July 2010 Vol. 48, No. 1

ILLINOIS STATE BAR ASSOCIATION

LABOR & EMPLOYMENT LAW

The newsletter of the Illinois State Bar Association's Section on Labor & Employment Law

False claims law: What employment attorneys need to know

By Ronald B. Schwartz; Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck

The Federal False Claims Act, 31 U.S.C. § 3729 - 3733 allows individuals, known as Relators, to file actions on behalf of the government to combat fraud by federal contractors. Those who knowingly submit, or cause another person or entity to submit, false claims for payment by the government are liable for three times the government's damages plus civil penalties of $5,500 to $11,000 per false claim. 31 U.S.C. § 3730(g). According to Taxpayers Against Fraud, Relator actions resulted in a total of $5.6 billion in recovery in fiscal year 2009. <http://www.taf.org/total2009.htm>. In rare instances, billion-dollar recoveries have occurred. See Justice Department press release (1/15 2009) announcing a $1.45 billion settlement with the federal government and certain States based on Eli Lilly's pervasive practice of marketing Zyprexa for off-label purposes. <http://tinyurl.com/y95g6wg>. The total amount collected from Lilly ended up being much greater because several States settled with Lilly later in 2009. Although

Continued on page 2

Representing gender-variant people in claims of employment discrimination by private employers

By Joanie Rae Wimmer

This article is written by a busy sole practitioner who wishes to share some the knowledge she has acquired from being a gender variant person (a male-to-female transsexual) and from representing gender variant people in claims of employment discrimination. It is not intended to be a treatise. It is meant to be a quick starting point for lawyers who are presented with claims of employment discrimination by gender variant people.

There are many different kinds of gender variant people. There are transsexuals, who are people whose "gender identity" is the opposite of their designated sex at birth. Transsexuals often reach a point in their lives when they need to "transition" to the gender of their gender identity. Other gender variant people are people whose gender identity does indeed match their designated sex at birth. Cross-dressers and drag queens are generally considered to fit into the latter category, as are males who present or behave in an effeminate manner, and females who exhibit what a majority of the people in our society conceive as masculine presentation or behavior. There are also people who refer to themselves as "gender queer" and reject the concept of a binary gender system and identify with both male and female.

In Illinois, there are two avenues which a practitioner may follow in prosecuting claims of employment discrimination against gender variant people. The first is a claim under state law, the Illinois Human Rights Act. (775 ILCS 5/1-101, et seq. (West 2008)). The Illinois Human Rights Act

Continued on page 3

INSIDE

***(Notice to librarians:** The following issues were published in Volume 47 of this newsletter during the fiscal year ending June 30, 2009: September, No. 1; December, No. 2; January, No. 3; April, No. 4).*

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

False claims law: What employment attorneys need to know

Continued from page 1

most recoveries on behalf of the government are much more modest, by labor and employment law standards, the Relator's fee and statutory attorneys' fees are usually at the upper-end of recoveries.

These cases are referred to as *qui tam* cases, which is Latin for referring to the Plaintiff/Relator as one who sues as much for the state as for himself or herself. False Claims statutes have been enacted by many States including Illinois. 740 ILCS 175/1 et seq. Also, the City of Chicago has adopted its own False Claims ordinance. <http://www.taf.org/chicagofca.htm>. The Illinois Act and the Chicago ordinance are similar to the federal Act and mainly mirror the provisions of federal law.

The number of False Claims cases have increased dramatically since the 1986 Amendments which revitalized the Act. However, even though it is estimated that cases brought under the Act bring in $15 for every dollar allocated for enforcement by the federal government, the number of Justice Department officials, Assistant United States Attorneys and investigators who work with Relators are spread too thin.

At first glance, the procedures for this special kind of whistleblowing may seem alluring and straight-forward. File a case under seal on behalf of the government together with a disclosure statement before the case is filed. 31 U.S.C. § 3730(b)(2). Be the first to file. *Id.* § 3730(b)(5). (More about "first to file" infra.) It helps to be an original source or the Relator may face the public disclosure bar. *Id.* § 3730(e)(4)(A).[1] Convince the government to intervene in your case. "Pass Go" and collect a Relator's fee of somewhere between 15 to 30% of the amount recovered on behalf of the government plus attorneys' fees. *Id.* § 3730(d). If only it were that simple.

Labor and employment law lawyers who represent employees should have sufficient knowledge of the Act to be able to spot potential *qui tam* Relator cases. Employees are most likely to be in the know about fraud committed by government contractors. *Qui tam* cases arise most frequently out of healthcare fraud. Also, military procurement is a sector of the economy where traditionally the Act has been used to combat fraud. However, *qui tam* cases are not limited to these areas and the statute applies to just about any situation where false claims are submitted to the government. The Act, though, does not apply to securities fraud and tax evasion. However, there is a separate whistleblower statute for federal tax fraud. 26 U.S.C. § 7623.

Another reason that it is important, if not essential, that plaintiff employment lawyers recognize false claim actions is that a general release may prohibit a Relator from recovering a Relator's fee. The Seventh Circuit has not squarely faced this issue. However, the recent decision in *U.S. ex rel. Radcliffe, et al. v. Purdue Pharma L.P.,* 600 F.2d 319 (4th Cir. 2010) serves as a warning that a Relator may, as a matter of law, waive his or her Relator's fee if a general release is signed. *Radcliffe* observed that the general release does not affect the government's ability to collect under the Act. But realistically, a potential Relator who does not have a financial interest is quite unlikely to pursue such an action.

The Seventh Circuit, applying Illinois law, has a history of construing general releases broadly. *E.g.*, *Hampton v. Ford Motor Co.*, 561 F.3d 709 (7th Cir. 2009). This line of cases suggests that the Seventh Circuit might agree with the Fourth Circuit decision in *Radcliffe*. However, a recent Seventh Circuit case, *U.S. ex rel. Lusby v. Rolls-Royce Corp.*, 570 F.3d 849 (7th Cir. 2009) held that a private employment suit under the retaliation provisions of the Act does not preclude a later suit under the *qui tam* provisions of the Act and is not *res judicata* of a Relator claim. The court specifically observed that the "United States needs protection ... from lawyers whose expertise lies in employment cases, and who without thinking omit *qui tam* claims from their clients' personal suits." *Id.* at 852. Nevertheless, unless and until the Seventh Circuit squarely holds that signing a general release does not waive a relator's right to a recovery, employment lawyers should be hesitant to stand by while clients, with potential *qui tam* claims, sign general releases which could have the effect of waiving a Relator recovery.

Tension exists between presenting a well thought out *qui tam* case to the government and winning the race to the courthouse. One of the maddening aspects of *qui tam* litigation is that because cases are filed under seal, it's not an ordinary race where the results of the race (not counting "photo finishes") are instantly known. Instead, the Relator may not learn whether he or she is first to file until months or even years after the lawsuit is filed. If another *qui tam* lawsuit is earlier filed against a defendant, after the case is unsealed, the defendant may argue that the material facts of the claims are sufficiently related to the allegations of the first filed case so that the later case is barred by the first filed case. *Chovanec v. Apria Healthcare Group Inc.*, 606 F.3d 361 (7th Cir. 2010).

Whether the government intervenes is a key juncture in a *qui tam* case. If the government decides to intervene, it means that the government will take over primary responsibility for the case. As a practical matter, many if not most *qui tam* cases settle at this point because defendants fear being declared ineligible to continue receiving federal contracts. This is especially true for healthcare fraud where Medicare and Medicaid reimbursements are at stake. Another reason why the government's intervention decision is so important is that it establishes the credibility of the case. Even though there is nothing in the Act that declares non-intervened cases are to be treated as second class claims, many judges perceive them that way.

Another reason why non-intervened cases have a rougher path is that *qui tam* complaints must meet the heightened pleading requirements of F.R.C.P. 9(b). *E.g.*, *U.S. ex rel. Gross v. AIDS Research Alliance-Chicago*, 415 F.3d 601 (7th Cir. 2005). With some exceptions, courts require Relators to plead the "who, what, when, where, and how" of the fraud. *Id.* at 605. It is generally not enough to plead the scheme; the Seventh Circuit has required Relators to plead a specific instance of a false claim being submitted. *U.S. ex rel. Fowler v. Caremark RX, L.L.C.*, 496 F.3d 730, 741-42 (7th Cir. 2007). (Overruled on other grounds *Glaser v. Wound Care Consultants, Inc.*).

Conclusion

In the labor and employment setting, attorneys who represent employees need to have sufficient knowledge to recognize potential False Claims Act cases as they advise their clients. ■

1. A discussion of the "public disclosure bar" is

Representing gender-variant people in claims of employment discrimination by private employers

Continued from page 1

defines "[u]nlawful discrimination" to include "discrimination against a person because of his or her . . . sex . . . [or] sexual orientation . . ." (775 ILCS 5/1-103(Q) (West 2008)). The Act defines "[s]exual orientation" to include "actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth." (775 ILCS 5/1-103(O-1) (West 2008)). Article 2 of the Act covers employment, and § 2-102 provides, "It is a civil rights violation . . . [f]or any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination . . ." (775 ILCS 5/2-102(A) (West 2008)). The Act includes an enforcement mechanism which begins with the filing of a charge of discrimination with the Illinois Department of Human Rights (775 ILCS 5/7A-102(A) (West 2008) (which must be filed within 180 days after the date that the violation was committed), and, if the Illinois Department of Human Rights does not dismiss the charge for lack of substantial evidence, proceeds to the filing of a complaint either with the Illinois Human Rights Commission or with the circuit court. (775 ILCS 5/7A-102 (West 2008)).

This Act provides a clear and straightforward avenue to remedy employment discrimination directed against a person because he or she is a transsexual because "gender-related identity" is at the heart of the transsexual experience. There is a disconnect between the transsexual's designated sex at birth and his or her gender identity. The Act would also seem to provide protection to gender queer people who reject the concept of a binary gender system and identify with and have behaviors and presentations involving both male and female. Gender queer people have a "gender identity" which is different from the majority of people. The applicability of the Illinois Act is not as clear to employment discrimination against persons whose gender identity is congruent with their designated sex at birth, such as cross-dressers, drag queens, males whose gender identity is male but who present or behave in an effeminate manner, and females whose gender identity is female but who exhibit what a majority of people in our society conceive as masculine presentation or behavior. The applicability of the Act to those people would seem to depend on how broadly the Illinois courts interpret the term "gender-related identity" in §1-103(O-1) of the Act (and on whether Illinois courts follow the Title VII jurisprudence discussed below in addressing under the Illinois Human Rights Act claims of discrimination because of the employee's "sex"). For example, is a biologically male cross-dresser whose gender identity is male, and who self-identifies as male, and who is fired because his employer finds out that he is a weekend cross-dresser, discriminated against because of his "gender-related identity"? Is employment discrimination against a female, whose gender identity is female, and who self-identifies as female, but presents and behaves in manners more traditionally associated with males, discrimination based on "gender-related identity"?

In the case of transsexuals, proceedings before the Illinois Human Rights Commission offer attorneys an opportunity to provide greatly needed help for a minority group in dire need of legal protection, and to generate substantial attorney's fees as well. In employment discrimination cases, the employer almost always offers some non-discriminatory reason for the adverse employment action, and the parties often litigate the question of whether that non-discriminatory reason was a pretext for unlawful discrimination. One difficulty which lawyers often experience in this regard is the employers' argument that, if the employer was prejudiced against the minority group of which the employee is a member, it would not have hired him or her in the first place. In the case of employment discrimination against transsexuals, at least in cases where the transsexual begins to transition after becoming employed, the employer does not have this argument available to it because the employer did not know that the person was a transsexual when it hired him or her. And, in the case of proceedings before the Illinois Human Rights Commission, there is a fee-shifting statute under

Labor & Employment Law

Published at least four times per year.

Annual subscription rate for ISBA members: $20.

To subscribe, visit 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

Editor
Michael R. Lied
211 Fulton St., Ste. 600
Peoria, IL 61602-1350

Managing Editor/ Production
Katie Underwood
kunderwood@isba.org

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

which the employer may be ordered to pay the employee's reasonable attorney's fees. (775 ILCS 5/8A-104(G) (West 2008)). So in the case of an adverse employment action taken against a transsexual who transitions while employed by a solvent employer, a transsexual's employment discrimination case can represent an excellent opportunity to help a person in dire need of help.

As noted above, there is a second avenue of relief for employment discrimination against gender variant people, *i.e.*, a federal law, Title VII, 42 U.S.C. §2000e, *et seq*. That law makes it unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race . . . [or] sex . . ." 42 U.S.C. § 2000e-2(a)(1). Claims under Title VII are commenced by filing a Charge of Discrimination with the Equal Employment Opportunity Commission (the "EEOC") within the time limited by law. Once such a charge has been filed, the EEOC, upon request, will issue a "right to sue" letter, and the employee may then file an action in federal court within the time limited by the law.

In the case of *Ulane v. Eastern Airlines, Inc.*, 742 F.2d 1081 (7th Cir. 1984), the United States Court of Appeals for the Seventh Circuit (which covers Illinois, Wisconsin, and Indiana) held that Title VII does not protect transsexuals. The Court noted that when Congress enacted Title VII, it was primarily concerned with racial discrimination, and there was a lack of any significant legislative history associated with the addition of "sex" as a basis of discrimination prohibited by Title VII. (The amendment of the bill to add "sex" as a basis was "the gambit of a congressman seeking to scuttle the adoption" of the law. (742 F.2d 1081, 1085). The Court held that the term "sex" as used in Title VII means "biological male or biological female." 742 F.2d 1081, 1087.

Subsequent to *Ulane*, the United State Supreme Court decided *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). *Price Waterhouse* involved a female associate who was passed over for partnership. One partner had described her as "macho". (490 U.S. 228, 235). One partner said that the plaintiff could improve her chances of making partner if she would "walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry." (490 U.S. 228, 235). The Supreme Court ruled in favor of the plaintiff and held that Title VII reaches claims of discrimination based on "sex stereotyping". 490 U.S. 228, 251.

The *Price Waterhouse* rationale has been used to support claims of employment discrimination by male employees who experience adverse employment action, including, but not limited to, harassment, as a result of being too feminine. (See, *e.g.*, *Hamm v. Weyauwega Milk Products, Inc.*, 332 F.3d 1058 (7th Cir. 2003)). The author once represented a male used car salesman who was constructively discharged by being harassed on the job for being an effeminate man. Ironically, in that type of case, epithets such as "girl scout" and "sissy" may give rise to an actionable claim, although the epithets of "queer" or "faggot" may not because Title VII has been held not to protect people from discrimination based on sexual orientation. *Hamner v. St. Vincent Hospital & Health Care Center, Inc.*, 224 F.3d 701, 704 (7th Cir. 2000).

Title VII, then, clearly applies to protect from employment discrimination certain gender variant people whose gender identity is the same as their designated sex at birth, and complements the protections accorded under state law to people who are discriminated against because of "gender-related identity." Federal law also has a fee-shifting provision whereby successful plaintiffs are to be awarded their reasonable attorney's fees. 42 U.S.C. § 1988.

There have been significant and interesting developments in the interpretation of Title VII subsequent to the *Ulane* decision. For example, the Court of Appeals for the Sixth Circuit has held that discrimination against transsexuals is a form of sex stereotyping prohibited by *Price Waterhouse*. (*Smith v. Salem*, 378 F.3d 566, 574-75 (6th Cir. 2004)). In a very thoughtful and interesting decision, the United States District Court for the District of Columbia has held that, subsequent to *Ulane*, certain United States Supreme Court decisions relating to statutory construction have undercut the rationale of *Ulane*. In *Schroer v. Billington*, 577 F.Supp.2d 293 (D.D.C. 2008), Judge Robertson held that employment discrimination against a transsexual because he or she transitions is discrimination "because of such individual's . . . sex" within the meaning of Title VII. The Court stated:

> Imagine that an employee is fired because she converts from Christianity to Judaism. Imagine too that her employer testifies that he harbors no bias toward either Christians or Jews but only "converts." That would be a clear case of discrimination "because of religion." No court would take seriously the notion that 'converts' are not covered by the statute. Discrimination 'because of religion' easily encompasses discrimination because of a *change* of religion. (Emphasis in original). But in cases where the plaintiff has changed her sex, and faces discrimination because of the decision to stop presenting as a man and to start appearing as a woman, courts have traditionally carved such persons out of the statute by concluding that 'transsexuality' is unprotected by Title VII. In other words, courts have allowed their focus on the label 'transsexual' to blind them to the statutory language itself.
>
> (577 F.Supp.2d 293, 306-7).

The Court went on to say:

> The decisions holding that Title VII only prohibits discrimination against men because they are men, and discrimination against women because they are women, represent an elevation of 'judge-supposed legislative intent over clear statutory text.' *Zuni Pub. Sch. Dist. No. 89 v. Dep't of Educ.*, 550 U.S. 81, 127 S.Ct. 1534, 1551, 167 L.Ed.2d 449 (2007) (Scalia, J., dissenting). [Footnote omitted.] In their holdings that discrimination based on changing one's sex is not discrimination because of sex, *Ulane*, *Holloway* [*v. Arthur Andersen & Co.*, 566 F.2d 659, 663 (9th Cir. 1977)], and *Etsitty* [v. *Utah Transit Authority*, 502 F.3d 1215, 1222 (10th Cir. 2005)] essentially reason 'that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers." *Church of the Holy Trinity v. United States*, 143 U.S. 457, 459 (1892). This is no longer a tenable approach to statutory construction. *See Public Citizen v. United States Dep't of Justice*, 491 U.S. 440, 473 (1989) (Kennedy, J., concurring).
>
> 577 F.Supp.2d 293, 307.

The bottom line is that an Illinois practitioner representing gender variant people in connection with employment discrimination claims has two avenues under which she may proceed, each of which has advantages

for particular types of cases. The law in this area is rapidly developing and in flux. And because of applicable fee-shifting statutes, representing gender variant people in employment discrimination claims is an opportunity for Illinois practitioners both to work in an exciting and developing area of the law, and, to be compensated adequately for their work.

One final personal note should be added. In *Hamm v. Weyauwega Milk Products, Inc.*, 332 F.3d 1058 (7th Cir. 2003), in a concurring opinion, one of the judges on the Court of Appeals for the Seventh Circuit expressed his opinion concerning limitations of the "sex stereotyping" Title VII claim as follows:

> [T]here is a difference that subsequent cases have ignored between, on the one hand, using evidence of the plaintiff's failure to wear nail polish (or, if the plaintiff is a man, his using nail polish) to show that her sex played a role in the adverse employment action of which she complains, and, on the other hand, creating a subtype of sexual discrimination called "sex stereotyping," as if there were a federally protected right for male workers to wear nail polish and dresses and speak in falsetto and mince about in high heels, or for female ditch-diggers to strip to the waist in hot weather. If a court of appeals requires lawyers presenting oral argument to wear conservative business dress, should a male lawyer have a legal right to argue in drag provided that the court does not believe he is a homosexual, against whom it is free to discriminate? That seems to me a very strange extension of the *Hopkins* case.

The author of this note, whose designated sex at birth was male, has an oral argument coming up in the Seventh Circuit. It seems that a trip to DSW (the Designer Shoe Warehouse) might be in order to purchase some new high heels appropriate for the occasion. ■

Employer's media policy violates labor law

By Michael R. Lied; Howard & Howard Attorneys PLLC; Peoria, IL

A two-member panel of the National Labor Relations Board ("Board") agreed with an Administrative Law Judge ("ALJ") that the casino employer violated the National Labor Relations Act ("Act") by maintaining and enforcing unlawfully broad rules prohibiting employees from releasing statements to the news media without prior approval, and authorizing only certain persons to speak with the media.

ALJ Shamwell found that the casino violated Sections 8(a)(1) and (3) of the Act. Among the unfair labor practices he found were that the casino's Shift Manager, Lew, discriminatorily issued employee Spina, a leading and open union supporter, a suspension and final warning.

The casino employee handbook contained the following provisions:

Violation of, disregard for, or any departure from a posted or known Company policy or departmental rule, or commission of any prohibited conduct as outlined below will subject employees to disciplinary action up to and including discharge: *** Releasing statement [sic] to the news media without prior authorization.

A second provision stated: It is the policy of Trump Hotels & Casino Resorts that only the following employees, Chief Executive Officer, the respective property's Chief Operating Officer, General Manager or Public Relations Director/Manager is authorized to speak with the media.

After the ALJ's decision, a union representative called Spina and asked for his comment on the decision. Spina, who understood that his comments would be used in a union publication, said that the judge had gotten it "exactly right," referring to the determination that the casino had discriminated against him. The Union issued a press release describing the ALJ's decision in favorable terms.

Following the Union's press release, an Associated Press article appeared in the Atlantic City Courier Post. The article used the Spina quotations that appeared in the Union's press release.

Spina had not been authorized by the casino to talk to the media about the ALJ's decision. Lew, who had issued Spina an earlier warning and suspension, investigated Spina's possible violation of the media policy.

On August 12, 2008, Spina was summoned to Lew's office. Lew mentioned the Courier Post article and referred to Spina's quoted statement. She asked Spina if he had talked to the media. Spina said he had talked only to a union representative. Lew reminded Spina that in the future he would have to receive prior approval before speaking to the media.

The ALJ found the employer's rules interfered with the right of employees to communicate with the public concerning an ongoing labor dispute, and that the casino violated the Act by maintaining and enforcing unlawfully broad rules prohibiting employee communication with the media.

The ALJ observed that to the extent that an employee is required to obtain permission before engaging in protected activity, that requirement is an impediment to the full exercise of his rights.

The casino's argument that its rules were justified by business considerations was found to be without merit. The breadth of the rules far exceeded the reasons offered to justify them. The casino's director of employee relations and diversity testified that the reason for the rules was "to prevent any statements that have anything to do with proprietary information or confidential information." Examples, she explained, were "[a]ny sort of financial data that has not come to the point of being released, customer lists, marketing plans, new table game products, new slot products. . . ." However, those reasons had nothing to do with the activities Spina was engaged in. Nor did those reasons provide a legitimate business reason to infringe on the employees' rights to engage in protected, concerted activities under the Act.

This case arose in the context of union organizing activity. However, the legal principles involved are equally applicable to non-union workplaces. This case provides another example of a situation in which employment policies may inadvertently violate labor law.

Trump Marina Associates, LLC, 354 NLRB No. 123 (2009). ■

Upcoming CLE programs

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

August

Tuesday, 8/3/10- Teleseminar—Buy/Sell Arrangements in LLCs. 12-1.

Thursday, 8/5/10- Webcast—Administrative Adjudication: Administrative Hearings- Presenting Effectively. Presented by the ISBA Administrative Law Section. <http://isba.fastcle.com/store/seminar/seminar.php?seminar=5254>. 12-1.

Friday, 8/6/10- Teleseminar—LIVE REPLAY: Choice of Entity for Service Businesses, Including Law Firms. 12-1.

Tuesday, 8/10/10- Teleseminar—Estate Planning for Non-Traditional Families, Part 1. 12-1.

Wednesday, 8/11/10- Teleseminar—Estate Planning for Non-Traditional Families, Part 2. 12-1.

Thursday, 8/12/10- Webinar—Advanced Legal Research on Fastcase. Presented by the Illinois State Bar Association. 12-1.

Friday, 8/13/10- Teleseminar—LIVE REPLAY: Compensation & Other Technique for Getting Money Out of a Business. 12-1.

Tuesday, 8/17/10- Webinar—Continuing Legal Research on Fastcase. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/17/10- Teleseminar—Property Tax Issues in Real Estate. 12-1.

Thursday, 8/19/10- Teleseminar—LIVE REPLAY_ Buying Distressed Businesses:"Loan to Own" & Other Strategies Part 1. 12-1.

Friday, 8/20/10- Teleseminar—LIVE REPLAY: Buying Distressed Businesses:"Loan to Own" & Other Strategies Part 1. 12-1.

Tuesday, 8/24/10- Teleseminar—Employees v. Independent Contractors: Employment & Tax Implications. 12-1.

Thursday, 8/26/10- Teleseminar—LIVE REPLAY: Estate Planning for Educational Expenses. 12-1.

Tuesday, 8/31/10- Teleseminar—Tax Pitfalls and Opportunities in Real Estate Workouts. 12-1.

September

Wednesday, 9/1/10- Teleseminar—Selection and Use of Expert Witnesses. 12-1.

Wednesday, 9/8/10- Teleseminar—Health Care & Estate Planning: Vital Issues at Each State of Planning Process. 12-1.

Thursday, 9/9/10- Teleseminar—LIVE REPLAY: Art of the Equity Deal for Startup and Growth Companies. 12-1.

Friday, 9/10/10- Teleseminar—LIVE REPLAY: Art of the Equity Deal for Middle Market Companies. 12-1.

Friday, 9/10/10- Webinar—Advanced Legal Research on Fastcase. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 9/14/10- Teleseminar—Choice of Entity/Form for Nonprofits. 12-1.

Tuesday, 9/14/10- Webinar—Continuing Legal Research on Fastcase. Presented by the Illinois State Bar Association. 12-1.

Thursday, 9/16/10- Chicago, Chicago History Museum—GAIN THE EDGE!® Negotiation Strategies for Lawyers. Master Series Presented by the Illinois State Bar Association. 8:30-4:00.

Thursday, 9/16/10- Live Webcast—GAIN THE EDGE!® Negotiation Strategies for Lawyers. Master Series Presented by the Illinois State Bar Association. 8:30-4:00.

Friday, 9/17/10- Live Webcast—18 Months of HITECH: A Brave New HIPAA. Presented by the ISBA Healthcare Section. 10-12.

Friday, 9/17/10- Chicago, ISBA Regional Office—18 Months of HITECH: A Brave New HIPAA. Presented by the ISBA Healthcare Section. 10-12.

Friday, 9/17/10- Chicago, ISBA Regional Office—Hot Topics in Tort Law- 2010. Presented by the ISBA Tort Law Section. 1-4:15.

Friday, 9/17/10- Teleseminar—LIVE REPLAY: Ethics for Business Lawyers. 12-1.

Tuesday, 9/21/10- Teleseminar—Joint Ventures in Real Estate: Structure and Finance. 12-1.

Wednesday, 9/22/10- Teleseminar—Joint Ventures in Real Estate: Operation and Tax. 12-1.

Thursday, 9/23/10- Chicago, ISBA Regional Office—Experts and Litigators on Issues Impacting Children & Custody in Family Law. Presented by the ISBA Family Law Section. 8-6.

Friday, 9/24/10- Teleseminar—LIVE REPLAY: Fundamentals of Exempt Taxation. 12-1.

Friday, 9/24/10- Springfield, Illinois Primary Healthcare Association—Don't Make My Green Acres Brown: Environmental Issues Affecting Rural Illinois. Presented by the ISBA Environmental Law Section. 9-5.

Tuesday, 9/28/10- Teleseminar—Art of the Debt Deal for Startup and Growth Companies. 12-1.

Wednesday, 9/29/10- Teleseminar—Art of the Debt Deal for Middle Market Companies. 12-1.

Thursday, 9/30/10- Teleseminar—LIVE REPLAY: Restructuring Trusts. 12-1.

October

Friday, 10/1/10 – Chicago, ISBA Regional Office—Countering Litigation Gamesmanship. Presented by the ISBA General Practice Solo & Small Firm Section, Co – Sponsored by the Federal Civil Practice Section. 9-5.

Friday, 10/1/10 – Live Webcast—Countering Litigation Gamesmanship. Presented by the ISBA General Practice Solo & Small Firm Section, Co – Sponsored by the Federal Civil Practice Section. 9-5. ■

LABOR & EMPLOYMENT LAW
ILLINOIS BAR CENTER
SPRINGFIELD, ILLINOIS 62701-1779
JULY 2010
VOL. 48 NO. 1

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