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The newsletter of the Illinois State Bar Association's Section on International & Immigration Law

Editor's Comments

BY LEWIS F. MATUSZEWICH

Daniel Kegan is the editor of *Intellectual Property*, the newsletter of the Intellectual Property Section Council of the Illinois State Bar Association. Daniel does a consistently excellent job of obtaining articles from a wide range of authors.

In this issue of *The Globe* we are reprinting from the *Intellectual Property* newsletter, "Trademark Searching and Freedom to Operate Advice – Balancing and Commercial Risk" by Blake Knowles, a trademark specialist from Brisbane, Australia. His rather extensive credentials are included with his article.

Also, from the *Intellectual Property* newsletter is Steve Baron's article, "Reflections From the Trenches of a New Law Firm." While this does not specifically deal with international or immigration issues it does highlight considerations for

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Trademark Searching and Freedom to Operate Advice – Balancing Legal and Commercial Risk

BY BLAKE KNOWLES

Trademark clearance searching is essential for any business looking to launch a new brand.

Failure to conduct a proper clearance search can lead to adoption of a brand that infringes pre-existing rights of another trader in an identical or very similar trademark. The potential costs of defending legal action, in addition to costs of rebranding and the associated loss of market recognition, can cripple a business or at the very least put a significant break on its growth.

Unfortunately, trademark clearance searching has become increasingly complicated. This means that any professional providing trademark clearance advice needs to be able to balance commercial and legal factors in order to provide commercially practical

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anyone involved as a sole-practitioner or in a small firm. Due to the COVID-19 and the governor's closing of many business activities, to an extent anyone practicing law today is creating a new firm or practice.

Cindy Buys is a former chair of the International & Immigration Law Section Council and is currently a member of the council. She encourages her students at Southern Illinois University School of Law to submit articles for consideration by ISBA publications. Myla Burton is a second year law student at Southern Illinois University School of Law and has provided us with "EndSARS." With the article is a paraphrase of the ISBA position that expressions of opinion appearing in the article are those of the authors and not necessarily those of the ISBA, the editor of The Globe nor of the members of the International & Immigration Law Section Council.

Thank you to our authors and to Daniel Kegan for obtaining quality and informative articles and to Cindy Buys for encouraging student participation in the ISBA.■

Lewis F. Matuszewich
Matuszewich & Kelly, LLP
Telephone: (815) 459-3120
(312) 726-8787
Facsimile: (815) 459-3123
Email: lfmatuszewich@mkm-law.com

Trademark Searching and Freedom to Operate Advice – Balancing Legal and Commercial Risk

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and pragmatic advice.

Why Is Clearance Searching Getting More Complicated?

Highly subjective tests – the tests for determining whether two trademarks are likely to be confused are open to significant interpretation, and reasonable opinions can differ.

Increasing number of trademark filings – The Australian Trademarks Office currently administers over 800,000 pending and registered trademarks. The number of new applications filed each day is approximately 200. The greater the number of trademarks filed, the more potential for conflict.

Broad specifications of goods and services –The Australian system permits very broad claims for goods and services not limited to specific functions or types, e.g. 'computer software', 'pharmaceuticals', 'vehicles', 'entertainment', 'printed matter', etc. Such broad claims increase the frequency of conflicts between trademarks, even in situations where businesses operate in completely different fields.

Long pendency periods for pending applications – many trademark applications filed in Australia eventually lapse and do not proceed to registration. Unfortunately, the current lengthy wait for examination (around 7-8 months), and the long period given to applicants to respond to examination reports (15 months), mean that applications can sit on the register for at least 2 years before they die.

No maintenance requirements – trademarks in Australia can be renewed in perpetuity without filing a declaration of use. These trademarks are effectively dead wood, but can only be eliminated if a person applies for their removal from the register.

Unpredictability of the federal court – predicting whether the federal court will consider two trademarks to be deceptively similar is impossible. There have been numerous instances where the court has reached somewhat surprising conclusions, including the following examples:

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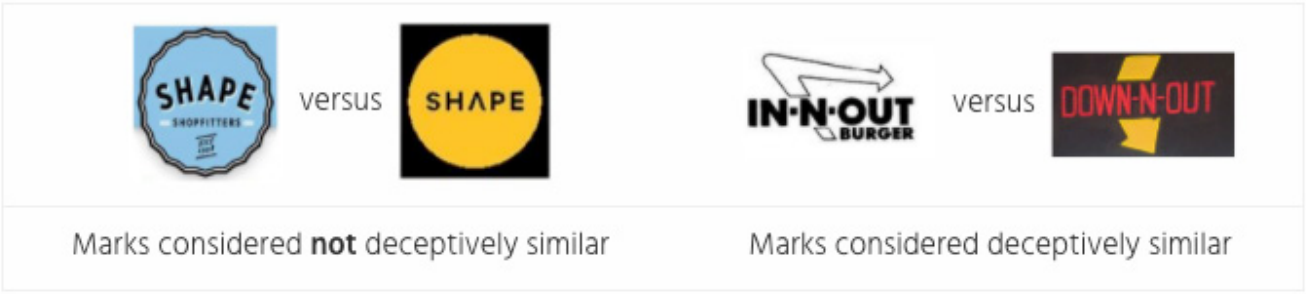
OFFICE
ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITOR
Lewis F. Matuszewich

PUBLICATIONS MANAGER
Sara Anderson
sanderson@isba.org



Convention priority and increased use of Madrid Protocol – trademark applications claiming convention priority and filed under the Madrid Protocol may not be immediately visible due to processing delays. These issues can take several months to resolve. The result is that an application may not appear on the Australian register until 6-12 months after its priority date.

Balancing and Quantifying Risk

The sheer number of applications and registrations in Australia means that most searches will reveal potential obstacles to use or registration of a new trademark.

It is often not practical to simply tell a business to select another trademark. A business will often invest significant time and money into brand development, and abandoning the new brand may not be an option. The business may already have packaging under production, or suitable domain names secured. A business requires a practical assessment of the commercial risk to determine whether to proceed.

The legal tests for determining trademark infringement are only one factor to be considered. In many cases, the issue of deceptive similarity is arguable. Trademarks are enforced through civil actions brought by trademark owners. Infringement cannot occur if the trademark owner is not sufficiently motivated to bring infringement proceedings. Further, even in cases where infringement is alleged, the matter may not progress beyond some initial exchanges of correspondence between the parties.

As such, in many cases what is most important to the business is the commercial risk, i.e. determining how likely it is a dispute will arise and particularly the likelihood of it being escalated to litigation:

Some factors that will influence quantification of commercial risk include:

Are the parties direct competitors? If the parties sell to the same customers, trademark disputes are more likely to arise and to escalate.

Is the earlier mark used as a primary brand or a secondary brand? Trademark owners tend to be much more protective of their primary brands, and less protective of secondary brands.

What is the size of the respective parties and do they have a history of litigation over trademark matters.

Location of the parties – Australian companies are more likely to litigate in Australia than overseas companies. US companies are also more likely to litigate than other overseas companies.

Is the earlier mark potentially vulnerable to cancellation or removal from the register? If so, how strong are the grounds for cancellation?

Is the business adopting the later mark potentially liable for additional damages if sued for infringement (e.g., is the infringement flagrant)? Does the prospect of additional damages constitute a financial incentive to the other party commencing litigation?

Could a director of a company be held personally liable as a joint tortfeasor for infringement? This is particularly relevant for small companies where directors are also the major shareholders.

Example

An earlier registered mark may cover "software". Another business is also interested in using a mark that is arguably deceptively similar for software, but for a specific purpose (navigation guidance software for drones).

A brief investigation indicates the owner of the earlier mark produces inventory management software targeted at fresh food wholesalers.

While application of the standard legal tests could lead to a finding of infringement, the chances of infringement proceedings being commenced are low. Even if a dispute arose, the costs of litigation would also motivate the parties to reach a commercial resolution.

Further, the earlier registration appears to be vulnerable for an action to partially remove the trademark for non-use. This vulnerability could be used as leverage to negotiate a co-existence agreement or letter of consent from the owner of the earlier mark.

In this case, the quantification of commercial risk is likely to be low. Even in the unlikely event a dispute arises, the most likely outcome is a negotiated resolution rather than commencement of proceedings.

However, the business adopting the later mark should also take steps to obtain their own registered trademark, which will further strengthen their position.

Managing Expectations

Trademarks clearance searching relies on educated guesswork.

It is important to understand that there are no absolutes, and that if there is a risk (even if quantified as a low commercial risk), the business adopting the mark must be willing to assume that risk.

A practitioner must also be able to give advice on risk minimisation strategies, to reduce the exposure of a business to potential litigation.

Finally, where a business adopts a more risky trademark, the business should have an exit strategy that is commercially practical and likely to be palatable to the other side.

Summary

While trademark clearance searching can lead to difficult decisions when launching a new brand, it can also allow a business to detect and avoid significant problems before they arise.

An experienced trademark professional can assist a business to navigate the challenges posed by an overcrowded and complex trademark system by giving advice that is commercially practical and takes into account all relevant considerations.■

Blake represents leading local and international brand owners in the food, freight, fashion and automotive industries. Blake also regularly acts for emerging businesses, particularly those based in Queensland.
Blake is a specialist in trademark due diligence, registration, oppositions, and dispute resolution in both Australia and overseas.

Blake has spent his entire career in the field of trade marks. Prior to joining Cullens (now Spruson & Ferguson) in 2010, Blake held a number of positions at the Australian Trade Marks Office. Blake was a principal examiner of trademarks, and also assistant director of the Trade Marks Hearings and Oppositions section. In his role at IP Australia, Blake was responsible for developing practice and procedure, including authoring parts of the Trade Marks Office Examination Manual. Blake has also represented the Australian Government at international conferences in the field of intellectual property.

As former principal examiner, Blake is an expert in Australian Trade Marks Office practice. Blake also has significant experience with geographical indications and was involved in work surrounding the amendments to the Australian Wine and Brandy Corporation Act and Regulations.

- *Qualifications*
- *Registered Australian Trade Mark Attorney*
- *Education*
- *Graduate Diploma of Applied Law in Commercial Litigation*
- *Graduate Certificate in Trade Mark Law & Practice*
- *Graduate Diploma in Legal Practice – The Australian National University*
- *Master of Juris Doctor Law – University of Canberra, Australia*
- *Bachelor of Arts / Law and Political Science – University of Canberra, Australia*

Blake Knowles can be contacted at blake.knowles@spruson.com and see website https://www.spruson.com/our-people/blake-knowles/

Reflections From the Trenches of a New Law Firm

BY STEVEN L. BARON

In July 2020, our law firm, Baron Harris Healey[1], celebrated its first anniversary. My friend and our intrepid newsletter editor, Dan Kegan, invited me to share reflections on the first year of a new firm whose practice is devoted in part to intellectual property law. If you like what I have to say, let me know. If you do not, please consult Mr. Kegan. He put me up to this.

Why start a law firm?

I know this may sound corny, but I blame Abraham Lincoln. More specifically, I blame my trip to the Lincoln-Herndon Law Offices in Springfield for my current predicament. I had come to Springfield in 1998 for oral argument on a case in the Illinois Supreme Court.[1]

To settle my adrenaline after the argument, I walked around the streets of downtown Springfield. At the corner of 6th and Adams Streets, I noticed the store-front Lincoln-Herndon law office where Abraham Lincoln practiced law from 1843 to 1852, which has since been turned in a museum.[1] It was open for touring, so I paid the modest admission and climbed the creaky stairs to the third floor. As I entered the single room that served as Lincoln's office, I saw a large partner's desk littered with a few papers standing in the middle of the room, a bookshelf along the wall and a daybed near one of the windows. That was it. I had my epiphany. Abraham Lincoln, one of the most famous (and successful) lawyers in American history, operated a law practice with three pieces of furniture. So, maybe it is not so complicated. I might not even need the daybed. Without realizing it, a seed was planted in my subconscious about the possibility of starting a law practice.

It took a long time for the seed to germinate. Before launching our firm, I practiced law in Chicago for more than thirty years, splitting my time between two established law firms[2] I was fortunate to receive great training, mentorship and experience in lawyering, litigating, intellectual property law and media law. As I entered my fourth decade of law practice, however, my "biological clock" began to tick a little louder, and the latent idea of having my name on the door -- like Mr. Lincoln and Mr. Herndon – emerged more prominently in my consciousness. At the end of my career, I wanted to have something to call my own. Besides, perhaps I could better serve the needs of creators and entrepreneurs by becoming one myself.

How to start a law firm?

I was comfortable with how to be a lawyer, but on the nuts and bolts of starting and operating a law firm, I learned little in the past decades. At the firms where I had worked, business cards, legal pads and monthly draft bills to clients just showed up on my desk without any concerted effort from me. Working for and sending bills to clients had long been the ebb and flow of my professional life but managing cash flow was not. So where to start?[3]

First, if possible, find good law partners. Entrepreneurship is challenging, overwhelming and, at times, downright scary, particularly for lawyers who, as a group, tend to be risk-averse. So, it helps not to go it alone. Lincoln had William "Billy" Herndon. I was fortunate in this regard to have two talented lawyers and friends with whom I had practiced for more than a decade join me in starting our firm.[4] It is impossible to overstate the value of practicing law with people whom you know, like and trust. Not only do we serve as daily sounding boards for each other on cases and

client matters, but we also divide up the labor of running the business, which, even for a small operation, can be daunting.

Second, plan your infrastructure sensibly. Every law practice must consider physical space, information technology, practice and financial management and marketing. The good news for solo or small firm practitioners is that there are many choices available to fit the needs of an emerging law practice. We license office space in the Loop from a company that provides turn-key services to lawyers.[5] Included in our monthly fee are phone and internet service, receptionist, and access to photocopiers, conference rooms and a café/kitchen. Paralegals are available to us on an hourly basis. In other words, our offices come equipped with everything a lawyer needs in the modern era – except for a daybed (or, in today's parlance, a sleep pod).

Luckily for Messrs. Lincoln and Herndon, they did not have to manage email, teleconference systems, word processing, electronic document storage and a host of other information technology systems that form the backbone of modern law practice.[6] We do. Because the firms we worked for in the past provided us with equipment and in-house technical support, we knew we would need to find competent technical support. Again, there are choices[7], and we chose to outsource our information technology. Our vendor purchased our computers and arranged licensing for a suite of standard office software and also provides us with a virtual help desk that we can access via phone or email. Good IT support means we can sleep at night.

Mr. Lincoln carried most of what he needed to practice law in his mind. That said, he likely did not have to keep track of his time by the tenth of the hour and send out bills once a month that detailed his work. (Imagine receiving an invoice from A. Lincoln: "Sat on daybed and thought about your case -- 0.4"). Now, in commercial and intellectual property practices, we are expected to apportion our efforts in six-minute increments. Modern practice demands we use sophisticated matter management and time tracking software. We chose Clio, which provides a robust, cloud-based platform for small, medium, and large firms.[8] Clio integrates with QuickBooks, which is helpful to us and our bookkeeper. (Every law firm should have a competent bookkeeper.)

On marketing, Abraham Lincoln relied on his extraordinary skill and results as a trial lawyer to build a national reputation. Skills or not, in this era, even Abe would need a website to announce who he is, his "practice areas" and latest victories. We outsourced this task to marketing experts who could build an easy-to-navigate site and help us populate it with content that showed the world who we are.[9] Our marketing consultant also helped us with designing our logo, creating letterhead and developing business cards, which remain a traditional part of law firm marketing. On marketing, I cannot emphasize enough: find talented experts, listen to them, and follow their advice.

What happens to a new law firm in a pandemic?

When we launched our firm, my law partners and I did not anticipate a global pandemic taking hold in the first year of our existence. As the economy began to shut down in mid-March 2020, the words of my late father began floating around my head: *"If the Barons purchased a pumpkin patch, Halloween would be cancelled."* Would my dad's Eeyore-like prophecy ring true for our law firm? Would we slide into oblivion before we grew out of infancy? Happily, we have not succumbed. Thanks to a dedicated and varied array of clients and a practice that spans counseling, transactions, and litigation, we have been able to remain active and busy. I have come to appreciate and be grateful that the work of the modern lawyer can be accomplished nearly anywhere where there is access to a telephone and internet connection. My partners and I easily migrated to remote work and continued to serve our clients without missing a beat. I am not sure the same would be true in the days of the Lincoln-Herndon law office.

From the standpoint of technology, an intellectual property practice is nearly pandemic proof. Long before the pandemic, the federal government created robust online interfaces that allow lawyers to prosecute trademarks, patents, and copyrights online. Although the United States Patent and Trademark Office has relaxed some deadlines during the pandemic, the day-to-day work of accepting and processing applications and deciding trademark and patent registration disputes proceeds.

As for clients, in some instances, COVID-19 has caused entrepreneurs and businesses to enhance their efforts to create new technology or pivot their business models to aim for opportunities created by the pandemic. The American economy, even in times of great strain, continues to reward innovation. Intellectual property lawyers play a key role in helping clients identify and protect their efforts to innovate. As long as the creative spark remains alive, I believe there will be a vibrant role for intellectual property lawyers.

After our firm's first birthday and despite the challenging times, I remain optimistic about our future. I turn once again to Mr. Lincoln. In his letter to aspiring lawyer Isham Reavis on November 5, 1855, Lincoln wrote: *"Always bear in mind that your own resolution to succeed, is more important than any other one thing. Very truly Your friend A. Lincoln."*[12] Truer words, then or now, have never been written. ■

Steve Baron received his B.A. in Political Science from the University of Wisconsin and J.D. From the University of Minnesota. For more than 30 years, Steve has counseled businesses on intellectual property matters and helped clients resolve complex commercial disputes.

His experience includes protecting and advising on trademarks, trade dress, copyrights, trade secrets, defamation, privacy, right of publicity, advertising, and marketing. Steve represents media and entertainment clients' best interests in federal and state courts, administrative tribunals, arbitrations, and mediations. His clients also include publishers, authors, podcasters, advertising and marketing agencies, graphic artists, recording companies and recording artists, information technology businesses, Internet retailers, and other businesses with intellectual property and publishing issues.

Steve Baron can be contacted at sbaron@BHHLawFirm.com

1. https://www.bhhlawfirm.com/.
2. *Van Horne v. Muller*, 185 Ill.2d 299 (1998).
3. https://www2.illinois.gov/dnrhistoric/Experience/Sites/Central/pages/lincoln-herndon.aspx.
4. D'Ancona & Pflaum (now Seyfarth Shaw) and Mandell Menkes LLC.
5. The Illinois State Bar Association provides a treasure trove of resources to its members on how to open, build, manage, protect and wind down a firm. https://www.isba.org/practicehq/open.
6. Natalie A. Harris and Brendan J. Healey.
7. https://amatacorp.com/frontpage/.
8. Lincoln was said to carry legal papers around in his stove-pipe hat. Dan Abrams and David Fisher, *Lincoln's Last Trial*, (Hanover Square Press 2018), p. 22
9. *See, e.g.*, Bridgepoint Technologies https://www.mybridgepoint.com/ and Sanders Consulting https://sandersitconsulting.com/.
10. https://www.clio.com/.
11. https://www.buildenpartners.com/.
12. http://www.abrahamlincolnonline.org/lincoln/speeches/law.htm.

Why Ending Nigeria's Brutal Special Anti-Robbery Squad Is Not Enough

BY MYLA BURTON

Statements or expressions of opinion appearing herein are those of the author and not necessarily those of the Illinois State Bar Association or the editor of The Globe *or the members of the International & Immigration Law Section Council.*

The Nigerian people are currently fighting for their lives against their government. More specifically, they are fighting to End SARS (Special Anti-Robbery Squad), Nigeria's special anti-robbery squad. For many years, SARS has been known throughout Nigeria for its extrajudicial killings, torture, rape, and other illegal and inhumane acts that violate not only Nigerian law but also international law.[1] The Nigerian government has not held SARS accountable and few of the cases involving SARS are ever investigated.[2] There have been many times throughout the years that the Nigerian people have called upon their government to disband SARS and stop police brutality. The most recent protests have occurred in 2015, 2017, 2018, 2019, and now again in 2020.[3] Every time the people protest SARs, the Nigerian government recognizes the faults of SARS and vows to disband it.[4] But there has been no real reform as the government fails to ever act on its promises to the Nigerian people concerning SARS.[5] Protests erupted again after October 3, 2020 when a video started to trend on social media that showed a SARS officer killing a young Nigerian man.[6] Since the video went viral, the protests have been ongoing, and the police brutality has since escalated. The man who took the video was found, tortured, and arrested by the SARS police.[7]

The Nigerian Special Anti-Robbery Squad was originally created in 1992.[8] In the 1990s, Nigeria was having a hard time with escalating crimes involving robbers and bandits.[9] High crime rates were the result of the breakdown of government around the Nigerian civil war. This breakdown led to a spike in crime rates and violence.[10] Southern Nigeria, where Lagos State is located, specifically struggled with these problems. In order to try to address and lower the crime rates, the Nigerian government instituted mandatory firing squad executions for robbers in 1971.[11] By 1976, there were 400 robbers from just Lagos State executed.[10] The threat of execution did nothing to curb the rise in crime, and crime would actually continue to escalate for the next two decades.[11] By the 1990s, bandit gangs continued to terrorize parts of Nigeria.[12] Gangs involving ritual human sacrifice, commercial kidnapping, drug trafficking, political violence, and assassinations presented many dangers and problems for the citizens of Nigeria.[13] SARS was originally created to specifically address these problems.[14] At first, the SARS unit only patrolled Lagos State of Nigeria because this was the hotspot for robberies. But, after the success and impact on the crime in Lagos State, SARS within twenty years of its creation had spread to various states in Nigeria.[15] Quickly, the group became a controversial point for the people because of their blatantly inhumane acts with absolutely no accountability.[16] The Nigerian government has done nothing to hold these officers accountable and stop their terrorizing brutality.[17] Now, the Nigerian people are demanding change and have started the #EndSARS movement to disband SARS completely and restructure the police system in Nigeria.

In 2017, Amnesty International started investigating the SARS unit in Nigeria. They interviewed 82 people. These people included victims, journalists (who are often targets of SARS), human rights defenders, witnesses of abuses, relatives of victims, and lawyers.[18] In their studies, they found at least 82 documented SARS cases between January of 2017 and May of 2020.[19] From the documented cases that it gathered, Amnesty International concluded that SARS had consistently been extorting, torturing, and generally treating people inhumanly.[20] In these cases, they found allegations that SARS officers had been conducting hangings, mock executions, beatings, burning people with cigarettes, waterboarding, near-asphyxiation with plastic bags, forcing people to assume stressful bodily positions, and sexual violence.[21] None of the documented cases have ever been investigated or reported to the international community by the Nigerian government.[22]

Amnesty International along with people from all over the world have called out to international law and the international community to help the End SARS movement and the Nigerian people.[23] Nigeria is a party to many international human rights treaties that prohibit the acts that SARS officers are committing. These treaties include the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, and the African Charter on Human and People's Rights.[24] Nigeria's constitution prohibits torture and, in 2017, Nigeria enacted the Anti-Torture Act to better implement and criminalize torture.[25] Yet, the Nigerian government does not hold its SARS unit accountable for its consistently inhumane acts even though it is illegal in their country and held as illegal across the tenets of international law. Unfortunately, it is difficult for other countries to hold Nigeria accountable for its treaty commitments to human rights.[26] Most of the treaties that Nigeria is a part of that

concern human rights are actually known for their lack of efficacy.[27] Another problem is that specifically African countries struggle with enforcing and following human rights treaties.[28] There is a problem within these countries with holding the importance of sovereignty of the state over the human rights of the people living in the state.[29]

Currently, the International Criminal Court (ICC) is investigating the allegations against the Nigerian government concerning SARS.[30] The ICC has jurisdiction to do so because Nigeria became a party to the Rome Statute on September 27, 2001.[31] By being a party to the Rome Statute, Nigeria consents to ICC jurisdiction.[32] The United Nations has also made a statement addressing that they see blatant human rights violations in the allegations against SARS as well as they way that the Nigerian government is handling the EndSARS protests.[33] But unfortunately, the United Nations' greatest enforcement tool is shaming a country into listening and this has proven to be ineffective in many instances.[34] The Nigerian government officials who were directly and indirectly involved in the grievous injustices of the SARS police unit need to be held accountable and tried as individuals in the International Criminal Court. As we saw in the Nuremberg trials, doing something because your government or leader told you to is not a valid defense for doing wrong.[35] The real test is whether a moral choice was possible to be made.[36] In this case, there definitely was a moral choice and those working for the state chose to directly participate or ignore the grievous injustices.

But the Nigerian government's lack of action to prevent grievous injustices such as these begs another question: Is the EndSARS movement just about ending police brutality or is it the continuation of the Nigerian people's fight against systemic injustices? The 2020 Congressional Research Service Report on Nigeria brings up some of the major security concerns and human rights problems that are currently happening in the country. First, there are the problems with Islamic insurgency from Boko Haram and the Islamic State – West Africa (IS-WA).[37] Boko Haram has been labeled one of the deadliest terrorist groups of today.[38] In 2015, the leader of Boko Haram joined forces with the Islamic State. Not all the Boko Haram members supported this, so now Boko Haram and IS-WA function as separate groups but with similar agendas.[39] In their fight against Westernism, an estimated 38,000 Nigerians have been killed.[40] They are also well known for abducting thousands of civilians.[41] Many of these are children that they have turned into child soldiers.[42] Problems with religious and ethnic divisions are also evident in the Farmer-Herder Conflicts. Here, livestock herders have revolted against farmers because the expansion of farmland has pushed the livestock herders off their land.[43] The conflict over resources between the farmers and herders is not new by any means, but the conflict has escalated as their fight has resulted in things like crop damage and theft of livestock.[44] Socioeconomic pressures, demographic, ecological pressures, and strong divisions between religion and ethnicity have contributed strongly to the escalation of the conflict.[45] All attempts by the Nigerian government to solve the conflict have been completely unsuccessful.[46] Religious freedom issues such as those listed above have resulted in the United States putting Nigeria on a "special watch list" for the International Religious Freedom Act.[47] Other major issues that the Congressional Research Service listed in their 2020 report were the issues in the Niger Delta and other security and accountability issues in Nigeria. The Niger Delta is one of the most dangerous places to sail.[48] It is well known for the constant attacks of ships and people on the ships are often abducted and held for ransom money.[49] On top of that, although the Niger Delta is well known for its oil reserves, the area is plagued with poverty.[50] Not only are the majority of the people that live there poor, but they also live in awful environmental conditions.[51] There have been many oil spills that have negatively impacted the ecological livelihoods of those living in the Niger Delta.[52] Most likely, these oil spills are results of negligence from oil companies and Nigeria has not taken the proper steps to clean up the areas of the oil spills.[53] Lastly, another major issue is the security and accountability concerns of the Nigerian government. This is the issue that SARS falls under. Even outside of the SARS unit, Nigeria is known for corrupt government, extrajudicial killings, rape, inhumane prisons, unlawful executions, arbitrary retainment, and torture.[54] The Nigerian government does not hold those who commit these acts accountable.[55] In its failure to protect and properly serve the Nigerian people, the Nigerian government has violated many tenets of international law and treaties that they are a part of. As the Nigerian people continue their protests, the SARS officers continue to react in violent ways and the Nigerian government continues to commit systemic injustices against people all over the country. This shows that the EndSARS movement is just a small piece of a much larger problem. Not only do police forces in Nigeria need to be held accountable, but the entire government also needs to be held accountable by the international community for their human rights violations that have caused major insecurity for the Nigerian people.

Further proving the lack of connection between the Nigerian government and the people of the country, the Nigerian government made moves to attempt to limit the speech of their citizens to try and control the protests instead of restructuring SARS and holding the officers accountable. On November 5, 2019, a Nigerian senator introduced a bill titled "Protection from Internet Falsehood and Manipulations Bill 2019."[56] After the 2020 SARS protests, the Nigerian government has been pushing to pass this bill claiming that the SARS protests were entirely based on false news and that as a result, social media needs to be controlled in their country. If the bill is passed, Nigerian law enforcement will be able to shut down the internet at any time that they want.[57] If any internet provider does not comply with the standards in the bill, they will be fined outrageous amounts.[58] The bill also criminalizes any statements on social media that "diminish public confidence."[59] If a person is convicted of that offense, they automatically will have a three year jail

sentence.[60] Through the passing of this bill, the Nigerian government will be violating another standard human right to freedom of opinion and expression.[61] The bill would be applicable to everyone including journalists, television and radio stations, and all online platforms.[62] The passing of this bill would severely limit the ability of the Nigerian people to have their voices heard. The EndSARS movement has relied heavily on social media to be heard and as a result has been acknowledged by people all over the world as an important human rights issue. Without the ability to post on social media about things that are going on within the country, it will be very difficult to help the Nigerian people uphold their human rights against the government.

This human rights situation in Nigeria is dire, and the world needs to come together and help. No one, including the Nigerian people, deserves to have their human rights continuously violated especially by their own government. Holding Nigeria accountable for their grievous injustices against their people is important because it supports the furtherment of human rights and sets examples for other countries.■

Myla Burton is a second-year law student at SIU School of Law specializing in Public Interest. She graduated with a bachelor of arts in political science from Southern Illinois University. She plans on pursuing her PhD in political science after law school. Myla Burton can be reached through e-mail at myla.burton@siu.edu with any questions

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ISBA Launches Rural Practice Fellowship Program as Component of Rural Practice Institute

BY DANIEL R. THIES & LOIS J. WOOD

In an effort to address the ongoing shortage of attorneys practicing in rural Illinois, the ISBA has launched the Rural Practice Institute and the Fellowship Program that is a part of that Institute. The Fellowship Program aims to connect rural and small-town law firms interested in hiring law clerks and associates with law students and newer attorneys desirous of practicing law in rural areas of Illinois. Attorneys and law students admitted into the Program will receive a stipend of $10,000 or $5,000, respectively, to encourage their establishment of a practice in rural areas of our State.

Data shows that more than half of Illinois

counties have fewer than 0.7 lawyers in private practice per 1,000 residents. Thirty-four Illinois counties have ten or fewer attorneys total in private practice, and 13 counties have a total of five or fewer attorneys in private practice. Worse, many attorneys in rural areas are nearing retirement (for which step we wish them well) and are not being replaced in significant enough numbers to avoid a growing crisis in access to justice.

The ISBA Special Committee on the Rural Practice Initiative created two complementary fellowship programs to address the issue:

- a clearinghouse to connect law students (summer fellows) with rural practitioners for an 8-10 week summer clerkship; and
- a clearinghouse to connect young lawyers (associate fellows) with experienced practitioners searching for a permanent associate to whom they might eventually transfer their practice.

As an extra incentive, both summer fellows and associate fellows accepted into these programs will be eligible to receive a stipend. Summer fellows will receive a $5,000 relocation and expense stipend from the ISBA, plus any amount that the experienced practitioner agrees to pay them. This arrangement will allow fellows to earn $8,000-$10,000 per summer, which is extremely competitive for summer opportunities for law students. Associate fellows will receive the same $5,000 relocation stipend planned for the summer fellows, but in addition, the associate fellows will also receive a $5,000 stipend upon the completion of their first year as a rural practitioner. This second stipend will serve as an additional inducement for young and new lawyers to relocate permanently to rural areas.

"I look at this as part of succession planning," ISBA President Dennis Orsey said. "We know in a number of the counties in the state of Illinois we have an aging lawyer population. A number of these practicing attorneys have good, viable practices with a built-in client base. What they're looking for are younger attorneys who are willing to settle in that rural community and eventually take over their practices."

Applications from both potential summer fellows and from law firms or experienced practitioners seeking to employ a fellow will be due by February 12, 2021.

Additional information about the RPI program, as well as the application, can be found at https://www.isba.org/ruralpractice.

The RPI Special Committee will inform applicants if they are accepted into the program by March 1, 2021 and, to facilitate the scheduling of interviews, will provide both summer fellows and experienced practitioners with each other's contact information at that time. The deadline for summer fellows to accept an offer of employment and for experienced practitioners to secure a summer clerk fellow will be March 14, 2021.■

Daniel R. Thies and Lois J. Wood are co-chairs of ISBA's Special Committee on the Rural Practice Initiative.