



ILLINOIS STATE BAR ASSOCIATION

# COMMERCIAL BANKING, COLLECTIONS & BANKRUPTCY LAW

*The newsletter of the Illinois State Bar Association's Section on Commercial Banking, Collections & Bankruptcy Law*

## Creditors' rights against a member's interest in an LLC

*By Professor Charles Murdock, Loyola University, Chicago*

The Illinois LLC Act provides that a charging order is "the exclusive remedy by which a judgment creditor of a member or a transferee may satisfy a judgment" out of the member's interest in the LLC.<sup>1</sup> However, up to now, the Code of Civil Procedure did not recognize any such concept as a charging order. This has now been remedied by new legislation.

Effective January 1, 2012, the Code of Civil Procedure was amended to add a new provision by which the remedy of a charging order could be obtained, inter alia, by serving a citation to discover assets, either on the judgment debtor or against any third party who possesses property belonging to the judgment debtor.<sup>2</sup> The new provision is as follows:

§ 12-112.5. Charging orders. If a statute

or case requires or permits a judgment creditor to use the remedy of a charging order, said remedy may be brought and obtained by serving any of the various enforcement procedures set forth within this Article XII or by serving a citation pursuant to Section 2-1402. If the court does not otherwise have jurisdiction of the parties, the law relating to the type of enforcement served shall be used to determine issues ancillary to the entry of a charging order such as jurisdiction, liens, and priority of liens.

The Code presently provides with respect to the creation of a lien when a citation is served as

*Continued on page 2*

## The nightmare scenario

*By Michael G. Cortina*

With banks filing foreclosure cases faster than the New Orleans Saints are accruing suspensions, there is an unspoken fear that exists for every foreclosure lawyer – "please do not 'un-do' my foreclosure on appeal." Unfortunately, that nightmare has turned-out to be a reality for the attorneys for Deutsche Bank when the appellate court reversed a confirmed sale by holding that the trial court lacked personal jurisdiction over the primary named defendant.

The case, *Deutsche Bk. Nat. Tr. Co. v. Denise Brewer, et al*, involved residential property, a condominium in Chicago. When the plaintiff could not locate Denise Brewer in order to serve her

with a summons, they obtained leave of court to serve her via publication so that they could move the foreclosure case forward. Judgment was eventually entered and Deutsche Bank purchased the property at the foreclosure sale. The sale was confirmed by the trial court on May 27, 2010. On July 8, 2010, Denise Brewer moved to quash the summons served on her via publication and to declare the default judgment and all later proceedings void for lack of jurisdiction. The trial court denied the motion, but that decision was reversed by the appellate court when it held that the plaintiff failed to strictly comply with the requirements for service by publication thereby

*Continued on page 3*

## INSIDE

- Creditors' rights against a member's interest in an LLC** ..... 1
- The nightmare scenario** ..... 1
- Bankruptcy issues relating to personal injury cases** ..... 5
- Upcoming CLE programs** ..... 6



IF YOU'RE GETTING THIS NEWSLETTER BY POSTAL MAIL AND WOULD PREFER ELECTRONIC DELIVERY, JUST SEND AN E-MAIL TO ANN BOUCHER AT [ABOUCHER@ISBA.ORG](mailto:ABOUCHER@ISBA.ORG)

## Creditors' rights against a member's interest in an LLC

Continued from page 1

follows:

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

- (1) When the citation is directed against the judgment debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.
- (2) When the citation is directed against a third party, upon all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.<sup>3</sup>

Consequently, a charging order can be obtained by serving a citation to discover assets, which has the effect of creating a lien on any property of the judgment debtor, including any property of the judgment debtor held by a third-party, both on property that exists at the time of the service of the citation and also upon any after-acquired property.

Prior to this legislation, the Code of Civil Procedure had no reference to charging orders, which created confusion with respect to such matters, such as priority of liens. This confusion can be illustrated by the 2010 case of *First Mid-Illinois Bank & Trust v. Parker*.<sup>4</sup> There were several claimants to the judgment debtors' distributional interests in an LLC. The following timeline describes the relevant activities:

December 7, 2006: First Bank obtained a judgment against the defendants  
 March 29, 2007: First Bank served a citation to discover assets *on the LLC*  
 January 8, 2008: Mid-Illinois obtained

a pre-judgment attachment order against defendants' property interests

February 25, 2008: MDB Electric and Regal Sales obtained a judgment against defendants

May 2, 2008: Mid-Illinois obtained a judgment against defendants

May 23, 2008: MDB Electric and Regal Sales obtained a charging order against defendants

June 6, 2008: Mid-Illinois obtained a charging order against defendants

MDB Electric and Regal Sales argued that, since they obtained charging orders prior to Mid-Illinois, their charging order had priority. On the other hand, Mid-Illinois argued that its charging order related back to when it obtained a pre-judgment attachment. The court agreed with Mid-Illinois.

If MDB Electric and Regal Sales had obtained a charging order by serving a citation to discover assets upon the defendants, and if Mid-Illinois had not obtained a pre-judgment attachment, they would have had priority because their lien would have attached on May 23, 2008, prior to Mid-Illinois' June 6, 2008 charging order. But, since Mid-Illinois did obtain a pre-judgment attachment, under the *Mid-Illinois* case, it still would have had priority. The critical issue is not how the lien attached, but rather priority which is determined by the point in time at which the lien attaches.

But, what about the citation that First Bank obtained in 2007? Unfortunately for First Bank, it served the citation to discover assets upon the LLC, which did not have any assets of the defendants, since the LLC is a legal entity separate and distinct from the members. Consequently, the LLC had no property to which the citation lien could attach. Had it served the citation to discover assets upon the defendants, it would have had priority, since its lien on defendants' property, including their distributional interests in the LLC, would have attached on March 27, 2007.

But the service of First Bank's 2007 citation would have given it a lien on any distributions to be made to the judgment debtor since, once a distribution is authorized, the member has the status of a creditor vis-à-vis the LLC, and thus the LLC has property of the member.<sup>5</sup> And the citation would attach to

any after-acquired property. However, the 2008 charging orders of the judgment creditors also would create a lien on the defendants' distributional interests. Which would have priority? Arguably, the lien created by the 2007 citation, although the lien on the distributional interest attached prior to the lien on the distribution, which could not attach until there was a distribution, unless it related back as was held by the *First Mid-America* court.

Prudence would dictate that the judgment creditor would serve a citation on both the judgment debtor and the LLC to avoid this potential conflict with respect to a distribution.

The other factor of which to be aware is that what the foregoing accomplishes is to get a lien on both any distributions and on the distributional interest. But, that still does not necessarily result in any cash or other marketable assets in the hands of the creditor. Unless the LLC determines to make a distribution (except possibly with respect to a one-member LLC),<sup>6</sup> the LLC must be dissolved in order to get at the LLC's assets—unless the member is dissociated, either (i) pursuant to the operating agreement<sup>7</sup> or (ii) by being expelled pursuant to a judicial determination brought by the LLC or another member<sup>8</sup> or (iii) by being subjected to certain enumerated creditor's proceedings [not including being subject to a charging order]<sup>9</sup> or (iv) pursuant to a judicial determination that the member is incapable of performing his or her duties under the operating agreement,<sup>10</sup> and the fair value of the member's interest is then payable by the LLC.<sup>11</sup> However, the operating agreement may eliminate or vary the obligation of the LLC under section 35-60 of the LLC Act to purchase the disassociated member's interest.<sup>12</sup>

An LLC can be dissolved pursuant to an event specified in the operating agreement<sup>13</sup> or by a judicial determination that it would be equitable to wind up the company's business pursuant to a petition by a transferee of the member's interest.<sup>14</sup> A court may order a foreclosure of a lien on a distributional interest,<sup>15</sup> and the purchaser of the distributional interest is deemed to be a transferee.<sup>16</sup> Consequently, the purchaser's access to cash may turn on whether the purchaser can convince a court to dissolve the LLC. However, the threat of that may lead to the other members

buying the distributional interest,<sup>17</sup> probably at a discount.

The moral of the story is that a creditor should serve a citation upon both the member and the LLC, but even then turning the judgment into cash may be a complicated and drawn out process, even if successful. Ideally, a creditor would like to obtain at the time of extending credit both an assignment of the member's interest and an agreement by the other members that the creditor could become a member if the debtor member defaults. But how likely would it be that the other members would give such a consent and would a judgment creditor really want to become a member of the LLC with the attendant responsibilities? Being a creditor of an LLC member is not a happy situation if the member is not creditworthy. ■

This article was derived from Murdock, Illinois Practice – Business Organizations (2d ed. West 2010) § 5.14, available on the West ILPRAC database. It was originally published in the June 2012 issue of the ISBA's *Business and Securities Law* newsletter.

1. 805 ILCS 180/30-20 (e).

2. 735 ILCS 5/12-112.5, added by P. A. 97-350. This act also added the following provision, creating a "permanent" lien to the statutory provisions dealing with citations to discover assets:

(k-10) If a creditor discovers personal property of the judgment debtor that is subject to the lien of a citation to discover assets, the creditor may have the court impress a lien against a specific item of personal property, including a beneficial interest in a land trust. The lien survives the termination of the citation proceedings and remains as a lien against the personal property in the same manner that a judgment lien recorded against real property pursuant to Section 12-101 remains a lien on real property. If the judgment is revived before dormancy, the lien shall remain. A lien against personal property may, but need not, be recorded in the office of the recorder or filed as an informational filing pursuant to the Uniform Commercial Code. 735 ILCS 5/2 – 1402 (k-10).

3. 735 ILCS 5/2-1402(m).

4. 933 N.E.2d 1215 (Ill. App. 2007).

5. 805 ILCS 180/25-20.

6. *Olmstead v. F.T.C.*, 44 So. 3d 76 (2010). In Florida, a charging order was not the exclusive remedy, as is the case in Illinois.

7. 805 ILCS 180/35-45(2).

8. 805 ILCS 180/35-45(6).

9. 805 ILCS 180/35-45(7).

10. 805 ILCS 180/35-45(8)

11. 805 ILCS 180/35-60.

12. See 805 ILCS 180/15-5(b)(5).

13. 805 ILCS 180/35-1(2).

14. 805 ILCS 180/35-1(5).

15. 805 ILCS 180/30-20(b).

16. *Id.*

17. See 805 ILCS 180/30-20(c).

## COMMERCIAL BANKING, COLLECTIONS & BANKRUPTCY LAW

*Published at least four times per year.*

*Annual subscription rate for ISBA members: \$20.*

*To subscribe, visit [www.isba.org](http://www.isba.org) or call 217-525-1760*

### OFFICE

Illinois Bar Center  
424 S. Second Street  
Springfield, IL 62701  
Phones: 217-525-1760 OR 800-252-8908  
[www.isba.org](http://www.isba.org)

### EDITOR

Thomas P. Sandquist  
P.O. Box 219  
120 W. State St.  
Rockford, IL 61105-0219

### ASSOCIATE EDITOR

Hon. Michael J. Chmiel  
Circuit Court of McHenry County  
2200 N. Seminary Ave.  
Woodstock, IL 60098

### MANAGING EDITOR/ PRODUCTION

Katie Underwood  
[kunderwood@isba.org](mailto:kunderwood@isba.org)

## COMMERCIAL BANKING, COLLECTIONS & BANKRUPTCY LAW

### SECTION COUNCIL

Michael G. Cortina, Chair  
Kim M. Casey, Vice Chair  
Samuel H. Levine, Secretary  
Bradley W. Small, Ex-Officio

Robert T. Bruegge  
Kent A. Gaertner  
Robert Handley  
James S. Harkness  
Elmer C. Hawkins  
Cindy M. Johnson  
John J. Johnston  
James P. Kelly  
Michael J. Kelly  
Richard D. Larson  
Laura Cha-Yu Liu

Nathan B. Lollis  
Thomas M. Lombardo  
Robert G. Markoff  
Paul A. Osborn  
Jamie J. Swenson Cassel  
Lawrence O. Taliana  
Ryan Van Osdol  
Michael L. Weissman  
David L. Wentworth II  
Hon. Alexander P. White  
Beverly Yang

John L. Nisivaco, Board Liaison  
Sandra A. Franco, CLE Coordinator  
Mary M. Grant, Staff Liaison

Disclaimer: This newsletter is for subscribers' personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

Postmaster: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779.

Did you know the ISBA has a presence on several social networking sites?

Check us out on:

Twitter: <http://twitter.com/ISBAlawyer>

Facebook: <http://www.facebook.com/ISBAlawyers>

LinkedIn: <http://www.isba.org/linkedin>

## The nightmare scenario

*Continued from page 1*

denying the court personal jurisdiction over Denise Brewer.

The appellate court noted how the Code of Civil Procedure provides general guidelines for service by publication, but that the local rules of the trial court, in this case, Cook County, provided very particular requirements for service by publication in mortgage foreclosure cases. The appellate court quoted the local rule, which states:

Pursuant to 735 ILCS 5/2-206(a), due inquiry shall be made to find the defendant(s) prior to service of summons by publication. In mortgage foreclosure cases, all affidavits for service of summons by publication must be accompanied by a sworn affidavit by the individual(s) making such 'due inquiry' setting forth with particularity the action taken to demonstrate an honest and well directed effort to ascertain the whereabouts of the defendant(s) by inquiry as full as circumstances permit prior to placing any service of summons by publication.

The appellate court noted that this local rule specifically requires that the actual individuals who attempted to serve the summons and determine the defendant's whereabouts provide the affidavits and state specifically what they did in these attempts. The court held that the affidavits submitted by the plaintiff, which contained great details of the attempts made to locate and serve the defendant, failed to comply with the local rule primarily because they were apparently not made by the individuals who attempted the service. The court noted how the affidavits used passive language like "attempts were made" rather than active language such as "I attempted service." Such passive voice led the court to believe that someone other than the affiant attempted service, which led to the conclusion that no affidavit from the individual who attempted the service was ever filed with the court. Therefore, according to the court, not only did the affidavits fail to comply with the local rules, but also violated Illinois Supreme Court Rule 191 since they were based on hearsay.

After noting a few other examples of how the affidavits failed to comply with the rules,


the court held that the plaintiff's failure to "comply strictly" with the requirements for service by publication prevented the trial court from having personal jurisdiction over the defendant. The judgment was therefore void, as were all proceedings subsequent to the judgment and the case was remanded to the trial court for further proceedings.

This case is particularly troubling since the affidavits that the plaintiff did provide indicated that the plaintiff went far beyond the call of duty to attempt to locate the defendant but that they simply could not do so. The plaintiff's failure was not a lack of effort, but of simply filing affidavits from the wrong people. If the plaintiff had filed affidavits from the actual individuals who had attempted service, and if those affidavits had provided specific details on the efforts took to serve the defendant, the case could very well have resulted in a ruling much more favorable to the plaintiff.

The effects of the reversal by the appellate court could be very troubling for several

businesses and people. After the sale of the property, if the plaintiff had obtained title insurance then the title company would likely have been looking at a claim. If the plaintiff had actually sold the property, they would likely be facing a lawsuit from the subsequent purchasers (and again a title company would likely be required to intervene).

The moral of the story is that we, the attorneys, must be diligent in our efforts to perform our duties in the best possible manner for our clients. Rather than trying to "get one by" the judge and hope that s/he does not notice that we forgot something, we should strive to prove that we have done all that could possibly be required of us and that when we ask for relief from the court the judge will know that we are entitled to such relief. While the result in this particular case is harsh, it could easily have been avoided if proper affidavits, ones that were not based upon hearsay, had been tendered to the court. ■



*When* **GAMBLING**  
*Becomes a Problem*

Lawyers' Assistance Program can help. Compulsive gambling can interfere with a lawyer's practice, a judge's career, a law student's education. It's consequences impact families and personal relationships.

If you need help – or if a colleague needs help – LAP can provide information, referral to professional treatment, peer support, and intervention. LAP now has two locations to serve you best.

Assistance is confidential as guaranteed by Supreme Court Rule 1.6 – for you and/or the individual you help.

**LAWYERS' ASSISTANCE PROGRAM, INC.**

20 South Clark Street, Suite 910 • Chicago, Illinois 60603  
312.726.6607 office • 312.726.6614 fax

200 West Third Street, Suite 305 • Alton, Illinois 62002  
618.462.4397 office • 618.462.4399 fax

**LAWYERS' ASSISTANCE Program**

toll free: 800.LAP1233    email: [gethelp@illinoislap.org](mailto:gethelp@illinoislap.org)    website: [www.illinoislap.org](http://www.illinoislap.org)

## Bankruptcy issues relating to personal injury cases

By Brett J. Swanson

Despite difficult economic times, the American Bankruptcy Institute has noted the number of bankruptcy filings has dropped across the country. However, a recent opinion from the Illinois Appellate Court confirms that trial lawyers from both sides of the bar should be aware that bankruptcy filings can, and will, impact your case. In *Berge*, the First District found that the doctrine of judicial estoppel bars a plaintiff from proceeding with a cause of action in state court where the plaintiff fails to disclose the action as an asset in a bankruptcy petition. *Shirley Berge v. Kuno Mader and DMG America, Inc.*, 2011 IL App (1st) 103778 (Sept. 30, 2011).

Plaintiff, Shirley Berge, was involved in a car accident in May 2006 with a car owned by DMG America (DMG) and driven by DMG's employee. She filed a negligence complaint for the accident in state court in November 2007. One month prior to the accident, Berge filed for chapter 13 bankruptcy and later converted the chapter 13 bankruptcy petition to a chapter 7 petition. In October 2009, Berge received a "no assets" discharge of her debts in bankruptcy court and her chapter 7 petition was closed and fully resolved.

DMG independently discovered that the plaintiff had filed bankruptcy and filed a motion for summary judgment based on judicial estoppel for Berge's failure to disclose her negligence claim in bankruptcy court. It was undisputed plaintiff never disclosed the State Court Action to the bankruptcy court while her bankruptcy petition was pending. The trial court applied the doctrine of judicial estoppel and plaintiff appealed.

The plaintiff initially argued that the state court did not have jurisdiction because only the bankruptcy court can decide issues stemming from her bankruptcy filing. She additionally argued that a finding of bad faith surrounding her failure to disclose her case was required to apply judicial estoppel. While rejecting her arguments, the court noted that the state court decides whether it has or does not have jurisdiction in a particular case. *Berge*, 2011 IL App (1st) 103778 ¶5. The court further noted that a finding of bad faith is not an element that must exist for courts to impose judicial estoppel. If it was, the court mentioned that her concealment of the state

court case was sufficient for a court to infer bad faith because she had the potential to realize financial gain and had a duty to disclose the claim. *Id.* ¶6-7.

The law of judicial estoppel prevents a party who makes a representation in one case from taking a contrary position in another case. Judicial estoppel has five elements: (1) the two positions must be taken by the same party; (2) the positions must be taken in judicial proceedings; (3) the positions must be given under oath; (4) the party must have successfully maintained the first position and received some benefit thereby; and (5) the two positions must be totally inconsistent. *Id.* ¶12-13

The court found all five elements present in Berge's case. First, her pursuit of the state court action was contrary to her position in the bankruptcy court that she had no pending lawsuits. Second, plaintiff made the conflicting positions in separate judicial proceedings. Third, the positions were made under oath through her complaint and the representations made in her bankruptcy case filings. Fourth, the plaintiff's failure to disclose her case provided her the opportunity to recover a money judgment while permanently avoiding her debts. Lastly, the plaintiff did not disclose her lawsuit to the bankruptcy court while actively pursuing that claim in state court. *Id.* ¶14.

The plaintiff claimed it was her bankruptcy attorney's fault for failing to include it on her list of assets, but the court held she was bound by her attorney's actions. The court went on to note that it was the plaintiff who gave numerous submissions to the bankruptcy court under oath which listed other legal actions she was involved in. Furthermore, it was the plaintiff that testified before the bankruptcy trustee that her disclosures were complete and correct. *Id.* ¶17.

The court was also not impressed with the plaintiff's effort to amend her bankruptcy petition after being faced with the defendant's motion for summary judgment. The court noted it typically encourages remedial actions, even those belatedly taken, but held that a belated amendment to the plaintiff's list of assets to remedy her situation would be a disservice to the doctrine of judicial estoppel. *Id.* ¶18. The primary focus of judicial

estoppel in Illinois is purely on the actions of the litigant and its effect on the judicial system. *Bidani v. Lewis*, 285 Ill.App.3d 545, 551 (1996). Allowing the plaintiff to easily remedy her situation would only serve to promote less than truthful asset disclosures with a hope of not getting caught and may have the effect of encouraging concealment of assets in bankruptcy. *Berge*, 2011 IL App (1st) 103778 ¶18.

Lastly, the court was not persuaded with plaintiff's argument that her filings under oath were made inadvertently or by mistake. The court noted that a debtor's failure to satisfy her statutory duty to disclose is only inadvertent when the debtor either lacks knowledge of the undisclosed claim or has no motive for the concealment. In her case, the plaintiff had motive to conceal the state claim and her failure to disclose it was not inadvertent. ¶18. This was especially true since federal courts have not shown much forgiveness when a party fails to disclose assets in a bankruptcy case. ¶20. As a result, the court affirmed the trial court's decision to dismiss the plaintiff's claim based on judicial estoppel.

When representing individuals in a personal injury case, make it a habit to ask your client about bankruptcy or conduct a brief search on PACER prior to meeting any potential client. You should also be certain to make sure your client understands the importance of disclosing your lawsuit if he or she intends on filing bankruptcy subsequent to your representation. Likewise, take the time to conduct some online research when defending a client or simply add the question to your interrogatories to the plaintiff. ■



ILLINOIS BAR  
FOUNDATION

**Support the Illinois Bar  
Foundation—the charitable  
arm of your Association.**

**To receive an  
application, call  
1-800-252-8908.**

## Upcoming CLE programs

To register, go to [www.isba.org/cle](http://www.isba.org/cle) or call the ISBA registrar at 800-252-8908 or 217-525-1760.

### September

**Friday, 9/7/12- Chicago, ISBA Chicago Regional Office**—Child Custody and the Military Family. Presented by the ISBA Family Law Section and the ISBA Military Affairs Committee. 8:25-4:00 pm; Reception 4-5 (lunch and reception included)

**Friday, 9/7/12- Teleseminar**—Valuing Closing Held Interests and Effective Planning without Discounts. Presented by the Illinois State Bar Association. 12-1.

**Monday, 9/10/12- Webinar**—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary Training and CLE Credit for ISBA Members Only. 2:30-3:30.

**Monday, 9/10/12- Friday, 9/14/12- Chicago, ISBA Chicago Regional Office**—40 Hour Mediation/Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

**Wednesday, 9/12/12- Webinar**—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary Training and CLE Credit for ISBA Members Only. 2:30-3:30.

**Thursday, 9/13/12-Saturday, 9/15/12- Itasca, Westin Hotel**—8th Annual Solo and Small Firm Conference. Presented by the Illinois State Bar Association. Time TBD.

**Tuesday, 9/18/12- Teleseminar**—Ethics in Pre-Trial Investigations. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 9/20/12- Teleseminar**—Tax Planning for the Entrepreneur. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 9/20/12- Chicago, ISBA Chicago Regional Office (DNP)**—Introduction to Improvisation for Lawyers: Basic Communication Skills for Public Speaking, Teaching and Presenting. Complimentary for ISBA Law Ed Faculty. 9-11; 12-2; 2:30-4:30.

**Friday, 9/21/12- Chicago, ISBA Chicago Regional Office**—Introduction to Impro-

visation for Lawyers: Basic Communication Skills for Attorneys. Presented by the Illinois State Bar Association. 9-11; 12-2; 2:30-4:30.

**Monday, 9/24/12- Webinar**—Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association- Complimentary Training and CLE Credit for ISBA Members Only. 2:30-3:30.

**Tuesday, 9/25/12- Teleseminar**—Individual Trustees-Duties and Potential Traps. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 9/27/12- Teleseminar**—Breaking Up: Ethical Considerations When a Law Firm Dissolves. Presented by the Illinois State Bar Association. 12-1.

**Friday, 9/28/12- East Peoria, Stoney Creek Inn**—Deconstructing Delinquency. Presented by the ISBA Child Law Section. 8:00-4:45.

**Friday, 9/28/12- Chicago, ISBA Chicago Regional Office**—The Basics of the Americans with Disabilities Act. Presented by the ISBA Standing Committee on Disability Law. 9:15-12:45.

**Friday, 9/28/12- Live Webcast**—The Basics of the Americans with Disabilities Act. Presented by the ISBA Standing Committee on Disability Law. 9:15-12:45.

### October

**Tuesday, 10/2/12- Teleseminar**—Compensation Issues in Nonprofits. Presented by the Illinois State Bar Association. 12-1.

**Monday, 10/8/12- Webinar**—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary Training and CLE Credit for ISBA Members Only. 9-10.

**Monday, 10/8/12- Chicago, ISBA Chicago Regional Office**—Advanced Workers' Compensation- Fall 2012. Presented by the ISBA Workers' Compensation Law Section. 9-4.

**Monday, 10/8/12- Fairview Heights, Four Points Sheraton**—Advanced Workers' Compensation- Fall 2012. Presented by the ISBA Workers' Compensation Law Section. 9-4.

**Tuesday, 10/9/12- Teleseminar**—Franchise Agreements: A Practical Guide to Reviewing and Negotiating. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 10/10/12- Webinar**—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary Training and CLE Credit for ISBA Members Only. 9-10.

**Wednesday, 10/10/12- Thursday, 10/11/12- Chicago, ISBA Chicago Regional Office**—A Primer on Administrative Law and Rulemaking. Presented by the ISBA Administrative Law Section; co-sponsored by the ISBA Civil Practice and Procedure Section, the ISBA Real Estate Law Section and the ISBA Energy, Utilities, Transportation and Telecommunications Section. All day both days.

**Friday, 10/12/12- Chicago, ISBA Chicago Regional Office**—Transitions, Economics and Ethics- Ready or Not! Presented by the ISBA Senior Lawyers Section. Half Day PM program.

**Friday, 10/12/12- Bloomington, Holiday Inn and Suites**—Fall 2012 DUI & Traffic Law Updates. Presented by the ISBA Traffic Laws and Courts Section. 9-4.

**Tuesday, 10/16/12- Teleseminar**—Understanding Financial Statements for Business Lawyers, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 10/17/12- Teleseminar**—Understanding Financial Statements for Business Lawyers, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 10/17/12- Chicago, ISBA Chicago Regional Office**—What Every Lawyer Should Know About Intellectual Property. Presented by the ISBA Intellectual Property Law Section. All day program. ■

## ILLINOIS STATE BAR ASSOCIATION

*Wish the ISBA  
gave me free access  
to ALL of Fastcase...*

Yes, We Can Read Your Mind.

**ISBA Members now have  
Full Access to the Fastcase  
Premium-Plan Library,  
including bankruptcy cases and  
Illinois cases dating back to 1819.**

**WWW.ISBA.ORG/FASTCASE**



**Brought To You By**



25%

**Money's tight, right?  
We can help.**

We're all looking to get the most bang for our buck. That's why we offer our members a 25% discount on advertising. You can reach thousands of your peers in publications just like this one while saving money at the same time with your ISBA member benefit discount.

Call Nancy Vonnahmen at 800-252-8908 to find out just what 25% can mean to you.



Non-Profit Org.  
U.S. POSTAGE  
PAID  
Springfield, Ill.  
Permit No. 820

COMMERCIAL BANKING,  
COLLECTIONS &  
BANKRUPTCY LAW  
ILLINOIS BAR CENTER  
SPRINGFIELD, ILLINOIS 62701-1779  
AUGUST 2012  
VOL. 57 NO. 2