



ILLINOIS STATE  
BAR ASSOCIATION

# THE CATALYST

*The newsletter of the ISBA's Standing Committee on Women and the Law*

## Last letter from the Chair: And a wonderful time was had by all in Carbondale, Illinois!

*By Sharon L. Eiseman; Chair, Women and the Law Standing Committee*

Sadly but inevitably, this is my final Chair's column for the 2007-08 term. Part of the consolation for me in ending my tenure is the knowledge that my successors will

be extraordinary and that I can still 'hang around' as Ex-Officio for another year, one which I expect to be substantively rich under Jack Carey's confident leadership. Additionally, our Committee members and I can spend some real and emotional time floating on the wave of excitement and accomplishment that built up and surged during our mid-April weekend visit to the SIU School of Law and that carried us home on its crest, exhausted but happy. I've devoted some column space describing specifics of that glorious weekend we shared with the Minority and Women Participation Committee and the law school faculty and students, lest you think I am being overly dramatic.



Sharon L. Eiseman

First of all, it had been nearly 10 years since our Committee hosted a program or reception at SIU, or traveled there for any reason at all. After experiencing the 12-hour, round-trip drive in a matter of 36 hours, I have DEEP admiration and a sense of awe for the ISBA members who regularly travel to Chicago or even to the middle of the state or Springfield for bar events, since I now fully grasp the travel logistics, the wear and tear on one's seat (not of the car) and circulatory system, the expense (certainly softened by the ISBA's generous reimbursement policy), and the

time taken from practices and families. Fortunately, with company in my car, the road-trip became an interesting adventure, replete with confessions, arguments, reflection, self-discovery, and guilt-free indulgences in the usually taboo junk food consumption, all of which distracted us from the SLOWLY passing 350 miles each way. Despite the great distance many had to traverse, we had a huge turnout—perhaps 75 percent from each of the two Committees.

Secondly, once we settled on the April 11-12 date back in the early fall of 2007, we spent mucho hours planning the multiple weekend activities for our ambitious agenda. The working team consisted of our own Committee members, SIU Law Professor Alice Noble-Allgire, SIU administration assistants, Chair Andrew Fox and members of the Minority and Women Participation Committee, our partner in this process, and Staff Liaison Janet Sosin, consistently untiring even with one or more feet encased in a boot.

As with the long road-trip, there was an upside to this labor of love. During daily e-mail exchanges and weekly teleconferences, we learned more about our Committees and each other, explored heady issues in the forefront of the profession, considered a range of programs and projects we could undertake jointly in the future, and laughed frequently. Yet we kept our focus on two primary reasons for our visit: to provide career guidance to the law students, and to celebrate both the commitment

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to increasing diversity within the ISBA and the productive partnerships we've created to accomplish our various goals.

To kick-off the April 11 law student program, "So You're About to Graduate! Then What?," Alice Noble-Allgire introduced the panel, consisting of seven attorneys from our two Committees who reflected a broad range of career histories, practice areas, and outside interests, as well as racial, ethnic, and gender diversity. Individually and through dialogue, the panelists addressed concerns and answered questions relevant to graduating law students, such as the following:

- I'm ready and (maybe) eager to work. No recruiters are chasing me, so now what should I do?
- I'm uncertain if I want to be a hard-hitting trial attorney. What alternative areas of law might be available to me as a fledgling attorney?
- I don't want to stay in this part of the state but I do not have 'connections' for job prospects elsewhere. Am I stuck?
- I'm deep in DEBT! How can I earn enough to keep creditors at bay, enjoy my work, and have a life outside the law?
- What is the best way to network, and with whom, and how realistic is it to pursue that avenue for employment purposes when networking opportunities are so limited in this area?
- I've decided upon the practice area

that interests me, but how can I be sure that is the right choice, and that it is where my strengths and talents lie?

- Most of my classmates seem worried about getting a good job with a respectable salary, but what about the principles of helping others, improving the justice system, and combating inequities that drew some of us to law school? Is there a place for these 'do good' beliefs?
- Despite moot court competition, or clerking experience, or acting under a '711' license, I can't picture myself arguing a case in court, meeting with a client, or hustling for business. When will I feel like a lawyer?

Following the program, the two Committees, in partnership with the School of Law and its Dean, Peter Alexander, co-hosted a lively evening reception for the students, faculty and staff, area judges, and attorneys, including attendees of an ISBA Civil Practice seminar that coincidentally took place at the school that same day. The SIU reception was one of many over the years that the Women and the Law Committee has held throughout the state as part of its annual outreach efforts, which enable us to interact with other ISBA members, judges, and community leaders; to learn about the joys and challenges, particularly for women, of practicing in the different communities across Illinois; and to spotlight women leaders and advances

made by women in the legal profession. The SIU gathering created the perfect opportunity to bestow on a surprised Dean Alexander an Outstanding Partner Resolution in recognition of his support of the ISBA and the work of our two Committees, not the least of which is the popular Networking Breakfast at the ISBA Annual Meeting, now in its twelfth year.

Friday concluded with a group food-fest at Houlihan's, which has the same decibel noise level as any Houlihan's in Chicago, but much better food and drink. We shouted our way through dinner, not knowing who said what but having a great time. The visit concluded with Saturday's energetic joint meeting of the two Committees that produced a number of great ideas for partnering on projects over the next few years, and that we hope will include the Sexual Orientation and Gender Identity Committee and the Section on Human Rights. We intend to bring those ideas to fruition, so you should STAY TUNED.

Thanks to all of you out there who have been our devoted readership this year and in years past. It has been a privilege to write this column. Please let us know if you have ideas for newsletter coverage or if you would like to contribute an article, as we remain receptive to communicating important information about and interesting perspectives on women in the ISBA, the profession, and the community at large.

Photos of our SIU weekend are on page 15 of this issue.

## A woman's nightmare: Long-term care – Two elder law attorneys' perspectives

By Rick L. Law & Diana M. Law, Elder Law Attorneys

He looked into his wife's eyes and flatly stated, "I'll put a gun to my head before I ever go to a nursing home." Even if he really believes this, it is very seldom true. Men often voice macho denials of the realities of aging and long-term care. In truth, it is often his wife who bears the greater burden caused by his long-term care needs and her own aging chal-

lenges. Yes, his wife—like millions of her sisters—may spend years and all their money caring for her mate. She often selflessly provides in-home care until eventually the day comes when her strength is not enough to pick him up or keep him from wandering away from home. On that day, it might be a doctor, a discharge planner, or a policeman who finally looks into her eyes

and speaks the real truth to her: "I'm sorry, ma'am. You cannot take care of him at home anymore." It is then that most women begin to experience phase two of the elder care nightmare. Most seniors do not realize that Medicare does not care about them when they need long-term care. Medicare was designed to take care of people who get well—but Medicare does not provide

much care for people who have chronic, long-term illness.<sup>1</sup>

In our practice as elder law attorneys, we provide advocacy for senior citizens and the family members who love them. Our typical clients are aging men and women who have worked in our factories, fought our wars, paid our taxes, and raised their own children to become productive citizens. We see them when they come to our office beaten down by the physical decline of long-term illness. They seek assistance with estate planning, disability benefits, Veterans benefits, and Medicaid qualification.

Most of our clients are frugal people who were doing fine on their modest incomes until they were hit by the wrecking ball of long-term illness. Our typical clients are a husband and wife who are living on two Social Security checks, perhaps a modest pension, and minimal investments. They were able to pay their bills and enjoy simple luxuries until the out-of-pocket expenses of long-term care begin to drain what they worked a lifetime to save.

Among today's seniors, women are the primary caregivers in most families. Women who reach age 65 can expect to live 20 or more years on average, and many of those years may be spent as a caregiver. Those who reach 75 will likely live an additional 13 years. In fact, about two-thirds of Americans aged 85+ are women. More than 70 percent of nursing home residents are women whose average age at the time they were admitted was 80.

The pain of long-term care is not shared equally by both men and women. The crushing impact of long-term health care in America falls most heavily upon women. They make up 70 percent of seniors age 65 years and older and are 75 percent of the elderly poor. It has long been said that "women are the weaker sex"—but in the game of survival, men are the weaker sex, in that women are "fit for longevity." The Life Expectancy Table used by the insurance industry reveals that a female born today will typically outlive a male by four to five years. But a longer life does not equate with a healthier life. Men are more likely to succumb to acute symptoms of fatal illnesses such as heart attacks, cancer and strokes, whereas women tend to live with chronic care illnesses such as diabetes, osteoporosis and arthritis.

Women face major challenges trying to live with independence and dignity as they age. On average, they have longer lives, higher rates of disability and chronic health problems, but lower incomes than men. Women will be the primary providers of long-term care for their husbands and their children—but when a woman needs long-term care, most likely her husband will have already passed away. Often, adult children are not available to provide in-home care. Lacking family help, most women face institutional placement in a nursing home—but millions of older women cannot afford long-term care services due to low income and lack of assets. Impoverished, they must rely upon the federal/state program known as Medicaid for their nursing home funding.

When we receive a call for assistance at our elder law office, most often the caller is a woman who is desperately seeking help with a spouse or a parent. Many times she is a daughter or daughter-in-law who has "drawn the short straw" in the family and must care for her father, mother, or in-law.

Women are the primary caregivers.<sup>2</sup> According to the American Association of Retired Persons [AARP], the typical caregiver in the United States is a 46-year-old woman. She has had some college education and she works outside the home at least part-time.<sup>3</sup> Nonetheless, she still spends more than 20 hours per week providing care for her mother, father, or in-law.<sup>4</sup> One in six caregivers in the United States provides 40 or more hours of care per week. Those same caregivers are often under high levels of physical and emotional stress due to the rigors of providing care for an older adult as well as providing for themselves and their own families. Many female caregivers make substantial sacrifices to accommodate the caregiving needs of aging seniors. These women must often cut short their professional work hours; they are often overlooked for promotions; they may lose employee benefits, need to take a leave of absence, choose early retirement, or be forced to end their careers entirely.

Women also dominate the ranks of professional health care workers. When one enters a long-term health care facility, it is immediately obvious that the staff is overwhelmingly female. Almost 90 percent of nurses,

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psychiatric workers, home care aides, and other members of the institutional and home health care field are women. Unfortunately, the majority of these workers are non-professional and are found at the low end of the pay scale with few employee benefits.

Senior women are also disadvantaged in that they receive far less Social Security income than men. Our Social Security system rewards those who work the longest and are paid the most. Women are penalized because they were often out of the workforce during the years that they raised their children. Additionally, their jobs often paid less than the average for a male,<sup>5</sup> and they have smaller pensions, if any. The American workplace is systemically structured around male norms. "These economic facts help explain the growing poverty suffered by elderly women, including the frail elderly."<sup>6</sup>

A typical senior couple today often has quite different levels of earned Social Security. The average senior male who comes to our law firm receives a Social Security check of \$1,100 to \$1,300 per month. Our senior female client receives a check averaging \$400 to \$800 per month. Our clients are senior couples with an average total income from all sources ranging between \$1,500 and \$3,000 per month. Yet even with a modest income, our senior client couples often live comfortably—until they are beset by long-term care costs.

Medicare is the federal government's taxpayer-funded acute care health provider for those who are over 65, blind, or disabled. "Acute care" refers to necessary treatment for a disease for a limited period of time with the goal of returning the individual to a healthy and stable condition so that he or she may be discharged with appropriate instructions. American seniors are provided with acute care health care coverage by the combination of Medicare, their own optional Medicare supplemental insurance policy, and out-of-pocket payment of any deductible or health care expenses.

Unfortunately for our seniors, the health care support network unravels whenever a physician delivers a diagnosis of Alzheimer's, Parkinson's, or other chronic disease that causes the loss of memory or mobility. Medicare does not provide money for long-term care expenses.<sup>7</sup>

Again, the Medicare payment trigger is the diagnosis of a disease from which the individual will be able to recover or rehabilitate to a healthy and stable condition. Our senior citizens "win the Medicare diagnosis lottery" when they receive a diagnosis of heart disease, diabetes, or another acute care problem. But every day, seniors lose this "diagnosis lottery" when they receive the bad news that they suffer from a chronic illness.

Medicare pays based on a complicated coding system. If the disease does not have a Medicare payment code, then the senior is out of luck. In other words, even though Medicare will pay half a million dollars to reimburse hospitals and therapeutic staff for the costs of heart bypass surgery, Medicare will pay no dollars for an individual who has a diagnosis of Alzheimer's or Parkinson's. The Kaiser Family Foundation estimates that 28 million of the current 42 million Medicare beneficiaries have at least two or more chronic conditions. Because men decline at a younger age than women, and Medicare pays little or nothing for health care costs related to the chronic care needs of a frail older person, too often the burden of that care then rests upon the women of the family.

Today's senior woman faces a nightmare as she walks the elder care journey with a frail and declining husband. She learns that Medicare and health insurance do not provide any payment for health care costs at home. She finds that her role in life changes so that she is the primary full-time in-home caregiver for her increasingly fragile spouse. When her husband must be relocated to a long-term care facility, she discovers that neither Medicare nor Medicare supplemental insurance will pay the facility's \$3,000 to \$8,000 per month expense.

Quickly, she learns that Medicaid may not be available to provide nursing home costs in a Medicaid-certified nursing home bed because she has "too much money." Her husband's care will be offset by Medicaid if—and only if—she and her husband meet strict income and asset limitations. This is because Medicaid was originally designed to provide health care only for the poor. Medicare, on the other hand, was designed to provide health care without any income or asset limitations—but Medicare is limited to payment of acute

care medical expenses, not chronic ones.

Due to the manner in which the Medicare and Medicaid systems are designed, women are negatively affected by these programs. Women in general have more chronic illnesses and therefore have a greater need for long-term nursing home services than men. Some critics of Medicare state that although Medicare purports to provide universal health care for our population over the age of 65, the benefit set is, "better designed to fit a man's older life cycle than a woman's older life cycle" as it substantially under-covers the services and treatments that comprise the needs of a predominantly older population.<sup>8</sup>

There is no governmental benefit for long-term care that does not have a stringent income and asset limitation. If a married woman and her husband have assets of more than roughly \$104,000, the marital residence, and a car, then the state requires that the couple "spend down" their life savings, which Medicaid defines as "excess assets." Assuming her husband is in a nursing home, after all their excess assets have been spent on her husband's medical care, the wife will find that Medicaid will also control her monthly income. Her income is restricted to \$2,610 per month. If she has monthly income in excess of \$2,610, then she must allocate the excess to her husband's cost of care.

Later, when her husband dies, she will receive even more bad news. As the "survivor spouse" she will find that she loses one of their two Social Security checks—and she often loses his pension as well. She has been required to spend assets to provide for her husband's care—until she is in an impoverished state and may not be able to afford to continue to live in her home. Many women are forced to sell their homes and move in with family members. The nightmare of long-term care has impoverished these women and stolen their independence.

While the woman is "fit for longevity," her life as an elderly woman is often crushed by the physical, emotional and financial costs from providing care for her husband over a long period of time. Her own health care is often neglected while she cares for her spouse. When he dies, she is then deprived by the system of essential sources of income. She may spend her health and her modest

wealth on her husband's care. Quite frequently she will later face her own elder care journey, alone and impoverished. She will not have the luxury of a spouse who will serve her as she served him. No one will be there to dutifully care for her at home to delay the day that she must move to a long-term care facility. She will not have the financial resources that he had, because Medicaid called those resources "excess assets" and they were spent on his care. When she needs care, she may be forced by the Medicaid system to sell her home and spend the proceeds on her own long-term medical expenses. As a single person, she will not be provided with assistance by the State of Illinois or the federal government until she has become further impoverished to the point of a paltry \$2,000 or less in total assets. The indignity committed against her does not stop there, for at that point she must also sign over all of her income to the nursing home, except for a miserly "personal needs allowance" of only \$30 per month.

The loving wife who faithfully cared for her husband is now out of money and out of options. \$30 per month will probably not be enough to even provide her with the privilege of having her hair done. She is living the nightmare of long-term care in America.

### The Elder Law Attorney

The elder law attorney provides legal advice and counsel to seniors so they can protect their home, their loved ones, and their independence. We counsel clients so that they know the law. Just as a tax attorney advises clients how to arrange their financial affairs to provide the best financial outcome under the law, we counsel our clients on how to arrange their affairs to provide the best financial benefits under the law, as it relates to long-term care. We work within the law to lessen the financial assault of long-term health care expenses. We wish to provide a means to help our clients to pay for quality health care and to avoid being in a situation where they have been reduced to having only \$2,000 in assets and a personal needs allowance of only \$30.

Some of the options that exist under the law include:

1) Helping couples with long-term care issues improve the quality of life for both the ill spouse and the

well spouse;

- 2) Helping couples with long-term care issues plan for improved survivor care financial benefits after the death of the ill spouse;
- 3) Assisting the over-65 wartime veteran who may qualify for certain benefits to pay for in-home health care assistance and/or assisted living facility costs;
- 4) Creating supplemental care trusts designed to pay expenses for frail seniors so they will be able to use their own assets for personal and medical expenses, while at the same time qualifying for Medicaid to pay for their nursing home care;
- 5) Providing seniors with appropriate estate planning and trusts designed to fulfill the goal of leaving a legacy to the family; and,
- 6) Assisting senior couples distressed by long-term care issues to improve the well spouse's quality of life both now and after the death of the ill spouse.

It is rare for today's senior to have a long-term care insurance policy with sufficient benefits to provide meaningful help with nursing home expenses. Without health insurance benefits, they are forced to pay out-of-pocket for any home health assistance or any assisted living facility care.

Today we are faced with the clash of an ever-growing number of people needing long-term care services versus state and federal governments being overwhelmed by the cost of health care. In Illinois, the state is now required to release new and more stringent Medicaid regulations, because the federal government passed a law entitled "The Deficit Reduction Act of 2005" [DRA]. The DRA includes regulations that will intensify the nightmare of long-term care. The DRA requires that any use by seniors of their own money for gifts to children or other members of their family that occur within five years of the time that those seniors need nursing home care, will cause a denial of Medicaid benefits. The worst part of this proposed law is that the senior will receive that denial of care at the very moment that he or she is most vulnerable.

Once a senior is in need of long-term care, Medicaid will impose penalty rules under the DRA. Any transfer of assets will "hang above them" until the senior applies for nursing home

assistance (after having been reduced in assets to less than \$2,000). The big question then becomes this: "How can a senior pay for care if they have a penalty period of ineligibility after they have already reduced their assets below \$2,000?" No one really knows for sure, and it is unlikely that the federal government has an easy answer. The DRA was crafted as a punishment for seniors who give their money away to children, churches, or charities. Most seniors have no idea that the federal and state governments intend to deny them long-term care services for doing the things within a family that are designed to support and encourage family life. The DRA will also wreak havoc on the payment streams to nursing home facilities and other providers.

Preserving some of their assets allows elder law clients to preserve a bit of dignity as they face the nightmare of long-term care. While there is an incredible amount of information and risk when it comes to long-term care planning, there are honest ways to protect our elderly clients, their loved ones, and their independence.

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1. Lawrence A. Frolick & Richard Kaplan, "Elder Law in a Nutshell," 56-136 (3d ed., Thompson 2003).

2. Judith T. Younger, "Light Thoughts and Night Thoughts on the American Family," 76 Minn. L. Rev. 981, 898-99 (1992); see also Arlie Hochschild, *The Second Shift: Working Parents and the Revolution at Home*, 276 (Penguin Books 1989).

3. Id.

4. Id.

5. Marjorie Musser Mikels, "21st Century Women and Children in Poverty," (Human Relations Commission of the Pomona Valley) available at [http://www.smartvoter.org/2004/11/02/ca/state/vote/mikels\\_m/paper2.html](http://www.smartvoter.org/2004/11/02/ca/state/vote/mikels_m/paper2.html).

6. Rebecca Korzec, Student Author, "A Feminist View of American Elder Law," 28 U. Toledo L. Rev. 547, 554 (1997).

7. There are some important exceptions, such as for kidney dialysis, hospice, and ALS a/k/a Lou Gehrig's Disease.

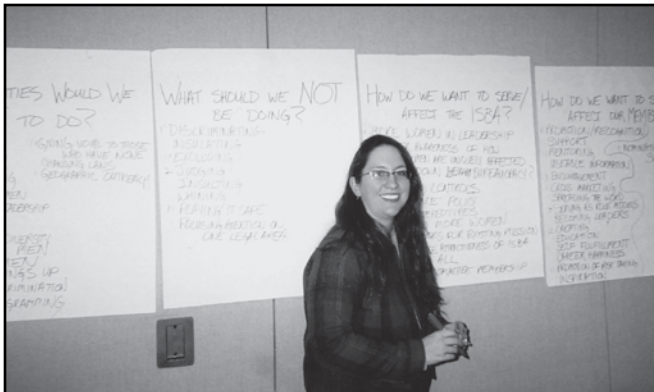
8. Jennifer L. Morris, Student Author, "Explaining the Elderly Feminization of Poverty: An Analysis of Retirement Benefits, Health Care Benefits, and Elder Care-giving," 21 Notre Dame J.L. Ethics & Pub. Policy 571, 587 (2007).

# ISBA Young Lawyer of the Year helps Committee develop its long-range goals



**W**omen in the Law Committee Member Amie Simpson (at left) is to receive the Young Lawyer of the Year Award for outside Cook County at the ISBA Annual Meeting in June. Justin Heather, of Skadden, Arps, Slate, Meagher & Flom, was selected to receive the Young Lawyer of the Year Award for Cook County. Congratulations to Amie and Justin!

At the February meeting of the Women in the Law Committee, Amie led the Committee in a strategic planning exercise (see photos below of Committee members actively at work during that exercise). The Committee was joined by several of its past chairs. The objective of the exercise was to develop long-range goals and planning objectives for the Committee's work.



Amie maps out questions and answers necessary to the development of the strategic plan.



Past-Chair Gilda Hudson-Winfield joined in the planning exercise with current committee members.



Current Chair Sharon Eiseman, with Committee members Patrice Ball-Reed, Sandra Crawford, and Nikki Carrion.



Amie with Committee Members Lynn Grayson, Ann Marie Kill and Diana Law.

# Child sex exploitation study probes extent of victimization in Illinois

By Jessica Ashley, ICJIA Senior research analyst

The commercial sexual exploitation of children in the United States, often referred to as “modern day slavery,” is a multi-million-dollar industry supported by revenue from prostitution and pornography. Due to the attention that commercial sexual exploitation of children has received, and its priority among federal, state, and local law enforcement officials, it is an important issue for Illinois to explore.

The U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) calls the commercial sexual exploitation of children one of the most overlooked and egregious forms of child abuse. OJJDP defines the commercial sexual exploitation of children as “a constellation of crimes of a sexual nature, committed against youthful victims younger than 18 years old, primarily or entirely for financial or other economic reasons.”

A child exploitation crime includes trafficking for sexual purposes, prostitution, sex tourism, pornography, stripping, and sexual performances, and includes schemes involving mail-order brides and early marriages. Law enforcement and child protection groups label commercial sexual exploitation of children in the United States a “critical problem,” with increasing numbers of children and youth sexually exploited through prostitution and pornography, according to OJJDP.

Due to the secretive and hidden nature of the commercial sexual exploitation of children, this crime is difficult to study and quantify. In the fall of 2006 the Authority was awarded a research grant by OJJDP to study the child sex trade. The study used three research methods: arrest statistics, focus groups with individuals who were prostituted as juveniles, and interviews with law enforcement officers.

The goal of the research was to gain a better understanding of the commercial sexual exploitation of children and youth. Collectively, the research methods addressed the following:

- What is the incidence and prevalence of victimization?

- What are characteristics of victims?
- What are pathways to victimization?
- What are the needs of exploited youth exiting exploitative situations?
- What are the responses of law enforcement?



Jessica Ashley

## Combating commercial sexual exploitation of children

The U.S. government has become increasingly concerned about young victims who are exploited for commercial sex. According to the Trafficking Victims Protection Act of 2000, the definition of sex trafficking is the recruiting, harboring, transporting, providing, or obtaining a person for the purposes of a sex act. The definition does not include the requirement that a victim be transported anywhere. Victims of trafficking can be born in the United States or foreign-born.

Most trafficked youth engage in survival sex and are runaways who have experienced childhood abuse. Female prostitutes may be controlled, intimidated, socially isolated, and economically dependent on their pimp, who may be a boyfriend or relative, making it difficult to leave a life of prostitution. Customers and pimps threaten and physically abuse prostitutes by sexual assaulting, kidnapping, stabbing, and beating them. Victims can suffer physical health problems as well as mental health problems, such as post-traumatic stress disorder, depression, and low self-esteem.

A 2001 University of Pennsylvania study estimated there are as many as 300,000 children at risk for exploitation through prostitution in the United States, but there is a lack of consensus on the estimated number of prostituted

youth. One study estimated that a minimum of 16,000 women and girls are regularly engaged in prostitution in the Chicago metropolitan area, but another study estimated that total at between 1,800 to 4,000. Official statistics offer much lower estimates of the problem. The Department of Justice estimates that only 1,300 juveniles were arrested for prostitution in the United States in 1995, a figure that is less than one percent of all juvenile arrests.

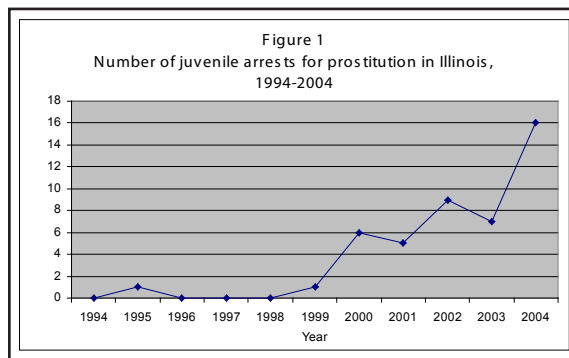
## State government response

Gov. Rod R. Blagojevich signed the Illinois Trafficking of Persons and Involuntary Servitude Act in June 2005. The Act established penalties for the offenses of involuntary servitude, sexual servitude of a minor, and trafficking of persons for forced labor. The Illinois Department of Human Services’ Rescue and Restore public awareness campaign, launched in late 2005, offers outreach services and trains law enforcement and other relevant professionals on human trafficking.

## Arrest statistics

Overall in Illinois there have been few arrests related to the commercial sexual exploitation of children, but arrest data is limited primarily because some juvenile offenses, such as misdemeanors, are not required to be reported. Under-reporting of juvenile arrests also seems to be occurring. Over a 10-year period, from 1994 to 2004, only 45 arrests of juveniles for prostitution were reported (Figure 1).

Also during that period, 162 arrests were made for soliciting a juvenile



**Table 1**

Total number of commercial child sexual exploitation arrests from 1994 to 2004

Offenses	Number of Arrests
Child Pornography	258
Exploitation of a Child	166
Juvenile Pimping	80
Keeping a Place of Juvenile Prostitution	3
Patronizing a juvenile prostitute	29
Soliciting for a Juvenile Prostitute	162
<b>Total</b>	<b>98</b>

prostitute, and police arrested 258 individuals for child pornography. Table 1 depicts the total number of adult commercial sexual exploitations of children-related arrests from calendar year 1994 to calendar year 2004.

**Female focus group**

Young Women’s Empowerment Project, a Chicago non-profit agency, received a sub-contract to recruit focus group participants and moderate groups for the study. One group had 19 adult female participants over 18 years of age who were involved in the sex trade industry as juveniles (under the age of 18).

The average age of entry into the sex trade for focus group participants was 12 years old. The girls indicated they became involved in prostitution for basic survival needs such as food, clothing, and shelter, or to acquire expensive material goods. They often were runaways or throwaways who left home due to family dysfunction and abuse. Some were forced to perform sex acts against their will, and some sought money and expensive clothing as a way to feel accepted, taken care of, and loved. Many participants agreed that social services were not helpful to them and sometimes made things worse.

**Transgender focus group**

Five transgender individuals living in Chicago participated in a focus group to discuss their experiences in the sex trade as juveniles. The participants were recruited through collaboration with the Broadway Youth Center, a division of the nonprofit Howard Brown, Inc.

Transgender refers to a range of

individuals with atypical gender characteristics or identities that differ from their anatomic sex. Being transgender may make it difficult to find legitimate employment, so the sex trade is seen as an economic choice to survive and make money. The average age of entry of these participants was about 15 years old. They characterized prostitution as a “game” or “competition” and as a way to feel included as part of a family. Dangers inherent in the sex trade were exposed as participants indicated they were victims of robberies, sexual assault, and batteries. Although some services are available for the Chicago transgender population involved in trading sex, more help is needed, they said, especially in employment training and assistance.

**Law enforcement officer interviews**

Ten federal, state, and local law enforcement officials based in the Chicago metropolitan area were interviewed for this study from the following agencies: Federal Bureau of Investigation, Office of the Illinois Attorney General, Cook County State’s Attorney’s Office, Cook County Sheriff’s Department, Chicago Police Department, and police departments in suburban Chicago. Participants were interviewed about arrests and investigations of cases regarding the commercial sexual exploitation of children, about social service agencies, and about child exploitation victims, and they were asked for recommendations to combat exploitation.

Police officers indicated they often receive tips and leads on domestic cases of commercial sexual exploitation of children from many sources, including anonymous callers, parents, other police departments, and during the course of other investigations. None of the officers had encountered an international trafficking case. They said prostituted juveniles did not aid in investigations because prostitution was their means of survival, or out of love or fear of their pimp.

Evidence collected in police investigations included computers, cell phones, cameras, video equipment and other electronic devices, photographs, and records, such as credit card bills, and hotel reservations. Officers mentioned that pimps routinely transport victims from city to city. Victims are also moved between the neighboring states of Wisconsin and Indiana.

The Internet is often used as a tool to find clients and advertise services, such as the popular Web site <craigslist.com>. Child pornographers use the Internet to exchange pictures, videos, and Web sites.

While officers work with the Department of Children and Family Services and with hospitals, there are no appropriate secure placement options for young victims who often leave non-secure facilities, such as hospitals.

Recommendations from law enforcement officers included:

- Provide more resources and training to officers.
- Recognize children are victims, not offenders of commercial sexual exploitation.
- Develop more appropriate secure placement for victims.
- Increase public awareness for parents, especially on the Internet.
- Provide harsher penalties for offenders.

**Final recommendations**

Based on the study’s findings, researchers made the following recommendations:

- 1) Develop strategies to prevent commercial sexual exploitation of children. Runaway youths, who cannot or should not be returned to their homes due to abuse or other factors, should be assisted with finding safe and long-term housing placement and with receiving job training and placement assistance. Other suggestions are making prevention videos and discussions available to schools and the public, and encouraging parents and other adults to dialogue with children on issues of sexual exploitation.
- 2) Develop programs to reduce family violence. Youth from abusive homes are at greater risk to run away and become victims of exploitation. To break the cycle of family violence, programs are needed to stop child maltreatment and prevent its recurrence, and build nurturing parent skills.
- 3) Identify and provide assistance for exploited youth. Better screening by law enforcement, hospitals, schools, and social services can help assist current victims or those at risk for victimization. Social service providers need training on how to assist and treat exploited youth, because



they have unique problems and specific needs. If runaways are escaping abusive homes and turning to the street and prostitution, family reunification may not be appropriate. Assistance can include holistic family therapy, employment assistance (especially for transgender individuals), and shelter.

- 4) Train law enforcement officers. New tactics are needed to apprehend offenders and solicit victim cooperation. Officers need to work with community-based agencies that aid victims of commercial sexual exploitation, and offer exploited children the same respect and assistance given to other child crime victims. Officers need to better identify and investigate commercial sexual exploitation of children, and work with prosecutors to convict exploiters, abusers, and patrons.
- 5) Build community capacity and collaboration. Social service and harm-reduction agencies, hospitals, and law enforcement need to collaborate and be aware of mutual purposes and goals. Along with communi-

ties, they need to pool resources to help prevent victimization, aid victims, and identify and investigate crimes involving the sexual exploitation of children. Community task forces should engage the public to help combat child sex trafficking. State and federal grants should support these efforts.

- 6) Keep current with trends and technology. Technology is constantly changing and youth are its primary users. Sexual predators use the Internet and online chat rooms as tools to find young victims, so police, parents, and educators must keep current on changing technology to stay one step ahead of perpetrators.
- 7) Enact legislation. Discourage prosecution of minors for being commercially sexually exploited and prescribe stiffer penalties for perpetrators of these crimes.
- 8) Conduct more research. This crime's secretive nature has so far been able to hide its extent and leave its victims uncoun-tered. Further research is needed to quantify the commer-

cial sexual exploitation of children, target its activities, and reduce its prevalence.

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As Senior Research Analyst and Manager of the Research and Evaluation Center at the Illinois Criminal Justice Information Authority, Ms. Ashley oversees research on crime trends and issues. Recently, she served as principal investigator on a Department of Justice research grant on the sexual exploitation of children, as well as authored a series of seven Restorative Justice Guides. She has conducted numerous national and state presentations on juvenile justice issues. In addition, Ms. Ashley serves as an instructor at Loyola University Chicago. Ms. Ashley was previously employed at the Office of the Illinois Attorney General and in 2005 received the "Distinguished Service Award" for her work on behalf of citizens of Illinois. She earned her bachelor's degree in criminal justice from Bradley University and master's degree in criminal justice from University of Wisconsin-Milwaukee.

## National Association of Women Lawyers: 2007 Survey of the Status of Women in Law firms

By E. Lynn Grayson, Partner

On February 19th, the ISBA Women and the Law Committee co-sponsored a National Conference of Women's Bar Associations' ("NCWBA") program titled "A Closer Look: NAWL's 2007 Survey of Women in Law Firms." More than 400 women attorneys from around the country participated in the NCWBA Web seminar. The program speakers focused on the results of the 2007 NAWL survey, as well as how law firms and women's bar associations can and should respond to these findings.

According to NAWL, the impetus of the survey is the relatively slow progress of women lawyers in the upper-reaches of private practice. For almost three decades, women have graduated from law schools and begun their legal

careers in private practice at about the same rate as men. The survey findings show that women advance into the upper levels of law firms with only a fraction of the success enjoyed by their male classmates.

The NAWL survey is the only national study that annually tracks the professional progress of women in law firms by providing a comparative view of the careers of men and women lawyers at all levels of private practice, including senior roles as equity partners and law firm leaders, and compensation. By compiling objective data in an annual survey sampling the nation's largest 200 law firms, NAWL aims to provide: (a) an empirical picture of how women forge long-term careers in firms and what progress is being made in

reaching the highest positions in firms, (b) benchmarking statistics for firms to use in measuring their progress, and (c) over a multi-year period, longitudinal data for cause-and-effect analyses of the factors that enhance or impede the progress of women in firms.

The executive summary of the NAWL report provides a brief review of the 2007 findings as follows:

- Women do not enter the room in large numbers where law firm partners meet. Women lawyers account for only about 16 percent of equity partners—those lawyers who own shares in their firms and occupy the most prestigious, powerful and best paid-positions. Put another way, for every 100 equity partners in the average large firm, 84 of them are

- men.
- There are decided differences in promotion to equity partner depending on when women graduated from law school. In the most senior partner classes, those graduating before 1980 when many fewer women were admitted to law school, fewer than 10 percent of equity partners are women. In classes graduating between 10 to 25 years ago, when classes were 40 percent to 50 percent female, the percentage of women equity partners increases to about 20 percent—higher but still not close to the proportion of female lawyers in those classes who started their careers as law firm associates. While these findings suggest that almost three decades of consistently high numbers of women graduates has been a factor for advancing women into senior positions, the high number alone has not been enough to achieve the rates of law firm advancement that are enjoyed by men.
- Women have yet to break into leadership ranks of large firms in meaningful numbers. A small minority of managing partners are women, fewer than 10 percent. Women fill a minority of the seats on the highest governing committee of large firms. On average, only about 15 percent of the seats on a firm's governing committee are filled by women. A remarkable 15 percent of firms report no women at all on their highest committee.

- There is a continuing income disparity between men and women lawyers at each rung of the partnership ladder. While 2007 compensation for associates is roughly parallel between men and women lawyers, in the average firm male of-counsels earn roughly \$20,000 more than females, male non-equity partners earn roughly \$27,000 more than females, and male equity partners earn almost \$90,000 more than female equity partners.
- Women working in firms with higher hours requirements have no better chance of progressing into senior partner positions than women working in firms with lower hours or no hours requirements. Hard work does, however, have a financial pay-off, especially for men. At firms that either have no hours requirement or are below the median on required hours for partners, male equity partners earn, respectively, \$73,000 and \$51,000 more than female equity partners. At firms with high hours requirements, men who are equity partners earn a whopping \$140,000 more than women in the same position.
- Women lawyers work part-time in much greater numbers than their male counterparts. In the average firm, one in 50 male lawyers is working part-time, while close to one in eight female lawyers is working part-time. The timing of part-time work also differs by gender; for the most part, women tend to work part-time early in their careers,

while men work part-time only after spending many years in practice.

- The vast majority of firms—93 percent—have implemented women's initiatives to assist women in developing the skills and connections needed to sustain a long-term legal career. It has become the rare large firm that does not have some type of program for developing careers for their women lawyers.

Overall, the 2007 findings are not encouraging as to the progress of women attorneys in private practices. The program also addressed the positive impact of efforts such as the Chicago Bar Association's Call to Action in increasing and promoting the advancement of women lawyers in firm leadership. The panelists also agreed that the expansion of women's initiatives within law firms has proved beneficial in retaining women attorneys and providing greater leadership opportunities. The panelists noted that women's bar associations and related organizations play a critical role in raising awareness of these significant concerns and working to promote positive change within the law firms and the legal profession overall.

The 2007 NAWL report is available online at <[www.abanet.org/nawl](http://www.abanet.org/nawl)>. An audio recording of the complete February 19th NCWBA Web seminar is available at <[www.foley.com](http://www.foley.com)>.

\* E. Lynn Grayson is a Partner at Jenner & Block, LLP in Chicago and the Vice-Chair of the ISBA Women and the Law Committee.

## Disparity between women and men's compensation and leadership responsibilities still significant, NAWL survey concludes

On Friday, March 14th, Jenner & Block LLP confirmed that trial lawyer Susan Levy has been named as the firm's new managing partner.<sup>1</sup> She is the first female managing partner in the top Chicago firm's 94-year history.<sup>2</sup> Unfortunately, however, the promotion of women to the highest leadership positions in private firms is still far too uncommon.

In fact, fewer than 10 percent of managing partners in firms nationwide are women,<sup>3</sup> and only 15 percent of the seats on a firm's highest governing committee are filled by women.<sup>4</sup> What's more, 15 percent of firms report no women at all on their highest committee.<sup>5</sup>

These startling findings are among many other results from the second

annual National Survey of the Status of Women in Law Firms ("Survey"), conducted by the National Association of Women Lawyers ("NAWL"). Released in November 2007, the NAWL Report compiles results from the Survey, the only national study that annually tracks the professional progress of women in law firms by providing a comparative view of the careers of men and women

lawyers at all levels of private practice.<sup>6</sup> NAWL initiated the Survey due to concern over the relatively slow progress of women lawyers into the upper levels of private practice.<sup>7</sup> With the results from the Survey, NAWL aims to provide reliable benchmarks about the status of women in private firms and the factors that impede or advance the retention and promotion of women lawyers in private practice.<sup>8</sup>

For almost three decades, women have entered the legal profession at the same rate as men.<sup>9</sup> As associates, compensation and billable hour requirements remain fairly equal as between men and women because they are measured in essentially a “lock-step” fashion by most large firms.<sup>10</sup> Beyond the associate level, however, the Survey findings show that women advance into the upper reaches of law firms with only a fraction of the success enjoyed by their male colleagues.<sup>11</sup> In an attempt to understand this disparity between women and men at the higher levels of private firms, the NAWL Report divides the Survey results into four critical areas.

First, the Survey addresses the varying positions women occupy in law firms. NAWL asked firms to identify the breakdown of lawyer positions by gender for junior and senior associates, of-counsels, non-equity partners and equity partners.<sup>12</sup> The findings explain that representation of women decreases with each level of promotion.<sup>13</sup> Women go from 47 percent of associates to 30 percent of of-counsels to 26 percent of non-equity partners to 16 percent of equity partners.<sup>14</sup> Where one out of two law firm associates is a woman, only one out of six equity partners is a woman.<sup>15</sup>

The NAWL Survey Committee observes that this disparity between the representation of women at associate levels and the representation of women at equity ranks has serious implications for whether and how firms can achieve gender balance.<sup>16</sup> With a low percentage of women in leadership positions in the firm, there are fewer women role models for new associates, fewer opportunities for associates to work with senior women lawyers, and fewer women to mentor the junior lawyers.<sup>17</sup> Male and female associates alike are affected by this disparity.<sup>18</sup> The NAWL Survey Committee also expresses concern that these numbers create a “self-reinforcing culture of negative expectations that women will not proceed in

large numbers into senior positions.”<sup>19</sup>

Second, the Survey focuses on women in law firm leadership positions, such as governing committee member and managing partner. Firms report an average of 11-12 members on their highest committee.<sup>20</sup> The Survey results show that women comprise roughly 15 percent of the membership of the highest governing committee.<sup>21</sup> Interestingly enough, the ratio for membership in governing committees is only slightly lower than the ratio of female equity partners (16 percent).<sup>22</sup> Shockingly though, one in seven of the nation’s 200 largest firms report no women members on their highest governing committees.<sup>23</sup>

The results paint a similar picture for the position of managing partner. With 97 percent of firms reporting this position, the results show that women make up only 8 percent of all managing partners – a much lower ratio than the number of female equity partners.<sup>24</sup> The NAWL Survey Committee concludes that these statistics prove that women are not advancing to the highest levels of firm management in numbers equal to their representation at the equity partnership level, let alone their representation at the associate levels.<sup>25</sup>

Third, the Survey evaluates the continuing compensation gap between female and male attorneys. The results reveal that a male partner is the highest compensated partner in 90 percent of the firms who responded to the Survey.<sup>26</sup> While associate compensation is roughly equal between men and women, women earn less on average with each step up the partnership ladder.<sup>27</sup> Male of-counsels earn roughly \$20,000 more than females, male non-equity partners earn roughly \$27,000 more than females, and male equity partners earn almost \$90,000 more than female equity partners.<sup>28</sup>

The results show that the disparity at the equity partner level may be attributed to the substantially greater number of senior male equity partners compared to senior women equity partners.<sup>29</sup> The gaps at the non-equity and of-counsel levels indicate, however, that women are generally under-compensated for their contributions to their firms.<sup>30</sup> The Survey Committee suggests a possible reason for the disparity may be that women lawyers are not given as many choice assignments, introductions to key firm clients, or other opportunities for growth.<sup>31</sup>

NAWL anticipates that women

partners will continue to struggle to gain income parity with men.<sup>32</sup> As a result, the Survey focuses for the first time this year on the impact of, and the lack of, firm policies and practices aimed at providing the proper context and support for women lawyers.<sup>33</sup>

Three prominent theories for the lack of advancement and disparate compensation of women in private practice are discussed: 1) excessive billing-hour requirements, 2) lack of meaningful part-time work policies, and 3) poor attention to helping women develop the business skills and business opportunities that impact career success.<sup>34</sup> With this Survey, NAWL also asked questions aimed at determining the extent to which firms are implementing new policies in these areas to enhance the retention and promotion of women lawyers.<sup>35</sup>

The Survey examines whether billing-hour requirements have any impact on the advancement of women attorneys within the private firm. Many believe that the lawyer’s ever-increasing business hours have a disproportionate impact on women attorneys because of the tensions between time required for work and family responsibilities.<sup>36</sup> The results illustrate, however, that women working with billing-hour requirements in place have no greater or lesser chance of progressing into senior positions.<sup>37</sup> In fact, firms with higher billing-hour requirements have the same percentage of women equity partners as firms with lower or no billing-hour requirements.<sup>38</sup> The Survey proves that satisfying the billing-hour requirements of the firm may be a prerequisite to promotion, but it has no apparent effect on the woman lawyer’s odds of promotion to equity partner within that firm.<sup>39</sup>

The Survey also analyzes the existence of part-time schedules within private firms and the effect that those arrangements have on women’s advancement within the firm. The Survey defines “part-time” as less than 80 percent of full-time practice.<sup>40</sup> The results demonstrate that women are about six times more likely than men to work part-time.<sup>41</sup> Essentially, one in 50 male lawyers is working part-time, while one in eight women lawyers is working part-time.<sup>42</sup>

Another interesting pattern emerged: women work part-time schedules early on in their careers, while men generally work part-time schedules after spending many years in practice, often as part of a transition to retirement.<sup>43</sup> The Survey

results show that most women opting for a part-time schedule are still in their child-bearing/child-rearing years.<sup>44</sup> Furthermore, the Survey found that the striking drop off of women lawyers beyond 10 years in practice suggests that women face “substantial obstacles” when attempting to return to full-time practice during their potentially most experienced years.<sup>45</sup> NAWL contends that firms must implement policies that define part-time work as one temporary stage in the context of a full legal career in order to eliminate this “dead-end rut” that disproportionately affects junior women attorneys.<sup>46</sup>

Finally, the Survey closes by exploring the presence and function of women’s initiatives, which include professional development activities, social networking events, and formal mentoring programs. Since this is the first year that the Survey has examined this particular subject, the amount of data is fairly small, but the results are striking. Ninety-five percent of firms reported sponsoring a women’s initiative.<sup>47</sup> The NAWL Survey Committee found that the presence of social networking events can be positively correlated to higher per-partner profitability.<sup>48</sup> Essentially, the results confirm that there is no drawback for firms, or for women lawyers, to sponsoring or participating in women’s initiatives.<sup>49</sup>

NAWL maintains that individual lawyers alone cannot overcome these structural barriers.<sup>50</sup> Rather, law firms must adapt their policies and programs to draw women into long-term careers in private practice.<sup>51</sup> Without an overhaul of traditionally-accepted firm policies that favor men, firms will continue to be “overwhelmingly male enclaves” without meaningful gender diversity.<sup>52</sup> It is NAWL’s hope that private law firms “implement meaningful, concrete steps that proactively increase the number of women lawyers at the more senior levels.”<sup>53</sup> While the numbers show that some progress has been made over the years, women are still grossly underrepresented at the upper levels of private firms.

The NAWL Survey was sent in late winter 2007 to the 200 largest firms in the United States as reported by *American Lawyer*.<sup>54</sup> NAWL chose to focus on larger firms because they compose an easily defined sample on a national basis and because their results could be viewed as benchmarks for the larger profession.<sup>55</sup> A total of 112 firms responded.<sup>56</sup> Responding firms were

significantly larger than non-responding firms in terms of gross revenue, net operating income, and number of lawyers.<sup>57</sup> Responding and non-responding firms had similar revenue per lawyer, profits per equity partner, gross revenue growth rates, and regional distribution.<sup>58</sup> As part of the Survey, NAWL committed not to publish individual law firm data.<sup>59</sup>

Founded in 1899, NAWL is an independent organization of both men and women lawyers committed to supporting and advancing the interests of women in and under the law.<sup>60</sup> NAWL is affiliated with the American Bar Association and is based in Chicago, Illinois. For additional information about NAWL, please visit its Web site at <<http://www.abanet.org/nawl/>>. The Survey is available online at <[http://www.abanet.org/nawl/docs/FINAL\\_survey\\_report\\_11-14-07.pdf](http://www.abanet.org/nawl/docs/FINAL_survey_report_11-14-07.pdf)>.

1. Ameet Sachdev, “Jenner picks 1st female leader; Levy to get top job as client hires Gallopoulos,” <[www.chicagotribune.com/business/chifri\\_jenner-mar14,1,2204209.story](http://www.chicagotribune.com/business/chifri_jenner-mar14,1,2204209.story)> (March 14, 2008).

2. Id. (*Tribune* Article)

3. National Association of Women Lawyers, National Survey on Retention and Promotion of Women in Law Firms 2 (November 2007) (available at [http://www.abanet.org/nawl/docs/FINAL\\_survey\\_report\\_11-14-07.pdf](http://www.abanet.org/nawl/docs/FINAL_survey_report_11-14-07.pdf)).

4. Id. at 3.

5. Id.

6. Id. at 1.

7. Id.

8. Id. at 16.

9. Id. at 1.

10. Id. at 8.

11. Id. at 1.

12. Id. at 4.

13. Id.

14. Id.

15. Id. at 5.

16. Id. at 5-6.

17. Id. at 6.

18. Id.

19. Id.

20. Id. at 7.

21. Id.

22. Id.

23. Id.

24. Id.

25. Id. at 8.

26. Id.

27. Id.

28. Id. at 9.

29. Id.

30. Id.

31. Id.

32. Id.

33. Id.

34. Id. at 10.

35. Id.

36. Id. at 12.

37. Id.

38. Id.

39. Id. at 13.

40. Id.

41. Id.

42. Id.

43. Id.

44. Id. at 14.

45. Id.

46. Id.

47. Id. at 15.

48. Id.

49. Id. at 16.

50. Id. at 10.

51. Id. at 9.

52. Id. at 10.

53. Id. at 16.

54. Id. at 17.

55. Id.

56. Id. at 18.

57. Id.

58. Id.


59. Id. at 17.

60. <<http://www.abanet.org/nawl/about.html>>.

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# Protect yourself, protect your family with auto insurance coverage

By Stephanie Nathanson\*

Practically speaking, it is hard to find the time to stop and think about your automobile insurance coverage limits and how such limits can affect your life in the future. In practicing as a plaintiff's personal injury attorney over the years I have listened to many tragedies involving automobile, trucking and busing collisions. Some of the hardest stories to hear in my field involve catastrophic injuries with little or no insurance coverage to help cover the burden of medical expenses and other expenses associated with such serious injuries. Either the culpable driver who hit my client is uninsured or under-insured. More often than not, I am forced to explain to my clients only how they can protect themselves and their families in the future because they do not have any or enough protection for the current tragic occurrence we are discussing. When I begin to discuss protecting themselves and their families, I immediately start discussing automobile insurance limits and how to properly select such limits to get the most coverage possible to prepare and be ready for the "what ifs" we could all encounter in this regard.

It is important to know that Illinois sets a minimum requirement for insurance policy limits for motor vehicles driven in Illinois as follows: \$20,000 insurance policy for any one person in a motor vehicle accident for bodily injury or death; \$40,000 is required for the bodily injury or death of two people in a motor vehicle accident; and \$15,000 for property damage or injury to another person's property. 625 ILCS 5/7-203 (2006).

There is also the Uninsured and Hit and Run Motor Vehicle Coverage (215 ILCS 5/143a) and Additional Uninsured Motor Vehicle Coverage sections (215 ILCS 5/143a-2), which mandate uninsured motorist coverage in most situations where a policy of vehicle insurance is issued. The purpose behind this mandated uninsured motorist provision is that the driver who bothered to purchase insurance coverage and fol-

low the law will be placed in the same position he or she would have been in had the uninsured driver had minimum coverage. This coverage is typically referred to as UM coverage and solely covers an Illinois driver who is struck by an uninsured driver.

However, there also exists underinsured motorist coverage, typically referred to as UIM coverage. This coverage is a protection to ensure that if a culpable driver who strikes you carries lesser limits than you, you get the difference between the two policy limits, i.e., if you carry \$100,000 in UIM coverage and the other driver carries \$20,000, upon tender by the liable driver's carrier of the \$20,000, you can seek an additional \$80,000 from your own carrier, if the damages so warrant such an award. Obviously, any monies you recover from the culpable driver acts as a set off against any monies you can receive from your own carrier to prevent a "double recovery" situation. However, if your uninsured/underinsured (UM/UIM) coverage has the same policy limits as the culpable driver who struck you, you are provided no additional coverage for your injuries. Since most Illinois drivers likely carry \$20,000 - \$100,000 in liability/bodily injury coverage, it is important that you carry an amount in excess of that to ensure you are provided that additional coverage you or your family may need.

While I am not an insurance agent and do not profess to be, it is worth it to consider purchasing an umbrella policy well in excess of typical carried liability limits to be sure you are covered. Many umbrella policies can be tied to your homeowner's or renter's insurance policy as well, "to kill two birds with one stone," so to speak. In that situation, the umbrella policy is applicable to a homeowner's claims or automobile claims. The cost for umbrella coverage is minimal in comparison to the benefit it can provide. Umbrella policies can be written for \$1 million and greater. With such an umbrella policy in place, you need not be concerned with the

coverage of the culpable driver who collided with you but in under- or uninsured. If for some reason an umbrella policy is not an option, increase your UM/UIM limits as high as your insurance carrier will offer.

It should be noted that liability must be proven to seek insurance coverage pay-outs, but even if you are liable in a collision, your umbrella or UIM coverage may be utilized to cover the passengers in your vehicle. Also, in the unfortunate event that you were to cause an accident which resulted in serious injury, your umbrella coverage would cover the person you injured.

Do not face these issues for the first time when tragedy strikes and wish you had addressed your automobile insurance policy limits sooner. Plan ahead and put yourself and your loved ones in a position of safety and protection. Hopefully, you will never need such extensive coverage, but in the event of the tragic "what if," you will not need to ponder the "shoulda, woulda, coulda" in relation to your auto insurance coverage.

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# Tips on what to do if your purse is stolen

By Letitia Spunar-Sheats\*

Approximately eight months ago I had my purse stolen out of my shopping cart in a department store. I thought my purse was safe, because I had it covered up with my coat. Boy, was I wrong. When I went to check out, I discovered my purse was gone. Of course, all the contents were gone, too. Since then I have learned many things to do in case your wallet, purse, or checkbook is ever stolen. Some of the things on the list were from other persons who had their belongings stolen. I would like to pass on that information to all of you. Please keep this list of THINGS TO DO in a safe place, or somewhere you can readily refer to it.

1. Do not sign the back of your credit cards. Instead put "photo ID required" or CID.
2. When you are writing checks to pay on your credit card accounts, DO NOT put the complete account number on the memo line. The credit card company knows the rest of the number and anyone who might be handling your check as it passes through all the check processing channels won't have access to it.
3. The next time you order checks, omit your first name and have only your initials and last name put on them. If someone takes your checkbook, they will not know if you sign your checks with just your initials or your first name, but your bank should know how you sign your check.
4. If you must put your phone number on your checks, put your work phone number instead of your home number. If you have a P.O. Box, use that instead of your home address. NEVER have your social security number printed on your checks.
5. If you have your checks stolen, notify your bank. Close your account. Put a stop payment on all of the missing checks. Call TeleCheck at (800) 710-9898 or (800) 927-0188.
6. Place the contents of your wallet on a photocopy machine. Do both sides of each license, credit card,

- etc. You will know what you had in your wallet and all of the account numbers and phone numbers necessary to cancel. Keep the photocopy in a safe place. I also carry a photocopy of my passport when I travel, either here or abroad.
7. When you go to the grocery store and you place your purse in the top of the cart (where mothers sometimes place their small children), clip your purse with the seat belt provided. This way your purse cannot be easily snatched by a prospective thief. Make sure your purse is closed, though, or they could still steal your wallet.
  8. The first thing you should do after your credit card(s) or purse is stolen is file a police report, immediately, in the jurisdiction where your property was stolen. This proves to credit providers that you were diligent and this is the first step towards an investigation, if there ever is one. Make sure you retain a copy of the police report for your records; you will need it for a year or two.
  9. This is perhaps the most important thing of all: Call the three national credit card reporting organizations, immediately, to place a fraud alert on your name. Also call the social security fraud line number. I never thought of doing this until I was advised by a bank that called to tell me that an application for credit was made over the Internet in my name. The alert means any company that checks your credit knows your information was stolen and has to contact you by phone to authorize new credit.
  10. This is one of the only things that you can do that will stop the thief dead in his tracks: Here are the numbers you need to contact about your stolen wallet, credit cards, purse, etc.:
    - Equifax: (800) 525-6285
    - Experian (formerly TRW): (888) 397-3742
    - Trans Union: (800) 680-7289
    - Social Security Administration

(fraud line): (800) 269-0271

11. The last thing I did was place a security freeze on my credit report, which basically prohibits a credit reporting agency from releasing my credit report information, without my express authorization. You can unfreeze your file at any time, if you follow certain procedures.
12. Lisa Madigan at the Attorney General's Office has prepared a very succinct way to freeze and unfreeze your credit report. Her Web site is <[www.illinoisattorney-general.gov](http://www.illinoisattorney-general.gov)>. Click on the green "Identity Theft Hotline" icon on the homepage. You can also obtain more information by calling her Identity Theft Hotline at 1-866-999-5630. I did this and was very happy that I did, even though I did have to unfreeze it for 10 days, when I did a refinance before putting the freeze back on. At the same time, I froze my husband's credit file in order to protect my credit. He had some of his identity stolen, even after he had passed away. The Illinois Security Freeze Law is located at 815 ILCS 505/2MM.

\* Letitia Spunar-Sheats, is the principle of Sheats & Kellogg, 105 West Madison Street, Suite 1300, Chicago, IL 60602.

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# Annual outreach and networking event

In April, the ISBA's Women and the Law and the Minority and Women Participation Committee participated jointly in an outreach to Southern Illinois University students and faculty. During the event Women and the Law Committee Chair, Sharon Eiseman, presented SIU's Dean Peter Alexander with a token of appreciation for his support of both Committees and SIU's yearly sponsorship of the Networking Breakfast held at the ISBA's Annual Meeting. On April 11th Sharon moderated a panel of various Committee members who shared with SIU students information about careers and wisdom regarding entering the practice. This event was the most recent in a long history of yearly statewide outreach and networking programs hosted by the Women and the Law Committee. The aim of these yearly events is to connect with women lawyers and law students in various regions around the state so as to promote membership and greater participation in the ISBA. On April 12th the two Committees met in a joint session to discuss



their common goals and interests and to conference regarding finding additional opportunities for collaboration. Each Committee renewed its commitment to diversity and they will jointly publish another special edition newsletter addressing issues impacting diversity.



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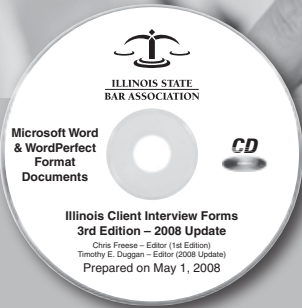
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