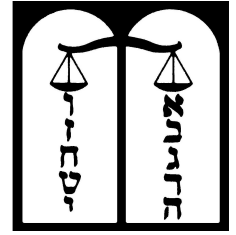


THE DECALOGUE TABLETS

*Published by the Decalogue Society of Lawyers,
America's Oldest Jewish Bar Association*



HB 5170: Extending The Status Of Marriage To All Illinois Couples *by Gail Schnitzer Eisenberg*

On November 28, 2012 the Decalogue Society of Lawyers Board of Managers unanimously voted to endorse HB5170, the Religious Freedom and Marriage Fairness Act, currently being considered before the Illinois General Assembly. The Board adopted a resolution supporting the bill as an extension of the Decalogue Society's core mission to promote justice and equality in our society.

The most recent legislative recognition of Illinois' movement toward granting full equality was the civil union bill introduced in the General Assembly in February by Representative Greg Harris (D-Chicago). When it reached his desk, Governor Pat Quinn signed what is known as the Illinois Religious Freedom Protection and Civil Union Act, making Illinois the sixth state to allow civil unions for its residents. That Act, which went into effect on June 1, 2012, gives both heterosexual and homosexual couples who enter into civil unions the rights and responsibilities under state law generally equivalent to those afforded married couples but it did not confer the status of marriage upon same-sex couples. When it was pending in the legislature, the Board of Managers voted to support the civil union bill as well.

Last spring, the Board referred HB 5170 to its Legislative Committee for debate and possible recommendation. At its recent meeting preceding the November 28 Board meeting, the Committee reviewed the text of the bill and tracked its progress through the legislature. The Committee first considered whether Decalogue should take any position on the bill. After discussion, the Committee agreed that, as a Jewish bar association committed to fighting not only anti-semitism but all forms of discrimination, Decalogue should take a stand on this important civil rights issue. The Committee next considered a proposed formal resolution ("Resolution") expressing Decalogue's support for HB5170 and also setting forth our understanding of the operative terms of the legislation and how the bill complimented our mission as a bar association. During discussion of the bill's merits and of its various provisions, one amendment was suggested to the Resolution regarding the issue of consanguinity.

Under one section of the bill, it appears that adopted children of homosexual marriages would be forbidden from marrying one another, a marriage that is currently legal. The proposed amendment recommended that the legislature modify HB5170 to avoid prohibiting now-permitted marriages. The Resolution as amended to remove this particular prohibition was unanimously adopted by the Committee.

The Committee's proposed Resolution as amended was presented to the Board of Managers for debate. It was noted that no one's own religious views would be infringed by this bill as religious leaders and groups would not be required to solemnize gay marriages. Regarding the question of consanguinity, some members were concerned that the proposed amendment might undermine the equality of the adoptive families. The Resolution was thus considered for a vote without such proposed amendment.

Ultimately, by unanimous vote, the Board adopted the Resolution, thus declaring support of HB 5170 as the formal and public position of Decalogue. All members of the judiciary abstained from the vote. The Board then directed the Legislative Committee to meet and consider additional language regarding the issue of consanguinity. When HB5170 comes before the General Assembly for a vote, which may be as early as the January veto session, Decalogue will be ready with its Resolution to stand with other bar associations and groups that likewise have concluded it is time to extend the status of marriage to same-sex couples.

For the complete text of Decalogue's Resolution, please see page 13.

President's Column: Mid-Term Report

by Michael A. Strom

This issue of The Tablets marks the halfway point of my Presidency. So, how's it going?

HELPING OUR COMMUNITY – JCLS PRO BONO: One of our major initiatives is addressing the surge in requests to the JUF Jewish Community Legal Services (JCLS) program for pro bono legal help. The devastating economic hardships suffered by people who never needed anyone's help before has resulted in a serious backlog. Tragically, JCLS cannot service many of the requests, since the demand far outstrips the supply of volunteer attorneys. We understand JCLS has a backlog of as much as one year, depending on the area of practice.

I am pleased to report that all current officers of Decalogue have volunteered to take pro bono assignments from JCLS – many of us are already working on our first assignments (including me). Although you can be proud of Decalogue's leadership stepping up in time of need, we need many more attorneys to relieve the current backlog. We ask that every member of Decalogue (other than government attorneys prohibited from accepting pro bono assignments) agree to accept one or two matters per year, so we can help our community when we are urgently needed.

JCLS is a well-run program with experienced personnel screening cases before soliciting volunteers to accept assignments. Even those unaccustomed to appearing in court can help clients by reviewing/drafting documents, evaluating consumer and landlord/tenant disputes, or simply bringing people together to resolve disputes out of court. The JCLS volunteer form can be quickly downloaded from our website – please do it now while you are thinking about it. <http://www.decaloguesociety.org>

HELPING OUR SCHOOLS: Helping failing schools and communities in our own backyard is part of the solution for making the broader community more productive and functional, strengthening our local economy and reducing stresses on various governmental and charitable services. Addressing children at risk in communities where teachers struggle valiantly against a strong tide of socioeconomic challenges can produce positive results and role models who "pay it forward" many times over.

At our last Annual Meeting and Installation Dinner I spoke about the Chicago Coalition for Law-Related Education mock trial program, now in its 30th year. I have seen benefits of this program firsthand. At our Annual Meeting Dinner Jamala McFadden's inspirational presentation showed how CCLRE changed her life. Once a 14-year old mother at a poorly performing school dominated by families below the poverty level, Jamala is now a top attorney in Atlanta, active in mock trial instruction and pro bono work. The CCLRE program will begin in January. We're recruiting volunteers through Decalogue's social action committee to work with Chicago high schools participating in the citywide mock trial competition. For

"newbies," we will provide training, support and advice to help you succeed in a program I find profoundly rewarding.

A new program recently publicized by the Chicago Bar Association Interfaith Committee will target Chicago public school students at the 6th, 7th and 8th grade levels. Decalogue will be one of the participants in developing and implementing this program, along with the Circuit Court of Cook County, Chicago Bar Association and representatives from local churches and synagogues, among others. This initiative will target areas where truancy problems developing in the middle school years result in failure and dropout during high school. The Interfaith Committee will be involved in a "restorative justice" pilot program training students in alternative, non-violent methods to resolve disputes in areas plagued by violence. This program also is scheduled to begin in January. We expect Decalogue to be well represented among the 13 attorneys needed to effectuate student mentoring and mock trial training. If the initial pilot program is successful, it may serve as a model that can be greatly expanded throughout the Chicago area. We are proud to be part of this initiative.

NEW PARTNERS/NEW PROGRAMS: We find ourselves in the midst of some exciting opportunities through our partnerships with other local institutions. Most recently, the new Midwest office of the Simon Wiesenthal Center provides both our organizations the opportunity to share our resources to mutual benefit. DecalogueNews listings in our e-mail blast now include events of Simon Wiesenthal Center, Holocaust Museum (Skokie) and Facing History. We reaped immediate benefits when the Simon Wiesenthal Center facilitated a major speaker, Rabbi Abraham Cooper, for our December 16 event honoring the late Gerald Bender. Decalogue is working with the International Association of Jewish Lawyers and Jurists and Israel's Bar-Ilan University on some exciting events we cannot yet talk about. Our new friends have expanded the scope of our long-running, outstanding free CLE seminar programming.

PAPER OR MEGABYTES? Expanding horizons in online communication have led Decalogue to communicate via paper, Internet-based documents and social media. We have newly launched Facebook pages, including one for young attorneys. We're working on developing parallel newsletters and blasts by and of concern to young attorneys and law students. To better serve our membership, we want to make sure that attorneys who "hate all that paper" can obtain everything they need via e-mail and online access, while we continue to provide "hardcopy" paper publications such as the one you are reading right now.

In summary, we have lots of new initiatives we're working on and many ways in which your Decalogue membership will become even more valuable in years to come. We have ideas and energy in abundance – all we need is your participation and enthusiasm to help make Decalogue "America's Best Jewish Bar Association."

Chai-Lites

On November 14, 2012, Decalogue's Recording Secretary **Jonathan Lubin** became the proud father of a baby boy – Meir Tzadok. Mazel Tov to Jonathan, his wife, Elana, and each of Meir's older siblings!



On December 16, 2012, Decalogue's Law Student Liaison **Joelle Shabat** became engaged to Victor Shiller. Joelle is currently a 3L at DePaul Law School.

Past President **Shellie Karno** is now General Counsel for Norwegian American Hospital, where she will advise hospital management, the board and medical staff on legal matters and have the overall responsibility for the organization's legal issues.

On November 20, 2012, Board Member **Daniel Azulay** presented his Seminar – "The Intersection of Immigration & Family Law: Domestic Relations + Immigration = Domestic Retaliations?" – to the DuPage Bar Association-Family Law & Practice Committee at the DuPage Justice Center, in Wheaton, Illinois. Nearly seventy-five people were in attendance.

Ike Barinholtz, son of Decalogue member and co-chair of the Social Action Committee **Alan Barinholtz**, is currently starring on the television program, "The Mindy Project," which airs on FOX on Tuesday nights at 8:00 pm CST.

At November's elections, Past President Judge **Andrea Schleifer**, former Board Member Judge **Deborah Gubin**, and members Judge **Diann Marsalek** and Judge **Larry Axelrood** were each elected and assigned to another term in their respective judicial seats.

On November 12, 2012, Past President Judge **Michael B. Hyman** was assigned by the Illinois Supreme Court to the Appellate Court, First District, effective January 8, 2013. Judge Hyman will fill the position previously occupied by Justice Nathaniel J. Howse, Jr.

The Illinois Supreme Court recently appointed Decalogue member **John B. Simon** to the Illinois Appellate Court to fill the vacancy created by the death of Appellate Justice Michael Murphy. Justice Simon, the son of the late Illinois Supreme Court Justice Seymour Simon, was a long-time partner at Jenner & Block and has been devoted to public service.

The Illinois Supreme Court has appointed Decalogue member **Michael Rothstein** to serve on the Supreme Court Rules Committee for a three-year term, effective January 1, 2013.

The Decalogue Tablets is published quarterly by the

Decalogue Society of Lawyers

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www.decaloguesociety.org

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Co-Editors

Aviva Miriam Patt, Executive Director

President **Michael A. Strom** appeared twice on *Northtown News Magazine* to speak about the judicial elections. Watch online at <http://ntnm.org/>



Decalogue member **Marcia Kramer** of the National Anti-Vivisection Society gave a CLE presentation to the CBA's Animal Law Committee on issues impacting animals used in research. Marcia also serves on our Decalogue Tablets Subcommittee.

Past President **Steven Rizzi** was recently elected to the Board of Governors of the West Suburban Bar Association.

Decalogue's Financial Secretary **Deidre Baumann** was admitted to practice before the United States Supreme Court.

Past President **Ralph Goren** and his wife Sally, recently celebrated their 50th Wedding Anniversary.

A Fitting Tribute to Judge Bender and the Power of Preserved Memory at Skokie's Holocaust Museum

by Jim Goldberg

On Sunday, December 16, 2012, the Decalogue Society fulfilled its promise to honor the memory of the late Judge Gerald Bender by hosting a memorial at the Holocaust Museum in Skokie. On the Agenda were speakers, a seat dedication and a scheduled tour named "Spies, Traitors and Saboteurs." The event was well attended by the Society, colleagues, friends and a whole contingent of the Judge's family. The location was the museum's Goodman Auditorium and warm remarks were made by President Michael Strom and the Judge's son Judge Michael Bender, along with an excellent tribute by Rabbi Abraham Cooper. Rabbi Cooper is the Associate Dean of the Simon Wiesenthal Center, a leading Jewish human rights organization with over 400,000 members. In 2007, Rabbi Cooper was listed by Newsweek among the top most influential Rabbis in the United States.

Influenced by his family's losses in the Holocaust, Judge Bender became one of Simon Wiesenthal's personal attorneys and a driving force in the creation of the Skokie Holocaust Museum as former Vice-President of its Foundation. Two of the most repeated sentiments during the memorial were the presence and power of Judge Bender's infectious smile and his strong advocacy for children in his Courtroom. Judge Michael Bender repeated the often told stories of his father's daily acts of charity such as bringing sandwiches to homeless individuals he encountered on the street or giving the coat off his back to the needy during the wintertime.

Judge Bender was always and even now, through his legacy, continues to be a motivating force in advancing the prestige of the Decalogue Society as Past President and dedicated long-time Board Member,. He will always be remembered as a "Mensch on the Bench."

Social Action Event a Success



On Sunday, December 2, 2012, members of The Decalogue Society helped the residents of the CJE Seniorlife Robineau Residence celebrate an early Hanukkah. Volunteers – which included both Decalogue members and their families – were on hand to pass out latkes and sufganiyot and to help everyone get into the Hanukkah spirit! Endless games of dreidel were played, and everyone was treated to beautiful piano melodies of JP Bader and his children, Mayrav and Ezra.

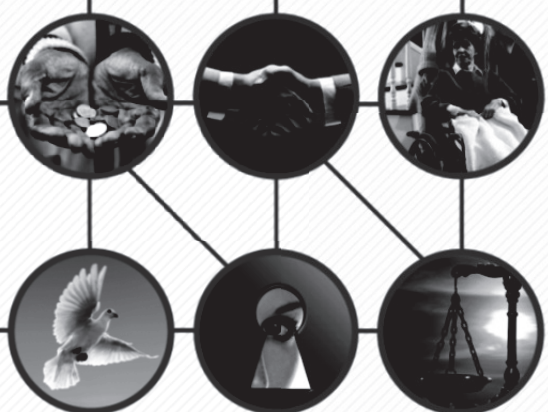


Calling All Volunteers!

The Social Action Committee is in need of anyone interested in volunteering for upcoming events. The Committee will be holding its next meeting on Wednesday, January 16, 2013, at 5:30 pm at The Decalogue Society office – 39 S. LaSalle, Suite 410. Bring your passion for social action and your ideas for future events.




HOW WILL YOU DECIDE...



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- Is it necessary or even possible to forgive those who hurt you?
- What are your charitable obligations?
- To what extent are you responsible for your parents?
- Is it ever ethical to tell a lie?

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Law Students Enjoy Multifaceted Panel of Legal Professionals

by Joelle Shabat

On Thursday, November 8, 2012, an intimate group of law students and attorneys gathered at The John Marshall Law School to hear four panelists – Judge Deborah J. Gubin, Deidre Baumann, Judge Michael B. Hyman, and Helaine Wachs Heydemann - speak about different areas of the law. In particular, students were given the opportunity to hear the panelists speak of their experience working in a small, mid-size, and large firm as well as working for a government entity. The evening's event was moderated by Decalogue Board Member and co-chair of the Law Student Division, Michelle Steiman.

Judge Deborah J. Gubin spoke about her experience working in government. She provided law students with insight into the importance of professionalism, and she emphasized her commitment to building a strong, positive reputation. Judge Gubin shared a story of the only time in her career as a government attorney that she missed a court appearance, when her mother passed away. Because of her commitment to honesty, timeliness, and professionalism, her opposing counsel informed the judge, and the status was rescheduled for another day.

Deidre Baumann described her experience as a solo practitioner in the area of civil rights law. With incredible charisma, Ms. Baumann conveyed to the attendees a great love for her chosen career path. She spoke fondly of her former partner who passed away two years ago, and of their strong collaboration to build a small yet thriving practice. Ms. Baumann explained that, while she is her own boss, she nonetheless has a "work hard, play hard" mentality. Despite the long hours Ms. Baumann works, she still affords herself the opportunity to travel and actually enjoy the fruits of her labor.

Judge Michael B. Hyman spoke about his experience at a mid-size firm as well as his time on the bench. Judge Hyman emphasized the importance of being organized, keeping lists, and tracking hours spent on each client. He described the amount of time he spent on the phone was quite extensive. He also spoke of the balance between working diligently as a partner while continuing to make time in his life for his family.

Helaine Wachs Heydemann described her experience as an attorney in a large firm. The firm, Edwards Wildman Palmer, originally began as a small local practice where Ms. Wachs Heydemann was a junior associate. Ms. Wachs Heydemann described both the beginning of her career there and how it felt to stay as the firm expanded into a larger, widely-acclaimed practice. Her career grew and expanded along with the firm, and she currently enjoys her role as partner. When asked about the feel of a large-size firm, Ms. Wachs Heydemann explained that she feels as though Edwards Wildman Palmer continues to retain its original atmosphere of intimacy. She maintains close relationships with her colleagues and enjoys getting to know the new associates who stay in the office as late as she does.

All four panelists remained after the panel discussion to speak individually with the law students and answer any additional questions. Everyone in attendance truly enjoyed the opportunity to converse with the practitioners about their vastly different experiences. We all look forward to future opportunities of getting to know more Decalogue members!

MITZVAH OPPORTUNITIES

Help victims of domestic violence (violence against Jewish women increases on Purim)

SHALVA

<http://www.shalvaonline.org> or 773-583-4673

Provide the elderly and poor with Matzah and food for all week for Pesach

MAOT CHITIM

www.maotchitim.org or 847-674-3224

Support social services and legal counseling for Jews in need

THE ARK

<http://www.arkchicago.org> or 773-973-1000

NEW University of Illinois College of Law Decalogue Student Chapter

by *Melissa Gold*

The University of Illinois' College of Law has a NEWLY minted Decalogue Student Chapter as of 2011. The Illinois Decalogue Chapter expanded the already existing Jewish Law Students Association (JLSA). During the 2011-2012 inaugural year the Illinois Chapter was very busy!

As Illinois Chapter membership continued to grow, a website blog was created (jlsaininois.blogspot.com); a LinkedIn Group was established (University of Illinois College of Law JLSA, Alumni & Supporters); a weekly newsletter for updating both current students and alumni premiered; board opportunities were expanded; university-wide events were cross-promoted and the Chapter laid the ground work for a possible intersession course in Israel..

The 2011-2012 programming included the following amazing events...

- Apple/Pumpkin Picking at Curtis Orchard
- Yarmulke in the Military Lunch 'N Learn led by Adjunct Professor Rabbi Dovid Tiechtel to discuss the case of Goldman v. Winberger, 475 U.S. 503 (1986).
- Soup in the Sukkah with JET led by Rabbi Ari Burian to discuss Jewish-American Environmental Law and the extent of Man's Rights to the World's resources. A large theme running through most of the discussion was the value of preservation and our obligation to not waste any resources that we have - whether food, paper, clothing, etc. We also discussed the place of Sukkot in current events such as dwelling laws and in the current national protests in front of the Chicago Board of Trade and New York financial markets. We also discussed the place of organ donation/transplant and the concept of burying oneself with organs as wasteful in regards to human life.
- Suburban Sprawl, Land Use Regulations and Jewish Law led by Professor Michael E. Lewyn of the Touro Law Center.
- Kosher Regulatory Law & Food Industry Lunch 'N Learn led by Adjunct Professor Rabbi Dovid Tiechtel.

- Religion in the Courtroom which presented a panel of distinguished guest speakers to discuss the intersection of marriage, religion, and the law specifically looking at the perspective of Shariah law, Christian canonical law, and Jewish courts. Abed Awad practices law in New York and New Jersey and is a recognized expert in Islamic Law and the laws of Arab Countries. Professor John Randall Trahan teaches at Louisiana State University and has taught on religion and marriage law issues. Rabbi Mayer Rabinowitz is the chairman of the Joint Bet Din (Jewish Court) of the Conservative Movement, which deals with matters of marriage and divorce, as well as arbitration and mediation. The panel discussed topics of marriage covenants, divorce laws, religious civil marriages, and the results when a divorce cannot be compelled.

- Comparative Bankruptcy Lunch 'N Learn led by Adjunct Professor Rabbi Dovid Tiechtel.

- Comparative Child Custody Lunch 'N Learn led by Adjunct Professor Sixth Circuit Judge Arnold Blockman & Adjunct Professor Rabbi Dovid Tiechtel.

- Comparative Professional Responsibility Lunch 'N Learn led by Adjunct Professor Rabbi Dovid Tiechtel.

- 8th Annual Law School Shabbat with almost 60 attendees with Champaign County Public Defender and College of Law Alumnus Randy Rosenbaum ('91) who spoke on the "Trials & Tribulations of a Public Defender."

The 2012-2013 programming is continuing along with a NEW initiative to develop a January Chicago Firm Visit. Do you want to host the Illinois Student Chapter at your firm? Are you a U of I alum? Are you interested in speaking at an Illinois Chapter event? The Illinois Chapter is looking for new and exciting ways to become further involved with Decalogue and Decalogue members and we'd like your help in achieving that goal.

Melissa Gold is a 3L at the University of Illinois College of Law and is the current JLSA/Decalogue Chapter President. She can be reached at LAW-JLSA@illinois.edu.

Decalogue's Young Lawyer and Student Divisions
are planning more activities for this year:

Student visits to law firms in January
Evening Purim Party at a local bar in February
Lawyer/Law Student Reception in March
and more!

Watch your email for details

What's going on at your school?

**Submit a summary of your chapter
activities for all to read in the Tablets!**

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Easing up on Eavesdropping: Challenges to Illinois' Eavesdropping Act

by Adam Sheppard

Almost everyone these days seems to carry a smart-phone. The device has the capacity to make high quality audio-visual recordings which can upload to the internet in a matter of moments. A recent trend is citizens recording encounters with police officers on their cell phones. What many citizens don't know, however, is that, in Illinois, it is a felony to audio record "all or any part of a conversation" without obtaining the prior consent of all of the parties to the conversation. 720 ILCS 5/14-2(a)(1).¹ The offense is ordinarily a class 4 felony but is elevated to a class 1 felony – punishable by a prison term of 4-15 years – if the recording is of a police officer, while in the performance of his or her official duties. *Id.*; 5/14-4(b).²

This is so even if the officer is in a public place and the person making the recording is doing so openly, as opposed to surreptitiously. *See id.*; *see also American Civil Liberties Union v. Alvarez*, 679 F.3d 583, 595 (7th Cir. 2012). Stated differently, the law applies regardless of whether the parties to the conversation intended it to be of a private nature or not. *See* 720 ILCS 5/14-1(d).

A series of Cook County cases brought heightened scrutiny to Illinois' eavesdropping statute. In 2011, a Cook County jury acquitted a woman who recorded Chicago Police internal affairs investigators whom she believed were trying to dissuade her from filing a sexual harassment complaint against another officer. *See* http://www.huffingtonpost.com/2012/01/16/illinois-eavesdropping-la_n_1208770.html (last visited 12/17/12). One of the jurors after the trial stated that the prosecution was a "waste of time." *Id.*

In another well-publicized case, Christopher Drew, a Chicago artist recorded his arrest on State Street for selling art without a peddler's license. Prosecutors later charged him with felony eavesdropping. In court, a Cook County judge dismissed the case, declaring the eavesdropping law unconstitutional. *See People v. Drew*, No. 10-cr-46 (Cook Cnty., Ill., Cir.Ct. Mar. 7, 2012) (cited in *Alvarez*, 679 F.3d at 593, fn. 2). The judge had cited the capacity of the eavesdropping statute to criminalize "wholly innocent conduct." *See Drew*, No. 10-cr-46 (Cook Cnty., Ill., Cir.Ct. Mar. 7, 2012).

Such prosecutions led to the case of *American Civil Liberties Union v. Alvarez*, 679 F.3d 583 (7th Cir. 2012) filed in the district court in August, 2010. The ACLU had devised a "police accountability" program whereby individuals would record conversations with police officers who were performing their public duties in a public place and speaking in a voice loud enough to be heard by the unassisted human ear. *See id.* at 588. The ACLU intended on publishing these recordings online and through other forms of electronic media. However, the ACLU held off on implementing its program because it feared that the State's Attorney would prosecute those who made such recordings. Instead, the ACLU filed a "pre-enforcement action"

seeking to declare the statute unconstitutional and bar the State's Attorney from enforcing the statute against the ACLU's program.

The ACLU asserted that it had a First Amendment right to make such recordings and disseminate them. The district court judge, however, disagreed and denied the ACLU leave to file a proposed complaint in the case. *See American Civil Liberties Union of Illinois v. Alvarez*, 2011 WL 66030, * 3 (N.D.Ill., 2011.) (not Reported in F.Supp.2d). The ACLU appealed the district court's ruling to the Court of Appeals for the Seventh Circuit. (Several national news and media organizations joined as amici curiae on ACLU's behalf.)

In May, 2012, in a 2-1 decision (Posner, J. dissenting), the Seventh Circuit reversed the district court's order and remanded the case with instructions to the district court to enter the ACLU's requested injunction. *Alvarez*, 679 F.3d at 608. The court of appeals held that making it a crime to "openly audio record the audible communications of law-enforcement officers (or others whose communications are incidentally captured) when the officers are engaged in their official duties in public places" likely violates the First Amendment. *Alvarez*, 679 F.3d at 608. The court held that there was a constitutional right to make such recordings and the Illinois statute unduly restricted that right. *Id.*

The State's Attorney petitioned for certiorari to the U.S. Supreme Court. On November 26, 2012, the Court denied cert. without comment. 2012 WL 4050487 (U.S. November 26, 2012). On December 18, 2012, the district court granted the ACLU's requested injunction. *Alvarez*, 10-cv-05235 (N.D. Ill., Dec. 18, 2012).

Although *Alvarez* was a clear victory for First Amendment advocates, several questions regarding application of the eavesdropping law still exist: (1) Can individuals, unaffiliated with a civic or news organization such as the ACLU, audio record officers? (Technically *Alvarez* was limited to the ACLU and its planned recording program); (2) In light of *Alvarez*, is it now lawful to record conversations in which the parties do not have a "reasonable expectation of privacy"– e.g., when the parties are speaking openly in a public place? (Many other states' eavesdropping statutes and the federal statute only ban recording conversations of a private nature); (3) If it is now lawful to record officers in a public place, what constitutes a "public place"? (One proposed amendment to the statute offered a broad definition of that term; it seemingly authorized citizens to record conversations with officers during traffic stops. (*See* SB 1808); (4) What effect, if any, will *Alvarez* have on the section of the Eavesdropping Act (720 ILCS 5/14-6) which authorizes civil remedies, *i.e.*, damages, for a recorded party?

It is unclear whether the legislature will answer such questions in the immediate future. Prior attempts to amend the Eavesdropping Statute failed to pass both houses. See e.g. House Bill 3944; Senate Bill 1808. (Some law enforcement groups lobbied heavily against amending the statute.) Perhaps the Supreme Court's recent denial of cert. in *Alvarez* will be the catalyst needed to loosen the legislative logjam on this matter.

One immediate lesson from *Alvarez* is that the law is struggling to keep pace with the "inexorable march" of smart-phone technology. See *United States v. Warshak*, 631 F.3d 266, 285 (2010). "[T]he typical recorder nowadays is a cell phone," *Alvarez*, 679 F.3d at 613 (Posner, J., dissenting), and the law is rushing to adapt to this reality. For example, Cook County Chief Judge Evans recently ordered that, beginning January 14, 2013, the public is barred from bringing cell phones or "any electronic devices" capable of making such recordings into Cook County courthouses where criminal matters are heard (except for the Daley Center). See <http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2094/Chief-Judge-Evans-enters-order-which-prohibits-cell-phones-in-courthouses-where-criminal-matters-are.aspx> (last visited 12/24/12). Such developments further confirm that when it comes to technology and the law, technology is the proverbial tail wagging the dog.

¹ The statute does not ban taking silent video recordings. 720 ILCS 5/14-2(a)(1). The statute also exempts audio-visual recordings made by law-enforcement officers for law-enforcement purposes in a variety of circumstances, e.g., during a "traffic stop." *Id.* 5/14-3(h). Another provision of the statute authorizes law-enforcement officers to make surreptitious recordings in certain circumstances. See *id.*, 5/14-3(g), (g-5), (g-6). The statute also contains a media exemption; it exempts any recording made for "broadcast by radio, television, or otherwise" for live or "later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made." *Id.* 5/14-3(c).

² The eavesdropping statute also provides for civil remedies including actual or punitive damages. *Id.* 5/14-6. Additionally, any evidence obtained in violation of the statute is inadmissible in any civil or criminal trial (unless it is a criminal trial or grand jury proceeding brought against a person charged with violating the statute). *Id.*, 5/14-5.

About the Author:

Adam Sheppard is a partner in Sheppard Law Firm, P.C., which concentrates in defense of criminal cases. Mr. Sheppard also serves on the editorial board of the CBA Record as co-editor-in-chief of the Young Lawyers Journal.

 <p>SIMON WIESENTHAL CENTER Leadership with a global reach</p>	<p>ONLINE REGISTRATION REQUIRED AT: www.decaloguesociety.com For more information: 312.981.0105</p> <p><i>Kosher Lunch Available for Purchase in Advance for \$10</i></p> <p>One hour of MCLE credit is available.</p>
<p>THE DECALOGUE SOCIETY & SIMON WIESENTHAL CENTER <i>present</i> CAMPUS ANTI-SEMITISM AND LEGAL EFFORTS TO COMBAT IT</p>	
	<p>KENNETH L. MARCUS President and General Counsel The Louis D. Brandeis Center for Human Rights Under Law</p> <p>Kenneth L. Marcus is the author of <i>Jewish Identity and Civil Rights in America</i> (Cambridge University Press 2010). He is known for pioneering the use of Title VI of the Civil Rights Act of 1964 to protect Jewish college students.</p>
<p>INTRODUCTION BY RABBI ARON HIER (1L), DIRECTOR, CAMPUS OUTREACH, SIMON WIESENTHAL</p>	
<p>Monday, January 28 12 noon MILLER CANFIELD 225 WEST WASHINGTON STREET, CHICAGO, IL 60606</p> 	
<p>The Simon Wiesenthal Center is a global Jewish human rights organization that confronts anti-Semitism, hate and terrorism, promotes human rights and dignity, stands with Israel, defends the safety of Jews worldwide, and teaches the lessons of the Holocaust. With over 400,000 households in the U.S., it is accredited as an NGO at the U.N. and many other governmental organizations.</p>	

Kosher Slaughter of Livestock and Poultry in Illinois: Keeping the Practice Humane

by Tami Millner

In 2011, the United States Department of Agriculture (USDA) estimated livestock and poultry slaughter to be, respectively, 148 million and ~58 billion. Federal and state legislation have been enacted to ensure that slaughter is performed as compassionately and humanely as possible.

In response to animal rights group campaigns and following several failed attempts at humane slaughter legislation by Senator Hubert Humphrey (D-MN), in 1958, President Dwight D. Eisenhower signed into law The Humane Methods of Slaughter Act (HMSA). Currently, HMSA sets forth:

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) In the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) By slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

§603 (b) of the Federal Meat Inspection Act (FMIA) provides:

For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made ... an examination and inspection of the method by which ... [the animals]... are slaughtered and handled in connection with slaughter....The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any ... [of the animals]... have been slaughtered or handled in connection with slaughter ... by any method not in accordance with the [Humane Methods of Slaughter] Act...

FMIA violators are subject to criminal penalties of up to one year in prison and a \$1,000 fine. The §603(b) provision effectively suspends slaughter temporarily as uninspected meat cannot be sold; logistical constraints, however, make enforcement difficult, and thus, unfortunately, prosecution is rare.

In November, 2012, a landmark decision in United States of America ex. Re. The Humane Society of the United States v. Hallmark Meat Packing Company; Westland Meat Company, Inc. was announced. The decision resulted in final judgment of \$497 million and a \$316,802 partial settlement against two of the individual defendants. Previously joined by the Department of Justice in 2009, the Humane Society alleged that defendants, in violation of The False Claims Act, misrepresented their compliance with national school lunch contracts mandating humane treatment of animals. While the defendant company is now bankrupt, the judgment itself is more of a symbolic deterrent. Furthermore, the case marks the first government fraud case based on animal cruelty.

Approximately twenty-seven (27) states, including Illinois, have enacted humane slaughter legislation containing language similar to the federal language. Whereas the USDA interprets federal law as excluding poultry, approximately half of the state laws define "livestock" to include all animals. Section 75 of the Illinois Code defines "livestock" as: "cattle, calves, sheep, swine, horses, mules, goats, and any other animal which can or may be used in and for the preparation of meat or meat products for consumption..." 510 ILCS 75 [emphasis added]. Penalties for violations vary in severity. For example, whereas a violation in Illinois is a "petty offense," Florida imposes an administrative fine of up to \$10,000 for each violation in addition to a designation as a criminal misdemeanor.

In accordance with Jewish dietary laws proscribed by the Talmud, Kosher slaughter ("shechita") killing of the animal must be performed "with respect and compassion." The laws set forth the necessary slaughter techniques, knife characteristics, etc., all of which are designed to ensure a swift death, thereby minimizing the animals' suffering ("tza'ar ba'alei hayim"). In 2008, prominent leaders of Conservative Judaism formed the Magen Tzedek Commission. Kosher food manufacturers may apply for Magen Tzedek certification which, according to the Magen Tzedek website, "...confirms that kosher food was produced in accordance with the ethical mandates of Jewish tradition regarding fair treatment of workers, humane treatment of animals and care of the Earth."

Text of Decalogue Resolution on HB5170

WHEREAS, the Decalogue Board of Managers affirmatively declared HB5170 proposing the Religious Freedom and Marriage Fairness Act (introduced in the 97th General Assembly of the State of Illinois) to be of interest to the Society and referred HB5170 to the Decalogue Legislative Committee for review;

WHEREAS, the Decalogue Legislative Committee has now reported to the Board that:

(a) The Illinois Religious Freedom Protection and Civil Union Act (750 ILCS 75/1 et seq.), effective June 1, 2011, made it the law of the State of Illinois that parties to a Civil Union (including same-sex couples) are entitled to the same legal obligations, responsibilities, protections, and benefits as are afforded or recognized by the law of Illinois to spouses (whether they derive from statute, administrative rule, policy, common law, or any other source of civil or criminal law); however, the Illinois Religious Freedom Protection and Civil Union Act did not permit same-sex couples to be a party to a civil marriage in Illinois;

(b) On its face, the purpose of HB5170 is to now provide both “same-sex couples and different-sex couples and their children equal access to the status, benefits, protections, rights, and responsibilities of civil marriage”;

(c) On its face, HB5170 relates only to civil marriage in Illinois and does not, in any manner or to any degree, redefine the definition of “marriage” under Jewish (biblical) law or under the religious laws/prescriptions of any other religious denomination, Indian Nation or Tribe or Native Group; and

(d) On its face, HB5170 will not be implemented in any manner or to any degree to require or otherwise compel rabbis and/or ministers of any other religious denomination, Indian Nation or Tribe or Native Group to solemnize and/or otherwise compel them to give a religious wedding to people that they do not want to give a religious wedding to. Rather, HB5170 specifically states that “any religious denomination, Indian Nation or Tribe or Native Group is free to choose which marriages it will solemnize;”

WHEREAS, it is the power of the State of Illinois to establish civil statutes;

WHEREAS, all civil statutes enacted in the State of Illinois must conform to the First Amendment to the United States Constitution and Article I, Section 3 of the Illinois Constitution, guaranteeing religious liberty and promoting the strict separation of church and state; and

WHEREAS, Decalogue’s core purposes have always included participating in social action, promoting human rights, and maintaining vigilance against public and private practices which are discriminatory and oppressive;

NOW, THEREFORE, the Decalogue Board of Managers hereby resolves, by majority vote, that:

Decalogue fundamentally believes in respect for others; condemns all types of discrimination; supports any legislation that seeks to promote freedom, equality, and justice for all; and believes that HB5170, if passed (subject to the recommended changes enumerated below), would ensure that all Illinois couples and their children have equal access to the status, benefits, protections, rights, and responsibilities of civil marriage, as created pursuant to civil statute. Decalogue’s President and/or his designee may take such steps as the President, in his discretion, believes are necessary to disseminate Decalogue’s position (e.g., to Illinois legislators, bar associations, etc.) in furtherance hereof.

Further, Decalogue recommends that the Illinois Legislature take up modifications to HB5170 to review and make any necessary amendments to §212(a) of the Act (750 ILCS 5/212(a)) to avoid prohibiting now-permitted marriages through the creation of new prohibited marriages by reason of consanguinity.

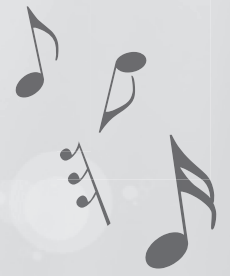
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Post-Purim Party!

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delicious gourmet
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duet from the



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alex koffman



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Hosted by:
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300 North LaSale St, Chicago Loop

program 12:00 - 2:00 pm



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RSVP Required**

info@JLICChicago.com or 312-445-0770



Calendar of Meetings & Events

Wednesday, January 16, 12:00-1:00pm

Decalogue Events Committee Meeting
39 S LaSalle, Room 410

Wednesday, January 16, 5:30-6:30pm

Decalogue Social Action Committee Meeting
39 S LaSalle, Room 410

Thursday, January 17, 12:00-1:00pm

Decalogue Executive Committee Meeting
39 S LaSalle, Room 410

Wednesday, January 23, 12:00-1:30pm

CLE - Ethics Update and Hot Topics
Speaker: Wendy Muchman, ARDC Group Manager
John Marshall Law School, 304 S State St
1.5 hours Professional Responsibility credit- reservations required
www.decaloguesociety.org

Monday, January 28, 12:00-1:30pm

CLE - Combating Campus Anti-Semitism
Speaker: Kenneth Marcus, President and General Counsel of the Louis
D. Brandeis Center for Human Rights Under Law
This event is co-sponsored with the Simon Wiesenthal Center
See page 11 for more information
1 hour CLE credit - reservations required
www.decaloguesociety.org

Wednesday, January 30, 12:00-1:30pm

Decalogue Board of Managers Meeting
29 S LaSalle, Room 530

Wednesday, February 6, 12:30-1:30pm

CLE - Income Tax Update
Speaker: Lawrence R. Krupp; Director, Kessler Orlean Silver & Co.
29 S LaSalle Room 530
1 hour CLE credit - reservations required
www.decaloguesociety.org

Thursday, February 14, 12:00-1:00pm

Decalogue Executive Committee Meeting
39 S LaSalle, Room 410

Wednesday, February 20, 12:30-1:30pm

CLE - Current Trends in Debt Collection
Speakers: Judge Patrick Sherlock & Judge James Snyder
29 S LaSalle Room 530
1 hour CLE credit - reservations required
www.decaloguesociety.org

Saturday, February 23 sunset-Sunday, February 24 sunset - PURIM

Monday, February 25, 12:00-2:00pm

**Decalogue, Jewish Judges, & Jewish Learning Institute
Post-Purim Party**
See previous page for details

Wednesday, February 27, 12:00-1:30pm

Decalogue Board of Managers Meeting
29 S LaSalle, Room 530

Wednesday, March 6, 12:30-1:30pm

CLE - Child Protection
Speaker: Judge Patricia Martin
29 S LaSalle Room 530
1 hour CLE credit - reservations required
www.decaloguesociety.org

Monday, March 11, 12:00-1:00pm

Decalogue Executive Committee Meeting
39 S LaSalle, Room 410

Wednesday, March 13, 12:30-1:30pm

CLE - History & Development of the Civil Rights Act
Speaker: Jonathan Lubin
29 S LaSalle Room 530
1 hour CLE credit - reservations required
www.decaloguesociety.org

Wednesday, March 20, 12:00-1:30pm

Decalogue Board of Managers Meeting
29 S LaSalle, Room 530

Monday, March 25 sunset-Tuesday, April 2 sunset - PESACH

Wednesday, April 10, 12:30-1:30pm

CLE: The Ethical and Malpractice Risks Faced by the Solo/Small
Firm Practitioner
Speaker: Allison Wood
Location TBA
1 hour Professional Responsibility Credit - reservations required
www.decaloguesociety.org

Wednesday, April 11, 12:00-1:00pm

Decalogue Executive Committee Meeting
39 S LaSalle, Room 410

Wednesday, April 17, 12:30-1:30pm

CLE: The Impossible Dream: Implications of DREAMers for Other
Areas of Law
Speaker: Nancy Vizer
29 S LaSalle Room 530
1 hour CLE credit - reservations required
www.decaloguesociety.org

Thursday, April 18, 12:00-1:00pm

Study in the Loop with Rabbi Vernon Kurtz
39 S LaSalle, Suite 410
RSVP to Lennie Kay, 847-432-8900

**Coming in April: CLEs and special events featuring Irit Kohn,
President of the International Association of Jewish Lawyers &
Jurists**

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