ILLINOIS STATE BAR ASSOCIATION

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Family Law

The newsletter of the Illinois State Bar Association's Section on Family Law

Chair's column: Keep it simple

BY LANE HARVEY

As I have said a number of times previously and, as I am sure we have all experienced, there is no field in the practice of law in which one may encounter a broader range of issues than in family law. Indeed, a number of the broad range of those issues may all be in the same case. Given the number and complexity of issues which we may have to address in a case I submit that we should be aware of and use the procedural tools made available to us to simplify trial. Within the Code of Civil Procedure and the Supreme Court Rules we have at least four significant tools available to allow us to simplify the trial and as to certain of those issues, to call the court's special attention to them on an individual basis prior to the trial.

A. Declaratory Judgment.

The first of those tools is the Declaratory Judgment procedure contained at 735 ILCS 5/2-701. That section allows us to address

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Five traits of a successful family law attorney

BY UMBERTO DAVI & MARIE SARANTAKIS

Family lawyers are accustomed to wearing many hats. They serve as counselors, therapists, advocates, confidants, and advisors. They need to be well versed in various practice areas such as estate planning, criminal law, and business matters, just to name a few. More importantly they need to possess certain personal characteristics. The following traits have been found to be especially helpful to attorneys who deal with sensitive and emotionally-laden matters such as divorce and child custody:

(1) Patience. As lawyers, we often have an impulse to advocate for our clients. We want to articulate our positions and convince the audience. However, an effective family lawyer needs to have patience and be able to listen. He or she needs to let clients vent and to let opposing counsel tell the other side of the story. What many family law clients suffer from the most is a feeling of

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Chair's column

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any matter of "actual controversy" within dissolution of marriages causes. The matter in controversy may be factual or, in some cases, legal.

Our Supreme Court in the case of *In Re Marriage of Best*, 228 Ill.2d 107 (2008), specifically improved the use of declaratory judgments in dissolution of marriage actions. In that case, a declaratory judgment action was filed within the dissolution action for the purpose of determining the validity of the parties' pre-marital agreement. The court entered the declaratory judgment related to the validity of the pre-marital agreement. The appellate court reversed indicating that the court could *not* enter a declaratory judgment prior to the final entry of the judgment for dissolution of marriage. The supreme court reversed the appellate court noting that the passing on the declaratory judgment issue regarding the validity of the pre-marital agreement resolved "some part" of the controversy and, in fact, terminated that part of the controversy. The court specifically held that it was appropriate for the trial court to address the issue raised by the declaratory judgment filed within the dissolution case as the effect of the declaratory judgment, even if entered before the final dissolution, resolved the issue. The impact on the *Best* case was that the declaratory judgment substantially simplified the trial of the case because the issues such as maintenance or property division or, potentially attorneys fees or any other issue specifically addressed in the pre-marital agreement, would thus be resolved.

It is worthwhile to note that Section 105(d) of the new Illinois Marriage and Dissolution of Marriage Act specifically contemplates that declaratory judgment actions will be incorporated in dissolution cases.

We should, likewise, remember that Section 2-701(a) also allows the court to enter declaratory judgments on matters including the determination of the construction of any statute, municipal ordinance or other government regulation. The prerequisite is that there be an actual controversy and that the resolution of the declaration sought would end a part of the controversy. Construction of statutes is a viable use of the declaratory judgment vehicle. For example, in a dissolution case our client found himself in a position requiring the court to make a very technical interpretation of the Federal Copyright Act. The parties to the case fundamentally disagreed on what the interpretation of the Act should be and the determination of the interpretation of the Act would substantially control the breadth of the trial on the copyright issue. A motion for declaratory judgment was filed and the matters related to the Act were briefed, separately and distinctly from any other issues in the case and prior to the time of presentation of testimony. As one might expect, circuit judges in Illinois are not frequently called upon to interpret the Federal Copyright Act. By allowing the court and opportunity to focus the narrow issue involved and to review the briefing and the applicable law separate and distinct from the other remaining issues in the case and in a way where the court was not confronted with the issue at the point of trial with objections, the court was able to review the Act and reach a conclusion as to the scope of that Act which controls the scope of presentation of evidence on the copyright issue. That finding settled the controversy and resolved an issue in the case.

The declaratory judgment tool is one that is available to us and, frankly, from my experience, one that is far too infrequently used. When properly used it has the ability to substantially simplify the issues ultimately facing the court related to final decision of the case.

B. Summary Judgment

Of particular interest in dissolution cases regarding summary judgment is section 750 ILCS 5/2-1005(d). That section specifically authorizes the court to determine whether there is a genuine issue of material fact *as to one or more major issues in the case*. If there is no genuine issue of material fact, the court may then determine the issue as a matter of

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law. Once the partial summary judgment is issued it will, of course, control the outcome of that issue and quite likely substantially simplify the trial of the case.

Again, the summary judgment tool allows the parties and the court to focus on a particular issue singularly and not co-mingled with all of the issues being simultaneously tried. Such a motion may be particularly effective in that it allows the court to concentrate on the factual data and the law related to one significant issue in the case and allow the potential for a resolution of that issue prior to trial.

In many of the complex issues in a case there will, of course, be extensive discovery prior to trial. In the course of completing that discovery it should become apparent as to whether any of those issues may be determined in a summary fashion because of the absence of a genuine issue of material fact. It should be remembered that if a partial summary judgment is entered for purposes of a trial, that summary judgment is an interlocutory order and not subject to immediate appeal until the final order is entered.

On those occasions where the partial summary judgment may be entered as to some, if not all of the issues, such a judgment may go a long way toward resolution of the case and, certainly, simplify trial. (See, *inter alia*, *In Re Marriage of Callahan*, 2013 IL App (1st) 113751).

C. Request to Admit

Supreme Court Rule 216 provides a special tool which, in many cases, may simplify trials. That Rule allows a party to serve upon the opponent requests for admission of fact or genuineness of documents. The effect of such an admission is to completely remove the facts admitted from contention as the admission of such facts constitute judicial admissions which may not, later, be contested by the admitting party.

What must be remembered is that such admissions must be seeking admissions of *fact* not conclusions or opinions of law. Such requests must involve factual questions even if the factual questions may give rise to legal conclusions (*Troyan v. Reyes*, 367 Ill.App.3d 729 (3rd Dist. 2006)). Such requests may include "ultimate facts." (*Bright v. Dicke*, 166 Ill.2d 204 (1995)).

The requests to admit may include the genuineness of documents and may serve as a foundation for the admission of any such documents into evidence.

Practitioners are advised to read, with particularity, Rule 216(c) which specifically details the process that one must undertake if served with such a request.

The request to admit removes the admitted issues from contention and can greatly simplify the trial. If one is served with requests to admit, he or she will be well advised to pay close attention to the requirements of response in Rule 216(c). The Rule, essentially, does not allow quibbles but, rather, requires that responses to such requests address the central point of the request. The response must specifically set forth why a party can not admit or deny if, in fact, that is the case and any such denial ".....shall fairly meet the substantial of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter which an admission is requested, the party shall specify so much of it as is true and denial only the remainder."

If one serves requests to admit which are improperly denied, your attention is directed to Rule 219(b) which specifically authorizes the recovery of the fees and expenses incurred in proving matters which should have been admitted regarding a request to admit.

Again, requests to admit are a useful tool to simplifying issues for trial and one which, in my experience, is not used with sufficient frequency.

D. Deposition and Interrogatories

I am sure that most of us before trial in any significant case will submit substantial interrogatories, at least the matrimonial interrogatories approved by the Supreme Court, and will likely depose the other party regarding any significant issue in the case. One of the matters which may greatly simplify a trial of the case is contained in Supreme Court Rule 212(a)(2). That paragraph specifically provides that discovery depositions may be admitted as substantive evidence regarding admissions by the party. Frankly, if one obtains a valuable admission from a party in a deposition I am hard to imagine what the benefit is of re-asking the same question in trial and offering the party the opportunity to answer differently. It should be noted that the admissions contained in the deposition are *substantive* evidence and may be used without regard to impeachment. The points admitted in the deposition are substantive in nature and may preclude the necessity of questioning the witness again at trial.

Further, it should be noted that a party may, in the course of a deposition, make an admission in a sufficiently direct and positive manner that the admission may amount to a judicial admission which may not, later, be contradicted. Your attention is directed to the Supreme Court's decision in the case of *In Re Estate of Rennick*, 181 Ill.2d 395 (1998), for a discussion of the use of admissions from a deposition and the extent to which such admission may be judicial in nature. Clearly, if such an admission is judicial in nature, the opposing party should be given no opportunity to contradict it in your questioning of the witness.

The use of discovery deposition admissions as a judicial admission to thwart claims made by the other side is illustrated in the cases of *Derry v. Stuller, Inc.*, 2012 IL App (4th) 110844-U and *James v. Ingalls Memorial Hospital*, 299 Ill.App.3d 627 (1st Dist. 1998).

Finally, your attention is also directed to Supreme Court Rule 213(h) which indicates that answers to interrogatories may be used in evidence to the same extent as answers in discovery depositions.

The use of such admissions in lieu of calling the witness of the opposite party at trial may well shorten and simplify your trial as well as create situations related to things such as judicial admissions from which the other side may not be able to escape.

CONCLUSION

The Code of Civil Procedure and Supreme Court Rules provide us with a number of tools which will allow us to greatly simplify our trials. Experience teaches that they are not used to nearly as frequently as they could be or should be. Once of the things we should remember is it serves our client's and our own best interest to simplify the trial as much as possible as we must first educate before we can persuade. These tools allow us to do so. ■

Five traits of a successful family law attorney

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betrayal and abandonment. A listening ear goes a long way toward establishing trust and ultimately ensuring that you are fully understanding of your client's feelings, needs, and the outcome they desire.

2. **Compassion.** Effective lawyers know to not let emotions intervene in their advocacy. However, they don't necessarily need to be cold and uncaring. You need to be able to sympathize with your clients' needs while at the same time apply the law to the particular facts of their case. Clients want to know that the outcome of their case matters to you and that you understand and support their position.
3. **Neutrality.** While you need to be a zealous advocate for your client's position, you need to also be able to recognize and consider that usually there are two sides to every story. That doesn't mean that your client's positions or goals are any less valid. However, you need to be prepared and know that at any moment opposing counsel may bring out a fact or two that can be a game changer for your case.
4. **Openness.** In family law, you will hear about a lot of betrayal and bad behavior. You will become accustomed to mudslinging and dirty deeds. Your job is not to judge or add any fuel to burning fires, but rather to analyze the existing situation with an open mind, while at the same time being aware of how the law may or may not be applicable, given the facts that apply.
5. **Creativity**. Family lawyers are always dealing with a unique set of problems coupled with the strong emotional expectations of their clients when it comes to the outcome. A good lawyer will be able to craft a solution that is outside of the box and facilitate unconventional but mutually beneficial negotiation options and results. ■

Umberto Davi and Marie Sarantakis practice family law in Western Springs, Illinois. Mr. Davi is the Immediate Past President of the Illinois State Bar Association and Ms. Sarantakis is the incoming Chair of the American Bar Association Young Lawyers Division Family Law Committee.

Divorcing a narcissist

BY JAMES M. QUIGLEY, ESQ. AND JORDAN D. ROSENBERG, ESQ.

As divorce attorneys, we often find ourselves representing individuals who claim to have spouses with narcissistic characteristics. As a starting point, consider this assessment from the world of psychology:

> "You cannot change others, you can only change your response and expectations."
>
> —Psychologist Dr. David Finn, Psy.D[1]

Managing your clients' expectations, not those of the narcissistic significant other, is a critical aspect of successfully divorcing a narcissist. A fundamental mistake we see in representing individuals, is their desire to seek ways to change the narcissist's behavior instead of modifying his or her own expectations and reactions. This often leads to additional problems for the person married to the narcissist, in the follow ways: 1) emotional unrest, 2) increased litigation costs/time and 3) familial discord.

In counseling our clients in this type of situation, we routinely recite the mantra "focus and work on only those things that *you* can control." Frequently, clients make the mistake of focusing on what the narcissist demands, even though such demands often can never be satisfied. Focusing on the mantra is a small step toward taking back control of *your* life, and resolving *your* divorce successfully and on *your* terms.

With greater knowledge into the mind of a narcissistic personality, you will have a better chance of mitigating the stress caused by irrational and abusive behavior.

Is My Spouse a Narcissist?

Answering this threshold question is a necessary first step in trying to manage your strategy and expectations throughout the divorce process. So, who is a narcissist? The DSM-V defines Narcissistic Personality Disorder as follows:

> "A pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

1. Has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements)
2. Is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love.
3. Believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions).
4. Requires excessive admiration.
5. Has a sense of entitlement (i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations).
6. Is interpersonally exploitative (i.e., takes advantage of others to achieve his or her own ends).
7. Lacks empathy: is unwilling to recognize or identify with the feelings and needs of others.
8. Is often envious of others or believes that others are envious of him or her.
9. Shows arrogant, haughty behaviors or attitudes."

If you have identified five (5) or more of these factors as being applicable to your client's spouse, there is a reasonable likelihood they are married to a person with narcissistic tendencies. These self-centered characteristics only become more exaggerated in a divorce proceeding.

In the context of a divorce proceeding, Dr. Finn notes that "the narcissist experiences a deep wound from what they believe is rejection from their spouse." He relates that this theory is often referred to as a "Narcissistic Injury." Commentary on the DSM-V suggests that "there is a sense of fear [on the part of the narcissist] from having his or her imperfections or flaws revealed."

Put another way, Dr. Sol Rappaport[2] comments: "The feeling of rejection or criticism on the narcissist causes him or her to react negatively – most times with anger or rage. Spouses of narcissists feel as though they have to constantly cater to them, build them up and 'tip-toe' around what they say and how they interact with the narcissist, as they are fearful of the anger and repercussions that may follow." In an article by Rhonda Feinberg, she describes the "classic" issue with narcissists in relationships as "[they] tend to blame others for any relationship problems and *attempt to avoid looking at their own contribution*." *The Intractable Client*, Rhonda Feinberg, July 1997. They assume that others will accept their point of view, and will not hesitate to use gross or subtle coercion to achieve their goals. *Id.*

How Did I Get Here?

By the time your clients find themselves divorcing a narcissist, it is common to question how or why they got involved with this individual in the first place. As Dr. Rappaport notes, "the first impressions of a narcissist tend to be: attractive, well-groomed and successful. However, in longer term relationships, the narcissist proves to lack empathy, has an inability to relate to their partners in a mutually satisfying manner, and has difficulty maintaining close relationships." Dr. Rappaport goes on to illustrate that "narcissists often have short fuses, are quick to anger if people don't accommodate themselves to them, belittle others, and don't feel remorse."

What we frequently hear from our client's is something to the effect of "he/she is a real 'charmer' in the outside world, but behind closed doors is an entirely different

person." This is the proverbial *Jekyll and Hyde* phenomenon. W.K. Campbell, in a series of publications, relates romantic relationships with a narcissistic partner to eating a chocolate cake: "An initial rush of excitement and positive feelings one cannot resist, followed by long-term costs and regret that outweigh the initial pleasure." *Narcissism and Romantic Relationships: The Differential Impact of Narcissistic Admiration and Rivalry,* Wurst et al., American Psychological Association, 2016.

What Is Next?

If anything set forth above sounds familiar to your clients, here is our Top 10 List of suggestions for them to consider in communicating and interacting with a narcissist as they are contemplating and/or already involved in a divorce proceeding:

1. Consult with a divorce attorney familiar with representing people divorcing narcissists so that they can have appropriate legal strategy and advice to protect them in their divorce.
2. Secure a therapist or other mental health professional with experience in dealing with narcissists as a source of support, independent of your legal counsel. Having a mental health professional in his or her corner is essential to managing the stress of any divorce proceeding, let alone the chaos associated with divorcing a narcissist.
3. Educate themselves about Personality Disorders and Narcissism so they can better understand the personality and behavioral patterns of their spouse.
4. Temper their expectations in divorcing a narcissist. What may seem logical, rational or even practical will not always enter into the narcissist's mind. This often times results in protracted, costly and acrimonious litigation. In the extreme, a narcissist may engage in a "scorched earth" strategy to punish the other spouse even though such a strategy may be financially and emotionally devastating for the entire family.
5. Do not measure their success by the outcome as determined by the narcissist. Dr. Finn says "you are not going to fix [the narcissist] and it's a trap for any spouse to become angry that the narcissist is not changing."
6. In communicating with a narcissist during a divorce process, Dr. Rappaport suggest that they "begin sentences with 'I' rather than 'you,' and, if you have children, start your discussion focused on the children, so as to keep the focus off of the narcissist. Try to avoid or minimize the concept of win-lose." Dr. Rappaport suggests there are several self-help books that may be useful, including *BIFF: Quick Responses to High-Conflict People, their Personal Attacks, Hostile Email and Social Media Meltdowns,* by Bill Eddy.
7. Dr. Finn suggests an interesting, but often difficult, approach to "treating the narcissist how ***you*** would like to be treated. Be able to have confidence that you are acting in a true, respectable manner regardless of the narcissist's actions and comments. Do not get frustrated."
8. Dr. Rappaport also suggests a creative strategy. He suggests that "even if you don't mean it, build the narcissist up. Make him or her feel like they are important and *right* in their own mind. While trying to placate a narcissist may seem challenging when you have been hurt by that person, confronting a narcissist may lead to even greater conflict."
9. Don't get sucked into the narcissist's world. Trust their view of what is right or wrong, as opposed to what the narcissist is telling them what their view should be. Step back and objectively view the situation you are dealing with from *'30,000 feet and above.'*
10. Own it and *win*. Be confident in *their* knowledge of the person and *their* inner strength. Be at peace with who they are, how you got here and *their* ability to overcome the challenges in divorcing a narcissist.

We believe it is essential to identify a wide range of factors which might influence the outcome of a divorce and develop an individualized strategy for the unique and specialized needs of each client. This may include an understanding of mental health, child-related issues, financial issues and even complex business structures. Cases involving narcissists will often involve intense and hotly-contested litigation. That does not mean that has to be first, or even the best, strategy employed. Sometimes, a collaborative, cooperative or even a mediation approach may be a means to disarm the narcissist. It is important to understand all of the options available in the divorce process. ■

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1. David Finn, Psy.D., is a forensic psychologist in clinical practice in the Northwest Suburban area. Dr. Finn conducts child custody evaluations in Cook and collar Chicago area counties and also consults to attorneys on all aspects of the litigation process. Dr. Finn's practice provides a range of counseling to children, adolescents and adults, including their new comprehensive Family Ties program for families with parent-child estrangement. Dr. Finn can be found at www.AHDCLLC.com.

2. Sol R. Rappaport, Ph.D., ABPP, is a forensic psychologist who is Board Certified in Clinical and Clinical Child and Adolescent Psychology. Dr. Rappaport conducts child custody evaluations and consults to attorneys on all aspects of the litigation process. Dr. Rappaport can be found at drsolrappaport.com.

New statutes, new clients, new work

BY KEVIN H. SAVILLE

The re-write of the Illinois Marriage and Dissolution of Marriage Act has made it "kid-centric" and much of the uproar has been over new terminology: no more "custody," "visitation," no more "Joint Parenting Agreements" (in spite of the fact that many were anything but Joint). Now we have Allocation of Parental Responsibility and Parenting Plans. It's a mouthful, but one with excellent intentions, and outcomes if we use it effectively for the benefit of the kids and their parents-both parents. If the last several years have shown us nothing else it is an increase in the amount of contact dads, even the unmarried ones, want with their kids. Dads want to be more involved, and moms should embrace this notion so they aren't stretched so thin, trying to do everything, with perhaps only 4-6 days off per month.

It is hard to avoid genera lizations and stereotyping but many, if not all, dads want to be more than a seat in the stands at T-ball games. Having the responsibility to make doctor, or dentist appointments for example, means it's also dad's job to go to them, why should mom be the only one who misses work days? The custody and pa renting agreements of old were always modifiable because family needs evolve. Many couples make changes between themselves but often don't enter written agreed orders, so these are not enforceable orders, which can become problematic. This is a good time to re-examine those older agreements and bring about sensible changes using the new format. As *Martinez v. Cahue* 2016 WL 3457617 suggests, an unmarried father is well-advised to have an Allocation Order, just to provide him *with standing* in a Hague case. (A petition for cert in the US Supreme Court is pending as I write this).

Allocation Judgments provide couples with a chance to be creative much the way Collaborative Process agreements have been drafted for years now. If the parents analyze what is best for their kids, rather than thinking about how to use the process of seeking agreement as another way to torture the other party they will discover a much smoother road down the post decree highway, rather than post-decree hell. Failure to observe the responsibilities and parenting time can now result in fines or the payment of fees. This is a huge improvement from the days of "I can't order him to be a better parent; can't make him show up for visits." Hopefully the new approach wil l also minimize those last minute cancellations by the residential parent who may have selfish reasons for suppressing contact. If the visiting parent cancels at the last minute the residential parent is often scrambling for a last minute baby-sitter. The changing support formula, "income shares" coming this July will create a lot of work,although the stat ute specifically states that the existence of the new calculation by itself does not create the *substantial change of circumstances* needed to modify an older order. A safer route to modification might be a motion to create an Allocation Judgment, and during that process begin discussing a new support figure especially if the parental responsibilities are being altered or new extra-curricular activities arise.

All parents should regularly review not just "the schedule" but more importantly, the reasonableness of the allocation of parental responsibilities and parenting time. The days of alternating weekends are waning, the need for fairness in the support calculation is going to be very compelling to many couples. Recognizing the additional pressures that so many blended families face will likely result in additional modifications, many of which can be achieved using mediation or collaborative methods. As domestic relations counsel we have to assist past, present and potential clients as these new statutory changes reflect the changing society for families of all types in Illinois. ■

When to award attorney fees in divorce cases according to the Illinois Supreme Court

BY RACHAEL BERNAL

There are two main provisions that govern whether to award attorney's fees in a divorce case. The *Schneider* decision set out the rule that "[t]he party seeking an award of attorney fees must establish her inability to pay and the other spouse's ability to do so." In re Schneider, 214 Ill. 2d 152, 174 (Ill. 2005). The Illinois Marriage and Dissolution of Marriage Act itself provides several grounds for determining whether to require a party to contribute attorney's fees. 750 ILCS 5/508. For some time there appeared to be tension between these two directives. The Illinois Supreme Court recently tackled the question of whether and when to award attorney's fees in divorce cases. The Court concluded that "these two requirements complement, rather than contradict, each other. " *In re Heroy,* 2017 IL 120205, at *8 (Ill. 2017).

The rule developed by the Court is succinct and sensible. Inability to pay the fees does not necessitate a literally penniless client. Rather, courts should consider the factors set out in the governing provision of the Illinois Marriage and Dissolution of Marriage Act to determine whether a party in fact could pay the fees. If those factors indicate a client's financial stability would be threatened by the fee payment, and the other party has the means to pay, then an award of attorney's fees is appropriate. *See Id.*

When Tuke and Heroy divorced, Heroy was ordered to pay maintenance of $35,000 to Tuke. Less than a year after the divorce, Heroy petitioned the court to either terminate or lower these maintenance payments. The court did reduce Heroy's maintenance payments to $27,500 a month. The court also required him to pay some of Tuke's attorney's fees related to the matter. Heroy appealed the court's decision to reduce his maintenance payments. At the appellate level, the Court further reduced Heroy's maintenance payments to $25,745 a month. The appellate court also vacated Heroy's contribution towards Tuke's attorney's fees, after finding no evidence that Tuke was unable to pay the fees herself. *See Id.*

The Illinois Supreme Court finally resolved the issue and affirmed the circuit court's order requiring Heroy to pay some of Tuke's attorney fees. The Court considered both the *Schneider* decision, which "states that a party seeking contribution must establish that he or she is unable to pay his or her attorney fees and that the other party is able to do so," as well as the governing provisions of the Illinois Marriage and Dissolution of Marriage Act, which "directs the court to consider a number of factors when deciding whether and in what proportion to award attorney fees." *Id.* at *8. The Court found that the two work in concert. "The statutory factors are the tools used by the court to decide whether a party is unable to pay and whether the other party is able to do so." *Id.* at *8. As the Court astutely recognized, "the inability to pay standard was never intended to limit awards of attorney fees to those situations in which a party could show a $0 bank balance . . . Rather, a party is unable to pay if, after consideration of all the relevant statutory factors, the court finds that requiring the party to pay the entirety of the fees would undermine his or her financial stability." *Id.* at *5. Because Tuke's financial stability would have been comprised had she had to pay her attorney's fees herself, the Court concluded that "the circuit court did not abuse its discretion when it ordered Heroy to pay a total of $160,000 toward Tuke's fees." *Id.* at *8. ■

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Thursday –Friday, 05-04-17 and 05-05-17 – Chicago, ISBA Regional Office—16th Annual Environmental Law Conference. Presented by the Environmental Law Section. 8:00 – 4:45 Thursday with reception until 6:00. 8:00 – 1:00 pm Friday.

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Wednesday, 05-10-17- Chicago, ISBA Regional Office—Settlement in Federal Court Cases. Presented by the Federal Civil Practice Section. 1:00 p.m. – 5:00 p.m.

Thursday, 05-11-17 – Loyola University of Chicago School of Law Ceremonial Courtroom—Balancing the Scales. 11 a.m. -2:00 p.m.

Thursday, 05-11-17 – Bilandic Building, Chicago—Ethics Extravaganza 2017. Presented by the Government Lawyers Section. 12:30 – 4:45 p.m.

Thursday, 5-11-17 – Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00 – 1:00 pm.

Friday, 05-12-17— Chicago, ISBA Regional Office —Civil Practice & Procedure: Trial Practice 2017. Presented by the Civil Practice & Procedure Section. 8:50 am – 5:00 pm

Friday, 05-12-17— Live Webcast— Civil Practice & Procedure: Trial Practice 2017. Presented by the Civil Practice & Procedure Section. 8:50 am – 5:00 pm.

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Wednesday, 05-17-17 – Chicago, ISBA Regional Office (Room C only)— Innovations in Mental Health Law. Presented by the Mental Health Section. 9:00 a.m. – 12:30 p.m.

Wednesday, 05-17-17 – Live Webcast— Innovations in Mental Health Law. Presented by the Mental Health Section. 9:00 a.m. – 12:30 p.m.

Thursday, 5-18-17 – Webinar— Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00 – 1:00 pm.

Thursday, 05-18-17— Lombard, Lindner Conference Center—Litigation and the Real Estate Practitioner. Presented by the Real Estate Law Section. 8:30 am - 4:30 pm.

Thursday, 05-18-17—Chicago, ISBA Regional Office—Family Law Table Clinic Series—Session 5. Presented by Family Law. 8:30 a.m. – 3:40 p.m.

Friday, 05-19-17 – LIVE Webcast— How Not To Throw Away Your Shot at Appeal – Protecting and Preserving the Record for Review. Presented by Administrative Law. 12:00 pm – 1:30 pm.

Tuesday, 05-23-17- Webinar—Power Point Power Hour. Practice Toolbox Series. 12:00 -1:00 p.m.

Tuesday, 05-23-17, Live Webcast— Hamilton: An American Lawyer - Lessons For Your Law Practice. Presented by the ISBA. 10:00 am-11:00 am.

Tuesday, 05-23-17, Live Webcast— Litigating your first Illinois Human Rights Act Discrimination Case from A-Z. Presented by Human Rights Section. 2:30 p.m.-4:00 p.m.

Wednesday, 05-24-17 -Chicago Regional Office—Transgender Students: Law and Practice. Presented by the Child Law Section, co-sponsored by the Human Rights Section, Committee on Women and the Law. General Practice Solo and Small Firm Section and Committee on Sexual Orientation and Gender Identity. 1:30 p.m. – 5:00 p.m. with reception to follow until 6:00 pm.

Thursday, 05-25-17 -Chicago Regional Office—Evidence: Before, During, and After Trial or After Settlement. Presented by the Tort Law Section. 8:45 am – 1:00 pm.

Tuesday, 05-30-17 – Webcast—Digital Forensics in the Courtroom. Presented by Criminal Justice. 2:00-4:00 p.m.

Wednesday, 05-31-17 – Chicago Regional Office—Master Series - The Code of Kryptonite: Ethical Limitations on Lawyers' Superpowers. 12:30 – 4:20 p.m.

June

Thursday, 06-01-17 – Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00 – 1:00 pm.

Friday, 06-02-2016—NIU Conference Center, Naperville—Solo & Small Firm Practice Institute Series: A Balancing Act: Maximize Your Technology with Minimized Expense. ALL DAY.

Thursday, 06-08-17 – Chicago Regional Office—Commercial Loans/ Documenting For Success and Preparing For Failure. Presented by Commercial Banking, Collections & Bankruptcy. 9:00 a.m. – 4:30 p.m.

Thursday, 06-08-17 – LIVE Webcast— Commercial Loans/Documenting For Success and Preparing For Failure. Presented by Commercial Banking, Collections & Bankruptcy. 9:00 a.m. – 4:30 p.m.

Thursday, 6-08-17 – Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00 – 1:00.

Friday, 06-09-17 – Chicago Regional Office—Estate Administrative Issues: Are You Prepared to Handle Some of the Difficult Issues Facing Your Client? Presented by Trust and Estates. 9:00 a.m. – 4:15 p.m.

Friday, 06-09-17 – LIVE Webcast—Estate Administrative Issues: Are You Prepared to Handle Some of the Difficult Issues Facing Your Client? Presented by Trust and Estates. 9:00 a.m. – 4:15 p.m.

Tuesday, 06-13-17- Webinar—Excel Power Hour. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 06-14-17 – Live Webcast— Implicit Bias: How it Impacts the Legal Workplace and Courtroom Dynamics. Presented by the ISBA Committee on Racial and Ethnic Minorities and the Law. 12:00 -2:00 pm.

Friday, 06-16-17 – The Abbey Resort in Fontana, Wisconsin—Moneyball for Lawyers: Using Data to Build a Major-League Practice. Time TBD.

Friday, 06-16-17 – The Abbey Resort in Fontana, Wisconsin—How To Ethically and Profitably Refer Personal Injury Clients. Presented by Law Office Management and Economics. Time TBD.

Wednesday, 06-21-2017—Chicago, ISBA Regional Office—Title TBD- Marty Latz Negotiations. Master Series Presented by the ISBA. Time TBD.

Wednesday, 06-21-2017—Live Webcast—Title TBD- Marty Latz Negotiations. Master Series Presented by the ISBA. Time TBD.

Tuesday, 06-27-17- Webinar—Google Apps Power Hour. Practice Toolbox Series. 12:00 -1:00 p.m.

Tuesday, 06-27-2017 Live Webcast—The Inappropriate Use of Non-Competition Agreements: A Conversation on National and Local Trends. Presented by Racial and Ethnic Minorities and the Law. 2:00 p.m.-3:00 p.m.

Thursday, 06-29-17, Chicago, ISBA Regional Office—How to Handle a Construction Case Mediation. Presented by the Construction Law Section, co-sponsored by the Alternative Dispute Resolution Section (tentative). 8:30 am – 5:00 pm. ■

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