



# TRIAL BRIEFS

The newsletter of the Illinois State Bar Association's Section on Civil Practice & Procedure

## Nursing Home Care Act jury instructions—A trial lawyer's experience

By Terrence S. Carden, III; Myers Carden & Sax, LLC, Chicago

In May 2014, the Committee on Pattern Jury Instructions issued the I.P.I. 190 series relating to causes of actions premised upon the Nursing Home Care Act (210 ILCS 45/1-101 *et seq.*) ("the Act"). These ten instructions were supplemented by an Introduction issued in July 2014.

A group of instructions relating specifically to the cases brought under the Nursing Home Care Act is a welcomed development. Prior to the introduction of these instructions, trial lawyers were left to cobble together a series of in-

structions hoping to adequately instruct on the appropriate standard of care, as well as the statutory nature of the cause of action.

Frequently, stipulations were made during the instruction conference that the jury would be instructed on the standard of care (I.P.I. 105.01) and any finding of a deviation from the standard of care would be considered a finding of a violation of the Nursing Home Care Act. This was con-

*Continued on page 2*

## A constitutional question about reduced jury size

By Robert T. Park, Califf & Harper, P.C., Moline

Public Act 98-1132 ("the Act") was passed during the General Assembly's fall veto session and signed into law by Governor Quinn on December 19, 2014. The Act goes into effect June 1, 2015.

The Act increases juror pay from \$4 per day plus mileage to a flat \$25 for the first day's service and \$50 for each day's service thereafter.<sup>1</sup> The Act provides jurors no additional compensation for travel, and allows each county board to set a higher level of compensation.<sup>2</sup> The Act does not change current law that allows a juror to be reimbursed "for the actual cost of day care incurred by the juror during his or her service on a jury."

While more fairly compensating jurors for their service is a matter of general concern, trial lawyers will be more keenly interested in the Act's change to 735 ILCS 5/2-1105(b), which provides: "All jury cases shall be tried by a jury of 6."

Under existing law, a case involving a claim for damages under \$50,000, may be tried by either a jury of six or 12 members, while a case involving a claim for more than \$50,000 is tried to a jury of 12 persons.<sup>3</sup>

The Act further provides: "If alternate jurors are requested, an additional fee established by the county shall be charged for each alternate juror requested." The Act does not specify when the party must request alternate jurors or pay the fee set by the county.<sup>4</sup> It is also uncertain what will happen if a party requests alternate jurors in a county that has not adopted an alternate juror fee.

There are also state constitutional concerns about the Act. The Illinois Constitution, Article I, Section 13 says: "The right of trial by jury as heretofore enjoyed shall remain inviolate."<sup>5</sup> Accord-

*Continued on page 4*

## INSIDE

**Nursing Home Care Act jury instructions—A trial lawyer's experience..... 1**

**A constitutional question about reduced jury size ..... 1**

**Upcoming CLE programs ..... 6**



IF YOU'RE GETTING THIS NEWSLETTER BY POSTAL MAIL AND WOULD PREFER ELECTRONIC DELIVERY, JUST SEND AN E-MAIL TO ANN BOUCHER AT [ABOUCHER@ISBA.ORG](mailto:ABOUCHER@ISBA.ORG)

## Nursing Home Care Act jury instructions—A trial lawyer’s experience

Continued from page 1

sidered to be consistent with the definition of “neglect” under the Act, found at 210 ILCS 45/1-117.

Although seen generally as a step forward, either the application of these instructions must change or there appears to be clear error involved in strictly following the comments and notes on use in many cases.

Recently, in *Beckman v. SSC Mount Vernon Operating Company, LLC*, 12 L 21, Jefferson County, the court and the trial lawyers involved were faced with the application of these new instructions.

The *Beckman* lawsuit was pled in two counts. Count I alleged violations of the Nursing Home Care Act and sought damages for the injuries experienced by the resident before her death, as well as reasonable attorneys’ fees as provided for in the Act (210 ILCS 45/3-602). Count II was brought under the Wrongful Death Act, alleging the same acts of negligence by the nursing staff and seeking to recover for grief and loss of society experienced by the decedent’s next-of-kin.

Both plaintiff and defendant presented expert nursing testimony to establish the applicable standard of care and either deviation from or compliance with the standard of care by the nursing staff. However, the definition of the applicable duty instructions created a strong disagreement between the litigants and the court was left with notes on use for I.P.I. 190.01, which likely created error in the application to the facts of this case.

I.P.I. 190.01 provides as follows:

190.01 Nursing Home Care Act – Statutory Provisions

There was in force in the State of Illinois at the time of the occurrence a statute known as the Nursing Home Care Act which provided that the owner and licensee of facilities that provide personal care, sheltered care or nursing care to residents are liable to any resident for [any intentional act or omission] [and][or][any negligent act or omission][of their agent or employee] that injures the resident.

There is nothing particularly controversial or problematic for either plaintiffs or defendants with this instruction in these types of cases. However, within the Notes on Use is

the following language: “Cases involving negligent acts or omissions should be accompanied by IPI 10.01.”

Also, in the Comments section, the following direction is given to our courts:

Negligence and neglect under the Act have been defined as the failure to provide adequate care which has been found to be synonymous with ordinary care, due care, and reasonable care. *Harris v. Manor Health Care Corp.*, 111 Ill.2d 350, 489 N.E.2d 1374, 95 Ill. Dec. 510 (1986). For this reason, IPI 10.01 defining negligence should be utilized instead of IPI 105.01 for negligence allegations made under the Act. If the claim alleges willful conduct, IPI 14.01 should be submitted. If a claim for professional negligence is made under a separate count, IPI 105.01 should also be submitted.

It is conceivable that some actions brought under the Nursing Home Care Act can fall under the rubric of an ordinary care standard. Specifically, in *Myers v. Heritage Enterprises, Inc.*, 354 Ill. App. 3d 241, 820 N.E.2d 604 (4th Dist. 2004), under the factual scenario where the negligence alleged related to a Certified Nursing Assistant’s transfer of a resident from a bed to a wheelchair, the court held that it was error to instruct on a professional standard of care (I.P.I. 105.01) even when both sides presented expert testimony on the topic.

The *Myers* court noted that the act of a CNA moving a nursing home resident does not constitute skilled medical care requiring the professional negligence instruction. However, the court continued – stating that “a professional is a person who belongs to a learned profession or whose occupation requires a high level of training and proficiency.”

Clearly nursing care would fall under the definition of a professional. This has been acknowledged by our Supreme Court in *Sullivan v. Edward Hospital*, 209 Ill. 2d 100, 806 N.E.2d 645 (2004), which held that a physician is incompetent to testify regarding the standard of care for the nursing profession. Clearly, if a physician is not competent to comment upon the propriety of the actions of a nurse, a lay jury should not be asked to

## TRIAL BRIEFS

Published at least four times per year.

Annual subscription rate for ISBA members: \$25.

To subscribe, visit [www.isba.org](http://www.isba.org) or call 217-525-1760

### OFFICE

Illinois Bar Center  
424 S. Second Street  
Springfield, IL 62701  
Phones: 217-525-1760 OR 800-252-8908  
[www.isba.org](http://www.isba.org)

### EDITOR

Robert T. Park

### MANAGING EDITOR/

### PRODUCTION

Katie Underwood  
[kunderwood@isba.org](mailto:kunderwood@isba.org)

### CIVIL PRACTICE & PROCEDURE

### SECTION COUNCIL

John J. Holevas, Chair  
Jessica A. Hegarty, Vice Chair  
Laura L. Milnichuk, Secretary  
Timothy J. Chorvat, Ex-Officio

James J. Ayres	McCuskey
George S. Bellas	Ronald D. Menna, Jr.
Hon. Barbara L. Crowder	Teresa A. Minnich
Michael C. Funkey	Robert T. Park
Hon. Richard P. Goldenhersh	Jeffrey A. Parness
James J. Hagle	Bradley N. Pollock
Robert J. Handley	William J. Quinlan
James S. Harkness	Mark A. Rouleau
Brian C. Haussmann	Nigel S. Smith
David P. Huber	Stephen Terrance Sotelo
Patrick M. Kinnally	Richard L. Turner
Michael R. Lied	Edward J. Walsh
Hon. Michael P.	John W. Weiss
	P. Shawn Wood

Russell W. Hartigan, Board Liaison  
Lynne Davis, Staff Liaison  
Robert H. Hanaford, CLE Committee Liaison

Disclaimer: This newsletter is for subscribers’ personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

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

Postmaster: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779.

apply an ordinary care standard to the conduct of nurses.

Unfortunately, the Committee on Pattern Jury Instructions has set out a blanket statement within the Comments on I.P.I. 190.01 that for all cases alleging violations of the Nursing Home Care Act, courts must instruct on ordinary care.

In the recent *Beckman* case in Jefferson County, this led to I.P.I. instructions 10.01, 10.02 and 10.04 all being given in a case premised upon alleged negligent application of nursing judgment in monitoring and assessing a resident following a colonoscopy procedure. In essence, the jury was instructed to apply a reasonable person standard to the nursing care rendered rather than to apply the correct standard of professional negligence.

The committee has placed trial judges in a difficult position where they must give the ordinary care instruction to be consistent with the intent of the committee – even when the facts and allegations make it clear that the conduct at issue relates to the higher

level of training which a nurse possesses.

Additionally, in the *Beckman* case, using these instructions, plaintiff's wrongful death count was not based upon the Nursing Home Care Act. Therefore, over plaintiff's objection that it would be (a) confusing to the jury to define two different standards for the same alleged conduct; and (b) that the only standard used should be ordinary care since the wrongful death claim was based upon the same conduct, the court concluded that it was bound to give both the ordinary care instructions as well as I.P.I. 105.01, the professional negligence instruction, in order to be consistent with the committee comments. Because of this, we had a situation where the jury was instructed on two different definitions by which the care was to be judged.

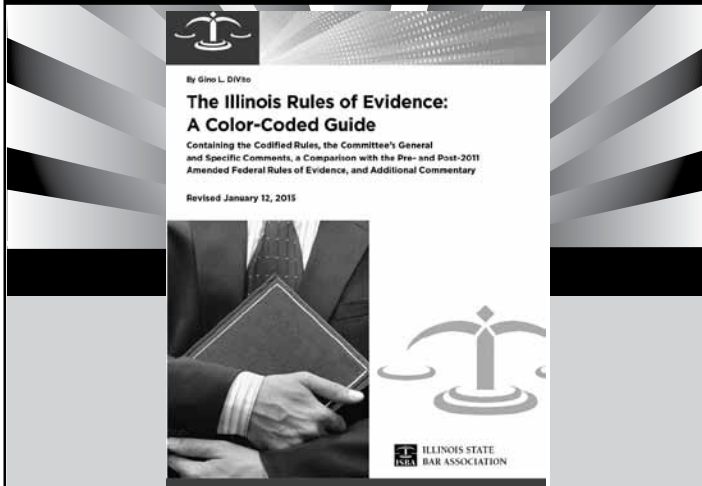
Additionally, the court determined that it would be even more confusing to specifically direct the ordinary care instructions to Count I and the professional negligence instructions to Count II. In the end, we still don't know which standard the jury actually applied in reaching a defense verdict.

While development of a set of jury instructions specific to actions premised upon the Nursing Home Care Act has been needed for a long time, the committee comments, which include a blanket statement that all cases must have the ordinary care instructions, are just plain mistaken.

To conclude that all permutations of claims under the Act are judged by ordinary care ignores the fact that the application of nursing care in most situations involves the application of professional skill and judgment based upon specialized education, training and experience. In this trial lawyer's opinion, this blanket application will eventually lead to error during a trial and will have to be considered by our courts of review.

As a point of practice, all attorneys representing defendants in these types of cases must submit I.P.I. 105.01 as an alternative to the ordinary care instructions; otherwise, the objection to the ordinary care instruction may be waived. ■

## *The book the judges read!*



## THE ILLINOIS RULES OF EVIDENCE: A COLOR-CODED GUIDE 2015 Edition

Still learning the intricacies of the Illinois Rules of Evidence? Don't be without this handy hardcopy version of Gino L. DiVito's authoritative color-coded reference guide, which is now updated through January 12, 2015. It not only provides the complete Rules with insightful commentary, but also features a side-by-side comparison with the full text of the Federal Rules of Evidence (*both* pre-2011 amendments and as amended effective Dec. 1, 2014). DiVito, a former appellate justice, serves on the Special Supreme Court Committee on Illinois Evidence, the body that formulated the Rules approved by the Illinois Supreme Court. Order your copy today!

Order at [www.isba.org/store/books/rulesofevidencecolorcoded](http://www.isba.org/store/books/rulesofevidencecolorcoded)  
or by calling Janet at 800-252-8908 or by emailing Janet at [jlyman@isba.org](mailto:jlyman@isba.org)

### THE ILLINOIS RULES OF EVIDENCE: A COLOR-CODED GUIDE – 2015 Edition

\$35 Members / \$50 Non-Members  
(includes tax and shipping)



Illinois has a history of  
some pretty good lawyers.  
We're out to keep it that way.

## A constitutional question about reduced jury size

Continued from page 1

ing to Merriam-Webster on-line, inviolate means “not harmed or changed.”<sup>6</sup>

Where Illinois has had 12-member civil juries for almost 200 years does cutting the number of jurors in half “harm” or “change” of the “right of trial by jury as heretofore enjoyed?”

The Illinois Supreme Court looked at the quoted constitutional provision protecting the right to a jury trial in *Sinopoli v. Chicago Railways Co.*,<sup>7</sup> where it said (emphasis added):

The essential thing in the right of trial by jury is the right to have the facts in controversy determined under the direction and superintendence of a judge by 12 impartial jurors having the qualifications and selected in the manner required by law, whose verdict must be unanimous and shall be conclusive, subject to the right of the judge to set it aside, if in his opinion it is against the law or the evidence and to grant a new trial.<sup>8</sup>

From a policy standpoint, a jury composed of 12 persons is twice as representative of the community and likely twice as diverse as a six-person jury in terms of age, sex, race and other demographics. Further, as a matter of group dynamics, the larger the jury, the less likely one strong juror will control or dominate the deliberation process.

With these considerations in mind, will the Illinois courts hold that substantially reducing the number of jurors leaves the jury trial “as heretofore enjoyed” inviolate?

Federal law and the law of many states allow juries of less than 12 members. Rule 48(a) of the Federal Rules of Civil Procedure provides: “A jury must begin with at least 6 and no more than 12 members, and each juror must participate in the verdict unless excused...”

In Iowa, for example, civil juries of eight members are sworn. If not all selected jurors are able to serve due to illness or other cause, the remaining jurors with a minimum of six can decide the case. After six hours of deliberation, a case may be decided by a majority consisting of all jurors but one.<sup>9</sup> Likewise, Wisconsin allows for civil juries of six to 12 members<sup>10</sup> with less-than-unanimous verdicts.<sup>11</sup>

Of course, the Illinois Constitution applies to neither the federal courts nor the courts of Iowa, Wisconsin or other states.<sup>12</sup>

In future litigation the Illinois courts will undoubtedly determine whether the Act is consistent with or a violation of the requirement of Article I, Section 13, regarding the inviolate preservation of the civil jury trial. ■

1. Counties Code §4-11001 (55 ILCS 5/4-11001).

2. According to an article in the January 7, 2015, issue of the Aurora Beacon-News, Kane County expects the increased juror fees in the new law will cost the county millions. <http://beaconnews.chicagotribune.com/2015/01/07/kane-deals-state-decision-increase-jurors-pay-rate/> (last visited Jan. 9, 2015).

3. Under current law, either plaintiff or defendant may elect a 12-person jury upon payment of the appropriate fee. Under the Act, if a party to a case tried after June 1, 2015, has paid the fee for a 12-member jury, that party can demand a 12-person jury upon presenting proof of payment. (735 ILCS 5/2-1005(b).)

4. Most likely the request must be made and the fee paid either when a jury demand is filed or at the time of trial, although another alternative could be specified by statute or rule.

5. The Illinois Constitution of 1870 contained

exactly the same language. The Illinois Constitutions of 1818 and 1848 contained the same provision but without the phrase “as heretofore enjoyed.” *People v. Pittman*, 326 Ill.App.3d 297, 761 N.E.2d 171, 173-74 (1st Dist. 2001).

6. <http://www.merriam-webster.com/dictionary/inviolate> (last visited Jan. 8, 2015).

7. 316 Ill. 609, 619-20, 147 N.E. 487 (1925).

8. The *Sinopoli* court held that changes in the manner of appellate review of orders granting or denying motions for a new trial did not impermissibly change the right of trial by jury as constitutionally guaranteed. 316 Ill. at 621-22.

9. See Rules 1.915(9), 1.917(2) and 1.931 of the Iowa Rules of Civil Procedure.

10. Wis. Stat. § 756.06(2)(b).

11. Wis. Stat. § 805.09(2).

12. The 7th Amendment to the U.S. Constitution provides: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,....” In *Minneapolis & St. Louis R.R. v. Bombolis*, 241 U.S. 211, 219, 36 S.Ct. 595, 60 L.Ed. 961 (1916), the Supreme Court held that it was well settled that the 7th Amendment does not apply to the states. In *Hardware Dealers’ Mutual Fire Ins. Co. of Wisconsin v. Glidden Co.*, 284 U.S. 151, 158, 52 S.Ct. 69, 76 L.Ed. 214 (1931), the Supreme Court held that the due process provision of the 14th Amendment does not require civil jury trials.

### FREE to ISBA members

Your research isn't complete until you've searched ISBA section newsletters

Fourteen years' worth of articles, fully indexed and full-text searchable...and counting.



The ISBA's online newsletter index organizes all issues published since 1999 by subject, title and author.

More than a decade's worth of lawyer-written articles analyzing important Illinois caselaw and statutory developments as they happen.

[WWW.ISBA.ORG/PUBLICATIONS/SECTIONNEWSLETTERS](http://WWW.ISBA.ORG/PUBLICATIONS/SECTIONNEWSLETTERS)

**New Attorney  
Program**



**Firm / Attorney  
Program**



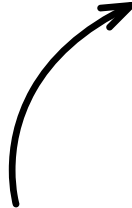
**Mediation Only  
Program**



**Risk Management  
Resources**



**Surety Bonds**



**Liability Minute  
Practice Updates**



## Product Offerings for Illinois Lawyers

(800) 473-4722  
[www.isbamutual.com](http://www.isbamutual.com)

## Upcoming CLE programs

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

### February

**Tuesday, 2/3/15- Teleseminar**—Estate Planning for Digital Assets. Presented by the ISBA. 12-1.

**Tuesday, 2/3/15- Webinar**—Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11-12.

**Thursday, 2/5/15- Chicago, ISBA Regional Office (DNP)**—Lawyer to Lawyer Mentoring Orientation. 12-2 lunch included.

**Thursday, 2/5/15- Live Webcast (DNP)**—Lawyer to Lawyer Mentoring Orientation.

**Wednesday, 2/4/15- Teleseminar**—Buying and Selling Partnership/LLC Interests- Economic, Management & Tax Issues. Presented by the ISBA. 12-1.

**Thursday, 2/5/15- Webinar**—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11-12.

**Thursday, 2/5/15- Teleseminar**—Ethics, Email and Law Practice. Presented by the ISBA. 12-1

**Friday, 2/6/15- Normal, Bloomington-Normal Marriott Hotel & Conference Center**—Hot Topics in Agricultural Law- 2015. Presented by the ISBA Agricultural Law Section. 8:30-4:30.

**Friday, 2/6/15- Chicago, ISBA Regional Office**—2015 Federal Tax Conference. Presented by the ISBA Federal Taxation Section. 8:30-5.

**Monday, 2/9/15- Teleseminar**—Warrants, Options & Other Incentives in Business Transactions. Presented by the ISBA. 12-1.

**Tuesday, 2/10/15- Webinar**—Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11-12.

**Wednesday, 2/11/15- Live Studio Webcast**—Effective Estate Planning for Copyright, Publication, and Literary Assets. Presented by the ISBA Trust and Estates Section; co-sponsored by the ISBA Intellectual Property Section. 10-11.

**Thursday, 2/12/15- Teleseminar**—Estate and Trust Planning for Educational Expenses. Presented by the ISBA. 12-1.

**Friday, 2/13/15- Teleseminar**—Management Agreements in Real Estate. Presented by the ISBA. 12-1.

**Friday, 2/13/15- Chicago, ISBA Regional Office**—FOIA and OMA Update. Presented by the ISBA Education Law Section. 9-noon.

**Friday, 2/13/15- Live Webcast**—FOIA and OMA Update. Presented by the ISBA Education Law Section. 9-noon.

**Monday, 2/16/15- Chicago, ISBA Chicago Regional Office**—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9:00am-4:00pm.

**Monday, 2/16/15- Fairview Heights, Four Points Sheraton**—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9:00am-4:00pm.

**Tuesday, 2/17/15- Teleseminar**—Drafting C and S Corp Stockholder Agreements, Part 1. Presented by the ISBA. 12-1.

**Wednesday, 2/18/15- Teleseminar**—Drafting C and S Corp Stockholder Agreements, Part 1. Presented by the ISBA. 12-1.

**Wednesday, 2/18/15- Live Studio Webcast**—Race & Sports- Racially Charged Sports Controversies and Legal Concerns. Presented by the ISBA Committee on Racial and Ethnic Minorities. 1-2.

**Thursday, 2/19/15- Chicago, ISBA Regional Office**—Interpreters: Improving Language Access in Illinois Courts. Presented by the ISBA International & Immigration Law Section; co-sponsored by the ISBA Civil

Practice and Procedure Section and the ISBA Bench and Bar Section. 12-2.

**Thursday, 2/19/15- Live Webcast**—Interpreters: Improving Language Access in Illinois Courts. Presented by the ISBA International & Immigration Law Section; co-sponsored by the ISBA Civil Practice and Procedure Section and the ISBA Bench and Bar Section. 12-2.

**Thursday, 2/19/15- Teleseminar**—Dress & Undue Influence in Estate and Trust Planning. Presented by the ISBA. 12-1.

**Tuesday, 2/24/15- Teleseminar**—Drafting Independent Contractor Agreements. Presented by the ISBA. 12-1.

**Thursday, 2/26/15- Naperville, NIU Conference Center**—ISBA Solo & Small Firm Practice Institute Series- Managing Your Firm: Time and Technology Tips. Presented by the Illinois State Bar Association. 8:30-5:30.

### March

**Monday, 3/2-Friday, 3/6/15 - Chicago, ISBA Regional Office**—40 Hour Mediation/ Arbitration Training. Master Series Presented by the Illinois State Bar Association. 8:30-5:45 daily.

**Tuesday, 3/3/15- Webinar**—Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4.

**Wednesday, 3/4/15- Webinar**—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4.

**Friday, 3/6/15- Springfield, Hilton Springfield**—2015 Ethics Extravaganza for Government Lawyers. Presented by the ISBA Committee on Government Lawyers. 8:30-1.

**Tuesday, 3/10/15- Webinar**—Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4. ■

**NEED IT NOW?****Fastbooks**

are available for many of these titles.

ILLINOIS STATE BAR ASSOCIATION

**ISBA Books**
**Basic Residential Real Estate: From Contract to Closing**  
*Featuring the new Multi-Board Residential Real Estate Contract 6.0!*

As the first title in the ISBA's new Practice Ready Series, this book was specifically written to be a must-have resource for new attorneys and any others new to residential real estate transactions. It walks you through each stage of a common transaction, from the moment a client contacts your office to the essential steps you must take after the transaction closes. The book centers on and provides in-depth discussion of the use of the new Multi-Board Residential Real Estate Contract 6.0, one of the most widely used contracts of its kind in Illinois. It includes a 130-page appendix with sample copies of the common documents you will encounter in a residential real estate transaction – client letters, the Multi-Board Residential Real Estate Contract 6.0, contingency letters, financing documents, title company documents, closing documents, and many others. Order your copy today and don't risk seeing these documents for the first time at your first closing!

\$35.00 Members / \$50.00 Non-Members (includes tax and shipping)

**HOW TO ORDER**

All prices include tax and postage.

**ONLINE:**

Go to "Bookstore" under "Publications" at [isba.org](http://www.isba.org) (<http://www.isba.org/store>)

**E-MAIL:**

Contact Janet at [Jlyman@isba.org](mailto:Jlyman@isba.org)

**PHONE:**

Call Janet at 217-525-1760 or 800-252-8908.

For a complete list of titles, visit [www.isba.org/store](http://www.isba.org/store)

**RECENT RELEASES**
**Guide to Illinois Statutes of Limitations and Repose – 2014 Edition**

The new Guide to Illinois Statutes of Limitation contains all Illinois civil statutes of limitation enacted and amended through September 15, 2014, with annotations. This quick reference guide brings together provisions otherwise scattered throughout the Code of Civil Procedure and various chapters of the Illinois Compiled Statutes, and also provides deadlines, court interpretations, and a handy index listing statutes by Act, Code or Subject. \$35.00 mbr./\$50.00 nonmbr.

**2015 Attorney's Daily Diary**

The ISBA Daily Diary is an attractive book, with a sturdy, flexible sewn binding, ribbon marker, and elegant burgundy cover. As always, the 2015 Attorney's Daily Diary is useful and user-friendly. It's as elegant and handy as ever, with a sturdy but flexible binding that allows your Diary to lie flat easily. \$28.45.

**GENERAL TOPICS**
**A Practical Guide to the Illinois Domestic Violence Act**

If you take family law cases, you'll find this book an essential aide. Although intended primarily for attorneys who practice in civil court, this book is also valuable for assistant state's attorneys and domestic violence advocates. It provides a clear and comprehensive understanding of the Act, and can be used as a quick reference for researching specific problems. Prepared by attorney Jan Russell from the Chicago Police Department, a highly-rated trainer on domestic violence and child abduction issues who has trained more than 15,000 police officers, lawyers, and social service providers from Florida to Hawaii. \$40 mbr./\$50 nonmbr.

**The Illinois Rules of Evidence – A Color-Coded Guide**

Are you still not fully familiar with the intricacies of the Illinois Rules of Evidence? Then you shouldn't be without this handy hardcopy version of Gino L. DiVito's authoritative color-coded reference guide. It not only provides the complete Rules, with insightful commentary, but also a side-by-side comparison with the full text of the Federal Rules of Evidence (both pre- and post-2011 amendments). DiVito, a former appellate justice, serves on the Special Supreme Court Committee on Illinois Evidence, the body that formulated the Rules approved by the Illinois Supreme Court. \$35.00 mbr./\$50.00 nonmbr.

**Guide to Sentencing and Bond Hearings in Illinois: 2014 Edition**

This essential guide for criminal defense attorneys and prosecutors condenses everything you need to know before appearing at a sentencing or bond hearing. It includes a comprehensive sentencing guide, bond hearing guide, and a detailed listing of the most common felony offenses, which provides statutory citations, offense classes, and relevant notes. \$35 mbr./\$49 nonmbr.

**Illinois Decisions on Search and Seizure: 2014 Edition**

This comprehensive compendium of case summaries is fully updated with decisions issued prior to December 18, 2013. It includes all relevant Illinois and federal decisions, and is a great starting point for any questions related to search and seizure. A must have for all criminal defense attorneys and prosecutors! \$45.00 mbr./\$60.00 nonmbr.

**Guide to Illinois Statutes for Attorneys' Fees – 2014 Edition**

The 2014 edition of this essential guide lists all provisions in the Illinois Compiled Statutes that authorize the court to order one party to pay the attorney fees of another. No matter what your practice area, this book will save you time – and could save you and your clients money! \$37.50 mbr./\$52.50 nonmbr.

**Illinois Domestic Relations Statutes - 2013 Edition**

An affordable, easy-to-carry compendium of key family law statutes that no domestic relations lawyer should be without. Includes the Marriage and Dissolution of Marriage Act, Parentage Act, Adoption Act, Domestic Violence Act, and other key statutes you don't want to be without, updated through 2012. Throw it in your briefcase and have the law at your fingertips wherever you go! \$45.00 mbr./\$60.00 nonmbr.

**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. Add it to your collection today! \$60.00 mbr./\$90.00 nonmbr.

**Post-Conviction Practice: A Manual for Illinois Attorneys**

Representing a client in a post-conviction case? This manual will guide you through the many complexities of Illinois post-conviction law. Remember, your client already lost, twice – once at trial and again on appeal. He or she needs a new case, which means going outside the record, investigating the facts, mastering the law, and presenting a compelling petition. Andrea D. Lyon, director of the DePaul College of Law's Center for Justice in Capital Cases, and her team of coauthors help you do just that. \$30.00 mbr./\$40.00 nonmbr.

## TRIAL BRIEFS

ILLINOIS BAR CENTER  
SPRINGFIELD, ILLINOIS 62701-1779

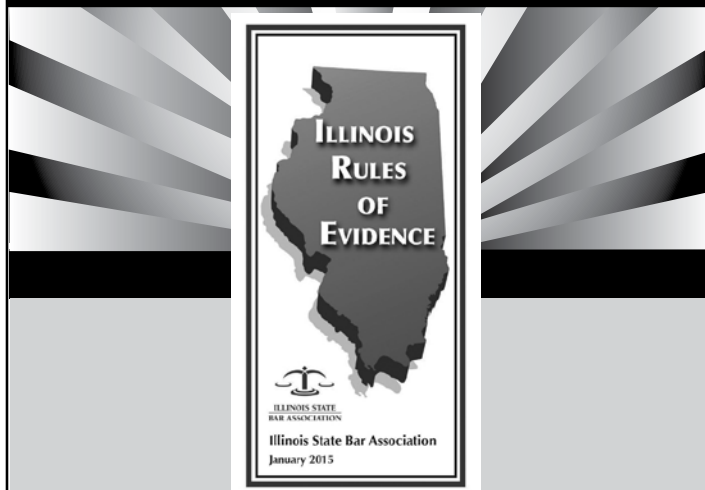
JANUARY 2015

VOL. 60 NO. 7

Non-Profit Org.  
U.S. POSTAGE  
PAID  
Springfield, Ill.  
Permit No. 820



*A new edition of our easy-to-use  
reference guide to the Illinois Rules of  
Evidence!*



## ILLINOIS RULES OF EVIDENCE

ISBA's 2015 pocket-size edition

*New edition, same low price*

This update of ISBA's pocket-size edition reflects all Rule changes through January 10, 2015. This amazingly affordable booklet, which contains the complete rules commentary, is perfect for depositions, court appearances – anywhere you need a quick reference. Buy one now for everyone in your office!

Order at [www.isba.org/illinoisrulesofevidence](http://www.isba.org/illinoisrulesofevidence)  
or by calling Janet at 800-252-8908 or by emailing Janet at [jlyman@isba.org](mailto:jlyman@isba.org)

**THE ILLINOIS RULES OF EVIDENCE:  
A COLOR-CODED GUIDE – 2015 Edition**

\$12.74 Members / \$17.74 Non-Members  
*(includes tax and shipping)*



Illinois has a history of  
some pretty good lawyers.  
We're out to keep it that way.