



THE CATALYST

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

A view from the Chair

By Letitia Spunar-Sheats

What Are You Thankful For? What Have You Given This Year?

This is the holiday season, and it is a time to be thankful and a time for giving.

I am thankful for my biological family: my brothers, and my nieces and nephews. I am also very thankful for my ISBA family. Forty years of going to meetings, taking trips, enjoying dinners, and just hanging out have given me very warm feelings for my ISBA family. They are kind, loving, and very smart people. Socializing with the ISBA lawyers and their spouses gives it an added family feeling. They are all my friends.

I am also thankful for my good health and ability to work at and in a profession that I love. Think about all of the pluses that the people in the ISBA have given you and be thankful.

Tis the season to open your hearts and wallets to and for others. The ISBA Foundation does so much for so many. It helps lawyers and their families with financial assistance, contributes to programs that provide help and education to lawyers and their families, and many more charitable events. Hopefully everybody that is reading this is a Foundation member. If you aren't, do so now. It's \$100 per year (that's two nice dinners or

10 drinks per year).

There are other things you can do for charity if giving money is not in your budget. Run a marathon or half-marathon. Put the ISBA Foundation in your will (you will never miss it).

Did you also know that there are some charities that you can donate to where more than 95% of what you donate actually goes for the purpose intended? For example:

- The Salvation Army – Commissioner Todd Bassett receives a small salary of only \$13,000 per year (plus housing) for managing this \$2,000,000,000 organization. 96% of donated dollars go to the cause.
- Make a Wish: For Children's Last Wishes – 100% goes to funding trips or special wishes for a dying child.
- St. Jude Research Hospital – 100% goes towards funding and helping children with cancer who have no insurance and cannot afford to pay.
- Ronald McDonald Houses – All monies go to running the houses for parents who have critically ill children in the hospital. 100% goes

Continued on page 2

Mark your calendars!

The 2015 ISBA High School Mock Trial Invitational will take place at the University of Illinois College of Law in Champaign on Saturday, March 14 and Sunday, March 15, 2015.

Help us make this exciting event a success!

Lawyers, judges, law students & paralegals are needed to participate as judges and jurors for the

Invitational.

You do not need trial experience to volunteer!

Mock Trial materials and information about the program can be found on the ISBA's Standing Committee of Law-Related Education for the Public's Web site: <<http://www.isba.org/teachers/mocktrial>>.

For information about becoming a volunteer, please e-mail Mock Trial Coordinator, Aleksandra Ostojic, at: il.hs.mocktrial@gmail.com. ■

INSIDE

A view from the Chair 1

Mark your calendars! 1

Ferguson, Missouri: Clouds and silver linings 3

Illinois' modern family: House Bill 1243 5

Some battles continue to be fought: The Equal Rights Amendment 7

Upcoming CLE programs 9

A view from the Chair

Continued from page 1

- to housing and feeding the families.
- Lions Club International – 100% of donations go to help the blind, buy hearing aids, and support medical missions around the world. Their latest undertaking

is measles vaccines for only \$1 per shot.

Give your wealth and give yourself this Holiday Season. It will come back to you 10-fold. And be thankful for what you have and don't bemoan what you don't have. ■



YOU'VE GOT ONE SHOT.

Make it count.

Call Nancy to find out how an ad in an ISBA newsletter can make the difference in your business.

800-252-8908
217-747-1437

ILLINOIS STATE BAR ASSOCIATION

THE CATALYST

Published at least four times per year.

To subscribe, visit 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

CO-EDITORS

Cindy G. Buys SIU School of Law Mailcode 6804 Carbondale, IL 62901	Jessica C. Natkin Anderson & Boback 115 S. LaSalle St., 26th Fl Chicago, IL 60603
---	--

MANAGING EDITOR/ PRODUCTION

Katie Underwood
kunderwood@isba.org

STANDING COMMITTEE ON WOMEN AND THE LAW

Letitia Spunar-Sheats, Chair
Emily N. Masalski, Vice Chair
Julie A. Neubauer, Secretary
Mary F. Petruchius, Ex-Officio

Hon. Patrice Ball-Reed Cindy G. Buys Tracy D. Douglas Angela Baker Evans Veronica L. Felton Armouti Amanda M. Hall Emily Ann Hansen Alice S. Henrikson Amanda G. Highlander Lori G. Levin Sherry A. Mundorff	Jessica C. Natkin Melissa M. Olivero Kelly E. Parfitt Dixie L. Peterson Kristen E. Prinz Trisha M. Rachoy Amy A. Schellenkens Kelly D. Thames Shira D. Truitt Jennifer B. Wagner Erin M. Wilson
---	---

Rachel McDermott, Staff Liaison
Chantelle A. Porter, Board Liaison
Angela Baker Evans, CLE Coordinator
Annemarie E. Kill, CLE Committee 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.

Announcing another exciting benefit for ISBA members

15% off all ABA books!

ISBA members can purchase any books through the ABA Web Store and receive a 15% discount by entering **ILBar** when asked for a source code upon checkout.*

All ABA titles are included! For example:



The Illinois Survival Guide: Best Practices for New Lawyers
Co-sponsored by the Illinois State Bar Association

The Illinois Survival Guide is a manual for all new lawyers from Chicago to Springfield on everything they need to know to be successful. In two sections—How to Be an Attorney and Starting Your Own Practice—everything from communication to ethics to billing and best practice record-keeping is covered. Plus, the book features nearly 200 pages of indispensable forms and checklists, from a retainer agreement to an estate planning checklist to a sample request to admit.

*Note: Discount does not apply to ABA-CLE iPod products.

WWW.ISBA.ORG/STORE/ABA

Ferguson, Missouri: Clouds and silver linings

By Shira Truitt

Protest and civil disobedience is as American as apple pie. America, itself, was founded on a protest and shaped through acts of civil disobedience—from dumping tea into the Boston Harbor to sit-ins at restaurant counters. When America gets angry about laws it perceives as unjust, Americans react. Over the decades, the protests and acts of civil disobedience have ebbed and flowed from disobeying simple orders to outright rioting. When it comes to racial matters, the intensity and duration of any unrest is significantly magnified. Nearly every major city, at some time during its history, has dealt with civil unrest or riots as America struggled to redefine its relationship with African-Americans. Unlike Chicago, Los Angeles, Detroit, and other major cities, St. Louis was largely spared from civil unrest and riots motivated by race. In fact, the closest St. Louis ever came to a race riot was the 1917 East St. Louis, Illinois race riot; by the time the situation got to St. Louis, there was nothing left but sentiment. That all changed when, on August 9, 2014, eighteen-year-old Michael Brown, an unarmed African-American youth, was fatally shot by Darren Wilson, a Caucasian police officer. The details of the event are still emerging; however, unrest began immediately.

Initially, it was difficult for most to understand the real issue; Michael Brown was not the first unarmed African-American teen killed by a Caucasian officer. Sadly, he hasn't been the last. Since St. Louis isn't particularly known for its progressive attitude in regards to race relations, and comparable instances have occurred before, what made this situation ripe for the unrest that ensued? As with similar situations, the death of Michael Brown is but a metaphor for deeper issues within the St. Louis community. The usual suspects are at play here: poverty, unemployment, and lack of opportunities. But, then, that's nearly everywhere right now. However, St. Louis offers up a special blend that is significantly different than most cities: the poverty trap. Here, one can easily become disenfranchised and dis-empowered due to poverty. Infractions usually punishable by fine can effortlessly become criminal matters due to poverty, a basic misunderstanding of the law, and an embedded distrust of the

people who enforce it.¹ As a result, the death of Michael Brown was not just another tragic incident; rather, it was the fuse connected to the incendiary device of long-held hurt, hate and anger. When it exploded, so did St. Louis County—finally.

If the explosion was a surprise, the initial response by all sides was alarming. Leaving Michael Brown's body on the ground for several hours, the way in which the authorities talked to his mother when she came to the scene to find out if that was—in fact—*her* son, and the way witnesses were summarily dismissed were the final blows that crushed the dense dam of postponed gratification. People who were disillusioned and disenfranchised took to the street in an effort to make something good come out of something so bad. What started out as a protest quickly become looting, as angry and disrespected people felt they had absolutely nothing to lose and, therefore, everything to gain. Having broken the perceived rules of decency and civility by their conduct immediately after Michael Brown's death, authorities tried to enforce the law. However, the lack of rules and the lack of relationships with those subject to the rules made law enforcement impossible. In response, perhaps, to impossibility, law enforcement applied pressure in the form of militarization rather than understanding—the latter tactic used by Captain Ron Johnson. Frighteningly, had they not arrested journalists who made the matter into a First Amendment issue, militarization may have worked!

Equally alarming was the response (or lack thereof) from legal and civic organizations. While not named in this article, several are members of national organizations and nearly all use an alphabet moniker as identification—whether the group is national or purely local. Some organizations immediately grabbed the press's attention by calling meetings seemingly aimed at mobilization. Long on fanfare but short on substance, inclusion, or ability to execute, these organizations quickly wore thin the willingness of those who were immediately ready to help. Suddenly, and without warning to the public, celebrities swarmed Ferguson and the surrounding areas to “help.” Everyone from Judge Greg Mathis to Dick Gregory came to

Ferguson. Even Iyanla Van Zant came to “fix” Ferguson. People and their organizations looking to participate in a constructive way were immediately overwhelmed with assisting in the new “cause célèbre.” While it was completely unclear as to how the influx of celebrities was helping, they kept coming—and people and organizations kept helping.

As details emerged about the death of Michael Brown, sky-high tension coupled with uncertainty threatened to tip things further. Ferguson is a suburb of St. Louis and is located in St. Louis County near the airport; it is a small town of just over 21,000 people. St. Louis County employs an elected County Executive and has an elected representative seat on the St. Louis County Council. Consequently, few mayors in St. Louis County work as full-time mayors and their city councils only deal with municipal issues. Ferguson is no exception. In small towns like Ferguson, it is highly unlikely that the mayor, police chief, or city council have the political acumen, knowledge, skill, or even experience to deal with the events occurring in the aftermath of Michael Brown's death. Because riots had not occurred in St. Louis or its suburbs in several generations, there was no institutional memory from which to draw nor were there experienced people on whom to call. What was present, then and now, was the public's demand for answers. But, how does one meet competing demands? For reasons that only lead to more speculation, the police chief decided to meet the competing demands for information on Michael Brown and identity of the officer involved in incident by giving all the information at once. Consequently, he released the name of the officer who shot Michael Brown and, at the same time, released the convenience store tape of Michael Brown's alleged criminal conduct. Depending on viewpoint, it was the worst—or the best—thing the police chief could have done.

The response from community and civic organizations was absolutely astounding. In my entire professional career, I have never been so disappointed about the conversations from community leaders concerning Michael Brown's death. The closed-door conversation within some of these organizations was that everyone should quit the demands

for accountability and information. And, no further tolerance should be given to the rioters demanding change—because Michael Brown had committed a criminal act! Because the details were slow to emerge (due, in great part, to police immediately confiscating cell phones with any video documentation), more fault could be attributable to Michael Brown, since he “started it.” Therefore, because Michael Brown was not absolutely clean, political and social capital should not be expended to broker accountability and demand systemic change. Unbelievable!

Because I’m a lawyer, I knew the distinctions; because I participate heavily in the community, I understood the audience. Leveraging both, I explained that the State of Missouri already made certain decisions about crime and punishment. Assuming there was a theft, under Missouri law Michael Brown is entitled to a trial with a judge and a jury, if not a bench trial. Assuming there was a theft, anything under \$500 was considered a misdemeanor in Missouri. Missouri, like other states, punishes misdemeanors by fine or jail time. In no state, including Missouri, does one get death by firing squad for misdemeanor theft. And, in no case, would such a thing have happened without benefit of a trial. Even if Michael Brown attacked Officer Wilson, if Michael Brown then surrendered and posed no threat to Officer Wilson or anyone else, the use of deadly force became unnecessary to take Michael Brown into custody for his alleged action. The time it took for civic, political, and community leaders and volunteers to gain this crucial understanding proved critical in the days ahead.

The failure by responsible citizens and organizations to immediately mobilize in response to that tragedy created a vacuum in which the national scene exploded. Groups with no Missouri roots began sending professional protesters that seemed to invite confrontation, incite challenges, and entice large numbers of followers. With local groups being cautious, these groups took to the airwaves and began giving press interviews and making demands. While civic organizations and bar associations worked through by-laws and parliamentary procedure to determine a response, “organizations” whose primary membership consisted of a loose friendship or “churches” whose total membership numbered three, were suddenly giving interviews about Ferguson to national media. The effect was that it dictated the mood and conversation on the ground.

That, in turn, made more people with similar backgrounds suddenly interested in giving national interviews. As is usual in this kind of situations, some meant well, some did well, some were both, many were neither. At the same time, the intensity of the protests—from both participants and police—significantly increased.

Just when things seemed completely unpredictable, utterly leaderless, and uncompromisingly irrational, more national figures appeared. When Attorney General Eric Holder came to Ferguson, his visit was largely seen as a welcome acknowledgment from the Obama administration. The response was positive and it had a calming effect; at least for a while. Al Sharpton came to help with the positive efforts in Ferguson. His visit was met with mixed emotion. Some said he was an opportunist; others said he was heeding a call. With him came additional organizations, people, and an intense national spotlight. With him, according to friends who are elected officials in Ferguson, came resources to quietly help analyze, organize, and evaluate opportunities. What really changed my opinion to the very positive for Mr. Sharpton is the complete change in conversation and the subsequent actions his work engendered.

Before Al Sharpton came to Ferguson, it seemed that organizations’ civic leaders were waiting for some kind of break in the action, believing the protest would die down. With silence and a lack of support, protests would soon become less intense. And, when the legal system caught up with the protesters, the punishment inflicted would serve as a strong deterrent to further protests...or so the theory went. With Mr. Sharpton and his National Action Network, a steady, national spotlight rested over Ferguson. With it, seemingly, came credibility. Mr. Sharpton condemned the looters but lauded the protesters, he connected the family to the protest, and he offered words to match the feelings and sentiments of those who were working through their own feelings about Michael Brown’s death—whether they knew him or not.

While the aforementioned can easily be ignored or discounted, the change in the conversation from organizations and civic leaders was obvious. Business leaders and politicians began raising money and offering help. One group raised over \$100,000 in less than two weeks to help affected business in Ferguson. Another began offering technical assistance to those mobilizing the commu-

nity. As they offered help, they began asking questions. The questions quickly shifted from “What do we need to do here” to “What do we need to do to get Al Sharpton to leave?” Big Difference. It reminded me of the juxtaposition of Dr. Martin Luther King, Jr. and Malcolm X. Scholars of the 1960’s civil rights movement sometimes debate whether Dr. King would have made as much progress as he is credited without Malcolm X. It seemed easier to give Dr. King what he wanted rather than be faced with the demands of Malcolm X. With the Ferguson matter, some people now wonder if the recent concessions made in Ferguson would have happened without Mr. Sharpton. It seems easier to give civic leaders and organizations what they want rather than meeting some of Mr. Sharpton’s demands.

With every cloud there’s a silver lining; and, with every silver lining, there’s a cloud. Part of the silver lining about Ferguson seems to be that the status quo of the civic leadership and community organizations—who failed to keep the riots from occurring—hold a bit less weight with business leaders and local politicians. The effect seems to be a re-shaping of the pecking order by which opportunities are given. An effort to recruit new leadership and invite new membership is being made to people who are ready to work towards tangible opportunities at real change. Another silver lining is that the public dialogue about race is open again and, this time, substantive change is being demanded. Perhaps the most sustainable silver lining is the one occurring with local organizations, whether nationally affiliated or not. Challenged, analyzed, and questioned, several organizations emerged from this experience stronger. Here’s the silver lining to the Ferguson matter for them:

***Know your Mission**

Know what you, and your organization, do. Evaluate your mission and determine whether it is clear enough to encourage—or discourage—involvement when the time comes. Is your organization guilty of “mission creep”? That is, has it gradually shifted to something beyond its original goals? If its members do not know when to act, when its mission is challenged, or what its role is, or should be, you may want to refine the organization’s mission.

***Look at your internal processes**

Develop an internal process for respond-

ing to emergencies. Robert's Rules of Order and internal by-laws can be an Achilles heel when responding to an emergency. There may be no time to call a general body meeting and put things to a vote. Even if you call the meeting, you may not get a quorum. Actions can be ratified, but what are the ramifications if they aren't? Is it better to ask for forgiveness rather than permission so that the organization can act in an emergency? Or, is it better to try and expedite the normal business practices so that the organization can act in an emergency?

*Be ready to rapidly respond

Social media and the 24 hour news cycle require a rapid response. Determine what response will occur and how. Identify subject matter experts and possible back-up early—

and train them now! Rapid response time is critical to the ability to participate in on-going, real-time discussion; learned responses are essential to giving dependable information to the public. This is not an "either/or" position; it's a "both/and" position.

*Share timely, relevant information

In emergencies requiring swift responses, relevant, manageable information—not logic—is the antidote to passion. Logical pleas about postponing gratification in favor of the greater good is not as helpful, at that moment, as telling someone how to do what they want to do within the bounds of the law. Making written material available about rights helps to ensure that people have the necessary information to act within the bounds of the law. As cooler heads begin

to emerge, giving meaningful information in a relevant way better ensures that those who partake will look to your organization for credible information and leadership.

*Encourage people to vote and serve on juries

Two *free* things that people—especially the disenfranchised—keep forgetting! Whether pro-plaintiff or pro-defense, the power structure can't hear you if you don't speak when it's time. ■

1. For an in-depth discussion of this issue, see the Washington Post's article "*How Municipalities in St. Louis County, Mo profit from poverty*" published September 3, 2014. The article, in my experience, is dead-on in its recitation and analysis of the issue.

Illinois' modern family: House Bill 1243

By Emily A. Hansen

Background

The Center for Disease Control estimates that more than 40% of children born from 2007 to 2013 were born to unmarried women. Illinois currently operates under the Illinois Parentage Act of 1984 (750 ILCS 45/1 et seq.) and the Illinois Parentage Act (750 ILCS 40/1 et seq.), which are not only outdated, but do not provide equal rights to both parents, regardless of the parents' legal relationship.

Specifically, the recent holding of *In Re Parentage of J.W.*, 2013 IL 114817, demonstrates the dual standard afforded to unmarried parents compared to divorced parents. In *J.W.*, the Illinois Supreme Court held that custody and visitation under the current Parentage Act must be evaluated under Section 602 of the Illinois Marriage and Dissolution of Marriage Act, or the best interest standard. See also *J.S.A. v. M.H.*, 224 Ill. 2d 182, 211 (2007) ("[T]he right of a biological father to establish paternity to a child born to a marriage does not also mean that the legal rights flowing from the parent and child relationship are automatically conferred."). Thus, even though paternity is established in a paternity action, any parental rights such as custody or visitation are not granted unless it is in the best interests of the child. See *In Re*

Parentage of John M., 212 Ill. 2d 253, 264-65 (2004).

Contrast this holding with a custody and visitation determination in divorce cases, which are evaluated utilizing Section 607 of the Illinois Marriage and Dissolution of Marriage Act. Section 607 gives the non-custodial parent a rebuttable presumption of reasonable visitation absent a showing that this visitation would seriously endanger the child.

Noting this gap between the current law and the reality of societal norms, on February 1, 2013, Representative Kelly Burke introduced House Bill 1243 (HB 1243) to eliminate the dual Parentage Acts. The drafting committee for HB 1243 consists of professionals from the Illinois Family Law Study Committee, representatives from the Illinois State Bar Association Family Law Section Council, Healthcare and Family Services, and the Illinois Attorney General's Office.

HB 1243 – Highlights and Changes

Since HB 1243 is essential to protect Illinois' modern families. We, as practitioners, should know the key differences and highlights of this proposed legislation.

Article 1: Public Policy and Definitions

Beyond reaffirming the public policy

behind the Parentage Act of 1984, HB 1243 expands Illinois' public policy relating to parentage actions. HB 1243 includes that the parent-child relationship extends equally to every child and to every parent, regardless of the legal relationship of the child's parents and regardless of whether a parent is a minor. It should be noted that Illinois continues to be a two-parent state.

Quite possibly the most significant revision reflected in Article 1 is the addition of 22 definitions compared to the four reflected in the current Parentage Act. Some additional definitions include "donor" relating to assisted reproduction, "gestational mother" and "substantially similar relationship."

Article 2: Parent-Child Relationship and Establishment and Presumption of Parentage

This article includes the presumptions contained in the current Parentage Act. Particularly, HB 1243 now extends to children born to civil unions or "substantially similar relationship[s]."

Article 3: Voluntary Acknowledgement of Paternity.

Similar to the current Parentage Act, this Article outlines the execution, acknowledgment, denial, rescission, and challenges to the Voluntary Acknowledgement of Pater-

nity (VAP). The distinct difference between this Article and Section 6 of the current Parentage Act is the removal and relocation of the topic of gestational surrogacy.

This article also outlines the rescission procedures for acknowledged parents, which is limited to sixty days after the effective date of the acknowledgment or the date of a judicial or administrative proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party. After the sixty days or the date of the proceeding, the acknowledged parent can only challenge the acknowledgement on the basis of fraud, duress, or material mistake of fact by filing a verified petition within two years after the effective date of acknowledgment or denial.

Article 4: Genetic Testing

This Article allows for voluntary and court-ordered genetic testing of an individual to determine parentage. Outside of the deletion of the introductory sentence of Section 11 of the current Parentage Act, Article 4 of HB 1243 codifies 750 ILCS 45/11 in its entirety as Section 401 through Section 408. The current 750 ILCS 45/11 was revised and updated in 2011 with HB 2606 drafted by the Illinois State Bar Association Family Law Section Council.

Article 5: Temporary Relief

This Article is retained from 750 ILCS 45/13 and 45/13.1 of the current Parentage Act.

Article 6: Proceedings to Adjudicate Parentage

Just as with any other civil proceeding, this Article conforms parentage actions to the rules of civil procedure. This Article dictates standing, jurisdiction, venue, notice, summons, and joinder. Further, this Article distinguishes between actions involving children having either a presumed parent or an acknowledged parent.

Finally, Article 6 of HB 1243 provides procedures relative to genetic testing, specifically the factors that the court can rely upon in denying a motion for genetic testing, the admissibility of genetic testing, expenses relating to same, and the consequences of declining genetic testing.

An important consideration of this Article is found in the 10 identified factors that a court can utilize in denying motions for genetic testing. This allows parentage courts to consider the circumstances of a given case before ruling on a motion that subjects the child and the litigants to a DNA test.

Article 7: Child of Assisted Reproduction

This Article provides for parentage of children born by assisted reproductive technology, including in-vitro fertilization. In addition, this Article provides for provisions in the event of death or divorce of a donor prior to implantation. Article 7 of HB 1243 should be highlighted as an effort to align the Parentage Act with the advances in science and medicine.

Article 8: Support and Judgments

This Article incorporates language from Section 505 of the Illinois Marriage and Dissolution of Marriage Act. The Article incorporates language from 750 ILCS 45/4.1, 45/13.1, 45/14, 45/14.1, 45/14.5, 45/15, 45/15.1, 45/15.2, 45/16, 45/17, 45/18, 45/20, 45/20.5, 45/20.7, 45/21, 45/22, and 45/23.

Article 9: Miscellaneous Provisions

This Article repeals the Illinois Parentage Act of 1984, 750 ILCS 45, and 750 ILCS 40/1-3.

HB 1243 also removes Section 750 ILCS 45/12.1, which discusses the validity of settlement orders that allow a mother to receive a settlement in exchange for waiving her

rights to bring an action for parentage.

Conclusion

HB 1243 is currently referred to the Rules Committee and is on House Amendment No. 7. As stated by Siobhan Morrissey in *The New Neighbors: Domestic Relations Law Struggles to Catch Up with Changes in Family Life*, 88 ABA J. 37, 38 (March 2002), “[t]he domestic unit in early 21st century America [has become] a crazy quilt of one-parent households, blended families, singles, unmarried partnerships and same-sex unions.” Accordingly, HB 1243 deserves our support as it broadens the protection to both parents and children of unmarried couples. HB 1243 truly brings the Parentage Act from archaic to contemporary in an effort to protect Illinois’ modern family. ■

1. Emily A. Hansen is an Associate Attorney at Bennett Law Firm, LLC, located in Oak Brook, Illinois. Emily concentrates her practice in family law, including parentage, divorce, child custody and post-decree matters. Emily practices in Cook, DuPage, Will and Kane counties.

FREE to ISBA members

Your research isn't complete until you've searched ISBA section newsletters

Fourteen years' worth of articles, fully indexed and full-text searchable...and counting.



The ISBA's online newsletter index organizes all issues published since 1999 by subject, title and author.

More than a decade's worth of lawyer-written articles analyzing important Illinois caselaw and statutory developments as they happen.

WWW.ISBA.ORG/PUBLICATIONS/SECTIONNEWSLETTERS

Some battles continue to be fought: The Equal Rights Amendment

By Lori G. Levin

"Equal rights under the law shall not be denied or abridged by the United States or any state on account of sex." This sentence, ensuring gender equality under the United States Constitution, has generated controversy since the Equal Rights Amendment was first proposed by the National Women's Party to Congress in 1923.

To those women attorneys who lived through the 1960s and 1970s, the fight for the Equal Rights Amendment (ERA) appeared to be the litmus test for securing equal rights for women. Although the passage appeared to fail, the push to ratify ERA has been resurrected. Illinois, a battleground during that fight, is now reconsidering ratification of the Equal Rights Amendment.

As all students of the law know, amending the United States Constitution can be an arduous process. Congress must pass all amendments by a two-thirds majority in both houses. Amendments must then be ratified by three-fourths of the state legislatures.

The ERA was passed by both houses of Congress in 1972. It was then sent to the state legislatures for debate and ratification. A deadline was set for ratification of March 22, 1979. Within the first year, 30 of the necessary states ratified the amendment, with an additional five joining ratification by 1977. In 1978, the ratification deadline was extended to 1982. Although the Illinois House voted to support ERA in 1980, the vote fell short of the necessary three-fifth requirement. No other states voted in favor of the ratification and five states voted to rescind their ratification.

In the 1970s, a female Illinois lawyer, Phyllis Schlafly, led the charge against the ERA. She claimed that the passage of ERA would eliminate alimony, sexual assault laws and same-sex bathrooms. Per ushistory.org, the Stop-ERA movement delivered baked apple pies to Illinois legislators and hung "don't draft me" signs on baby girls.

Although many of these "scare" tactics evidently worked 30 years ago in the Illinois legislature, that movement did not keep women from pursuing careers nor from achieving significant steps towards equality.

Congress, itself, has introduced the ERA in every session since 1982. Proponents of the ERA claim that Congress has the ability to ex-

tend the deadline for ratification, recognize prior ratifications, and even to nullify the attempted rescissions of the ratifications.

As United States Congresswoman Carolyn B. Maloney (D-NY), who has sponsored the ERA since the 105th Congress, states in her letter to her colleagues that "Our democracy rests on the principle of 'liberty and justice for all.' We need the ERA to ensure that this concept applies equal to women."

One of Representative Maloney's most cogent legal arguments in her ERA position paper describes how the ERA would make a difference in the litigation of allegations of discrimination based on gender. She states that "the courts currently determine whether a government statute or classification is discriminatory by using a heightened standard of intermediate scrutiny test. The intermediate scrutiny test provides that the government must prove that its classification based on sex is *substantially related to achieve an important government interest*. The passage of a constitutional amendment regarding sex discrimination would likely raise the standard utilized by the courts from intermediate scrutiny to strict scrutiny. The strict scrutiny test, which is currently only applied to classifications based on race, national origin, and alienage, is nearly impossible to overcome. Strict scrutiny requires that the government prove the classification is *necessary to achieve a compelling government interest, with no less restrictive means to achieving that interest available*." She further states that it would be difficult under the strict scrutiny standard of review to justify government classifications based on gender.

On a local level, during the past legislative session, the Illinois State Senate voted in favor of ratifying the ERA. The Illinois State House did not consider the matter. Presumably, Illinois will take up this issue once again in the next legislature.

"Every Constitution written since the end of World War II includes a provision that men and women are citizens of equal stature. Ours does not."

—Supreme Court Associate Justice Ruth Bader Ginsburg

"We ask justice, we ask equality, we ask that all the civil and political rights

that belong to citizens of the United States, be guaranteed to us and our daughters forever."

—Declaration of Rights for Women, July 1876

Lori G. Levin is an experienced criminal and juvenile defense attorney who practices in the Chicagoland area. She can be reached at 312-972-3756 or levin@lorilevinlaw.com. Her Web site is www.lorilevinlaw.com. She can also be found on Facebook at www.facebook.com/chicagodefense and Twitter @LoriLevin.

It's Campaign Season for the 2015 Election

Run for ISBA Office—

Positions Available:

- 3rd VP
- BOG:
 - Cook (1)
 - Area 1 (Circuit 18) (1)
 - Area 3 (Circuits 12, 13, 16, 21 and 23) (1)
 - Area 4 (Circuits 10, 14 and 15) (1)
 - Area 6 (Circuits 7, 8 and 9) (1)
 - Area 8 (Circuits 3 and 20) (1)
- Assembly:
 - Cook (23)

See the Notice of ISBA Election and get your Candidate Packet on the Web at www.isba.org/elections.

Filing of Petitions begins on January 5, 2015 and ends on February 2, 2015.

NEED IT NOW?

Fastbooks
are available for many
of these titles.

ILLINOIS STATE BAR ASSOCIATION

ISBA Books



Basic Residential Real Estate: From Contract to Closing
Featuring the new Multi-Board Residential Real Estate Contract 6.0!

As the first title in the ISBA's new Practice Ready Series, this book was specifically written to be a must-have resource for new attorneys and any others new to residential real estate transactions. It walks you through each stage of a common transaction, from the moment a client contacts your office to the essential steps you must take after the transaction closes. The book centers on and provides in-depth discussion of the use of the new Multi-Board Residential Real Estate Contract 6.0, one of the most widely used contracts of its kind in Illinois. It includes a 130-page appendix with sample copies of the common documents you will encounter in a residential real estate transaction – client letters, the Multi-Board Residential Real Estate Contract 6.0, contingency letters, financing documents, title company documents, closing documents, and many others. Order your copy today and don't risk seeing these documents for the first time at your first closing!
\$35.00 Members / \$50.00 Non-Members (includes tax and shipping)

HOW TO ORDER

All prices include tax and postage.

ONLINE:

Go to "Bookstore" under "Publications" at [isba.org](http://www.isba.org/store) (<http://www.isba.org/store>)

E-MAIL:

Contact Janet at Jlyman@isba.org

PHONE:

Call Janet at 217-525-1760 or 800-252-8908.

For a complete list of titles, visit www.isba.org/store

RECENT RELEASES

Guide to Illinois Statutes of Limitations and Repose – 2014 Edition

The new Guide to Illinois Statutes of Limitation contains all Illinois civil statutes of limitation enacted and amended through September 15, 2014, with annotations. This quick reference guide brings together provisions otherwise scattered throughout the Code of Civil Procedure and various chapters of the Illinois Compiled Statutes, and also provides deadlines, court interpretations, and a handy index listing statutes by Act, Code or Subject. \$35.00 mbr./\$50.00 nonmbr.

2015 Attorney's Daily Diary

The ISBA Daily Diary is an attractive book, with a sturdy, flexible sewn binding, ribbon marker, and elegant burgundy cover. As always, the 2015 Attorney's Daily Diary is useful and user-friendly. It's as elegant and handy as ever, with a sturdy but flexible binding that allows your Diary to lie flat easily. \$28.45.

GENERAL TOPICS

A Practical Guide to the Illinois Domestic Violence Act

If you take family law cases, you'll find this book an essential aide. Although intended primarily for attorneys who practice in civil court, this book is also valuable for assistant state's attorneys and domestic violence advocates. It provides a clear and comprehensive understanding of the Act, and can be used as a quick reference for researching specific problems. Prepared by attorney Jan Russell from the Chicago Police Department, a highly-rated trainer on domestic violence and child abduction issues who has trained more than 15,000 police officers, lawyers, and social service providers from Florida to Hawaii. \$40 mbr./\$50 nonmbr.

The Illinois Rules of Evidence – A Color-Coded Guide

Are you still not fully familiar with the intricacies of the Illinois Rules of Evidence? Then you shouldn't be without this handy hardcopy version of Gino L. DiVito's authoritative color-coded reference guide. It not only provides the complete Rules, with insightful commentary, but also a side-by-side comparison with the full text of the Federal Rules of Evidence (both pre- and post-2011 amendments). DiVito, a former appellate justice, serves on the Special Supreme Court Committee on Illinois Evidence, the body that formulated the Rules approved by the Illinois Supreme Court. \$35.00 mbr./\$50.00 nonmbr.

Guide to Sentencing and Bond Hearings in Illinois: 2014 Edition

This essential guide for criminal defense attorneys and prosecutors condenses everything you need to know before appearing at a sentencing or bond hearing. It includes a comprehensive sentencing guide, bond hearing guide, and a detailed listing of the most common felony offenses, which provides statutory citations, offense classes, and relevant notes. \$35 mbr./\$49 nonmbr.

Illinois Decisions on Search and Seizure: 2014 Edition

This comprehensive compendium of case summaries is fully updated with decisions issued prior to December 18, 2013. It includes all relevant Illinois and federal decisions, and is a great starting point for any questions related to search and seizure. A must have for all criminal defense attorneys and prosecutors! \$45.00 mbr./\$60.00 nonmbr.

Guide to Illinois Statutes for Attorneys' Fees – 2014 Edition

The 2014 edition of this essential guide lists all provisions in the Illinois Compiled Statutes that authorize the court to order one party to pay the attorney fees of another. No matter what your practice area, this book will save you time – and could save you and your clients money! \$37.50 mbr./\$52.50 nonmbr.

Illinois Domestic Relations Statutes - 2013 Edition

An affordable, easy-to-carry compendium of key family law statutes that no domestic relations lawyer should be without. Includes the Marriage and Dissolution of Marriage Act, Parentage Act, Adoption Act, Domestic Violence Act, and other key statutes you don't want to be without, updated through 2012. Throw it in your briefcase and have the law at your fingertips wherever you go! \$45.00 mbr./\$60.00 nonmbr.

ISBA Family Law Handbook - 2011 Edition

This comprehensive, must-have practice handbook covers nearly everything for general practitioners who handle family law matters. Written by 36 authors who concentrate in the field and edited by John Marshall Professor Cynthia D. Bond, the handbook is a complete update of an ISBA bestseller from the mid-90s. Topics include jurisdiction, pre-marital agreements, settlement agreements, modification of judgments, mediation, custody and visitation, assisted reproductive technology, grandparent visitation, guardians ad litem, property, support and finances, maintenance, child support, civil unions, immigration law, discovery, appeals, insurance matters, property valuation, adoption, paternity, and much more. Add it to your collection today! \$60.00 mbr./\$90.00 nonmbr.

Post-Conviction Practice: A Manual for Illinois Attorneys

Representing a client in a post-conviction case? This manual will guide you through the many complexities of Illinois post-conviction law. Remember, your client already lost, twice – once at trial and again on appeal. He or she needs a new case, which means going outside the record, investigating the facts, mastering the law, and presenting a compelling petition. Andrea D. Lyon, director of the DePaul College of Law's Center for Justice in Capital Cases, and her team of coauthors help you do just that. \$30.00 mbr./\$40.00 nonmbr.

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

Wednesday, 1/28/15- Chicago, ISBA Regional Office—Lawyer to Lawyer Mentoring Orientation. 12-2. Lunch included.

Wednesday, 1/28/15- Live Webcast—Lawyer to Lawyer Mentoring Orientation. 12-2. Lunch included.

Thursday, 1/29/15- Live Studio Webcast—Non-Competes and Other Restrictive Covenants: What you Need to Know. Presented by the ISBA Business and Securities Law Section. 10-11:15am.

February

Thursday, 2/5/15- Chicago, ISBA Regional Office—Lawyer to Lawyer Mentoring Orientation. 12-2. Lunch included.

Thursday, 2/5/15- Live Webcast—Lawyer to Lawyer Mentoring Orientation. 12-2. Lunch included.

Friday, 2/6/15- Normal, Bloomington-Normal Marriott Hotel & Conference Center—Hot Topics in Agricultural Law- 2015. Presented by the ISBA Agricultural Law Section. 8:30-4:30.

Friday, 2/6/15- Chicago, ISBA Regional Office—2015 Federal Tax Conference. Presented by the ISBA Federal Taxation Section. 8:30-5.

Wednesday, 2/11/15- Live Studio Webcast—Effective Estate Planning for Copyright, Publication, and Literary Assets. Presented by the ISBA Trust and Estates Section; co-sponsored by the ISBA Intellectual Property Section. 10-11.

Friday, 2/13/15- Chicago, ISBA Regional Office—FOIA and OMA Update. Presented by the ISBA Education Law Section. 9-noon.

Friday, 2/13/15- Live Webcast—FOIA and OMA Update. Presented by the ISBA Education Law Section. 9-noon.

Monday, 2/16/15- Chicago, ISBA Chicago Regional Office—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9:00am-4:00pm.

Monday, 2/16/15- Fairview Heights, Four Points Sheraton—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9:00am-4:00pm.

Wednesday, 2/18/15- Live Studio Webcast—Race & Sports- Racially Charged Sports Controversies and Legal Concerns. Presented by the ISBA Committee on Racial and Ethnic Minorities. 1-2.

Thursday, 2/19/15- Chicago, ISBA Regional Office—Hot Topic- The New Illinois Supreme Court Program for the Certification of Interpreters, as well as the Effective Use of Interpreters in & Out of Court. Presented by the ISBA International & Immigration Law Section; co-sponsored by the ISBA Civil Practice and Procedure Section and the ISBA Bench and Bar Section. 12-2.

Thursday, 2/19/15- Live Webcast—Hot Topic- The New Illinois Supreme Court Program for the Certification of Interpreters, as well as the Effective Use of Interpreters in & Out of Court. Presented by the ISBA International & Immigration Law Section; co-sponsored by the ISBA Civil Practice and Procedure Section and the ISBA Bench and Bar Section. 12-2.

Thursday, 2/26/15- Naperville, NIU Conference Center—ISBA Solo & Small Firm Practice Institute. Presented by the Illinois State Bar Association. 8:30-5:30.

March

Monday, 3/2-Friday, 3/6/15 - Chicago, ISBA Regional Office—40 Hour Mediation/ Arbitration Training. Master Series Presented by the Illinois State Bar Association. 8:30-5:45 daily.

Friday, 3/13/15- Springfield, Hilton Springfield—Spring 2015 DUI & Traffic Law Updates. Presented by the ISBA Traffic Law Section. 8:55-4.

Friday, 3/13/15- Chicago, ISBA Regional Office—Trial Practice Series: Hearing On Motion for Preliminary Injunction. Presented by the ISBA Labor & Employment Section; co-sponsored by the ISBA Civil Practice Section. 8:55-4.

Friday, 3/13/15- Live Webcast—Trial Practice Series: Hearing On Motion for Preliminary Injunction. Presented by the ISBA Labor & Employment Section; co-sponsored by the ISBA Civil Practice Section. 8:55-4.

Wednesday, 3/18/15- Chicago, ISBA Regional Office—Creatively Resolving Disputes for Special Education Hearings under the Individuals with Disabilities Education Act. Presented by the ISBA ADR Section; co-sponsored by the ISBA Education Law Section, ISBA Family Law Section and the ISBA Child Law Section. 8:30am-12:30pm.

Wednesday, 3/18/15- Live Webcast—Creatively Resolving Disputes for Special Education Hearings under the Individuals with Disabilities Education Act. Presented by the ISBA ADR Section; co-sponsored by the ISBA Education Law Section, ISBA Family Law Section and the ISBA Child Law Section. 8:30am-12:30pm.

Thursday, 3/9/15- Live Studio Webcast—How To: Summary Judgement and Appeals in Human Rights Cases. Presented by the ISBA Human Rights Section. 9-11:30.

Thursday, 3/19/15-Friday, 3/20/15- New Orleans, Hyatt French Quarter—Family Law in New Orleans. Presented by the ISBA Family Law Section. 1-6:15; 9-5.

Wednesday, 3/25/15- Live studio webcast—Avoiding Pitfalls While Navigating Through the Custom Penalty Process. Presented by the ISBA International & Immigration Section. 12-1:30.

Thursday, 3/26- Friday 3/27/15- Chicago, ISBA Regional Office—2015 Environmental Law Conference. Presented by the ISBA Environmental Law Section. 8:30-4:45 with reception until 6; 8:30-noon.

April

Thursday, 4/9/15- Chicago, ISBA Regional Office—Using Freelance Attorneys and Other Outsourcing Choices to Grow Your Practice and Profits. Presented by the ISBA General Practice, Solo & Small Firm Council. 8:30-12:15. ■