



SENIOR LAWYERS

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

View from the Chair

By Don Mateer

Many of us are either retired, contemplating retirement, slowing down or planning to slow down our work pace. I have stumbled across a book that has much sage advice even for those who cannot or do not want to slow down their busy practice, *The Joy of Not Working, A book for the retired, unemployed and overworked*, by Ernie J. Zelinski. The chapter titles

give you an overview of what this book holds in store: *You Too Can Live the Life of Riley; What You See Is What You Get; The Morality of Work Is the Morality of Slaves; Working Less Just for the Health of It; Unemployed, The True Test of Who You Really Are; Somebody Is Boring Me, I Think It Is Me; Light-*

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SAVE THE DATE - MARCH 6, 2013

TAKING CHARGE OF YOUR RETIREMENT

On March 6, 2013, the Senior Lawyers Section will sponsor a lunch time program, Taking Charge of Your Retirement: Planning for Lawyers Nearing Retirement. The program will be at noon at the ISBA Chicago Office, 20 S. Clark Street, Suite 900, Chicago, IL. The cost will be \$10 which will include a box lunch. No MCLE credit will be given for this program, but you will learn:

- To understand your retirement needs, including assessing your current situation and reviewing your retirement goals
- How to review your retirement inventory
- Retirement distribution planning

Learn vital information for a happy and healthy retirement. Look for future announcements and information on registration. ■

Mediation for senior lawyers

By Patrick J. Hitpas

When those of us who are now senior lawyers began our legal careers, we heard little, if anything, about mediation. Law schools did not offer courses on mediation. Continuing legal education courses rarely discussed mediation. As we moved through twenty five or more years as practicing lawyers, we got along quite well without mediation. We settled most of our cases and tried the rest of our cases to a judge or jury. Things were good, but they could have been better with mediation as

an available resource. Mediation is a great way to resolve disputes without trial in almost all areas of the law. Mediation is becoming more prevalent in many areas of civil law, especially in personal injury and wrongful death cases. Other areas where mediation is less prevalent are the areas of probate, real estate and business law, areas in which many senior lawyers practice. Probate, real estate and business disputes are well suited for

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View from the Chair

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ing Your Own Fire Rather than Being Warmed by Someone Else's; Dynamic Inaction Will Get You Nowhere; Zen There Was the Now; It Is Better to Be Alone than in Bad Company; Financial Independence on Less than Twenty Dollars a Day; The End Has Just Begun.

The premise of the book is that taking it easy is not easy for some people, and that to be successful in leisure it takes a plan and some effort. The author delineates some common problems that people have in their leisure time: "boredom; no real satisfaction from leisure activities; all dressed up and no place to go; all dressed up, somewhere to go, but no one to go with; friction with spouse when time together increases; not enough things to do; so much to do and no time to do it; hard time deciding what to do; bankroll of a peasant but tastes of a millionaire; bankroll of a millionaire but poverty consciousness of a peasant; feeling guilty about taking it easy and having fun; and enjoying only those things that are illegal, immoral or unhealthy."

For some people the leisurely life not only is easy, but also busier and more satisfying than they expected. As the author states, "Luckily, leisure has two sides to it; the other

side is much more positive. Unlimited spare time can, in fact, be an incredible blessing rather than a dull curse. To some, the leisurely life is even more satisfying than they expected. They become more active than ever before. Each day is a new adventure. To these individuals, nothing can be as enjoyable as a leisurely lifestyle. Indeed, they would do Riley proud if he were to show up and see them in action. When you are able to enjoy leisure time to the fullest, your life will be enhanced to immeasurable levels. Success at leisure will contribute to a life that many on this earth can only dream about. Whether you are retired, unemployed, or overworked, your ability to handle leisure time will result in: personal growth; improved health; higher self-esteem; less stress and a more relaxed lifestyle; satisfaction from challenging activities; excitement and adventure; a more balanced lifestyle; improved family life; a sense of self-worth; and a higher quality of life overall."

The author puts the reader to work to develop his or her own Get-A-Life-Tree. He challenges the reader to think out of the box and to be more observant. He offers many practical suggestions on ways to slow down

and really live. He points out that today some people have an inaccurate view of leisure. As he states in the book, "Plato and Aristotle did not associate leisure with idleness and slothfulness as many people do today. They placed leisure on a much higher level than work. Plato described leisure as 'activity, not passiveness, a mind and body in action, not frozen contemplation.' In other words, leisure time was an opportunity for human beings to exercise their minds, bodies, and spirituality in new, exciting, and satisfying ways that couldn't be experienced in the workplace."

This book has some practical advice for all of us. No matter where we are in life, the ability to truly appreciate and enjoy leisure is a skill worth contemplating if not accomplishing. The willingness to take a vacation while working, the ability to relax on the vacation if in fact we take one, the recognition of the benefits of leisure and the enjoyment of retirement are all laudable goals. Retirement is obviously not for everyone and this book may not have all the answers, but it is a good start for anyone wishing to explore the many benefits of leisure. Happy Leisure To All! ■

Don't miss this easy-to-use reference guide to the rules of Illinois evidence!



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Mediation for senior lawyers

Continued from page 1

mediation because they frequently involve parties who are acquainted with or related to other parties by blood, marriage or business relationship. Emotions frequently enter into negotiations to settle probate, real estate or business disputes. Mediation can be a helpful resource in cases where emotions are interfering with the party's good judgment.

Since mediations are not adversarial, they are a great way for parties in all types of cases to openly discuss and analyze their case and work to a resolution without the expense, delay and uncertainty of a trial.

The structure of mediations may vary from case to case and may vary with different mediators. The mediation process will usually begin when the lawyers agree that a mediation session may be helpful in resolving their case or when a judge orders mediation. The lawyers will then select a mediator who they feel has the experience and ability to help all parties analyze the case and work toward a fair resolution. Prior to the mediation session, most mediators request a submission from each party which discusses the case and assists the mediator to understand the issues in the case. Depending on the nature of the case, these submissions may be brief or quite detailed. Lawyers should trust the mediator and feel free to discuss concerns or problems with their case. The communications between a lawyer and the mediator are strictly confidential and remain that way throughout the mediation unless the lawyer authorizes the release of the information to other parties to the mediation. Ex parte communications between a lawyer and mediator are permitted and are encouraged. Ex parte communications prior to or at the mediation are an integral part of the mediation process.

At the mediation session, it is important to have all parties present who are necessary to make decisions regarding settlement. The mediation will usually begin with a brief joint session with the parties and attorneys to discuss the process and allow the attorneys to make opening remarks. Many lawyers choose to waive opening statement to avoid setting an adversarial tone.

After the joint session, the mediator will meet with each party in separate meetings or caucuses. In those meetings, the parties and the mediator will discuss the case and

that party's settlement position. The mediator will shuttle from party to party with information to be shared by the parties and with the changing settlement positions. After continued discussions and settlement proposals, the parties will frequently come to an agreement and settlement is reached. It is usually desirable to prepare a brief settlement statement to be signed by the parties.

Hopefully, you have had many enjoyable and successful years practicing law. Even if you have done well without mediation in your practice, you may want to use mediation as a resource as you continue your legal career. You may find that mediation helps to make your practice even more successful and enjoyable. ■



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Everything you could ever want to know about “QR Codes”—whatever they are

By Leonard F. Amari



Dear fellow not-so-technologically-adept attorneys: You may not know what the term “QR Codes” means but you certainly have seen this goofy little ink-blot kind of square here, there and everywhere. It is called a QR Code. Next to this paragraph is the QR Code for the ISBA Mutual Insurance Company. I’m using this column as a vehicle to tell us technologically-challenged individuals what these codes are, what they mean, why we bother with them, why we really should bother with them, why we have no choice but to bother with them, and, believe it or not, how you can even get and use your own QR Code.

I am certain you have seen this code on billboards, mailed items, walking through airports or train stations or bus stations, in magazines and in stores, etc. By this time, you have realized that it’s called a QR (short for “quick response”) Code. It is nothing more than a barcode (whatever a barcode is?) that can be read by your smartphone (also called an iPhone or Android). I would assume that most of the readers of this column have such a new-fangled telephone. I have it on my agenda to get one—one of these days. Anyway, a QR Code is basically, as I said, a barcode that can be read by your smartphone. This device, or concept, or however you want to categorize it, was developed in Japan (of course!) to track car inventory and should help you in your law practice if for no other reason than marketing. Once created, some brilliant person came up with the wonderful idea to combine barcodes and the internet. By the way, in case you are wondering, a “barcode” is an optical machine-readable representation of data relating to the object to which it is attached—it is the labeling of nearly every product in stores and has boosted productivity in nearly every sector of commerce worldwide.

This is how it works: your smartphone (the

generic name for all these do-everything phones, e.g., iPhone, etc.) reads this QR barcode and directs you to a relevant website. Most smart phones are equipped to read such a code or you can get the phone service provider to install a QR Code reader (many are free) on your iPhone, Android, Blackberry and the like. Of course, like me, if you don’t have the use of these new-fangled phones (shame on me!), you really should get one because, in this fast moving world that we live in today, we really need immediate, constant contact with both our clients and our office and, certainly, our family. Anyway, when you click on the QR Code, hold your phone up to the code and the camera on your smartphone will view this code and a few seconds later (lo and behold!), your smartphone will automatically deliver you to the website representing this QR Code, or text or phone number that is dedicated to that QR Code. Try it out: take out your smartphone, get the app, hold it up to the QR Code at the top of this article, and give it a zap and you’ll know all you need to know, at least preliminarily, about our wonderful Illinois State Bar Association Mutual Insurance Company, founded and continuing to provide stable, affordable legal malpractice insurance coverage as an additional benefit for an ISBA member.

You might ask yourself at this point, “How do I get one of those QR things?” Generating a QR Code is free and easy to do. Just go online (the internet) and Google “free QR code generator.” You will find many sites offering to do this. You will be asked some basic questions, such as what content type you want the QR code to go to. Will it be a URL (uniform resource locator, better known as a web address)? Will it be a phone number or written text? Then you simply let the site know where you want the QR code to be directed—your Web site URL, phone number, etc. Click “generate,” and you have your code. You can copy and paste it wherever you want. It’s *your* code!

Your next step is to decide where and how to use your QR code. Where do most of your clients congregate? What are their traffic patterns? Where do they drive? Where do they walk? What do they need? If you know these

things, you can place a QR code anywhere, on anything, directing the public to your website. Think of the possibilities—giant billboards, small signs, brochures, business cards, flyers, magazine ads, direct mailings, t-shirts. This is just scratching the surface on how to use these codes.

This technology is already huge in Europe and Asia. It’s just catching on in the U.S. and is already the next big thing. QR Codes are cool, and you will be too, if you use them.

Well, now you know what a QR Code is, why you need one, how to have access to QR Codes that you see around and, believe it or not, how you can even create your own QR Code and, hopefully, use it. I hope this helps. Sure, it’s intimidating but, in this fast-paced world of communication, technology and marketing, it is as important to the practice of law as substantive rules and their applications. Good luck. ■



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Ethical considerations in Of Counsel relationships

By David B. Sosin

So much of the practice of law has evolved over the past 40 years with the advent of technology and changes in societal norms. The use of the Of Counsel designation for older and younger lawyers has similarly undergone an evolution. This article is intended to give the reader a basic understanding of the Of Counsel concept and how the ethical use of that term has evolved with respect to the formation and operations of law firms.

Illinois has no Supreme Court Rule pertaining to the Of Counsel relationship. The ground rules for such relationships have developed from American Bar Association opinions and opinions from our Illinois State Bar ethics panels. The original American Bar Association Opinion 330 is more than 40 years old and is so outdated that it has been withdrawn by the ABA. The use of the Of Counsel designation in that opinion was so restrictive as to now be considered obsolete. In 1990, the American Bar Association recognized the need and appropriateness of Of Counsel relationships in four instances. The affiliation will generally be considered appropriate where there is a close and continuing relationship between the lawyer and the firm to which the lawyer has affiliated in an Of Counsel capacity. Retired lawyers available for consultation, and probationary lawyers "trying out" with the firm were deemed appropriate Of Counsel lawyers. Similarly, part-time retiring lawyers who have left partnership status, government service or academia and joined a firm were particularly appropriate for Of Counsel designation. The traditional original lawyer professional journey from full time partner to part-time Of Counsel lawyer was expanded in 1990 ABA Opinion 90-357.

What is significant about Opinion 90-357 is the direction given the practicing bar as to what is not a permissible use of the Of Counsel designation. The opinion concluded that single case affiliations and referral source schemes were marketing ploys, and not an appropriate or ethical utilization of the Of Counsel designation. Similarly, the collaboration of unrelated lawyers in Of Counsel designations to expand their firm expertise on paper was not permitted. Essentially, the 1990 opinion leads to the conclusion that, if an Of Counsel designation looks like good

marketing, it is probably ethically suspect.

Not all of Opinion 90-357 was negative. It is this author's belief that Opinion 90-357 liberalized traditional views of the Of Counsel designation to a limited extent. The ABA opined that no daily contact was required between lawyer and law firm. Similarly, law firms were recognized as being appropriate Of Counsel designees to one another. A prior limit of two Of Counsel lawyers was eliminated in that opinion and compensation methods were deemed immaterial to an otherwise permissible relationship. The offer of specialized services to benefit the client was recognized as beneficial to the profession.

The evolution of the Illinois Bar's view regarding Of Counsel relationships mirrors the ABA expansion. The 1982 ethics opinion 776 recognized the Of Counsel designation as appropriate for retired lawyers with their own firm and with other firms with whom the lawyer has a continuing and close relationship. Full disclosure to the client would be required by the 1982 Illinois view, but, even with disclosure, firms acting as Of Counsel to one another was deemed inappropriate. The Of Counsel relationship was revisited later in 1982, when Opinion 817 approved the use of the designation by a state legislator working with a firm, presumably to forward business. Opinion 817, dated December 4, 1982, stressed the need for active and regular work with the firm in a continuing close relationship.

Two years after Ethics Opinions 776 and 817, Opinion 840 summarily dismissed a plan to designate firms Of Counsel to one another to cross refer business. The ethics panel dismissed the concept as a marketing scheme. It is the author's view that Opinion 840 reaffirmed the "close and continuing" test as a key to an ethical and healthy Of Counsel relationship.

In January, 2004, the use of names in firms came under scrutiny in Opinion 03-02. A lawyer left his firm to join another firm and wanted to keep his name in his former firm name by using the Of Counsel designation. The panel believed that a retiring lawyer certainly could maintain his name in his former firm's name. It was deemed impermissible for a withdrawing lawyer, associated with a new firm, to leave his name, in any manner, on his former firm. This practice was considered

misleading to clients who would presumably believe the lawyer was still part of his former firm.

Finally, we have the first Illinois opinion on Of Counsel relationships rendered after the enactment of Rule 1.17. Rule 1.17 permitted the previously prohibited sale of a practice, under very strict guidelines. In the fact pattern presented in July of 2007, the panel in Opinion 07-02, determined that a lawyer could not sell his or her practice and then affiliate with his practice with an Of Counsel designation. The panel left a little wiggle room by opining that a sale of assets to a new firm at "fair market value" would permit the lawyer to affiliate. I would presume that the fair market value of assets would be far less than the sale price for the practice.

There are many other issues that need to be considered in a lawyer's affiliation as Of Counsel to a firm, which are beyond the scope of this article. Health insurance, benefits and malpractice insurance all are considerations in the formation of the relationship. It is most important that the lawyer and the firm to which the lawyer affiliates have a clear and comprehensive written agreement to deal with these and other issues that might need to be memorialized. ■

Wondering whether a case has been covered in an ISBA newsletter? Just curious to see what's been published recently?

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ISBA insurance member benefits

By Matthew J. Arvanites

As a member of the Illinois State Bar Association, you are entitled to take advantage of official ISBA-endorsed voluntary benefits programs from Marsh Affinity Group Service. These programs can save you money on daily expenses, as well as provide essential financial protection for yourself and family.

This article will focus on two plans: Long-Term Care Insurance and Medicare Supplement Insurance.

Long-Term Care Insurance—For the Best Value

You may have read about how it is wise to prepare for needing assistance with common activities of daily living. By 2030, one in five Americans over 65 will need long-term care of some kind.¹ And the average annual cost of long-term care in a nursing home is almost \$78,000.²

Long-Term Care insurance can help pay for this expensive care if you don't have the means to pay for it yourself. This way, you avoid sacrificing your retirement savings, paying down assets to qualify for Medicaid, or burdening your family.

However, since there are so many Long-Term Care insurance plans available, it is difficult to know which gives you the best value.

As an ISBA member, you have the advantage of the Long-Term Care Resources Network. The buying power of ISBA was leveraged to give you better pricing than is available to the general public. You are not tied to one plan; instead you and a U.S.-based representative determine which plan combines affordability with the level of care that suits you best.

Your cost depends on your current age and health status, but your premiums will not increase due to changes in your health status or your age. (They may change only if the carrier changes rates for everyone in a state, or age class). Your parents and parents-in-law can also apply for coverage through the network.

Medicare Supplement

A Medicare Supplement policy, also known as a Medigap policy, is a fee-based add-on to Medicare that helps pay some of the costs basic Medicare doesn't cover, such as some doctor's office or hospital proce-

dures, as well as prescription drugs. You must be enrolled in Medicare Parts A and B to apply for a Medicare Supplement policy. The ISBA-sponsored plans are underwritten by Transamerica Life Insurance Company, Cedar Rapids, IA.

In most states you can choose among ten ISBA-sponsored Standardized Plans; however, all 10 may not be available in all states.

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- You cannot be canceled as long as you pay your premiums when due.
- Preexisting condition limitations are waived if you are replacing a Medicare Supplement or primary hospital and medical reimbursement coverage you have had for six or more months (three

months in MN, WA and WY)

- Your spouse can apply for an ISBA plan if he or she is enrolled in both Medicare Parts A and B, and can continue in coverage after you die.
- Payment options include quarterly, semi-annual or annual billing; electronic and credit card payments are available at no charge.

For further information about any of the ISBA-endorsed insurance plans and purchasing programs, contact Marsh at (800)-321-1998 or visit <<http://isba.healthinsurance.com/hi/>>. ■


1. Long-Term Care Financing Project, Georgetown University, "Who Needs Long-Term Care?"
2. Genworth 2012 Cost of Care Survey.


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Sharing fees, ownership of law firms with non-lawyers

By Richard Thies

Those of us who have qualified to be Senior Lawyers know the importance of the core values of our profession. Those values are embodied in the Code of Professional Conduct and they have withstood the test of time to the benefit of the public and the legal profession.

The core values of loyalty to clients, competence in the law, confidentiality, avoidance of conflict of interest, and independence from outside pressure that would influence our representation of clients are qualities that set us apart from non-lawyers. Upon our admission to the Bar, we became officers of the court and of the Judicial Branch of government, thereby becoming subject to high ethical standards and accountability. With these bedrock principles in mind, it was surprising in December of 2011 when the ABA 20/20 Commission announced proposals that would permit non-lawyer ownership and control of law firms and the approval of fee splitting with non-lawyers, both in contravention of the core values of our profession.

To the credit of the Illinois State Bar Association leadership and its Board of Governors, our Association set out to defeat the radical proposals of the ABA Commission. By April of 2012, the Commission had announced that it would not propose changes to ABA existing policy prohibiting non-lawyer ownership of law firms, but it also announced at that time that it would continue its effort to find a way to permit fee splitting between lawyers and non-lawyers within a firm or between lawyers and non-lawyers in separate firms. Such an effort, if successful, would have given tacit approval to the concept of non-lawyer ownership and control of law firms.

Recognizing the urgency of the matter, the Illinois State Bar Association filed a resolution with the House of Delegates of the American Bar Association seeking to reaffirm American Bar Association policy that:

The sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession. The law governing lawyers that prohibits lawyers from sharing legal fees with non-lawyers and from directly or indirectly transfer-


ring to non-lawyers ownership or control over entities practicing law should not be revised.

By the time of debate in the ABA House of Delegates in August of 2012, other associations and entities had joined in supporting the ISBA resolution, namely, the state bar associations of Indiana, Iowa, Maryland, Mississippi, New Jersey, Nevada, North Carolina, Oregon and South Dakota. Additional co-sponsors were the Senior Lawyers and Young Lawyers Divisions of the American Bar Association, and the National Conference of Women's Bar Associations. In the House of Delegates, the Commission carried on a full court press against the resolution, not on the merits, but proclaiming that the proposals were not final and that it should be allowed to complete its work and to decide in its own wisdom whether the proposals previ-

ously announced would be recommended to the House of Delegates. After debate in the House, the resolution was postponed indefinitely. Notwithstanding that action, it was clear from the debate in the House that changes in ethical standards to permit non-lawyer ownership of law firms or fee splitting with non-lawyers would be defeated if finally proposed by the Commission. By October of 2012, the Commission announced that it had or would drop all of its proposals pertaining to non-lawyer ownership of law firms or fee splitting between lawyers and non-lawyers.

This is an example of how our state bar association has been influential in defeating proposals from within and without the profession that would have a deleterious effect on the public and the profession. It is one reason for the continued membership of Senior Lawyers in the Illinois State Bar Association. ■

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Technology for seniors

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on the Internet, etc. you may be unknowingly incurring substantial charges. Many of your applications that regularly update may also be “secretly” costing you without even using the phone. The billing for these charges (which can literally be in the \$3,000 range for a 10 day European trip—don’t ask how we know) can take up to six months to reach your monthly statements—long after you’ve forgotten that you took a vacation!

So, should you can cancel your upcoming trip, buy a pre-paid phone or leave your smart phone at home—of course not? All you have to do is go to the Settings icon, then General and slide the data roaming button to Off. An even safer method is to also turn off Cellular Data so that you can only use your smart phone in wifi for e-mail, Internet, etc. If you need to use the phone outside of wifi, contact your carrier and purchase a cellular package for your estimated use before you travel (which will include data). There may still, however, be additional charges. This is also true for your iPad, if it has cellular capability.

If despite these steps you are still nervous about these potential charges while traveling, you can check your Cellular Usage by going to Settings, General, Usage and then Cellular Usage to see what your usage is at a particular time. You can then relax and return to the beach for that drink with the little umbrella.

Syncing E-mail Between Smart Phones and Computers

One of the most valuable uses of a smart phone by lawyers is having the ability to access your e-mail, maintained at your office on your computer(s), while in Court or elsewhere. If you don’t have that capability, you really need to set it up (or have it done for you). It is not difficult, but there are some potential issues when you do that should be considered. The syncing of data between the office and your smart phone can be very technical and well beyond the scope of this article, newsletter and/or knowledge of the authors. If, however, you do use this technology, we would like you to be aware of a potential problem involving syncing the data.

If your office uses a Microsoft Exchange Server and you use Microsoft Outlook and an iPhone, there is no problem. Once set up, your e-mail (and calendar) will sync automatically

from either device to the other, including any changes you make to either. The problem arises when you don’t use an Exchange Server and you have an e-mail account that utilizes POP3 (Post Office Protocol) technology. An example is an internet provider such as Comcast. We do not have to be concerned with the whys, but if your office internet provider is a POP3 type, you will have difficulty with syncing when using your smart phone and your computer to access and modify e-mail at different times from each.

For example, if you read your e-mail on your smart phone and delete some, those deletions may not be made on your computer when you return to the office. That can cause confusion as to what has been completed, etc. Accurate, up to date syncing is essential if you are to use your smart phone or tablet for work while away from your office computer. If this is a problem which you have noticed—e.g. checking your e-mails while on vacation and returning to the office to find that all the deleted e-mails are still there, etc., you may want to try an easy “fix” that will not require you to change your e-mail address. Again, this applies if your e-mail is a POP3 type of account. You (or your secretary) can ask your e-mail provider if this applies to you.

To get a virtual real time sync between your smart phone and your computer for POP3 e-mail accounts, you can forward that e-mail to an IMAP (Internet Message Access Protocol) e-mail account. This technology allows automatic syncing of changes from either device (smart phone, iPad or computer) so that each is always up to date. To accomplish this the easy way, simply set up a Google Gmail account (free) and have your POP3 e-mail automatically forwarded to that new e-mail account. To do that, go to Settings on your e-mail account provider’s home page and then to Mail Forwarding. Once you put your new Gmail address in, all of your e-mail will be automatically and immediately forwarded to the IMAP Gmail account which will then sync your computer and smart phone from either device to the other. This fix may have size limitations, but if you delete unnecessary e-mails on a regular basis, there should be no problem.

If you feel that this “fix” may be needed, but want help setting it up—feel free to let us know. We senior lawyers don’t have to understand the technology to enjoy its use.

SIM Cards

A SIM card (which stands for “Subscriber Identity Module”) allows your cell phone to be used internationally. A 4G phone takes all SIM cards, which allows it to talk to towers. The iPhone 5 has a SIM card in it so you don’t have to buy one, but if you are traveling you must activate its international capabilities.

Security

Senior lawyers are relying more and more on smart phones and iPads in addition to laptops and desktops. What should we do to protect ourselves from identity theft, the theft of important confidential information, or being ripped off by those getting access to us on-line?

Read very carefully and follow all of the security instructions for your cellphone, iPad or computers.

Make sure you update your virus protection, malware and other privacy protection. Lock, wipe and set up to find your missing cellphone or iPad.

Maintain physical control of your cell phone. (BusinessWeek reported that 30 million out of 285 million cell phones are misplaced every year.)

Use a strong password or PIN. Too many people rely on ABC1234 and other easy-to-break passwords.

Configure your web accounts to only use secure connections.

Avoid using unknown and public wireless clouds which can be dangerous.

Use an automatic logoff after a set time.

Encrypt confidential data.

Disable the interfaces not being used (Wi-Fi, Bluetooth etc.).

Do not click on suspicious links in e-mails you receive. Be careful when reading e-mails that promise new clients, big money, or request you send money to a traveling friend.

Enable remote locking or wiping off information if your password or PIN is entered incorrectly a number of times.

Backup your important data on a regular basis to another hard drive, USB tab or in a cloud.

Watch out for phishing attacks.

Be careful in selecting and installing apps.

Watch this column in the next issue for more on CyberSecurity. ■

Upcoming CLE programs

To register, go to www.isba.org/cle or call the ISBA registrar at 800-252-8908 or 217-525-1760.

March

Tuesday, 3/5/13 – Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

Tuesday, 3/5/13 – Teleseminar—Estate Planning Issues in Pre- and Post-Nuptial Agreements. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/7/13 – Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

Thursday, 3/7 – Friday, 3/8/13 – Chicago, Kent College of Law—ISBA 12th Annual Environmental Law Conference. Presented by the ISBA Environmental Law Section. Thurs: 9-4:45 with reception from 4:45-6; Friday, 8:45-1:15.

Friday, 3/8/13 – Quincy, Quincy Country Club—General Practice Update 2013: Quincy Regional Event. Presented by the ISBA General Practice Section. 8:15-5:00.

Tuesday, 3/12/13 – Teleseminar—2013 Age Discrimination in Employment Law and Hiring Update. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/14/13 – Chicago, ISBA Regional Office—Litigating, Defending, and Preventing Employment Discrimination Cases: Practice Updates and Tips for the Illinois Human Rights Act. Presented by the ISBA Human Rights Section. 9-4.

Thursday, 3/14/13 – Live WEBCAST—Litigating, Defending, and Preventing Employment Discrimination Cases: Practice Updates and Tips for the Illinois Human Rights Act. Presented by the ISBA Human Rights Section. 9-4.

Thursday, 3/14/13 – Teleseminar—Drafting Confidentiality and Non-disclosure Agreements. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 3/19/13 – Teleseminar—Understanding the Role of Insurance and Indemnity in Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 3/20/13 – Chicago, ISBA Chicago Regional Office—America Invents Act- Part 2: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section. AM Program.

Wednesday, 3/20/13 – Live WEBCAST—America Invents Act- Part 2: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section.

Wednesday, 3/20/13 Webinar—Introduction to Boolean (Keyword) Search. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

Thursday, 3/21/13 – Teleseminar—Ethics and Tribunals: Attorney Duties When Communicating With the Courts and Governmental Agencies. Presented by the Illinois State Bar Association. 12-1.

Friday, 3/22/13 – Teleseminar—LIVE REPLAY: Post-Mortem Estate Planning. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 3/26/13 – Teleseminar—Formula and Defined Value Clauses in Estate Planning: An Update. Presented by the Illinois State Bar Association. 12-1.

Thursday, 3/28/13 – Teleseminar—Techniques and Traps for Merging Unincorporated Entities. Presented by the Illinois State Bar Association. 12-1.

April

Tuesday, 4/2/13 – Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

Tuesday, 4/2/13 – Teleseminar—Overtime, Exempt and Non-Exempt: 2013 Wage and Hour Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 4/3/13 – Teleseminar—Overtime, Exempt and Non-Exempt: 2013 Wage and Hour Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

Thursday, 4/4/13 – Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

Thursday, 4/4/13 – Friday, 4/5/13 – New Orleans, Hyatt French Quarter—Family Law Update 2013: A French Quarter Festival. Presented by the ISBA Family Law Section. 12:50-6:30; 9:30-5.

Friday, 4/5/13 – Chicago, ISBA Regional Office—Privacy & Security: Online Marketing and Other Hot Topics. Presented by the ISBA Antitrust & Unfair Competition Section. Half day AM.

Tuesday, 4/9/13 – Teleseminar—Estate Planning for Farmers and Ranchers. Presented by the Illinois State Bar Association. 12-1.

Friday, 4/12/13 – Chicago, ISBA Regional Office—Corporate Legal Ethics. Presented by the ISBA Corporate Law Section. 8:30 am – 12:45 pm.

Friday, 4/12/13 – Rockford, NIU—Practicing in Juvenile Court: What to Expect, What to Do, and How to Help Your Clients. Presented by the Child Law Section. 8:45 – 5:00.

Monday, 4/15/13 – Live Studio Webcast (Tape in CLASSROOM C)—Managing E-Discovery When Resources Are Limited. Presented by the Federal Civil Practice Section and Co-sponsored by the 7th Circuit E-Discovery Pilot Program. 11:00 am – 12:30 pm. (Rehearsal prior at 9:00 – requesting classroom for studio set-up with regular studio cameras due to big panels – not just studio space).

Tuesday, 4/16/13 – Teleseminar—Structuring Preferred Stock and Preferred Returns in Business and Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1. ■

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Technology for seniors

By Hon. Edward J. Schoenbaum, Frank V. Ariano and Loren S. Golden

This is the third of what hopefully will become a regular column in the ISBA Senior Lawyer Section Council newsletter. That is up to you. If you like it (or even if you don't), if you have suggestions for improving it or what we should write about, please let us know. Hopefully, you will take a turn contributing a column on your own "best practices" or problems you have in using technology. Please feel free to join our committee, and let us know what you need.

Here's the latest on the iPad mini, data roaming charges, syncing e-mail between smart phone and computers, SIM cards and security for your technology.

iPad Mini

In the last issue, we answered the question about setting the alarm to order Apple's latest (the iPhone 5) with a "yes." Well, the alarm was set again last October and, once again, it was worth the trouble to get the new iPad Mini.

It's been almost a year since we asked

you to "start somewhere" and check out the iPad at your nearest Apple store. In case you ignored that suggestion, and have not been using your iPad daily, we have a new suggestion. Go back to that Apple store and check out the iPad Mini. If you have been an iPad user, you may be asking why. The answer is that you may be surprised.

The new iPad Mini—released last fall—is, of course, smaller than the iPad, but not so small that it is difficult to read the display (as is often the case with the iPhone screen). In fact, its 10.75" diagonal display is fine for web pages, e-mails, photos, etc. Its light weight is a real plus and its two cameras, fast processor, LTE capability (the cellular model) and inclusion of Siri make it an easier to use tablet that literally fits in an outer coat pocket. While it may not yet have the Retina display of the full size iPad (it is rumored that one to be released in the fall will), most of those reading this newsletter will not notice the difference. It is also perfect for reading all of those novels you used to fill your suitcases with on vacation.

Typing is very easy using the on screen keyboard so that e-mails, research, blogs and yes, even games, are more enjoyable. This is truly a case where size does not matter.

Data Roaming Charges

If you use your smart phone while traveling, you have probably heard that you have to be careful of data roaming charges, especially if traveling internationally. If you do not purchase an international data package from your cellular carrier, and in some cases even if you do, you may get a very unpleasant surprise when you return home and get your next few cellular bills. While your smart phone will work in foreign countries, you need to know that the data roaming charges that may be building can be huge. For example, if you decide to send a picture to your office or grandkids, the data roaming charge may be \$20 or more for a 2MB picture. When you check your e-mail or look at the headlines

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