Editor’s Note
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It is hard to believe that with this issue, my tenure as Editor in Chief of the IDC Quarterly has come to an end. Before talking about what you will read on the following pages, I must first thank the other editors for all of their hard work and dedication to making the Quarterly one of the top defense publications in the country: Al Pranaitis (soon to be the new Editor in Chief); Bill McVisk, Adnan Arain, Sarah Condon and Don O’Meara. Thank you also goes out to Sandra Wulf for her coordination efforts in getting the Quarterly published.

I also thank all of the authors who have submitted articles, whether regular columns, the Monographs, or feature articles. Obviously, our publication could not be what it is without its authors. I have no doubt that the original editors and contributors to the Quarterly would be thrilled to know that we have arrived at the point of actually having to occasionally postpone publishing articles and to set page limits for articles due a lack of space. What a great problem to have!

This issue’s Monograph, written by John M. O’Driscoll and Charmagne Topacio, provides a thoughtful and informative article on the concept of selective waiver of the attorney-client and attorney work-product privileges in governmental investigations. Michael Resis’ Amicus column discusses the Illinois Supreme Court’s recent decision in Karas v. Strevell, in which the court held that a participant in a contact sport breaches the duty of care to a fellow participant only if the participant intentionally injures the fellow participant or engages in conduct “totally outside the range of the ordinary activity involved in the sport.” In this Quarterly’s feature article, David B. Mueller and Jennifer L. Wolfe provide the fourth installment in a detailed analysis of the current state of construction negligence law in Illinois.

Joe Feehan’s Evidence column discusses a recent case on the issue of the admissibility of blood alcohol levels at trial. Stacy Fulco’s column includes a case where a plaintiff filed a suit alleging negligence and wilful and wanton misconduct; the defendant’s motion to dismiss the negligence count was granted with prejudice; the plaintiff then voluntarily dismissed the negligence claim and later refiled that claim, which the circuit court dismissed under the doctrine of res judicata. The supreme court held that the doctrine of res judicata did apply and upheld the dismissal of the refiled claim.

In the past year, we have overhauled the IDC Quarterly Guidelines to assist in providing consistency from article to article. We have also begun to heed the request of many members to focus more on practical advice for the defense litigator. In addition to the authors of several existing columns providing practical advice in their articles (such as Brad Elward outlining the analysis one should go through to determine whether an appeal is warranted), we are pleased to introduce a new column called “Civil Practice and Procedure,” which we expect to be coordinated by that committee. Steve Kaufmann and Ed Grasse authored the inaugural column, which covers issues of civility within the legal profession. Future columns will cover a wide variety of practical tips and advice.

It is important to remember that the IDC Quarterly is read not only by over 1000 IDC members, but also by our state legislators and judges, who receive complimentary copies. Recently, during a pretrial conference with a judge, I had the opportunity to ask her if she was familiar with the IDC Quarterly and she immediately pulled two articles off her desk that she had clipped from the prior issue. She mentioned that she clips articles from publications like ours to help her stay on top of the most recent developments in the law and that after she is finished reading the articles, she files them away for future reference. I was quite pleased to be reminded that
not only are our judges receiving the *IDC Quarterly*, but they are also reading it and relying on it. You should all be proud of your contributions.

Thank you again to all of the editors and authors for your hard work and commitment. It has been a pleasure and an honor to have served the Illinois defense community in the capacity of Editor in Chief of this outstanding publication. I wish Al the best of luck as he takes the helm, and I will look forward to reading and to learning from all of the future editions of the *IDC Quarterly*. I am likely to clip and save a few articles myself!