitism**

Speakers: Robert A. Katz, *Professor of Law and John S. Grimes*

*Fellow, Indiana University McKinney School of Law*

Diane Klein, *Visiting Professor, Southern University Law Center*

*and Lecturer, Chapman University School of Law*

Steven H. Resnicoff, *Professor of Law and Director, DePaul*

*University College of Law Center for Jewish Law & Judaic Studies*

**2 Hours General CLE Credit for all attorneys**

Register [here](#)

**Thursday, November 11, 12:15-1:15pm**

**Compliance and Ethics Program: Train Employees How to Comply With the Laws that Impact the Business**

Speakers: Ted Banks, *Partner, Scharf Banks Marmor and Ronnie*

*Feldman, Creative Director, Learnings & Entertainments LLC*

**1 Hour professional responsibility credits pending**

Register [here](#)

**Sunday, November 21, 9:30am-12:00pm**

**Reinspecting Condo Law: What Matters Now**

Speakers: Matthew J. Goldberg, *J.D., Principal of Richman*

*Goldberg & Gorham*; Nancy Ayers, *CPCU, Senior Vice President,*

*Alliant Insurance Services*; Peter J. Power, *Architect and President*

*of Klein & Hoffman*

**2 hours General MCLE credit for all attorneys**

**Sponsored by Lincolnwood Jewish Congregation AG Beth Israel**

**Thursday, December 9, 12:15-1:15pm**

**Changes to Cash Bail**

Speaker: Nancy Donahue, *Chief, Criminal Division, DuPage*

*County State's Attorney's Office*

**Thursday, December 16, 12:15-1:15pm**

**Students' Free Speech on Social Media**

Speaker: Prof. Sheldon Nahmod, *Chicago Kent College of Law*

**Thursday, January 6, 12:15-1:15pm**

**Challenging Elections: What Factual and Legal Support is Needed Before an Action?**

Speakers: Ted Banks, *Partner, Scharf Banks Marmor and Steve*

*Sheffey, President, Steven Richard Sheffey Consulting*

**Thursday, January 13, 12:15-1:15pm**

**Evictions Moratorium Update**

Speaker: Aileen Flanagan, *Lawyers Committee for Better Housing*

**Thursday, January 20, Time TBA**

**MLK Day Video CLE**

**Diversity credits pending for members of Decalogue and co-sponsoring organizations**

**Thursday, January 27, 12:15-1:15pm**

**Crypto-Currency**

Speaker: Stuart Berman, *Capital Forensics*

**Thursday, February 3, 12:00-1:30pm**

**Topic TBA**

Speaker: Miriam Ament, *No Shame on U*

**1 Hour Mental Health/Substance Abuse credit pending**

**Thursday, February 10, 12:00-1:30pm**

**2022 Income Tax Update**

Speaker: Larry Krupp, *Director, WIPFLI*

1.5 Hours CLE credit

**Thursday, March 3, 12:15-1:15pm**

**Civil Procedure**

Speaker: Judge John Ehrlich

**Thursday, March 10, 12:15-1:15pm**

**Voting Rights**

Speakers: Ami Gandhi & Clifford Helm, *Chicago Lawyers' Committee for Civil Rights*

**Thursday, March 24, 12:15-1:15pm**

**Divorce Law Update**

Speakers: Judge Lori Rosen and Robert Johnson

**Thursday, March 31, 12:15-1:15pm**

**TBA**

**Thursday, April 28 12:15-1:15pm**

**TBA**

**Thursday, May 12, 12:15-1:15pm**

**TBA**

**Thursday, May 19, 12:15-1:15pm**

**TBA**

**Thursday, May 26, 12:15-1:15pm**

**Ethics Update**

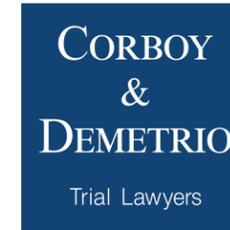
Speaker: Wendy Muchman, *Northwestern University Pritzker School of Law*

**1 hour Ethics credits pending**

Topics to be scheduled: Intersection of Mental Health and Criminal Justice, Bankruptcy, Conservatorship, Social Security Disability Law

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## Chai-Lites

by Sharon L. Eiseman

For each issue of the Tablets, the Chai-Lites section features news about our busy members coming, going, celebrating, being recognized, speaking, writing, making new career moves, standing up for the oppressed, volunteering, and acquiring more new titles and awards than seems possible. Despite the COVID pandemic, many of those in the legal community, in bar associations, and specifically as members and supporters of Decalogue, have kept their focus on making the world a better place for all people.

And now comes the drum roll for the accomplishments of the following members:

First, let's kvell for our very own Decalogue Past President **Mitchell Goldberg** and several members of our Society, who will be sworn in on October 4 as Associate Judges of the Cook County Circuit Court. Joining Mitchell at the ceremony will be **Maryam Ahmad, Jasmine Hernandez, Matthew Jannusch, Martha-Victoria Jimenez, Diana Lopez,** and **Thomas Morrissey**. Clearly, we are looking at a future judiciary that represents the great diversity of the legal profession. Mazel Tov to ALL! We wish them well in their new positions, knowing they will be assets to the bench.

Board member **Jacqueline Carroll** was the recipient of one of two 2021 Building Bridges Awards recognizing individuals for their outstanding service in combating hate and discrimination. These awards were presented on September 14 by the Arab American Bar Association of Illinois and the Decalogue Society of Lawyers to work from a positive perspective on addressing discrimination in the legal profession and beyond. Jacqueline's co-awardee, Neda Shaheen, also was recognized for her important contribution in this crucial area of addressing prejudice, notably against women of color. She uses her legal skills and strong personal commitment to equality, to challenge discriminatory nationality laws. Neda is a Fellow with WCAPS, Women of Color Advancing Peace and Security and formerly served on the American-Arab Anti-Discrimination Committee.

A bit more should be noted about Jacqueline to underscore the depth of her work combating hate and discrimination. Jacqueline is the founder and Chair of We Persist, a program under the auspices of the Simon Wiesenthal Center's Midwest Community Engagement Committee. She's known for working in government and in private practice on civil rights issues, ADA and health-care claims and has addressed environmental issues. Understandably, we consider her a mighty champion of the rights of the vulnerable, wherever and whomever they may be.

Staying on the theme of the Building Bridges event, we cannot EVER forget how its underlying concept was embraced by some and led to the creation of the Building Bridges collaborative entity by one very determined Decalogue member, **Peter Tessler**. Without his energy and persistence, the Bridge might never have been built or would have quickly collapsed. Peter announced a few weeks ago that he is taking some big new steps in his life, beginning with a move to Boston, along with his fiancée Jamie Borash, where he will join American Tower Corporation as a real estate attorney. In case he

wondered about or doubted what he has meant to the rest of the Board members, we all assured Peter of his substantial value to the Society and how much we will miss him. In addition to his work on the Building Bridges Award Project, many Board members offered him kudos for his tech support in restructuring the DSL website. His love of and respect for the Society and its members was always evident in all he volunteered for us. We will miss him but fully support this new direction he is taking with a new life partner, which he considers an adventure. But Peter, PLEASE KEEP IN TOUCH!

Have any of you been missing our immediate Past President **Patrick John**? Likely not, because he hasn't disappeared but remains an engaged member of DSL. Recently, Patrick and Cook County Bar Association Past President Harriet Parker were honored by the DSL and the CCBA with the Solidarity Award which, as the first of its kind for these bar associations, represents solidarity between the two groups in their initiatives to address racism, anti-Semitism, and intolerance while also strengthening the ties of our shared humanity. The ceremony took place during the recent DSL/CCBA co-hosted program at the Illinois Holocaust Museum memorializing Nelson Mandela, the first black President of South Africa, for his revolutionary and courageous work combating apartheid which landed him in prison for many years.

**Gail Schnitzer Eisenberg**, Decalogue Legislative Committee co-chair, and a former Board member, was named to the American Bar Association's 2021 On the Rise - Top 40 Young Lawyers Award list. Gail practices employee's side employment law at Loftus & Eisenberg, Ltd.

Board member **Charles Krugel** was recently appointed to the faculty at Loyola University Chicago's Quinlan School of Business where he'll be teaching employment relations this fall. Additionally, Chuck was also quoted in USA Today's August 9 article "[Fact check: Workers fired for refusing a vaccine are unlikely to qualify for unemployment](#)". Finally, on July 12, Chuck was also quoted in "[Guns in Cars in the Parking Lot](#)" on the Workplace Coach Blog.

**Jim Naughton** recently published an article in Loyola University Chicago's Law Review about the use of FOIA to uncover racial/gender disparities in how and to whom school discipline is meted out. This could prove to be a very interesting read due to data the article reveals. Look for the article at [SSRN.com](#).

Former Board member **Martin Gould** was recognized in the 2020 Edition of [Best Lawyers in America](#).

**Jody Schneiderman** has launched a new website: [www.schneidermanfamilylaw.com](#).

*And that's all there is ... for this round! If you want to see yourself in the next Chai-Lites section, don't be shy. Let us know what you are doing, writing, speaking about, teaching or creating, what awards you have received, what new additions you've welcomed into your family, what new style of mask you are wearing (and perhaps we might include a photo you are willing to share), or what case you recently won and why. We like to help make Decalogue members famous!*

## Welcome New Members!

Maryam Ahmad  
Leona Barsky  
Barry Cahn Boykin  
Michael Bramer  
Madeline Grace Brom  
Jorge V. Cazares  
Scott Richard Clewis  
Arlene Yvette Coleman  
Abbey Derechin  
Tomer Elkayam  
Steven Fine  
Adam H. Fleischer  
Debra Lee Frankel  
Caroline G. Glennon  
Josie Gough  
Robert P. Groszek  
Diana Huberty  
Toby Esther Irenshtain  
Harold L. Kaplan  
Robert Katz  
Joshua B. Kutnick  
Avi Don Lifschitz

Diana E. Lopez  
Brendan M. McGraw  
Mary Alice Melchor  
Elliot Molk  
Katherine A. O'Dell  
Donna J. Ramey  
Madeline Erika Remish  
Alexander Ronen  
Mitch Rose  
Craig Rosenbaum  
Daniel T. Saltzman  
Lynne Sered  
Robert Sidi  
David M. Spector  
Pamela Stratigakis  
Angelina Isabella Gabriela Torres  
Scott W. Tzinberg  
Daniel Vargo  
Jessica Vishny  
Michael Youssef  
David A. Zulkey

## Thank You to Our Members Who Gave Above and Beyond

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Adam E. Bossov  
Morton Denlow  
Sharon L. Eiseman  
Robert P. Groszek  
Patrick Dankwa John  
Robert W. Kaufman  
Daniel A. Kelber

Charles A. Krugel  
Fred Lane  
Robert W. Matanky  
Mara S. Ruff  
Andrea M. Schleifer  
Jeffrey A. Schulkin  
Scott W. Tzinberg  
Cary J. Wintroub

### Life Members

Howard Ankin  
David Lipschutz  
David Olshansky

**The Decalogue Society of Lawyers**  
134 North LaSalle Street Suite 1430  
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**How to Run for Judge in Cook County**  
(member-only CLE event)

**Thursday, October 28, 2021**

**5:15-8:00pm**  
**Zoom**

5:15pm Ross Secler, Odelson & Sterk: Legal requirements for petitions (1 hour MCLE credit)

6:15pm Aviva Patt, Questor Services: Campaign Financial Disclosure (.75 hour MCLE credit)

7:00pm Justice Aurelia Pucinski: How to present yourself as a candidate, fundraising, endorsements

**Register at [www.decaloguesociety.org](http://www.decaloguesociety.org)**