This issue of the DCBA Brief is dedicated to the DuPage County Judicial Center, to the people responsible for its construction and development over the last 20 years, and to those who have contributed to its already rich and vibrant history. The DuPage County Bar Association is proud to be a part of that history. Our thanks to Chief Judge Stephen Culliton and the men and women working with him, as well as those who came before. We look forward to the next 20 years and all of those that follow.

Our thanks as well to Bill Lauhoff and to Robert E. Potter III for their help in making this special fold-out cover possible.
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The cover photo for this edition was created by Robert E. Potter III ©2011. Our thanks as always, Rob!
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FROM THE EDITOR

The Courthouse and the Community: Celebrating The Last 20 Years

BY TED A. DONNER

W

When the DCBA Brief’s new look was first unveiled in the October, 2010 edition, and the current publication year started out, we promised a series of special issues and features that would focus on two basic themes: the pending anniversary of the DuPage Judicial Center and the Bar Association’s principal focus in the areas of importance to its members: service, education and community. To that end, over the course of this last year, we have presented five cover stories on the judges overseeing the different divisions in the courthouse, including Chancery (Judge Bonnie Wheaton), Law (Judge Hollis Webster), Domestic Relations (Judge Bob Anderson), Traffic/Misdemeanors (Judge Thomas Riggs) and Felony (Judge Kathryn Creswell). Our January, 2011 issue focused on the DCBA’s Mega Meeting (with emphasis on the importance of continuing legal education) while our May, 2011 issue emphasized pro bono work, public service and Law Day.

In this issue, our last for the 2010-11 publication year, the themes from these last ten months finally come together. The DuPage County Judicial Center is now poised to celebrate 20 years since its doors first opened in July, 1991. In celebration of that event, and with a tip of the hat to the last of the DCBA’s three missions, this issue focuses on what has been most instrumental in making these last 20 years so vital. We’ve talked about service and education. It’s time now to focus on the strong sense of community which the bench and bar in DuPage County have been so long committed to growing and maintaining.

The contributors to this issue include many who have played important roles in this community as well as some who have just now joined and who have yet to decide even what committees to get involved in. Our Articles Editor this month, Jim McCluskey, has himself been an integral part of the DCBA for many years. A past DCBA President and long-time member of the DCBA Brief’s Editorial Board, Jim worked with Judge Ken Popejoy, Chief Judge Stephen Culliton and DCBA President Steve Ruffalo, to help us organize and put together the roundtable discussions and other special features appearing in this issue.

We are grateful for that effort as we are to everyone on the Editorial Board, cover photographer Rob Potter, Jacki Hamler, Mary Anne McManus, and everyone else who contributed to this issue: Paul Brinkman, Edith Brown, Brenda Carroll, Jack Donahue, Brigid Duffield, Judge Ted Duncan, Michael Galasso, Jodi Henninger, Pat Hurley, Cindy Hutchins, Angela Imbierowicz, Justice Ann Jorgensen, John Kincaid, Maxine Weiss Kunz, John Lapinski, Joe Laraia, George Lynch, Anthony Mannina, Colleen McLaughlin, Joe Mirabella, Leslie Monahan, Bill Scott, Larry Stein, Betty Utterback, Judge Hollis Webster and Judge Bonnie Wheaton, as well as the hundreds of other lawyers and paralegals who have contributed to this magazine over the course of this last year.

If there is one group we want to make sure we’ve thanked, however, it would be those who are just now joining us, a group of lawyers who have yet to leave their mark on the community but who appear to have some very interesting ideas about the future. They are represented in this issue by six new lawyers who took us up on our challenge to participate in a new lawyer roundtable despite the fact that some of them had been sworn in just days before: Maryanna Callas, Elena Cincione, Janice Driggers, Michael Hantsch, Robert Jusino and Mariam Hafezi Qualman. Finally, to them and to everyone reading this, we want to emphasize one thing. Yes, there are often times when this community’s focus must be on service to those in need. There are times when we need to concentrate on the importance of education. Now, however, as the 2010-11 year comes to an end and the courthouse -- our courthouse – prepares to start its 21st year, it is time for this community to celebrate. Our thanks to all of you for making this such a memorable year.

Ted A. Donner is an AV-rated attorney with Donner & Company Law Offices LLC and an adjunct professor with Loyola University Chicago School of Law. He is the author of two national treatises for Thomson-West including Jury Selection: Strategy & Science and the Attorney’s Practice Guide to Negotiation. He was the Editor-in-Chief of the DCBA Brief for 2007-08 and served as Associate Editor in 2006-07 and 2009-10.
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My Friends, I’ll Say it Clear; I’ll State My Case of Which I’m Certain

BY STEVEN M. RUFFALO

This is the time of year when we close the books on another year at the DCBA. New annual budgets are hammered out and the Executive Committee is reconvened with new faces as we welcome our newest Third Vice President, Lynn Cavallo, new Assistant Counsel, Brad Pollock and a new Assistant Treasurer, Art Rummel. On the Board, we welcome our recently elected Directors, Elizabeth Pope and Michelle Moore and reseat Tim Whelan who continues on for another term as Director. All of our Committees welcome new Chairs as the President-Elect, Colleen McLaughlin takes the reigns of the Association as incoming President. New initiatives are the order of the day as the torch is passed from one President to another. For me, as with most lame duck Presidents, this is not just a time of reflection on one’s past term but hopefully a chance to gain insight into the future of the DCBA with great expectations. If we’ve spent our time wisely, the sense of anticipation over what’s to come over the next three to five years is by far a more compelling draw than to retreat somewhere in New England under the banner of some secret blood campfire during some clandestine ED meeting. While growing our membership with a new and improved DCBA Website and virtually all of our social events (which have shown tremendous asset to the DCBA. In addition to quickly learning our operation and systems, she has implemented many improvements within our operation so that the focus of the DCBA is once again fixed entirely on its members. While most folks would have had enough on their plates simply learning the ropes in their first year as ED of the DCBA, thankfully the average approach is simply not in Leslie’s DNA. As she can attest, we had a very busy agenda and no one was about to cut her any slack. To summarize, of the 1,462 “little somethings” we all asked of her, she has accomplished 1,462 of them, spot on. Never once did she trumpet the mantra so common among the EDs of many bar associations, “this assignment is not part of what an ED normally does.” Believe me, I was waiting on the mantra because from all that I had seen and heard, it is indelibly a part of all EDs -- part of some secret blood oath administered by the dim light of a campfire during some clandestine ED retreat somewhere in New England undoubtedly involving canoes and s’mores. Leslie simply refused to knuckle under and instead has gone great lengths to administer with excellence, our DCBA. I am convinced that she is intent upon making our Association the gold standard and she has earned my respect.

Looking forward, we have developed a new and improved DCBA Website while growing our membership with newly sworn in attorneys (thanks to Joe Emmerth and Raif Palmer) and more recently with the addition of the entire State’s Attorney’s Office (thanks to Bob Berlin). We have seen increasing support for many of our events including a continuous pattern of growing attendance at Committee meetings, the Mega Meeting (thanks to Dave Clark and Liz Whitney) and virtually all of our social events (which have shown increases in attendance year over year thanks to Sue Makovec who has been a true delight to work with).

In terms of our social events, something quite special has occurred over the past year. For as long as I can remember in the weeks that preceded a Bar event, there was always a push by the President to lean on his or her Board, Executive Committee and Committee Chairs to have them help buoy attendance by making phone calls, twisting arms or doing whatever it took to ensure that the upcoming event was well attended. We changed that direction over the past year by focusing more attention on our offering of events so that you as members might actually want to be a part of our events and desire attending. At no time over the past year have I ever picked up the phone or

Steven M. Ruffalo is the President of the DuPage County Bar Association. He is also a member of Fuchs & Roselli, Ltd. where he serves the litigation and pre-litigation needs of small to mid-sized family and closely held business organizations. Mr. Ruffalo graduated from the University of Illinois at Chicago in 1984. He began his professional career in the Division General Counsel’s office of the Unisys Corporation in 1988 while earning his law degree from the John Marshall School of Law and his Masters in Business Administration from Rosary College. Mr. Ruffalo also currently serves as Assistant Village Attorney for the Village of Hinsdale and as a Fellow of the American Bar Association.
leaned on anyone to solicit members’ attendance at a single one, save for my gently urging Sean McCumber to attend Spring Training, and only then because he was in sore need of same. I am pleased to report that this “supply side” method has proven to be quite the success. It has created a new energy in our staff and Bar leaders who are now busy working together as a team to plan, prepare for and host events that are new and improved, fresh and well thought out, targeted to deliver just what we promise and promote.

This change of approach has been healthy for the DCBA in that we have learned a valuable lesson: From Dickens’ idiom “familiarity breeds contempt” we discovered that if our events are tired and routinized, they might not be truly deserving of your attendance. Should you not as members have the right to vote with your feet and choose to either attend or not of your own free will; and not because you have been pressured by anyone to attend? In a Eureka moment, we realized that when we let our own market forces decide what events are truly successful, we actually learn how to adapt to our market by hosting events that keep pace with, and appeal to you. It should come as no surprise that as a DCBA member, you are our market and while many things can be said of you, static is most certainly not an adjective I would use to describe our membership.

As much as any accomplishment, the redesigned DCBA Brief has been, month after month, a continuous source of personal satisfaction. This will be the last time I say, in these pages, that the DCBA Brief has undergone a total transformation, from cover to cover. Ted Donner, Melissa Piwowar and the entire Publication Board have created, in the new DCBA Brief, a legal journal of which the DCBA is deservedly proud. In my travels over the past year, I have received serial compliments on the Brief not only from our members, but from several County Bar leaders across the nation. Undoubtedly, the driving force behind this transformation has been Ted Donner (newly crowned and reigning Lawyer of the Year) with whom I have worked very closely this past year. I have come to know Ted both as a friend and a person whose dedication to this publication borders on obsessive. Truth be told, I would not have had it any other way inasmuch as his vision for the DCBA Brief has now been realized and all I really had to do was hold the ladder and offer a little encouragement and support, while Ted and his crew (the Pub. Board) reached for the stars. The result has been a team effort where everyone involved has become a collection of selfless givers matching one another’s accomplishments; they simply refuse to let the team down.

Of equally high importance to me has been the sense of unity that has become the trademark of Judges’ Nite. For months before the actual show, the Judges’ Nite Band, Kevin Millon, Angel and Troy Traub and all of the folks comprising the cast and crew donated countless hours of time with no tangible reward in sight. They do all of this with only the hope that their offering of song, humor, creativity and talent will make you laugh and entertain you for a few hours on a cold dark Friday night in February. Through the course of their production, there are friendships formed that last a lifetime. As we all gather to take in the show, there is a palpable sense of unity in our legal community that is simply indescribable. While Kevin and Angel refuse to take credit for this — and believe me I have tried many times to give them the credit they deserve for their contributions to the DCBA — we all agree that there is something special, something soulful about this event that makes it our marquee event of the year.

While the DCBA is always evolving, in simple terms, she is and has always been somewhat of a corker. And yes, to me, the DCBA is indeed a “she” and she is one that cannot be controlled by any single person, she is an organization with a distinct personality, full of vitality, blessed with a rich history, many traditions, many responsibilities and a whole host of quirky interests that need to be carefully weighed and balanced, daily, if not hourly. Knowing much of that up front, when the year started, I felt the best way to be truly “presidential” would be to consider the entire year a team effort, one in which everyone involved would share with me the responsibility of stewardship. My pitch offered no guaranteed returns, just the chance to gain some satisfaction from being a part of something special. From day one, my “regime” as it were, was dedicated to nothing more than serving the DCBA and placing her interests above all else.

Finally, I would like to express my sincerest gratitude to my wonderful wife Lisa and our two adorable daughters for understanding why their Daddy had to miss out on some very important family time and several school events this past year. The Old Sage, Lao Tzu, offered some words to live by when he wrote:

“In dwelling, live close to the ground. In thinking, keep to the simple. In conflict, be fair and generous. In governing, don’t try to control. In work, do what you enjoy. In family life, be completely present.”

To all of you, I will close by saying that in my opinion you have done well to sow the seeds that will indeed sustain the DCBA for years to come. In so doing, you have earned my admiration and respect; I will forever be indebted to you for all that has been done, sacrificed and accomplished this past year for the DCBA. It has been an incredible honor to serve as your President and I will not soon forget the experience, as it has been truly remarkable. Please join me in welcoming Colleen McLaughlin as our next DCBA President. In Colleen, I am quite confident that we have a President who will serve the DCBA exceptionally well in the year to come. She has prepared extensively for her year and I am very excited to turn over to her a very healthy, robust and as yet, still under budget, DCBA.
Donald J. Ramsell has been named “Illinois Super Lawyer” by Chicago Magazine’s publishers since 2005. The Chicago Sun Times identified Mr. Ramsell as one of the top 5 DUI Defense Attorneys in the State of Illinois. Donald is a nationally recognized DUI defense attorney, author and lecturer on the topic of DUI defense. Recently, Don was also named one of “Illinois Leading Lawyers” in a statewide survey of his peers. Don has instructed attorneys on DUI defense in Illinois, Michigan, Texas and at Harvard. In 2007, Donald was nominated and recognized as a sustaining Member of the National College for DUI Defense.
Dear Editors:

I recently came across the email inviting attorneys to send in their thoughts on the 20th anniversary of the DuPage Judicial Center. I could not pass up the opportunity to share a few of my thoughts and my memories about this facility.

As the daughter of then acting Chief Judge Carl F.J. Henninger at the time this facility was planned and built, this project is ingrained forever in my memory as an effort to which my father was deeply committed. According to the piles of information that my Mom carefully compiled to commemorate this noteworthy chapter of my father’s professional career, the ground breaking for the Center took place on October 18, 1988. I was away at college during this time; however during the planning stages, I was home attending high school. I can recall the tireless hours that my father put in during these years to make sure that this facility became a reality rather than a pipe dream. However, most vividly, I can recall the day in late May 1991 when the facility was completed and not yet open to the public. My Dad took myself and other family members on a tour of the brand new facility. It was with a proud smile on his face he showed us the new technology based courtrooms, the large law library, and what fascinated me the most, the secret passageways from the county jail directly into the criminal courtrooms. Although I am rarely at this building, as I now practice in the transactional world of corporate finance and commercial real estate at Huck Bouma, it still gives me great joy whenever I do have the opportunity to visit this building. Thank you for the opportunity to share these memories and to hopefully help ensure that although my father is no longer with us that his memory lives on. For me, the site of this grand facility that we now all have the pleasure of enjoying, will always bring a proud smile to my face, and give me pause to remember a great man I called Dad.

Jodi L. Henninger
Attorney, Huck Bouma

Dear Editors:

The opening of the new DuPage County Judicial Office Facility July 14, 1991 was big news; but the bigger news story would unfold months later when Chief Judge Anthony Pecarelli ordered that the courthouse would close effective immediately. The brewing controversy over the ills of the JOF had finally boiled over and the courthouse was going to close until the problem was identified and addressed. While closing the facility was accomplished with the stroke of a pen, continuing the everyday business of the courts would prove to be no small task. There were imperative priorities which made no exception for a closed courthouse. Bond court had to proceed, juvenile cases could not be delayed and criminal defendants were entitled to speedy trials. Other time sensitive matters, chancery cases, probate, major civil calls and domestic relations cases all clamored for the attention of the Chief Judge, each arguing that their cases could not be set aside while the maladies of the courthouse were cured. Every available space in the county complex was commandeered and quickly transformed into
temporary courtrooms and a make-shift circuit clerk’s office. Courtroom time was divided into shifts, allowing opportunity to conduct as much of the court’s work as possible in the allotted hour. But, in spite of these extraordinary feats of scheduling, it became apparent that there was not enough time or space to accommodate all the calls – some calls would just have to be closed for the duration.

Needless to say the Arbitration call had not been penciled in for any of the available time or space. For me, closing such a high volume call was not an option; the backlog such closure would create was unacceptable. After all, one of the reasons the 18th Judicial Circuit had adopted a Mandatory Arbitration Program was to decrease the time and cost of litigation. This closure would do just the opposite.

As an attorney I had spent time in juvenile court – I remembered one, yet untapped location that could be a courtroom; the hallway outside juvenile court. At that time, juvenile court was held in the north end of the Youth Home. Leading from the building entrance to the courtroom was a long hallway flanked by church pew seating on both sides. At the end of the hall was a desk usually occupied by the juvenile court deputy who checked in prospective litigants. I asked Chief Judge Pecarrelli if he would allow the hallway to be used to hear the arbitration call. He was skeptical, but given the circumstances, he agreed and a courtroom was born.

The deputy circuit clerk and I appropriated the deputy’s desk. We put flags behind it, a judge’s name plate on the front of it and it became the judge’s bench. The first day of the hall way court opened with much confusion and little fanfare. Many struggled to find the “new courtroom” in the youth home, and when they arrived they discovered a packed hallway courtroom. The roster of juvenile court parties, and the arbitration call litigants vied for the few seats, and standing room only space in the back. The court call of returns on summons, motions, default judgment and post judgment collection proceeded as usual. We recalled a lot of cases and vacated many, many default judgments for those parties who were unable to find the youth home on their first appointed date. The call was often interrupted as the juvenile court parties exited the juvenile courtroom stepping into the space between the “bench” and the arbitration call litigants. We respectfully paused our proceedings and yielded the floor to the juvenile court deputy to allow her to call the parties for the next juvenile case. There was also the parade of oblivious states’ attorneys, public defenders, defense counsel, probation officers and DCFS workers who stepped between the “bench” and the litigants as they exited the courtroom and walked to the juvenile conference area, completely unaware that they had stepped into another “courtroom” in their hallway.

But soon court in the hallway became routine and a wonderful symbiotic relationship between juvenile court and the arbitration call was formed. It was a remarkable experience and days were never dull. In spite of a closed courthouse the business of the court kept moving forward.

As I look back on the events of that season, I appreciate once again that I have had the extraordinary opportunity to be a part of the 18th Judicial Circuit and the DuPage County Bar Association. Those days were yet another example of how the lawyers who practice here step up in our hour of need to make the civil and criminal justice system work for their clients and the public. In spite of our closed doors, access to justice was not denied. The lesson we learned is that it is not the elevated oak bench, marble walls or grand gallery that make a courtroom. It is the DuPage County lawyers who with respect for the court and the rule of law made a hall way into a courtroom. Justice Ann B. Jorgensen Presiding Judge (1991-1994) Mandatory Arbitration Program

Dear Editors:

Protecting Our Children, that is the mission of Safe Harbor: to provide a safe and tranquil environment for children who accompany their parents or guardians to the judicial center. Before Safe Harbor opened its door in October 1996, it was common to see children of all ages sitting in the courtrooms, roaming the hallways, or walking/running on the escalators in the courthouse. There was never a doubt, however, that children should not be left alone, or unattended, anywhere in the judicial center where they might suffer injury, whether physical or emotional. It became apparent to Brenda Carroll, currently...
Dear Editors:

Child Friendly Courts Foundation ("CFCF") was incorporated as an Illinois not-for-profit corporation on March 3, 1994, by Brenda Carroll, and, shortly thereafter, received its 501(c)(3) tax-exempt status from the IRS. After meetings with the county's building department, the site for the first children's room was selected, designed and constructed.

Safe Harbor opened in October 1996. Since then, still today, and we hope for a long time in the future, Laurie Bullock has served as its Executive Director. She is responsible for all of Safe Harbor's day-to-day operations. She is currently assisted by two part-time employees and a group of 10 to 14 volunteers. The CFCF Board of Directors oversees Safe Harbor and has 11 members appointed by the various users of the judicial center: Angela Imbierowicz, President; Irene F. Bahr, Vice President; Brenda M. Carroll, Secretary; James L. Reichardt, Treasurer; and Betty J. Bradshaw, Dayle Gillett, Joel A. Kagann, Elizabeth McKillip, Elizabeth Reed, and Amy Milligan. Safe Harbor moved across the hall to its current location adjacent to Café DuPage in 2003. It now consists of three areas: a reception room with bathroom and storage facility; a room for tots and toddlers (with its own smaller-scaled bathroom), and a separate room for older children. Furnishings, toys, games, computers, etc., are donated by various organizations and attorneys. Safe Harbor serves approximately 2,900 children per year.

The “Zoo Ball,” the annual black-tie optional fundraiser for Safe Harbor is held on the Friday preceding Thanksgiving at Brookfield Zoo with hors d’oeuvres at one of the zoo exhibits and dinner and dancing at the Discovery Center. Our guests ride to the exhibit on trams as they view the twinkling “holiday lights.” The Zoo Ball is the first holiday party of the season and is widely acclaimed as a terrific event. Safe Harbor will celebrate its 15th year of operation in October 2011, having "protected" approximately 35,000 children. The CFCF Board of Directors is grateful for all of the donations and support that have been received from the legal community and DuPage County officials.

Angela Imbierowicz, President
Irene F. Bahr, Vice President
Child Friendly Courts Foundation

Dear Editors:

In response to your request for anecdotes regarding the practice of law since our new courthouse opened I offer the following. While the building was shut down with "sick building syndrome", court was held at a variety of locations throughout the county. Now Appellate Judge Ann Jorgensen held eviction court in the hallway of the County Youth Home. Each day the hallway would be lined on either side with lawyers and litigants to the point of being nearly impassable. I fondly recall the great aplomb with which Judge Jorgensen would enter squeezing past all of us rabble and enter a back room to get her robe. She would then reenter the hallway and announce “As you can see by this fine robe, court is now in session.”

The Home Economics Building at the fairgrounds was divided into either four or six “courtrooms” separated by blue curtains. I recall one day when a case was called in Judge Duncan’s “room” and an attorney answered from the adjoining space “Here!” He then entered from the side by parting the curtains. Without skipping a beat, Judge Duncan said “Johnny Carson never made a better entrance.” During that same time I had a three week trial in front of Judge Teschner with Norm Lehrer, Vince DiTomasso and recently deceased Norma Guess. It took three weeks in part because we had to interrupt testimony every time a train went by or the space heater kicked on.

Finally, I happened to be talking with Judge Kilander one morning when a man was informed that there was an active warrant for his arrest while he was trying to pay a fine on another matter on the fourth floor. He apparently determined he would rather not be arrested and streaking down the escalators. As he passed Judge Kilander and me at the top of the escalator on the second floor followed by about a half a dozen deputies, Judge Kilander dead panned: “Somebody must have knocked over a donut store. I’ve never seen so many cops move so fast.”

John J. Pcolinski, Jr.
Guerard, Kalina & Butkus

Dear Editors:

I have fond memories of retired Judge Edward R. Duncan. I used to

DCBA BRIEF
appear before Judge Duncan on the second floor of the DuPage Judicial Center on various pending adoptions matters. When stepping up before him, Judge Duncan never failed to tell his “war stories” about his service to our Country during Vietnam. The tone of his stories often dictated the outcome of your appearance that day, so it was wise to pay close attention. Duncan’s cool head and long tales are forever burned in my memory of the courthouse.

Maxine Weiss Kunz
Rosenfeld Hafron Shapiro & Farmer

Dear Editors:

The ARC, the Attorney Resource Center, is my favorite place in the courthouse. I love the Attorney Resource Center... the ARC. Every day there is coffee and it’s free. Every Thursday there are donuts and they are free. More important, every day there are friends, fellowship and fun and that is free. It is the place that replaced the cafeteria at the Courthouse on Reber Street, the Cafeteria at 421, and the Cafeteria in the 505 Building.

It is the place where lawyers meet in the Courthouse to talk, share their experience, strength and hope, and mentor each other.

The ARC is the place to come for any attorney. In the ARC, located on the third floor of the 505 Building, you will find out what is happening, how judges rule, how to handle cases... cases you handle regularly and cases you may do once in your career. You will learn attorney’s personalities, who is doing what to whom and who might be a safe person for you to talk to about a legal or personal matter.

Some lawyers mistakenly think that you have to be a member of the DuPage County Bar Association to be welcome or come to the ARC. Any lawyer in the state of Illinois can come to the ARC, at any time the courthouse is open. And only lawyers can be here... no clients, no spouses. This is our safe place. That safe place we need so we can have hard conversations with safe people and fun conversations with our friends.

At the ARC I’ve gotten some of the best advice about life and the law. Lawyers, some I have known and some I have not, are willing to share their experiences in the privacy, really the sanctity of the ARC. They have made it comfortable to talk. Being a lawyer is hard work. Being a lawyer at the ARC is easier, more fun and more real. I have found acceptance, relationships and camaraderie in the ARC. I have learned things like what type of cell phone to buy, where to vacation, how a new judge is really doing in their courtroom. I have taught things like how I created a website, how I wrote my book and what one judge or another wants in a pretrial memo.

For the new lawyers or the lawyers who have never been to the ARC, come, join us. If we don’t introduce ourselves to you, (because sometimes we really are self absorbed) just stick out your hand and say “Hi, I’m Brigid”... well whoever you are. As scary as that may sound, it is a lot less scary than stepping up in front of Judge Not to Be Named and saying “Your Honor I am not prepared!”

The ARC is one of many life lines to success. You are welcome to come and go as you please. You will meet the lawyers you are going to work with and the old timers you admire. Lawyers you might otherwise never know. You are going to find help. And as one of my mentors, Joe Mirabella, told me twenty years ago, in the cafeteria of the courthouse on Reber Street, “The clients will come and go. We will practice together, laugh together and work together for a lifetime.”

Brigid Duffield
Law Offices of Brigid Duffield

Dear Editors:

It’s already 20 years since we left the clock tower courthouse in downtown Wheaton with its cramped but vital coffee shop on the third floor?

“Stop that, Joey. Stop that! You know you’re being a chauvinist.” Any lawyer from the much smaller cluster of professionals who practiced in the old courthouse would immediately be able to identify Joe (who would not flinch at being called a chauvinist). To think a lawyer could place his case on the court call so that it would be called first simply by being the first person to make such a request to the Clerk! DuPage County is a whole lot bigger and a whole lot more complicated now.

One of the most notable aspects of the new courthouse was its absence -- from daily use as a courthouse for a period of time. An arbitration hearing room, a hallway in the juvenile detention facility, and other places became substitute courtrooms. (They didn’t teach me in Civil Procedure how to advocate in a hallway with dozens of other people crowding around.) I found one of the locations to be both the most interesting and the most effective in terms of case flow progress. That location was the Home Ec building on the fairgrounds up the hill. With everyone working in a plain cinder block environment with the “bench” being a glorified church banquet table, it was hard for anyone to stray too far from his or her point or to interject very much maneuvering. I believe those cases moved the quickest.

Obviously, many of us could write way too much about our past endeavors (all of which ended in victory, of course!). No doubt there will be a centennial anniversary celebration of our “new” (Howard Johnson green-roofed) judicial facility. I believe that this pause after only 20 years is a sparkling way to take stock of ourselves.

Paul G. Brinkman
Attorney at Law

Dear Editors:

As President of the DuPage Bar in 1991, I am pleased to forward these recollections to your readers in rec-
ognition of the 20th year of the new Courthouse.

Midway through my term as President, I met my biggest challenge. As I left the Loop following my deposition that November afternoon, I flipped on WBBM News to learn that the DuPage County Judicial Office Facility was being closed due to toxic fumes. I quickly found Chief Judge Peccarelli’s home phone and when he answered, he confirmed the devastating news. He laid out for me a rough plan as to how he intended to keep the courts open in outlying venues in the coming weeks and months. I volunteered the immediate use of the lower level of the Bar Association Headquarters which was outfitted into two Chancery courtrooms by trusty Ken Mueller. The majority of the courts were arranged throughout the swine barns and cattle facilities in the DuPage County Fairgrounds. Judge Jorgensen set up her Small Claims courtroom in the Juvenile Home corridor.

This eviction came as a shock to the practicing Bar since we had just opened this $50 million, 300,000 square foot courthouse on July 15th. Thanks to the efforts of Joe Laraia, my Judicial Facilities Chair, we met with and convinced Sheriff Doria and incoming Sheriff Zaruba to permit the Bar to issue attorneys passes to the courthouse. In turn, we echoed Doria’s need for (22) more deputies in order to staff the new courthouse with our plea to the media and to the County Board. Using the standard ARDC card, we superimposed our photographs on the back side, which assured Doria that only attorneys were issued these passes.

Having been sworn into office by Judge Anne Jorgensen as President the previous June 20th, we commenced a rewarding and tumultuous year as President of the DuPage Bar. I was lucky enough to induce the legendary Max Wildman to be my keynote speaker, whose anecdotes and war stories did not disappoint. During the year, I commenced and completed two very difficult (5)-day jury trials in September and later in June of my tenure, relying upon the crack DCBF staff headed by Eddie Wollenberg to carry on. Since I could not attend the planned September membership due to an instruction conference, my First Vice-President, Jack Donahue, introduced his former Kirkland & Ellis colleague and general Counsel, Elmer Johnson, to the flock at the Drake Oakbrook on September 19th. We initiated a Bar retreat at our summer cottage, followed by an excursion boat ride on Geneva Lake. We instituted the first bench bar symposium attended by (11) of our judges on a Saturday morning.

My biggest embarrassment was when upon inviting United States Senate candidates Carol Moseley Braun and Al Hofeld to briefly address the January State of the Courthouse meeting, both candidates spoke way too long, thereby depriving the Chief Judge of his opportunity to deliver his State of the Courthouse remarks before everyone left for court.

I hosted the first Past Presidents luncheon attended by Bar Presidents going all the way back to L. Woodward. We selected Bill Bauer to receive the Past Presidents award on October 7th. I later convinced author Scott Turow to speak at the March meeting at which time he announced his efforts to commence an inquiry into the celebrated murder conviction of those two boys from Aurora. We prevailed upon Keith Roberts to be the victim in the first attorneys roast in January at the Wilton Manor to raise funds for the DuPage Legal Assistance Foundation. Such good committee chairs: In addition to Laraia, Hollis Webster was my Editorial Board Chair and Kathleen Zellner created the Appellate Law Committee. Jim Reichardt, the Ever-Ready Bunny, headed up a very active Legal Assistance Foundation which remains the Illinois model today for legal aid. I convinced Steve Culliton to come out of retirement to be my trusted general counsel. In May, we staged a Poor-Man Night, rolling back the price of dinner to $5.00 to induce new members.

Somewhere in that year I was lucky enough to assist in swearing in Bob Kilander, Bob Anderson and Hollis Webster as new circuit judges. By June 18th, I was more than ready to hand over the gavel to the stylish new President, Jack Donahue. During that year, we introduced the first Attorneys Lounge due to the generosity of Chief Judge Peccarelli, but when it fell into disuse, Judge Peccarelli took it back.

Through it all, my partner, Joe Mirabella, and my wife, Sharon, gave me their undying support for that very active tenure of 1991-1992. John B. Kincaid Mirabella Kincaid Frederick & Mirabella LLC
NEWS & EVENTS

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Photo ©2011 Melissa Piwowar
Strong Showing for Law Day Luncheon

On May 4, 2011 the DuPage County Bar association gathered at the Red Oak Room at the Cantigny Golf Course to celebrate Law Day. This annual event is a “special day of celebration by the American people in appreciation of their liberties and to provide an occasion for rededication of the ideals of equity and justice under the laws.” Each year a committee chair and vice chair are appointed to plan and coordinate the event which is designed to explore the historical and contemporary role of lawyers in defending the rights of the accused, and renew our understanding of and appreciation for the fundamental principle of the rule of law.”

This year’s chair, Elizabeth Pope, along with Vice Chair Art Rummler put together a program that included a keynote speech by Seventh Circuit Judge William J. Bauer. Roughly 120 people attended the event, a substantial increase in numbers over prior years, to join in celebrating the DuPage County Board’s decision to name the courthouse annex after Judge Bauer. DuPage County Board Chairman, Dan Cronin, spoke to the occasion and introduced Judge Bauer. Retired Judge Ted Duncan announced the creation of a committee to raise funds for a bust to be placed in front of the building in Judge Bauer’s honor.

The DCBA traditionally marks Law Day by honoring people for their contributions to the DuPage legal community. This year, Detective David Chiesa, a 16-year veteran of the DuPage County Sheriff’s office, received the Illinois State Bar Association Law Enforcement Award which is given for excellence in the field of law enforcement. Det. Chiesa was recognized for his contributions, in particular, his efforts in relation to electronic search warrants. “He has the skill and the know-how to issue search warrants based on digitally stored data — cell phone records and computer records — that give law enforcement and the prosecutorial arm the ability to have what they need quickly and efficiently,” President Steve Ruffalo said.

The DCBA presented the Liberty Bell Award to retired DCBA Executive Director Edie Wollenberg for her work with Lawyers Lending a Hand which provides a vehicle for DCBA members to give back to the community with various service projects throughout the year. The Liberty Bell award is given out annually to a non-lawyer for their contributions to the law in observance of Law Day. Previous recipients include Robert Craghead of the ISBA, Sheila Murphy-Russell of the Family Center, and Laurie Bullock of Safe Harbor.

Bullock of Safe Harbor.

The Legal Assistance Foundation Pro Bono Award went to several recipients for their work with the DuPage Bar Legal Aid Service whose mission is to furnish indigent citizens of DuPage County with the highest quality legal representation, legal education, and outreach to those most at risk in the community. Legal Aid Committee Chair, James Reichardt, presented Angela Aliota, Scott Berndtson, George Frederick, Michelle Gardner, Bradley Giglio, James Hanauer, Meagan McEwen, Chantelle Porter, Dennis Torii, David Watschke and Christa Winthers with awards for their service on pro bono cases. Also honored was Jerome Spearman with an Honorary Service Award for his efforts and technical work for the Legal Aid computer systems.
Since the announcement that the courthouse annex had been named in honor of Seventh Circuit Judge William J. Bauer, Judge Duncan has been determined to put together a committee, raise the funds, and erect a bust in Judge Bauer’s honor outside the building which now bears his name.

At the Law Day Luncheon on May 4, 2011, Judge Duncan announced that the first step in the process had been completed. A committee had been formed and the DuPage County Bar Foundation had “graciously agreed to collect the tax deductible contributions for this purpose.” Committee members listed in Judge Duncan’s letter to the audience included former County Board Chairman Robert J. Schillerstrom, former Illinois Supreme Court Justice S. Louis Rathje, Mark T. Wight and Joel G. Herter. Additional supporters now include a host of attorneys, judges and others committed to helping make Judge Duncan’s vision a reality.

The installation of a bust for Judge Bauer would establish a lasting monument in honor of the judge for whom the courthouse annex was recently named. In fact, of the three buildings within the Judicial Center complex, named in honor of Judge Bauer, Henry Hyde, and James “Pate” Philip by the DuPage County Board in late 2010, only one has been dedicated by the construction of a bust.

The Pate Philip bust was the creation of Bill Utterback, an artist known for his work with Chicago Magazine and The Second City, who passed away in 2010. The Philip bust took well over a year to fund while work on its completion was ongoing. The Bauer bust will sit across the parkway from that done for Philip.

Duncan’s committee is asking that anyone interested in making a tax deductible donation to assist in paying the artistic and construction costs associated with the project contact the DuPage County Bar Foundation or write to the DCBF- Bauer Fund, 126 South County Farm Road, Wheaton, Illinois 60187. Any funds paid in beyond what is necessary to erect the bust will be paid into a scholarship fund which has also been established with the DCBF in Judge Bauer’s honor.

DCBA Board Approves First Dues Increase in Five Years

The Board of Directors of the DCBA recently considered and approved the recommendation of the Executive Committee for a small dues increase for members for the first time in five years as part of an overall strategy to insure the continued financial strength of the association. Recent financial audits had indicated the need for increased reserves. Further, like any other institution, expenses continue to escalate. The decision adds $5 to the membership dues for members in practice for less than two years (those in practice for less than a year remain free), $10 more for those in practice two to five years, and $15 more for those practicing five years or more.

“We are very sensitive to the financial circumstances facing our members but at the same time need to make sure we take steps to insure the continued viability of the association now and in the years to come,” said DCBA President, Steve Ruffalo. “If we fail in this mission, all the good work we do, including our support for legal aid, providing excellent Minimum Continuing Legal Education credits at no additional charge to members and first class opportunities to network and enjoy a sense of community would be in jeopardy.”

DCBA Reaches 2500 Members for 2010-11

The first meeting of the new Paralegal Committee meeting on May 25, 2011 was a great success not only because over 60 people attended but because, with just a few additional members signing up at the end of the meeting, the DuPage County Bar Association’s membership hit a total of 2500 for the 2010-11 year.
The Lawyer Referral and Mediation Service provides referrals to participating attorneys and serves the community by putting people in contact with a local attorney. For more information or to join the LRS, contact the Bar Center at (630) 653-7779 or visit www.dcba.org. Please refer prospective clients to (630) 653-9109. The Lawyer Referral & Mediation Service received a total of 878 referrals (534 by telephone, 1 walk-in & 302 by Internet) for the month of April.

LRS Posts Totals For April, 2011

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Time to Lock in Estate Tax Exemptions

Tax laws will likely change in 2013

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Ruffalo Hosts 2011 President’s Ball
By Terrence Benshoof

Along with such sure signs of Spring as flowers and construction cones, the rites of Spring are never complete until the DuPage County Bar Association’s annual President’s Ball. This year’s edition, hosted by outgoing President Steven Ruffalo on May 13, 2011, featured a casino night theme at the beautiful Medinah Country Club.

Guests gathered for cocktail hour were treated to live music with Tony Ocean performing a la Frank Sinatra, and exquisite hors d’oeuvres while those in attendance mixed and mingled. The annual black tie affair honors DCBA past presidents. Among those in attendance this year were a number of DCBA past presidents, including Judge William Bauer, Glenn Gaffney, Jim McCluskey, Judge Thomas Else, Judge Neal Cerne, Richard Felice, Judge Patrick Leston, and Kevin Millon. Incoming President Colleen McLaughlin was also in attendance as were Sharon Knobbe and Pat Hurley (who will succeed McLaughlin as president in 2012 and 2013 respectively). Many members of the Judges Nite case and the DCBA Brief editorial board were also on hand as were most of the DCBA Committee Chairs, each of whom Ruffalo personally thanked during his presentation after dinner. Keeping things running smoothly were DCBA Executive Director Leslie Monahan and DCBA staff members Sue Makovec and Jacki Hamler.

As the chimes sounded for the dinner hour to begin, the assembled guests filtered into the palatial Medinah banquet room where President Steve Ruffalo welcomed everyone to dinner and introduced the past presidents and judges in attendance. Dinner was highlighted by presentations of plaques to the 2010-2011 committee chairs, and the announcement of the DCBA Lawyer of the Year, Ted Donner. Then it was time for the party to begin!

Decked out DCBA members and guests were ushered into the Medinah atrium which had been transformed into a grand casino. The room was set with blackjack tables, roulette wheels, and poker tables complete with “fun money” chips provided to each guest “high-roller.” A DJ played music while the games took on the intensity of riverboat gambling, and the party was on. The fun continued into the night, with the big winners cashing their chips into raffle tickets for prize drawings all in good fun. Finally, as midnight approached, the last of the gamblers retrieved their rides, and it was away into the night, to ponder what next year’s President’s Ball will hold.
Robert Jones Presents “Second Chance”

By Patrick B. Hurley

On May 6, 2011, in the rather sterile environs of the County Auditorium located in the 421 North County Farm Road building (best known to most of us for housing the Wheaton Field Court), some 220 of us gathered. We had the privilege of listening to longtime DCBA member Robert E. Jones deliver a speech entitled “Second Chance.” Bob, as many of our members know, was diagnosed with Stage IV lung cancer in November 2010.

With his wife Lynn and son Jay in attendance, as well as countless friends and colleagues, Bob recounted his early days as a struggling west suburban practitioner. He shared amusing anecdotes regarding the old courthouse on Reber Street and spoke of his significant DCBA involvement dating all the way back to 1974. Most assuredly, Bob expressed how privileged he feels to have been given the chance to practice law in DuPage County for some 37 years.

Like most men in their early 60s, Bob had been counting down the days until his retirement, which had been planned to begin at the end of 2012. He told those in attendance of his desire to pursue a second, part-time career as a history teacher, his hopes of learning to play the piano, and his plans to travel extensively. Like most of us, Bob hoped to enjoy his “golden years.” All of this changed on November 4, 2010 when he received the devastating news.

Bob shared the trials and travails of his many doctors’ visits, CT scans, MRIs and radiation sessions, all while trying to come to grips with the reality of his diagnosis and its immeasurable impact on his family. A man of enduring faith, Bob told us that many of his family and friends – and even strangers – had been praying for his recovery, although his sole prayer was that he be allowed to experience a peaceful and calm death. Amazingly (some might say miraculously) on November 30, Bob received more news, of the good variety. It had been determined that he possesses a rare mutant gene receptor, making him eligible for a targeted drug therapy that would not only enable him to avoid chemotherapy but might allow him to live longer and more comfortably. Currently, while he has experienced some side effects of this therapy, he is grateful to be essentially pain-free.

The audience was treated to the words of someone who, facing a terminal illness, spoke of his gratitude for every day of life. And he did so in a way that brought much laughter, and many tears as well. While it would be all too easy, and completely understandable to respond to such a diagnosis with anger, bitterness and depression, Bob’s candid and inspirational words reminded us that we have a choice in this regard. We may not have forever, we may not have the years we expect, but we have today. I, for one, forget that fact all too often. Thank you for the reminder, Bob.
THE DUPAGE COUNTY JUDICIAL CENTER CELEBRATES 20 YEARS

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Roundtable Discussions Show Common Ground
Shared by Young and Senior Lawyers in DuPage

BY JAMES F. MCCLUSKEY

It is my pleasure to be the articles editor for the July issue of the Brief, commemorating the 20th Anniversary of the DuPage County Court House. This is a special issue of the magazine, and we therefore do not have our usual assortment of legal articles. Instead, we have an illustrated time line of the courthouse history, written by Acting Chief Judge Ken Popejoy and Courthouse Administrator, John Lapinski. We have an interview with Chief Judge Stephen Cullition and a great many short articles from judges and attorneys about their memories of the courthouse over the last 20 years. The contributors to this section include Justice Ann Jorgensen, Paul Brinkman, Brigid Duffield, Jodi Henninger, and John Kincaid, among others. You will also read about a recent roundtable discussion among two distinct groups: the senior lawyers and the young lawyers of DuPage County. As you will see, the most important thread that ties them together is that they are honorable professionals practicing in our DuPage County Bar Association.

In 1961, John Fitzgerald Kennedy was the President of the United States, DuPage County had four judges, and the DCBA had 150 members. The population of DuPage County was a little over 200,000. Today, it boasts a population of nearly one million. Today, approximately 3,500 lawyers are listed with the Attorney Registration and Disciplinary Commission as residing in DuPage County.

Among the recent senior roundtable panelists, Mike Galasso and Tony Mannina were admitted in 1961; John Kincaid and Joe Mirabella were admitted to the bar in 1963 and 1964, respectively. When George Lynch and Joe Laraia were admitted in 1962, Judge Bonnie Wheaton was in high school, and Judge Ken Popejoy and Bill Scott were in grammar school. All the senior roundtable panelists have withstood the test of time. They consider themselves professional officers of the court, and, most of all, are proud to be attorneys.

The theme of the senior roundtable panelists’ discussion -- and the secret of their success -- is that hard work, honesty, camaraderie, civility and the love of this great profession are of paramount importance. Why are all of these people still working after all of these years? While Laraia quipped, “I don’t have anything else to do. I have a good marriage; why wreck it by staying at home?” it was apparent that they still enjoy what they do. Lynch stated, “You’ve got to have pride in what you do, you have to enjoy what you do. If you don’t like being a lawyer, become a dentist.”

The younger roundtable panelists’ comments were strikingly similar to the comments from the senior lawyers. The young lawyers, saddled with debt, have paid a high price for their educations. Yet, as Maryanna Callas aptly put it, “It’s a very well respected profession. As a theme, I think it’s more respectable to be an attorney. Your community, your family, your friends, they think differently about you. They think of you in a better light. The whole process is tough -- law school and having to face all the student loans that you have to pay. It’s a commitment. It’s an investment. When I started law school, I was deathly afraid but I just took the challenge and kept moving forward.”

Ms. Callas summed up what a young lawyer’s life is all about. Not surprisingly, it is very similar to what Galasso, Mannina and company experienced 50 years ago. I am proud to know each and every one of the senior lawyers and look forward to getting to know the young lawyers. Lastly, I would like to thank Brief Editor Ted Donner, along with Melissa Piwowar, his Assistant Editor, for all of their hard and effective work this year. Kudos to them and the entire Publication Board staff, especially Jacki Hamler and Mary Anne McManus. Have a great summer.

James F. McCluskey, a principal of Momkus McCluskey LLC, handles a wide range of litigation. His areas of expertise incorporate 30 years of experience in contract, shareholder disputes, real estate, partnership dissolution, and professional liability litigation. He is the 18th Circuit’s Governor of the Illinois State Bar Association and Past President of the DCBA. He received his B.S. in Accounting from Elmhurst College in 1976, his J.D. from Northern Illinois University in 1979 and his LLM (Taxation) from The John Marshall Law School in 1988.
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Editor's Note: The material appearing in these next 12 pages is largely drawn from two articles which first appeared in the September, 1999 edition of this magazine, “History of the Chief Judges of the Eighteenth Judicial Circuit” by Judge Ken Popejoy (who also edited that issue of the DCBA Brief) and “History of DuPage County’s Courthouses” by John Lapinski, the Courthouse Administrator. In order to include the historical photographs that accompany this piece, and because the focus of this issue is the current courthouse, we have excluded text from the original articles which involved the history of the prior courthouse as well as that about the chief judges prior to Judge Carl Henninger (who focused much of his tenure on the building of the new courthouse). We are also grateful to the authors who updated their respective stories to include details about what has happened since 1999, as well as two contributing authors, Jack Donahue, who wrote the story on Judge Jorgensen, Judge Hollis Webster, who penned the article on Judge Kilander, and Judge Culliton, who sat for the interview which appears at the end of this piece. The text from Judge Popejoy’s history of Chief Judges appears below the timeline in the pages that follow. John Lapinski’s history of the courthouse appears above.

FROM JUDGE POPEJOY’S ORIGINAL ARTICLE:
No retrospective look of the 18th Judicial Circuit, nor any present day assessment of the state of our Circuit would be complete without a look back at the judicial leadership for this Circuit... a look back at those individuals who have attained the honor of being Chief Judge of the 18th Judicial Circuit. The Chief Judgeship is a position of extreme distinction, but
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more importantly, overwhelming respect. Each chief judge is elected by the circuit judges from among the circuit court judges. I dont believe the voting populous of the County of DuPage have any idea that the Chief Judge is elected. Yet, the Chief Judge is the figurehead for our Circuit. Whether it be political or community functions, matters affecting the judiciary, litigation matters within the county, negotiations with the County Board or other entities having direct or indirect involvement with our Circuit, it is the Chief Judge, who is our leader and representative.

The Chief Judge has many duties, obligations, and activities to oversee. He is separated from the courtroom activities of a judge. The remaining judges are fortunate to have an individual involved in those administrative duties. Presently, a court administrator and other staff assist the Chief Judge. Yet it was not always that way. The growth of this county and of the judiciary has been astounding. In 1957, three judges had increased to seven and there were fourteen associate judges on the bench. Today there are 15 circuit court judges and 26 associate judges. It is the leadership of the 18th Judicial Circuit that has shaped the reputation and quality of the judiciary since that 1957 statutory provision. Those individuals who have served as Chief Judge have left their unique and distinct mark on our Circuit. Each of those Chief Judges have distinguished themselves. This article will make a humble attempt to convey the personality of each as well as the impact they made upon our circuit.

FROM JOHN LAPINSKI’S ORIGINAL ARTICLE: The county courthouse is an American tradition that serves many roles: center of government, seat of justice and symbol of our representative democracy. Over the past century and a half, DuPage County has shared in this tradition, taking great pride in its courthouses as well as the system of justice housed within their walls.

**Judge Kenneth L. Popejoy is a Circuit Judge in the Law Division who serves as Acting Chief Judge. He graduated from Chicago-Kent College of Law in January of 1977, after having graduating from Michigan State University in 1973. He was an All-American and a premier “miler” at Michigan State. He was the indoor NCAA champion in 1972, and he took the Big Ten Championships in both 1972 and 1973. In 1976, he was a qualifier at the Olympic trials in Eugene, Oregon. At that time, he was ranked ninth overall in the world in the mile.**

John Lapinski is a graduate of Elmhurst College and IIT/Chicago-Kent College of Law. He serves as the Trial Court Administrator for the 18th Judicial Circuit. John served as Chair of the DCBA Court Facilities and Library Committee from 1997-1998.

*** In the aftermath of the Great Chicago Fire, DuPage County experienced a tremendous growth in population and the Wheaton courthouse started to become crowded. This situation prompted the County Board of Supervisors to appoint a building committee to explore the feasibility of a new courthouse.

In the spring of 1896, the committee traveled throughout the state visiting various county courthouses. The committee members were so impressed by the new Mercer County facility that they recommended that the entire County Board come to the City of Aledo to view the building. After a careful inspection, the Board agreed with the committee's recommendation and plans were made to construct a similar building on the site of the old Wheaton courthouse.

In July of 1896, architect M. E. Bell finalized plans for the new courthouse to be constructed of red granite, brick and terra cotta. The building was crowned with a clock tower some seven stories above the street, making it the tallest building in the county. The plans called for the first floor to be occupied by officers of the County Board of Supervisors, County Surveyor, Master in Chancery and vaults for the county records. The second floor contained a courtroom, private chambers for the county's two judges, as well as offices for the Clerk of the Court and State's Attorney. The third floor also contained a courtroom along with the law library, grand jury room and bailiff's room.

*** Between 1960 and 1980 the population of DuPage County doubled to 642,800 people and its importance as a residential and commercial center also increased as many businesses and corporate offices located here. During that same period the number of annual case filings tripled, making the 18th Judicial Circuit the second largest court system in Illinois. This unprecedented growth soon had the old courthouse bulging at the seams, and it became necessary to seek new facilities for the expanding county departments. The County Board approved a plan to construct a new county office complex to accommodate the non-court operations on County Farm Road....
By the 90th anniversary of the courthouse on Reber Street, in Wheaton in 1986, it became apparent that the old court facility would no longer be adequate to handle the needs of the second largest court system in Illinois. The Judges of the 18th Judicial Circuit, under the leadership of Chief Judge Carl F. J. Henninger, began to work together with the DuPage County Board on a plan for a new 300,000 square foot Judicial Office Facility (JOF). The new courthouse would be located at the DuPage County Complex on County Farm Road to be built at a cost of $52.5 million.

HONORABLE CARL F. J. HENNINGER
CHIEF JUDGE 1984-88

Judge Carl Henninger began his legal career as an Assistant DuPage County State’s Attorney and “moonlighted” in the practice of law with “Doc” Hopf, a fellow prosecutor. In 1964, he joined Hartman Stime and Roy Peregrine as partner in the law firm of Peregrine, Stime and Henninger. Judge Henninger continued within that firm until 1975 when he was appointed associate circuit court judge.

Upon Judge Henninger’s election to the position of Chief Judge in 1984, he was in the forefront for the planning and design of the DuPage County Courthouse which as Roy Peregrine summarizes, “now stands as a monument to his hard work and perseverance.” A review of the annual for 1984 through 1988 show the tireless efforts and campaigning that Judge Henninger engaged in to provide the present day courthouse facility. As Judge Henninger noted, “Between 1970 and 1980 the circuit’s population increased by 171,000, the largest

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On November 2, 1990, Chief Judge Anthony M. Peccarelli officially dedicated the new DuPage County Judicial Center with occupancy set for July 15, 1991. However, shortly after its official opening, users of the new Judicial Office Facility began experiencing various symptoms associated with "sick building syndrome". This situation prompted a closing of the building until an evaluation and renovations could be performed. After being closed for nearly a year, the Judicial Office Facility was reopened.

HONORABLE ANTHONY M. PECCARELLI
CHIEF JUDGE 1989-92

Judge Anthony Peccarelli arrived in a roundabout way to the practice of law in DuPage County. As related by his former law partner and good friend, Junie L. Sinson, "Tony was raised on the east coast and went straight from his hometown in New Jersey to the United States Marine Corp. His initial venture to the midwest was when he enrolled in Beloit College and stood out as a 'hard nosed' guard who gave offensive linemen trouble when they tried to move him out of his defensive area." He later gravitated to the campus radio station where he performed nightly as a disc jockey. Following a short career in business with the Gulf Oil Company he entered law school at night and after graduation interrupted his law career by earning a slot as a delegate to the Illinois Constitutional Convention. He had a continuing interest in law enforcement and on three occasions served with distinction in the DuPage County State's Attorney's Office where he served as prosecutor, first assistant and State's Attorney. He was also one of the first judges of our circuit to earn his Master in Judicial Studies degree from the University of Nevada/Reno. Junie Sinson

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HONORABLE MICHAEL R. GALASSO
CHIEF JUDGE 1995-99

As related by Jack Donahue, “Mike Galasso was raised in a tough neighborhood on the northwest side of Chicago. His family moved to Villa Park where he transferred to York High School. Our now respected jurist, under the nom de plume Mademoiselle Felicity, wrote an advice-to-the-lovelorn column for the high school newspaper! Mike attended St. Procopius College and later Elmhurst College. His business law professor at Elmhurst, the now Federal Court of Appeals Judge William Bauer, recognized Mike’s great qualities and assisted his entrance to Chicago-Kent College of Law. He first practiced in Chicago and in 1973 moved his office to Villa Park handling divorce, criminal and personal injury cases.”

Some may recall Mike Galasso from his extensive involvement within the DuPage County Bar Association.

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HONORABLE THOMAS E. CALLUM
CHIEF JUDGE 1999-2001

Judge Callum first came to DuPage County as the new Deputy Chief of the Criminal Division of the DuPage County State's Attorney's Office. Approximately two years thereafter he joined Stephen Deitsch and Robert Anderson in the law firm of Callum, Anderson and Deitsch where they practiced together for six years. As Judge Bob Anderson stated, “Steve and I always knew that Tom wanted to be a judge. He made no secret of that.” Bob went on to state, “I have come to know Tom very well. I tried to think of all the bad things to say and even consulted with Steve Deitsch to come up with bad things to say. Between us we really could not come up with anything bad to say about Tom!”

Judge Callum was the Chief Judge in early 2000, when the County Board approved building the new annex facility. The new courthouse was already proving too small for the growth in DuPage County just ten years after it was built.
On April 27, 2004, a two and a half story 218,000 square foot structure was dedicated. The JOF Annex building exterior was constructed of brick and stone to match the existing Judicial Office Facility. The new JOF Annex, also included a twenty-two thousand square foot unfinished partial 3rd floor in the center of the building for future long-term expansion. Space vacated by the State’s Attorney, Public Defender and Probation Department in the Judicial Office Facility allowed two jury courtrooms to be constructed on the fourth floor, a courtroom on the first floor, as well as expansion of the Circuit Clerk and Jury Commission offices. In addition, space became available for additional courtrooms as needed. In the meantime, the County entered into leases with the DuPage County Bar Association for creation of the Attorney Resource Center as well as offices for Legal Aid, Family Shelter, Psychological Services, Safe Harbor and Court Appointed Special Advocates (CASA).

The contract for building the Annex was awarded to Walsh Construction Company in the amount of $22,520,003 and construction began in February, 2002.

HONORABLE ROBERT K. KILANDER
CHIEF JUDGE 2001-05
by Judge Hollis Webster

“By what authority?” Judge Robert K. Kilander queried before taking any action, either while serving on the bench or as Chief Judge from 2001-2005. He was always mindful of the limitations the law placed upon his judicial authority and fully understood the responsibility he held in preserving the public’s trust of the judiciary. Judge Kilander brought to the bench a keen intellect, a compassionate sense of practicality, and an energetic professional idealism. His analytic “White Papers”, setting forth the problem, the relevant authorities, and proposed solutions are quintessential Kilander. Judge Kilander was raised in Hinsdale and received his law degree from DePaul University in 1970. He and Margot, his wife of more than 40 years, raised their two boys in the Hinsdale area. After almost 40 years as a lawyer and judge, Kilander retired in 2009 and built his dream house with his wife on the shores of Lake Michigan in Saugatuck. Practicing as a lawyer first in a private firm and then as an Assistant State’s Attorney in DuPage County, Kilander experienced a broad range of

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Justice Ann Jorgensen’s term as chief judge was December, 2005 until July, 2008 when she was appointed to the appellate court. She had some memorable accomplishments prior to her ascendancy to chief. She served as president of the Illinois Judges’ Association in 2003 and came into conflict with political powerhouses over the issue of judicial raises. This culminated with the filing of the lawsuit, Jorgensen v. Blagojevich. Needless to say, the raises were implemented. Additionally, she had instituted the highly acclaimed program known as “drug court” in the criminal division. With great cooperation with then States’ Attorney, Joe Birkett and his deputy chief, Mike Wolfe, this innovative program diverted non-violent addicts out of the criminal justice system’s normal routing program (i.e., prison) to addiction counseling and treatment. Many of the successful participants avoided going to jail or having felony convictions. When Ann Jorgensen was appointed Chief Judge, she consolidated drug court with MICAP (mental health court), recognizing the relationship of self-medicating drug addictions with mental health problems. Her most dreadful time as chief

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On October 12, 2010, DuPage County Board Chairman Robert Schillerstrom announced that the County Board had passed a resolution renaming the JOF, the Henry J. Hyde Judicial Office Facility. Congressman Hyde, was a graduate of Loyola University Chicago School of Law and a member of the DuPage County Bar Association, represented parts of DuPage County in the House of Representatives from 1975 until just prior to his death in 2007 at age 83. Representative Hyde had served as Chairman of the House Judiciary Committee from 1995 to 2001 and had lobbied many years for the construction of a federal courthouse to be located on the DuPage County Campus. The County Board also voted to name the forensic center after James “Pate” Philip.

HONORABLE STEPHEN J. CULLITON 
CHIEF JUDGE 2008-PRESENT

by Ted A. Donner

Current Chief Judge Stephen Culliton started his term a few months early, in September, 2008, when Justice Ann Jorgensen was sworn in as an Appellate Court Justice in the Second Appellate District. In his interview for the DCBA Brief at the time, we reported that, “The biography for Judge Culliton in Sullivan’s Law Directory will tell you that he has been practicing law since 1970, that he was appointed as an Associate Judge in 1998, and that he served as President of the DuPage County Bar Association in 1980-81. It will tell you that he was born on Valentine’s Day in 1943, that he and his wife, Ellen Champagne Culliton have eight children and 21 grandchildren, and that prior to working in the law, he worked as an accountant for Union Tank Car Company and as a senior financial analyst for U.S. Gypsum. He graduated from St. Joseph’s High School in South Bend, Indiana, completed his undergraduate studies at Notre Dame, and graduated from John Marshall Law School in 1970. What you won’t learn from Sullivan’s, however, is that while he was at Notre Dame, Judge Culliton spent a few years behind a camera, filming games for live broadcast on a local television station.”
On November 9, 2010, the County Board passed a second resolution to recognize one of DuPage County’s most distinguished and respected jurists by naming the Judicial Office Annex in honor of Judge William J. Bauer. Among Judge Bauer’s many accomplishments, he has served as President of the DuPage County Bar Association, State’s Attorney of DuPage County, Circuit Judge for the 18th Judicial Circuit and U.S. Attorney for the Northern District of Illinois. In 1975, President Gerald Ford appointed him to serve as a judge on the U.S. Court of Appeals for the Seventh Circuit where he continues to serve as a Senior Judge.

Since that first interview with Judge Culliton, a lot has happened. So now, as he works to finish his last year as Chief Judge and the courthouse he presides over is poised to celebrate its 20th Anniversary, we wanted to sit down with him one last time to talk about what he’s seen and what he expects we will all see in the years ahead.

Judge Culliton’s first concern, however, was in making sure he thanked those with whom he has worked all these years. He wrote to tell us he is “grateful to the DuPage County Bar Association for the opportunity to use this issue of the DCBA Brief to extend my sincerest thanks to all who have assisted me throughout my term. These include the DuPage County Bar Association, its leaders and membership, the acting chief judge and the presiding judges, all the judges of this circuit who continue to strive to provide the public whom they serve with a hard working, independent judiciary, and all the staff of the various offices reporting to the Office of the Chief Judge.”

Such thoughts proved to have been borne of more than just the courthouse anniversary, it turned out, as Judge Culliton explained, as he plans to retire when his term ends on December 1, 2011. “I’m no longer Chief Judge as of that date,” he said. “I was appointed by the Supreme Court and my current term ends December 1 and I don’t believe I’m going to go beyond that. I don’t want to be presumptuous enough to think that I could if I asked to be recalled, but I’m not going to ask to be recalled. So when my term runs out, my time as a judge also runs out. I’m planning on retiring at the end of this year.”

“All of these things come to an end,” he continued. “You have a roundtable discussion in this magazine with people who’ve been lawyers for 40 plus years. I’ve been a lawyer for 40 plus years. There comes a time, I suppose, when you should look at something else.”

“One of the functions of an attorney,” he said, “as I understood it to be very early on was ‘I will take upon me your worries, your concerns, your problems.’ That’s what a lawyers does. If you come to me with no worries or no problems what do you need me for? There’s something not going right or something that you want to keep from going wrong, that may be imminent, that you say now ‘well, we’re supposed to worry about that.’ I don’t mean worry, because that’s a bad word. We’re supposed to examine your alternatives, and apply the law to this situation and make some kind of prediction as to the course that you should

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absolute gain reported for any county outside the sun belt. Between 1970 and 1980 while
the population expanded by 35%, employment within the county grew 144% truly mak-
ing this circuit one of rapidly expanding economic opportu-
fty. During these growth years, the increased number of
cases filed in the circuit court had also grown in geometric proportion.”

The 1970 case filing stood at close to 71,000. In 1984 over 185,000 cases were submitted to
our court for adjudication. Judge Henninger summarized suc-
cinctly when he said, “What is needed is a unified court system
located in a new building to be built at the DuPage County
Complex on County Farm Road.” *** It was Judge Henninger’s
opinion that the new courthouse would “allow us to improve
the efficient operation of the courts and the adjunct offices by
the greater use of technology. In order to make the transition
as smooth as possible, it is my plan over the next three years
to begin installing in the ‘old’ courthouse and within our cur-
rent system, technological advances and data processing equip-
ment.” In a final prophetic statement during 1986, Judge Hen-
ninger stated, “Eventually the day will come when we will be
exploring other areas of filing computer generated pleadings,
discovery, and briefs from computer terminals outside to ter-
minals inside the courthouse. I believe nothing should deter
us from going forward in these areas and using technology to
improve efficiency in the administration of the courts. An ef-
cient and well administered court system works to the benefit
of all and especially the public we serve.”

Chief Judge Henninger began the 1988 annual report of the
circuit judges of the 18th Judicial Circuit with the excitement
of a young child on Christmas morning. “Lights! Camera! Ac-
tion! The excitement level was high on the chilly fall day. The
onlookers huddled together under the tent anxiously awaiting
the big moment. The script was set, the lights in place and
the cast was ready. And then, the scene opened... the cameras
flushed... and the silver shovels dug in... and the first clumps of
fresh dirt were tossed aside... with a sigh of relief and a smile
on our faces we broke ground on October 18, 1988 for our
new courthouse and construction began in full force. With the
vision of our new courthouse now clearly etched in our minds,
we have turned our sights and plans for the scheduled comple-
tion date in the spring of 1991.”

Judge Henninger died on March 14, 1999. Many who had
the privilege of practicing with and in front of Judge Henninger
would agree with Roy Peregrine’s summation: “Everyone
who was touched by Carl Henninger’s life is richer for it.” □
lion dollar DuPage County Judicial Center, there were several brief episodes of discomfort by some of the approximate 700 employees of the Judicial Center. On September 28, 1992 the Circuit Clerk, Sheriff, State’s Attorney and all personnel of the 18th Judicial Circuit vacated the building and relocated to temporary quarters in several different buildings. There were, in fact temporary quarters in six separate locations with limited facilities in September of 1992”. It was through the thoughtful and hard working efforts of the Chief Judge’s Office as well as all courthouse personnel that our Circuit continued to function in an effective manner during that difficult time. Many attorneys remember walking onto the cement floors of the DuPage County Fair Grounds and appearing before judges whose bench was a fold out table with sheets draped over the front of it and whose courtroom consisted of curtained partitions 3 or 4 in number within one large room. It was amazing then, and it is amazing even more now, how effectively the judiciary functioned and performed their duties in such trying circumstances.

CHIEF JUDGE KOWAL CONTINUED FROM PAGE 28

in meeting rooms at the Administration Building; hallways in the Youth Home and Sheriff’s Department; areas were designated at the DuPage County Fair Grounds and space provided for the grand jury, the State’s Attorney’s staff and the Public Defender’s Office, at or near the old courthouse.” Judge Kowal commended Joel Kagann and the entire Circuit Court Clerk’s Office by recalling “I can still visualize the constant parade of clerks, through and in all sorts of weather, going to and from the new courthouse to all of the temporary locations. During all these changes, there may have been delays but there were not reports of missing court files! All the courts remained in session.” The 1994 report reflected that the year was indeed a remarkable one in that it was the first year since 1990 that the court facilities did not have to be moved in whole or in part.

CHIEF JUDGE GALASSO CONTINUED FROM PAGE 28

He was co-chairman of the Continuing Legal Education Committee in the 1979-1980 fiscal year. As Jack Donahue relates, “One of his little known accomplishments was his work with legal aid. Today the DuPage Bar is nationally recognized as an association at the forefront of legal assistance to the poor. Those of us who were active in the Bar Association in the 70’s and 80’s realize that if it were not for the tireless efforts of Mike Galasso, our legal aid program would not be what it is today.” Notwithstanding a lucrative law practice, Mike Galasso sought an appointment as associate judge and was honored with that in 1984. Jack Donahue states, “He sought the appointment to make a difference from within and he immediately did. Not surprisingly he received accolades for his judicial temperament, integrity and wisdom. Based on a wealth of experience in family law he was placed in the Domestic Relations Division. When selected as a circuit judge in January of 1988, instead of opting for Law or Chancery he remained as the Presiding Judge of the Domestic Relations Division. Why? Because he knew he could make a difference... and he did.” Judge Galasso was instrumental in 1986 in establishing the Care, Coping and Children Program, a conciliatory service involving psychological testing in custody and visitation issues. In 1992 Mike became Presiding Judge of the Civil Division and in 1995 his fellow circuits elected him Chief Judge. He held that position until 1999 when he was appointed to the 2nd District Appellate Bench.

In a review of the last two annual reports prepared by this circuit in 1995 and 1996 Chief Judge Galasso’s contributions are obvious. As he noted, “We have, through the tireless efforts of Irene Bahr and Angela Imbierowicz, opened our Safe Harbor Room. A place for children to visit and be watched while their parents are going through the stress of our court system. Furthermore, 1996 saw the start of a new era for our Mandatory Arbitration Program. DuPage County was selected by the Illinois Supreme Court to implement a pilot program. Five counties made the request and only DuPage County was selected. Under the new procedures, the limits for cases that will be sent to arbitration are those cases that have a minimum claim of $5,000 and a maximum of $50,000. In addition, we have developed a Boy Scout Juvenile Diversion Program.”

During Judge Galasso’s term, there was a refining and adoption of local rules creating Court Annexed Mediation Programs relieving the work load of the Law and Domestic Relations Divisions. Judge Galasso also adopted the DuPage County Family Court Pilot Program in January, 1998 also the first of its kind in Illinois. It was developed for families who have cases in the Divorce, Domestic Violence and Juvenile Division and puts all their cases in one courtroom, in front of one judge, in order to help the entire family unit.
Civil and criminal trial work. Then State’s Attorney James Ryan recognized Kilander’s administrative talent and appointed him First Assistant State’s Attorney. In 1991, Kilander was appointed by the Illinois Supreme Court to be a Circuit Judge. He was elected by the public to that position in 1992 and retained in 1998 and 2004.

For ten years, Kilander served in the Law Division, where he presided over and concluded thousands of cases, including numerous jury trials. He served as Supervising Judge of both the Mandatory Arbitration and the Court Ordered Mediation Program. He was appointed Presiding Judge of the Law Division in 1995, where he served until he was elected Chief Judge in 2001. Upon completion of his term as Chief in 2005, Kilander happily returned to the Law Division, where he remained until his retirement.

During his tenure as Chief Judge, Kilander presided over the installation of the Attorney’s Resource Center (ARC) in the Courthouse, the remodeling of the Jury Lounge and the inauguration of “Lois On Line” – a newsletter for all staff in the building, which has continued in its new format as the “M & M Reports”. He handled the first revision of the Probation Office’s union contract, providing instructions to the bargaining team and confirming the ability of the Chief Judge’s Office to manage that important branch.

Judge Kilander was a firm believer that everything that happened in a courtroom should be on the record. “Without the opportunity of review by a higher court, justice cannot be effectively done,” he commented. To that end, Kilander was involved in the statewide efforts to coordinate the implementation of computerized court reporting/recording systems. He participated in the selection of the CourtSmart system currently in operation in DuPage County. With deteriorating funding, the availability of court reporters in every courtroom became impossible. Kilander’s efforts preserved the record, through CourtSmart, in every courtroom in the Courthouse.

Judge Kilander assisted in drafting the “Chief Judges’ Manual” as Vice Chair of the Council of Chief Judges for the State of Illinois. This book provides the first resource for Chiefs to rely upon when they ask themselves: “By what authority?” before making some important decision that affects their judges, lawyers, courthouse personnel or the public. His legacy also includes his materials and lectures for many legal and judicial seminars and assistance in the development of our Mental Health Court.

Judge Kilander was first and foremost a trial judge. He loved the intellectual challenges, the lawyers arguments, the jury process, and doing his best to “get it right.” He believes that “there is a right answer to every legal problem, and it is up to the lawyers and the Court to find it.” In reflecting on his judicial tenure, Kilander noted with a chuckle that he “found joy in his work every day in the courtroom and perhaps on a monthly basis in the Chief Judge’s Office.”

Chief Judge Jorgensen
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Judge Kilander
Continued from Page 30
You spend 35 years listening to other peoples problems, as a lawyer you're not doing it like a psychiatrist, who gives a little advice and then the client comes back and you listen again. As lawyers, we've got to give the client a result. I think that wears on people who take it seriously. That's what the job is about no matter how you cut it, that's what it comes down to. When you're preparing for a trial and somebody is charged with a murder or a personal injury case where there's millions of dollars in damages, there's a lot at stake. To do it right and to prepare as you must prepare and to keep track of all of the changes in the law is a tremendous burden. Add to that you've got to run a business, you've got to worry about getting paid and collectibles and staff.”

As he talked about how the law had changed in the years he's practiced and what he saw for the courthouse in its future, Judge Culliton seemed particularly proud of the role DuPage County has played in modernizing the court systems in Illinois. “One of the most obvious areas that is in flux now and will be developing,” he said, “is technology. DuPage County, the 18th Judicial Circuit, has really been in the forefront of the use of technology. We have e-Pleas, which let people enter a plea of guilty on certain traffic matters from their computers at home and pay the fine and request supervision and be advised as to what's happening, all electronically. There's e-Filing, which allows you to file any document that you could have filed in the courthouse from the computer in your own office. We have four or five courtrooms with pilot e-Signature programs.”

“There isn’t a circuit or a county in the state that's anywhere near us,” Judge Culliton continued. “Now there is a general initiative to bring the state into the era of e-Business planning. So what we are trying to make sure of is that the plans we already have in place, which are all functioning now, aren't disrupted by a state plan. What is going to change more in the future, I think, is that, as advanced as we are now, it won't be long before we have a virtually paperless system. Just today, DuPage County and Ogle County were approved for an e-File program where the record on appeal will be transmitted electronically. That is invaluable to the court.”

Still, he concluded, “I think it’s important to think about those things that never change, and that is the when a Judge takes the bench, there are some things the attorneys should be able to count on. DuPage County has a reputation, and I believe, that our judges each try to treat every litigant and every case with respect and that should never change. Those are things that over 30 or 40 years should still be the same as they were and should be the same 30 or 40 years from now. I know, I hear from time to time that lawyers from Cook County will say there's a ‘home court advantage’ for local lawyers here or in other counties, or a lawyer from Lake County will be worried about a home court advantage in Will County. Whether there ever was a “home court advantage” as people used to say, I don't know. Maybe many years ago when we had five or six judges, all of whom knew every lawyer who appeared in front of them, maybe that was the case. But now there are almost a million people here. We are so connected, if you will, to all of our sister counties, I don't think it makes any difference and it really shouldn't. The judges here treat everybody the same. That's something I hope always stays true.”

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Recent Class Actions

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Class certification order affirmed by the Appellate Court. 365 Ill.App.3d 464. Represented class with co-counsel in claims involving alleged violations of Illinois automobile leasing laws. Case settled with each of the over 7,800 class members able to claim up to $2000, and forgiveness of automobile debt totaling $5.5 million.

S37 Management, Inc. v. Advance Refrigeration, Inc.
Court certified claims involving allegedly deceptively labeled, non-tax charges called government processing fee in the tax line of customer bills.

Tarrill v. Hilton
Court certified a class of all customers of Hilton’s Oakbrook Terrace Hotels. Following successful interlocutory appeal (788 NE2d 769), judgment in favor of the class for millions of dollars in damages, prejudgment interest and all attorneys’ fees. Affirmed on appeal. Class received in excess of 90% of overcharges following win on appeal.

Morales v. Verve Global
Court certified class of all students who took a medical sonography course but did not obtain jobs in the field. Class alleges violations of Illinois vocational school and consumer fraud acts for school’s alleged failure to disclose that very few students obtain jobs in the field.

Brown v. Isulemon
Representing plaintiff employees in claims that clothing retailer allegedly violates a number of different states’ wage laws for allegedly failing to pay sales clerks as to tasks and work they are required to perform without pay.

Boudas v. Abercrombie & Fitch
Representing consumers that received a $25 purchase reward card that did not contain an expiration date but which defendant claims should have contained an expiration date and will no longer honor.

Ericksen v. Ameritech
Court certified consumer fraud claims for failure to disclose hidden voice mail charges. In 2005, Crain’s Chicago Business listed the settlement as the third highest settlement/verdict in Illinois.

Defense
Defended national marketing company in four Fair Credit Reporting Act class claims seeking over $100,000,000 brought in federal court in Chicago and Maryland. Defended national residential mobile home rental chain in consumer fraud claims. Defended a number of large to mid-size companies in class claims throughout the country including defending a landlord in class claims alleging violations of Illinois security deposit laws and a municipality in claims involving alleged illegal fines. Also acted as advisors and co-counsel with attorneys who have asked us to assist them in defending their clients in class-claims.

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- Violations of automobile repossession laws.

Areas of Interest:
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- Insurance Fraud
- Fair Credit Reporting Act – FCRRA
- Fair Debt Collection Practices Act – FDCPA
- Privacy Violations
- Violation of Car Reconversion Statutes
- Vocational School Deception
- Excessive Late Charges
- Wage & Hour Overtime Violations
- Infomercials & Deceptive Advertising
- Federal and State Wage Claim Laws

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DuPage County’s Senior Attorneys
Look Back At 40 Years in Practice

MODERATED BY HON. KENNETH L. POPEJOY

With the courthouse celebrating 20 years since its doors opened, it seemed a good time to check in with a group of attorneys who had been active in DuPage County, not just when the DuPage County Judicial Center opened at 505 County Farm Road, but 20 years before that. Judge Ken Popejoy agreed to moderate the discussion, a dialogue in which he and Judge Bonnie Wheaton were often not referred to as “your honor.” Judge Popejoy and Judge Wheaton, after all, were just kids when these guys started practicing law.

Judge Kenneth L. Popejoy is a Circuit Judge in the Law Division who serves as Acting Chief Judge. He graduated from Chicago-Kent College of Law in January of 1977, after having graduating from Michigan State University in 1973.

Judge Bonnie M. Wheaton is the Presiding Judge in the Chancery Division of the Eighteenth Judicial Circuit. She received her Bachelor of Arts degree, cum laude, from Carleton College, her Masters in Social Work from the University of Michigan, and her J.D. from Lewis University.

Judge Michael R. Galasso [Ret.] worked as an attorney in private practice for 23 years before he was appointed Associate Judge in 1984. He served as Chief Judge for the Eighteenth Judicial Circuit from 1995 to 1999 and as an Appellate Court Justice for the Second District thereafter. After his retirement from the bench, he returned to private practice with Schiller, DuCanto and Fleck LLP where he is currently Of Counsel. He received his undergraduate degree from Elmhurst College and his J.D from IIT-Chicago Kent College of Law.

John B. Kincaid is a named partner with Mirabella Kincaid Frederick & Mirabella LLC where his practice is concentrated in domestic relations matters. He served as the President of the DCBA in 1991-92 (the year the new courthouse first opened its doors). A former President of the Illinois Bar Foundation, Mr. Kincaid was recently awarded the IBF DuPage County Fellows Beacon. He received his Bachelor of Science degree from DeKalb University in 1960 and his JD from IIT-Chicago-Kent College of Law in 1963.

Joseph M. Laraia is the founding partner in Laraia, Harrison & Laraia, P.C. where he concentrates his practice in both criminal and civil cases. He was chosen by the Illinois Supreme Court as chairman of the Capital Litigation Trial Bar committee for the Second District Appellate Court, which he has chaired since 2002. He was chosen as a Laureate Attorney by the Academy of
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Illinois Lawyers and was awarded the DCBA’s Ralph A. Gabric Award for Professional Excellence in 2010. He served as DCBA President from 1979-80. He received his bachelors degree from DePauw University and his JD from Northwestern University Law School.

**George P. Lynch** is a graduate of the University of Illinois (1957) and DePaul University College of Law (1962) who is practice is concentrated in criminal law. He is as a Fellow in the American College of Trials Lawyers, and has chaired the Criminal Law section of both the Chicago Bar Association and the DuPage County Bar Association. Mr. Lynch was an Assistant Cook County State’s Attorney from 1964 to 1968, where he prosecuted financial and organized crime.

**Anthony F. Mannina** is a sole practitioner in Wheaton in the field of criminal law. He has also served as the Administrative Hearing Officer for Expedited Child Support and Paternity cases filed by the Illinois Department of Public Aid and heard in DuPage County. He received his undergraduate degree from Loyola University in 1953, and graduated from The John Marshall Law School in 1958. Mr. Mannina was named DCBA’s Lawyer of the Year in 2003 and started the DCBA’s Driver Improvement School in 1976.

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POPEJOY: Thank you all for coming. The idea here is something of a symposium with a few of our senior lawyers of DuPage County practicing law, those who have been around for a long time; those who can help to understand and assist the newer lawyers in just what the practice of law was once upon a time in DuPage County and how it’s progressed and morphed into what it is today, some of the ups, some of the downs, some of the differences that we’ve had along the way. I’m pleased to be able to moderate it. Let me start with this. When you first came out here in the early ’60s and the like, how many lawyers were actually practicing out in this county at that time, do you remember?

KINCAID: Well, it was like a handful. When you went to the trial courts, you found the same people, trying cases from time to time. Of course, in those years, you stopped trying cases on the Fourth of July and you resumed on Labor Day, and you took the summer off. I remember when Judge [Bertram] Rathje used to handle his call at 9:30 in the morning -- we never had a 9:00 o’clock call, that was way too early. So between 9:30 and 10:00 o’clock, you’d run two or three prove ups through and you’d do all the motions, of course and by 10:00 o’clock you were ready for the contested motions, and they’d be over by 11:00 o’clock. That was the court call for the day.

POPEJOY: Now when you say there was nothing going on from July 4th on, what was happening inside the courthouse at all during the summer months?

KINCAID: I guess there were routine motions and so forth, but no juries were ever called in. We never tried any jury cases.

MANNINA: The other thing that was different in those days, after you tried a case and maybe waiting for the jury -- I know you did, Tony [Mannina] -- waiting for the jury, the judge always had a Fifth of whiskey in his drawer and you pull out the whiskey and everybody sat around
and had a drink in the office. But the last thing, the one thing I thought was really interesting is, of course, in those days one judge would handle all the motion calls, Judge [William] Guild, so you'd come in and have a motion, he'd handle every motion call that there was at the time. Then -- for instance, we had one motion call in the divorce division one day a week, and that's all. Now, today you take a look at what we got here, it's almost unbelievable. That's how small the County was at the time, divorce was not that prevalent, so one judge could handle the motion call on Friday morning from 9:00 to 9:30, and that was it. You never seemed to put on a hearing in those days. I don't know what the hell we did.

WHEATON: That's how I got to know all of you guys is with the federal system where one judge heard misdemeanors and felonies and law division cases and chancery and everything else.

POPEJOY: Of course, if you look at the picture of the 1961 Bar Association on the second floor, just to the left of Courtroom 2014, I believe, it wasn't completely all inclusive, but there were 120 attorneys in it and four judges listed. That's 1961 when a lot of you were coming into the practice of law, that's what we were walking into. We now have a Bar Association in excess of 2,400 people and 46-some judges to hear the different cases.

MANNINA: In '64 there were 140 lawyers in the Bar Association. I met Bill Bauer [now a Judge in the Seventh Circuit Court of Appeals] in Cook County. I remembered this and I promised myself I would never forget this. I'm at this place Win Knoch in DuPage, and I don't know a soul there. Bill Bauer comes in, of course everybody is saying, "Billy, how are you." Everybody is shaking his hand. He sees me and he comes over and he is saying, "Come with me." He takes me over in the middle of this entire group where most of the lawyers were, and he said, "I want to introduce this young guy, he's a brand new lawyer in DuPage County." He said, "everybody start talking to him, he's new here." I thought that was really neat because it's something that you want to do once you become one of the older guys and you see one of the new guys.

POPEJOY: Joe, you started with the State's Attorney, did you not?

LARAIA: I practiced in Chicago for about three or four years before coming out here and then I went to work with the State's Attorney because there were no firms out here, they were all relatively sole practitioners, small firms.

POPEJOY: What was it like in the State's Attorney's Office back then?

LARAIA: The State's Attorney's office had three or four misdemeanor attorneys and three felony attorneys. That was the whole thing. We were in the old courthouse on the second floor. You could have a practice on the side, that's what made it interesting. So I did civil work on the side with being a prosecutor. At that time, you tried a lot of cases. You tried a lot more cases, I think, than you try now, unfortunately. Not only was it smaller, but there was kind of, I think, a different philosophy, more a philosophy of getting the problem solved and getting on to the next case than you see today. That would be, to me, a significant difference. It wasn't just there are more cases and there are more judges, et cetera, things were a lot less formal and I think a lot of things happened in chambers and no one was afraid to go in chambers, and you got things settled and got things resolved. I think people paid smaller fees proportionately, but I think the cases got done quicker. That's my read on it.

POPEJOY: Mike, you became a judge what year?

WHEATON: I should know that because I took over all your files.

POPEJOY: You were appointed as an associate judge. You went on to become a circuit judge, went on to be the chief
judge of our circuit, and then served as an appellate justice for the Second District. From the time that you were practicing law over the time that you served as a judge, what did you see as the differences in the judiciary, how they handled things, how they functioned, and the like?

GALASSO: I think we became more acute of our responsibilities to work cases out as opposed to having everything tried. It’s one thing I think we can agree on, we’d spend more time with the file, more time with the attorneys, try to get things worked out. I remember instances when I was practicing, if you couldn’t agree with the other side if it was an issue of minimal personal property in the divorce case, the judge would say, “Prepare two lists and I’ll look at them.” You’d go up there with your clients and their two respective lists, and he’d say, “Okay. Do you want me to decide this?” “Yes.” He’d say, “Okay. Husband gets the sewing machine; the wife gets the toolbox” -- this happened quite often. Then and all of a sudden, we’d say, “Wait a minute, Judge, we think we could work it out,” and we’d work it out. One of the interesting things that happened while I was practicing, and Joe Mirabella and I have talked about this a lot, when we were practicing, and especially in the field of domestic relations, we would basically charge a flat fee, and it was a value of your reputation, your ability to settle a case, and you’d move a lot of files that way. You didn’t take deps because you knew the wife in those days or husband in those days knew what their estate was, it wasn’t necessary to take the deps. You didn’t have mounds of interrogatories or have expert witnesses. If the case got complicated and you had to try it, you’d go back to your client and say they’ve got to pay a little more. If you settled it in two hours, you were entitled to keep the fee because it was your ability to settle it. You’d move a lot of files. I think in the long run it was probably more profitable. Now the overhead is so great for practicing lawyers, you know, they’re doing more office work and paper shuffling than we had to do in those days.

MIRABELLA: In those days you’d prepare a settlement agreement. Mom would send the sole custody and dad got reasonable visitation. You didn’t have 48 pages of stuff that nobody pays any attention to anymore. You just had a simple thing and everybody worked it out.

POPEJOY: No mediation or evaluations or psychological reviews?

MIRABELLA: None of that.

WHEATON: I think the advent of word processing programs has really changed an awful lot. I think back to some of the marital settlement agreements that I drafted and they were, like, three or four pages. Now they’re 20, 40 pages and it’s almost malpractice not to do it that way.

POPEJOY: What about that? The whole practice of law has changed so dramatically with texts and emails and faxes and everything else versus the carbons. I remember my dad with the carbons. If you made a mistake, you had to erase and move the carbon and erase the onion skin.

GALASSO: It wasn’t just that. Whether I had a case with Bonnie [Wheaton] or Bill [Scott] or anyone in this room, if you settled the case, you’d shake hands and say, okay, we settled the case. You could draw up a three-page agreement and resolve it. Now, you know, you can’t do that, you just can’t. You have to protect yourself as a lawyer.

MIRABELLA: We used to carry quarters around so we could make a phone call back to the office.

POPEJOY: The expectancy now, you can be reached any time, any place, anywhere and you have to respond any time, any place, anywhere. It’s a greater expectancy to how you handle things. I have no doubt about that. Mike, you made a comment about how you worked things out, you kind of talked with people. Do you think there’s a difference now, are opposing attorneys more adverse with each other or litigious with each other?

GALASSO: Absolutely. If you missed a paragraph in the agreement where you forgot to put down that the father’s going to keep the car and the wife is going to keep something else, you’d call up and it would be, “Don’t worry about it, we’ll put it in the judgment,” and that was it.

LYNCH: I’m a foreigner when it comes to DuPage County because I practiced for 30 years, almost exclusively, in either Cook County or around the country. I tried cases in Florida, Alabama, and a number of other states and whatnot. Most of the work that we had when we were -- for the 30 years that we were in Chicago, a lot of it was organized crime. I really didn’t have a lot of contact with DuPage, but then, fortunately, we moved out here and I started to have some contact and began to meet all the fellas, and it’s a different environment than Cook County. The Cook County environment was very tightly inbred and with customs and whatnot that weren’t particularly desirable, but out here it was an entirely different kind of proposition, and you had to get used to it. We did and we enjoyed it very, very much. It was pleasant. The environment was such that you got to know the lawyers very quickly. Probably the difference would be that we tried more cases in Cook County. It was a proposition with the kind of client that we had, you had to try it, there was no alternative,
to it because they were going to get burned really bad. It was a proposition where we tried more cases, but we came out here and fit into the package and it’s been a lot of fun.

GALASSO: I was in Kane County one day and George was trying a case and giving his closing argument to try to convince the jury that his client was just borrowing the tractor.

MIRABELLA: Of course.

POPEJOY: Bonnie, you started practicing in ’78? What was it like then being a woman in the DuPage County Bar Association?

WHEATON: When I started law school, they had one of those big pictures, and there were four women, Anna Marek and three other people, but I was at the very beginning of the wave of women in law school. I mean, I was married and had two kids when I started law school. I started with Bill Wylie and John Mulherin. Bill was the president of the Bar Association and he introduced me to all of you.

POPEJOY: We now have how many female judges on the bench out of our 46?

WHEATON: What do we have? Eight?

POPEJOY: Eight or nine.

POPEJOY: Now, Bill, you started to practice when?

SCOTT: In ’73. I started in the State’s Attorney’s Office in 1970 when Joe Laraia was there and Bob Kilander and Ralph Gust.

MIRABELLA: Was Donahue there too?

SCOTT: Jack was there. Jack Donahue and I shared office space.

POPEJOY: So you had previously heard a lot of things about practicing out here?

SCOTT: Oh, yeah. Absolutely. And met a lot of the guys. Doc [Hopf] was very close with John Earlborn and Bill Bauer and those guys. Actually, when I started at the State’s Attorney’s Office in October of 1970, I started as a clerk and my grandfather, Bob Scott, was an Assistant State’s Attorney.

POPEJOY: What was your initial impression of being a new lawyer at that time and walking into the Bar Association and practicing with some of these elder statesmen of our profession?

SCOTT: My first experience with the Bar Association was a Bar Association trip in August to a Bears preseason game at Notre Dame.

MIRABELLA: Cleveland Browns.

SCOTT: Tony was very entertaining all the way to South Bend and then we never saw him again.

MIRABELLA: It was a crucifixion of [Chief Judge] Bob Nolan.

SCOTT: It was great fun but everybody worked hard and, candidly, I was in awe because I thought everyone was just so darn smart.

WHEATON: And funny . . .

SCOTT: Funny, yes. I said it before, it’s one of the best things about doing this is. I’ve now been practicing for 37 years and we all got a chance to be young together and have fun together and get gray and old and watch our kids grow up together. Ultimately, the best part is you end up trusting each other. People you work with for years and years, you trust them.

POPEJOY: You see that missing with the younger lawyers?

SCOTT: I definitely see it missing with the younger lawyers. I don’t see that comradery anymore. Lawyers go to work and they leave and go to work and they leave.

GALASSO: Why is that?

SCOTT: I don’t know. I don’t know why.

WHEATON: A couple of months ago Bill Boyland was in court and there was a young woman sitting there writing out an order, and he came in and took care of whatever he had to do and we started, for some reason, telling John Carbon stories and this -- the young woman sat there with her mouth open. Every single one of those stories was true and he had different ones from me, and we’re talking about the round table up in the coffee shop. He says, “You know, I don’t think it’s as fun as it was before.” I turn to this young woman, and I said, “Do you ever have fun as a lawyer?” And she said, “No, this isn’t fun.”

LARAIA: That’s exactly right. You used to be able to crack
a joke all the time before almost all the judges and you got away with it, you had fun, you kept it light. Now, if you crack a joke, “Mr. Laraia, we don’t do that here.” When did humor fall out of the practice? Is there a case somewhere or some judicial inquiry board?

WHEATON: We have CourtSmart that’s recording everything. You could always count on the court reporter to take their hands off the machine. You can’t do that now. I think we’re all a lot more conscious of what we say because of that.

POPEJOY: I think we all need to be more conscious of what we say in some scenarios.

SCOTT: [Judge] Joe Fitzgerald always said he was the funniest guy in the courtroom. I’m the only guy that’s funny here.

MANNINA: I remember when Duane Walter saved that truck driver from jumping off the third floor at 421. He wouldn’t give me a continuance, so I got up and stood on a chair and I said, “If you don’t give me a continuance, I’ll jump.”

POPEJOY: Did you get a continuance?

MANNINA: I did.

MIRABELLA: When you talk about fun in the courtroom, Bill, why don’t you tell the story about Judge Fitzgerald questioning your ability.

SCOTT: Well, actually, when Fitz retired, Al Marco wrote an article about him and told this story. I was a young Assistant State’s Attorney and I went into court. I don’t remember the circumstances, but it was a reckless homicide case, this was the assignment. You’d answer ready or not ready and then he’d assign the case out. I took the case over and asked to continue the case, and he started yelling at me and telling me I was never prepared for anything, I didn’t know what I was doing and ended the tirade by telling me that I should mail my license back to the Supreme Court and bring him a green return receipt back, at which point I left the room and wouldn’t go back. All of the assistants went into the room, took their assignments and left. I gave Andy my file and he went in and Fitz would say, “Where’s Scotty?” “Sorry, Judge, he’s not coming.” That happened on a Tuesday. It got to be Friday, and you knew exactly what Fitz was going to do eventually, and eventually the phone rings and he said, “Would you like a cup of coffee?” and we hashed it out.

LARAIA: I was there for a judge’s last day on the bench. I was the prosecutor and I’m writing the orders and he’s holding everybody in contempt, so I’m writing contempt orders like crazy and putting them on the side. I knew eventually the call would be made, the call gets made, he’s off the bench. I ripped them all up, threw them aside. You could do that. Nobody would get crazy. You didn’t have CourtSmart and all the rest of it -- you knew not to step over the bounds... I think that’s the difference. Mike said you could rely on a guy’s word if you left something out, you put it in. You didn’t have to go back and do all of the stuff you do now.

WHEATON: I remember, you could get a lot of things done very casually. I remember I was in front of Keith Lewis. Charmaine Tellefsen and I had a legal aid case. My client was paying but hers was legal aid, it was a divorce, she wouldn’t let him have the kids and, you know, yadda-yadda-yadda, same story, different verse. So we went into -- we said, “Judge, can we speak to you in chambers for a second?” We went back and we explained that they just wanted an audience, you know, this could take two days or this could take a couple of hours. He said, “I’ll do anything you want as long as I don’t have to take off my clothes.” So I put my client on and he said, “What’s your name, and what, if anything, do you have to say about this.” I remember it was just like a monologue, he was just talking to the judge. I remember Bill [Scott] walked in and had an order or something and he looked at Charmaine and she was staring out the window and I’m doing my nails, and he walked over and said, “Is there a question pending?”

SCOTT: I walked in the room and the guy was still talking for ten minutes.
WHEATON: Charmaine put her client on the stand and said, “What, if anything, do you have to say in response?” and she took off and she talked for an hour. He said, “I’ll take the case under advisement.” The next day he had a letter in the mail saying, “You pay child support and you don’t be withholding visitation.” It all worked out. You could never do that today.

GALASSO: I remember a lot of times, even when I was on the bench, where lawyers would come in and say, you know, this is a case that we can’t just get rid of, let them have their say. One question asked.

SCOTT: “What do you want to say?”

GALASSO: You know, even sitting there you’re thinking, “Where is the objection? Oh, that’s right.”

POPEJOY: All of you have had significant roles in our local DuPage County Bar Association. I think most of you have been presidents at some time or another in the Association. John, tell me what role the Bar Association played in your practice of law starting out and how it’s developed over time.

KINCAID: There was no facility for the DuPage Bar Association. The facility was the second floor on 143 West Front Street, Corrigan, McKay, Quetsch & O’Reilly. It seemed like the presidency bounced back and forth between John MacKay and Bill Corrigan and you went up there to obtain your first application and you left it with the secretary and you were either accepted or you weren’t. In those days there were no seminars. I think there was a smoker at the local VFW. There was a Christmas party. We actually held meetings in the basement of Chicago Title on a monthly basis, but they were very sedate and very proper. Nobody got out of line and nobody told jokes. That all changed in 1972 or 1973.


POPEJOY: What was the change? Tell me what happened.

MANNINA: Well, the young guys, the young Turks took over the Bar Association.

POPEJOY: Who were the young Turks at that time?

MIRABELLA: Us.

MANNINA: All of our group. We decided that we were just going to take over the Bar, and we did. We had the first election.

LARAIA: They had a nominating committee before that. You’d never get your name put on the nominating committee because it kept going back and forth, so we decided we would bypass it. We’d show up the day of the election and throw somebody’s name up and have enough people and vote him in.

MIRABELLA: Remember Roy Peregrine? God, bless him, I really loved him as a human being. He never came back to the Bar Association after he lost that election. That was the election where Lee Marinaccio came in and cast that one vote.

MIRABELLA: It was at the last minute, kind of like an old cowboy movie with the Army coming in on horseback, and that changed it.

POPEJOY: What were the substantive changes that took place with you young Turks taking over in ’73 and the like?

MIRABELLA: It expanded.

LARAIA: We came to the conclusion there would be no set group that would run everything. It was open. All the Bar meetings, there was never any discussion on issues before the Bar meetings.

GALASSO: The meetings became fun.

LARAIA: You’d go there, whatever the agenda was, that was the agenda. One time I disagreed with them; the next time I would agree because you voted your conscience. If anybody stepped out of that line, you know, they were looked down on. They were, like, don’t do that because there was none of that.

MANNINA: The Bar Association took on a whole new face in this respect: We finally decided to have an office for the Bar Association. There had never been one before. That was one of our first things that we did. Then we started various committees. There had never been any committees before.

MIRABELLA: Not like that.

MANNINA: There was a president, and that was it. You had a president for a year and that was the end of that. That really was the beginning of the modern DuPage County Bar Association.

POPEJOY: When did the Bar Association start getting proactive in regard to seminars and the social structure?
MIRABELLA: At that point.

MANNINA: Probably within two years of that time. By '75 I'm pretty sure. We had a number of committees by that time.

WHEATON: The first meeting I went to was in the fall of '76. It was all in place by then. That first meeting was up at the bowling alley.

MIRABELLA: Wheaton Bowl. That was always fun, wasn't it?

GALASSO: We had golf outings. We’d go to Oswego or somewhere on buses.

MIRABELLA: You know, at that time before all that started, there were two functions, a spring dance and a fall dance. That’s what the Bar Association was socially. Then, of course, after that, then the committees started forming. I formed the Family Law Committee.

GALASSO: Judges’ Nite.

POPEJOY: That was in the ‘70s.

MIRABELLA: I still have the first film of Mannina doing Judges’ Night.

WHEATON: The first Judges’ Nite, that was unbelievable.

LARAIA: In 1980-81 we won the American Bar Association award for a bar association our size, which was just around 100 members.

WHEATON: At the request of my cello repair person, I got out the pictures of me playing the cello in the Nairobi ....

MIRABELLA: That was a barn dance.

WHEATON: Yeah. I can’t believe I ever did that.

MIRABELLA: You had a monkey hat on or something?

WHEATON: I did.

SCOTT: Then you became a judge.

POPEJOY: I was in Judges’ Night once. I remember I dressed up as Al Burek and John Burek dressed up as my dad and we stood looking pissed at each other. That was the skit. John Burek had a baldhead with the gray hair all of over the place. We were two young guys pantomiming our parents when they were together and how they conducted themselves. I know John Demling wrote an article about this once for the Brief, but it always seemed his father and my father, you know, old Demling and old Popejoy, were these just cantankerous guys and who’d be arguing and going nuts on each other in front of the bench. Demling said he came home one night and he hears the piano playing and he hears the banjo playing, and he goes upstairs and it’s my dad and Demling sitting there playing and singing a song and just off key and everything else under the sun. Probably a little bottle of scotch on the side. He said, “What’s going on? You guys were ready to kill each other in the courtroom today.” “Well, that’s in the courtroom; you leave the courtroom, we’re friends, we get together, we enjoy each other’s company.”

GALASSO: Burek was kind of that way too.

MIRABELLA: Oh, yeah. He was a pain in the ass.

POPEJOY: Well, George, since you started back in the early ‘60s -- this is a question to really all of you to some extent, you can chime in when you can, but I’ll have you start it, George. How has the practice of law changed? How would you summarize the evolution of practicing law?

LYNCH: It isn’t the same litigating kind of profession that it was. We tried virtually everything. Today the key seems to be who can knock on the prosecutor’s door in
criminal cases and make a deal, and that’s something I find abhorrent. I still would try a lot of cases. I find it unfortunate that we don’t try more cases.

WHEATON: I think you’re right. I don’t think that attorneys -- young attorneys have the opportunity to hone their craft in the way they did when I started.

LYNCH: Probably right.

WHEATON: I remember Al Woodward talking about that. Attorneys learn to try cases in small cases but now we have arbitration for everything. It’s probably good for the clients, but it’s very bad for the lawyers.

MIRABELLA: This monumental increase in litigation now, we can’t compare it to what it was 40 years ago for crying out loud.

MANNINA: Some cases you have to try and you’re not doing a client a service on some of the cases, guys are going in and just throwing their hands up and taking whatever the State wants to give that client. It’s not fair to the client.

MIRABELLA: A lot of it is monetary today, though, a guy gets a case --

LYNCH: Monetary has nothing to do with it. You don’t want the case, don’t get in it.

MIRABELLA: They need it. They have to make a mortgage payment. That’s what’s happening in the divorce division.

SCOTT: You used to be able to do a divorce case and the file would end up being about an inch and a half thick. Now when you do them, everybody is carrying two or three banker’s boxes.

POPEJOY: What are the reasons for that?

SCOTT: The reason is because you get criticized for not doing complete investigations and complete financial investigations and documenting everything.

MIRABELLA: And the ever present threat of the ARDC. You get that all the time.

SCOTT: You have to touch all the bases.

KINCAID: I think we have to face the fact about divorce cases. I mean, this is one affluent county, and over the last 40 years, people are settling 401(k)s. We have a client in the office with six pensions. There’s small business, there’s dental practices, there’s medical practices. That’s why I think today’s divorce lawyers are underrated because they have to understand all of this. They have to understand medical malpractice if there’s a doctor involved. I think that’s what’s complicated things. I think the Divorce Bar is up to the task. I’m not so sure the Divorce Bar 40 years ago could have done what we do now.

WHEATON: That’s true.

POPEJOY: You think there’s been, because of the complexity of the legal matters as well as the volume, there’s a much greater level of concentration nowadays than there ever used to be?
ALASSO: You know what, there's a need for specialization and heavy concentration. I disagree. I just talked to a lawyer from Kenosha, Wisconsin today. His client lives in Kenosha, Wisconsin. He hired some guy from Hoffman Estates to handle a DuPage County divorce case and filed an appearance. The guy lives in Kenosha, Wisconsin. He's been there for five years. You know, he filed an appearance. I said, Why did he file an appearance? He said -- you know, the guy from Kenosha admittedly doesn't do divorce or civil practice. He does a lot of real estate and commercial stuff. I said to file a special limited appearance and contest the jurisdiction. All she can get from this is just a divorce. He said, Oh. But you want to make that thousand dollar fee, file an appearance, now you're in the case as opposed to understanding what the hell you're doing.

POPEJOY: Some of you have been practicing law since the early '60s, so we're close to 50-some years of practicing law. What makes you keep practicing law at this time in this stage of your career and your life?

LARAIA: Because you don't know anything else and you like what you're doing. I think that's part of it.

POPEJOY: So you still enjoy the practice of law?

LARAIA: Parts of it.

POPEJOY: What don't you enjoy?

LARAIA: Not getting things done as quickly as they should be. I don't enjoy having to charge clients bigger fees than they ought to really pay because nobody is getting to the issue and getting it done because you know if you hit certain lawyers, you're going to try -- you're going to settle it the weekend before you go to trial or a lot of game playing instead of getting to the bottom line, even if you're willing to get to a fair settlement, you don't have anybody talking on the other side. You're shoving too many papers.

POPEJOY: Mike, you practiced law for 20-some years, then you became a judge for almost 20-some years, and then you went back to the practice of law. What brought you back into the practice of law and what dramatic changes did you see?

GALASSO: They gave me an offer I couldn't refuse. That was part of it, so I couldn't retire. Don Schiller called me up and said, “Let's have lunch.” He gave me an offer I couldn't refuse.

POPEJOY: You enjoyed it when you came back?

ALASSO: It was fun for me. It gave me something to do, something to sink my teeth in and not just worry about playing golf and stuff like that. It's come to a point where I'm still, quote/unquote, practicing law, but it's at my leisure, so it's fun.

POPEJOY: Was it comfortable getting back into the advocate role versus the judicial role, which is trying to find common ground and problem solving and the like?

GALASSO: No. I always tried to do that.

KINCAID: I think what's interesting too is how our roles have changed. I used to refer cases to Bonnie Wheaton that I couldn't handle. Mike and I tried a custody case together
where Bob Anderson was the GAL and Ed Bart was the judge. Now, suddenly, Mike's on the bench and all the roles are changed. Be aware of the people you practice law against because they may be a judge the next day.

GALASSO: Is that the case you had with the psychologist from Chicago? I destroyed her on cross?

KINCAID: Yes, you did. You destroyed everybody on cross.

POPEJOY: Well, if we can kind of wind it down a little bit. I appreciate the time you've all put into this today in coming here and taking time away from your practice as well as your family time and social events and the like. If we can go around and everybody make a brief comment as to what advice would you give someone brand new coming out into the practice of law. We got people who are newly licensed coming into our Association all the time, coming out to DuPage County all the time. I'm even getting to the point where I sit there and say, Wow, this person can't be a lawyer. They look like they're in high school still, you know, and they are a lawyer. If you could sit down if we had a group of the new lawyers who have been in practice in the last year, what's the one nugget you'd try to give them as to how to conduct themselves in this profession from this point forward? John, we'll start with you.

KINCAID: I wouldn't pretend to give anybody advice because these kids today are so different, their values are so different. Most of the men want to be involved with their children. We didn't have the luxury of being involved with our children to the extent that the dads are today. Most of the moms are working today, so the dads have to share responsibility, which means the practice of law is going to get less of their time. I don't know how to evaluate their values and compare them to what mine were. I had a wife who was more than happy to take care of the home life, which let me handle whatever I wanted to in the practice of law, whether I was trying a case or entertaining clients. I wouldn't pretend to give advice to anybody today.

GALASSO: I think I would try to instill upon them the fact that the practice of law is not just a business, it's a profession, and we have to remember that it's a profession and try to instill upon them the obligation to keep that first in mind, whether they're dealing with another attorney or talking to a judge, you know, honor your profession and that's what you're here to do and not just bill hours.

MANNINA: Well, this is my 50th year. I would tell young lawyers this: For the first 30 years I couldn't wait to get into the practice. I mean, I loved every minute of it, I thought it was fun. At the end of about 30 years, I hit a wall; it was no longer fun. For some reason, the fun went out of it. But I'd say - if it's fun, enjoy it. If it no longer becomes fun, find something else to do.

LARAIA: I would agree with that. I think you have to tell the young people to be professional about what they do and really get themselves engrossed in the profession. Don't play into this hobby law stuff. To me, I find that to be offensive. If you put your name out there as being a professional, be a professional. I agree, John, that we can't tell other people how to live their lives, but when you take on the responsibilities of handling other people's time, whether it be in jail or money; whether it be what they could collect or what they have to pay, I think you have to put yourself in a much more responsible position and you have to be very serious about it and take it very seriously. I think you can have a lot of fun, as we did, and I think we're the example of the people who had a lot of fun, a lot of camaraderie, and I think that's lasted with all of us. This idea of doing it part-time and not taking it as seriously as it should be because they have their own agendas, I'm sorry, I don't buy into that.

LYNCH: You're lawyers 24 hours a day, seven days a week, and if you don't like it, if you don't like that commitment, get the hell out and become a dentist. If you're willing to make that kind of a commitment, get into the law business and you'll prosper, you'll do well, you'll enjoy it. That's the commitment you have to make.

SCOTT: I agree with that. I think a lawyer isn't what you do, it's what you are. If that's the case, then you need to
join the Bar Association, be with other lawyers and your life will be far richer for it and probably success will perhaps accidentally come your way.

WHEATON: I think I would tell young attorneys, new attorneys, to guard their reputations and maintain civility, maintain comradery. Once you get a reputation for doing shifty things or shark practices, you'll never live that down.

MIRABELLA: They ask me to speak to the young lawyers on family law stuff, and I always tell them, my philosophy is: Your word is your bond. When you're a lawyer, your word is your bond to the client or to the other lawyer. You don't need a piece of paper. When I talk to Ken Popejoy, I know Ken Popejoy will tell me the truth. I think if they practice that way, they don't have to worry about all the nonsense that goes on.

POPEJOY: I think I'll make a final editorial comment on this. I went into the practice of law in 1977 with my father, who was in the practice of law in DuPage County from 1950, and he was a licensed attorney from 1937 when he graduated from John Marshall. What I saw with the transition of lawyers all along the way is that -- and all of you being the deans of our profession and people that I've looked up to and heard about and grown up with and learned so much from along the way -- is that sometimes people think everything is delivered on a silver platter and that it should just come to them and it should be natural and should be easy, and it isn't, it's a lot of hard work.

KINCAID: It is.

POPEJOY: All of you reached the pinnacle of success that you have by really working your asses off as young lawyers, and you were in there all the time digging in the trenches and going the extra mile and doing the extra effort. When I first became a judge in 1997, they used to send us out to a new judges school in Reno, Nevada, for three weeks. We'd go out there, oh, my God, it was quite an experience. I remember there was a group out there. We were all judges within the first year of being put on the bench. All of us had been practicing lawyers before that, obviously. We went around and talked about what's the ups and downs of being a judge. There were 13 people in my group. Everybody to a person in my group did nothing but complain about the job and how they didn't expect this and they didn't think that and they didn't think they had to do this other thing. It got to me, and I said, “I guess I’m from the planet Neptune or something because I went nuts to try to get this job, and the moon, the stars, the comets, everything lined up for me to be picked as an associate judge, and if you don't like being a judge, go back and practice law if that's what you want to do.” You see it with judges or with lawyers, we expect that all of a sudden something is just going be this easy thing, and it isn't easy. It isn't easy to be a good judge and it isn't easy to be a good attorney. It requires a lot of effort and it requires a lot of commitment and it requires going that extra mile. All of you have done so, you've all been great, great examples to me in my practice of law and in informing how I've learned to serve as a judge. We appreciate all of you coming in today. Thank you very much. I feel honored to be a part of this.
DuPage County’s Newest Attorneys Look Forward to the Practice of Law

MODERATED BY ANTHONY ABEAR

While some lawyers have been practicing since long before a courthouse was even contemplated for County Farm Road, others have only been recently sworn in and are thus only now getting their first experiences as lawyers in DuPage County. To get a sense of their perspective, DCBA Membership Chair, Joe Emmerth, asked a handful of new attorneys, immediately after they were sworn in this last November, to participate in a roundtable discussion. The dialogue which follows came from that discussion, which also included two attorneys who had been admitted just days beforehand, in May of this year.

Tony Abear (Moderator), a long-standing member of the editorial board and former DCBA Brief Editor-in-chief, concentrates his practice in domestic relations. He received his bachelors from the University of Illinois and his JD from DePaul University College of Law.

Maryanna Callas is an attorney with Nordini & Thompson LLP where her practice is concentrated in family law. She received her bachelors from DePaul University and her JD from Thomas M. Cooley Law School. She served as a 711 with the DuPage County State’s Attorneys Office from January to May, 2010.

Elena Cincione graduated from Baylor University School of Law in 2011 where she was named Leon Jaworski Scholar for excellence in advocacy. Ms. Cincione was born and raised in DuPage County and received her Bachelor of Arts from University of Michigan.

Janice Driggers is an Associate with Burke & Handley in Downers Grove. Her areas of practice include commercial litigation and creditor’s rights. She is an alumnus of Northern Illinois University College of Law, Boston University, and Berklee College of Music. Currently, she is doing pro bono work for South African musical artists.

Michael Hantsch is an associate with the law firm of Keay & Costello, P.C. in Wheaton, Illinois. His practice is focused on community association law, with an emphasis on securing the rights of homeowner associations in various
Robert Jusino was licensed to practice law in May 2011. He graduated from NIU College of Law on May 2010, UIC School of Public Health in May 1998 and Northwestern College of Chiropractic in December 1991. He works at the Jesse Brown VA Medical Center as an Administrative Officer and maintains his chiropractic office in River Forest. He plans to work in health care law, workers’ compensation and personal injury.

Mariam Hafezi Qualman is an attorney with the Law Office of Kenneth C. Chessick, MD in Schaumburg, Illinois. The firm pursues primarily medical negligence cases on behalf of plaintiffs. Mariam is a member of the DCBA and the Illinois Trial Lawyers Association.

ABEAR: I’m curious about when you first got involved in the bar. What was your first introduction to the DCBA like if any or is this it, is this your first time in a DCBA activity?

CALLAS: You know what I did? I was applying for jobs and getting nowhere. So, what I did is I put on a suit, I walked into the ARC and the first person that I met was Brigid Duffield. She just opened up her arms and welcomed me and that was it. I joined the DCBA, it was a free membership and they had a free happy hour and one thing led to another, I started shaking hands and everybody was so welcoming. You can go to Will County or go to Kane or Kendall. You don’t see attorneys having the camaraderie that DuPage attorneys have.

ABEAR: I saw in this last issue of the DCBA Brief that you were in Judge’s Nite.

CALLAS: Yes, I also did Judges’ Nite. That was something else.

QUALMAN: Here you are [in the DCBA Brief, June issue]. Jersey Shore, right?

CALLAS: No, that’s me playing Liz Pope. That’s where the big hair comes in.

ABEAR: That’s not your hair?

DRIGGERS: That’s the kind of stuff that I’ve enjoyed. I actually wanted to do Judge’s Nite. Things like Judge’s Nite and Lawyers Lending a Hand, there’s some great stuff to be a part of.

CALLAS: That’s the thing. Everyone told me, “Maryanna, you have to do Judges’ Nite, it’s a great networking tool. You’re a new attorney, let 500 people in the DuPage community come see you as a new member of the show.” And wow, I go to court now and I have attorneys coming up to me saying, “I saw you in Judges’ Nite.” It’s great.

QUALMAN: I think my first experience was the happy hour if not the basic skills seminar. It was one of the two. They were just so much fun and it’s nice to then run into some familiar faces in the courthouse or at the next event. Every time I go, there are more and more people that I know.

ABEAR: RJ, what talked you into getting involved in the bar?

JUSINO: Well, I had participated as a volunteer when I was a student. It was one of the CLE courses, one they do in the courthouse, where you play a witness and you have a little role to play, interacting with a real judge and some attorneys. I enjoyed that part, volunteering for that. Now I see the bar association as an extension of, I don’t want to say academic life, but for me, it’s the CLE hours, the skills courses and that kind of thing that’s important. Being a father of two and being very busy with what I do, this isn’t as much a social organization for me as it is a professional organization that provides continuing legal education programs and things like that. Now, that might change five years from now or even a year from now as I get more involved but, for now, what matters to me is the courses, the coursework that can help me be a better attorney.

ABEAR: What was your first contact with the DCBA, Robert?

JUSINO: I joined as a student. They sent me a newsletter about an upcoming course, asking for volunteers, and I said fine and I went. I had a great time. I brought my wife too. We both did it. My wife was a court interpreter at the time here in DuPage. I think we even put an ad in the magazine for her court interpreter services. Since then, I haven’t attended any of the parties or Judges’ Nite or any of the social events, but I expect to.

ABEAR: What about the rest of you folks, what was your first brush with the Bar Association?

HANTSCH: It was a happy hour.

ABEAR: How did you come to know about the happy hour?

HANTSCH: The first one I went to was when I was a clerk over in the courthouse. A number of clerks were going.
Then, while I was in law school out in DeKalb, I became a student member. It was a way of maintaining my contacts and keeping in touch with what was going on. Whenever I would go to happy hour I would run into people I knew. That was kind of my lifeline for a long time. It was great. When you're in school, you always appreciate free food.

ABEAR: What about you, Janice?

DRIGGERS: It was the same event Robert was talking about. I don't remember what they called it but it was for new attorneys to basically put on a trial. It was like a mock trial.

ABEAR: How did you find out about it?

DRIGGERS: It was in our school newsletter, an article that the DCBA was looking for students to come in and volunteer, to act as witnesses or jury members.

JUSINO: That was fun.

DRIGGERS: It was so much fun. I didn't see it advertised again after that. I was really looking forward to doing it myself as an attorney. I thought it would be so great, to practice with mock jurors but I haven't seen it since then.

JUSINO: The client referral service, that's a key service that they provide. When they refer clients to you according to your specialties that's very valuable.

ABEAR: Let me ask all of you, as new admitees, what do you see the Bar Association doing for lawyers in the next 20 years?

HANTSCH: I just hope they keep up the good work. I mean, I don't see what they could do that they're not already doing. The networking, social stuff, professional programs, it's all pretty well covered.

JUSINO: The client referral service, that's a key service that they provide. When they refer clients to you according to your specialties that's very valuable.

ABEAR: So, is there anything that needs to be further developed or that you want the bar to do for you in the next 20 years that it's not doing already?

DRIGGERS: Is a spa day too much to ask for?

JUSINO: It's hard to tell for me right now because I'm just starting out....

HANTSCH: I was very lucky. I landed at an established firm that had all the resources I could need. A lot of the things that I would have been leaning on the Bar Association to provide were handled by the firm. I know if I were just hanging out my own shingle I would be in here every other day asking for some kind of support. I'd be looking for resources and referrals and all that stuff.

DRIGGERS: All kidding aside, as someone from the DuPage community, something I would think the DCBA could do for future students is to try and reach out to the schools a bit more and maybe help develop more of a program for interns. There are a lot of people out at NIU.
who are from this are who are going to come back after they graduate.

HANTSCH: That’s most of the people there.

CINCIONE: As you are developing your practice, if you want to hire someone, the best way to do that is to get an intern. If you’ve worked with a student as an intern, you know whether he or she is someone you want to hire. But I don’t know. You guys went to law school out here. Is there a lot of interning in DuPage County? Do people work at the firms in DuPage while they’re in law school or are attorneys left to just advertise and find a new attorney that they’ve really never worked with, or that their colleagues have never really worked with?

QUALMAN: It seems like everybody does it differently.

JUSINO: When I was there, NIU didn’t have a good program for interns. If you look at the internship programs at some of the schools in Chicago, they’re a lot stronger.

DRIGGERS: It’s highly competitive, too, for a student to get into DuPage County.

CINCIONE: Really?

DRIGGERS: You’re competing with each other and also competing with the kids from the downtown schools who couldn’t get internships in the city. Everybody wants to be here, especially being out at NIU because, for them, getting into Chicago involves a really long commute and that’s hard to do if you have a full-time course load and a job and have to do other things. DuPage is the best place to be for a variety of reasons but that’s certainly one of the reasons.

ABEAR: We had another roundtable for this issue with attorneys who have been practicing, some of them, for over 40 years. They talked about how much things have changed since they started. When they were first practicing, there were fewer attorneys and more work to be had for those attorneys. When you started law school, someone pointed out during that discussion, there was a recession under way and this was already a very competitive market. It has to have been a lot more difficult a decision to choose law school in this environment.

QUALMAN: When I went to law school, I had really wanted to be a lawyer, so I knew that, however difficult it was going to be, I was ready for it and I knew in the end I would be an attorney. So it never phased me. Every time I saw the studies or saw people commenting on how awful it is or how difficult the job market is, it didn’t phase me. I knew that I really wanted it and that I would find a job. I knew that eventually things would work out and they did. I think that’s true for most people. I wouldn’t discourage anybody from going into a profession that they really want to get into.

DRIGGERS: For me, it was much the same. I wanted to be a lawyer and this was also a way for me to help people, people who wouldn’t necessarily have access to the help that they needed. When you’re doing that kind of work you’re not necessarily worried about the money aspect of it. There are always people out there who need help and there is always pro bono work to be done, more than the legal aid services can handle. So, for me, that aspect of it was clear. If all else failed, even if I was working at Starbucks by day, at night I could do pro bono work and help people out who really need it.

CINCIONE: The law has always been something I wanted to get into. I knew from my personality, the way my brain works, that it was the field for me. And, you know, making big money was never really the goal. I didn’t go into law because I wanted an exceptionally lucrative career. I think at this point a lot of law students have to look at going into law like going into social work. You really do help a lot of people but you’re not necessarily going to make as much money as lawyers used to make.
CALLAS: I wanted to be a part of an elite and professional community. I’d always wanted to have a career and that’s why I did it. My mom said that I was going to be good at nothing else. She said, “You have a big mouth so you should go to law school.” But that’s what I do. It’s a very well respected profession and as a female I think it’s even more respectable to be an attorney. I’ve enjoyed the perks of it so far. Your community, your family, your friends, they think differently about you, they think of you in a better light. The whole process is tough, law school and having to face all these student loans that you have to pay. It’s a commitment. It’s an investment. When I started law school, I was deathly afraid but I just took the challenge and I kept moving forward.

ABEAR: RJ, you actually changed professions to go into law because you’ve had a couple careers now.

JUSINO: This will be my third profession. I’m still an active chiropractor in River Forest and an administrator for a VA Hospital in Chicago, where I manage the women’s health center. Now I’m gearing up to start with Brian Keely in Bolingbrook who is an attorney I’ve know for many years. I’m going to be there as an independent contractor. I’ve been doing a lot of appellate work with the firm and a lot of writing motions and things like that. I don’t think, in my mind, I was planning to abandon everything and just practice law because the reality is that I have a family. I have a kid that’s going to college in a couple years and a lot of debt and I cannot just put everything aside and start from scratch. The kinds of salaries they’re paying right now, they’re really not that high. So, I cannot leave my salary or my practice behind. Eventually I will because one of the things I like about legal work is that it’s very intellectual, you can do it anywhere you are. You can do it on a laptop. You can be in Miami Beach and you can be working on a case.

ABEAR: Mike, you haven’t spoken.

HANTSCH: Money, power, prestige.

ABEAR: In that order?

HANTSCH: Yeah.

DRIGGERS: Let me know when you find the money part.

HANTSCH: I would be lying if I said I didn’t enjoy making a reasonably comfortable living. As one of my professors in law school said, “The law is a way for people of reasonable intelligence to make a comfortable living.” I don’t expect to become a multimillionaire or anything but a big part of what led me to this is that, when I was working at the clerk’s office, I helped attorneys at the counter all the time. It entered my head, “You know what? I can do this.” Being a clerk is like being on the fringe of the legal profession. You see what they do and you observe, you’re doing all the documentation. I thought, “I like this, I can do this. It looks fun, I’ll get better pay.” I enjoy it and I’d be lying if I said I didn’t like the whole prestige thing. I like being an attorney. I was up in Rolling Meadows and some guy stopped me. He said, “Excuse me, are you an attorney?” I said, “Yes, yes, I am.” He just wanted to know where to find a courtroom and all I could do was direct him to the deputy, but it was great. It happens once in a while and it’s so nice to be able to say, “Yes, I’m a lawyer.” Maybe I’ll be sick of it in 20 years. I hope not, but that’s what the bar association can help me do, help make sure I don’t get sick of being an attorney.

ABEAR: Let me ask another question, if it’s fair to ask this question. In the eyes of the public, how do you think people’s perception of the practice of law can be improved? Or does it need to be?

HANTSCH: Better legal television shows? Seriously, I had a client who I had a small business and we were doing debt recovery or collection, whatever you want to call it for the business. It was really hard to get through to him even if the defendant owes him this amount of money he’s probably not going to get all of it. We’re managing expectations, and
he’s saying “you’re my lawyers, you’re supposed to get all of it, right? That’s what you do, that’s why I’ve hired you.” It was really rough getting that across to him but. I don’t know what the Bar Association is supposed to do. Hold seminars for the public on how the law really works? I think the Lawyers Lending a Hand stuff is great that makes us look human. But what else can you do?

JUSINO: The association can always help with advertising the profession in a good light and let them know about the pro bono work, and the kind of work we do. They only see the negative side. They see an attorney that gets caught doing something illegal and that’s what gets published in the media or newspaper.

QUALMAN: But that’s the thing about lawyers. There are all different kinds of lawyers. They work on transactions and litigation and criminal and civil. So I don’t think there is any one message you can possibly convey other than that lawyers are just trying to sort out problems and prevent problems. And I think that probably if anybody has bad perceptions it’s probably because when people need a lawyer, it’s probably because something bad is happening in their lives.

HANTSC: The vast majority of my practice is forcible entry and detainer so almost every time I’m going to court I’m trying to get somebody evicted from their home. So I’m really swimming up stream there. I’m always protecting some faceless homeowner’s association as opposed to little Johnny and little Suzie and the home they saved up for for years.

QUALMAN: It wouldn’t work without both sides.

HANTSC: I know that but . . .

DRIGGERS: That’s just it though, we’re never going to be able to change the perception of the person on the losing end. It’s always going to be a bad experience. Their lawyer didn’t make things happen for them or the other lawyer was just too aggressive or too this or that because it was a bad outcome for them. So their perception is not going to change until perhaps they are on the other side of things, until they’re on the winning side of the fence. It’s just kind of a losing battle to try to change the perceptions of that half of the population out there have had a negative experience.

CALLAS: It’s a double edged sword.

ABEAR: Let me ask you this, what are your perceptions of other lawyers?
As a rule they generally don’t take advantage of that. But with younger lawyers there’s more of a tendency, like in depositions or things like that, to object more or try and get you flustered whereas the older counsel will sort of let you do what you need to do. They won’t take advantage of you being fresh meat as much as a younger but more experienced attorney might do.

DRIGGERS: I would agree with that. But I’ve also had some experiences with other, I don’t want to say older but more seasoned attorneys than us and they are not always very nice. They are . . .

ABEAR: You think they’re taking advantage of you because you’re young or for some other reason?

DRIGGERS: I think for some lawyers it’s a personality thing. It’s just they are on constant adversarial mode. Even when you get to the point in the case where you’re trying to basically work toward the same goal of some kind of settlement it’s still that constant adversarialness that just comes out. And that’s just in the few short days that I’ve been there.

CALLAS: Bouncing off what you’re saying, I have found the same thing. If I approach the bench with opposing counsel, obviously they know I’m brand new, and they do at times take advantage of their experience. I see them taking advantage of me being new into the field. And they try to sneak one under or they know they have certain tactics that they’ve practiced and learned over the years in their course of business that they use to attack me. And then I end up going back to the office and speaking to my boss and telling him what happened and he laughs about it. He’ll say something like, “yeah, that’s an old trick in the books.”

CINCIONE: Generally, though, for me it’s been a little different from what I expected. I expected it to be a very formal profession, you know, the last profession where women still wear full suits instead of a skirt and cardigan to the office. But I’m surprised at how cordial most attorneys are to each other. When you go into the courtroom attorneys are usually very friendly and they work with each other and they’re not necessarily always out to get each other. I was surprised that attorneys work together like that as much as they do.

HANTSCH: Isn’t it weird? Sometimes when I go into court, people will be fighting like cats and dogs, and then they walk outside and they’re saying to each other, “so where are we going to get a beer?”

CINCIONE: That’s great.

HANTSCH: That you can just turn it on and off like that is great.

CINCIONE: I like that. You’re able to maintain friendships and contacts within your own professional community but you can still fight your case hard.

JUSINO: I generally agree with what all of you have been saying. I thought it was a lot more adversarial and cutthroat. It’s really not to beat somebody up or to win somebody up. The hardest thing to learn for me was not to be abusive, not to be too strong when I’m doing depositions or things like that. It’s a great profession.

CALLAS: I love it. I love DuPage. I go to Will, I go to Kendall, I go to Kane, and even downtown and I just, I don’t know, it’s something about all the attorneys at DuPage, they’re very welcoming, the community is strong. There’s this camaraderie among everybody that I don’t think you find in other counties. So I’ve enjoyed it. It’s my favorite county out of all of them, maybe because I live here too in DuPage. Mariam and I actually were 7/11’s at the state’s attorney’s office and we were both gung ho about getting
Maryanna Callas

jobs at the state’s attorney’s office. We were determined because that’s just what it was going to be. Unfortunately they weren’t hiring, there was a hiring freeze so we were both left jobless and lost.

QUALMAN: And sad.

CALLAS: And sad and depressed and we ate a lot of ice cream and we had a lot of phone conversations.

QUALMAN: I like this courthouse, I would like to be here but . . .

DRIGGERS: Beyond the attorneys in DuPage County, the court system itself here is just really topnotch. It’s so much better than the surrounding counties.

CALLAS: Compared to Daley.

DRIGGERS: Exactly. Just the organization and the willingness to work together to make sure things are running smoothly makes a big difference. You can get through so much more here than at Daley where things are just backed up and no one knows what’s going on, so it’s just nice to be out here.

HANTSCH: Speaking as a former DuPage court clerk, I thank you.

DRIGGERS: Well done, it’s all you.

HANTSCH: No, I agree. My office is right across the street from the courthouse but since I’m the low man on the totem pole at my firm I go to Lake and McHenry and Kane, I go everywhere but DuPage. I only come here to fill in but it’s my favorite place. It runs smoothly. You can go to the clerk’s office and get what you need done. So many other counties I go to I feel like I’m throwing myself on the mercy of the system.

HANTSCH: I’ve found whenever I’m kind of floundering in a courtroom I can usually ask one of the other attorneys what kind of order does he want for this and they’re usually pretty helpful even if it’s the opposing counsel.

JUSINO: That makes me think of something else the bar association can do. You have plaintiff’s attorneys and you have defense attorneys. The association is a great place to bring them together. They can meet each other in places outside of the courtroom, which is something that I would think helps a lot in encouraging professionalism and camaraderie. It’s hard to be too adversarial with someone you’ve met in a meeting, or at a gathering, or who you’ve played golf with. So, in that sense, I think the social aspects of the bar association are helpful for bringing attorneys together.

QUALMAN: It provides camaraderie among the attorneys. It sort of takes this big new world and makes it smaller and more comfortable and easier to start out in. That’s it.

HANTSCH: The free booze doesn’t hurt either.

CALLAS: It’s already done a lot for me. Like I mentioned before, I agree it’s a great channel for networking. When I first came out and I attended the happy hours and attended the Christmas parties and everything else I remember Chantelle Porter at the basic skills seminar which was great. She was one of the presenters. Then I saw her at a DAWL Christmas party and that’s all it took. And then I just met everybody and I can’t say how amazing it was, I felt welcome. I was scared to death when I first came out and I was newly admitted. And I didn’t know a soul and everyone was so welcoming, open arms, how can I help you, what do you need help with, you need to do this, this is where you need to go. It’s just been a great experience and I’m very thankful. All you have to do as a newly admitted attorney is take the first step. As soon as you open that door there are people there to help you. So the Bar Association is amazing in that respect.
Lesson Learned: Be careful what you offer to do, because you might be asked to do it on a regular basis. The DCBA Update will now be a regular feature in the Brief, appearing occasionally to update you on the activities of the DCBA. I look forward to keeping you informed.

Election Results. The Board of Directors Election was a contested race with two candidates for Third Vice President and ten candidates for three open Director positions. We were thrilled to have 643 members vote. The result of the election is that Michelle Moore and Elizabeth Pope will be joining the Board as Directors and Timothy Whelan has retained his Director position. Also, Lynn Cavallo was elected to serve as the DCBA President in 2014-2015. Also joining the Board of Directors will be Arthur Rummler as Assistant Treasurer and Bradley Pollock as Associate General Counsel. Congratulations to all and many thanks to those that voted.

Discontinuation of the DCBA Monthly Newsletter. The DCBA Board of Directors recently approved a resolution to phase out the written version of the monthly newsletter. “The vast majority of our members already use and prefer the internet as their source for information,” said Sharon Knobbe. “We currently spend in excess of $27,000.00 per year on printing and mailing the newsletter and I think we can put that money to better use serving our members and mission by transitioning to an e-mail newsletter.” The current plan is to phase the newsletter out over the summer and go completely electronic in September. Members who do not have their email addresses on file with the DCBA are invited to submit them. They will be kept confidential and only used for notification purposes. Members who do not have email addresses can call the association to make alternate arrangements.

As always, do not hesitate to contact me if you have any questions about DCBA - the programs and services we offer – or anything else. I can be reached at 630-653-7779 or lmonahan@dcba.org. See you back here in a few months! □

Leslie Monahan is the Executive Director of the DuPage County Bar Association and the DuPage County Bar Foundation. A graduate of North Central College, she previously worked with the Promotional Products Association of Chicago, American Fence Association and Coin Laundry Association.

For eight years, the DCBA Brief has consistently asked the same photographer, Robert E. Potter III, to shoot its most important covers. When the DCBA Brief wants a memorable image that will withstand the test of time and show its people in the best light, the editors turn to Robert E. Potter III.

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As we close the 2010-2011 fiscal year, we can look back at the last twelve months and be very thankful about what our program and the pro bono attorney volunteers have accomplished. Our hours of staff attorney representation and overall number of cases completed continued to increase in 2010 since we hired an additional staff attorney over two years ago. Our attorney hours of representation increased 79% percent and our cases closed went up 75% percent. In 2010, 6,138.57 hours of representation were provided by the entire program – DCBA members and staff attorneys.

The staff attorneys continued to provide important advocacy to the two domestic violence shelters located in DuPage County. Our hearings on returns in Order of Protection cases doubled in the last two years from 33 in 2008 to 65 in 2010.

In-house attorneys also handle Guardian ad Litem (GAL) appointments from the judiciary in Probate and Domestic Relations Court. These appointments often include emergency assistance and a quick turnaround in order for the GAL’s recommendations to be presented to the court. In 2007, we handled three such GAL appointments and in 2010, we accepted and closed 35 GAL cases.

Sadly for us, one of our staff attorneys, Melanie MacBride, accepted a position in April with the Domestic Violence Legal Clinic in Chicago. Melanie came to work for us in November, 2008 and we are sad to see her go, but now she can travel to work from her Chicago digs in much less time than the hour and half plus it used to take her to get out to DuPage County. We will miss her laughter and legal acumen and wish her well. Scott Hollmeyer, one of our attorney volunteers, will be handling our Orders of Protection, Civil No Contact and Stalking No Contact Orders until we hire a full time attorney.

Kishori Tank is our newest volunteer attorney. She is a graduate of Northern Illinois College of Law and received her J.D. Cum Laude in 1999. Kishori acquired her undergraduate degree at the University of Waterloo in Ontario, Canada where she also worked as a Legal Aid volunteer. Not only is she a real estate broker, but she has experience in Consumer protection, common law fraud, Uniform Commercial Code, implied warranty and insurance plaintiff’s litigation.

Wayne Township’s Support. We recently received a generous $1,000.00 donation from Wayne Township. The continued support extended by Wayne Township throughout the years is truly appreciated and will help us in providing greatly needed legal services to the indigent and working poor of DuPage County. Our thanks to Juanita Martinez, Wayne Township’s General Assistance Director, for her work with us and our sincerest gratitude to Supervisor Tom Arends and the Wayne Township Trustees for their generous support. Founded in 1850, Wayne Township is a 36 square-mile area located in the northwest corner of DuPage County, which contains portions of Bartlett, Carol Stream, Hanover Park, Wayne, West Chicago, St. Charles, as well as a large unincorporated area. In this last year, we fielded 211 applications from Wayne Township residents, closed 61 cases and provided 624 hours of legal representation.

Finally, our thanks to the DCBA Board of Directors and DCBA Members, the crew, cast and band of Judges Nite, Joseph R. Fortunato, Jr. of Momkus McCluskey LLC, Justice Ann B. Jorgensen, Appellate Court, Second District, Honorable Bonnie Wheaton, Presiding Judge, Chancery Division (Eighteenth Judicial Circuit), Honorable Margaret J. Mullen, Presiding Judge, Law Division (Nineteenth Judicial Circuit), Joel G. Fina, Administrative Law Judge of Disability Adjudication & Review, SSA, Margaret Bennett of Bennett Law Firm LLC, Dykema Gossett, PLLC, Joyce Tasch, K. Pawlik, Paul Lanphier, and Suzanne High of Renn & High, Chartered. Thanks, Suzanne, for the wonderful pro bono work you did for that brave lady we sent you who made a home for five of her sister’s children. Last but not least, our gratitude is extended to everyone who attends the Cougars Game – See you there on July 15, 2011! □

Brenda Carroll has been the DuPage Legal Assistance Director since 1988 and on the DCBA Board of Directors since 2004. She earned her JD at IIT-Chicago Kent College of Law in 1986. She was admitted in Illinois and the Northern District in 1986 and to the U.S. Supreme Court in 2005.
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WHERE TO BE IN 2011-12:

The DuPage County Bar Association

As the 2010-2011 year winds up at the DuPage County Bar Association, its time to start looking forward to what 2011-2012 will bring. On June 9, 2011: our new President, Colleen McLaughlin was sworn in at the Hyatt Lodge in Oak Brook. By June 20 she will have met with the incoming committee chairs to begin preparations for the coming year’s events, seminars and social gatherings.

If you’ve been wondering how to get more involved in the DuPage legal community and the Bar Association - this is the perfect time to do it. This is the time of year ideas are being sketched out, plans are being made, committees are being formed, suggestions are being taken and the year gets plotted out. Each year the DCBA provides its members with MCLE seminars, Basic Skills courses for new attorneys, charity events, Judges’ Nite, scholarships, holiday gatherings, coffee and donuts in the Attorney Resource Center, the DCBA Brief, golf outings and pro bono services to the community, just to name a few.

What is required for this massive endeavor each year is the participation of the DCBA membership. Each year hundreds contribute their time, energy, ideas and even occasionally their cold hard cash to make these events possible. Just having a membership in the DCBA helps this all happen. But the bodies and minds of the membership are the real driving force behind the vital services offered. Most often the devoted Chairs and Vice-Chairs of the many DCBA committees are behind making things happen along with some much needed and appreciated assistance from the Bar center staff.

To be certain, you can find many of the same friendly faces attending or organizing any number of functions year after year. However, with a Bar Association at 2500 members and still growing strong, you can be sure that new faces are always welcome and indeed encouraged. You might be surprised at how often good times and camaraderie can be disguised as hard work, education - or even a free donut. If you need proof, take a look around at the next event or even browse through the DCBA Brief. You will see attorneys who have been active in the DCBA for their entire careers, in some instances spanning several decades.

So if you have been waiting for an invitation to become more active in the Bar, here it is: You are cordially invited to join in, get involved -even if its to just to attend an event or two. Come and see what some of the DCBA's finest have in store for 2011-12 and maybe even grab a donut. Visit the DCBA at www.dcba.org or call (630) 653-7779 for more information. □
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