

Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

The Illinois State Bar Association's Law-Related Education Newsletter is provided free of charge on a quarterly basis during the school year. We are dedicated to promoting law-related education resources and discussion topics appropriate for use in classroom or community settings. If you do NOT wish to receive this complimentary newsletter, please reply and indicate in the message line that you wish to be removed from our mailing list. Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.

A lovely and lively 'report' from 'small but mighty' Putnam County and its bar association to ISBA's Standing Committee on Law Related Education for the Public

BY SCOTT SHORE

Thanks to the thoughtfulness and generosity of our colleagues in Putnam County, particularly Scott Shore of the Putnam County Bar Association, who

chaired its 2019 Putnam County Law Day Project and Mock Trial, we are able to publish the following Report of that

Continued on next page

Putnam County 2019 Law Day script

IN THE CIRCUIT COURT OF
PUTNAM COUNTY
TENTH JUDICIAL CIRCUIT OF
ILLINOIS

SHANTELL L'TRUTH

Plaintiff,}

VS.

CASE # 19 - L - 427

PROMOGRAPHY.COM

Defendant.

STATEMENT OF THE CASE

This civil lawsuit is brought by Shantell L'Truth to collect damages from "Promography.Com" a "digital memories" company and its owner-operator, Willamena Meaner, for purposefully staging a pre-prom video that went virally bad.

Plaintiff's sad tale begins with Lance

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A lovely and lively 'report' from 'small but mighty' Putnam County

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annual event they hosted for the graduating students from the local (and only!) high school. As always, we learn from each other when we communicate our experiences as well as our insights gleaned from those experiences. And besides getting a vivid 'picture' of the mock trial problem posed for the students and tackled by them with guidance from their volunteer coaches, we recognize through the Report how meaningful this annual team challenge is for the students and how much they benefit from their journey through the process. We also learned something about Putnam County and its history. Following this report is an account of those revelations. In addition, we've included the mock trial script and photos of students 'hard at work' solving the problem.

TO: Committee for Law Related Education for the Public

Hello Nancy (our LRE Committee chair) ... and greetings from the Putnam County Bar Association (small but MIGHTY!) Please read to the end to learn more about the PCBA and Putnam County, some of which information we anticipate will surprise and delight you!

For whatever benefit it may offer, we share below the fun we had this year in presenting the 40th annual PC Bar Association's Law Day Program for the Putnam County High School senior class.

Overview: Putnam County, originally established as one of the largest Counties in Illinois (extending from north of Peoria to the Wisconsin Border and northeast to and including Chicago), is now the smallest county in Illinois and one of the three least populated in the state as well. Our courthouse, though, is the oldest still in continuous use, built in 1839, and we are thus rich in Lincoln history.

Law Day: Each year for the past 40 years we have invited the Putnam County High School senior class to the courthouse for an all-morning program on a day near Law Day but more specifically the day before their Prom. Our very full and always exciting agenda includes a class picture on

the courthouse steps; a warm welcome to the (only) courtroom; sharing of highlights of the county's history, the bar, and this year's Law Day theme; introduction of all county office-holders and staff; touring of the courthouse offices and jail; registration to vote for those who will be 18 by the next election; and presentation of a mock trial, which is always based on a prom-related theme.

Our Bar: We have written, produced, and had the students 'enact' some 18 mock trial scripts over the years, a couple of which have received ISBA's Community Service Awards.

For the Mock Trial: We select class members to play all roles—parties, witnesses, lawyers, jury, court reporter, clerk, bailiff, and judge. THEN we provide a short "trial brief" to introduce the basic facts to all participants, an outline of facts each witness may testify to on direct and must admit if asked on cross, and basic instructions for 'court personnel' to follow as they run their own trial. We give them all 1/2 hour to prepare, with help from those of us in the bar—usually about five of our ten +/- members—who are on hand and eager to help with the program.

This Year's Event: We hosted the class of about 70 graduating seniors. (By their own tradition, they come "dressed for court" in skirts and ties and so are poised and 'ready to go'.) Following the agenda explained above, this year's students were anxious to get to the mock trial. This time we posed to them a civil case of a would-be prom date against the videographer hired by her would-be boyfriend, for "setting her up" to get a video of her going ballistic—allegedly foreseeing and profiting from that video going viral on social media!

The Facts: Lance Sellot promised Shantell L'Truth that he would pick her up for prom in a vintage Mustang. He hired a company called "Promography.com" to video the entire experience. The owner of Promography.com, however, convinced Lance that it would be awesome if he picked up his date ON a mustang instead of IN a

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Mustang, to catch her funny reaction on film. He agreed, and parked his mustang HORSE outside her home on Prom night. But her reaction was anger, not seeing the humor in it at all that Lance had anticipated. She went ballistic, refusing to get on that thing with her new dress and accoutrements, ran back into the house and wouldn't come out. The Videographer indeed caught it all on video and the video indeed went viral, from which phenomenon she profited and her business soared. Shantell, however, claims she lost out on her once-in-a-lifetime prom experience AND all the money spent on a wasted prom dress, shoes and accessories, hair and nails, etc. BUT... there's more to the story, and a possible motive behind Shantell's "Drama Queen" reaction...challenging the parties and lawyers to present it for a verdict in their favor!

1. Added notes for this year:
2. We registered a total of 24 of the group of 70 students to vote!
3. And following the student events, our bar also honored retiring Circuit Clerk Cathy Oliveri for her past 27 years of service to the bench and bar.
4. Bar participants this year: Scott A. Shore, attorney (and circuit judge, retired); James A. Mack, PC resident circuit judge; Christina Judd Mennie, state's attorney; and Enrico Eattoni, attorney.

Attachments: Our agenda, mock trial outline, and participant instructions, as well as a few choice pictures of this year's Law Day event. As in past years, our script ideas are available for the use of other bar associations.

Hoping all found a fun and informative way to enjoy Law Day 2019!

Scott A. Shore, PC Bar Association Law Day Chair

HERE IS WHAT ELSE YOU SHOULD KNOW ABOUT PUTNAM COUNTY AND ITS BAR ASSOCIATION as conveyed by Scott Shore in conversation with Sharon Eiseman...

First: If you call the office of retired Judge and now practicing lawyer and mediator, Scott Shore, as I did to inquire about the 2019 Law Day Project, you will have the privilege of speaking with Connie who knows everything about the County, its Bar

group, and the Law Day projects with which she has been involved for the past 38 years. She thinks she should consider retiring but isn't sure what she'd do to fill her time, and besides, she loves what she does and thrives on all the energy her work gives her. Connie's sense of passion for and adoration of the Law Day project, its advocates, and the students it serves so well is palpable in the melodic intonations of her voice.

Next and next after that: If you speak with Scott Shore, you will learn more detail regarding how tiny Putnam County was originally laid out in 1825 and included territory up to Chicago and to the Wisconsin border. So what happened to that plan? The answer isn't surprising: other would-be counties carved out their own pieces from most of that land by acting sooner to incorporate, thus leaving a very small piece for Putnam! As Scott noted, Putnam is the smallest county in Illinois with the oldest courthouse in continuous use in the state. Because of that distinction, the beautiful wood counsel tables were likely ones at which Pres. Abraham Lincoln sat while a practicing attorney. It isn't hard to understand why the PCBA is always interested in designating some part of the contributions it receives for the restoration and preservation of its historic courthouse. Another distinction Putnam County can claim is having a 'peace bench' at the courthouse instead of displaying artillery that harkens back to the Civil War or another historic battle. According to Scott, that bench was added to the landscape in the 90s, perhaps in solidarity with the movement against domestic violence.

Speaking of the courthouse and who populates it, Scott served by election for many years—as a 'resident' judge in the tenth circuit, which means, along with other 'resident' judges, covering by a kind of equitable allocation among the resident judges, all counties within that circuit: Peoria, Tazewell, Marshall, and Stark counties in addition to Putnam. As an example, under that system, the judge who serves in Putnam County in any given year also serves in Marshall and Stark counties, meaning that there is one judge that covers ALL dockets, trials, emergencies, warrants, and bail hearings, among other procedural

matters for those THREE counties. So next time you consider running for a 'resident' judicial slot, think again—unless you're a marathoner! Recently, after Scott decided to retire from the bench, Putnam County voters elected a new resident judge in a contested race—showing there are enough candidates in small Putnam County to have a race. In his so-called 'retirement', Scott can now be found at his own law firm, applying his skills to mediation and litigation, but from the other side of the bench—facing it. And he clearly finds time to continue doing what he loves: mentoring high school students and engaging in other community service projects. But since judging runs in the family, Scott can still see his brother Brian on the bench in his courtroom in Rockford where he also lives.

As for his own heroes, Scott speaks with respect and gratitude in describing the two 'elder statesmen' who founded his firm and served as mentors to him when he was a young attorney, one of whom was Walter Durley Boyle, a U of I law school grad, class of 1936, and an LL.M. grad from Harvard. Boyle also served his county in WWII, and his own Putnam County as a lawyer for over 70 years. Boyle was widely revered for his substantial charitable endeavors on behalf of students and the medical profession in its care of the ill. For all of that and more, Boyle was honored by the State Senate in a formal Resolution that it issued shortly after his death in April of 2008. Linn Goldsmith, a University of Chicago Law School alum, also played an important mentoring role in Scott's life.

Scott describes his small community not only as close but also as "always brimming with activity", including annually when he and the PCBA help to plan and host the Law Day Program and Mock Trial. A specific highlight of their project this year, as in some years past, was enabling twenty-four of the graduating seniors to register to vote. Another meaningful resource that the County and its bar association offer is pro bono representation for community residents who are in need of but cannot afford legal representation. All of these meaningful projects reflect the importance the County and its leadership place on taking care of its residents, both young and older

and in-between, which contributes to the health, strength, engagement and endurance of the County as a whole.

By the time my conversation with Scott ended, I was ready to fully embrace what it means to its residents when Putnam County is characterized as ‘small but MIGHTY’—as it is clear the community is rich with resources for creating a smoothly

functioning community that not only stays engaged but that has accepted the challenge of mentoring its youth so that the younger generation knows that they have choices to make and the skills, knowledge, enthusiasm and support from their peers and their elders that will enable them to pursue the choices they make. Clearly, ‘judging’ from the students’ responses to their mock trial

project, they are or will be prepared to take their places as future leaders, mentors, inventors, explorers, and anything else they want to be. And one gets the impression that if they don’t stay in Putnam County, they surely will ‘give back’ throughout their lives. ■

Putnam County 2019 Law Day script

CONTINUED FROM PAGE 1

Sellalot’s promise to take her to the Premier, Prom & Afterglow, which came with a promise that he would have a vintage Mustang at her doorstep to whisk her to an evening of fun and romance – the picture-perfect date that every Prom-goer would dream of! Little did she know, until Lance arrived on the day of prom, that the “Mustang” she envisioned was not a car, but a HORSE! Needless to say --- having laid out over \$1,000 for a new dress, shoes, purse and accessories, hair and manicure – she was NOT about to mount that saddle or any saddle! Upset, and thoroughly angry at Lance, Shantell stormed back into her house, locked the door, and refused to even talk to Lance or the videographer who was standing out there with Lance, begging her to reconsider.

It was not until several days later that the plot thickened, as Shantell learned the identity of the woman who had been holding onto the horse’s reigns that day: Willamena Meanor, owner of Promography.Com. She had cooked up the entire “Mustang” surprise, intending to video the event and then to post the video on the net, hoping it -- and her business -- would “spiral viral.” Though Lance really had rented a vintage Mustang convertible, Willamena convinced him that the horse gag would be much more romantic – and a memory that would last forever. She was right – VERY right! And she now faces a jury to defend her business and reputation. Shantell seeks \$100,000 in damages for her financial loss as well as the pain, suffering and humiliation she suffered --- including

the emotional trauma of losing out on attending her Senior prom.

Who wins? That, ladies and gentlemen of the jury, is up to YOU !

THE PUTNAM COUNTY BAR ASSOCIATION WELCOMES YOU TO LAW DAY, 2019

Atty. Roger C. Bolin, PCBA President
Hon. Scott A. Shore, Law Day Chairman

TESTIMONY OF PLAINTIFF SHANTELL L’TRUTH

On Direct, Shantell’s attorney will ask questions to which she’ll answer:

1. I am a Senior at Putnam County High School.
2. I have been dreaming for months about finally attending the Prom and Afterglow, with senior heartthrob Lance Sellalot.
3. Lance had asked her to the Prom months ago, and had promised that it would be the perfect night, beginning with his plan and promise to rent a vintage Mustang for their Prom Night transportation.
4. In anticipation, I purchased a dress, matching shoes and purse, jewelry and accessories, AND I had my hair and nails done, at a total expense of \$1,000.
5. I was SO ready for the evening, watching out the front window, waiting for Lance and vintage Mustang to arrive.
6. Then it happened... I couldn’t believe my eyes... Lance coming down the

street, riding a HORSE! Where’s the Mustang, I thought! What kind of a cruel joke is this? And who’s that lady walking along-side his horse taking video?

7. I rushed out to confront Lance, who got off his high horse with a huge smile on his face – a corsage in one hand and a pooper-scooper in the other!
8. I demanded to know what this was all about!
9. He kept looking back at the lady with a camera, as if he was totally ignoring my yelling and screaming.
10. Finally he said, “Here’s the Mustang I promised – hop on!”
11. I threw down my corsage, crying and screaming. This couldn’t be happening! No way was I going to get on that horse, or any horse, in my Prom dress, shoes and hair... it was too much to handle!
12. I absolutely refused to do it, ran back in the house and locked the door.
13. Lance and the camera lady kept begging me to come out for a good half hour, then left. I cried myself to sleep, hurt and humiliated – the best day of my life, and my only chance to attend my senior prom, ruined forever.
14. Several days later, Lance tried to apologize and said it was all that lady’s fault, that he had hired her to photograph and video their Prom night, so they would both have a

lasting memory, and she thought it would make a great video if he showed up ON a Mustang instead of IN one.

15. I am claiming these losses: \$1,000 for the prom dress and accessories that I'll never wear, and \$100,000 punitive damages for ruining my life and prom night!

On Cross Examination by Willamena Meaner's lawyer, Shantell will admit:

1. Yes, I had said yes to two seniors– Lance and Bob - BOTH asked me to Prom.
2. Yes, I called Bob when I was in the house, but by then he had another date.
3. Yes, I could have gone to Prom and Afterglow on my own – it was my choice, but for good reason, and due to the humiliation, not to do so. MY LIFE IS RUINED!

TESTIMONY OF PLAINTIFF'S WITNESS LANCE SELLALOT

On Direct, Shantell's attorney will ask questions to which he'll answer:

1. I am a Senior at PCHS and I know both the plaintiff and the defendant.
2. I had asked Shantell to be my date for the Premier, Prom and Afterglow.
3. I had promised to rent a vintage Mustang for Prom day and promised I would have it at her doorstep on the way to the Premier.
4. Wanting everything to be perfect for us both, I hired a videographer – photographer to photo-journal our night together.
5. I found a company on line called "PROMOGRAPHY.COM" advertising that they specialize in Proms and could offer a one-of-a-kind memory that would last a lifetime! Sounded GREAT! I called and told the owner, Willemena Meaner, my Prom date plans – including renting a vintage Mustang.
6. She came up with, what I thought was, a perfect plan – to surprise Shantell by arriving on a Mustang HORSE – as she video'd Shantell's laughter and surprise --- starting the evening out with a memory

that would last a lifetime, just as promised! I thought it was a GREAT idea!

7. I was totally surprised see Shantell's reaction when I showed up on horseback. I thought she would see the humor in it – guess NOT! I begged her to come out of the house, but she would not do so – and now, thinking about it, I don't blame her. Willemena Meaner's idea was a VERY bad plan, and in fact I fired her on the spot.
8. I tried to explain the whole thing to Shantelle the next week, but of course it was too late to fix our Prom night. Even though she doesn't like me, I wish her well, and hope she wins everything she deserves – in this case, and in life!

On Cross Examination by Willemena's Attorney, Lance will admit (if asked):

1. Yes, I think Shantell over-reacted. She is usually bright, funny, and ready for a gag or surprise no matter what it is – She even pulls gags like this on her own friends!
2. I had a REAL vintage Mustang rented, and parked at school, to get us to Celebrations 150 and back to the Afterglow... the horse gag was just for the mile or so from Shantell's house to the Premier. She could have walked it if she wanted to. (She never asked!)
3. Yes, I might have signed some kind of release form – but Shantell wasn't asked to sign anything. In fact she knew nothing about the video thing!

TESTIMONY OF DEFENDANT, WILLAMENA MEANER

On Direct, Willamena's attorney will ask questions to which she'll answer:

1. I graduated high school last year.
2. I'm the owner of a start-up company called Promography.Com.... I photograph and video special events. I specialize in Prom events because my own prom night was so special for me, and I want to remember it forever.
3. A person named Lance Sellalot responded to my web ad, asking me

to video and photograph his prom night with someone named Shantell L'Truth. I listened to his plans, and offered him a great deal ... AND a great idea!

4. I suggested that he surprise his Prom date by showing up with a Mustang HORSE rather than a Mustang car, while I video'd and photographed the entire surprise experience which was sure to be hysterical laughter – and a Prom memory captured digitally, forever!
5. Lance loved the idea as much as I did – maybe more! He rented a horse, and we arrived together at Shantell's house, just as planned.
6. OMG – Shantell was hysterical alright, but not as planned – She went ballistic! Crazy! She started ranting and raving, and was uncontrollably angry at Lance!
7. I kept video'ing but it got pretty ugly. I could not believe her lack of enjoyment of all this – clearly my perfect idea backfired.
8. NONE of this is my fault – it was the perfect plan and it was just Shantell's lack of ANY sense of humor and adventure that blew their date and my contract too!
9. I should be suing HER for interfering with my contract with Lance. I can't believe that SHE is suing ME! She should get NOTHING --unless she's suing for a sense of humor, which she desperately needs!

On Cross Examination by Shantell's Attorney, Willemena will admit (if asked):

1. Yes, I was hoping this video would spiral viral, and my business too!
2. Yes, I charged Lance practically nothing because of my hope that this would launch my company into internet fame and fortune.
3. Yes, Lance signed a release to allow me to post the video whether Shantelle reacted positively or badly – good for MY business either way!
4. Yes, I posted it.... And I've had over 50,000 hits this week so far! It's the best thing that has ever happened to me!

5. Yes, I have also made money off of licensing, adds and YouTube. Hey, a girl has to earn a living!

TESTIMONY OF DEFENSE WITNESS, BOB

On Direct, Willemena’s attorney will ask questions to which he’ll answer:

1. I’m a student at PCHS and I had also asked Shantell L’Truth to the Prom.
2. She said yes and that was great.
3. She NEVER told me she was going with Lance, but I heard that on the grapevine and got another date, from another school.
4. I never told Shantell that I had another date – I don’t know what she was thinking, saying yes to TWO of us, but I wanted her to stew about it.
5. On the day of Prom – just before the Premier was about to start – I got a text from Shantell asking me where I was and when I might be coming to get her!
6. I texted back that I was at the Premier with my date and would see her there – what nerve!

On Cross Examination, BOB will have to admit (if asked):

1. Yes, my Prom date was Willemena Meaner’s sister, Misty Meaner.
2. Yes, I told Misty all about Shantell and her deceptive ways.
3. Yes, Misty told me that her sister might help us set up Shantell in a way she’ll regret for a long time to come.
4. All I knew was that Willemena had a REAL MEAN STREAK in her.. and that was fine with me!
5. Yes, I’m happy that Shantell got what was coming to her.
6. Yes, I’ve seen the video --- EVERYONE has – funniest thing since the “Charlie bit my finger” video when IT went viral – that one has had over 900 million views!

VERDICT FORM A

We, the jury, find FOR the Plaintiff, Shantell L’Truth, and AGAINST Promography.com.

We award damages to the Plaintiff, itemized as follows:

Out-of-pocket losses for dress, purse, shoes etc.

(Plaintiff claims \$1,000):
\$ _____

Pain and suffering, embarrassment, loss of Prom experience (Plaintiff claims \$100,000):
\$ _____

Other damages (specify): _____
\$ _____

TOTAL DAMAGES AWARDED:
\$ _____

Signature of Foreperson

VERDICT FORM B

We, the jury, find AGAINST the Plaintiff, Shantelle L’Truth, and FOR the Defendant, Promography.Com. (Shantelle gets nothing.)

Signature of Foreperson

JUDGE’S INSTRUCTIONS TO THE JURY AT THE END OF THE CASE

Ladies and gentlemen of the Jury, it is now time for you to deliberate on your verdict. You must first select a foreperson who will preside over your deliberations. Any verdict you reach must be unanimous.

You will be given two forms of verdict.

If you find in favor of the Plaintiff, you will use Verdict Form A and you will determine the amount of damages to be assessed for her claimed losses, \$1,000 claimed for her out-of-pocket expenses for her dress, purse, shoes and accessories, and \$100,000 claimed for pain and suffering, embarrassment, humiliation, and loss of her (last chance in a lifetime) prom night experience.

If you find in favor of the Defendant, use Verdict Form B. You would then have no occasion to consider the issue of damages.

Ordinarily, you would have as many hours or days as it would take to reach a verdict. But today, you have FIVE MINUTES!

BAILIFF, PLEASE TAKE THESE VERDICT FORMS --AND TAKE THE JURORS INTO THE JURY ROOM TO BEGIN THEIR DELIBERATIONS!

INSTRUCTIONS FOR COURT REPORTER

The Court Reporter provides the only record of what everyone says during the trial. This is used to repeat an answer the Court or parties did not hear, and provides the transcripts in the event of an appeal.

In this Mock Trial, the Court Reporter should make quick notes of key testimony --and may be called upon by the judge to read back the last question or answer!

If a lawyer asks to have something read back, the Court Reporter should ask the judge for permission to do so.

The Court Reporter also reports all parties’ names and their roles for the Record. Please “fill in” the student-participants’ names (ask for help if needed!)

Plaintiff – Shantell L’Truth

Plaintiff’s Lawyer

Witness – Lance Sellalot

Defendant – Willemena Meaner

Defendant's Lawyer

Witness – BOB

Circuit Clerk

Court Reporter

Bailiff

Judge

Jurors:

Front Row (right to left)

Back Row (right to left)

THANK YOU!

THE CIRCUIT CLERK ADMINISTERS THIS OATH TO EACH WITNESS:

Stand and raise your right hand, then ask the witness to raise his or her right hand, and ask:

Do you solemnly swear or affirm that you will tell the truth, the whole truth, and nothing but the truth?

THE BAILIFF OPENS COURT BY SAYING:

All Rise! The Circuit Court for the Tenth Judicial Circuit of The State Of Illinois Is Now In Session, The Honorable Judge _____ Presiding!

THE JUDGE "DIRECTS TRAFFIC"

BY TELLING COUNSEL:

WHEN TO CALL THEIR NEXT WITNESS, WHERE THE WITNESS SHOULD STAND TO BE SWORN IN BY THE CIRCUIT CLERK,

WHEN TO PROCEED,
WHEN TO CROSS EXAMINE, AND
BY TELLING WITNESSES:
TO SPEAK UP
TO ANSWER A QUESTION IF THE
WITNESS REFUSES
TO STEP DOWN WHEN THE WITNESS
IS DONE TESTIFYING
BY TELLING JURORS:
WHEN TO BEGIN THEIR
DELIBERATION
WHAT ISSUES THEY ARE TO DECIDE
BY TELLING THE COURT REPORTER
WHEN TO READ BACK A QUESTION OR
ANSWER

THE JUDGE RULES ON OBJECTIONS BY SAYING:

(If the judge agrees with the objection):
SUSTAINED!

(If the judge disagrees with the objection)
OVERRULED!

JUDGE: Now and then, after an interesting witness response, ask the Court Reporter to please read that back?

JUDGE: If the witness is soft-spoken, ask the witness to repeat his or her last answer so that the jury can hear it.

JUDGE'S SCRIPT

Good Morning. As the Bailiff announced in opening court, I am Judge _____ and I will preside over today's proceedings. We require strict adherence to Court Rules and if I see any infractions, the Bailiff will be called upon to deal with you!

Today's case is a civil suit in which Shantell L'Truth is suing Willemena Meaner, owner of PROMOGRAPHY.COM, for ruining her prom night experience for her own selfish profit and possibly for other personal motives.

To collect any damages, the Plaintiff must prove the Defendant is liable, and that she sustained the damages she claims, by a preponderance of the evidence, or in other words, that her case weighs at least slightly in favor of her winning.

Order Of Proceedings: (keep things moving!!!)

1. Plaintiff, call your first witness to be sworn and to then take the stand.
2. Defense, you may cross-examine.
3. The Witness is excused.

4. Plaintiff, call your next witness to be sworn and to then take the stand.
5. Defense, you may cross-examine.
6. The Witness is excused.
7. Does the Plaintiff Rest?
8. Defense, call your first witness to be sworn and to then take the stand.
9. Plaintiff, you may cross-examine.
10. The Witness is excused.
11. Defense, call your next witness to be sworn and to then take the stand.
12. Plaintiff, you may cross-examine.
13. The Witness is excused.
14. Does the Defense Rest?

FOR FUN: WHEN SOMETHING IMPORTANT IS SAID, STOP THE PROCEEDINGS AND ASK COURT REPORTER TO READ THAT BACK!

Now that the evidence is concluded, Each Lawyer will have one minute to tell the jury what each side wants the jury to do, and why. (Call time if necessary!)

Instruct the Jury! (See next page)

When the Jury returns:

Does the jury have a verdict?

Ask the Foreperson to stand and Read the Verdict and then you (Judge) can say:

I pronounce judgment for _____ and against _____! -- and you can ask the loser if they want to appeal to a higher court!!

WELCOME TO PUTNAM COUNTY LAW DAY, 2019!

Agenda:

1. Picture on Front Steps; Introduction of County Office-Holders & Bar.
2. Brief introduction to the purpose of Law Day and agenda, history of courthouse, connection to Abe Lincoln. This year's theme: Free Press, Free Speech, Free People! While the first amendment protects speech, and the press protects our right to know, are there limits on what the press can leak? Are there limits on what schools can teach or preach? Are there limits on what kind of statues or holiday exhibits we can display in a park? Are there limits on hate rhetoric on social media? You are the future deciders of these issues.

3. Selection of cast members for mock trial script: Plaintiff Shantell L'Truth, Plaintiff's Lawyer, Plaintiff's Witness, Lance Sellalot, Defendant Willemena Meaner, Defendant's Lawyer, Defense Witness, BOB, Circuit Clerk, Court Reporter, Bailiff, Jury, Alternates, and Judge. Assignment of all others as shadow jurors.
4. Those who will be jurors and shadow jurors can tour the courthouse and sheriff's offices, and can register to vote – be back at exactly 9:40 for the start of our trial! Jurors not present will be replaced! Those already assigned roles will stay to prepare, but will get a chance to tour and register after the mock trial.
5. Open Court and conduct Mock Trial
6. Pictures of participants while Jury deliberates; picture of jury after deliberations with foreperson standing;
7. Participants tour and register, students load and leave.■

Putnam County 2019 Law Day photos

Memo to all County Offices:

PLEASE JOIN US FOR



LAW DAY!
Friday, April 26, 2019
Putnam County Courthouse

CELEBRATING
Free Speech, Free Press, Free Society

Following our tradition spanning 40 years, we have invited the PCHS Senior Class to the Courthouse to learn about this year's Law Day Theme, to meet YOU... our County Officers and officials... and to tour the Courthouse, 911 center and jail, register to vote, AND to participate in a mock trial! Students arrive at 8:30 am and heading back to PCHS about 11:30 am.

Our Schedule:

9:00 AM – Intro of County Office Holders, Officials and Employees

9:15 AM – Intro to PC Courthouse history and this year's Law Day Theme

9:30 AM – Mock Trial Preparation while some tour Courthouse Offices ---

10:00 AM -- Mock Trial Presentation

11:00 AM -- "Jury" deliberations while remaining students tour Courthouse

Please engage students in discussion about what you do in your respective roles in governance of our great County!

Following the student portion of our Law Day events, **the Bar Association will honor retiring Circuit Clerk Cathy Oliveri** for her many years of service to the bench and bar, with a reception (& appetizers!) in the County Board Room. **PLEASE JOIN US!**

On behalf of all members of the Putnam County Bar Association, thank you for your support and participation!

Roger C. Bolin, Putnam County Bar Association President
Scott A. Shore, Circuit Judge, Retired, Law Day Chairman

Law Day 2019 invitation

*PC Bar Assn Honors Cathy Oliveri
For Service To Bench & Bar 1992-2019*



Great Clerks....

...Great Staff!

PC Bar Assn Hosts Law Day 2019 "Shantell L'Truth vs Promography.com"



Upper Left: PC Bar Members (L-R): Rico Eattoni, PC Bar President Roger Bolin, Circuit Judge James Mack, Law Day Chair Scott Shore, State's Attorney Christina Judd-Mennie

Upper Right: Plaintiff's Team (L-R): "Attorney" Joseph Mecagni, Attorney Roger Bolin, "Plaintiff" Miranda Nutter, and "Witness" Michael Dzierzynski

Lower Left: Defense Team (L-R): "Defendant" Hope Stunkel, Attorneys Roger Bolin, Christina Mennie and Rico Eattoni, "Attorney" Madison Keegan, and "Witness" Ben Munson.

Lower Right: All participants including (back row, L-R) "Circuit Clerk" Rebecca Ramey, "Defense Attorney" Madison Keegan, "Bailiff" Nolan Whitney, "Judge" Madelyn Dzierzynski, "Court Reporter" Caleb Tonozzi and "Plaintiff's Attorney" Joseph Mecagni; and (front row, L-R) "Plaintiff" Miranda Nutter, "Witnesses" Michael Dzierzynski and Ben Munson, and "Defendant" Hope Stunkel.



Someone you should know: Sarah Taylor

BY MARYLOU LOWDER KENT

Undoubtedly, anyone who has participated or volunteered with the ISBA Mock Trial Invitational over the last decade is familiar with the name of Sarah Taylor. Sarah has devoted a great deal of time and energy to this program and is assuredly the reason that the Invitational continues under ISBA sponsorship today.

Sarah was born in Seattle, Washington, and attended high school at Mt. Si High School, which is located just outside of Seattle. After her graduation, Sarah's family moved to the Carbondale area and she attended undergraduate school at Southern Illinois University from which she received her degree. After a stint working in commercial photography at a photo lab in Chicago, she decided she needed something more challenging in her life and returned to Carbondale to enroll in the SIU School of Law.

Sarah moved to Springfield as a new lawyer and served as a research attorney for the Illinois Supreme Court. After a couple of years, home again beckoned and she returned to Carbondale and joined the law firm of Barrett, Twomey, Broom, Hughes and Hocke where she practiced probate, eminent domain, and family law.

Again ready for a new challenge, Sarah joined the Public Interest Law Initiative (widely and lovingly known as 'PILI') in June of 2018. She serves as the group's pro bono program manager and is in charge of promoting its pro bono legal programs throughout the state.

Sarah joined the Law Related Education for the Public Committee of the Illinois State Bar Association in 2006, looking for something interesting and rewarding to which she could devote her bar association time. In 2013, Sara was named Chair of the Committee, which oversees the Mock Trial Invitational.

It was about this time that the ISBA considered dropping its sponsorship of the

Invitational to focus on more member-oriented programs. Sarah convinced the Board of Governors and other bar association leaders that the program served a valuable purpose in promoting civic and community outreach and deserved to be saved.

Since 2013, Sarah has served as the Chair of the LRE Mock Trial Committee. The Committee consists of lawyers and law students who generally start preparing for the mock trial process in the summer. A problem is selected, then fully fleshed out for the benefit of the student participants and their coaches, and any needed adjustments are made to the Handbook and registration materials. After approval by the entire LRE Committee, the problem and related documents are posted, usually in early November.

Update memos are circulated throughout the winter months addressing any issues that may arise with the problem and how it is presented. The logistics of the actual competition also need to be handled, including selection of the date of the event, venue, volunteers, scheduling, etc. The competition is generally held in March and Sarah can be found anywhere and everywhere around the event venue making sure everything runs smoothly and taking care of any problems that may arise.

Asked what has been the most rewarding aspect of her involvement with the mock trial program, Sarah cites being able to save the program in 2013. But she so enjoys watching the students--who have devoted so much time and effort to their trials--compete and develop the skills that will help them no matter what career paths they may choose. She also says that it is fun seeing students connect with other students from all over the state and share their experiences so enthusiastically with each other.

Sarah recently welcomed a Co-Chair on the Mock Trial Committee whom she is grooming to take over responsibilities when

she decides it is time to pass on the gavel and share her bar association time with some other venture. But Sarah says she will never be able to completely walk away from the mock trial program and plans to continue participating for years to come. Those who know her would expect nothing less! ■

Starting your business venture: Some basic considerations

BY STANLEY N. WASSER

You have that itch. You have that great idea. You are tired of academics. You want to start making money. Whatever your motivation, you want to harness your entrepreneurial spirit into creating a new business. So where do you start and what do you have to think about besides the money-making idea that you are ready to introduce to the world?

This article offers some basic pieces of advice for your immediate consideration so you can do things legally, the right way, the way that won't lead to problems down the line. It goes without saying-but must be said-that talking to a good lawyer and talking to a good accountant are two of the first steps you should pursue. You also need to ask yourself certain questions and be sure of the answers!

For instance, do you strike out on your own and just 'do your thing' or do you form a company? And if you form a company, what kind of company and who else, IF anyone else, should be part of your enterprise? And where do you get guidance about forming the company?

Well--you can hang out your business shingle and use a fancy name that you have thought up. If you do this, then the business will be considered simply you, an individual, doing business. This is where the term "DBA" or "doing business as" comes from. You don't form a separate company but just conduct business under your name or under a name you have given to your business.

With such an endeavor, all of the risks and business liabilities are personal to you. All of the business income is yours to keep but taxable to you personally. All of the business expenses are also yours to keep and you can deduct them as allowed by law from your personal income tax forms.

Getting Started: Three Things You Must Consider if You Simply Hang Out Your Shingle

First, the law requires that if you do

business under an assumed name, you must comply with Illinois' Assumed Business Name Act (805 ILCS 405) which provides that you have to publicly disclose the name under which you are conducting or transacting business if it is not your real (given) name. You do this by filing the required assumed name certificate with the clerk of the county in which you intend to conduct or transact business, and you also must publish notice of this certificate filing in the newspaper for three consecutive weeks. Take a look at the legal notices in your local newspaper and you will see the variation in types of such notices. This requirement is to make sure that you go on 'public record' letting the world know that you are going to conduct business under a name that is not your actual name.

Second, before publishing your notice, you need to make sure that the name you want to use is not being used by another business. For if it is, you may have exposed yourself to liability under the state and federal trademark and trade name laws, including deceptive business practice laws. This same concern will hold true even if you conduct your business as a corporation or limited liability company, which are discussed below. You can't engage in a business using words, or colors, or symbols that might cause the public to believe that your business is actually someone else's business.

Third, if you elect to conduct your business in this manner, meaning personally, then you have put at risk all of your personal assets (money, cars, and houses to name a few) that a creditor of your business might be able to access in order to satisfy a business debt you owe. On this last point, it's a little more complicated than just noted, but the point is that without forming a company, you have not insulated yourself from personal liability if things go wrong.

What Are Your Alternatives to Conducting Your Own Business? How About Corporations and LLCs?

Anyone who has listened to a LegalZoom commercial knows the magic words: *corporations* and *limited liability companies*. (By mentioning that company, I am neither encouraging you nor discouraging you from using its services.) What we are talking about here is having you form a company in order to be able to conduct your business under the legal umbrella of that company. In each case, the company will in effect own the business and you will own, manage, and/or be employed by the company. And by conducting the business under a company umbrella, and assuming you do things correctly, you have insulated yourself from personal liability so long as you comply with the legal formalities required of the business type you adopt. Any liability of your company will be limited to the assets of the company. **Let's now review some options for the type of business entity you might create.**

A. WHAT IS A CORPORATION? WHAT ARE ITS BASIC PURPOSES AND FUNCTIONS? A corporation is a legal entity that is created by following the dictates of the Illinois corporation statutes. It is legally distinct from the stockholders who own the corporation. There are three basic business corporation types:

1. The basic corporation, sometimes referred to as a "C-Corp" for short, with "C" being a reference to the subchapter of the IRS Code that applies to corporate taxation. A "C" corporation is a separate taxable entity. It pays corporate income taxes on its earnings just like a private individual pays personal income taxes on the person's earnings. If it then distributes its income to its stockholders (think 'dividend'), the

stockholders (think you) pay income taxes on that distribution. Or if the corporation pays part of its income in the form of salaries to its officers or employees, then the officers and employees (which could be you) pay tax on the income they receive. This is called “double taxation”. The income is taxed first at the corporate level and then again when the stockholder or officer or employee receives part of the income in the form of salary or dividend.

2. The second type of corporation is what is commonly referred to as an “S-Corp”. This entity is simply a basic corporation whose stockholders have filed the requisite paperwork with the IRS and have elected to have the corporate income and expenses taxed in a different manner under subchapter S of the IRS Code which simply means that the corporation will be taxed as if it was a partnership, with income and expenses passing directly through to the stockholders in proportion to their investment, thereby avoiding some double taxation. The income is not taxed at the corporate level so double taxation is avoided.
3. The third type of corporation is what is called a “Close Corporation”. It is basically a C-Corp with two major differences. First, as discussed more below, the stockholders of a Close Corporation are allowed to manage the corporation directly, rather than having a board of directors manage the corporation. Secondly, restrictions can be placed on the shares of stock representing the ownership interest in the corporation so the stock is not freely transferrable. Hence the reason for the name “Close” corporation. It allows the corporation to be closely managed by its owners and assures that any one stockholder cannot simply transfer his or her shares to someone outside of the corporation without the corporation and its stockholders having some preemptive rights over that stock

transfer. Think of you and your two friends forming the business. None of you wants one of your other friends to sell the stock to a third party whom you have no interest in having as a co-owner of the business. The permitted restrictions help you manage that concern. Of possible interest, a Close Corporation can elect to be an S-Corp for tax purposes.

B. WHAT GENERAL RULES APPLY TO RUNNING A CORPORATION, WHO ARE ITS MEMBERS, HOW ARE ITS FINANCES MANAGED AND WHAT PROCEDURES GOVERN MEETINGS?

1. Since a corporation is a creature of statute, in this case Illinois’ Business Corporation Act of 1983 (805 ILCS 5/1.01et seq.), you have to follow the requirements of that Act to form and manage the corporation. In addition, should things “go south” in your business, you have to follow the requirement of that Act in dissolving and terminating your business.
2. One of the key attributes of a corporation is that the persons who have ownership in the corporation—the stockholders (sometimes also called the shareholders) — do not have to be the same persons who manage and operate the corporation. Also, the persons who form the corporation, and who are called the incorporators, don’t even have to be the stockholders or managers. Your lawyer or accountant could sign the incorporation paperwork. An individual who acts as an incorporator must be at least 18 years of age.
3. Once the entity is formed, you will promptly hold a meeting of the stockholders who bought the initial stock of the company. The money paid for the stock represents the initial capital that the company has to work with. It’s possible that a person has given the company hard assets or real estate in exchange for stock. Those hard assets or real estate likewise become the capital of the company. At that initial stockholders

meeting, the stockholders will elect a board of directors. There must be at least one director. So, if three of you get together and invest in this new company, you can choose to have only one or two of you become directors to oversee the management of the company.

4. After they are elected, the directors promptly convene a meeting and, among other things, elect the officers of the company. The Illinois Business Corporation Act provides that there must be a President and a Secretary. Often there is also a Treasurer or even a Vice-President. Any one officer can also hold a second office except that it is a good practice to have the President and Secretary be separate persons. The other good news is that the same person can be a stockholder, a director, and an officer. That is usually the case with small new companies.
5. Corporations also are required to adopt what is known as the corporate by-laws. This is essentially the set of internal rules which govern the manner and procedures by which the corporation will manage and operate itself. These rules are in addition to the requirements mandated by the Illinois corporation statutes.
6. Since corporations are, as noted, creatures of the Illinois statutes, they have no human existence, only a paper existence. So the Illinois Act requires that your company designate a live person to be the registered agent of the company and that your company designate an office location in Illinois that is deemed to be the registered office of your company. This designation should occur when you file your initial paperwork with the Illinois Secretary of State to incorporate your company. The purpose of having this live registered agent with an actual registered office is to make sure that there is a person and location to whom all legal paperwork, correspondence from the Secretary of State, and other official

government notifications, usually tax forms and notice of lawsuits, can be sent.

7. It is the registered agent's job to accept that paperwork, and once it is accepted, your company is deemed to have been served the legal paperwork or notice. Oftentimes the corporate President serves as the company's registered agent but at times, the company's lawyer acts as the registered agent. Once a year you have to renew your corporate existence with the Illinois Secretary of State. That office will send to your registered agent at his/her registered address the annual paperwork for renewing your company's existence. If you have the bad fortune of being sued, the lawsuit paperwork also will be served on your registered agent.
8. The good news about these stockholder and director meetings is that you don't have to physically meet. If done correctly, the meeting can be virtual or by phone conference with everyone waiving the statutorily required notice. Just as if you met in person, minutes will be drawn up and signed by the stockholders and directors. The requirements for corporate meetings are also spelled out in the Illinois Act.

C. THE 'LIMITED LIABILITY COMPANY' or 'LLC': An alternative to the corporation. This type of business entity is also authorized by statute, in this case Illinois' Limited Liability Company Act (805 ILCS 180/1-1 et seq.), known by its common acronym "LLC". LLCs don't have stockholders, but rather have members. The members are the owners of the LLC. Rather than being issued a stock certificate, members are issued a membership interest certificate to evidence their ownership of the LLC.

1. Managing the LLC is less formal than in a corporation, as there is no requirement for a board of directors, meetings, minute keeping, quorums and other formal requirements that are imposed on corporations. The LLC members can manage the LLC themselves, just like a group of partners. Or the members can appoint one or more managers to manage the LLC. The managers

do not necessarily have to be LLC members, but often they are. Please note that while there is no age requirement for being a member, you have to be at least 18 years of age to be an 'organizer' of an Illinois LLC, meaning the person who fills out, signs, and files the initial paperwork that sets up the LLC.

2. The affairs of an LLC are usually governed by what is known as an operating agreement which, in some respects, is similar to corporate by-laws. This document is essentially the set of rules governing the manner in which the LLC will manage and operate itself. These rules are in addition to the requirements mandated by the Illinois limited liability company statute. While it is not mandatory to have an operating agreement, it is highly advisable to have one.
3. Also, as an LLC, like a corporation, is a creature of statute, the LLC must have a registered agent and a registered office, just like is required of a corporation. The LLC registered agent and registered office have the same responsibilities and purposes as the corporate registered agent and registered office. In addition, like corporations, an LLC has to renew its existence annually with the Illinois Secretary of State.
4. Another advantage of an LLC is how the company's financial interests are handled. A corporation distributes its income (think dividends) to the stockholders (the company owners) on a 'per share' basis. An LLC, on the other hand, can distribute its income to each member equally, or based on their capital contributions, or in other ways.
5. Taxation rules are also different for LLCs. The general rule is that the LLC is considered a pass-through entity. The income and expenses pass through the LLC to the members and the members are taxed as if the company was a partnership or, if a single member, a sole proprietorship. There is no taxation at the LLC or company level before the income is passed through to the members. An LLC can, however, file

paperwork with the IRS and elect to be taxed as a business corporation and, if it meets the requirements, as an S corporation.

Final Considerations—Especially Choosing a Name!

A key decision you will make in forming your company, whether a corporation or LLC, is what name you should give it. As noted above, you must check with the Illinois Secretary of State to assure yourself that the name is available. If it is, you can even file paperwork and pay a small fee to reserve the name for a short period of time. This action lets you reserve the name and then make the decisions and fill out and file the paperwork to formally form your business. Again, as noted, you want to make sure that the name you plan to adopt does not create a trademark or service mark violation, or trigger an issue of deceptive practices.

A corporation will be required to have as part of its name one of the following words: Corporation, Corp. Limited, Ltd., Incorporated, or Inc. An LLC will be required to have as part of its name one of the following words: Limited Liability Company, LLC, or L.L.C.

Also, like individuals, corporations and LLCs can adopt assumed names and conduct business under an assumed name, provided they file the necessary paperwork for that purpose with the Illinois Secretary of State. For example, "Outback Steak House" is the assumed name under which Bloomin' Brands, Inc. operates.

There are a lot of other intricacies to forming and operating a corporation or an LLC that are beyond the scope of this short newsletter article. The purpose of this article is to give you basic considerations to think about that will guide you in taking your initial steps to start a business.

As noted at the start of this guide, no matter what form of business you hope to undertake, it is important that you get not only legal advice, but that you talk to a good tax accountant, before starting up the business. You may want to also talk to a good insurance agent who can assist you with the type of insurance your business may require.

So, harness your entrepreneurial spirit—do your homework—and may good luck follow you. ■