Despite Fall Chill, Golfers Enjoy Annual Outing

There was a decided nip in the air, but players donned jackets and good attitudes and enjoyed the Northwest Suburban Bar Association’s annual golf outing.

There were old favorites to add fun to the day, such as the margarita machine, the Keg Holes and “longest drive” and other contests. There were returning features, such as the wine-tasting event, for those who don’t play golf or couldn’t take most of the day off. And there were new attractions, including a Mai Tai Hole plus the Ball Drop, with a $500 cash prize.

The annual outing was held again this year at the Bridges at Poplar Creek Country Club in Hoffman Estates. Co-chairs of the event were Nichole Waltz and Allen Gabe. Mr. Gabe was in Paris, France hoping against hope to find Ernest Hemingway, F. Scott Fitzgerald and Pablo Picasso the same way Owen Wilson’s character in “Midnight in Paris” found them.

“It was a little chilly out there,” Ms. Waltz acknowledged with a laugh. “But everyone seemed to enjoy themselves and the day just the same. It was a wonderful day and evening.”

She thanked the many sponsors and donors who made the day possible. “So many people contributed so much. We couldn’t do it without them,” she said.

The wine-tasting event in the late afternoon, sponsored by Bush & Heise, was back by popular demand. “It’s a fun addition to the day. It gives people a chance to try different wines while they socialize, have appetizers and wait for golfers to finish,” said Ms.Waltz. Wines were provided by Binny’s Beverage Depot, while Pinstripes in Barrington provided the wristbands for the event. The wristband entitles the bearer to one free glass of wine at each visit to Pinstripes.

New this year was the Ball Drop to start off the outing. Participants paid $10 for numbered balls dropped from a hydraulic lift over the putting green just before the shotgun start. By “owning” the ball that went in to the hole, Kevin McCormick took home the $500 cash prize. Attorneys’ Title Guaranty Fund and ATG Trust Co. sponsored the Ball Drop and prize.

It was deja vu all over again, so to speak, when it came to winners. Three members of last year’s first-place foursome repeated in 2012. Taking first place with a total 12-under-par score of 58 was the foursome of Ron Wittmeyer, Mike Casey, Rich Ringfelt and Scott Shearn. Wittmeyer, Casey and Ringfelt were in the first-place foursome last year. Rumor has it that Mr. Ringfelt is the stud golfer of the group.

The “most honest” group on the green? That prize went to a twosome comprised of Judge Annie O’Donnell and Pete Janus. It was great that Judge O’Donnell rejoined the golf outing after a few years absence.

Continued on Page 7
ISBA Mutual - More Than A Definition

Held In Common - ISBA Mutual Insurance is structured without shareholders and is entirely owned and governed by its policyholders.

For Each Other - By serving our owners and leadership, we serve our clients. The client’s best interest is in our best interest because we are one and the same.

Shared - Every insurance company shares risk with its insured, but we share our policyholders’ goals and have returned over $11.3 million in dividends to our policyholder ownership since 2000.

ISBA Mutual Insurance has been exclusively serving Illinois lawyers and law firms since 1988.

ISBA Mutual was formed twenty-three years ago through the efforts of Illinois lawyers banding together to help one another by establishing our own insurance company. Our company has grown to be one of the most significant providers of malpractice insurance for lawyers in Illinois.

We specialize in professional liability insurance written specifically and exclusively for the needs of Illinois attorneys. It’s our only business.
For those of you who don’t know me personally I love being a lawyer. I always have. I’ve wanted to be a lawyer since I was a young man – since I was about 10, actually. I like being around lawyers. I like talking about the law. I like trying to always be a better lawyer. Almost everything I read is related to the law. I encourage everybody I know, who asks me, to become lawyers, and if someone can’t be a lawyer I encourage him or her to become a paralegal. I like the law and the order it provides. One of my favorite television shows is Law and Order. The name of the show and the drama, both inside and outside the courtroom – I find it all fascinating. Two of my three sons are going to law school.

My middle son Shawn, who is currently applying to law school, was home this last weekend, because his very good friend Anthony Brust was killed in an accident. The other driver was subsequently charged with DUI. Anthony Brust was a 21-year-old young man, a great kid with all of his future in front of him. He was a young man who was never in trouble with the law. I watched him grow up with Shawn. Anthony went to grammar school, junior high school and high school with Shawn. Two months ago Anthony graduated from Universal Technical Institute with honors and earned a full-time job at Pirtek. He was one of the many kids who hung out at my house. When Shawn was home for holidays and breaks, they did all of the things young men normally do: ski, bike and spend time together.

On Saturday night I walked downstairs into my basement and I saw about 10 of the young men and woman who have hung out at my house over the years sitting around crying. Their innocence was clearly lost, they were all bewildered with what had happened to Anthony. The wake was on Sunday and the funeral was on Monday. On Saturday night I thought maybe I should go back downstairs in my house, and give all of these young men and woman a lecture on moving forward and succeeding in life, and making Anthony proud that he knew them. I decided not to and, instead I thought, maybe the best thing is to let the law work and allow for order and then later say something. Anyhow, I didn’t feel right saying anything to these young men and woman while they were grieving the loss of their good friend.

I am told they haven’t charged the man involved in the accident in which young Anthony was killed with anything other than a DUI at this time. I am sure the charges will be upgraded soon. I don’t know if the man has a background. I probably will know the prosecutor who eventually prosecutes this man who killed young Anthony. I will probably know the defense attorney who represents the man who killed young Anthony. I am sure they will both do their jobs and this man will go to jail for a long time. As a lawyer I know the law will have to provide order in this case. As a father I wish the law could have prevented this tragedy, not just restored order.
The NWSBA would like to thank all its members who volunteered to work the Pro Bono Desk and as Court Facilitator in September at the Third District Circuit Court. Your time and effort is very much appreciated.

**Pro Bono Attorneys:**
- Brad Chelin
- Donald Singer
- Clyde Ogg
- Neil Good

**Paternity Facilitators:**
- Joel Weiner
- Kaci Holguin
- Steven Polachek
- Terry Slaw

**Court Facilitator Attorneys:**
- Sandra Coscino
- Daniel Robin
- Patricia Cartwright
- Anthony Calzaretta
- Roger Stelk
- Carol Grier
- Angel Traub
- Eileen Neugebauer

**Legal Self Help Center**
- Jeanette Danicki

Attorneys who volunteer for the Pro Bono Desk assist pro se litigants by answering general questions regarding small claims, landlord/tenant and divorce cases. The desk is open on Friday afternoons from 1:00 pm to 3:00 pm or until the last court call is done.

The Court Facilitator Program benefits the attorneys as well as the Judges who preside over Domestic Relations cases. In addition to assisting pro se litigants, attorneys who volunteer for this program are there to help settle all pending Domestic Relations cases. This program takes place on Tuesdays and Thursdays from 9:00 am - 12:00 pm. We also need facilitators to assist the paternity call on Thursdays from 9:00 am - 12:00 pm.

Do your part! Sign up for these important programs and help give back to the community! For more information contact Connie Appier at the NWSBA office, 847-221-2601 or cappier@nwsba.org.

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**There are exciting changes coming our way with the newly joined MCLE and Dinner Meeting Committees.**

**The November Issue of Newsbriefs will bring you the latest updates and changes that are sure to meet the needs of all of our members!**
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### Need Help?
Call 1-800-LAP-1233
Thank You To Our Golf Outing Sponsors

BALL DROP & $500 CASH PRIZE
SPONSORED BY:
Attorneys’ Title Guaranty Fund &
ATG Trust Co.

WINE TASTING
SPONSORED BY:
Bush & Heise

GOLD SPONSORS:
Attorneys’ Title Guaranty Fund & ATG Trust Co.
Gabe, Calzaretta & Assoc. LLC
Minnesota Lawyers Mutual Insurance Company

SILVER SPONSORS:
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Favaro & Gorman, Ltd.
Gunderson & Tharp, LLC
Kelley, Kelley & Kelley
Lagatutta, DeGrazia & Oefelein
Law Offices of Daniel Robin
Market JD
Michael H. Erde & Assoc.
Tilted Kilt, Schaumburg

SPECIALTY HOLE SPONSORS

Hole In One - Elite Deposition Services
Keg Hole - Waltz, Palmer & Dawson
Keg Hole - Apicella Law Firm
Mai Tai Hole - Fidelity National Title
Margarita Hole - Law Offices of Neil H. Good and Law Offices of Michael A. Meschino
A number of contests at various holes added to the competitive spirit of the day. Chuck Newland and Sue Dawson took home trophies for being “closest to the squiggly line” on Hole No. 1. James Coli and Jennifer Larocco earned accolades for making the longest drive on Hole No. 13 and Ted McGinn and Gena Whitson-Owen received trophies for getting closest to the pin on Hole No. 17. Whitson-Owen also took home the gold by making the longest putt on Hole No. 18. Nick Richardson took home the trophy for the men’s longest putt.

Sponsors for the day included:

Gold: Attorneys’ Title Guaranty Fund and ATG Trust Co., sponsors of the Ball Drop, present Kevin McCormick with the winning $500 Cash Prize.

Nick Richardson donated the game hole yardsticks.

To quench golfers’ thirst while on the course, Waltz, Palmer & Dawson sponsored a beer keg at one hole, and the Apicella Law Firm sponsored a keg at another. The Law Offices of Neil H. Good and the Law Offices of Michael A. Meschino offered a Margarita machine, with two kinds of margaritas, and Fidelity National Title sponsored a Mai Tai Hole. Elite Deposition Services sponsored a “hole in one” contest.

Several gifts and giveaways were provided during the day as well. Record Copy Services provided golf tees; the Great Frank Schumacher provided a sleeve of golf balls to each golfer; and Elite Deposition Services provided koozies. The law firm of Waltz, Palmer & Dawson provided pens and the law firm of Gabe, Calzaretta & Associates, LLC offered Post-It notes. Attorneys’ Title Guaranty Fund, Inc., and ATG Trust Co. provided golf towels.

The end-of-outing raffle provided lucky winners with great prizes. Donors included: Ringler Associates, a flat-screen television set; Thomson Reuters, an iPad 2; ADR Systems, a signed Blackhawks jersey; Land Surveying Services, Inc., a Bose iPod docking station; Gunderson & Tharp, LLC, two Cubs tickets for the 2013 season; and AAE Glass, glass jewelry pieces.
Civil Litigation CLE
Michael Rothmann & Gary Newland
Co-Chairs

October 11, 2012
5:45 PM - 9:00 PM
Forest View Education Center
2121 S. Goebbert Road
Arlington Heights, IL
BOARD ROOM
Parking Lot B
Entrance #1 located off Goebbert Road

$50 – Members
$100 – Non-Members
After October 4th:
$60 Members & $110 Non-Members

Seminar will begin promptly at 5:45 PM and will include materials and a light dinner

To receive full credit, attendees MUST be checked in by 5:45 pm.

RSVP by 10/4/12
To avoid late registration fees

What Appellate Judges Expect of Lawyers
During Appeal and Oral Argument -
Justice Margaret McBride, Illinois Appellate Court, 1st District

The Empty Chair Defense -
The Honorable William J. Haddad, Cook County Circuit Court

Update on Third Party Medicare Set Asides -
Michael Rothmann, Law Office of Martin L. Glink

Brain Injury and Diagnostic Testing -
Gary Newland, Newland and Newland, LLC

Current Status of Punitive Damages in Illinois -
Jeffrey Patrick Guzak, The Law Offices Of Jeffrey Patrick Guzak

This program is appropriate for ALL LEVELS

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City/State/Zip ___________________________ ___________________________

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Credit Card # ___________________________ Expiration Date ___________________________

Billing Address for Credit Card ___________________________ 3-Digit Code on Back ___________________________
Lunch & Learn CLEs

The Northwest Suburban Bar Association Lunch & Learn CLE program commenced its fall session with Judge Ketki Shroff Steffen’s September presentation on “Civil Orders of Protection.” Judge Steffen joined the bench of the Third Municipal District earlier this year and serves on a multitude of court calls including Domestic Violence and Parentage. Her experience and skills are a commendable addition to the Third District’s assemblage of Judges.

The Lunch & Learn Program is presented every other month at the Rolling Meadows Courthouse (lower level) Multi-Purpose Room 034. It has proved to be a popular opportunity to gain a CLE credit over the lunch hour for members of the NWSBA. Judge Samuel J. Betar III will present “Civil Small Claims Procedure” on November 14, 2012.

Judge Roti

Judge Thomas David Roti recently received highly favorable comments from the Judicial Commission of Cook County. Excerpts from the evaluation are as follows:

Thomas Roti was elected to the Circuit Court in 2000, he currently hears Municipal and Law Division trials – both jury and bench, and supervises the Mandatory Arbitration Program in the Third District.

Respondents to the Judicial Performance Commission inquiry were uniformly positive with regard to their experiences practicing before Judge Roti. Respondents described him as knowledgeable, a “quality judge” and one noted that “what he does not know, he researches.” He is said to use proffered briefs on legal issues effectively. One respondent said that he is “acutely aware of the law and continues to learn on the job.”

His courtroom management is considered effective, swift and organized. He is noted for valuing settlement and working diligently to promote and reach settlement. Respondents called him “attentive” and noted that he gives attorneys “time to argue” but “won’t keep you there all day.”

Judge Roti is considered fair and even-tempered. Several respondents noted that they do not mind losing in his courtroom because they know Judge Roti is fair. Judge Roti is managing his duties effectively and efficiently. He shows appropriate temperament and diligence in his work. Judge Roti is currently assigned to Civil Courtroom 205 of the Third Municipal District, Circuit Court of Cook County, Rolling Meadows, Illinois.

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Also: artist Gary Gantert, an original watercolor; the Bridges at Poplar Creek, two foursomes with carts; Schaumburg Golf Club, a foursome with carts; Cooper’s Hawk and NWSBA, a wine-tasting basket; Joe Vito Realty Co., a golf bag, patio umbrella and lighted bar sign; Dog Play Day Care, an overnight stay and one day at day care and bath; Alfresco, Cafe Zalutes, Moretti’s, Retro Bistro, Rosewood and Westwood, gift cards for a night on the town gift baskets.

In a late entry, silver sponsor EPS Rehab, Inc. donated tickets to watch the Chicago Bulls in a luxury box suite. A live auction was arranged and Nicole Waltz won the tickets with a bid of $575. Former Golf committee Chaiman Joel DeGrazia served as the ad hoc Auctioneer.

Gary Newland was master of ceremonies. He thanked the entire committee, with a special “shout out” to Nick Richardson’s wife, Ashley, for her help. Golf Committee members are Joel DeGrazia, Nicholas Richardson, Nicholas Lagattuta, Lance Ziebell, Joseph Vito, Brian Heise, Joel Weiner, and Julie Barth, plus Co-Chairs Nichole Waltz and Allen Gabe. Mr.Newland also thanked NWSBA Executive Director Julie Barth, Connie Appier and Barbara Mueller for their help in making the outing a success.
ATG reps Arden Miner and Phil Krawiec with Board Member and Golf Outing MC, Gary Newland (center).

“The Vowels”: Left to right: (Ret.) Judge Joseph Urso, Joel DeGrazia, Nick Lagattuta and Don Novelle.

The Lavelle Law foursome of Ted McGinn, Lance Ziebell, Kerry Lavelle and Steve Migala.

Left to right: NWSBA Treasurer Nichole Waltz, Gena Whitson Owen, Millie Palmer and Susan Dawson.

From left: NWSA Board Member Colin Gilbert, with Matt McBride, Karl Magnus and Bryan Edmunds.

New Membership Co-Chair Jessica Oefelein (far left) with Carolyn Pink, Robert Irsuto and Mike Alesia.

From left: Board Memebers Mike Rothmann and Gary Newland, also the MC for the evening, with Ed Stef-fan and Mike Cowsert.

Joe Vito (left), Membership Co-Chair, with Nick Richardson, Steve Kyriazes and Brad Chelin.

Scott Zambo (left), and Dan Robin (second from right) with Brian Tharp and Michael Gunderson of Gunder-son Tharp.

The always colorful John Runion, with Kevin McCormick, and NWSBA Secretary Jay Andrew.

Josh Sorkin, Ken Apicella, Jennifer Ross and (Ret) Judge Dan Locallo.

Sarah Scaravalle, Jennifer LaRocco, Jacky Cartwright and Rafal Piontkowski of BMO Harris Bank.
Joseph Vito, Membership Co-Chair, salutes Apicella Law, sponsor of the Summer Shandy Keg Hole.

Our esteemed MC for the evening, NWSBA Board Member, Gary Newland.

Jennifer Ross, winner of the Toews Black Hawks jersey, donated by Josh Sorkin of ADR Systems.

John Pace of Thomson Reuters, donated an iPad to our Raffle.

Left to right: Rebecca Zeilenga, Robert Broska, Christin Lanham and Sarah Nolan enjoy the Wine Tasting Event.

Michael Minton, left, speaks with the folks from Binney’s Beverage Depot.

Daniel Robin, left, with Karl Magnus at dinner and awards.

Guests enjoy cocktails and a buffet dinner after a chilly round of golf.

Chris Sobey and Tony Nuccio of American Chartered Bank look over the Raffle items.

From the left: Michael Minton, John O’Brien of ATG Trust, NWSBA 1st VP William Kelley and Carl Draper.

NWSBA Treasurer, Nichole Waltz, celebrating her successful live auction bid for Luxury Box Bulls Tickets donated by EPS Rehab, Inc.

Mike Cowsert of Closing Velocity, an event sponsor, winner of the 43” Plasma TV donated by Ringler Assoc.

The coveted NWSBA outing trophies, including “Winning Foursome” and “Most Honest Foursome.”
October 25, 2012  
4:45 pm - 9:00 pm  
Forest View Education Center  
2121 S. Goebbert Road  
Arlington Heights, IL  
Parking Lot B  
Enterance #1 located off  
Goebbert Road  
$100 – Members  
$175 – Non-Members  
After October 18th:  
$110 Members & $185 Non-Members  
Seminar will begin promptly  
at 5:00 pm and will include  
materials and a light dinner  
To receive full credit,  
attendees MUST be checked in  
by 5:00 pm.  

This program is appropriate for  
ALL LEVELS  
RSVP by 10/18/12  
To avoid late registration fees  

“PRESUMED INNOCENT”  
Scott Turow’s 1st Thriller  
Starring: Harrison Ford & Brian Dennehy  

Try to find ONE ethical person in this movie!  

Program Format:  
Participants will watch the film and stop at each point the attorney is faced  
with an ethical dilemma under the ABA Model Rules and the Illinois Attorney  
Rules of Professional Conduct. There will be an opportunity to discuss  
and analyze several issues raised by the presenters and the group.  

Time will be allotted to discuss some of the differences between real prac- 
tice and the movie.  

Presented by:  
Cliff Scott-Rudnick, Director of Continuing Legal Education and Assistant  
Professor at the John Marshall Law School  

Richard Adler, Attorney & Film Expert  

Space is limited. All reservations made after October 18th will require a non-refundable  
credit card payment in advance.  

4 Hours Professional Credits pending approval.
Editor’s Rant
By: Michael A. Meschino

Recently we just had the 11th Anniversary of the September 11th attacks by 19 Al-Qaeda terrorists flying airplanes with the purpose of injuring and killing innocent people and destroying the symbols of American Institutions. This Rant is not about the alleged spontaneous demonstrations in Muslim lands on September 11, 2012. It is not even an indictment of anyone for the death of the United States Ambassador to Libya and three other fine Americans serving their country.

This is a personal story about September 11, 2001. The story starts in August of 1961 when my family moved to the suburbs from the Grand and Harlem neighborhood in Chicago. The Grand and Harlem neighborhood in Chicago was truly a neighborhood back in 1961. Back then, even though I was very young, I believe that everyone in that neighborhood knew my mother and father; they were looking out for my brother, sister and me; and the local Catholic Church, St. Williams, was less than a block away. My brother and I were allowed to run errands for my mother as long as we did not have to cross Grand Avenue on the south or Diversey Avenue on the north. We were not permitted to be on Harlem Avenue at any time without an adult.

In any event, after we moved to the suburbs, it took some time to get acclimated to the neighborhood. Our backyard kiddie corner neighbor was the Magnassun Family. My mother and Dorothy Magnassun instantly became friends. Mrs. Magnassun had two sons, Donald, who was already in high school, and Ronald, who was a year older than I. She brought Ron over one day to meet with us and Ron and I became fast friends. Ron had no misconceptions about hanging around with someone who was a year younger. My parents, his parents and our other kiddie corner neighbors, the Ruths, carpooled the children to school. He was my own personal protector when we attended Ballard School in Niles, Illinois (Ballard School is now Northridge Prep). We remained friends even though Ron continued at Ballard School and I went to school at Our Lady of Ransom which opened in late September of 1962.

Ron and I remained close friends and always found time to do something on the weekends together, whether it was to go to see a movie, hang out at Golf Mill Mall or go bowling at the Golf Mill Bowling Alley. Then the Magnassuns moved to Prospect Heights, Illinois and we lost touch. Approximately four and a half years ago, I saw in the Daily Herald the Obituary for Dorothy Magnassun, which contained a line that stated that she was survived by her son Donald and her husband and was preceded in death by her beloved son Ronald. This struck me as odd. When I went to the wake, Mr. Magnassun, then 87 years old, told me tearfully that his dear son Ronald had perished in New York City on September 11, 2001. Apparently Ron was working in the North Tower and was unable to get out of the building prior to its collapse.

This summer I made it a point that my family would go see New York City. I wanted to see the September 11th Memorial set up at the grounds of the World Trade Center in person.

Every American should view the Memorial at least once in their life and see engraved in granite the names of all of those people who died on September 11th, including those in Washington, D.C. and on Flight 93 which landed in rural Pennsylvania. As I walked around the reflecting pools I finally found Ronald’s name. I had a number of emotions that swept through me all at the same time. There was first a sense of loss for a friend that I had made at 6 years old. Then I had nothing but anger for the senseless act that had caused the death of Ron. My next thought was that we all need to be resolute in never forgetting what happened on September 11, 2001, and to keep vigilant at all times against those fanatic Muslims who wish to wipe out Western Civilization and replace it with their barbaric savagery.

Continued on Page 20
(October) in 1924 James Earl (Jimmy) Carter, Jr. was born in Plains, Georgia into the family of James Earl Carter, Sr. and Lillian Gordy Carter. The oldest of four children, Jimmy was raised in a strict Baptist household where traditional Christian ethics and morality were taught and practiced. Jimmy graduated from the public high school in rural Plains, Ga. in 1941. In 1943, Carter gained admission to the U.S. Naval Academy from where he graduated in 1946 59th out of a class of 820. On July 7, 1946, the twenty-two-year old newly minted naval officer and twenty-year-old Rosalynn Smith were married. Together they had four children: Jack, Chip, Jeffrey, and Amy Lynn. The highlight of his brief naval career (1946-1953) was his being selected by Admiral Hyman Rickover to serve in the nuclear submarine program. In preparation to becoming an engineering officer on a nuclear submarine, Carter took advanced graduate work at Union College. However, upon the death of his father in 1953, Jimmy abruptly resigned his commission and returned to Plains to take over the Carter business enterprises.

Success in his various business enterprises led almost inevitably to a political career. Carter won election to the Georgia State Senate where he served with notable distinction from 1962 to 1966. In 1966 he ran unsuccessfully for governor. However, in 1970, he won the gubernatorial election to become Georgia’s 76th chief executive. As governor (1971-1975), Carter gained a national reputation as a progressive southern chief executive. In his inaugural address, for example, he boldly declared that “the time for racial discrimination is over”. In late 1974, he announced his candidacy for president and through tireless campaigning won 18 of 31 Democratic Party primaries. He won the Democratic nomination on the first ballot and then, with his V.P. candidate liberal Minnesota Senator Walter Mondale, narrowly beat the Republican ticket of incumbent president Gerald R. Ford and V.P. nominee Kansas Senator Robert Dole with 51% of the popular vote and a 297 to 240 electoral vote.

As the 39th U.S. president (1976-1980), Jimmy Carter is usually rated as one of the most unsuccessful presidents in recent history. He presided over a country in turmoil. The 1979 Iranian hostage crisis, high gas prices, runaway inflation, and a high unemployment rate of over 7% all combined to project the image of a chief executive, who although seen as a “good” man and devoted Christian, was not up to the job as president. Perhaps because of this perception, which was not entirely accurate, Carter was defeated in his re-election bid in 1980. However, there were, in fact, several significant achievements, which included establishment of diplomatic relations with China, the Salt II treaty with the U.S.S.R., the Panama Canal treaties, and the Camp David Accords (which brought temporary peace to the Middle East). Since his involuntary political retirement in 1980, Carter has been extremely and productively busy. He founded and is actively involved with the nonpartisan Carter Center that, through its Global 2000 programs, promotes democracy and human rights, he regularly works with Habitat for Humanity, he teaches Sunday School and is a deacon at the Maranatha Baptist Church in Plains, and finally he has, in his “spare time”, written and published 27 books. However, Jimmy Carter’s crowning achievement was the December 10, 2002 awarding of the Noble Peace Prize to Mr. Carter “for his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development.”

Crystal Lake resident Joseph C. Morton is Professor Emeritus at Northeastern Illinois University and author of The American Revolution and Shapers of the Great Debate at the Constitutional Convention of 1787.
NORTHWEST SUBURBAN BAR ASSOCIATION

2012 HOLIDAY PARTY

DATE: THURSDAY, DECEMBER 6, 2012
TIME: 5:00 PM CASH BAR - 6:00 PM DINNER
PLACE: RETRO BISTRO
1746 W. GOLF ROAD
MT. PROSPECT, IL
PRICE: $65 PER PERSON (INCLUDES ONE DRINK TICKET; BEER OR WINE ONLY)
($50 - 3RD DISTRICT COURTHOUSE EMPLOYEES)
$75.00 PER PERSON AFTER NOVEMBER 29, 2012

Name _________________________ Telephone __________________________

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Billing Address For Credit Card

Mail to: 800 E. Northwest Hwy. #502 Palatine, IL 60074
Tele: 847-221-2601     Fax: 847-221-2844
Termination and Modification of Maintenance

Section 510 contains the statutory requirements to terminate maintenance.

750 ILCS 5/510(c) states in relevant part the following:

“Unless otherwise agreed by the parties in a written agreement set forth in the Judgment or otherwise approved by the Court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance or if the party receiving maintenance cohabitates with another person on a resident, continuing conjugal basis.”

750 ILCS 5/502 states the following in Subparagraphs (a) and (b):

“(a) To promote amicable settlement of disputes between parties to a marriage attendant upon the dissolution of their marriage, the parties may enter into a written or oral agreement containing provisions for disposition of any property owned by either of them, maintenance of either of them and support, custody and visitation of their children.

(b) The terms of the agreement, except those providing for the support, custody and visitation of children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the agreement is unconscionable.”

As can be seen from the above portions of the statute, Section 502 of the Illinois Marriage and Dissolution of Marriage Act expressly permits the parties to a Dissolution of Marriage to enter into an Agreement which precludes or limits modification or termination of maintenance under Section 501 of the Illinois Marriage and Dissolution of Marriage Act.

The Illinois Supreme Court of In re the Marriage of Kozloff, 101 Ill.2d 526 (1986) stated the following when it upheld a maintenance provision, incorporated into the Judgment for Dissolution of Marriage that said that payments would be non-modifiable and would be terminated only upon the wife’s death and upheld the Judgment and continued maintenance despite the wife’s remarriage.

“We next consider the propriety of Judge Burks’ denial of Donald’s Petition for Modification. Although the Settlement Agreement stated that it would be nonmodifiable, Donald intends that the clause is unenforceable as a violation of public policy. Section 510(b) of the Illinois Marriage and Dissolution of Marriage Act, in effect at the time the parties entered into the agreement, provided that “the obligation to pay future maintenance is terminated upon the remarriage of the party receiving maintenance” (Ill.Rev.Stat. 1979, ch. 40 par. 510(b)). In 1981 the General Assembly added to the provision the phrase; “unless otherwise agreed.” (Ill.Rev.Stat. 1981, ch. 40 par. 510(b).) Donald argues that the absence of this language from the former provision indicates that, prior to 1981, the legislature must have intended the termination of maintenance payments upon the recipient’s remarriage regardless of an agreement to the contrary. He cites several appellate court cases which support that conclusion. In re Marriage of Lowe, (1981), 101 Ill.App.3d 317, 56 Ill.Dec. 821, 427 N.E.2d 1367; Warren v. Warren (1980), 88 Ill.App.3d 543, 43 Ill.Dec.782 410 N.E.2d 915; In re Marriage of Bramson (1980), 83 Ill.App, 3d 657, 39 Ill.Dec. 85, 404 N.E.2d 469.

We believe a more convincing interpretation of section 510(b) was offered in In re Marriage of Mass (1981), 102 Ill.App.3d 984, 58 Ill.Dec.941, 431 N.E.2d 1, the most recent case to address the issue. The Mass court held that the addition of the language “unless otherwise agreed” in section 510(b) was not intended to change the law but, rather, was intended to clarify existing law. The court supported its determination by reference to section 502 of the Act, which seems to eliminate any question about the legislature’s pre-1981 intent. Section 502(f), in effect at the time the parties entered into the agreement, provides that separation agreements may “expressly preclude or limit modification of terms set forth in the judgment.” (Ill.Rev.Stat. 1979, ch.40. par. 502(f).) Section 510(a), also in effect at the time the parties entered into the agreement, states that any judgment respecting maintenance may be modified “except as otherwise provided in paragraph (f) of Section 502.”

Continued On Next Page
Kozloff is still good law in Illinois and was recently cited by the Illinois Supreme Court in the decision in the case of Blum v. Koster, 235 Ill.2d. 21 2009, a case where the Illinois Supreme Court reversed the Lake County, Illinois Trial Court and the Second Appellate District on the issue of parties being able to make express agreements as to the awards of maintenance.

The case of In Re The Marriage Brent, 263 Ill.App.3d 916 (4th Dist. 1994) explains this point further. The Brent Court stated the following:

“Sections 502(f) of the Act expressly permits the parties to enter into an agreement which precluded or limits modification or termination of maintenance under section 510. (Ill. Rev.Stat.1991, ch. 40, pars. 502(f), 510.) The parties may agree their provisions as to maintenance will be non-modifiable or modifiable only in accordance with the terms of the agreement. (Ill. Ann. Stat. ch. 40, par. 502, Historical and Practice Notes, at 403 (Smith-Hurd 1980).) The purpose behind allowing the parties to agree, in advance, to the circumstances under which maintenance may be modified “‘maximizes the advantages of careful future planning and eliminates uncertainties based on the fear of subsequent motions to increase or decrease the obligations of the parties.’ Ill. Ann.Stat., ch. 40, par. 502, Historical and Practice Notes, at 403 (Smith-Hurd 1980), quoting 9A U.L.A. 138 (1979).

(4) Where the parties agree to the terms under which maintenance may be modified and/or terminated, their terms (incorporated into the judgment) take precedence over the provisions for modification and termination as set forth in section 510 of the Act. (In re Marriage of Tucker (1986), 148 Ill. App.3d 1097, 1099, 102 Ill. Dec. 685, 686, 500 N.E.2d 578, 579.) However, the intent of the parties to preclude or limit modification or termination of maintenance must be clearly manifested in their agreement, In re Marriage of Scott (1990), 205 Ill.App.3d 561, 564, 150 Ill.Dec. 868, 870, 563 N.E. 2d 995, 997.”

In the Brent case, the Court discussed whether or not the paying party would have a right to modify maintenance upon a substantial change of circumstances. The Court concluded that the provision in the Brent Judgment was not clearly manifested to preclude a Substantial Change in Circumstances as a basis for modification.

As a careful practitioner there are obvious reasons why you would never agree to exclude Substantial Change in Circumstances as a basis for modification. What if you represent the payor spouse who loses his job or is downsized to a position that does not pay as much as it did during the pendency of the Dissolution of Marriage? If you represent the recipient spouse, you may have an issue if that person becomes disabled or is unable to work. Next month we will have a discussion in this column on what constitutes a substantial change in circumstances.

Michael A. Meschino has his own practice in Palatine. His practice is concentrated in Family Law, Civil Litigation, Chancery Litigation and Real Estate. He also handles criminal matters. For more information please go to his website at www.illinoisdivorceclaw.org.
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Smokey Robinson

When my sister was from ages 6 through 12 she used to go to the store with mother and my mother would buy her 45 singles that my sister liked (to those of you too young to know what vinyl records were, some vinyl records came at 33 1/3 (those were mostly records made in the ‘30s and ‘40s) and then in the Rock ‘n Roll Era (which started in 1954) singles were placed on vinyl that played at 45 rpm on a turntable. Hence the name “45s”). Starting in 1964 I started to see some really nice tunes which had as the songwriter William R. Robinson, Jr. William R. Robinson, Jr. is generally known as the great Smokey Robinson songwriter extraordinaire for Motown Records.

I do not think that it is hyperbole to say that without Smokey Robinson there would have been no Motown Records. Smokey Robinson was the songwriter on the Temptations first big hit “The Way You Do the Things You Do” and he wrote probably their biggest hit, “My Girl”, and the Rock classic “Get Ready”.

Between 1960 and 1970 Smokey Robinson would produce 26 Top 40 hits with the group “Smokey Robinson and the Miracles”.

Smokey Robinson was born in Detroit and raised in the city’s North end section. He and Diana Ross were next door neighbors. It was in August of 1958 that Robinson met songwriter Barry Gordy. It was Robinson who suggested to Barry Gordy that he start his own label which later became Motown Records. In 1969 after an extremely successful career with Smokey Robinson and the Miracles, Mr. Robinson decided that he did not want to go on the road with the group and chose to live with his family and try to raise his two children as Motown’s Vice President. However, a single song “Tears of a Clown” caused Robinson to stay with the group until 1972. In 1973 Smokey Robinson later collaborated with Mark Tarplin where Robinson wrote the lyrics that became his first Top 10 pop single as a solo artist called “Cruisin’.”

In 1987 Smokey Robinson was inducted into the Rock & Roll Hall of Fame. Two years later he was inducted into the Songwriter’s Hall of Fame. In December 2006 Robinson was one of the Kennedy Center Honorees. His songs were beautifully sung by Sam Moore of Sam and Dave, who when finished pointed to Mr. Robinson and said “Did I do ok Smoke?” The gracious Mr. Robinson shook his head and waived to his longtime friend and brushed aside a tear. My favorite Smokey Robinson song? There is no doubt about that:

Maybe You Want to Give my Kisses Sweet  
But Only for One Night with No Repeat  
Maybe You Would Go Away and Never Call  
And a Taste of Honey is Worse than None at All...

Oh, but if you Feel Like Loving Me  
if You Got the Notion  
I Second that Emotion  
Said, if You Feel Like Giving Me  
a Lifetime of Devotion  
I Second that Emotion.
Northwest Suburban Bar Association’s

Fall Dinner Meeting
Wednesday, November 7, 2012

Michael Rothmann & Kenneth Apicella, Co-Chairs

“Protecting Assets and Wealth - Yours and Your Clients.”


2 Hours of Professional Responsibility Credits Pending Approval by the Illinois Commission on Professionalism

Time: 5:30 PM - Cocktails (Cash Bar)
6:30 PM - Dinner & Presentation

Place: Fox and the Hound
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Northwest Suburban Bar Association’s

FALL LUNCH & CLE

Wednesday, November 28, 2012

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TIME: 12:15 P.M. - LUNCH BUFFET & PRESENTATION

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Chief Judge Evans announces new court website with help for people without lawyers

Circuit Court of Cook County Chief Judge Timothy C. Evans announced the Circuit Court of Cook County recently launched a completely redesigned web site for people without lawyers, legal practitioners and the general public.

The site has information that ranges from free or low cost legal services and child care opportunities in the courthouse to practice information for attorneys that includes judges’ standing orders and daily routine courtroom schedules.

Chief Judge Evans said, “The court’s new web site delivers more information than ever before about the court and in a way that is easy to use.”

The new section, “For People Without Lawyers,” contains helpful links and information for people who are representing themselves in court proceedings, whether by choice or necessity. The Circuit Court worked closely with The Chicago Bar Foundation on the section. Information on divorce, jury service, evictions, child support, orders of protection and many other court topics.

There is also helpful information on a variety of court topics including divorce, jury service, evictions, child support, and orders of protection, to name a few.

And because the public often confuses the Circuit Court with the Clerk of the Circuit Court’s Office, the site easily redirects persons who mistakenly come to the Circuit Court’s site seeking information about court records.

The web address is: www.cookcountycourt.org.
September 2012 Board Meeting Highlights
By: Michael A. Meschino

- Treasurer Nichole Waltz and First Vice President William Kelley produced their draft of the proposed Amended By-Laws that will be distributed to the Membership prior to the Christmas Party. The main problem with the old By-Laws was that it did not distinguish between Regular Members and Associate Members as clearly as the policies that have been made during the past 15 years delineated these distinctive categories of Membership. The second reason was to move the Annual Meeting, barring a contested election, to the same time as the Judge’s Night in order to avoid a constant overbooking of events for our Members. The third major issue was to eliminate the position of Executive Vice President to shorten the ascendency through the ranks of the Executive Committee.

The language will be drafted to eliminate the Executive Vice President and replace it with a successional system that starts with the Secretary through Treasurer, Second Vice President, First Vice President and then the President. That will be initiated in the 2013-2014 Executive Committee.

- Jay Andrew reported that the ISBA is now considering dropping out of funding the finals for the Mock Trial which take place every year in Springfield, Illinois. This is an opportunity for the Northwest Suburban Bar Association to step up and have the Statewide Mock Trial brought out to Cook County. The one problem is that the downstate contestants that come to this event are used to going to Springfield, Illinois or some other centralized location in the state. The key to obtaining the entire Mock Trial Competition statewide is to find a Courthouse Venue that is actually open on a Saturday to hold the event. The NWSBA Mock Trial has always received great reviews and most of the teams have commented that the NWSBA event is clearly head and shoulders above the State event. The State events are held in hotels, the contestants have to sometimes write an additional statement that is graded by the Judges and the absence of a courthouse setting and the professionalism of our Judiciary and the NWSBA Members is not matched by our downstate cohorts.

Jay Andrew, Chairman of the Mock Trial Committee, will be looking into the ways and means of trying to do this along with President Neil Good and First Vice-President William Kelley.

- William Kelley, the First Vice President of the NWSBA is very involved in the Suburban Bar Coalition. One of the goals is to have Probate Court brought to the Suburban Courthouses. Mr. Kelley reported that the initial plan is to have Probate brought to the Second Municipal District as a Pilot Program. As yet there are no provisions to bringing Probate Court to the Third Municipal District.

- The NWSBA’s last Executive Vice President Michael Meschino reiterated some of the comments that were made at the end of the last Executive Committee Meeting to reach out to the Second District. President Good reported that he was approached by Judge Warnick at the Des Plaines Pub Trawlers Event to have more events closer to the 2nd District. The Des Plaines Pub Trawlers Event was held in the winter and honored Judge Fein for his work as the Law Division Judge in the Second Municipal District. There was a great turn out of Second District personnel and attorneys. The Executive Committee thinks that reaching out to Lauren Edidin who is our former past President and currently is a Judge hearing cases in the Second Municipal District, Larry Axelrood, a former Third District Judge who was a very good friend of the Bar when he was here, and Judge Sutker-Dermer would be a start. President Good recommended that one-third of our Pub Trawlers and one-third of our Lunch & Learns should come from areas in the Second Municipal District. He also noted that Judge Maki was the one who proposed the judges as the presiders at the Lunch & Learns that are present in the Third Municipal District. He believes that Judge Sutker-Dermer is also a forward thinking person.

- Treasurer Nichole Waltz reported that the Golf Outing has 20 Foursomes ready to go and that there are only 9 people signed up for the Wine Tasting. She encouraged people that were not coming to golf to sign up for the Wine Tasting and stay for dinner.

Treasurer Waltz also noted that she has arranged for a Dinner/Lunch Meeting with the Dinner Committee, represented at this meeting by Ken Apicella at Moretti’s in Schaumburg. The date of this event is November 25, 2012. Skip Thanksgiving and have lunch with us is the theme of the meeting. The theme of the meeting will be Practice Management. A retired judge by the name of Bill Moss, a personal friend of Ms. Waltz, will be the featured speaker.

The Dinner Meeting Committee will also hold its first Dinner Meeting on November 7, 2012 at the Fox and Hound in Schaumburg. The cost for this event will be $40.00. Stay tuned to Newsbriefs for more information on this event.

- Second Vice-President Ron Wittmeyer reported that December 6, 2012 is the date of the Holiday Party. The Holiday Party will be, once again, at the Retro Bistro on Golf Road and Busse in Mt. Prospect, Illinois. Once again, come early and stay late.
Continued From Previous Page

• Two CLEs are scheduled for September: Tax Law for September 11, 2012, and Traffic Law on September 27, 2012. Civil Lit Co-Chair Gary Newland stated that they are going to have five speakers at their October 11th CLE in the hopes that several speakers will keep their audience more interested because of more topics and less time spent per topic then with three speakers speaking for three hours. Mr. Newland also stated that he is actively seeking ideas for the replacement for the usual Subway Sandwich fare that is present at our three hour CLEs.

• Chairman of the Employment Committee, Andrew Haber came up with an Executive Director Evaluation Analysis Outline that was very useful in trying to determine salaries for the Executive Director and our Administrative Assistant. There was a discussion and a Compensation Package was voted on at the meeting.

• The new Treasurer, Nichole Waltz has come up with a few different ideas to try to explain to the Membership how the NWSBA is now going to have a review every year of the previous year. The most important item is that the dues that are collected in June, which usually go on the previous Treasurer’s Report, are now to be transferred to the fiscal year for which they belong. This was a renovation that was started by Second Vice-President Ronald Wittmeyer in his attempt to try to get some sense out of the bills because of the fiscal year of the Association starting on July 1st and ending on June 30th. There were various thoughts to the fact that billing once per year in January for the dues. However, since it had been established for over 50 years of the dual billing cycle during the year, it was thought that it was better to try to evaluate what is going on with the break by employing a review by the accountant.

Additionally, the accountant will be doing a reconciliation of the checkbook and performing this review every year. To start off things the accountant will go back three years ago which is the only year that is unaudited and not reviewed.

• Approval of New Members: Angel M. Traub, Victoria Lunetta, Christopher Poisson, Michael Melber, Tiffany Hughes, Daniel Soderstrom, Dennis Conlon.

• Approval of Law Student Members: Nicole Anderson, Sonia Patel

• Never again will anyone serve as Executive Vice President of the NWSBA. Michael A. Meschino will be the last Executive Vice President.
NORTHWEST SUBURBAN BAR ASSOCIATION

Pub Trawlers

Thursday, October 18, 2012
5:30 PM

Location:
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REAL ESTATE TAX REDUCTION REFERRALS

Amari & Locallo, whose practice is confined exclusively to real estate tax assessment process, is accepting referrals of commercial, industrial and multi-unit residential properties (seven units or more) from fellow NWSBA attorneys. Co-counsel fees provided: Note all properties in the City of Chicago are being reassessed in 2012. Amari & Locallo has offices in DuPage County to service the real estate tax needs of property owners in collar counties: Lake, Will, Kane, McHenry, DuPage, etc. Properties located anywhere in Illinois will be reviewed without cost or commitment. Call Katherine Amari O’Dell at (312)726-6920.

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NEWSBRIEFS - 28

CALENDAR

OCTOBER 9         BOARD OF GOVERNORS MEETING
OCTOBER 11        CIVIL LITIGATION CLE
OCTOBER 18        PUB TRAWLERS
OCTOBER 24        VOLUNTEER LUNCHEON
OCTOBER 25        ETHICS IN FILM CLE
NOVEMBER 7        FALL DINNER MEETING
NOVEMBER 8        ASSUMPTION OF RISK CLE
NOVEMBER 13       BOARD OF GOVERNORS MEETING
NOVEMBER 14       LUNCH & LEARN MEMBERS ONLY CLE
NOVEMBER 15       PUB TRAWLERS
NOVEMBER 19       ESTATE PLANNING LUNCH CLE
NOVEMBER 28       GOING PAPERLESS LUNCH CLE