

# Senior Lawyers

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

## Chair's column

BY HON. EDWARD J. SCHOENBAUM

**Happy New Year to each of you!** I pray you all have a healthy and productive 2016!

Welcome readers of this Newsletter for Senior Lawyers who have so much experience in life and the law. We encourage our readers to also become writers to share your experiences with others. We all can learn so much from others if we talk or write or share in some way, whether it be old fashioned ways or using high tech like an E Newsletter.

I want to thank those who responded to our survey. Our Strategic/Long Range Planning Committee is meeting and hopes to get a report out soon. If any of you want to suggest any ideas on how our section can assist senior lawyers in any way, please

email Frank Ariano [fariano1430@gmail.com](mailto:fariano1430@gmail.com) with a copy to me [JudgeEdS@gmail.com](mailto:JudgeEdS@gmail.com) and to Mary Grant [mgrant@isba.org](mailto:mgrant@isba.org) as soon as you can.

This issue already has an excellent technology article by Frank Ariano on his new Apple iMac computer and many of its best features and how he benefits from them and how all of us can learn what to do and how to do it in our business life and seeing and communicating with our grandchildren.

Don Mateer has also written on technology. His article CRASH PLAN shares his recent experience with two PC computer crashes. His laptop became

*Continued on next page*

## Of counsel: What does that mean anyway?

BY LEONARD F. AMARI

**Like the other members of our hardworking Illinois State Bar Association Senior Lawyers Section Council**, I am sure I have come across the term "of counsel" many times in my career. Not really knowing the actual meaning of the term, I had an idea it identified some association with a law firm. It is an amorphous term; one that

I did not know the correct definition of, at least by our state's ethical standards. As a young lawyer, starting my own solo practice right out of law school, and looking at my stationery with just one lonely name on it, I thought about adding people on the right side of the stationery, identifying them as "of counsel." I enlisted

*Continued on page 4*

Chair's column  
1

Of counsel: What does that mean anyway?  
1

Book review—*Super Storm: Nine Days Inside Hurricane Sandy*  
6

2016 Mock Trial  
7

Upcoming CLE programs  
10

Crash plan  
12

Enjoying a Big Mac (iMac, that is!)  
12

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## Chair's column

CONTINUED FROM PAGE 1

infected due to a lapse of protective software and his desk top became corrupted to the point of no return. His article explains how fortunate he was because everything from his computers was in the cloud waiting for him to download it to a new computer. We all need to learn how to use the cloud.

Leonard F. Amari taught me so much in his article "Of Counsel: What Does That Mean Anyway?". I always saw it as "senior partner who sort of retired, but still goes in." I learned so much about what it really means. The purpose of his article is to educate us about another tool we can use as we plan our futures.

Gary Rafool has done it again. He has provided an excellent review of the book "Super Storm: Nine Days Inside Hurricane Sandy," by Kathryn Miles. Gary has summarized Hurricane Sandy and what it did in such a huge area and the variety of impacts it had on so many people in the U.S. and beyond. The book is available electronically as well as in print.


I also want to highlight an article I read

this morning by Rebecca Love Kourlis, a former justice of the Colorado Supreme Court, who is now executive director of the Institute for the Advancement of the American Legal System. 10 ways to reform the civil justice system by changing the culture of the courts. <[http://maestro.abanet.org/trk/click?ref=zpqr74vj\\_4-2b006x335258x0127179&](http://maestro.abanet.org/trk/click?ref=zpqr74vj_4-2b006x335258x0127179&)>.

She suggests that "culture is the collation of individual choices of members of the group. To that end, challenge yourselves to make different choices-and to change the culture." I hope many of you will read her brief 10 Ways to Reform... It also has a link to a larger article that you will learn a lot from. Change the Culture, Change the System (PDF)

We also have information on the ISBA Mock Trial. Senior lawyers and judges can assist by volunteering in their regional or the state finals at the U of I Law School. See information on page 7 of this newsletter.


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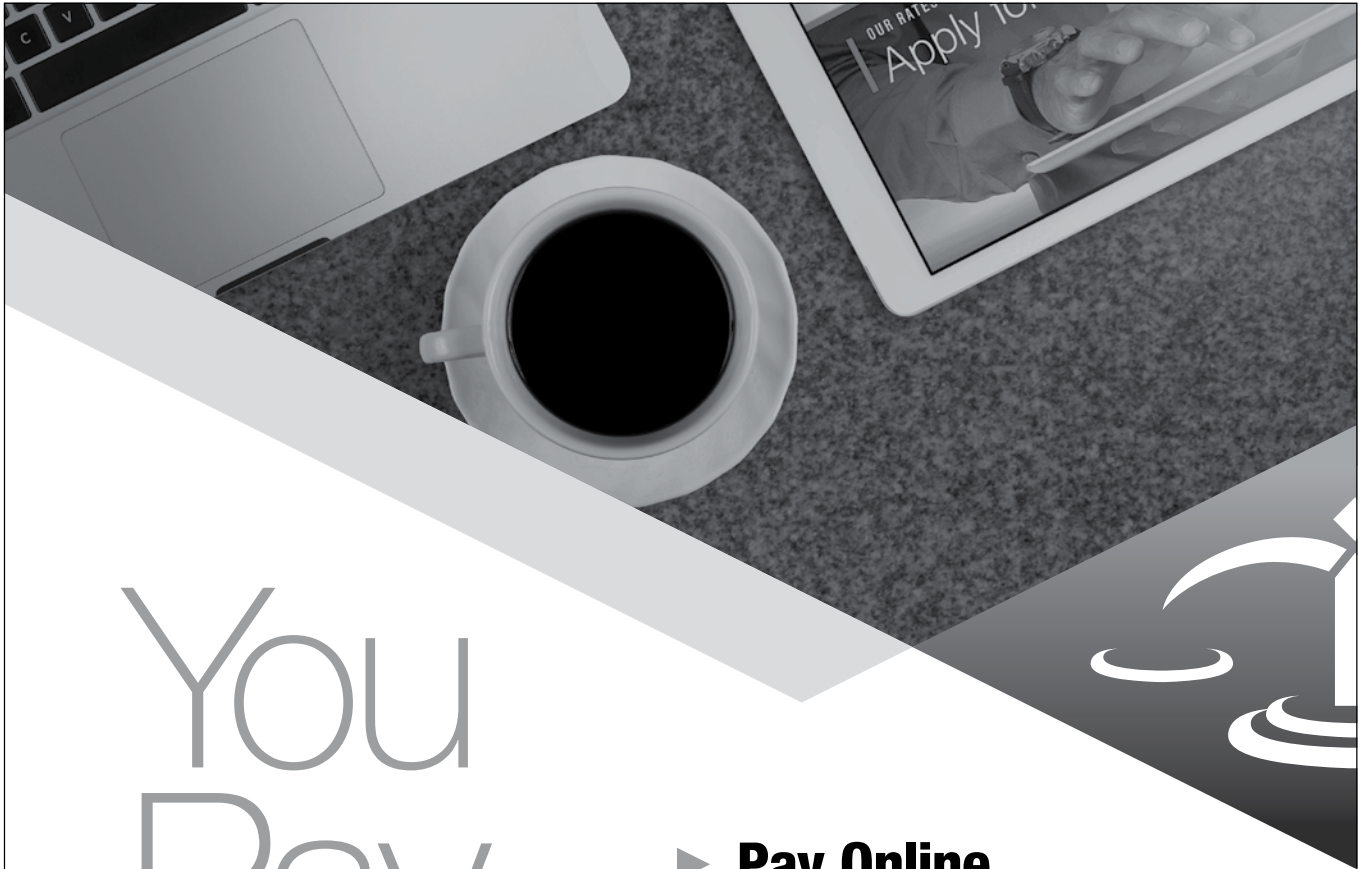
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## Of counsel: What does that mean anyway?

CONTINUED FROM PAGE 1

a number of lawyers, pals, lawyers for whom I tried cases, and lawyers that sent me business. Was that okay? Is there an actual, understandable definition of this term, of this status? If so, what is it? That's the purpose of this article.

Over the years, attorneys like me, and I am certain many of my fellow senior counselors, have created of counsel relationships for various reasons, mostly to generate additional business. After all, the increased exposure coupled with the presentation of close ties with another firm can be an effective marketing tool.

### What is an "Of Counsel" Attorney, Anyway?

The generally understood meaning of this term is a lawyer who is not a partner, associate, shareholder, or member of a firm, but who has some sort of a close and continuing relationship with the firm.

The common view of the relationship is someone who is providing close, ongoing, regular and frequent contact for the purpose of consultation and advice, perhaps acting as a trusted advisor or senior counselor.

An attempt was made to define the term by the American Bar Association in Formal Op. 330, issued in 1972, stating a lawyer was "of counsel" to a firm only when the relationship between the lawyer and the firm was "close, continuing, and personal" and when the relationship was not "that of a partner, associate, or outside counsel." Pretty broad, yes?

According to the ABA opinion and successive informal opinions, a lawyer who was of counsel to a firm should have some regular daily contact with the firm; a law firm cannot be of counsel to another law firm; and a lawyer should not be of counsel to more than two firms. These restrictions proved impracticable when applied to common practice. As a result, the ABA revisited the definition of "of counsel" in 1990 in Formal Op. 90-357. Among other things, the requirement that contact be nearly on a daily basis,

the advice that a law firm could not be "of counsel," and the restrictions on the number of "of counsel" relationships that could simultaneously be maintained, *were rejected*.

Nevertheless, 90-357 reaffirmed that the "core characteristic" of "of counsel" was "a close, regular, personal relationship" but excluding "that of a partner (or its equivalent, a principal of a professional corporation), with the shared liability and/or managerial responsibility implied by that term," and associates, defined as "a junior non-partner lawyer, regularly employed by the firm." Lawyers identified as "tax counsel," "antitrust counsel," "special counsel" and the like are understood, *de facto*, to have an "of counsel" relationship to the firm, and the requirement of a "close, regular, personal relationship" applies to them as well, as do all the caveats and consequences discussed in this article.

According to Formal Op. 90-357, there are four types of of counsels:

- (1) the "part-time practitioner, who practices law in association with a firm, but on a basis different from that of the mainstream lawyers in the firm;"
- (2) a retired partner of the firm who provides institutional recollections of his or her experiences with the firm and is available for consultation;
- (3) a lawyer, usually a lateral hire, brought into the firm with the expectation that the lawyer will shortly become a member, e.g., associate, partner; and
- (4) a lawyer who occupies a permanent senior position in the firm with no expectation of becoming a partner.

These four examples underscore that "of counsel" should not be used to designate more casual relationships which depend on the occasional consultation; co-counseling in a single case, even if it is of long duration; "a relationship involving only occasional collaborative efforts among otherwise unrelated lawyers or firms;" or a relationship based solely on making or

accepting referrals.

The name of a lawyer who is of counsel to a firm should not appear in the name of the firm (e.g., in its letterhead with partners and associates) unless the lawyer who is of counsel is a retired name partner of the firm. In all my years as a practicing attorney, I have never seen "of counsel" listed anywhere but on the right margin of a firm's stationery, under the heading "of counsel."

As my John Marshall Law School professor and later long-term Dean, Robert Gil Johnston, used to say: "but that begs the question": what are the risks of serving as "of counsel" to a firm, if any?

There are a few risks that take on special significance in an "of counsel" relationship. In consulting various legal articles on the subject, they define the risks typically as:

- conflicts/disqualification,
- vicarious liability,
- insurance coverage disputes, and
- perhaps a few difficult-to-imagine outliers.

#### A. Conflicts/Disqualification

For conflict purposes, the of counsel affiliation means that the firm *and* the of counsel attorney will often be treated as one entity, thus governing disqualification, recusal, and any other conflict issues.

The problems are further compounded when a lawyer or firm has an of counsel relationship with more than one firm, since all of the lawyers in those firms may be disqualified, even if their only connection is the same of counsel lawyer, the proverbial "Pandora's Box."

#### B. Vicarious Liability

Of course a firm for which a lawyer serves only as "of counsel" is not going to be liable for the independent acts or omissions of the of counsel attorney that were not "within the scope" of the relationship, though those issues may still arise, especially if it would serve the purposes of an adversary in some way.

### C. Insurance Coverage Disputes

In the unfortunate event of a claim, coverage problems can arise when an affiliated firm has done work on a matter that the of counsel attorney had no involvement in, or awareness of. Unfortunately, his name was listed on the letterhead so he may be named as a defendant. If the of counsel attorney is not covered by the affiliated firm's malpractice policy, there may be a significant problem because the of counsel attorney's own policy will often not afford coverage either. Or, at the very least, there becomes dueling "coverage denial," between the malpractice insurance coverage carriers. Why? His policy only covers work done on behalf of clients of the named insured which in many instances is not the affiliated firm. These sorts of "who is the client," "who is the attorney of record," and "who is the named insured" are common challenges that underscore the necessity of investigating and addressing the insurance coverage issues early on. Appropriate coverage for the exposures of both the affiliated firm and the of counsel attorney can usually be obtained, so long as the issue is addressed at the outset. My experience, though very limited, is that these insurance coverage issues are not thought about when establishing this amorphous relationship.

### Of Counsel to Multiple Firms

Can a lawyer, under the ethical rules discussed here, serve as of counsel to multiple firms? Most ethics opinions I have reviewed have concluded that the permissibility of an attorney's affiliation with multiple law firms as "of counsel" is determined by the nature of the relationship between the attorney and the law firm, and not by any predetermined numerical limit on such affiliations.

ABA Formal Ethics Opinion 90-357 concluded that a lawyer may be "of counsel" to multiple law firms, without limit, provided that the association with each is "close, regular [and] personal." But all of the caveats discussed here must now be applied to all of the of counsel/firm relationships, conflict/disqualification, insurance coverage, and vicarious liability.

### Of Counsel/Firm Fee Sharing Considerations

Fee generating and fee sharing has to be at the root, in some fashion, as the *ab initio* reason for the creation of the firm/of counsel relationship.

Of course, the general ethics rules allow client fees to be apportioned in any manner *within* a firm without disclosure to or approval from the firm client. But since the of counsel falls outside of this relationship, we have to recognize that the ethics rules contain disclosure and client approval requirements when fees are shared between different firms.

These requirements are set forth in ABA Model Rule 1.5(e). This rule allows the division of a fee between different firms either (a) in proportion to the "services performed"; or (b) in some other proportion provided that each firm agrees to assume "joint responsibility for the representation." ABA Model Rule 1.5(e) also requires that the identity of the lawyers or law firms who will participate in the representation of the client and the division of responsibility be disclosed in writing to the client and that the client give informed consent to the entire fee-sharing arrangement.

Illinois ethics rules governing the of counsel relationship are consistent with the aforementioned concerns and conclusions, including fee sharing.

We have been discussing the general lawyer understanding of the "of counsel" status, and we have reviewed the generally accepted and ABA standards. Locally, the Illinois Code of Professional Responsibility does not define the term "Of Counsel." However, former DR 2-102(A) (4) of the ISBA Code of Professional Responsibility provided, as follows:

A lawyer may be designated "Of Counsel" on a letterhead if he has a continuing relationship with a lawyer or law firm, other than as a partner or associate, and the term "Of Counsel" shown on a firm's letterhead, and traditionally is used to indicate a former partner who is on a retirement or semi-retirement

basis, or one who has retired from another partnership, from general private practice or from some public position and who remains or becomes available to the firm for consultation and advice, either generally or in a particular field.

Not dissimilar in any way to ABA Formal Op. 330, issued originally in 1972 and still the (national) standard.

### Conclusion

After nearly fifty years in the practice of law, I have come across the term "of counsel" any number of times and, except for being curious, never bothered to investigate the actual definition and ethical ramifications of the relationship. In my nine years as a member of the Illinois Attorneys' Registration and Disciplinary Commission Review Panel, the last three as the chair, and for any number of years before that as a member of the hearing panel of the ARDC, we never once had an ethical issue, lawyer charge, or were ever required to explore and apply a definition of the term of counsel. I have never seen it as an issue in a lawsuit, as a practicing attorney, including the twenty plus years I have served on the claims committee of our Illinois State Bar Association/Mutual Insurance Company. The last several years, I have served as Chairman of the Underwriting Committee of the ISBA/MIC and this status has never impacted the determination of a premium, coverage, denial of coverage, conflict, or any other hostile application.

So, to answer the question that began this article, in short, applying the most simple to understand and broadest definition of the term "of counsel", it exists when the relationship between the lawyer and the firm is "close, continuing, and personal," and a choice is made to become of counsel. Simple. Broad. I submit, still an amorphous term. ■

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[Author's note: I would like to give credit for the research done for this article by our Amari & Locallo law clerk, Tess Coughlan, a 3L at The John Marshall Law School.]

# Book review—*Super Storm: Nine Days Inside Hurricane Sandy*

BY GARY T. RAFOOL

Being a pleasure sailor for almost 50 years, natural science and weather have fascinated me for many years. Winds and storms can become very unpredictable and go from very light winds to almost gale force strength during a leisurely afternoon sail.

In 2015 alone, we witnessed two memorable hurricanes. The first was Hurricane Joaquin near the Bahamas, which destroyed the cargo ship “El Faro” with 33 people on board.

The second was Hurricane Patricia, which was the strongest storm ever measured with winds up to 200 miles per hour. Fortunately, it was confined to one area and made landfall in a relatively unpopulated area of Mexico’s West Coast. While it caused damage, there were no casualties.

To my knowledge, there has only been one storm in my lifetime receiving the designation of a “Super Storm.”

That storm is the subject of the book *Super Storm: Nine Days Inside Hurricane Sandy*, by Kathryn Miles. This is a 2014 book, consisting of 332 hard cover pages, and it is available electronically.

This storm affected nine countries and 24 U. S. States. 147 people lost their lives, from Jamaica to Canada. A million homes (more than half in the United States) were damaged or destroyed in an area the size of Europe.

The book covers the tracking of this storm from Sunday, October 21, 2012, until it made landfall just south of Atlantic City, New Jersey on Monday, October 29, 2012. It caused an estimated \$36.8 billion in damages to the State of New Jersey, including the destruction of the boardwalks in Seaside Heights.

Preceding the storm’s landfall, and nearly 1,000 miles away, spray from a 20 foot surf on Lake Michigan crashed onto Chicago’s lakefront.

This book takes the reader into the operations of the National Hurricane Center (NHC) in Miami, and the author describes flights in C-130 airplanes with hurricane hunters from the 53<sup>rd</sup> Weather Reconnaissance Group. These airplanes sometimes fly into the eye of a hurricane to relay information to the NHC to assist in its tracking of storms.

C-130s are also used in rescue operations with the Coast Guard during storms, including Sandy, even with powerful winds and surging waves.

The heartbreaking days on the tourist ship “Bounty” are also described during its fateful voyage back to St. Petersburg, Florida, from its dry dock in Maine just as Sandy was forming near Jamaica. The “Bounty” was destroyed 150 miles off Hatteras with several lives lost before its survivors could be rescued.

The surges from Sandy, or any powerful storm, can rise up to 50 feet as in the Indonesian Tsunami in 2004. Unfortunately, surges, which kill more people than wind or other aspects of a hurricane, are almost impossible to forecast.

On the day before Sandy made landfall, Mayor Bloomberg, who just a day before had assured people that the storm would not be a problem, ordered the evacuation of 350,000 New York residents.

In addition to causing 40,000 Americans to become homeless, Sandy caused 30 foot waves in New York Harbor. The storm caused lights to go out on Broadway, and Wall Street came to a halt for two days. 750,000 residents in New York City were plunged into darkness; 7,000 trees fell in New York parks and more than 65,000 boats were destroyed in New York alone.

The Statue of Liberty, which had just gone through months of extensive repairs and re-opened the day before the storm hit, lost its torch light in the storm, forcing it to

close again for more repairs.

In Manhattan, seawater poured down stairs and vents into subway stations, filling tunnels from their tracks to their ceilings. As if those problems were not enough, 11 million gallons of sewage flowed into flood waters engulfing New York and New Jersey.

Before it dissipated, Sandy, which grew to over 800 nautical miles, became the largest storm on record. In addition, as it moved north, it became part of a winter storm, causing even more discomfort to its homeless victims. This combination was also unprecedented.

While we may never see another storm such as Sandy, it will be long remembered and talked about for years to come. This is true in part because of the detailed descriptions of it and of the people who played such an important part in its telling, in this book. ■



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# 2016 Mock Trial

The ISBA High School Mock Trial Invitational will be held April 2 and 3, 2016 at the University of Illinois College of Law, Champaign-Urbana, Illinois. The following materials are available: 2016 Mock Trial Registration, 2016 Mock Trial Problem, First Update Memo, and 2016 Mock Trial Handbook.

Questions about the Mock Trial materials must be e-mailed to the Mock Trial Coordinator at [il.hs.mocktrial@gmail.com](mailto:il.hs.mocktrial@gmail.com) by March 11, 2016. All questions will be addressed in Update Memos that will be posted on this website when available.

**Volunteers Wanted!** All lawyers, judges, law students, and paralegals are welcome to volunteer to participate as judges and jurors

for the Invitational. You do not need trial experience to volunteer!

For information about becoming a volunteer, please e-mail Mock Trial Coordinator, Katy Karayannis.

## Upcoming Regional Mock Trials:

### Friday, February 12, 2016

Central Illinois Mock Trial Invitational  
McLean County Law & Justice Center  
Contact: Pablo Eves  
Phone: 309-261-9877  
Email: [pabloeves8@gmail.com](mailto:pabloeves8@gmail.com)

### Saturday, February 13, 2016

DuPage County High School Mock Trial Invitational

Contact: Cynthia Garcia  
Phone: 630-653-7779  
Email: [cgarcia@dcba.org](mailto:cgarcia@dcba.org)

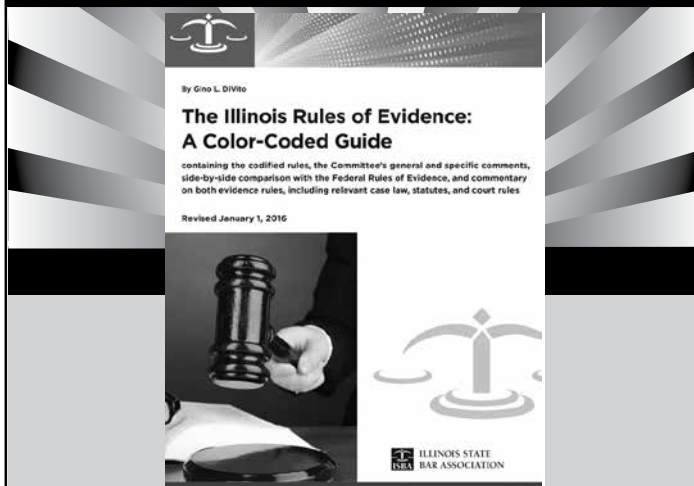
### Saturday, February 20, 2016

Lake County High School Mock Trial Invitational  
Lake County Courthouse, Waukegan, IL  
Contact: Judge Christen Bishop –  
[cbishop@lakecountyyil.gov](mailto:cbishop@lakecountyyil.gov)

### Wednesday, February 24, 2016

Northwest Suburban Bar Association  
Mock Trial Invitational  
Third Municipal District Courthouse  
2121 Euclid Ave  
Rolling Meadows, IL 60058  
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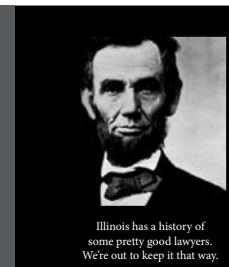
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## Crash plan

CONTINUED FROM PAGE 12

friend whose business is computers and everything related to them and he recommended CrashPlan. So off I went to purchase the product (CrashPlan.com).

I purchased the Family Plan which covers 10 computers and has **UNLIMITED** storage. I do not know if this will be the case forever, but I have owned it for several years and it still is unlimited storage. Why the need for 10 computers? I have one lap top and two desk top computers presently. But I have three other dead computers that still have all their data, pictures etc. in the cloud for me to access at any time.

Now the best part. If you purchase a new computer, you can move everything from an old computer to the new computer by “adopting” the new computer with the push of a button. Your new computer now has everything in it that was in the old computer. If you only want some files, or some pictures, all you do is go into CrashPlan and find the computer that has what you want, then mark those individual files or pictures and move them into your new computer. This is really helpful for me even when I do not experience a crash. I work on a desk top in Rockford and a desk top in Florida. I could transfer files with a thumb drive between the computers, but that takes planning and hoping that you get all the files you want. With CrashPlan while in Florida, I open my desk top in Rockford on CrashPlan and mark the documents, files or pictures I want and copy them into my desk top or lap top in Florida. Nothing could be easier or more convenient.

If you are not presently backing up your computers to an external hard drive or to the cloud, I guarantee you will be after you experience a crash and lose all your data. Once on CrashPlan, they run certain promotions. I took advantage of the last promotion and got two years for the price of one.

CrashPlan works for Macs as well as PCs. My desk top in Rockford runs on

Windows 7 and my desk top in Florida, as well as my lap top, run on Windows 10. There is no problem taking the files from my Windows 7 and copying them into my computers with Windows 10. I have no idea if I could copy files from a Mac into a PC. Perhaps I will be learning this in the

near future and will let you know.

If you are not backing up your computers, do so now. There are business plans for CrashPlan as well as the personal plans. You will never have to worry about losing data again. It's a small price to pay for a good night's sleep. ■

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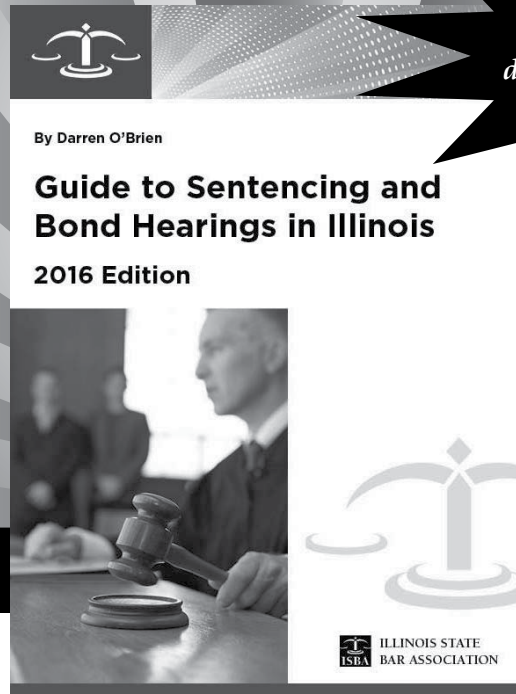
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Illinois has a history of  
some pretty good lawyers.  
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## Enjoying a Big Mac (iMac, that is)!

CONTINUED FROM PAGE 8

your desk to see it all without having to turn your head! Its size, however, is not just what it is all about. That huge screen is more than that—it's the whole computer. The retina 5K (14.7 million pixels) display panel is only 1.4mm thick and the whole enclosure is only 5mm thick at its edges. I say enclosure because it is the entire computer—i.e. display, processor, camera, graphics, storage and memory, all behind the display in a tapered few inches of back cover. From the front, all you see is the display and the base stand. In the back, there are 4 USB 3 ports, an SDXC card slot, 2 Thunderbolt 2 ports, a Gigabit Ethernet connector, a Kensington lock slot and a headphone jack. The mouse and keyboard are wireless so your desk is not covered with tangled cords leaving lots of room for those piles of files and documents, which you keep planning to complete.

This amazing machine also has a FaceTime HD camera (the grandkids are virtually life-size when FaceTiming), stereo speakers and dual microphones. If speed is what you want/need (and who doesn't?), you can get a .4.0 GHz processor, 3 TB Fusion Drive or 1 TB flash storage for memory and a 1.3 Gbps Wi-Fi data rate. I have no idea what all that means, but I can assure you, it is faster than any computer you have ever used!

While I'm sure you are impressed, I know you are wondering why you should consider switching away from Windows (which you never really learned) to a whole new operating system? You are already nervous at the thought of "starting over" with technology at your age. Well, breathe deeply and relax. Talk about "userfriendly"—you can set up and operate this computer literally right out of the box. As with most Apple products, it does all the work. All you have to do is find and press the power switch on the back of the monitor/computer and follow the prompts. It finds your Wi-Fi network and connects, sets up your mail and calendar, transfers your Favorites for use with Safari (Apple's

browser,—although you can use others) and loads your contacts, etc. from your now-discarded PC. It comes loaded with 18 main apps including Pages, Numbers and Keynote (the Apple equivalents of Microsoft Office's Word, Excel and PowerPoint) and another 33 apps/utilities. Included are Messages, Maps, Reminders, Photos, iMovie, FaceTime, Notes, iBooks and the App Store, so that you can download over a million more!

One of the big fears in leaving Windows for OS X (Apple's operating system) is that none of your previous "stuff" will be compatible and work on your new computer. Not true—almost everything does. You may have to download a Mac version of a few of the apps, but the data syncs and is not lost. Using Pages instead of Word is, in my opinion, a lot easier. More importantly, you can save Pages' documents in Word format (e.g. this article) so that you can share and work on them with those who are still squinting to see their tiny screens and using Windows. The same applies to Numbers/Excel and PowerPoint/Keynote. You can, of course, also share most of the features of your Mac with other iOS devices such as your iPhone and iPad.

I could go on and on about why you "need" this latest from Apple, but you are probably still back trying to picture what a 27" Retina 5K display would look like in your office or home. With the gigantic screen, you can move between several apps all running at the same time on the same screen, while you listen to some Frank Sinatra in the background. So your IT guy may whine a little about compatibility with your office VPN, but tell him/her to get over it and make it work. At home, there is no excuse—you want this. Yes, it is a desktop but, when you decide to leave the house, just take your iPad Pro (with the Keyboard Cover and Apple Pencil) along and you will have it all with you (either to Court or to the beach).

Finally on the display size, you shouldn't settle for the 21.5" just because you think

the 27" is for graphics and/or gamer types. I can assure you that your senior eyes will appreciate the detail and clarity, not to mention the ability to actually see rather than imagine all that is on the screen. And, perhaps more importantly, your grand kids will think you are really awesome! ■

**Did you know?**

**Every article published by the ISBA in the last 15 years is available on the ISBA's Web site!**

**Want to order a copy of any article?\* Just call or e-mail Jean Fenski at 217-525-1760 or [jfenski@isba.org](mailto:jfenski@isba.org)**

\*Sorry, if you're a licensed Illinois lawyer you must be an ISBA member to order.

# 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, 03/1/16- Webinar**—Protecting Yourself While Negotiating Documents Electronically. Practice Toolbox Series presented by the ISBA. 12-1 pm.

**Wednesday, 03/02/16- Teleseminar**—Overtime, Exempt and Non-Exempt: 2016 Wage and Hour Update, Part 1. Presented by the ISBA. 12-1 pm.

**Thursday, 03/03/16- Webinar**—Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00- 1:00 pm.

**Thursday, 03/03/16- Teleseminar**—Overtime, Exempt and Non-Exempt: 2016 Wage and Hour Update, Part 2. Presented by the ISBA. 12-1 pm.

**Friday, 03/04/16- Teleseminar**—How Ethics Rules Still Apply When Lawyers Act as Non-Lawyers. Presented by the ISBA. 12-1 pm.

**Friday, 03/04/16- CRO and possibly live webcast**—7th Annual Animal Law Conference. Presented by the ISBA Animal Law Section Council. 8:30-4:30.

**Tuesday, 03/08/16- Teleseminar- Live Replay**—2015 Americans With Disabilities Act Update. Presented by the ISBA. 12-1 pm.

**Wednesday, 03/09/16- Webcast**—“Bonding Over” – Understanding Recent Changes to the Illinois Mechanics Lien Act. Presented by the ISBA Construction Law Section Council. 1:00- 2:30 pm.

**Wednesday, 03/09/16- Teleseminar**—Ethical Issues When Changing Law Firms. Presented by the ISBA. 12-1 pm.

**Thursday, 03/10/16- Teleseminar**—

Estate and Gift Tax Audits. Presented by the ISBA. 12-1 pm.

**Thursday, 03/10/16- Webinar**—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00- 1:00 pm.

**Friday, 3/11/16—Bloomington, Holiday Inn and Suites**—Solo and Small Firm Practice Institute Series. Presented by the ISBA. 8 a.m. - 5:45 p.m.

**Monday, 03/14-16- Friday, 03/18/16—Carbondale, SIU Law**—40 Hour Mediation/Arbitration Master Series. Presented by the ISBA and ADR. 8:30-5:45 Daily.

**Tuesday, 03/15/16- Teleseminar**—Estate and Trust Planning for Short Life Expectancies. Presented by the ISBA. 12-1 pm.

**Tuesday, 03/15/16- Webinar**—Business Continuity: The New Frontier of Backup, Data Protection and Disaster Avoidance. Practice Toolbox Series presented by the ISBA. 12-1 pm.

**Thursday, 03/17/16- Webinar**—Introduction to Boolean (Keyword) Searches for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 12:00- 1:00 pm

**Thursday, 03/17/16- CRO**—Nuts & Bolts of the Firearm Concealed Carry Act. Presented by the General Practice Section Council. 8:30-4:45 pm.

**Friday, 03/18/16- Teleseminar**—Ethics and Keeping Your Paralegal and Yourself Out of Trouble. Presented by the ISBA. 12-1 pm.

**Friday, 3/18/16—CRO and LIVE WEBCAST (am and pm options)**—Trial Practice Series: Trial of a Sexual Orientation and Harassment Case. Presented by the Labor and Employment Section Council. 8:30 - 4:45 p.m.

**Friday, 03/18/16- Quincy Country Club**—General Practice Update 2016: Quincy. Presented by the General Practice Section Council. 8:15 - 4:30 p.m.

**Tuesday, 03/22/16- Teleseminar**—Modifying Fiduciary Duties in LLCs. Presented by the ISBA. 12-1 pm.

**Wednesday, 03/23/16- Teleseminar**—Avoiding Family Feuds in Trusts. Presented by the ISBA. 12-1 pm.

**Wednesday, 03/23/16- Webcast**—Tips for Negotiating Parental Leave for Attorneys. Presented by the Standing Committee on Women and the Law. 11:00-12:15 pm.

**Tuesday, 03/29/16- Teleseminar**—Drafting Demand Letters. Presented by the ISBA. 12-1 pm.

## April

**Friday, 04/01/16- Teleseminar**—Drafting Trusts for the Long-Term. Presented by the ISBA. 12-1 pm.

**Tuesday, 04/05/16- Teleseminar**—Planning Due Diligence in Business Transactions. Presented by the ISBA. 12-1 pm.

**Tuesday, 04/05/16- Webinar**—Help! My Inbox is Exploding! Email Management for Lawyers. Practice Toolbox Series presented by the ISBA. 12-1 pm.

**Wednesday, 04/06/16- Teleseminar- Live Replay**—Insurance and Indemnity in Real Estate. Presented by the ISBA. 12-1 pm. ■

# SENIOR LAWYERS

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## Crash plan

BY DON MATEER

I recently experienced two PC computer crashes. A laptop became infected due to a lapse of protective software (this is a long story) and a desk top became corrupted to the point of no return. I told Frank Ariano that I am seriously considering his Mac alternatives to a PC given my present luck with PCs. The reason for this article is to explain how neither of the crashes caused any heart ache. Everything from all my computers was in the cloud waiting for me to download it to a new computer.

Several years ago, I researched back up plans. I came to the conclusion that an automatic back up to the cloud was best for me. I did not want to rely on my having to originate the back up and I did not want to rely on an external piece of equipment that could also fail. Next, I had to decide on what software to use. There are many good programs available, but I chose CrashPlan. First of all, I was impressed with many of the companies using CrashPlan; for example, Intuit, Adobe, Mayo Clinic, Stanford University, Los Alamos National Laboratory, SanDisk, Yelp and the list goes on. Secondly, I called a

*Continued on page 8*

## Enjoying a Big Mac (iMac, that is)!

BY FRANK V. ARIANO

For those of you who regularly read the Senior Lawyers Section Council Newsletter (which should be all of you), you may have noticed that We/I like to write about the latest from Apple, which I have usually recently purchased. After a brief spell of “small is cool”—e.g. the iPhones 4 and 5 (including the s versions), and the iPad Minis, I came to the realization that “big is better”—e.g. the iPhone. 6+ and 6s+, as well as the iPad Pro. This change in thinking about the importance of size (I have a call in to my therapist about this) is not only due to senior eyesight, but also to the amazing features that these larger versions of the latest technology have to offer.

Apple describes its two versions of iMac (its desktop computer) as “colossal and ginormous,” and they aren’t kidding. The two models have 21.5” and 27” (diagonal) monitors. I, of course, had to have the 27” model which has to be seen in person to believe. It is truly huge—you literally have to move the computer back on

*Continued on page 10*