



ILLINOIS STATE BAR ASSOCIATION

YLD NEWS

The newsletter of the Illinois State Bar Association's Young Lawyers Division

Surviving in the legal practice

By Sonia Munoz Gallagher, Esq.

Time is constantly ticking, isn't it? Doesn't it seem to go even faster when you walk into your office? Competition for solo practitioners and law firm associates is only getting tougher each month as more lawyers lose their jobs.

So how can you stand out? How can you differentiate yourself, be profitable, and truly enjoy being a lawyer?

As lawyers, we often see clients with issues that could have easily been prevented. We can learn from their mistakes to avoid these issues for ourselves. Though some days may seem like the world is against you, there are specific things we should always keep in mind. If opposing counsel yells at you on the phone, your paralegal gives you an attitude, or a client refuses to pay for work you've already done, always remember these six rules for the firm.

These six rules enable you to get more work done, keep you from getting a bad reputation, and allow you to be a happier lawyer.

Listen. How often do you truly listen? Paying

close attention to your colleagues and staff can give you a wealth of knowledge. It allows you to have your finger on the dial. You can find out about issues, concerns, and developments going on in your own practice. Don't lock yourself up in your office. You can miss really important information about things going on around you. The information you miss can be incredibly helpful for your professional development, partnership potential, or change of employment.

Take a breath. We are known for liking to hear our own voices. Be careful not to say whatever pops into your mind, unless you want to take the risk of having to explain it later. This may happen at the worst possible time—like when you are up for a review or promotion to partnership. Think about the way you say things too.

Your beliefs become your reality. You are the captain of your own thoughts. The only thing in life that you have complete control over is your

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Five reasons to start networking and joining bar associations right away

By Debra Liss Thomas

One thing that virtually every law student and lawyer has to do is network. We have all done it, and we will all continue to do it. The only question seems to be: When should you start doing it? My answer: now. Whether you are a law student, a swamped new attorney or a seasoned practitioner, you should always make some time to get out there, network and mingle with other lawyers. To accomplish this, one of the easiest things you can do (and least

expensive as a new lawyer or law student) is join your local bar associations and other groups that share your interests. By doing this, written materials will be made available to you that can help with your practice and networking events will be offered for you to attend. These events are both fun and helpful to you, as you will meet other lawyers from all areas of practice and all

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What can I be with a J.D.?

By Allan Niemerg, YLD Council Member

Internet Entrepreneurship with Law School Graduate and Founder of zferral.com, Jeff Epstein

I love running a business! Each morning I wake up to new challenges (and a boatload of e-mails).

-- Jeff, on what excites him most about his job.

Jeff Epstein has a J.D. Jeff Epstein has passed the Michigan bar. But you won't run into Jeff filing motions or arguing cases in a courthouse. Instead, you'll likely run into Jeff like I did—out promoting his latest Internet-based business. Jeff has set aside a legal career for a different calling. Jeff is a serial entrepreneur. He has started several companies, including one in law school. Currently, Jeff runs zferral.com, a Web site that helps businesses grow by creating ways for them to reward their customers for spreading the word about the products and services they love.

In 2000, Jeff started his first company while he was a business student at Michigan State University. Called esparty.com, it was a student portal and unofficial homepage for MSU students. Students using the portal could order food from a few select restaurants near the MSU campus. Esparty.com didn't work out, but Jeff learned a lot, and the experience added fuel to Jeff's lifelong interest in entrepreneurship.

Jeff's second startup was a bit more successful. While in law school at Chicago-Kent, Jeff launched an affiliate marketing company in the poker industry. As he explains, it wasn't easy:

My biggest challenge in going to school and starting a business was balancing my time. I dealt with that challenge by becoming a great multi-tasker. The business grew because I worked hard at it.

The business proved pretty successful, but as graduation approached, Jeff felt that he was "supposed" to practice law. So he sold the business, paid off his loans, and sat for the Michigan bar.

But the experience of starting a successful business stuck with Jeff "I soon realized that I

enjoyed starting a business much more than the law." An idea began to brew in Jeff's head:

The idea that became zferral.com was brewing for quite a bit of time. From my law school business, I had seen the power of referral marketing online. I was bouncing around ideas in 2008-09 and finally found the right team to get started with. We hit the ground running in February 2009 and never looked back.

At zferral.com, Jeff is primarily focused on sales, support, marketing and product. He handles everything from a business perspective, and manages the technical aspects focusing on quality assurance. On the difficulties of starting a business, Jeff is straightforward:

When you found a company—especially a bootstrapped one—you play several roles. Typically, sales, marketing and support are the day-to-day responsibilities. The challenge is generally to generate enough cash-flow to extend your runway—your ability to operate—as long as possible. The beauty of Internet businesses is that you can operate a business with little overhead.

Regarding the current growth of zferral.com, Jeff enthused:

Things are going really well! I am in the process of raising money, which is always fun (and challenging). But the biggest business challenge is meeting the demand. This is a good challenge to face; however, with a small Internet company resources are limited.

On the subject of what frustrates him most about his business, Jeff lamented his inability to help his customers as fast as he would like, joking that "I do need to sleep a few hours a night. The Internet never closes; that is the beauty of a Web-based business."

When asked if he had any advice for young lawyers thinking of starting their own business, Jeff advised, "Go for it! The law (and your degree) will always be there."

Jeff lives with his wife in Oakland County, Michigan. If you would like to contact Jeff, you may do so at jeff@zferral.com. ■

YLD NEWS

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OFFICE

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

CO-EDITORS

Anna P. Krolikowska
Debra Liss Thomas

MANAGING EDITOR/PRODUCTION

Katie Underwood
kunderwood@isba.org

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Mother, wife, lawyer: A balancing act

By Ashley Kwasneski

My day starts promptly at 5:45 a.m. with my alarm clock blaring in my ear. I get up, get ready for work, wake up my sleeping 17-month-old son (who usually is not happy at being woken up so early), drop my son off at daycare, and start my day at the office at approximately 7:30 am. From there, I typically head to court to handle my cases then head back to the office to deal with the mountain of files on my desk.

I am a lawyer. I have to deal with clients, attorneys, judges, and pro se litigants. I have to answer and propound discovery. I have to put out fires on a regular basis. I am required to constantly be "on my game," trained to think on my feet and be prepared for anything that may come my way. By the time my work day is done, all I want to do is go home, put my feet up, and enjoy a glass of wine.

I am a mother. After work, I pick my son up from daycare, get home, let the dogs out, give my son a bath, chase my naked son around his room because he does not want to get dressed, feed the family dinner, entertain my son until he goes to sleep, read the paper, and go to bed. And did I mention that I am currently 18 weeks pregnant with my second

child? (So no wine for me anyway).

There is no rest for a working mom, but being a mom and a lawyer is incredibly tough. Not only do we deal with an oftentimes high-stress occupation, we cannot come home and relax. We have demands at the office and demands at home.

It's a delicate balancing act. I feel guilty when I leave the office at 5:00 p.m. so I can enjoy a good hour of playing with my child before he goes to bed. Yet, I feel guilty if I work late or attend an after-work fundraiser or function and miss out on time with my son. I have cried over the fact that a lot of my son's milestones occurred at his daycare. I have had just over one year of experience trying to balance both work and family, and I have found some ways to make the balance easier:

- **Talk to your boss:** I am incredibly fortunate to work for a very family-oriented law firm. There have been times when I have been overwhelmed, overworked, and overtired and my firm has been very considerate and has made accommodations to assist me to get through the tough times. I have learned that I cannot be too proud to admit when I need help

on a case.

- **Ask your family and friends for help:** I do not know what I ever would have done without my mom. I am very fortunate to have her close by and she has helped me out tremendously. She has watched my son when I have had late depositions or meetings, or when I have to be at work when my son is home sick.
- **Realize that you are not superwoman:** I am not the perfect lawyer. I am not the perfect mother. I am not the perfect wife. Whew... that is something that took me months to realize. I ran myself ragged trying to be the best at everything and I have learned that I need to accept that I cannot do it all. My case files are disorganized, my house is not as clean as I would like, but I can deal with it.

I love my son more than life itself and I love my job. While the combination of the two is oftentimes incredibly stressful, it is the most rewarding experience I have ever had. I would not dissuade anyone from being a lawyer and mother, but I would advise all working moms to not be too proud to ask for help. ■

Upcoming CLE programs

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

January

Thursday, 1/6/11- Teleseminar—Business Planning for the New Health Care Law: What You Need to Know About the Year Ahead. 12-1.

Friday, 1/7/11- Chicago, ISBA Regional Office—2011 Family Law CLE Fest. Presented by the ISBA Family Law Section. TBD.

Tuesday, 1/11/11- Teleseminar—Restoration of the Estate & Gift Tax in 2011: Planning & Drafting Issues, Part 1. 12-1.

Wednesday, 1/12/11- Teleseminar—Restoration of the Estate & Gift Tax in 2011: Planning & Drafting Issues, Part 2. 12-1.

Friday, 1/14/11- Chicago, ISBA Regional

Office—New Laws for 2010 and 2011. Presented by the ISBA Standing Committee on Legislation. 12-2.

Tuesday, 1/18/11- Teleseminar—Asset-Based Finance: Business Borrowing Against assets in a Tight Credit Environment, Part 1. 12-1.

Wednesday, 1/19/11- Teleseminar—Asset-Based Finance: Business Borrowing Against assets in a Tight Credit Environment, Part 2. 12-1.

Friday, 1/21/11- Teleseminar—Ethics in Representing Elderly Clients. 12-1.

Friday, 1/21/11- Chicago, ISBA Regional Office—The Health Care Reform Act- An

Overview for the Health Care Attorney. Presented by the ISBA Health Care Section. 9-12.

Friday, 1/21/11- Collinsville, Gateway Center- Mississippian Room—Tips of the Trade: A Federal Civil Practice Seminar- 2011. Presented by the ISBA Federal Civil Practice Section. 8:30-11:45.

Tuesday, 1/25/11- Teleseminar—Alternatives for Financially Distressed Mid-Size Businesses, Part 1. 12-1.

Wednesday, 1/26/11- Teleseminar—Alternatives for Financially Distressed Mid-Size Businesses, Part 2. 12-1.

Friday, 1/28/11- Teleseminar—Attorney Ethics in Social Media- Blogs, Facebook, Twitter, YouTube and More. 12-1. ■

Surviving in the legal practice

Continued from page 1

own thoughts. Yet so many of us find it extremely difficult to control our thinking patterns. The easiest way to change this is to take 10-minute silence breaks each day. This can be done anywhere and at any time. Doing this frequently empowers you to be able to recognize negative thoughts for what they are, acknowledge and let them pass, and not be affected by them.

Patience is a virtue. Patience is one of the key elements to being an effective lawyer. After all, we work with a wide variety of cases and personalities each day. It's easy to see how we can lose it at some point. Remember, you can be patient and strong. In the practice of law more than any other profession, it's ex-

tremely important to keep your cool. Think about it. How quickly will you be at risk of losing a client or losing a case if you're affected by every little thing that people say or do to you? Don't give anyone else that much control over you.

Lend a hand. Try not to be territorial in defining your work from the work of others around you. If you face an opportunity to be helpful, do it. Not only will it make you feel great to be useful, it reflects that you are willing to collaborate and go the extra mile—An attorney to watch come promotion time.

A moment. Sometimes the stress can get the best of us. The key thing to keep in mind when we face a difficult case, client, or situa-

tion is that it is only a moment in our life. Like all other moments, it too will soon pass. Remembering this can be the key to a profitable and balanced practice.

Apply these tips to your professional and personal life as often as possible. Before you know it they will become second nature and won't require any effort from you at all. ■

Sonia Gallagher, Esq. is an attorney and business development consultant. Her mission is to help lawyers leverage the Internet and local network to get more clients, more profits, and more free time. Find out how you can start connecting with the right clients today. Schedule a complimentary 1-hour consultation at www.TimeForLife-Now.com

Jumping in feet first

By Katie Haskins Becker, 3L at NIU College of Law, khaskins11@yahoo.com

During the summer months of my teen years, I was lucky enough to be a lifeguard at North Avenue Beach, which, if you are a Chicagoan, you know is a wonderland of warm weather activities smack in the middle of urban chaos. While lifeguarding for the city's largest beachfront, the park district gave me and my fellow guards a sense that we were special in some way. Chosen ones, if you will. Yet, as a rookie lifeguard, I was confronted with a host of hazing rituals. But because I knew that this was the best summer job that anyone could ever have, the initiation routine was well worth the reward of working at the beach. Although the responsibility was greater than we as teenagers or college students could comprehend at that point in our lives, we did know that what we did was important. The position of "lifeguard" was, and is, a necessary protection for the patrons of the beachfront, but, it was not always respected by those as such. I can't help but feel this same sentiment as a third-year law student and future attorney.

We enter law school, having undergone a stressful, and at times arduous application process, and finally begin to feel a sense of

acceptance and accomplishment once we set foot in our school. However, in the first year it is quickly understood that law school has its own brand of purposeful "initiation" exercises. The initiation can vary. Maybe it involves a professor who decides it is fun to pick you to be the one, and the only one, who will answer questions about every single case that was assigned for that day. Or, maybe it's when you realize that you are not ever going to be the kind of lawyer that writes appellate briefs for a living, because getting that first brief bound at Kinko's at 4:00 a.m. has kind of broken you down in a way that makes you want to run home and curl into the fetal position. But then you remember that doing these lawyer-y things is what you must do to become a member of the club. Because making a commitment to law school does mean you have become part of a large club. And, it is only those that are part of the "I Get what It's like to Go to Law School Club," that truly know what these three years are like. Non-club members have trouble understanding you, and even when they say they do, you may smile and pretend to be appreciative, but, you know they really don't.

Taking on law school, and all that goes

with it—the stress, the work, the competition, coupled with the constant pressure of not wanting to let family and friends down—can be overwhelming at times. Taking a moment to remember that everyone else there with you is going through it too, and that there are many others who have made it through before you, can be just enough motivation to get through those tough times.

The feeling that I get from choosing this profession, and that choice thereby making me feel somehow unique, is the same palpable feeling that I had in my youth while working at the beach; the same sense of importance, coupled with the nervous responsibility of such an overwhelming duty. The accountability is immense, and the rewards have the possibility of being profound. Yet, it seems that too often we are alone in this realization. It appears that all too often the respect that the profession deserves is only shown when an attorney suddenly becomes a necessity. Fortunately, I recognize the skill and labor that becoming an attorney requires. I intend to endure the chatter of those that don't, and I know that when the time comes, I'll be ready to jump into the deep end feet first, wherever I am needed. ■

A quick guide on how to deal with a Medicare lien

By Angelica Wawrzynek

Attention young plaintiffs' attorneys: Medicare probably has a lien on your case. Medicare started having liens on cases after many of your senior partners started practicing, and the procedures for getting these liens resolved have become more and more particular over the years. Make yourself a valuable part of the team by mastering the process.

Medicare has extremely specific reporting procedures that, if not followed correctly, can delay your entire case. Thus, any time a client has medical bills that have been paid by Medicare, you will want to start this process as soon as you decide to pursue the case.

The first step is to contact the Coordination of Benefits (C.O.B.) office at 1-800-999-1118. You will need the Medicare beneficiary's information, including: full name, Medicare number (HICN), gender, date of birth, address, and phone number. If you do not have their HICN, make sure you have their social security number instead. You will also need your contact information: name, firm name, firm address and phone number. Finally you'll have to tell the C.O.B. about the case: date of the incident, description of the injury, and the type of claim (auto, liability, etc.). It is imperative, in this early stage, that you give correct information. Be aware that Medicare handles each type of case, whether it's a no-fault or liability or worker's compensation case, separately. If you want to resolve the lien Medicare has for liability purposes, make sure you don't accidentally tell them "no-fault." Also, be precise with your description of the injuries sustained. The injuries you describe impacts the determination of which bills, paid by Medicare, are related to the incident. If you are not specific enough, Medicare's first attempt at the lien amount will almost definitely be much larger than the actual amount of related bills paid.

After you have reported the claim to C.O.B., the Rights and Responsibilities letter will be sent out. You and the Medicare beneficiary will receive a copy. Upon receipt of this letter, you need to send Proof of Representation to Medicare Secondary Payer Recovery Contractor (MSPRC). Oftentimes a copy of your contract of employment, with

your client's HICN written in at the top of each page, will suffice. Go to <www.msprc.info> to determine if your contract meets their requirements. If your case is not a worker's compensation case, you will send Proof of Representation to: MSPRC NGHP, PO Box 13882, Oklahoma City, OK 73113.

Within 65 days from the issuance of the Rights and Responsibilities letter, MSPRC will issue the Conditional Payment Letter (CPL). You need to make sure that MSPRC has your Proof of Representation in time so that you receive a copy of this. MSPRC will not send you the CPL or even talk to you about your client before they have processed your Proof of Representation.

Do not contact MSPRC before 65 days from the date of the Rights and Responsibilities letter. The CPL is generated automatically, and calling MSPRC will only waste your time and that of those processing your claim. If more than 65 days elapses from the date of the Rights and Responsibilities letter, you can call MSPRC at 1-866-677-7220, from 8 a.m. – 8 p.m. EST. When you call, have ready the beneficiary's full name, date of birth, HICN, address, and the date of the injury. In my personal experience, calling before 9 a.m. or after 5pm results in the least amount of time spent on hold.

Once you receive the CPL, compare the claims listed with your file. If you believe that Medicare is listing unrelated medical bills, you may dispute the CPL. To do so, send a cover letter Re: DISPUTING CONDITIONAL PAYMENT, Beneficiary name, HICN, Date of incident. Oftentimes, the body of the letter will not make up for failure to put "Disputing Conditional Payment" at the top. Include with this letter a photocopy of the most recent CPL, with a single straight line drawn through each and every unrelated claim. MSPRC will then issue another CPL. If the new CPL is incorrect, repeat the process.

Meanwhile, your case should be progressing. Once the case settles or you obtain a judgment or award, it is time to request the Final Demand Letter. The Final Settlement Detail Document is available to download as a *.pdf file at <www.msprc.info>. The form requires: the total amount of the settlement, the amount of any other

insurance liens on the case, the amount of attorney fees, the other expenses incurred that will come out of the settlement amount (along with an itemized statement explaining this amount), and the date that the case was settled.

Unfortunately, MSPRC does not have a deadline for issuing the Final Demand Letter, and is processing them on a first-come, first-served basis. The operators are not allowed to "expedite" the letters, even if an excessive amount of time has passed. Many insurance companies will not issue settlement checks until the Final Demand Letter is received, resulting in continued delay of payment, and likely, client frustration. Odds are, the number that was on the most recent CPL is the same (unless there have been bills paid in the interim) as the amount on the Final Demand Letter. As such, some insurance companies will accept a recent CPL as proof of the amount of the Medicare lien or at least proof that you will take care of the Medicare lien. However, if the insurance company needs the Final Demand Letter, just sit tight and eventually MSPRC will send it to you.

There is a possibility that the Final Demand Letter will be incorrect when it does come. You absolutely must pay the amount demanded within 60 days, no matter what. You may also dispute the amount in the Final Demand Letter. But if you do not pay the amount demanded within 60 days, interest will accrue, starting from the date of the Final Demand Letter, regardless of whether you were correct and the amount demanded was inaccurate.

I cannot guarantee that if you follow all the correct procedures everything will go smoothly. I can only guarantee that if you do not follow the correct steps, MSPRC will hold up your case until you follow their procedures. Follow the above instructions and you will be able to report that the fault for the delay lies solely with Medicare, and that everything has been done to further your client's interests in a timely fashion. More likely than not, the other attorneys involved in the case will simply be glad that they themselves do not have to deal with Medicare. ■

Five reasons to start networking and joining bar associations right away

Continued from page 1

experience levels. Here are some important benefits that can be received from becoming a member of your local bar associations.

Networking Skills: The simple truth is, the more you get out there, meet people and network, the better your networking skills are going to be. It takes practice. I frequently tell people to go out and make it a goal to meet one new person at an event. After that, make it a goal to meet two people at an event, and so on. It takes practice. You won't always get an opportunity to make a first impression twice, so you want to practice and be prepared. By joining bar associations and going to events and programs with other lawyers, you will be given countless opportunities to hone your social and networking skills, and most importantly, to become comfortable talking with new people you meet. Plus, you will be meeting lawyers, which is the main purpose behind networking....

Career Growth: As a member of a bar association, you will be able to meet other lawyers. You will be able to network with these lawyers and participate in activities and on committees with them. You will get to know these lawyers, and over time this will help you grow your practice and career. You will be able to refer cases to these lawyers, and they will be able to refer cases to you. You may even get job offers from lawyers you meet through the association, or you may find mentors to help you navigate the profession or answer legal questions you have. You may even become a mentor to another lawyer. The benefit to your career will increase based on how you use your membership and involvement in it, but the potential for making friends and legal connections is high.

Friendships: One advantage to joining bar associations while you are a law student or new lawyer is that you will meet other individuals just like you who are going through the same things as you. You will get opportunities to network together and get to know each other. And, before you know it, you will have new friends. The friends you make through involvement in the bar associations start off professional, but grow to be real and long-lasting. You share the same interests and stresses, and it is always nice to know you are not alone.

Community Service: Many of the local bar associations take part in various community service projects. By becoming a member of the groups, you can volunteer and help give back to the community. Many of these projects are single-day activities, so you will not give up too much of your time, but you will gain a lot—personally and professionally. You will meet other lawyers and make friends and professional contacts with them. You may volunteer at a soup kitchen, provide legal services to those who can't afford it or possibly volunteer at a law school helping new students. But whatever the project is you decide to sign up for, you will feel good about it. It is nice to step back from the daily grind of school or your law practice and just do something good for other people. And if you can't find the time away from your office to do the service projects, the associations often have donation programs set up to which you can contribute. Once you join a group, you will be able to pick which type of service project best suits you, and you will find that you can give back without giving much up.

Resume Builder: One upside of joining bar associations is that you can do more than just be a member and receive your weekly or monthly mailings. You can get involved and actually do something. By getting involved with the organization, you will also slowly begin to build and enhance your resume. You can take on leadership roles or simply

participate in activities. You will be able to give back to the legal community by participating in CLE seminars, legal programs or community service projects, and in doing so, you will also gain the ability to update your resume and show future employers that you are a dedicated member of the legal community. Having done something to help others and putting it on your resume can never hurt you. You should be proud of what you do, especially since lawyers know how busy and stressful a work day can be even without volunteering your time to a bar association. Further, as a law student it can never hurt you to show your prospective employers that while you are a student, you are also working to become a part of the legal community. Your resume can show them in one piece of paper that you take the law seriously and want to be a part of the legal community.

In summary, there are many benefits to joining bar associations and beginning to network right away. There is no reason not to start getting involved now. It doesn't matter if you are a law student or a practicing lawyer. There are legal seminars that will help your practice, networking events that will help you professionally and personally, and there are community service projects that will simply help you to give back to the community. The benefits can be endless, and the cost not too high. So go out and sign up for something today. There is no time like the present. ■

Network with other YLD members!

Check out our LinkedIn page,
<tinyurl.com/29jugau>

And our Facebook page:
<tinyurl.com/2fqy8o8>

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