

YLD News

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

Law practice civility in the wake of a vitriolic election cycle

BY MICHAEL ALKARAKI

Last month marked the conclusion of a profoundly divisive election cycle marred by exceptionally negative campaign ads, ruthless personal attacks and subordination of genuine issues. Even the most substantive of the three presidential debates included the candidates interrupting and talking over one another (and the moderator), name calling and insinuating if not plainly stating that the other was a criminal. No doubt, Mrs. Clinton at times attempted to elevate the dialogue and refocus on policy, notably invoking First Lady Michelle Obama's proclamation that, "When they go low, we go high." Yet, for reasons far

beyond the scope of this article, it often seemed that little could be done to salvage the dignity of the electoral process. Along the way, political discourse plunged into the gutter.

Appetite for Vitriol

More concerning, perhaps, is what one friend aptly described as the public's "sheer appetite for the vitriol." Reasonable minds may disagree about the extent to which that appetite existed on its own or was catered to and inflamed by the candidates' rhetoric. Regardless, at this point, it not only exists, but runs the risk

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Marketing yourself as a young lawyer without breaking the rules

BY VINCENT OPPEDISANO

Okay, so you put in three or more years of hard work in law school, you have your J.D., you've passed the bar exam, and you're now a practicing lawyer. Now what?

One of the best ways to advance yourself professionally is to get really good at marketing. All law firms are

interested in maintaining and expanding their client base, and if you've started your own firm you probably wouldn't mind growing your practice either. Sure, marketing yourself requires a lot of hard work, but the eventual rewards can be life changing.

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Ten steps for successful conversations with difficult clients

BY KEN STALKFLEET

Difficult clients are the bane of a young lawyer's existence. You just want to wake up, do law, and be happy. Then you wind up on an uncomfortable call with a client. The stress of that call (and the inevitable next one) starts to eat at you. You start to lose confidence in your ability to handle the case (and the client). If the client gets angrier, what's next? An ARDC complaint? A malpractice suit? Didn't I hear about someone threatening a judge last week?

Law schools almost never do enough to prepare you to deal with difficult clients. Even in clinical settings, (1) a client is likely to be getting free services and thus less likely (though far from guaranteed not) to be difficult and (2) a supervisor is likely to handle the tough conversations. This makes a difficult client a chaotic situation for a young attorney. Even a comparatively not difficult client can pose challenges for an attorney who isn't equipped for the personal aspects of legal practice.

These ten steps (and the bonus step) are aimed at making your interactions with clients—difficult or not—more successful.

1. Establish (and know) your role

Clients can often become difficult because of a simple confusion about your role. Without sounding condescending, you may need to correct their understanding of the role of an attorney. If they ask you to ask for something the law doesn't authorize, you need to clarify that this is a problem they need to take to their legislator. If they ask you to speed up a case, you may need to clarify that the judge has a schedule and you're bound by that schedule. If they ask you to make an opposing party do something, you may need to explain that the abilities of both you and the court are limited in that effect.

Knowing your role is really what the next nine steps are about. If you're confused about what your job is, you should consider talking to a more

experienced colleague (always bearing in mind confidentiality issues). Moreover, if you make lapses with a client in sticking to your job, you set bad precedent for the future (see Step 4).

2. Identify the problem

Your client's initial complaint might not be their actual problem. For example, a divorce client might call to complain about an opposing party being late to pick up the child and spend significant time complaining about how bad of a person that party is, asking why you haven't done anything about it. On further inquiry, you could discover the problem is that your client needs to get to work precisely by 8AM on Thursdays, and these late pickups are causing problems at work. This is possibly something that could easily be fixed, if you understood the real problem. While you may want to let your client vent, you also don't want to lose sight of the fact that you need to identify the *actual problem* before you can identify solutions. Otherwise, you're likely to find yourself on the phone every Friday explaining that you cannot make the bad opposing party a good person.

3. Sympathize without pandering

It is important to make sure the client knows that you have understood their problem and what makes it a difficulty for them. You want to avoid pandering or sounding condescending, however. Your client needs to see you as being in a position of authority as far as addressing problems, not someone who is likely to be continually upset by those problems. Telling a client "I understand that you are upset because X causes Y problem for you" also gives a client a chance to clarify if you're misunderstanding the real problem.

4. Set expectations (for the case and for you)

Managing expectations can be incredibly difficult for young attorneys. A

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Difficult clients

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young attorney does not want to appear to be lacking confidence and so may over-promise. To avoid seeming like you simply lack confidence, emphasize the experience of your firm, your colleagues, or other attorneys you have spoken to as to what can be expected in situations like this. A young attorney might just be lacking the experience to understand what can go wrong. If you're unsure, ask other attorneys what they think about the situation (bearing in mind ethical constraints, of course). Pursuing a strategy that isn't likely to succeed is not always the wrong thing to do if it is your best option—instilling a false sense of confidence in the strategy is very wrong and likely to cause you trouble down the road.

The client should also know what to expect of you. What is your timeline on responding to your voicemails? What is the best way to reach you? If they email you, can they be confident you'll see it? Who else can they talk to in your office? When should they expect to hear from you (see Step 9)? It is best to have a pattern and practice for things like this. That way when a client says "You promised to get back to me within 24 hours of a voicemail," you can confidently reply "I'm sorry if there was a misunderstanding, but I have never and will never promise that to any client."

5. Establish what you cannot control

Part of setting expectations is making sure the client knows what you cannot control. In a close case, for example, you can control your presentation and make it as strong as possible, but you cannot guarantee a judge will see the case the same way. In a custody case, you probably cannot control the demeanor of the opposing party or how generally horrible a person they are (there are exceptions for serious enough conduct, of course). You likely cannot control the scheduling of a trial. Your client needs to understand that you *will not* and they *should not* worry about things beyond their control. Beyond being mentally draining, it detracts from the resources you have to

commit to the things within your control.

6. Establish what you can control

End conversations on a positive note. You've addressed uncertainty and things beyond your control, but what can you control? You can often resolve a simple visitation scheduling issue. At trial, you can control your presentation of the case and making sure the judge gets as much of your perspective as possible. If your client is stressed about how long a case is taking, it may be time for another settlement offer or to tell them to take some time off from thinking about it for a month or two.

7. Identify steps that you will take

Let the client know that you are doing something. It is natural for clients to worry that their attorneys aren't doing anything when they don't hear from them for months at a time. Even when everything seems out of your control, there is almost always something you can do to address one of your client's problems. If not, then you have probably failed at Step 9—all of the problems remain "pending" and they are not yet ripe for follow-up.

8. Identify steps that the client should take

This will be dependent on the exact client and situation. Some clients need to be told to put the matters of their case out of their minds. This is especially true when a case is largely dependent on legal issues. In these situations, you need to reinforce to your client that he has "outsourced" his problems on this matter and they are no longer his problems, they are yours. Other clients, particularly in very "active" cases, like divorce cases, may need a sense of control. Giving your client tasks to accomplish not only can help give them a sense of control, but can also instill in them a sense of responsibility for their case. Some cases will turn on what a client does between the time they talk to you and when the judgment is issued. Should the client be gathering evidence?

Civility

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of being taken for granted as a reality of political marketing. After all, for a whole new crop of young voters, this election cycle is simply the norm, having set the standard as all they know.

While ubiquitous in mainstream election coverage, the magnitude of this animosity was displayed most prominently through social media, where generalization, hyperbole, extremism and, frankly, absurdity, seem to flourish. There may be a fortunate few who are unable to recall at least several instances of otherwise "reasonable and decent" friends or connections taking to Facebook, Twitter or similar platforms to use language like "idiot(ic)," "moron(ic)" or far worse to express disagreement with a principle, person or demographic. Some ideas, and even at times some people, are indeed ridiculous, but a rising tide of polarization flooding through matters of great importance to the most trivial is leaving little ground for rational thought. In an Information Age dominated by memes, clips, sound bites, 140 character philosophies and data overload, it seems "the medium [truly is] the message," with basic values of respect and civility displaced by volume and efficiency.

At my *alma mater*, Loyola University Chicago School of Law, where I teach a course focused on the development of persuasive communication skills, some class time was dedicated to reviewing the presidential and vice presidential candidates' debate styles and strategies. It proved worthwhile for exploring the use of themes, appeals to commonly held beliefs and values, how to concisely package and market complex concepts and the power of exposing bias. Much of the discussion, however, concerned what not to do, and how engaging in certain tactics accomplishes little other than undermining counsel's credibility in the eyes of the court and, if unchecked, the integrity of the courts in the eyes of the public.

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Guns & Roses

The adversarial legal system is, at its core, a union of conflict and civility. Without conflict, the system is irrelevant. Without civility, it is impossible. Given the wide range, gravity and often highly personal nature of disputes brought to the courts, whether relating to life, liberty, property or other significant rights, it is no surprise that the highest ideals of professionalism are not always actualized. Indeed, zealous advocacy requires at least some measure of visceral appreciation for a client's circumstances, such that it may from time to time run up against the very standards of professionalism by which it is encompassed. The complexity of this dynamic has made civility in the legal profession a perennial concern for lawyers, judges and the public at large.

Prior to being revised in 2010, the Preamble to the Illinois Rules of Professional Conduct (IRPC) concluded with guidance regarding this critical balance, stating:

The lawyer-client relationship is one of trust and confidence. Such confidence only can be maintained if the lawyer acts competently and zealously pursues the client's interests within the bounds of the law. 'Zealously' does not mean mindlessly or unfairly or oppressively. Rather, it is the duty of all lawyers to seek resolution of disputes at the least cost in time, expense and trauma to all parties and to the courts.¹

The current iteration confirms the same principles in slightly different terms, emphasizing the spirit of the rules and broader social role of lawyers and the courts, as follows:

[Issues of professional discretion] must be resolved through the exercise of sensitive professional and moral judgment guided by the principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining

a professional, courteous and civil attitude toward all persons involved in the legal system.²

The last two decades have seen a coordinated effort among the nation's courts, bar associations and law schools to address concerns that "incivility pervading much of contemporary legal practice was eroding the public confidence in lawyers and the justice system."³ Through increased focus on professionalism, development of social and educational resources and rules promulgation, this movement advances an ethos housed in the first sentence of the IRPC, which states, "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice."⁴

Where We Are Going Now

The trend to recognize more fully a lawyer's concomitant duties is not without its critics. In a brief but thoughtful article charting two centuries of the attorney-client relationship, the authors (one of whom was appointed to the federal bench last year by President Obama) posit that, "When lawyers start to put their duty to the 'system' before their duty to their clients, the adversary system falls apart."⁵ Respectfully, the criticism falls flat because it (1) incorrectly assumes that priority is given to the system above and adversely to the client with no mechanism for resolving or at least relieving potentially conflicting duties, and (2) ignores the fact that the very existence of the system itself requires dedication to its integrity from those through which it operates. Not unlike the President-elect's prior suggestion that he may not accept the election results, a lawyer's refusal to acknowledge a duty to the legal system is *per se* uncivil.

In an article entitled, "Civility as the Core of Professionalism," Jayne R. Reardon, the Executive Director of the Illinois Supreme Court Commission on Professionalism, identifies (with a subtle nod to Illinois Supreme Court Rule 708 - Committee on Character and Fitness) that "Capacity to act in a manner that engenders respect for the law and the profession – in other words, civility – is a requirement for receiving a law license and, in some jurisdictions, for

retaining the privilege of practicing law," concluding that "aspiring and practicing lawyers should be disabused of the notion that effective representation ever requires or justifies incivility."⁶ She then sets forth some "tangible benefits" of civility, including not limited to strategic advantage in a lawyer's engagement, increased likelihood of resolution, improved appeal to the judge and jury, reduced costs to the parties and judiciary, reputational gain, professional rewards and fostering public confidence in the legal system.⁷

In stark contrast to the merit-based conflict resolution afforded by civility in the legal profession, the scorched-earth tactics employed in the recent election have left the public with major questions regarding the President-elect's most basic policy objectives, let alone his strategies for achieving them. As I conclude this article on the day after the election, but at least several weeks before it is published, I look forward to hearing my students' final oral arguments this evening, which I am confident will demonstrate not only a command of the facts, law and procedure, but above all, a sincere respect for the process that is central to the practice of law and administration of justice. ■

1 Supreme Court of Illinois Rules of Professional Conduct, Article VIII, Preamble (2008)

2 Illinois Rules of Professional Conduct of 2010, Preamble: A Lawyer's Responsibilities, Paragraph 9

3 Illinois Supreme Court Commission on Professionalism – Commission Origin, <www.2civility.org/about/commission-origin/>

4 Illinois Rules of Professional Conduct of 2010, Preamble: A Lawyer's Responsibilities, Paragraph 1

5 Doyle III, Vincent E. and Vilardo, Lawrence J., Where Did the Zeal Go?, American Bar Association, Journal of the Section of Litigation (Fall 2011)

6 Reardon, Jayne R., Civility as the Core of Professionalism, American Bar Association, Business Law Today (September 2014)

7 Id.

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Marketing yourself as a young lawyer

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Many lawyers are not natural salespeople, but that doesn't mean we can't improve our marketing skills. Like briefing a case in law school or learning how to properly cross-examine a witness, marketing is a learnable skill. The more effort you put into this enterprise, the more skilled you will become.

Starting to Promote Yourself and Your Practice

In order to attract new clients to your practice, you have to find people who are in need of your services—and then serve them. The best place to start your search for people in need of legal help is your current network; i.e., everyone you know right now: family, friends, former classmates, acquaintances, and the new people you meet every day of your life. One of your goals should be to make sure everybody you know, knows what you do for a living and how you can help them (either now or in the future). Are you a divorce lawyer? Everyone you know should think of you as the “family law guy.” Do you handle residential real estate matters? Everyone who knows you should immediately think of you when they need to hire an attorney for their closing. You get the idea.

One of my mentors, Leonard Amari, would tell you every time you get into a cab (or an Uber), tell your driver what kind of law you practice and give them your business card. If you got a haircut today, did you make sure to tell your barber you're a criminal defense attorney specializing in DUIs? Always keep a handful of business cards handy wherever you go. You never know when a conversation at cocktail hour of your friend's wedding could lead to your newest source of business.

Most of your marketing efforts will never lead to any new business for your firm, but the more you market, the more you will see the rewards of your efforts over time. You may not hear from the first

99 people you handed your card to, but the 100th person could make all of your effort worthwhile.

Following the Rules

As lawyers trying to provide value to our firms by generating new business, there are special limits placed on us by the Illinois Rules of Professional Conduct, particularly by Rule 7. Young lawyers should study this entire Rule in detail, but the following are some key takeaways.

Rule 7.1 – Communications Concerning a Lawyer's Services

Basically, this rule says a lawyer should never lie or make misleading communications about the lawyer or their services. You will gain much more respect from people when you are completely honest with them. It might be tempting to stretch the truth a little about how long you've been practicing or how much experience you have in a particular area of the law, but if you tell potential clients the complete truth about yourself and the legal services you are capable of providing, they will see you as someone they can trust.

Rule 7.3 – Direct Contact with Prospective Clients

Lawyers can't solicit potential clients through in-person, live telephone, or real-time electronic contact when a significant motive for doing so is the lawyer's monetary gain, with a few exceptions. While energy and ambition to generate business is generally a good thing, as lawyers there are limits to how aggressive we can be. As the Comment to the rule states, there is an inherent potential for abuse in these types of communications made by lawyers to potential clients known to be in need of particular legal services. You will want to use an abundance of caution in these situations.

Attorneys are permitted to make written, recorded, or electronic

communications soliciting professional employment from prospective clients known to be in need of legal services in a particular matter—but if you do, you're required to include the words “Advertising Material” on the outside envelope (if any) and at the beginning and ending of any recorded or electronic communication, unless you are communicating with a lawyer or someone with a family, close personal, or prior professional relationship with you.

If you're unsure whether you need to mark a certain communication with the words “Advertising Material,” do it. As Leonard Amari also would say in these types of situations, “It's always better to side with the angels.”

Rule 7.4 – Communication of Fields of Practice and Specialization

You can communicate the fact that you do or do not practice in a particular field of law, but lawyers are prohibited from using the terms “certified,” “specialist,” “expert,” or any other similar terms to describe their qualifications as a lawyer or in any subspecialty of the law.

The ARDC imposes special rules on communications of lawyers to protect the public from dangers like false or misleading communications about lawyers and legal services. Your professional reputation is one of the most valuable things you own as a young attorney, so make sure you know how Rule 7 applies to you before beginning your marketing efforts. Provided you avoid any violations of the Rules of Professional Conduct, marketing and generating new business is one of the best ways for you to provide value to your firm as a young lawyer. ■

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Resume tips: How to maximize your chances of getting hired

BY JUSTIN GREEN

Whether you are a recent law school graduate looking for your first job or an experienced attorney looking for a new opportunity, your resume will play a key role in whether you get hired. Here are some tips to boost your resume and maximize your chances of landing that dream job.

- 1. Contact Information.** Your contact information should include your full name, mailing address, and e-mail address. This information should be right at the top of your resume for the recruiter/hiring partner to see. If you are a recent law school graduate do not use your law school e-mail address. Instead obtain a personal email address such as a Gmail account.
- 2. Be concise.** Your resume should only be one page in length so it is important to make every word count. Make sure that each word on the page shows why you are the best candidate for that specific job. For instance, delete information that is no longer relevant to the job you are applying to.
- 3. Give specific examples of your legal experience.** One of the most common mistakes found on a resume generalizing your experience. An example would be merely asserting you are a family law attorney with experience in child custody actions and dissolution of marriage actions. You should give a specific example of how you obtained a positive result for your client in that child custody or dissolution of marriage action.
- 4. Make room for personal interests.** Even though your resume is only a page in length, make sure to include some of your personal interests. This could give you an edge on the competition if you and the interviewer have a common interest. Your personal interests also afford you the opportunity to show the interviewer that you have a personality

that can fit in with their firm.

- 5. Proofread, Proofread, Proofread... and Proofread some more.** This seems obvious, but all it takes is one typo or spelling mistake and your resume will quickly find itself in the hiring partner's garbage can. Ask a friend or family member to look over your resume as they might be able to catch something you missed.
- 6. Structure.** It is important to make sure your best qualities jump off the page. If you went to a top law school make sure your "education" section is at the top portion of your resume. If you are

coming from a well-known firm, put the "work experience" section at the top portion of your resume. If you went to both a top-tier law school and are coming from a big firm well, why are you even reading this?

- 7. Social media demise.** While this article is about how to get the most out of your resume, it will all be for not if that compromising "Spring Break" photo of you can be seen on your social media accounts. Do yourself a favor and take down any photos or posts on your social media accounts that you would not want your prospective employer seeing. ■



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A note from the Chair: Why a new lawyer should consider active involvement In the ISBA

BY GEORGE SCHOENBECK

On November 10 we gained another 1,374 new lawyers in this state. Many of those newly-admitted attorneys and some of you not so newly admitted attorneys may wonder what involvement in the Illinois State Bar Association has to offer you. As an attorney who has been heavily involved in the ISBA since my admission nine years ago, I can tell you there is much that awaits you. This article is not a summary of the free CLE, practice management software, legal research program and other benefits that come with your general ISBA membership. Feel free to review a comprehensive summary of those benefits at <www.isba.org/membership/benefits>. I will not restate them here. This article discusses the benefits of getting involved in the Association beyond merely signing up and reading newsletters. Here is my summary of the benefits awaiting new and young lawyers who become actively involved in our Association:

1. You become a better lawyer because of the connections you make. Since my admission to the Bar, I have served as a member of the Young Lawyers Division Council, the Trusts and Estates Section Council, the Real Estate Section Council and the Task Force on New Lawyers. I have met and worked with many lawyers through my involvement in the ISBA. Those lawyers come from big firms, mid-size firms, small firms, from all over the State and they practice in a wide variety of areas. Yes, I receive referrals from the lawyers I have met, but the value of this network goes far beyond just referrals. These lawyers enable me to better serve my clients. Whenever I encounter legal issues on the fringe, or outside of, my practice areas, I typically know someone who I have met through the ISBA who practices in the area in question. Often, my relationship with that person through the ISBA makes it simple for me to call or email the person for a candid discussion of the issue. I receive those calls all the

time from other attorneys I know through the ISBA and I am always happy to take them. The attorney I contact may provide me with sufficient advice to handle the issue if it's a minor matter. Where the issue is more involved or further removed from my practice areas, referring the client to another attorney or bringing in that other attorney as co-counsel may make more sense. As I discuss below, ISBA involvement offers you a forum to demonstrate your work ethic and competence. I cannot tell you how many times I have been able to confidently refer a client to an attorney because I know exactly the type of practice in which the attorney is engaged, the person's work ethic and his or her temperament, all of which I learned through my involvement in the ISBA. Knowing how an attorney to whom you are sending a client will handle a matter is much better than knowing merely that the attorney can handle the matter. Aside from fostering relationships with attorneys in other practice areas, participating in the ISBA (particularly, in its Section Councils) permits you to work with other attorneys in your practice area. Those relationships allow you to regularly discuss best practices for your practice area with lawyers outside of your firm. It also facilitates your development of personal relationships with other lawyers in your practice area. Those relationships can make later adversarial proceedings against an attorney with whom you have developed such a relationship easier to navigate. Investing time in the ISBA helps you build a network of attorneys that does far more than generate business for you. That network will make you a better attorney by providing you with candid advice you may need in areas outside of your primary practice areas, trusted counsel to whom you are comfortable referring your clients and a free-flow of information with other attorneys in your practice area.

2. It permits you to influence the field of law in which you practice. As a member of the Real Estate Section Council and then the Trusts and Estates Section Council, I have had the privilege of structuring the positions of the ISBA concerning pending legislation and the ISBA's legislative priorities. The Illinois State Bar Association seeks to protect and advance the interests of lawyers. It pursues these goals, in part, by advocating for our positions before our State's legislators. The ISBA employs a full-time lobbyist who works hard to advance the causes of our Association in Springfield. The ISBA's 40 Section Councils, each with a focus on a substantive area of the law (e.g. Construction Law, Family Law, Trusts & Estates, Etc.) do the work of reviewing, and formulating positions concerning, legislation introduced in the General Assembly. Those positions are then advanced by our lobbyist and often by our members themselves, many of whom have testified before legislative subcommittees in Springfield and have had ongoing dialogues with State Representatives on certain legislative issues. In other cases, the Section Councils or the governing bodies of the ISBA develop their own legislative initiatives, which are advanced in the same manner. I am proud to say that I have seen many of the positions developed by the Councils on which I have sat become the law of our State on account of the ISBA's concerted efforts and influence.

3. It permits you to influence our profession. Through its work in evaluating the judiciary, making recommendations to the Supreme Court, its regular preparation of ethics opinions and its influence on law schools, the ISBA provides you with numerous opportunities to influence our profession. The ISBA's two Judicial Evaluations Committees evaluate the judiciary and

judicial candidates throughout our State. Circuit judges, appellate justices and our Supreme Court Justices regularly rely on the work of these committees in selecting candidates for judicial appointment. The ISBA publishes judicial evaluations for voters seeking to gain more information about the candidates who appear on election ballots as well. The Supreme Court maintains close ties with the ISBA and often elicits the opinions of the ISBA on matters of importance to the profession. In fact, if you go to our Annual Meeting or the Mid-Year Meeting, you will probably run into several of our Supreme Court Justices. I no longer feel excited to shake hands with our Illinois Supreme Court Justices. This isn't because I hold a lesser opinion of any of them. It's because I have already met many of them so many times at ISBA functions. As the voice of our profession in this State, the Association regularly releases ethics opinions addressing the issues Illinois lawyers encounter. The opinions carry significant weight, as they are often cited in case law and by the Attorney Registration and Disciplinary Commission in its proceedings. The ISBA has released several reports in recent years concerning the impact of law school debt on young lawyers, the needs of young lawyers and the advisability of traditional law school curriculum in today's environment. These reports were created through the hard work of many volunteer members of the ISBA. Their reports have led to meaningful dialogue between the ISBA and the Illinois Supreme Court, the Deans of Illinois' law schools and the American Bar Association concerning how we can improve the traditional law school model and improve the plight of our State's young lawyers. All of these endeavors are advanced through the hard work of our members. Our ongoing work in these areas offer you many opportunities to positively influence our profession.

4. The ISBA wants new and young lawyers like you to accept leadership positions.

The ISBA does a great job of ensuring that young lawyers have a voice in the important business going on throughout the Association. Its Board of Governors

has two seats reserved for members under 37 years of age. New Lawyers are often successful in seeking election to its General Assembly as well. The leadership of the ISBA has consistently expressed a desire to appoint more young lawyers to our Section Councils, Committees and other leadership positions. For instance, Daniel Thies, a member of the Young Lawyer's Division Section Council, was tapped by President Cornelius this year to head a special committee tasked with determining whether Illinois should adopt the Uniform Bar Examination. Mr. Thies' committee answered that question in the affirmative and gave a detailed report of its findings to the Board of Governors. The Board unanimously adopted the recommendations of the committee. The Board's position in that regard will likely become a significant consideration of the Supreme Court when it determines whether to adopt the Uniform Bar Examination in the coming months. In my own experience, my status as a young lawyer has assisted me in seeking appointment to the Councils on which I have served. The Association wants more young lawyers involved in its business and is generally eager to place young lawyers willing to get involved in positions that are often more difficult for older lawyers to attain.

5. The ISBA provides you with a forum in which you can build your reputation.

If you are looking for a professional association that enables you to impress people with your work ethic, intelligence and leadership skills, look no further. Appointment to one of its Section Councils would permit you to serve as a newsletter editor, work on its legislative committee, structure ISBA CLE offerings in your practice area and advocate for legislative changes that are important to your practice. Appointment to one of its Committees permits you to influence the policy decisions of the ISBA with regard to the judiciary, professional conduct and a variety of other matters. Running for a seat on the General Assembly or Board of Governors will give you a direct say in the leadership of our Association. All of these opportunities would permit you to engage in hard work that demonstrates

your work ethic, intelligence and leadership skills to the lawyers with whom you work. These efforts help you build a reputation that will reflect favorably upon your law practice. Aside from enhancing your reputation, assuming a leadership position in the ISBA gives you opportunities to develop people management skills that will be useful as your career progresses and you begin managing other lawyers. Involvement in the ISBA allows you to both build your reputation with other lawyers and help you develop the interpersonal management skills you will need as your career progresses.

6. Involvement in the ISBA gives you an opportunity to form strong long-term friendships. The trial by fire we all experienced in the first year of law school caused many of us to forge deep and enduring bonds with the classmates with whom we spent so many hours attending class, studying and decompressing. Active involvement in the ISBA provides many of the same opportunities for friendships, but without the stress of law school. Throughout my years, I have found myself working on various initiatives as a part of a team with a common cause and common passions. These opportunities have caused me to develop many strong and enduring friendships with the lawyers who have stood beside me in pursuing those causes and passions.

'Tis the Season to nominate yourself for an active position in the ISBA. If the foregoing benefits interest you, then invest some time in your ISBA membership this year by nominating yourself for a position on one of its 40 Section Councils or one of its 21 Committees. You could also run for a leadership position in our upcoming elections. You may find more information concerning these opportunities and nominate yourself for the ISBA's Section Councils and Committees at <<https://www.isba.org/memborgroups/nominations/form>>. You can find information about elections at <<https://www.isba.org/elections>>. Note that these nominations and election petition must be submitted early next year. I hope to see you around at the Bar! ■

Ten tips for preparing for the bar exam

BY JENNA K. DIJOHN

Although I sat for the Illinois Bar Exam over one year ago, any mention of the bar exam still sends shivers down my spine. Weeks after sitting for the bar, I was still experiencing frequent anxiety nightmares. In these vivid dreams, I would show up to the exam without a pencil, without a laptop, without having studied, without having finished law school!

Despite the deep-seated anxiety that it conjures up, the bar exam is a rite of passage for every attorney. I am here to share with you ten tips and suggestions for preparing for the bar exam, in hopes that I can quell your anxiety and remind you that everything is going to be ok.

As you read the advice to follow, please keep one thing in mind: when gearing up for the bar exam, the most important thing is to do what works best for you as an individual. What worked best for me, may not work best for you, and what works best for you may not work best for your study buddy (more on that later). Bearing that in mind, here are the suggestions I have for those of you who will soon begin preparing for the bar exam.

1. Find a routine that works for you

I am the type of person who, in the absence of a routine, wakes up late, watches Netflix in my PJs, goes to a yoga class, and then start studying at 5:00 pm. Although relaxing, this type of schedule has never been conducive to successful studying for me. So when it came my time to start preparing for the bar exam, I made sure to set a strict routine in order to achieve the best possible results. I woke up at the same time every day, ate a healthy breakfast, and made sure to get out of the house to study, so as to stave off any Netflix craving I might feel throughout the day. However, so as not to get bored of my routine, I often switched up my study locale. Sometimes I studied at the library, sometimes at a friend's conference room, and yes, sometimes even on my couch while watching Netflix. I recommend setting a routine for yourself so that you are motivated to study and can limit your distractions.

2. Make sure to warn your family, friends, and significant other about what to expect while you are preparing for the bar exam

My family, friends, and significant other were extremely supportive of my studying schedule, and I am sure yours will be too. However, it is important to remind those closest to you how much time you will actually need to devote to preparing for the bar exam. Sometimes they will need extra reminding, and it is ok to tell them that you are busy studying so no, you can't hang out tonight. If you are prone to mood swings when your stress level is heightened, you may want to also warn your friends and family before you begin preparing for the most important test of your life. (I would like to take this time to thank everybody who put up with me during the Summer of 2015. You know who you are).

3. Designate a block of time to studying (7-10 hours per day) and stick to it

I cannot stress how important this is, both in terms of actual time spent studying, but also in terms of time spent NOT studying. Trust me, if you work as hard as possible for 7-10 hours a day preparing for the exam, your brain will want (and need!) a break. I suggest preparing for the exam from about 8:00 am until 4:00 pm (or whenever you are the most productive!). After 4:00 pm, do your best to set aside your study materials and decompress. Your brain needs time to rest in order to absorb the material you are learning.

4. Study buddies work for some, not for others

I was fortunate enough to find two law school friends whose study habits were similar to my own, and the three of us spent the entire summer studying together. (S/O to my bar exam study buddies!) These friends not only helped to keep me on track and motivated, but were also there to answer substantive questions about the material and explain concepts that were difficult for me to fully grasp. Having study

buddies can also be an amazing support system. The three of us were all going through the same grueling process, and it was nice having people with whom to share my anxieties and concerns about the exam.

That being said, some people do not study well in groups. Whether it distracts them, gives them anxiety, or does not work for some other reason, studying with a group is not for everyone. My best advice? If you are unsure of what is best for you, give it a go if you find people that you think you will study well with. If for any reason the arrangement stops working for you, don't be afraid to respectfully excuse yourself from the study group and do your own thing. They will understand. I promise.

5. Flash cards!

Flash cards are an excellent tool for the bar exam! Some people make their own, but they are also available for purchase if you find that you don't have the time to make your own. Flash cards are an excellent tool to use while traveling, especially if you are not able to bring all of your study materials along.

6. Try to designate one day a week to do something fun (and unrelated to the bar exam)

I will admit, while studying for the bar exam, I did not (totally) give up on my social life. I went to weddings, I saw friends on the nights and weekends, and I went on a few weekend getaways. Keeping in touch with the outside world was, for me, a crucial part of my eventual success on the bar exam. Although I know not everyone shares my thoughts on keeping some semblance of a social life while preparing for the bar exam, try to designate one day per week to take the day off from studying and do something fun. Leave your books and flashcards at home and go on a hike, meet up with friends for cocktails, take a day trip to your favorite lake, etc. I found that shutting off my brain for a day or two really helped refresh my mind and body and I studied harder and smarter afterward as a result.

7. Bring healthy snacks to study sessions

When I started studying for the bar exam, my study buddies and I brought an endless amount of chips, chocolate, and candy to our study sessions. While it was fun for the first few days, we felt sluggish and tired by the end of the week. After that, my study group alternated bringing healthy snacks to share. We found that healthier alternatives such as veggies, hummus, and banana bread satisfied our cravings but also fueled our energy and study habits. Healthy snacks can make a huge difference in your energy and motivation levels.

Difficult clients

CONTINUED FROM PAGE 4

Putting together a written account of what happened? Enrolling her daughter in summer camp? When they call back—on time or prematurely—be sure to ask them about their progress.

9. Set a time for follow-up

A time for follow-up is a good way to establish both boundaries and to give a client a sense of how urgent their problem really is. You don't want to get to the end of a call, think you've conveyed that this is a three-months-down-the-road issue, and then get a call about the same problem next week. If you don't set a time for follow-up, the client may call far before you expected but far after he really wanted to, leaving you both unhappy for the next call. If you ask your client to update you on their progress on their projects (see Step 8), be clear as to how they should do that. It is fine to say, for example, "Send me whatever you find by mail. You don't need to call me. If you want to be sure we received it, call my paralegal to confirm. I'll call you in March, like I said, to discuss the next steps."

10. If all else fails, revisit the relationship

This should be a last resort, but it should never be out of the picture. If you

8. Attorneys who have recently taken a bar exam are a wonderful resource. Take advantage of their willingness to help!

You are not the first person to take the bar exam, and you are certainly not the last. Ask your mentors, friends, and former classmates who have taken the bar exam for help, guidance, advice with regards to the exam. Trust me, they will be happy to help, as they once stood in their shoes. And after you have taken the bar exam, make sure to pay it forward and share your knowledge with those who come after you.

9. Don't forget to exercise!

Walk! Run! Bike! Yoga! However you choose to get that blood pumping, make sure to stay active while preparing for the bar exam. It is an excellent way to ease

your stress and anxiety, not to mention a productive way to give your brain a break!

10. Relax

In the days leading up to the bar exam I did some substantive preparation, but I mostly prepared mentally. Deep breathing exercises helped me deal with the stress, as did talking with my peers and mentors (See Nos. 4 and 8, *supra*). The night before the bar exam, I did not even open my study materials. I trusted that the preparation I had endured all summer would get me through the exam, and I also thought that any last minute studying would only lead to confusion and anxiety.

Well there you have it. My ten tips, suggestions, tricks, etc. for your bar exam preparedness. Regardless of what happens, just remember that everything will be ok. ■

have taken the case so far that the judge will not let you out, but you want out, you have likely made a mistake at an earlier point. You should warn the client ahead of time of this possibility, being careful not to undermine your relationship while it exists. A good way to discuss client demands like more of your time or more phone contact is to simply say, "I understand that you want X from me, but I don't believe I can give that to you, so you may want to think about whether you'd like to continue working with me." For disagreements about strategy, you can say something like "For the reasons I've given, I don't believe Y approach is appropriate in your case, and I'm not willing to pursue it. If you're committed to this strategy, we need to discuss the steps for you to find a new attorney." The attorney-client relationship is a partnership, and it doesn't have to be personal when that partnership cannot continue.

(Bonus Step) Preserve the record

Difficult clients often have lapses in memory. Maybe they're busy, maybe they have bad memory, or maybe they just remember what they want to remember. Putting communications in writing or in email, even just memorializing what you talked about on the phone, is a good way to

make sure the client cannot blame you for later confusion. It also gives them something to come back to. If they have three tasks to complete over the next three months, you want them consulting an email, not having an excuse to call you every week because they forgot what they needed to do ("oh, and by the way, can we talk about...").

Following these steps will go a long way to improving your client relationships. Most importantly, they will enable you to create the mental space you need to do "real" attorney work. If you find that a client issue is nagging at you, then you need to address it as quickly as possible. The stress of being an attorney can be heavy enough even when the client relationship is perfect. Worrying about an upset client unnecessarily compounds the issue.

Finally, the above steps should allow you to improve your actual practice as an attorney. You will no doubt encounter situations where you feel like a client is upset with you, but in actuality you are projecting your frustration with the lack of a coherent case plan onto the client. Applying the above steps forces you to come up with a plan for your case when you might otherwise be putting off challenging issues. ■

Five ways to enhance your credentials as a new family law practitioner

BY MARIE SARANTAKIS

1. **Become a Certified Mediator.** The demand for mediation is growing in the field of family law. Some jurisdictions now make it mandatory to attempt to resolve ongoing conflicts with the assistance of a mediator in certain stages of the litigation process.
2. **Train in Collaborative Law.** Many parties, whether to reduce conflict or save on costs, elect the more amicable route of a collaborative divorce process. Lawyers trained in facilitative negotiations are increasingly sought after.
3. **Teach CLE Courses.** By teaching

industry courses, you will greatly improve your understanding of a particular area of law and others will come to know you as an expert in that niche. This is a great way to gain exposure and credibility amongst your peers, which may lead to referrals.

4. **Write Articles for Industry Publications.** There are a plethora of newsletters and magazines eager to publish fresh content. Publication will provide you with great exposure to lawyers and non-lawyers alike. Do not forget the added bonus of increased search engine optimization linking

your name to your article online.

5. **Serve Your Local Bar Association.** Bar associations are a rich resource loaded with opportunities to become appointed to leadership roles and attend events where you can socialize with like-minded individuals while growing your professional network. ■

Marie Sarantakis is a family law practitioner with Umberto Davi & Associates, P.C. in Western Springs, Illinois. She currently serves as an appointed member of the ISBA Young Lawyers Division, Co-Chair of the Chicago Bar Association's Law Student Division, and Vice Chair of the ABA Young Lawyers Family Law Division.



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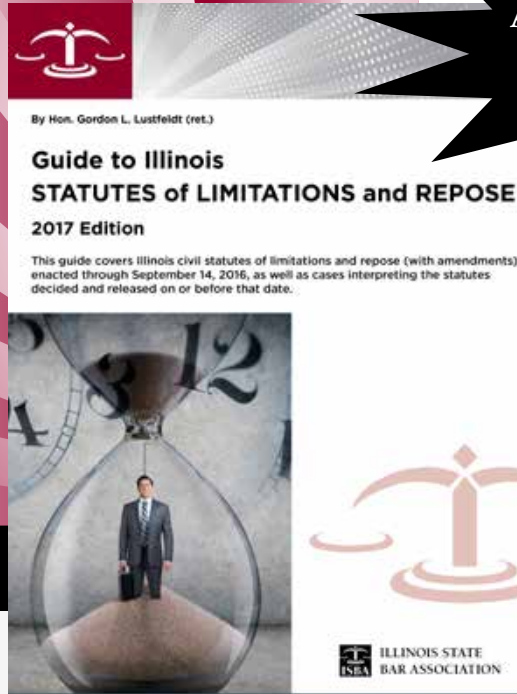
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Tuesday, 01-10-17- Webinar—

Technology and Business Planning for a Law Firm. Practice Toolbox Series. 12:00 -1:00 p.m.

Thursday, 01-12-17- Live Webcast—

Immigration Law Update Spring 2017—Changes which Affect Your Practice and Clients. Presented by International and Immigration. 12:00- 1:30 p.m.

Friday, 01-13-17- Chicago, ISBA Regional Office—Implicit Bias in the Criminal Justice System. Presented by Criminal Justice. 9:00 a.m. – 4:45 p.m.

Wednesday, 01-18-17- Live Webcast—

The Nuts and Bolts of Drafting Non-Disclosure Agreements: Tips for the Practicing Lawyer. Presented by Business & Securities. 10:00 a.m. – 11:00 a.m.

Wednesday, 01-18-17—Live Webcast—

Presented by Labor and Employment. 12:00 p.m. – 1:30 p.m.

Tuesday, 01-24-17- Webinar—

How to Stop the 8 Things Killing Your Law Firm. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 01-25-17- Live Webcast—

Helping Immigrant Children- Special Immigrant Juveniles. Presented by International and Immigration; co-sponsored by Bench and Bar. 11:00 a.m. – 12:00 p.m.

Wednesday, 01-25-17- Live Webcast—

Housing Justice v. Housing Injustice: How Unfair Housing Practices Keep Segregation Intact. Part 1: SCOTUS Opinion, Fair Housing Policies and Housing Voucher Programs. Presented by REM; multiple cosponsors (see agenda). 1:00 – 3:00 p.m.

Thursday, 01-26-17—Chicago, ISBA Regional Office—Family Law Table Clinic

Series—Session 3. Presented by Family Law.

1:00 – 3:00 p.m.

Friday, 01-27-17- Chicago, ISBA Regional Office & Live Webcast—Recent Developments in State and Local Tax—Spring 2017. Presented by SALT. 8:30 a.m. – 12:45 p.m.

February

Wednesday, 02-01-17—Chicago, ISBA Regional Office—Cybersecurity: Protecting Your Clients and Your Firm. Presented by Business Advice and Financial Planning; co-sponsored by IP (tentative). 9:00 a.m. – 5:00 p.m.

Friday, 02-03-17- Springfield, Illinois Department of Agriculture—Hot Topics in Agricultural Law- 2017. Sponsored by Ag Law. All Day.

Friday, 02-03-17- Chicago, ISBA Regional Office—2017 Federal Tax Conference. Presented by Federal Tax. 8:20 a.m. – 4:45 p.m.

Monday, 02-13 to Friday, 02-17—Chicago, ISBA Regional Office—40 Hour Mediation/Arbitration Training. Master Series, presented by the ISBA—WILL NOT BE ARCHIVED. 8:30 -5:45 daily.

Tuesday, 02-14-17- Webinar—Hardware & Software: You Bought It, You've Got It... Now Use It! Practice Toolbox Series. 12:00 -1:00 p.m.

Monday, 02-20-2017- Chicago, ISBA Regional Office & Fairview Heights—Workers' Compensation Update – Spring 2017. Presented by Workers' Compensation. 9:00 a.m. – 4:00 p.m.

Wednesday, 02-22-17- Live Webcast—Housing Justice v. Housing Injustice: How Unfair Housing Practices Keep Segregation Intact. Part 2: Landlord Privileges/Defenses and Tenant Rights/Remedies. Presented by REM; multiple cosponsors (see agenda).

Thursday, 02-23-2017—Webcast—Written Discovery Part 2: Electronic Discovery – How to Seek, Locate, and Secure. Presented by Labor & Employment. 1:00 – 3:00 p.m.

Friday, 02-24-2017- Chicago, ISBA Regional Office—Wrongful Death, Survival, and Catastrophic Injury Cases. Presented by Tort Law. 8:45 a.m. – 1:00 p.m.

Tuesday, 02-28-17- Webinar—Introduction to Microsoft Excel for Lawyers. Practice Toolbox Series. 12:00 -1:00 p.m.

March

Thursday, 03-02-17—Chicago, ISBA Regional Office—Family Law Table Clinic Series—Session 4. Presented by Family Law.

Friday, 03-03-17- Chicago, ISBA Regional Office & Webcast—8th Annual Animal Law Conference. Presented by Animal Law. 9:00 a.m. – 5:00 p.m.

Thursday, 03-09 and Friday, 03-10—New Orleans—Family Law Conference NOLA 2017. Presented by Family Law. Thursday: 12:00 pm – 5:45 pm; Reception 5:45- 7:00 pm. Friday: 9:00 am – 5:00 pm.

Tuesday, 03-14-17- Webinar—Matter Management Software- Why Outlook Isn't Good Enough. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 03-22-17- Live Webcast—Housing Justice v. Housing Injustice: How Unfair Housing Practices Keep Segregation Intact. Part 3: Mortgage Fraud, Subprime Lenders, and Foreclosure Crisis. Presented by REM; multiple cosponsors (see agenda). 1:00 – 3:00 p.m.

Friday, 03-24-17- Chicago, ISBA Regional Office—Jury Selection Techniques and the Use of Jury Focus Groups. Presented by Labor and Employment. TIME TBD—full day.

Wednesday, 03-29-17- Chicago, ISBA Regional Office & Live Webcast—Professional Responsibility and Ethics—Spring 2017. Presented by General Practice. 12:50 p.m. – 5:00 p.m.

Tuesday, 03-28-17- Webinar—Access Your Documents from Anywhere and Share Them with Others. Practice Toolbox Series. 12:00 -1:00 p.m.

Friday, 03-31-2016 – iWireless Center, Moline—Solo and Small Firm. Title TBD. ALL DAY.

April

Thursday, 04-06-17- Chicago, ISBA Regional Office—Housing Justice v. Housing Injustice: How Unfair Housing Practices Keep Segregation Intact. Part 4:

Resources for Rebuilding. Presented by REM; multiple cosponsors (see agenda). 1:00 – 5:00 p.m. (program). 5:00 – 6:00 p.m. (reception).

Friday, 04-07-2017—NIU Hoffman Estates—DUI and Traffic Law Updates—Spring 2017. Presented by Traffic Law and Courts. 8:55 – 4:00.

Tuesday, 04-11-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 04-19 to Friday, 04-21—Starved Rock State Park—Allerton Conference—Title TBD. Presented by Civil Practice and Procedure. Wednesday: 12:00 p.m. – TBD. Thursday: TBD. Friday: TBD-12:00 p.m.

Tuesday, 04-25-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m.

May

Tuesday, 05-09-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m.

Thursday, 05-18-17—Chicago, ISBA Regional Office—Family Law Table Clinic Series—Session 5. Presented by Family Law.

Tuesday, 05-23-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m.

June

Friday, 06-02-2016—NIU Conference Center, Naperville—Solo and Small Firm. Title TBD. ALL DAY.

Tuesday, 06-13-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m.

Wednesday, 06-21-2016—Chicago, ISBA Regional Office and Live Webcast—Title TBD- Marty Latz Negotiations. Master Series Presented by the ISBA. Time TBD.

Tuesday, 06-27-17- Webinar—TBD. Practice Toolbox Series. 12:00 -1:00 p.m. ■

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