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STANDING COMMITTEE ON GOVERNMENT LAWYERS

The newsletter of the ISBA's Standing Committee on Government Lawyers

Former Assistant Public Defender suspended

By Rosalyn Kaplan

In re Sutherin, Commission No. 03 CH 61, M.R. 20636 (Supreme Court entered September 20, 2006)

While she was employed as an assistant Kane County public defender, Cynthia Sutherin approached three of her colleagues at the Public Defender's office, as well as another attorney employed by the Kane County State's Attorney, telling them that she was going to open a law firm with two other assistant public defenders. Sutherin told the attorneys that she had sufficient personal wealth to fund the law firm for at least five years, corroborating her statements by showing them a deposit slip for \$5.2 million, which, she said, was earmarked to fund the firm. She also related that she had received commitments for business that would be undertaken by the firm; she engaged a real estate agent to purchase property to house the firm; she entered into, and backed out of, contracts to purchase real estate and

office furniture; and she guaranteed a specific salary and benefits to the four attorneys, inviting them to choose automobiles that would be paid for by the firm as part of their compensation. In reliance on Sutherin's representations, the four attorneys, as well as one of the designated future partners, resigned their public sector employment.

Shortly before the attorneys submitted their resignations, Sutherin told them that she was suffering from leukemia, but that her condition would not prevent her from going forward with her plans for the new firm. After the attorneys gave up their public sector employment, however, Sutherin told them that she would not be able to go forward with her plans.

Sutherin's representations regarding her plans for the firm, the promised firm business, her personal finances, and her health were all false. Evidence at the disciplinary hearing included her diagnosis, by a forensic psychiatrist, of a personality disorder with borderline features, a condition that was manifested in a sense of inadequacy that led her to fabricate a story that would make her the center of attention. The Hearing Board accepted the psychiatrist's explanation that Sutherin was consciously aware that her representations were untrue; the doctor also explained that her conduct was consistent with the characteristics of her condition, which include manipulation, deceit and impulsivity.

The Hearing Board and the Review

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Board of the Attorney Registration and Disciplinary Commission agreed that Sutherin knowingly made misrepresentations, in violation of Rule 8.4(a)(4) of the Rules of Professional Conduct, and that she brought the legal profession into disrepute, in violation of Supreme Court Rule 770. The Review Board rejected the Hearing Board's recommendation that Sutherin be placed on probation and recommended, instead, that she be suspended for one year and until further order—a sanction that would require her to apply for reinstatement, after completing the period of suspension, and affirmatively prove her fitness before she would be allowed to resume the practice of law.

Explaining its recommendation, the Review Board observed that Sutherin has a mental condition that is difficult to treat, that her understanding of her condition appeared limited, and that she had continued to make misrepresentations—including those directed to her current, private sector employer—during the months preceding her disciplinary hearing. The Review Board cited the criteria for probation set forth in Supreme Court Rule 772(a) and concluded that Sutherin had not met her burden of proving her eligibility for probation under that rule. On September 20, 2006, the Illinois Supreme Court denied Sutherin's petition for leave to file exceptions to the report and recommendation of the Review Board, and the Court suspended Sutherin for one year and until further order.

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The full texts of the reports of the Hearing Board and Review Board, as well as the Supreme Court's final

order, may be accessed through the Attorney Registration and Disciplinary Commissions Web site at <www.

iardec.org>, by selecting "Rule and Decisions."

Someone you should know: Patti S. Gregory-Chang

By Ronza M. Othman*

Patti S. Gregory-Chang is undoubtedly someone you should know. Through dedication and drive, she has become a prominent government attorney, advocate for the blind community, and exemplary wife and mother. Chang combines compassion, diligence, and commitment in every aspect of her life.

Chang grew up on a farm in Harbor Springs, Michigan. She lived with both parents and her older brother until her parents divorced when she was 13 years old. During high school, she spent time living with each parent. She became an accomplished horsewoman and cattle driver while working on her grandfather's ranch. Chang participated in her high school's marching band and flag corps.

At the age of 12, Chang's life changed irrevocably when she was diagnosed with a genetic eye condition called Microphthalmia. This disorder causes a diminution in sight over time due to the eyes being too small. In addition to the Microphthalmia, Chang was diagnosed with cataracts and Glaucoma. She was told to expect to lose more and more sight as time progressed.

Chang realized that she could succeed as a blind woman. She worked hard in high school to earn scholarships and was accepted at Michigan State University. She majored in Elementary Education with plans to become a teacher for the visually impaired and blind community. She recognized an interest in learning about other cultures, so Chang student taught history and social studies. After obtaining her teaching certification, Chang realized that she would "have a better impact" as a lawyer than as a teacher. She attended the University of Chicago Law School and was admitted to the Illinois Bar in 1988. She was the first person in her family to earn a graduate degree.

During the summers as a law student, Chang clerked for a private firm. After law school, however, she began to research government agencies that emphasized the welfare of the public. She wanted to work for the City of Chicago and was thrilled to receive an offer right out of law school. After a short stint in the City's Traffic Division, she transferred to Building and Land Use, where she has remained for 18 years.

Chang has been very happy working in Building and Land Use. "What in people's lives is more important than the space in which they live? Whether we're talking about the quality of construction of their apartments or houses, or if there is crime in their neighborhood because of a vacant building, or if people are getting sick because there is no heat in their building, we're talking about basic standard of living issues, and this is where I can make the most impact. What the City does is really about safety of the public."

Chang litigated cases as an Assistant Corporation Counsel for the City of Chicago for ten years. She received a promotion to Senior Assistant Corporation Counsel in 1998, when she began taking on administrative duties. Currently, she supervises seven attorneys, approximately 15 law clerks and externs, and four paralegals in the Administrative Law Unit. She interviews and hires about 50 attorneys and law clerks each year for the Building and Land Use Division. Chang's unit handles prosecutions at the City of Chicago Department of Administrative Hearings. These cases involve prosecuting violations of the City's Building Code for the Department of Buildings, Fire Code for the Fire Department, and Lead Paint cases for the Health Department. This unit also handles cases for the Department of Construction and Permits concerning false statements

made on permit applications as well as General Contractors operating without licenses. Chang and her staff will handle 4,000 cases this year.

Chang also serves on a number of task forces aimed at protecting the public's welfare. Currently, Chang litigates one-to-two days a week and spends the remainder of the week handling supervisory, training, and administrative duties. "I enjoy this position because I still get to litigate cases, but I also get the opportunity to teach and train new attorneys and clerks. I am able to combine my training as an attorney with my love for teaching."

Chang is committed to her work with the Building and Land Use Division because of a personal tragedy. Her older brother died in a fire because his home lacked proper drywall and smoke detectors. "If we do our jobs well, we don't have another Our Lady of the Angels fire. If we do our jobs well, people live."

In addition to her professional accolades, Chang has a very active personal life. She is married to Francisco Chang, a nurse at Resurrection Hospital. They are busy raising two children. John is currently a sophomore in high school and Julia is in the sixth grade. Both John and Julia enjoy extracurricular activities and excel academically.

Chang and her family value multiculturalism. Francisco is of Chinese descent and was raised in Belize. The Chang family integrates the Asian, Hispanic, and American cultures in their home and activities.

Chang spends her free time working with the communities that influence her life most. She holds the position of President of the National Federation of the Blind of Illinois, as well as First Vice-President of the Chicago Chapter of the organization. She serves as the Special Events Coordinator for both. Additionally, she mentors new mem-

bers to the organization. Chang also volunteers with the PuiTak Center in Chinatown. There, she assists permanent residents become United States citizens by administering naturalization practice exams and review sessions. Chang is also active in the Chinatown Christian Union Church as well as in Bible Study and Fellowship Groups. She sits on the Section Council for the Illinois State Bar Association Administrative Law Division, where she is a frequent contributor to the newsletter.

Chang's blindness permeates all aspects of her life. She travels with a cane and reads using Braille and adaptive technology. Her computer is equipped with software called "JAWS," which converts printed text to audio formatting. Chang carries a BrailleLite, which allows her to create documents, enter appointments, and take notes with Braille output. In court, Chang uses a live reader. "This is usually someone I'm training. It's a good system because it teaches the person to find information themselves and not to rely on a supervisor to point it out."

Chang believes that her blindness has given her a great deal more than it has taken away. She never would have sought higher education had she been sighted. The Department of

Rehabilitation Services helped finance her education because of her disability. She met her husband when she hired him as her reader. "I think my blindness has given me the drive to really succeed. I'm just stubborn enough that when people tell me I can't do something, I try to figure out a way to do it. Society tells you a lot about what you can't do. I think that my blindness actually makes me want to be more productive because on some level, I can prove what I can do to myself and to society."

Chang demonstrates commitment to the betterment of society in all aspects of her life. She works diligently to safeguard the well-being of the public through her work with the city of Chicago Law Department. She promotes the rights of the blind community through her work with the National Federation of the Blind and assists immigrants to become Americans by volunteering at PuiTak. She does this while raising a family. It is through diligence, commitment, and compassion that Chang influences so many lives.

*Ronza M. Othman is completing her final semester of law school at DePaul University College of Law. This article also appears in the November 2006 Illinois State Bar Association's Administrative Law Newsletter.

Attorney General issues opinions

By Lynn Patton

Under section 4 of the Attorney General Act (15 ILCS 205/4 (West 2005 Supp.)), the Attorney General is authorized, upon request, to furnish written legal opinions to State officers and State's Attorneys on matters relating to their official duties. The following is a summary of official opinions 06-002 through 06-003 and informal opinions I-06-023 through I-06-041 that may be of interest to the government bar. Summaries for official opinion 06-001 and informal opinions I-06-001 through I-06-022 may be found in the June 2006 issue of the Government Lawyers' Newsletter.

Copies of an opinion may be requested by contacting the Opinions Bureau in the Attorney General's Springfield office at (217) 782-9070. Copies of official opinions may also be found on the internet at <<http://www.illinoisattorneygeneral.gov/opinions/index.html>>.

Opinion No. 06-002 Issued September 12, 2006

Felony Forfeiture of Pension Benefits

The felony conviction of George Ryan, a member of the General Assembly Retirement System, for various Federal offenses related to or arose

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out of or were in connection with his service as Governor and Secretary of State. Therefore, he has forfeited all pension benefits generated by his service to the State. 40 ILCS 5/2-156 (West 2004).

**Informal Opinion No. I-06-023\
Issued April 7, 2006**

**Admissibility of Records Not
Continuously in Custody of Public
Officer**

A township record of a local option referendum more than 30 years old and found with a collection of other old public records of local units of government in a local historical museum may be admissible into evidence as an ancient record, although its authenticity as a public record may not be proven by the continuous custody of the township clerk. 50 ILCS 205/1 et seq. (West 2004); 60 ILCS 1/75-5 (West 2004); 735 ILCS 5/8-1203 (West 2004).

**Informal Opinion No. I-06-024
Issued April 7, 2006**

**Emergency Response under an
Intergovernmental Agreement--
Sangamon County Central Dispatch
System and Sherman Fire Protection
District**

Nothing in the agreements reviewed grants to the Sangamon County Central Dispatch System the authority to routinely dispatch the Sangamon County Rescue Squad to respond to emergency calls within the boundaries of the Sherman Fire Protection District, unless the District has requested assistance from the rescue squad or an agreement is executed between the System and the District authorizing such routine dispatch. 70 ILCS 705/6 (West 2004).

**Informal Opinion No. I-06-025
Issued April 28, 2006**

**Sheriff's Authority to Assess Fee for
Taking Bail**

The assessment of a "booking fee" is not specifically referred to by statute. If an increase in the fee for taking bonds is justified by an acceptable cost study and other requirements of section 4-5001 of the Counties Code are satisfied, however, a county board may adopt an ordinance authorizing a county sheriff to assess a fee in an amount in excess of the \$1 authorized by statute. 55 ILCS 5/4-5001 (West 2004).

**Informal Opinion No. I-06-026
Issued May 4, 2006**

Courthouse Holiday Schedule

The county board lacks the requisite authority to close all offices in the county courthouse on a given day other than the legal holidays expressly provided for in section 17 of the Promissory Note and Bank Holiday Act. 55 ILCS 5/5-1005 (West 2004); 205 ILCS 630/17 (West 2004).

**Informal Opinion No. I-06-027
Issued May 11, 2006**

**Authority of University Police to Prohibit
the Presence of Other Law Enforcement
Agencies on Campus**

There is no order of legal priority among the various police departments (campus, city, county, and State) whose statutory jurisdictions encompass Northern Illinois University's DeKalb (NIU) campus. Neither the NIU Board of Trustees nor the NIU Police Department has the authority to deny or prohibit the presence, on campus, of City of DeKalb Police officers, DeKalb County Sheriff's officers, or the Illinois State Police. 110 ILCS 685/30-45(11) (West 2004); 720 ILCS 5/2-13 (West 2004), as amended by 94-730, effective April 17, 2006.

**Informal Opinion No. I-06-028
Issued May 25, 2006**

**Closure of County Offices During
Inclement Weather**

The sheriff is responsible for the care and custody of the courthouse but has no authority to regulate the days and hours during which county offices and the courts conduct business within the courthouse. The days and hours of operation for the office of State's Attorney are determined by the State's Attorney; those of the circuit clerk are determined by rule of the circuit court; and those of the judges are determined by order of the chief judge. The county board possesses the authority to fix the days and hours of operation for the county clerk's office, county treasurer, sheriff, and recorder, and the days and hours of operation of other county officers and employees. 55 ILCS 5/3-6017 (West 2004); 55 ILCS 5/5-1005 (West 2004).

**Informal Opinion No. I-06-029
Issued May 31, 2006**

Local Option Referendum in Former

Road District

The portion of a county unit road district, which prior to consolidation was "dry," retains that status. Its status may be changed by referendum or by petition of 2/3 of the voters residing in the dry territory. 235 ILCS 5/9-8 (West 2004); 235 ILCS 5/9-9 (West 2004).

**Informal Opinion No. I-06-030
Issued June 15, 2006**

**Police Retention of Forfeited Firearms
and Related Equipment**

There are a number of ways in which a local Illinois police department may come into possession of forfeited firearms and related equipment. The extent and manner in which these items may be used and retained, are dependent upon the statutory authority through which they were forfeited and the terms of any related court order. 720 ILCS 5/24-6 (West 2004); 720 ILCS 550/12 (West 2004); 720 ILCS 570/505 (West 2004); 725 ILCS 150/1 (West 2004); 765 ILCS 1030/2,3 (West 2004).

**Informal Opinion No. I-06-031
Issued June 21, 2006**

**Compatibility of Offices--School Board
Member and County Emergency Services
and Disaster Agency Coordinator;
School Board Member and County
Zoning Administrator**

Because of a conflict in duties, the office of school board member is incompatible with the offices of county emergency services and disaster agency coordinator and county zoning administrator. 55 ILCS 5/5-12008, 5-12019 (West 2004); 105 ILCS 10-22.13a, 10-22.35 (West 2004); Public Act 94-600, effective August 16, 2005, to be codified at 105 ILCS 128/25.

**Informal Opinion No. I-06-033
Issued July 13, 2006**

**Property Annexed Prior to Levy Date is
Subject to Property Tax**

If annexed property was within the library district on the date of the tax levy, i.e., the date that the tax levy ordinance was passed by the library district board, owners of the annexed property would be liable for property taxes levied by the library district for the period for which the levy applies. 75 ILCS 16/30-85 (West 2004).

Informal Opinion No. I-06-034
Issued July 27, 2006

Use of Court Automation Fees for Computer Network Wiring Upgrade in the Courthouse

The proceeds of fees collected under section 27.3a of the Clerks of Courts Act may be used to pay for the purchase and installation of replacement computer network wiring for the courthouse computer network system to the extent that such replacement is related to the automation of court records. The county board may properly expend funds for such purposes, provided the expense is approved by the clerk of the circuit court and the chief judge of the circuit court. 705 ILCS 105/27.3a (West 2005 Supp.).

Informal Opinion No. I-06-035
Issued August 3, 2006

Use of Court Automation Fees for Computer Systems for Non-Judicial Offices and Staff

The proceeds of fees collected under section 27.3a of the Clerks of Courts Act may be used to pay for computer systems or supplies to the extent that such items are related to the automation of court records. The county board may properly expend funds for such purposes, provided the expense is approved by the clerk of the circuit court and the chief judge of the circuit court. 705 ILCS 105/27.3a (West 2005 Supp.).

Informal Opinion No. I-06-036
Issued August 10, 2006

Use of Proceeds from the Special County Retailers' Occupation Tax for Public Safety or Transportation for Operational Expenses

Proceeds from the Special County Occupation Tax for Public Safety or Transportation Law may properly be used to fund "public safety" purposes, such as the operational expenses of the county sheriff's office, county emergency services and disaster agency, the State's Attorney's office, the coroner's office, and the county probation department. The public defender's office may not use the Tax's proceeds for its operational expenses. Similarly, a county disaster relief fund does not serve a "public safety" purpose within the Law. 55 ILCS 5/5-1006.5 (West 2004), as amended by Public Act 94-781, effective May 19, 2006.

Informal Opinion No. I-06-037
Issued August 25, 2006

Use of Proceeds from the Special County Retailers' Occupation Tax For Public Safety or Transportation to Build a Courthouse

Proceeds from the Special County Retailers' Occupation Tax For Public Safety or Transportation Law must be used exclusively for public safety or transportation purposes. The construction of a new courthouse does not constitute a public safety purpose. Use of the proceeds of the Tax to construct portions of a courthouse that would be used for public safety purposes, such as a county jail or a county sheriff's office, would not be improper. 55 ILCS 5/5-1006.5 (West 2004), as amended by Public Act 94-781, effective May 19, 2006.

Informal Opinion No. I-06-039
Issued September 1, 2006

County Board Member-Investigator Voting on Reorganization of Public Defender's Office; Authority of County Board to Adopt Procedures for Determining and Addressing Conflicts of Interest

(1) A county board member-investigator who performs private investigative services for the county public defender's office is disqualified from voting or

acting on matters involving the public defender's office. (2) A county board lacks the authority to adopt a conflict of interest policy that is inconsistent with Illinois law. 50 ILCS 105/3 (West 2004).

Informal Opinion No. I-06-040
Issued October 19, 2006

Equalization Factor Information Required on Real Estate Tax Statements

Pursuant to section 20-15 of the Property Tax Code, the county's and the Department of Revenue's equalization factors must be listed separately on real estate tax statements. However, only a single equalized assessment, resulting from application of both factors to the assessed valuation, must be provided on such statements. 35 ILCS 200/20-15 (West 2004).

Informal Opinion No. I-06-041
Issued November 9, 2006

Compatibility of Offices—County Zoning Board of Appeals Member and Township Plan Commission Member

The offices of county zoning board of appeals member and township plan commission member in counties that have adopted a county zoning ordinance pursuant to division 5-12 of the Counties Code are compatible. 55 ILCS 5/5-12009, 5-12011, 5-12014 (West 2004); 60 ILCS 1/105-35 (West 2004).

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In-sites

By Dion Davi

There are many Web sites available that provide information related to the criminal justice system. Some provide information about sex offenders and others assist in finding an inmate in a particular facility.

The Illinois State Police site provides information on sex offenders <<http://www.isp.state.il.us/sor/>>. This Web site allows users to search for registered sex offenders in a specific municipality and county or nationally. You can also learn more about Illinois' sex offenders laws.

The Illinois Department of Corrections Web site <<http://www.idoc.state.il.us/>> allows users to search out inmate information. You can find the inmate's charged offense(s); dates of incarceration, parole, and release (expected and actual); visitation rules; facility locations; and job opportunities.

The federal Bureau of Prisons also provides inmate information (1982 to present), facility addresses, and extensive rules about visiting <<http://www.bop.gov>>.

bop.gov>.

Many Illinois counties also maintain information about their jails on-line.

The Cook County Sheriff's Web site provides information regarding inmate location, searchable by name or by 11-digit jail number. The site also provides information on sex offenders. You can link to court records and information as well. The Cook County Sheriff's Web site may be found at: <<http://www.cookcountysheriff.org>>.

The Adams County Jail provides information about its detainees at: <<http://www.co.adams.il.us/jail/index.htm>>.

The DuPage County Jail provides information about visiting hours, bond procedures, and jail tours and may be found at: <<http://www.dupageco.org/sheriff/Jail.htm>>.

A report of those persons maintained in **the Jasper County Jail** may be found at: <<http://www.newtonillinois.com/jail-report.htm>>.

Information regarding the **Livingston County Jail** may be found at: <<http://www.livingstoncounty-il.org/Sheriff.htm>>.

The Madison County Sheriff's Office maintains a Web site that provides information about jail division procedures and may be found at: <<http://www.co.madison.il.us/Sheriff/JailDivision.html>>.

The Will County Sheriff's office provides information regarding current inmates in the county jail, visiting hours, and bond procedures at: <<http://www.willcosheriff.org/>>.

The Illinois Attorney General's Office is responsible for implementing the Illinois Automated Victim Notification System which provides citizens with a toll-free number where they can call and get up-to-date information on the custody status and/or case status of an offender. The Illinois Automated Victim Notification System may be contacted by calling 866-566-8439.

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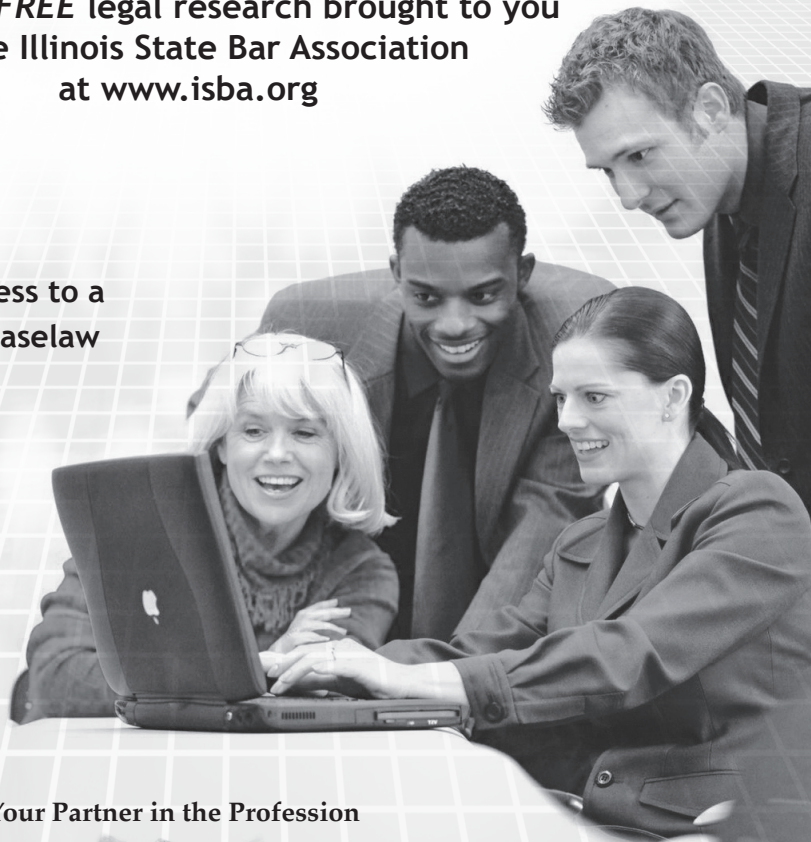
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