



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

The newsletter of the ISBA's Standing Committee on Women & The Law

Letter from the chair

By Celia G. Gamrath

Long before today's role models of Chief Justice MaryAnn McMorrow, Justice Rita Garman, Judge Carol Bellows, and Esther Rothstein came along, there were the female founders of the legal profession like Myra Bradwell who broke barriers and fought for the right

of women to practice law. Thankfully, by the time I entered the legal profession in 1994, so many women had overcome so many obstacles and paved the way for women like me to have the opportunity to succeed, build on their accomplishments, and remedy the injustices that remain.

Myra Bradwell was Illinois' first female lawyer. She worked her entire life for the chance to practice law but was denied admission to the Illinois bar because she was a woman.

Consequently, Ms. Bradwell channeled her energies into changing the law to give women the right to enter the Illinois bar. She also founded the *Chicago Legal News*, the precursor to the *Chicago Daily Law Bulletin*, and had an enormous impact on the legal profession as a publisher, lobbyist, and activist.



Celia Gamrath

Without question, Myra Bradwell was a visionary advocate and pioneer for women's legal independence. However, based on the number of extraordinary women I have met throughout the State of Illinois, I do not believe Ms. Bradwell was unique in her determination, perseverance, or legal thinking. It is something that so many of us bring to the legal profession in striving to be the best we can be, knowing

that our work product is a reflection on the women who follow us.

Not too long ago the law was considered a man's profession. Thanks to our foremothers, who made substantial strides, today women enjoy a seat at the table where our voices are heard and impact greatly the law and politics. In celebration of Women's History Month, we dedicate this issue of the *Catalyst* to the extraordinary women who faced and fought against gender inequality and helped change the prejudices and attitudes against women in the legal profession. We must remember their sacrifices and tireless efforts and continue their work to eliminate all forms of discrimination by creating new paths of opportunity and success for women.

Celia G. Gamrath is a partner with the Chicago office of Schiller, DuCanto and Fleck. She concentrates in high-stakes matrimonial law cases and appeals.

IN THIS ISSUE

- Letter from the chair 1
- Celebrate: National Women's History Month 1
- Senior ISBA women share law practice insights, wisdom and humor 2
- Myra Colby Bradwell: Illinois' first woman lawyer 4
- The remarkable life and times of Alta May Hulett 5
- Preventive law 6
- Representing the child in proceedings under the Illinois Marriage and Dissolution of Marriage Act 7
- Firsts in women's achievement 8
- WBAI's 90th anniversary celebration 9
- Women Everywhere: Partners in Service Project 10
- Chicago Metropolitan Battered Women's Network 11
- Calendar of events 11

Celebrate: National Women's History Month

This special edition of *The Catalyst* celebrates National Women's History Month—March, 2004. During this special month, we celebrate the achievements of women throughout history and for us, the efforts of pioneering women

lawyers that paved the way in providing the opportunities available in the legal profession today.

As recently as the 1970s, women's history was virtually an unknown topic in K-12 curriculum or in the general public consciousness. In 1978, the

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Education Task Force of the Sonoma County, CA Commission on the Status of Women initiated a "Women's History Week" in connection with "International Women's Day"—March 8th. In March, 1980, President Jimmy Carter issued a presidential message encouraging the support of Women's History Week. In 1981, a joint congressional resolution followed doing the same.

In 1980, the National Women's History Project ("NWHP") was founded in Santa Rosa, CA. The goal was to be a national clearinghouse for general information about women's history and for specific information about National Women's History Week celebrations. In 1987, the NWHP spearheaded a movement to expand national celebrations to the entire month of

March and a joint congressional resolution did so. Since 1992, a presidential proclamation has carried the directive for what is now a major national and international celebration.

We hope you enjoy our special issue of *The Catalyst* in recognition of National Women's History Month and in celebration of the history of women lawyers in Illinois.

Senior ISBA women lawyers share law practice insights, wisdom and humor

By E. Lynn Grayson

To celebrate National Women's History Month, we thought it appropriate to communicate with women lawyers and to document their beliefs, observations and insights. We created a brief survey and focused our efforts on experienced ISBA women attorneys (each graduated from law school no later than 1960). In correspondence to these women attorneys, we asked for responses to the following survey questions:

1. What is your most memorable experience in your legal career to date?
2. What is the most significant professional challenge you faced upon law school graduation and what do you think is the most significant challenge facing women today?
3. What have you learned in your career or what advice have you been given that has helped you succeed in your law practice?
4. Do you have a humorous anecdote that you recall fondly associated with being a women lawyer that you would like to share with us?

In conducting this survey, we wanted to highlight the achievements of our women attorneys and provide an opportunity for all of us to benefit from the experiences these women have had in their legal careers to date. A sampling of the responses received are detailed below along with the name of the attorney submitting the response, where she resides and her bar admission date.

1. What is your most memorable professional experience in your legal career to date?

Admission to the Patent Bar as an attorney; serving as President of the Women's Bar Association of Illinois

(1969-70): appointment as an Assistant Corporation Counsel for the City of Chicago. (M. Lois Dierstein, Chicago, IL, Bar Admission: 1957).

When I won the primary election for a seat on the appellate court and was later elected in the general election. The climate was hostile for an unslated candidate but I managed to prevail with big help from the WBAI. (Jill K. McNulty, Chicago, IL).

The most memorable professional experience in my legal career occurred in January 1944, before I ever stepped foot in a county courtroom, conducted a cross examination, or interviewed a witness. As stated in my letter, I took the oath as an attorney in the Harrisburg office of Supreme Court Justice Thompson who represented my district on December 18, 1943. My class was to be admitted in January when the court convened for its Winter term. However, my father represented one of the parties to an election contest case involving a County Judge of Union County Illinois (Tuthill v. Rendleman, 387 ILL. 321) which was set for oral argument at the January term. My father arranged the early admission so that I could orally argue his case. The case required the Supreme Court to reverse its prior holdings. When I got up to make my argument, I was a nervous neophyte, and poured myself a glass of water, with my hand shaking so badly I spilled water all over my notes. I later learned from my father's co-counsel that when he saw my hand shaking he whispered to the attorney, "My God, what have I done to Dorothy." But I had prepared, prepared, and prepared for that argument and I had almost memo-

rized the court's older rulings. I was questioned soundly by the justices but I knew I was ready with the answers. Conclusion: The court did reverse its older rulings and held that our client was successful in the election by three votes. (Dorothy W. Spomer, Cairo, IL, Bar Admission: December 8, 1943).

Trying my first felony jury case and winning it. Working to establish the rule of law in one of the former Soviet Republics—giving input in writing a new constitution, working with lawyers to set ethical code of conduct, conducting seminars about a new legal system, etc. (Regina Narusis, Cary, IL, Bar Admission: 5/19/60).

2. What is the most significant professional challenge you faced upon law school graduation and what do you think is the most significant challenge facing women lawyers today?

Obtaining employment in the profession after graduation from law school. Although I was on the Law Review at Northwestern, most of the law firms would not even give me an interview. Greatest challenge today is for women to get to the top positions in a law firm climate that is sensitive to women's domestic responsibilities. (Jill K. McNulty, Chicago, IL)

Because of my background, I did not face the challenges women face today. When I graduated from college—20 years before I graduated from Law School, women were in a different position. Beginning in the early 1920s, New York's Governor Alfred E. Smith began to appoint qualified women to the bench and to head

up administrative agencies. When Franklin D. Roosevelt appointed Frances Perkins Secretary of Labor, she was not appointed because she was a WOMAN. She was promoted from her position as New York's Commissioner of Labor and Industry. During the war years (1941 to 1952, if Korea is included) many educationally qualified women were able to find employment commensurate with their skills. The trouble really started in the 1950s, perhaps in reaction to the dearth of men in professional positions during the war, and perhaps in response to some of the social science psychobabble of the day. (There was a great trend in academia to assign "roles"—in other words, pigeon-hole people and consider any deviation as neurotic). It was during this period that women were consigned to marriage and the home. When I became an attorney I was recommended to my jobs—both as house counsel and legal writer—on the basis of my experience.

The greatest challenge to women today appears to be balancing career ambitions and the desire to raise a family. This was easier to do in the 30s and 40s when law was more of an entrepreneurial calling. Women were able to keep their hands in by helping the neighbors and communities with their legal problems and gradually building a new practice. (Gladys Glickman, New York, NY, Bar Admission: 1959).

Upon graduation finding a job as a lawyer, not a clerk or secretary, one that would allow me to try cases. Not trying to be like the men or be one of them, instead enjoying being women, feminine in dress and behavior. (Regina Narusis, Cary, IL, Bar Admission: 5/19/60).

Finding a position commensurate with law school ranking and avoiding being pigeonholed in women's fields (probate and real estate) were my greatest problems. I had an undergraduate degree in business and wanted to work in the corporate or antitrust fields. While good entry-level jobs may be more plentiful, I think women still have problems with the "glass ceiling." (Leila Merrell Foster, Evanston, IL, Bar Admission: 1953).

3. What have you learned in your career or what advice have you been given that has helped you succeed in your law practice?

My advice to new women lawyers: study, study, study! Be smarter than the next one if possible. Walk into a courtroom thinking that you are well prepared for what comes. (Dorothy W. Spomer, Cairo, IL, Bar Admission: December 8, 1943).

All men are not your enemies. Their problems may be somewhat different but they have no bed of roses. In recent years people (men and women) hired at six-figure salaries have been laid off as if they were assembly line workers, except they have no right of seniority recall. Their salaries are often an impediment to finding other employment and I am told that getting together and forming a new firm is not an option. This is unfortunate both for young lawyers and for the middle-class client. There might be less unlawful practice of law if there were more small, growing law firms. (Gladys Glickman, New York, NY, Bar Admission: 1959).

When I began the practice of law in 1960, there was not much advice available. First you must enjoy what you are doing. Set your goals and go for them. Work hard, live by your standards and balance your work with your private life. (Regina Narusis, Cary, IL, Bar Admission: 5/19/60).

"Don't admit that you can type." Now with computers, everyone types. But in the 50s, it was important to be seen as a lawyer and not as a legal secretary. Your image of yourself as a professional communicates itself to others. (Leila Merrell Foster, Evanston, IL, Bar Admission: 1953).

4. Do you have a humorous anecdote that you recall fondly associated with being a woman lawyer that you would like to share with us?

When I joined a law firm upon graduation from law school, I was sent to federal court to answer a status call on a pending case. Every time I approached the bench the judge would say, "Young lady, are you a lawyer?" I answered, "Yes." On my fifth trip to federal court to answer the status call on this case, I was asked for the fifth time by the judge if I was a lawyer and for the fifth time I answered in the affirmative. At this point my opponent said, "Judge, I will stipulate to the fact that she is a lawyer." The

judge flushed with embarrassment and never asked that question of me again and I was very grateful to my gracious opponent for the elegant and effective way he put the issue to rest. (Jill K. McNulty, Chicago, IL).

I do not recall a humorous anecdote associated with being a woman lawyer, but I recall campaigning for my first election in 1950. I went house to house in the county and city handing out my cards and soliciting votes. In all my campaigns, there were only two men who looked at my card, looked me straight in the eye, tore up the card, and threw it at me. The first man called me later that day, said he was sorry for his bad manners and asked if he could hand out some election cards for me. The other man after my election had a young son in juvenile court for a serious crime. He was so distraught that he approached me as I entered the front door of the courthouse, put his head on my shoulder, and sobbed uncontrolably. In retrospect, I hope I comforted him, one human being to another. (Dorothy W. Spomer, Cairo, IL, Bar Admission: December 8, 1943).

Convincing men that I was a lawyer and a pretty good one. There were many humorous anecdotes around those circumstances. I know my Judges enjoyed them more than I did. (Regina Narusis, Cary, IL, Bar Admission: 5/19/60).

The large law firm with which I was associated always took a couple of tables for the Supreme Court dinner. In the '50s, young women wore hats and white gloves for such occasions. The senior partner at our table looked over at me and said, "You don't look much like a lawyer." I replied, "How should a lawyer look?" He responded, "Like an old codger like myself." With the increase of women in the profession, I think that the image of a lawyer has changed! (Leila Merrell Foster, Evanston, IL, Bar Admission: 1953).

As we have received more responses than could be addressed in this article, we plan to prepare a Part II version of this article that will appear in our next newsletter.

The Catalyst editors wish to sincerely thank each woman attorney who responded to our survey. We appreciate the opportunity granted us to document some of the living history of women lawyers in Illinois.

Myra Colby Bradwell: Illinois' first woman lawyer

By Julie Gracheck

Myra Colby Bradwell, the state's first woman lawyer, began the rich history of the women's legal profession in Illinois. Bradwell was an advocate for women's rights, particularly in the legal profession, leaving a lasting impression on the women's legal profession.

Myra Colby was born into an active abolitionist family in Manchester, Vermont on February 12, 1831. In 1843, her family settled in the township of Schaumburg, Illinois. After studying in Kenosha, Wisconsin and then at the ladies' seminary in Elgin, Illinois, Myra Colby became a schoolteacher in 1851.

In 1852, Myra Colby married James Bolesworth Bradwell of Palatine, Illinois. Her husband had studied law and began practicing law in Chicago while still a student. After working at his legal office, Bradwell's interest in becoming a licensed attorney developed.

Her study of the law was briefly postponed during the Civil War. Bradwell served as an active relief worker, assisting the Union army and their families through her involvement at the Chicago branch of the Sanitary Commission.

After the war ended, Bradwell continued her legal studies. In 1868, she established Chicago's only weekly newspaper after obtaining the necessary permit to allow a woman to open a business in Illinois. Bradwell became the business and editorial manager of the *Chicago Legal News*. The newspaper quickly gained significant notoriety. The *Chicago Legal News* reported court decisions, promoted reforms to the legal profession, and supported women's rights. The column entitled "Law Relating to Women" was specifically designed to promote the social and legal status of women. Bradwell used humor, which she believed was an effective tool in the courtroom, throughout her blunt writing style to advocate reforms.

In 1869, after passing the Illinois Bar Exam with honors, Bradwell applied to the Illinois Supreme Court for admission to the bar. The court denied her license without rendering a formal opinion. The letter from the clerk of the court indicated her application was denied because she was a married woman.

Bradwell re-petitioned the court, arguing that recently enacted laws had increased a married woman's legal abilities. Before the court rendered an opinion, she filed an additional brief based on two federal Constitutional claims, violation of the Fourteenth Amendment's Equal Protection Clause and violation of the Fourth Article of the Constitution's Privileges and Immunities Clause.

The Illinois Supreme Court, in a formal opinion, denied Bradwell's application again. The rationale for this decision was no longer based on Bradwell's status as a married woman, but merely on Bradwell's status as a woman.

Bradwell brought her appeal of the decision to the U.S. Supreme Court, where she filed a writ of error. Three years later, on April 15, 1873, the U.S. Supreme Court affirmed the denial of Bradwell's license, stating that the right to practice law was not covered by the Fourteenth Amendment.

During the three years her case was pending in the U.S. Supreme Court, Bradwell and her husband assisted Alta Hulett, who had also been denied admittance to the Illinois bar, in drafting legislation allowing women to be admitted to the Illinois bar. Once this legislation became Illinois law on March 22, 1872, Bradwell refused to reapply to the bar, believing that the court should re-examine this matter on its own initiative.

Around this time, Bradwell and her husband suffered tragic losses during the Chicago fire of 1871, losing their home, law library, and the *Chicago Legal News*. Despite these losses, Bradwell insisted on the continued publication of the newspaper, and within the next few weeks, publication of the *Chicago Legal News* had resumed.

Bradwell did not allow the repeated denials of a law license prohibit her legal career. She advanced her legal career through the *Chicago Legal News*. The newspaper covered legal news across the nation. Bradwell wrote discussions and editorials regarding opinions of lawyers, the courts, and new legislation. For 25 years, she continued to promote legal reforms and discuss the role of women in the legal profession. She proposed that men had a duty to recognize the

capabilities of women in society.

In addition to the *Chicago Legal News*, Bradwell was an advocate for women through other avenues. She became the corresponding secretary to the newly established Illinois Woman Suffrage Association (IWSA). Bradwell and her husband served on the IWSA's legislative committee, where they lobbied for legislation promoting women's suffrage. She extensively promoted women's representation in the 1893 World's Columbian Exposition and was appointed to the Board of Lady Managers in 1890 for the upcoming Exposition to be held in Chicago.

Meanwhile, in response to her husband's initiatives, the Illinois Supreme Court finally reviewed Bradwell's original motion to be admitted to the bar. The Illinois Supreme Court admitted Bradwell to the bar in 1890 after review of her original motion. She was then admitted to practice before the U.S. Supreme Court in 1892.

After battling cancer for three years, Bradwell died on February 14, 1894. Although she only officially became a lawyer in 1890, Bradwell dedicated her life to the promotion of the women's legal profession and other women's rights. She had established an impressive legal career throughout her life, which was formally recognized by her admittance to the bar in 1890.

Bills on Request

Don't forget that the ISBA Legislative Affairs Department provides copies of pending and enacted Illinois legislation on request.

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The remarkable life and times of Alta May Hulett

By E. Lynn Grayson

Remembered best as the first woman attorney admitted to the Illinois bar, Alta May Hulett's brief legal career was remarkable. Joining forces with Myra Bradwell, Illinois' first woman attorney, Ms. Hulett succeeded in passing legislation prohibiting sexual discrimination in employment practices and ensured the right for all women attorneys to join the bar and practice law.

Alta May Hulett was born on June 4, 1854 in Rockton, Winnebago County, Illinois. She graduated from Rockford High School in 1870 at the age of 16. Ms. Hulett started her career as a schoolteacher but quickly decided to follow other prominent lawyers in her family and study law. She engaged in a self-taught course of reading law each evening following a day in the classroom teaching. Within a few months, she clerked in the law office of prominent Rockford attorney William Lathrop to continue her legal studies. At the time she pursued her legal studies, the Illinois Supreme Court already had denied Myra Bradwell's application for admission to the bar and the case was on appeal to the U.S. Supreme Court.

Undeterred by the possible obstacles, she continued her legal studies and passed the bar examination in 1871. She applied for admission to the Illinois bar and the Illinois Supreme Court quickly denied her petition because she was a woman. Opposed to taking an appeal of the decision as Myra Bradwell did, Ms. Hulett decided to try to enter the bar by changing the law.

At the age of 18, she began a strenuous campaign lobbying the Illinois legislature as well as garnering public support for a law making it illegal to discriminate on the basis of sex. The bill read as follows:

Section 1. Be it enacted by the People of the State of Illinois, represented by the general assembly: That no person shall be precluded or debarred from any occupation, profession, or employment (except military) on account of sex; provided that the act shall not be construed to

affect the eligibility of any person to an elective office.

In her lobbying efforts, Ms. Hulett used the same two basic arguments she forwarded in her bar application which had been denied by the Illinois Supreme Court. First, she argued that women as human beings had the right to be attorneys. Second, and possibly more controversial at the time, she argued that women had the same ability and intellectual capacity as men and therefore could practice on an equal level.

A short eight months later, Ms. Hulett's bill was signed into law. Illinois legislators had slightly amended the bill, inserting military service and road construction as exceptions to women's open access to occupations. Illinois was the first state to enact a law giving women access to the legal profession. The law also was the first piece of legislation in the country which prohibited sex discrimination in employment.

For Alta May Hulett, the law simply opened the legal profession to women, allowing each the opportunity to practice law. In 1873, Ms. Hulett was required to take the bar for a second time and passed the examination with the highest score. At the age of 19, Alta May Hulett became the first woman in Illinois admitted to the bar.

Ms. Hulett entered practice immediately in Chicago, earning the respect of the male-dominated bar as a strong advocate for her clients. Ms. Hulett's career was characterized as exceptional and it was noted she never lost a jury trial. Ms. Hulett also was the first woman in Illinois to hold the office of Notary Public and one of the first admitted to the U.S. District Court for the Northern District of Illinois.

Ms. Hulett's legal career was tragically cut short when she was diagnosed with pulmonary consumption in November of 1876. The illness forced her early retirement from law and she moved to California, hoping a warmer climate would improve her health. Friends said that Ms. Hulett was heartbroken that she could no longer practice law and feared her case would be used by men opposed to women

lawyers as proof that women were too weak to practice law. Alta May Hulett died on March 26, 1877 before her 23rd birthday.

Alta May Hulett opened the legal profession in Illinois, and throughout the United States, for all women. She fought to ensure the equality of women during a time of great inequality. Another pioneering woman attorney, Grace Harte, wrote a tribute to Ms. Hulett noting her devotion and dedication to women in the legal profession. Ms. Harte's tribute is as applicable today as it was in the past:

Even among the late comers in the profession of law her name and works are not the living force they are entitled to be. What she did for those that followed and are still unconsciously following in her footsteps, is not fully appreciated and the smooth path she has left for them to follow is taken as a matter of course.

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Preventive law (Emerging alternative concepts and approaches to dispute resolution)

By Sandra Crawford, J.D.

For years I have preached the concept of what I call "preventive law" to my small business clients. A portion of my practice over the past 12 years has been devoted to the representation of construction contractors and subcontractors and to the prosecution of mechanic lien foreclosures and related collections matters. When counseling clients, I would often find myself using medical analogies to help to describe the life experience they were about to undergo when first addressing a legal dispute. I would say things such as: "you know the idea of preventive medicine, taking care of your health before you get sick—well, it is best to take care of your legal matters before you need litigation, as litigation can sometimes feel similar to the experience of undergoing a major operation and long-term recovery" or, "just as you go to the dentist for a yearly check-up before your teeth rot, it is often more cost-effective to have an attorney review and revise your contact documents before you start a project than to have to hire counsel to litigate over contract terms after the contract has been breached and you have not been paid."

In recent years, and as my interest in various alternative dispute resolution models has grown (I am also a certified mediator and trained collaborative family law attorney), I have come to find that there is a whole body of legal thought and practice dedicated to the very idea of what I dubbed "preventive law"—the concept of helping clients use their experience to re-frame their thinking and approach to future legal issues and disputes. This emerging area of legal thought and approach to dispute resolution is referred to under various headings including holistic law practice or therapeutic jurisprudence. In this article I would like to introduce you briefly to some organizations and resources that I have discovered actively promote the core ideas underlying the "preventive law" philosophy.

The International Alliance of Holistic Lawyers is an organization committed to what it calls "P.E.A.C.E. L.A.W." The acronym stands for: (1) Promote peaceful advocacy and holistic legal principles; (2) Encourage compassion, reconciliation, forgiveness and healing; (3) Advocate the need for a humane legal process; (4) Contribute to peace building at all levels; (5) Enjoy the practice of law; (6) Listen intentionally and deeply in order to gain complete understanding; (6) Acknowledge the opportunity in conflict; (7) Wholly honor and respect the dignity and integrity of each individual. The IAHL was founded in 1991 and is comprised of a growing number of judges, lawyers, law students and concerned individuals committed to working toward transformation of how society deals with conflict management. Information can be found at www.iahl.org. For information regarding the Chicago chapter of IAHL, you can reach Chicago attorney Mr. Edward D. Shapiro, at www.muchshelist.com.

The Collaborative Law Institute of Illinois, founded in 2002, is committed to education and promotion of the collaborative law model of dispute resolution (see previous article in Fall, 2003, ISBA *Catalyst* newsletter, "A New Approach to the Old Problem of Divorce"). The Institute's membership includes legal, financial and mental health professionals dedicated to the promotion of peaceful resolution of controversies. Although the model is currently being utilized most widely in the area of matrimonial law, it has potential application to other areas of law such as estate and business partnership disputes. This non-litigation alternative for divorcing families focuses on the preservation of post-divorce family integrity and on effective and respectful communication between divorcing spouses and their respective counsels. The process relies on frank and open disclosure of information. Attorneys and other professionals trained in this model encourage the

highest good-faith problem solving behavior from their own client and themselves. The approach has been called the "win/win divorce" (a term coined by DuPage County attorney and Institute Fellow, Ms. Theresa Kulat). Information about the Institute and its members can be found at <www.CollabLawIL.org>. For additional information, please feel free to contract the author directly.

Another great resource for anyone interested in exploring the idea of holistic law and its many incarnations is <www.transformingpractices.com>. The book of the same name, *Transforming Practices: Finding Joy and Satisfaction in the Life*, by Steven Keeva (an ABA Journal Book, pub-

lished by Contemporary Books, 1999) is a wonderful read and very inspirational for attorneys who may be experiencing "burn out" with the practice and especially with the demands of litigation. This Web site has many inspirational articles and discussions about the emerging concepts in the dispute resolution field.

Inspired by all of the above examples, I have personally found again the magic which first led me to a life in the law. I have rededicated my practice in 2004 to the application of the law to heal and guide our community and to seek new avenues to aid clients in developing strategies to avoid and contain disputes. When the general perception of the public is

that lawyers have become part of the problem and not part of the solution, it serves the greater good to look to emerging concepts and approaches to dispute resolution for "an ounce of cure." Wishing you all good health and peaceful practice in 2004.

Effective January 7, 2004, the author has re-established The Law Offices of Sandra Crawford. The firm will concentrate in areas of Collaborative Family Law, Mediation, Mechanic Lien Foreclosure and related litigation. Commencing February 1, 2004, the Law Offices of Sandra Crawford will be located at The Chicago Temple Building, 77 West Washington, Suite 1515, Chicago, Illinois 60601 (312) 520-9137.

Representing the child in proceedings under the Illinois Marriage and Dissolution of Marriage Act

By *Melanie Caspi*

Section 506 of the Illinois Marriage and Dissolution of Marriage Act authorizes the court, on its own motion or by motion of either party, to appoint an attorney to represent the children "in proceedings involving the support, custody, visitation, education, parentage, property interest or general welfare of a minor or dependent child."

Pursuant to section 506, the court may appoint an attorney to act in one of three capacities. First, an attorney may act as "an attorney to represent the child" or what is commonly known as an Attorney for the Child (AFC). The AFC has a fiduciary relationship to the child. He or she acts in the traditional role of an attorney representing his or her client's expressed desires regardless of whether the attorney believes the desires are in the child's best interests. The court usually will appoint an AFC when the child is older and may have voiced strong preferences.

Second, the attorney may represent the child as a guardian *ad litem* (GAL). Unlike an AFC, the GAL is not required to advocate the child's expressed desires. Rather, the GAL is charged to represent what he or she believes is in the child's best interest. Additionally, the GAL does not have a duty of confidentiality to the client.

The GAL acts more as an investigator than an attorney. The GAL does not call or cross-examine witnesses and does not give a final argument. The GAL can file reports with the court regarding his or her recommendations regarding the best interest of the child. Importantly, a GAL can report information to the court that would otherwise be inadmissible and rely on otherwise inadmissible testimony in making his or her recommendation. As the GAL does not have a duty of confidentiality to the child, the GAL may report on information obtained through the child. Usually, the court will appoint a GAL for a child who the court considers too young or too immature to express a preference.

As the AFC acts solely as an attorney and advocates the child's desires, he or she is not subject to cross-examination. The GAL, however, has the ability to investigate and report to the court and is subject to cross-examination.

Finally, the court may appoint a child's representative, which is a hybrid between the AFC and GAL. As the statute provides, the child's representative has the "same power and authority to take part in the conduct of the litigation as does an attorney for a party and shall possess all the powers of investigation and recom-

mendation as does a guardian ad litem." 750 ILCS 5/506.

While the child's representative is required to consider the express wishes of the child, she is not bound by them. The child's representative has a duty of confidentiality to the child. The statute also provides that the child's representative "shall not be called as a witness regarding the issues set forth in this subsection." 750 ILCS 5/506(a)(3).

The Special Subcommittee of the Illinois State Bar Association drafted and lobbied for the child's representative statute because prior to the child's representative, the court in certain circumstances appointed both a GAL and an AFC to represent the child. For example, if the court appointed an AFC and the AFC believed the child's preferences were not in the child's best interest, he or she could request that the court appoint a GAL to investigate the situation and to report what he or she felt was in the best interests of the child.

Many attorneys believe the child's representative statute is unconstitutional because a child's representative may rely on the child's statements in his or her recommendations to the court, but may not be examined by the parties. As the court appoints the

child's representative, his or her recommendations carry significant weight in determining crucial issues such as child custody and visitation, which affect a parent's fundamental liberty interest for the care, custody and control of their children.

Under the statute, an overworked child's representative can make recommendations after minimal contact with his or her client and without using his or her investigative powers and the parties are not permitted to cross-examine him or her "regarding the issues set forth in this subsection." 750

ILCS 5/506(a)(3). As the child's representative is not required to advocate the child's express desires, the child's representative is not accountable to the child, the parents or the court.

In a recent case challenging the constitutionality of the child's representative statute, the Second District Court of Appeals held that the child's representative statute is constitutional. *In re Marriage of Bates*, 342 Ill.App.3d 207, 794 N.E.2d 868, 276 Ill.Dec. 618 (2nd Dist. 2003). Interestingly, in support of its position that the child's representative statute is constitutional, the

Second District Court held that a child's representative could be examined in court if he or she "directly witnesses relevant facts and circumstances that are used to support the recommendation." *In re Marriage of Bates*, 342 Ill.App.3d at 214. The court also held that a party could request the court condition the child's representative's recommendation on revealing his or her sources so the parties can examine the sources. *Id.*

On December 3, 2003, the Illinois Supreme Court accepted the appeal in *In re Marriage of Bates*.

Firsts in women's achievement

In recognition of Women's History Month, we recognize and remember all pioneering women that have advanced the cause of

women's rights and equality.

More information about pioneering women and special news features to be broadcast throughout

Women's History Month (March, 2004) can be found at www.Historychannel.com.

Ann Teresa Mathews	First woman whose invention received a patent (for cleaning and curing corn)—it was granted to her husband	1715
Mary Katherine Goddard	First woman postmaster	1775
Betsy Ross	First person to be a U.S. flagmaker	1776
Hannah Adams	First woman to become professional writer	1784
Lucy Brewer	First woman marine	1812
Elizabeth Blackwell	First woman to receive a medical degree	1849
Amelia Jenks Bloomer	Publisher/editor of first prominent women's rights newspaper	1849
Harriet Tubman	First woman to run underground railroad to help slaves escape	1850
Lucy Hobbs	First woman to graduate from dental school	1866
Susan B. Anthony	Co-Founder of first U.S. woman's suffrage organization	1869
Arabella Mansfield Babb	First woman admitted to the bar	1869
Frances Elizabeth Willard	First woman to become a college president (Evanston College)	1871
Victoria Chafin Woodhull	First woman to be presidential candidate	1872
Helen Magill	First woman to receive a Ph.D. degree (Boston University)	1877
Belva Ann Lockwood	First woman to practice law before U.S. Supreme Court	1879
Clara Barton	Founder of the American Red Cross	1881
Maud Booth	Co-Founder of Salvation Army and Volunteers of America	1887
Suzanna Madora Salter	First woman mayor (Argonia, Kansas)	1887
Mary McLeod Bethune	First woman to establish secondary school that became four-year accredited college	1904
	Founder of National Council of Negro Women	1935

The Catalyst

Blanche Scott	First woman to fly an airplane	1910
Jeannette Rankin	First woman elected to U.S. House of Representatives (Montana)	1916
Kate Gleason	First woman president of a national bank	1917
Florence E. Allen	First woman judge	1920
Hallie Ferguson	First woman governor of U.S. state (Texas)	1924
Katherine Bement Davis	First person to conduct national survey of sexual attitudes	1929
Jane Addams	First woman to receive the Nobel Peace Prize	1931
Hattie Wyatt Caraway	First woman elected to U.S. Senate	1932
Amelia Earhart	First woman to fly solo across the Atlantic Ocean	1932
Ruth Bran Owen	First woman foreign diplomat	1933
Pearl S. Buck	First woman to win a Nobel prize for Literature	1935
Linda Darnell	First woman to sell securities on the New York Stock Exchange	1941
Conchita V. Cintron	First U.S. woman bullfighter in Spain	1949
Georgia Nesse Clark	First woman treasurer of the United States	1949
Muriel Siebert	First woman to own seat on the New York Stock Exchange	1967
Janice Lee York Romary	First woman to carry U.S. flag at the Olympic Games	1968
Mary Clarke	First woman to be named major general in U.S. Army	1978
Ella Grasso	First woman governor to be re-elected (Connecticut)	1978
Sandra Day O'Connor	First woman justice of the U.S. Supreme Court	1981
Joan Benoit (Samuelson)	First woman to win an Olympic marathon	1984
Penny Harrington	First woman police chief of major U.S. city (Portland, OR)	1985
Ann Bancroft	First woman to walk to North Pole	1986
Christa McAuliffe	First woman citizen passenger on a space mission	1986
Madeleine K. Albright	First woman Secretary of State and highest ranking woman in the U.S. government	1997

WBAI's 90th anniversary celebration

By *Jeanne M. Reynolds*

The Women's Bar Association of Illinois (WBAI) proudly celebrates its 90th Anniversary on March 5, 2004 from 5:30 p.m. to 9:00 p.m. at the Chicago Historical Society. Founded in 1914, the WBAI has been promoting the involvement of women in the legal profession for 90 years. The WBAI mission is to ensure the continued success of women attorneys through business and professional development and to advocate women's interests. Throughout the WBAI's history, its

progress has mirrored the experiences of women attorneys in Illinois. It was, in fact, the first professional organization dedicated to securing and promoting legal careers for women. Early WBAI members were dedicated activists who fought to get women admitted to the Illinois Bar and supported landmark women's rights legislation, including the 19th Amendment to the U.S. Constitution and the law that gave women the right to serve on juries. During the 1970s, the WBAI was an active participant in the Equal

Rights Amendment movement. More recently, it continues to champion the cause of equal opportunity for women law students and attorneys and has led the charge to increasing the number of women judges and politicians devoted to community service.

In commemoration of this gala event, the WBAI has been gathering and preparing to showcase its historical information. In these efforts, the WBAI has compiled a list of First Women Accomplishments, which include, but are not limited to: the

Honorable Mary Ann McMorrow as the first woman to prosecute a felony case, to be elected to the Supreme Court and serve as its Chief Justice, Ada Kepley to graduate from law school, Myra Bradwell to be admitted to the Illinois bar, Nettie Rothblum Loew as first President of the WBAI, Esther Rothstein as President of the CBA, the Honorable Carole Bellows as President of the ISBA, Anna Langford to be elected to the Chicago City Counsel, Dawn Clark Netsch as the Comptroller of the State of Illinois, Lisa Madigan as Illinois Attorney General, the Honorable Shelia Murphy as the Presiding Judge of the 6th Municipal District, the Honorable Judith Cohen as Law Division Presiding Judge, the Honorable Ilana

Rovner to be a United States 7th Circuit Appellate Court Judge, Nellie Carlin to be an Assistant State's Attorney in Cook County, Jane Byrne to be Mayor of the City of Chicago, Dean Nina Appel of Loyola University of Chicago's School of Law to be a Dean of a Chicago law school, Aurelia Pucinski to be Clerk of the Circuit Court of Cook County, Corinne Wood to be Lt. Governor, Judy Baar Topinka to be Treasurer of the State of Illinois, Rita Frye to be the Cook County Public Defender, the Honorable Mary Bartelme to be elected an Illinois Judge, the Honorable Shelia M. O'Brien to be elected a Judge in St. Clair County, Susan S. Sher to be the Corporation Counsel for the City of Chicago, Susan Lichtenstein to be

Associate General Counsel at Ameritech, and Andrea Zopp to be First Assistant to the Cook County State's Attorney.

In addition, the WBAI is proud to announce the creation of a new award to be named after Chief Justice Mary Ann McMorrow, a WBAI past president, for outstanding service to the WBAI. Charlotte Adelman will be the first recipient of the Justice Mary Ann McMorrow Award for her steadfast dedication as historian for the WBAI.

Besides the networking and professional development opportunities found within this organization, the WBAI is made up of members that care about serving the community, advancing women's interests, and creating lasting friendships.

Women Everywhere: Partners in Service Project

Do you want to help others, but you do not have a lot of time? If so, please consider spending just ONE day, **May 14, 2004**, away from the office doing rewarding work with other volunteers on behalf of women in need. Working together, we can make a difference!

Now in its fifth year, members of the Black Women Lawyers Association of Greater Chicago, Inc., Chicago Bar Association Alliance For Women, Chicago Bar Association Young Lawyers Section Women in the Law Committee, DuPage Women Lawyers Association, Hadassah Attorneys Council, Hispanic Lawyers Association of Illinois Latina Lawyers Committee, Illinois State Bar Association Minority and Women Participation Committee, Illinois State Bar Association Women and the Law Committee, and the Women's Bar Association of Illinois collectively present the "**Women Everywhere: Partners in Service Project.**" The project's subtitle, "Partners in Service," reflects the heart of the project: women attorneys working together to help women in need.

On May 14, 2004, Women Everywhere volunteers will contribute their workday to a pre-selected community service agency dedicated to helping women in need or to an educational project benefiting young women and girls. Women Everywhere

agency activities include direct service tasks, such as painting, building, gardening or cleaning, as well as legal education projects, such as presenting topical seminars and workshops, or providing job training information. If you are interested in participating in any of these exciting activities, please complete and return the form below to: Ellen Girard, Quarles & Brady LLP, FAX: (312) 632-1701. E-mail: egi-rard@quarles.com.

For additional information, visit www.women-everywhere.org.

YES, I want to join your efforts to help other women on May 14, 2004! I'll mark my calendar. (Please note that final assignments are made in April 2004).

Name: _____

Business Address: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Bar association affiliation(s): _____

Type of service preferred:* Legal/
Educational service _____ Direct

service _____ No pref. _____

Full-Day Assignment: _____

Half-Day Assignment: _____
(a.m. _____ or p.m. _____)

Restrictions on Assignment: _____

Other Information Useful in Making an Assignment: _____

Language or other unique skill you offer as a volunteer: _____

*Note: While we will make every effort to accommodate volunteer requests, we anticipate a limited number of legal/education assignments. If we are unable to fulfill your first-choice request for legal/education service work, we will place you in another activity unless you indicate that you are *only* interested in performing legal/education service work.

Chicago Metropolitan Battered Women's Network

By Margot Klein

The Chicago Metropolitan Battered Women's Network is hosting its seventh annual Mardi Gras benefit and silent auction from 6:00 - 9:00 p.m. on April 1, 2004 at the Hotel Allegro. Tickets are \$50 in advance; \$60 at the door.

The Network is a coalition of domestic violence service providers

working to improve and expand services for victims of abuse. In addition to administering the City of Chicago's 24-hour, toll-free Domestic Violence Help Line, the Network also operates the Centralized Training Institute, which trains domestic violence workers to better serve survivors of violence. The Mardi Gras event is extremely impor-

tant to the Network's ability to continue to provide its services.

To sponsor the Network's Mardi Gras fund-raiser, purchase tickets to the event or otherwise get involved with the Network, please call Amber Mandley at (312) 360-1924, or send an e-mail to amber@batteredwomensnetwork.org.

Calendar of events

February 17, 2004—The State of the State: Current Legislative Issues Facing Women in IL

Sponsor: Chicago Bar Association Alliance for Women
Time: 12:15 p.m.
Location: CBA Headquarters – 321 S. Plymouth Ct.
Information: 312/521-2095

February 24, 2004/ Trial Skills Training Program March 20, 2004

Sponsor: CBA Alliance for Women, Black Women Lawyers Assoc., WBAI and ISBA Committee on Minority and Women Participation
Time: 4:00 p.m. – 6:00 p.m.; 9:00 a.m. – 12:00 p.m.
Location: Dirksen Federal Building
Information: 312/341-8530

March 5, 2004—The Women's Bar Association of Illinois' 90th Anniversary Party

Sponsor: WBAI
Time: 5:30 p.m. – 9:00 p.m.
Location: Chicago Historical Society, 1601 N. Clark
Information: 312/341-8530

March 23, 2004—Risky Business

Sponsor: Chicago Bar Association Alliance for Women
Time: 12:15 p.m.
Location: CBA Headquarters –

321 S. Plymouth Ct.
Information: 312/521-2095

April 1, 2004—Seventh Annual Mardi Gras Benefit

Sponsor: Chicago Metropolitan Battered Women's Network
Time: 6:00 p.m. – 9:00 p.m.
Location: Hotel Allegro, Chicago
Information: 312/360-1924

April 21-23, 2004—Midwest Regional Conference for Women

Sponsor: Minnesota Women Lawyers
Time: All Day
Location: Marriott City Center, Minneapolis, MN
Information: www.mwlawyers.org

April 27, 2004—"Brag: It's Not a Four-Letter Word—Successful Self Promotion Strategies for Women"

Sponsor: CBA Alliance for Women
Time: 12:15 p.m.
Location: CBA Headquarters – 321 S. Plymouth Ct.
Information: 312/521-2095

May 14, 2004—Fifth Annual Women Everywhere: Partners in Service Day

Sponsor: Women Everywhere and women's bar organizations
Time: All Day
Location: TBD
Information: www.women-everywhere.org



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You'll help keep section fees low. Section membership is a tremendous value. But paper and postage costs continue to rise. By choosing the electronic over the paper version, you help us keep our costs—and yours—down.

How?

Send an e-mail to jlyman@isba.org with "The Catalyst newsletter" in the subject header. In the body of your message, include your name (first and last), your office address, the e-mail address at which you want to receive the newsletter, and say (in so many words) "please sign me up for e-mail delivery of the The Catalyst newsletter."



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