



THE CATALYST

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

Chair's column

By Sandy Blake

On November 6, we had an opportunity to take advantage of one of the greatest privileges of our U.S. citizenship. As much of a privilege as it is to vote in an election, it is also a critical responsibility—one which our foremothers suffered greatly to secure.

Ninety-five years ago, suffragists picketed the White House seeking the right to vote. For their efforts, they were jailed. Thirty-three of them were convicted of obstructing sidewalk traffic. These women were then subjected to brutality at the hands of the guards, ordered by the warden of the Occoquan Workhouse in Virginia.

According to reports, the guards grabbed, dragged, beat, choked, slammed, pinched, twisted and kicked the women. They beat Lucy Burns, chained her hands to the cell bars above her head, and left her hanging for the night, bleeding and gasping for air. The guards hurled Dora Lewis into a dark cell, smashed her head against an iron bed and knocked her out cold. Alice Cosu, her cellmate, thought Lewis was dead and suffered a heart attack.

During their incarceration, the women shared

water from an open pail and were fed insect-infested food. When Alice Paul embarked on a hunger strike, the guards tied her to a chair, forced a tube down her throat and poured liquid into her until she vomited. She was tortured like this for weeks until the press learned of her mistreatment.

HBO memorialized the heroism of these women in the movie, *Iron Jawed Angels*, in which Woodrow Wilson and his cronies were shown trying to persuade a psychiatrist to declare Alice Paul insane so that she could be permanently institutionalized. As the doctor refused, he noted that Alice Paul was strong and brave. That didn't make her crazy. The doctor admonished the men: "Courage in women is often mistaken for insanity."

It is a tribute to early patriots that our post-election transition of power remains peaceful and mind-boggling that in light of the struggle to earn the privilege, a much greater proportion of women do not take advantage of our right to vote. ■

Life Span held an Awards Luncheon on October 11, 2012, at Fulton's on the River

By Sandra Blake

Life Span presented its first Safety and Accountability Award to Anita Alvarez. Anita Alvarez is the first Latina woman to become Cook County State's Attorney. She is the first career prosecutor to hold this office, having spent her entire legal career serving victims of violent crime. Ms. Alvarez leads the second largest pros-

ecutor's office in the nation, supervising more than 1,600 employees whose primary responsibility is to seek justice on behalf of crime victims and their families. Ms. Alvarez has made positive changes in the way her office handles crimes against women. Her tenure has been character-

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ized by openness and inclusion of the advocacy community. Whenever possible, Ms. Alvarez seeks input of the advocacy community to improve her office's response to domestic violence and sexual assault crimes.

Ms. Alvarez's efforts to improve prosecutors' response to crimes against women include:

- Mandating extensive training in domestic violence and sexual assault for prosecutors assigned to these cases. Chicago-based advocates were included in planning and delivering these trainings;
- Attending to the safety of specialized populations, including the streamlining of procedures for undocumented victims to obtain U visas;
- Using a national forum, and enlisting the help of U.S. Senator Durbin, to urge Congress to pass the Violence Against Women Act (VAWA);
- Employing innovative prosecutorial strategies to obtain the full legal protection for victims;
- Successfully arguing her first U.S. Supreme Court case involving evidence used in a sexual assault case.

Life Span is an organization committed to the cessation of domestic violence and to the immediate relief of those who suffer from its consequences. Life Span provides comprehensive services to victims and their children, helping victims to eliminate abuse from their lives, build upon their strengths and become self-sufficient. ■



Life Span advocacy rally on July 24, 2012 to raise awareness and support for all victims of domestic violence. Staff and community members rallied outside the Criminal Court Building at 26th and California before the sentencing of William Balfour. Balfour was convicted of the domestic violence murders of Julian King, Darnell Donerson and Jason Hudson. The message to the media and the community is: "RECOGNIZE IT! DON'T MINIMIZE IT!"



Anita Alvarez accepting award.



Life Span attorney Olivia Villegas, speaks with a member of the community about domestic violence and Life Span's advocacy.



Cook County State's Attorney Anita Alvarez, Life Span Executive Director Denice Wolf Markham and Advocacy Liaison Jennifer Greene of the Cook County State's Attorney's Office.

"All" is in the eye of the beholder

By Valerie Lipic

Like legions of professional women, Anne Marie Slaughter's article "Why Women Still Can't Have it All" touched a cord with me. It articulated the dilemma presumptively faced by all women who make the decision to simultaneously tackle both a career and motherhood; can I successfully raise a family and pursue a career when both of these positions are arguably full-time? Up until the time of motherhood, our individual identities have been defined by our career accomplishments. In the legal profession and (perhaps more so in the private law firm setting), these accomplishments are highlighted by our progression from associate to partner to managing partner, etc. If women fail to attain these milestones, fail to do so within a defined time frame, or voluntarily decide to assume a less demanding role, has it proven the point that women can't have it all?

My own story illustrates my struggle to find an answer to this question. My husband and I welcomed our first born while I was in my seventh year of private practice and my husband was working a day job as an accountant while attending night law school classes. After a three-month maternity leave, we were struggling with a colicky baby who would not stop crying between the hours of approximately 4:00 p.m. and 2:00 a.m., so we were still sleeping in shifts. Never having envisioned someone else raising our children, we enrolled our child in the "best" childcare St. Louis had to offer.

By this point, my husband was a first-year associate with one of the larger law firms in St. Louis, and I was heading into the pivotal years for making partner. We spent a year trading frantic 4:00 p.m. phone calls negotiating who would be the one to pick up our child from daycare. We even, in our infinite wisdom, crafted a compromise that whoever dropped off the baby at childcare did not have pull double-duty by also doing pick-up. After a year of this schedule, we were both exhausted.

Our solution, I would negotiate a flexible schedule with my employer, which, luckily, accommodated me. However, flexibility came with a price; I no longer was on the partnership track. The reaction from those around me ran the gamut. Professional wom-

en, especially the older ones, admonished me for failing to pursue the possibilities for which the previous generations of women had fought. My peers advised that I needed to do a better job of scheduling and delegating household chores, i.e., hire a nanny or after-hours babysitter. While most of the both solicited and unsolicited advice was sound, it was not right for my family or me.

After a year, the law firm changed its policy to provide that attorneys on a flexible work schedule could opt to remain on the partnership track. I interpreted this move as only positive; another avenue by which to still have it all. I readily chose to have myself put back on track for partnership. At first, I was thrilled by the opportunity provided. Nevertheless, my husband and I were not enjoying any time when we were both simultaneously not working. Instead, we were a tag-team; constantly trading-off the duties of child-rearing.

After two years and the birth of our second child, I resolved that practicing the law and motherhood are mutually exclusive. With the whole dilemma behind me, I could stay home and raise my children, secure with my decision. After six months, though, I was miserable. Six months later, I was teaching as an adjunct professor at a local law school. Alas, the solution. One problem, teaching others how to practice law only highlighted for me why I originally chose it as a profession. A profession that espouses equality, truth and justice, ushers reform, seeks to right most wrongs, and advocates for the common cause. I missed it—all of it.

As luck would have it, the firm I practiced with in St. Louis had opened an office in Chicago, where my husband and I had since moved. By this time, my children were both in school full-time, providing me time to re-enter the work force. I approached my former firm about giving me another shot at the flexible schedule. I had learned from my past experiences as to what worked for my family *and me* and am lucky enough to work with people who not only respect this decision but celebrate it with me by giving others the same opportunity.

For me, professional success is not as it has been defined in the past (by men mostly) as a constant climb. Rather, I choose to mod-

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ernize it. It is a product of all of my roles; professional and as a mother; each a priority at different times in my life. My path may not work for others, and I respect that decision. Nevertheless, it works for me. To quote the

famous British writer Mary Wollstonecraft, "I do not wish [women] to have power over men, but over ourselves." ■

Valerie Lipic is Of-Counsel with the law firm

Greensfelder, Hemker & Gale, P.C. in its Chicago office. She practices in many areas of general civil and commercial litigation, including business to business financial disputes, products liability, class actions and personal injury.

The future is almost here?

By Anna Fridman

When I was in high school, my favorite movie was, and very possibly still is, "Back to the Future." I was not the only one so fascinated with the idea of meeting your future self as the "Back to the Future" trilogy quickly became an American classic. (As a side note to my main point of the article, but one that I just cannot resist mentioning due to myself being a lawyer writing to an audience of lawyers, I laughed out loud when I recently watched the movie and the following exchange took place: Doc (from the future): "The verdict came in." Marty McFly (from the past): "So quickly? But the trial just started yesterday!" Doc: "We've eliminated lawyers in the future. The system became so much more effective.")

To get back to point though, the future, at least in the sense of predicting your lifespan and your potential for developing certain diseases, might not be very far off according to leading researchers in the field of genetic testing. Already there is substantial research pertaining to certain predispositions. For example, two genes have already been identified as possible culprits contributing to breast cancer. Stanford Medical School neurologists predict that we will soon be able to determine to a 90 percent certainty whether an individual will develop Alzheimer's disease.¹ A group of Boston University researchers announced in January of this year that a new blood test could predict a person's chance of living to 100 years old with up to 85 percent certainty.²

What will we do when this information is available? As a lawyer, I cannot help but think of how this will change the legal landscape, specifically what kind of new regulations will have to be issued to define when this information may and may not be used and how people's behavior may change with the knowledge of new information.

The law has already laid out certain rules for when genetic information may and may not be brought in as a factor. In 2008, then-

President George Bush signed into law the Genetic Information Nondiscrimination Act.³ Also by 2008, at least 47 states had enacted their own legislation that prohibited genetic discrimination in the area of health insurance,⁴ and approximately 35 states had enacted legislation prohibiting genetic discrimination in the field of employment.⁵ Generally speaking, health insurance legislation at the state level prohibits the use of predictive genetic information when an individual applies for health insurance. In the context of employer-sponsored group health plans, federal law preempts and controls regulation of such plans. Employers are generally prohibited from using genetic tests as a precondition for employment or using such information in personnel decisions.⁶ I am sure the law will be further developing as genetic testing advances beyond the current point.

Having the information available will also allow for better planning. On the personal level, if we dared to genetically test ourselves and found out that we have an increased likelihood for certain diseases, what would we do differently? I would imagine that most of us would spend more time with the loved ones and would fret less about the little things. It would also allow us a better opportunity to plan for what is coming. From an estate planning perspective, a person who finds out that she may be disabled for a certain period of time may want to make arrangements for a trusted friend or a family member to take care of her financial matters during her disability by forming a living trust and naming the trusted individual as trustee. Maybe she will also make sure to execute a power of attorney for property to allow the trusted person to deal with her assets that are not in the living trust. Knowing the particular ailment that one may have a predisposition to would allow her to specifically address the particular treatments of that disease in her healthcare directive. If she has under-

age children, she will also have the chance to decide who will take care of her children by designating a guardian in her testamentary will. If she has substantial enough assets to fall under the estate tax, she may want to begin transitioning her wealth to her children earlier than she initially planned. If she does not have substantial assets and may be in need of government assistance if she in fact becomes sick, she may look into what would qualify her for help from the government.

Having the foresight that a person close to you is likely to become disabled for a prolonged period of time may also be helpful in deciding how to provide for her and possibly take advantage of the different special needs planning techniques available. In particular, one may want to set aside more resources for such loved one's future medical needs in a special needs trust or otherwise.

Of course as genetic testing for diseases marches on, we all hope that medicine follows closely behind with treatments and cures. In the interim, it is interesting to see how law will continue to adapt to the advancements in science. ■

Anna Fridman is a member of the Woman and the Law Committee who practices law in the areas of estate planning, estate administration, and business transactions.

1. See "Predicting Alzheimer's risk to you," Health & Fitness, at <www.health.gmnew.com/news/2009-01-14/Medical_info/027.html>, January 14, 2009.

2. See "Long-lived people distinguished by DNA," ScienceNews, March 10th, 2012; Vol. 181 #5 (p. 20).

3. See "It's All in the Genes," Trusts & Estates, The Wealth Management.com journal for estate-planning professionals (October 2012) at p. 18.

4. See 75 F.R. 68912.

5. See "Establishing Federal Protections Against Genetic Discrimination," American College of Physicians Policy Monograph (2008) at p. 3.

6. See "It's All in the Genes," Trusts & Estates, The Wealth Management.com journal for estate-planning professionals (October 2012) at p. 18.

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January

Wednesday, January 2-Saturday, January 5, 2013- Snowmass, CO, Westin Snowmass Resort. National CLE Conference.

Thursday, January 3, 2013- Teleseminar—New Medicare Tax Impact on Business Planning. Presented by the Illinois State Bar Association. 12-1.

Friday, January 4, 2013- Teleseminar—Ethics and Client Confidences: An Advanced Guide. Presented by the Illinois State Bar Association. 12-1.

Monday, January 7-Friday, January 11, 2013- Chicago, ISBA Regional Office—40 Hour Mediation/ Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

Tuesday, January 8, 2013- Teleseminar—Estate Planning in 2013, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, January 9, 2013- Teleseminar—Estate Planning in 2013, Part 2. Presented by the Illinois State Bar Association. 12-1.

Friday, January 11, 2013- Teleseminar—Drafting Effective Employee Handbooks. Presented by the Illinois State Bar Association. 12-1.

Monday, January 14, 2013- Teleseminar—Planning and Drafting for Single Member LLCs, Part 1. Presented by the Illinois State Bar Association. 12-1.

Tuesday, January 15, 2013- Teleseminar—Planning and Drafting for Single Member LLCs, Part 2. Presented by the Illinois State Bar Association. 12-1.

Thursday, January 17, 2013- Chicago, ISBA Chicago Regional Office—Illinois Post Conviction Practice. Presented by the Illinois State Bar Association. 1-5.

Tuesday, January 22, 2013- Teleseminar—Tax Planning for Maximum Benefit in

Real Estate Transactions, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, January 23, 2013- Teleseminar—Tax Planning for Maximum Benefit in Real Estate Transactions, Part 2. Presented by the Illinois State Bar Association. 12-1.

Wednesday, January 23, 2013- Chicago, ISBA Regional Office (DNP)—Mentoring Orientation. Presented by the ISBA Mentoring Committee. 12-1.

Friday, January 25, 2013- Teleseminar—Attorney Ethics in Digital and Wireless World. Presented by the Illinois State Bar Association. 12-1.

Friday, January 25, 2013-Chicago, ISBA Regional Office—Succession Planning : Managing the Transition. Presented by the ISBA Business Advice and Financial Planning Section Council. 9-5.

Friday, January 25, 2013- Bloomington, Holiday Inn and Suites—Illinois Sentencing- Statutory and Case Law. Presented by the ISBA Criminal Justice Section. All day.

Tuesday, January 29, 2013- Teleseminar—Estate and Gift Tax Audits. Presented by the Illinois State Bar Association. 12-1.

Thursday, January 31, 2013- Chicago, ISBA Regional Office—Child Custody Litigation. Presented by the ISBA Family Law Section. 8:30-5:00.

February

Friday, February 1, 2013- Bloomington, Holiday Inn and Suites—Hot Topics in Agriculture Law- 2013. Presented by the ISBA Agricultural Law Committee. All Day.

Friday, February 1, 2013- Chicago, ISBA Chicago Regional Office—Illinois Sentencing- Statutory and Case Law. Presented by the ISBA Criminal Justice Section. All day.

Friday, February 1, 2013- Teleseminar—Independent Contractor Agreements. Presented by the Illinois State Bar Association. 12-1.

Friday, February 8, 2013- Teleseminar—Liquidity Planning in Estates and Trusts. Presented by the Illinois State Bar Association. 12-1.

Monday, February 11, 2013- Teleseminar—Asset Purchase Deals- Securing Value & Limiting Liability, Part 1. Presented by the Illinois State Bar Association. 12-1.

Tuesday, February 12, 2013- Teleseminar—Asset Purchase Deals- Securing Value & Limiting Liability, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, February 12, 2013- Chicago, ISBA Chicago Regional Office—Fred Lane's ISBA Trial Technique Institute- Spring 2013 (18 sessions). Presented by the ISBA. Tuesdays 5:15-6:45pm.

Friday, February 15, 2013- Bloomington, Holiday Inn and Suites—Guardianship Boot Camp. Presented by the ISBA Trust and Estates Section. All Day.

Monday, February 18-Friday, February 22, 2013- Grafton, Pere Marquette Lodge—40 Hour Mediation/Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

Monday, February 18, 2013- Chicago, James R. Thompson Center- Auditorium—Advanced Workers' Compensation 2013. Presented by the Workers' Compensation Law Section. 9-4.

Monday, February 18, 2013- Fairview Heights, Four Points Sheraton—Advanced Workers' Compensation 2013. Presented by the Workers' Compensation Law Section. 9-4.

Tuesday, February 19, 2013- Teleseminar—S Corp Business Planning & Stockholder Agreements, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, February 20, 2013- Teleseminar—S Corp Business Planning & Stockholder Agreements, Part 2. Presented by the Illinois State Bar Association. 12-1. ■

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