



SENIOR LAWYERS

The newsletter of the Illinois State Bar Association's Senior Lawyers Section

View from the Chair

By Gary T. Rafool, Peoria

Since becoming Chair of the Senior Lawyers' Section Council, I have been asked several times exactly who is a senior member of the ISBA, and how do you become a member of the Section?

Several years ago, the ISBA discontinued paid membership fees for the Senior Lawyers' Section. Thus, ISBA members age 55 years and older or ISBA members who have been practicing 25 years or more are automatically members of the Senior Lawyers' Section without cost to the member.

Because of age longevity, it is apparent that senior lawyers now make up one of the largest (if not the largest) memberships of the ISBA, and I,

as Chair, want all senior lawyers in Illinois to know about this perk as one more advantage of being a member of the ISBA. Therefore, one of the goals of this Section Council is to encourage all ISBA senior members to let other senior lawyers, who are not members of the ISBA, know about some of the advantages of being a member of the ISBA, such as automatic membership in the Senior Lawyers' Section free of charge. Obviously, there are numerous other advantages of membership which can be found on the ISBA's Web site, and by contacting ISBA staff in Springfield or Chicago.

Continued on page 2

Congratulations, Class of 1960

By Hon. Carole K. Bellows

Editors Note: The following is the text of an address delivered by the Honorable Carole K. Bellows to the 2010 Class of Distinguished Counselors on December 8, 2010 on the occasion of their 50th anniversary celebration.

What a privilege it is to be asked to speak for the class of 1960 at this 50th anniversary celebration. It is undisputed that our fathers and uncles are rightfully acknowledged as the greatest generation of the century for saving the free world from tyranny in the second world war. A typical hero of that generation is Paula Holderman's dear late father, Paul Goeldner, who enlisted in the Army as soon as he graduated from high school at the age of 18. At the age of 19, he was an Army medic who arrived in Normandy on the third day of the D Day invasion. At the age of 20, he helped liberate the survivors from the Buchenwald concentration camp

in 1945. He returned home and went on with his life and did not mention his experiences for more than 60 years when his son in law Jim finally got him to share his memories.

The lawyers of the class of 1960 should also be acknowledged as heroes too. It was our generation which for the first time in history and through its efforts advanced the cause of civil rights for all Americans.

When we were admitted to the bar, we were all aware of the devastating effects of the Jim Crow laws in the south, which were enforced through the brutal force of the law. There was neither equality nor justice in public education, employment, housing, voting, public transportation, and public accommodations, just to name a few areas. When black war veterans returned home to the south, they were not allowed to

Continued on page 2

INSIDE

- View from the Chair..... 1**
- Congratulations, Class of 1960 1**
- Act III 3**
- Lawyers and retirement/Oil and water 5**
- Musings of an old country lawyer 6**
- Upcoming CLE programs 7**



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View from the Chair

Continued from page 1

Another goal of this Section Council is to present CLE programs focused on the needs and concerns of senior lawyers. We have already had successful CLE programs last year in Chicago and Springfield entitled "What Senior Lawyers Want to Know." If you missed this half day program, a video is available through the ISBA. The Section Council is presently in the process of putting together another CLE program of interest to senior lawyers in early 2012.

This is now our third newsletter since the Spring of 2011, and I hope to have future newsletters sent both electronically through the Senior Lawyers' Web site (<http://www.isba.org/sections/seniorlawyers>), which is not password protected and is available to all. It is also available electronically to all ISBA members in the "Illinois Lawyer Now Weekly." Our newsletter has the widest distribution and availability of all ISBA newsletters produced. In addition, depending on budget

constraints, we are looking into having our newsletters available in paper form either by regular mail and/or at the mid year and annual meetings of the ISBA.

If you read our last newsletter, you will see that our Section Council is attempting to take the fear out of getting, for starters, CLE credit electronically or by other means in lieu of live programs. For seniors, including yours truly, this can be a daunting undertaking, but one that will be the wave of the future. Consequently, we will have to adapt and deal with it during the time we remain in active practice.

Finally, as I mentioned in my previous "View from the Chair," I would like to encourage networking among all senior lawyers on issues of concern to us. I ask you to send me topics to be discussed at our Section Council meetings and I promise to reply to you regarding our thoughts on the subject. Since live CLE programs and personal face to face networking are fast becoming a way of the

past, this may be a small way of continuing some of this old fashioned networking.

Therefore, I would very much appreciate your thoughts, comments and suggestions on any of the topics covered in this article and in our newsletters as well as any topics you might want to present or have the Section Council comment on in future newsletters. ■

Editor's Note: As Gary says, you are automatically a member of the Senior Lawyer Section Council if you are an ISBA member and at least 55 years of age or have practiced law for more than 25 years. As such, you automatically get this newsletter. No dues required! However, despite the protests of those of us who are dinosaurs (defined as not possessing an I-Pad), if you want to continue receiving this newsletter on real paper (versus electronically), you must affirmatively request that. Future issues will be sent electronically without action on your part.

Continued from page 1

vote, stay at hotels, or eat at public restaurants. Drinking from the wrong water fountain or using the wrong restroom could be fatal. In June of 1964, three civil rights workers, Andrew Goodman, Michael Schwerner and James Cheney, were murdered by the Ku Klux Klan in Mississippi.

Life for racial and religious minorities in the north was only marginally better. In my Evanston Public School District, African American children in most instances were not allowed to attend a school with white children from K-6. Most minority children were placed in a single and inferior segregated school. There were two separate YMCAs, one black and one white, and there was no swimming pool at Evanston Township High School until years after I left. If Jews or people of color wanted to buy a home, they were limited because of restrictive covenants which were carried on real estate throughout the country.

Northwestern University in my hometown had quotas which limited the admission of Jewish students to their programs.

When I graduated from Northwestern Law School in 1960, women constituted less than 3% of the legal profession and were openly discriminated against in securing real law jobs. Sandra Day O'Connor, a top Stanford law student, was offered a job as a legal secretary but not as a lawyer.

My dear friend who was a lawyer was shocked to learn upon her divorce in the 1960s that she had lost her premarital good credit to her spendthrift ex-husband. Remember, under common law, a husband and wife became one—the husband. I was barred from a private room luncheon meeting at the Midday Club, even though I was chair of an ABA committee, solely because of my gender. It was our generation of lawyers who marched, legislated, lobbied and litigated to open society to all people.

In 1969, my small subcommittee of the Chicago Bar Association drafted the language which became Section 17 of the Bill of Rights of the 1970 Illinois Constitution, which provided that "All persons shall have the right

to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property." The constitution also provided for equal protection of the laws, free from abridgment because of sex, no discrimination against persons with mental or physical handicaps, and a prohibition against hate communications. We also saw extensive federal and state legislation passed protecting civil rights in employment, housing, public accommodations, education, school sports, and voting.

Today, with an African American President, three women and two African Americans as present and former secretaries of state, four women and an African American serving or having served on the Illinois Supreme Court, and four women and two African Americans serving or having served on the U.S. Supreme Court, we should look back with pride on our efforts and support on the journey towards justice for all. Congratulations Class of 1960. ■

Act III

By Loren S. Golden

"All the world's a stage." Somebody like Shakespeare wrote that. So, you are entering the last stage of your professional life. This is Act III. Before you take the stage in Act III, please read this.... just some random thoughts. I'm sure you can add to the list.

Triggering Events

When you are of a certain age contemplating what to do next in your law practice, the first question is, "Do you have a plan?" One of the things that would trigger you to come up with a plan for the last portion of your law practice is to look in the mirror. That will perhaps be a wake up call that it is time to have a plan. In the process of doing this, you must assess yourself. That means your mental acuity and your physical ability. This is a time when you have to be candid and brutally honest with yourself. I must do full disclosure here. I am a plaintiff's personal injury attorney and so my thoughts are geared towards that. Whatever your practice area, in doing your plan, you should inventory your practice, evaluate your strengths, and give some thought to case selection and your appearance. Most importantly, you need to be prepared to laugh.

Inventory

In performing an inventory on your law practice, obviously the first thing you do is an inventory of your files. How many files do you have? What sort of money will be generated by these files? This is a painful process but it must be done. The second thing you must do is you must evaluate your overhead. That includes your computer set up, rent and all of the things that you are all aware of that go into overhead. This is the time to become lean and mean. In that vein and in that process, you should evaluate your marketing sources. That means that you should avoid any advertisements that would require a one year commitment. The best way to use public marketing in my estimation is obviously on the internet. That is one of the things that people look to in selecting an attorney. They obviously also look to other things like word of mouth. In any event, I say no long contracts, only month to month Internet presence. Finally, take your referral sources, i.e.

other lawyers, to lunch.

Your Strengths

You can come up with your own list of strengths, but I think your two main strengths are colleagues and experience. It's always been about family and friends. Certainly colleagues who know you and your abilities are the best reference that you can have. That is one of the cores of your strength. Do not hesitate to contact these colleagues in terms of discussing and obtaining any business that they are interested in farming out. (See Inventory above.) Your second strength is your experience. Do not minimize your years of practice. This is invaluable and it is one of the things that will rejuvenate and regenerate your practice and help you greatly to get through Act III.

Case Selection

Three things: No heavy hitting. That means unless the case is a sure thing, do not get involved in a case that is going to involve a great deal of financial investment on your part. Secondly, you should avoid premises liability cases unless they have a particular fact pattern that makes liability as close to a sure thing as you can get. Finally, avoid the slip and fall case unless you can absolutely establish the elements of a viable slip and fall case. If there is ice and snow involved, obviously you know about things like the unnatural accumulation of ice. In order to really re train yourself on slip and fall cases, the first thing you should do is get out the Injury Instructions as to what is necessary to prove a slip and fall case and/or premises liability.

Appearance

If you are going to dye your hair, get a professional to do it. Please avoid monochromatic hair color. It not only really looks cheap, but it is not complimentary to the character that is built into your presence and your face. Obviously, I prefer the natural look. The best thing to do for your appearance in my estimation is exercise, exercise, exercise, and diet, diet, diet. You should also join and become active, if you haven't already, in a service club. One of the things that energizes you, in my estimation, is giving back and helping others. Service clubs are many.

SENIOR LAWYERS

Learn more about this section at
<<http://www.isba.org/sections/seniorlawyers>>.

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The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

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The three that come to mind are Kiwanis, Rotary and Lions Club. There are others and you should become active in them. Finally, with regard to your appearance, stay active and connected with your local bar association and the Illinois State Bar Association. By attending these events, it energizes you to meet other colleagues and to talk over cases. That process never ends whether you are young or in advancing years. Finally, if you are saying "What?" a lot when people ask you

questions, check into hearing aids. This is no time to be vain.

Laughter

Even though the process of putting together Act III at first appears daunting, laugh! If you can laugh and maintain your sense of humor, you will not only get through Act III but you will have a fruitful and wonderful practice. Good luck to all you legal actors who are entering Act III. The curtain is rising,

the house lights come down, enter stage right. Good luck. ■

Editor's Note: If yours is a family law practice, apply these same principles. Choose your clients carefully; do not get involved in a case that is going to require a great deal of emotional investment on your part; and be certain you get paid. If yours is a business practice ...you get the idea.

Lawyers and retirement/Oil and water

By James T. Moster, JD

It is difficult to retire for most people, but it is even more so for lawyers. Most lawyers never think about retirement, because they are too busy to give it much consideration. Attorneys in large firms may be the exception, since they have formal pension plans and maybe mandatory retirement age requirements and they start receiving memos from H.R. at about age 59.

Let us look at why it is that lawyers find it difficult to retire. First, we have a grueling work schedule coupled with a terrific work ethic. Almost all attorneys work too hard and a fair number become workaholics. Our work defines us for the most part, and it is intense and demanding. Our clients are constantly waiting for the finished product that will satisfy their needs; deadlines and court calls never cease. This goes on for 30 or 40 years and then your spouse expects you to just stop and walk away—RETIRE. The emotional bridge from frenetic activity to a state of solitude is not easily crossed. Last year, you were a very important person to numerous people (clients, associates, and the like). This year, when you are retired, you are no longer so important; your prior way of life is over. For many, retirement is like being thrown off a speeding train. Now you are sitting in the dust with your bags askew watching the train (your career) slowly disappear over the horizon.

The second reason retirement is hard comes down to one word MONEY. If you want to maintain your lifestyle, you need in excess of \$1 million in your 401-K. Let us presume \$100,000 per year meets your economic needs in retirement and that you

are receiving \$24,000 per year from Social Security, so your 401K will have to kick out \$76,000 per year. Let us also presume that your 401K is earning a 5 percent return and that inflation is at 4 percent. Your retirement assets will be exhausted in 15 years. So what

do you do then? Move in with your kids, get a reverse mortgage, buy a trailer?

One can readily see why the topics of retirement are often pushed to the side for most lawyers. ■

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Musings of an old country lawyer

By John Maville

I had a brief chance encounter with Dan Doyle and Phil Reinhard a couple of months ago. I had not seen either for a while and it was good to say hello, how are you, how is the family.

Later, I said to my wife Cindy that one of things I enjoyed a great deal in this Act III (see Loren Golden's article) was encountering lawyers like Dan and Phil, lawyers who have been part of my community of lawyers for many years. (This fondness does not extend to all of those who have shared those years). Although both Dan and Phil had admirable and distinguished careers (ultimately one an appellate judge and one a federal judge), it is something else I am enjoying.

I may not describe this well but . . . it is a sense of "community." It is a bond not unlike,

I am certain, the bond that naturally occurs between combat veterans, long-time policemen and firemen, and survivors of any stressful experience. (I am not sure what that says about the practice of law).

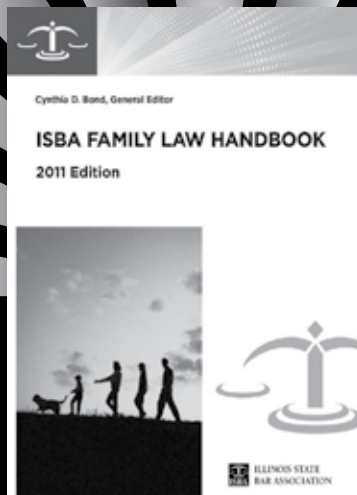
These particular legal veterans are typically quiet, dignified and professional. They are also friendly and do not hesitate to extend a kindness to others, whether lawyer or lay person.

There are many like them in my community and, I suspect, in yours. No scandals, no drama, no notoriety; just showing up every day and doing their work well. Frequently, they have served countless community organizations, chambers and charitable causes, as PTA presidents, park board commissioners, church and school board members, etc.

They are not the wealthiest among us and not always the best known, but perhaps they represent the best of us. They quietly go about their legal lives, as judges, or helping their clients and communities. Their families come first. They are usually intelligent, witty and charismatic, but not in any flashy way. Many were adversaries, some more often than occasionally. They are endlessly civil even though they have never had a class on civility. Their word is good; their reputation is good; their life is good. It is good that there are so many of them out there. They deserve more recognition than they receive.

No wonder they bring a smile to my face when I encounter them. No wonder I enjoy the encounters so much. They represent what I admire most about our profession. ■

**Don't miss this
comprehensive guide
to Illinois family law!**



ISBA FAMILY LAW HANDBOOK – 2011 Edition

This comprehensive, must-have practice handbook covers nearly everything for general practitioners who handle family law matters. Written by 36 authors who concentrate in the field and edited by John Marshall Professor Cynthia D. Bond, the handbook is a complete update of an ISBA bestseller from the mid-90s. Topics include jurisdiction, pre-marital agreements, settlement agreements, modification of judgments, mediation, custody and visitation, assisted reproductive technology, grandparent visitation, guardians ad litem, property, support and finances, maintenance, child support, civil unions, immigration law, discovery, appeals, insurance matters, property valuation, adoption, paternity and much more. Includes some forms, a detailed table of contents, and an alphabetical list of cases with page numbers at the end of each chapter. Add it to your collection today!

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March

Thursday, 3/1/12- Chicago, ISBA Chicago Regional Office—eTechnology in the Courthouse: Present and Future. Presented by the ISBA Bench and Bar Section. 1:30-4:45.

Thursday, 3/1/12- Live Webcast—eTechnology in the Courthouse: Present and Future. Presented by the ISBA Bench and Bar Section. 1:30-4:45.

Friday, 3/2/12- Chicago, ISBA Chicago Regional Office—Legal Trends for Non-Techies: Topics, Trends, and Tips to Help Your Practice. Presented by the ISBA Committee on Legal Technology. 9-4:30.

Monday, 3/5/12- Chicago- ISBA Chicago Regional Office—Foundations, Evidence and Objections. Presented by the ISBA Tort Law Section. 9-12:30.

Monday, 3/5/12- Webcast—Clients, Ethics and Negotiations. Presented by the Alternative Dispute Resolution Section. 1:30-3:00.

Monday, 3/5/12- Webinar—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association. 2:30-3:30.

Tuesday, 3/6/12- Teleseminar—Defending Against IRS Audits & Collections, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 3/7/12- Webinar—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association. 2:30-3:30.

Wednesday, 3/7/12- Teleseminar—Defending Against IRS Audits & Collections, Part 2. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 3/7/12- Bloomington-McLean County Museum of History—2012 Ethics Extravaganza for Government Lawyers. Presented by the ISBA Committee on Government Lawyers. 12-4.

Friday, 3/9/12- Quincy, Quincy Country

Club—General Practice Update 2012: Quincy Regional Event. Presented by the ISBA Bench and Bar Section; co-sponsored by the Adams County Bar Association and the ISBA General Practice Section. 8-5.

Tuesday, 3/13/12- Teleseminar—Business Planning With Series LLCs. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 3/14/12- Chicago, ISBA Chicago Regional Office—Medical CO-Ops: A Plan for Physicians to Contract Directly with Patients and Employers to Become their Health Insurer. Presented by the ISBA Health Care Section. 11-12.

Wednesday, 3/14/12- LIVE Webcast—Medical CO-Ops: A Plan for Physicians to Contract Directly with Patients and Employers to Become their Health Insurer. Presented by the ISBA Health Care Section. 11-12.

Wednesday, 3/14/12- LIVE Webcast—Protecting Personal Information: What Businesses and Consumers Should Know. Presented by the Standing Committee on Racial and Ethnic Minorities and the Law and the ISBA Government Lawyers Section. 1-3.

Thursday, 3/15/12- Chicago- ISBA Chicago Regional Office—Litigating, Defending and Preventing Employment Discrimination Cases: Practice Updates for the Illinois Human Rights Act. Presented by the ISBA Human Rights Section. 9-4

Friday, 3/16/12- Bloomington, Double Tree—A Roadmap to the New Illinois Religious Freedoms and Civil Union Act. Presented by the Standing Committee on Sexual Orientation and Gender Identity; co-sponsored by the ISBA Family Law Section. 1:55-5.

Monday, 3/19/12- LIVE Studio Webcast—Judgments and Enforcement. Presented by the Commercial Banking, Collections and Bankruptcy Section. 11-1.

Tuesday, 3/20/12- Teleseminar—Drafting Employment Agreements. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/22/12- Teleseminar—Forming a New Non-Profit Organization. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/22/12- Peoria, Four Points Sheraton—Family Law Spring Training 2012- From Rookie to Major League. Presented by the ISBA Family Law Section. 8-5.

Monday, 3/26/12- Webinar—Fast Case Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 2:30-3:30.

Tuesday, 3/27/12-Saturday, 3/31/12- Chicago, ISBA Chicago Regional Office—40 Hour Mediation/Arbitration Training. Presented by the Illinois State Bar Association. 8-5 daily.

Tuesday, 3/27/12- Teleseminar—Social Media Policies and Liability in the Workplace. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/29/12- Teleseminar—Lawyer Marketing: An Ethics Guide. Presented by the Illinois State Bar Association. 12-1.

April

Tuesday, 4/3/12- Teleseminar—Portability of the Estate and Gift Tax Exemptions-Planning in 2012. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 4/4/12- Webinar—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association. 9-10am.

Friday, 4/6/12- STUDIO TAPING—Economic Development Tools: What are the Options for Local Government. Presented by the Local Government Law Section. 9:30-11:30.

Monday, 4/9/12- Webinar—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association. 9-10.

Tuesday, 4/10/12- Teleseminar—Employee Discipline and Discharge: Policies and Procedures to Limit Liability. Presented by the Illinois State Bar Association. 12-1. ■



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