



THE CATALYST

The newsletter of the Illinois State Bar Association's Standing Committee on Women and the Law

Women Everywhere honors Former Chief Judge Donald P. O'Connell and Calls for volunteers for Agency Projects Day on June 17th

By Shital A. Patel, Esq.

Women Everywhere: Partners in Service Project, Inc. (WE) celebrated this year's planning season with its annual Judicial Reception on March 28, 2011. WE is a collective of bar organizations aimed at soliciting and coordinating volunteer activities benefiting women and children in need, with a particular focus on education and community service. The ISBA Women in the Law Committee is proud to be one of WE's long-standing bar partners and has supported WE from its early days. Every year, the Chief Judge of the Circuit Court of Cook County, Hon. Timothy C. Evans, holds a judicial reception on behalf of WE. This year's Judicial Reception was attended by members of the judiciary and the 2011 WE Planning Committee and Board of Directors. Speakers at the event, such as Judge Valarie Turner, encouraged attendees to participate in WE's special

events: Educational Projects Day (April 15, 2011) and **Agency Projects Day (June 17, 2011)**.

Former Chief Judge of Cook County, Donald P. O'Connell (Ret.), was honored with the 2011 Outstanding Partner Award. As Chief Judge, O'Connell was integral to WE's mission and its partnership with members of the bench and bar during its early days in 1999 and 2000 and encouraged judges to become involved in WE from the start of the project, facilitating WE's first seminar on the impact of domestic violence on women, families and the community. Two of WE's Board members, Sharon Eiseman, a founding member, and Judge Diane J. Larsen, a recipient of the 2008 Outstanding Partner Award, presented the Award and Chief Judge Evans graciously accepted it on behalf of

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Zonta Club of LaSalle-Peru Honors Committee Member—Melissa Tomaska Olivero

By Emily N. Masalski

Melissa Tomaska Olivero has recently been named the 2011 Illinois Valley Woman Making History by the Zonta Club of LaSalle-Peru. This award is presented annually to one female role model who has contributed to the history of the Illinois Valley politically, socially, or in the business world. The ISBA Women & the Law Committee has definitely benefited from many of Ms. Olivero's contributions and we are excited to share a little bit about her many accomplishments with our readers.

Ms. Olivero was born to John and Wanda Tomaska; her mother and grandmother emigrated to the U.S. shortly after WWII and she has a younger sister and brother. Ms. Olivero graduated from Carl Sandburg High School and obtained her B.A. in Political Science from the University of Michigan.

In college, Ms. Olivero received the University of Michigan Presidential Leadership Award and was named Distinguished Military Graduate.

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his predecessor, Hon. Donald O'Connell. The audience learned that during WE's first year, several attorneys from the ISBA Women in the Law Committee, the Women's Bar Association of Illinois, and the CBA Alliance for Women collaborated in developing programs for the project and met with Judge O'Connell to discuss their ideas. O'Connell's enthusiasm for WE inspired the founders and bar partners. More than a decade later, the Office of the Chief Judge continues to support WE in its endeavors to inspire change in our students and their communities, and to motivate young people through education.

The success of the Educational Projects Day each year depends on both the volunteers of the Planning Committee and local judges, who participate in helping junior and senior students from local high schools learn about the court system, career paths in law, and the importance of education and service. WE invites students to participate in mock trials, tour state and federal courts and listen to the extraordinary experiences of talented professional women. Several hundred students participate in the annual program by attending one of the many court tours offered. Students have the opportunity to learn about various careers in law including clerks, deputies, court reporters, as well as meeting attorneys and judges.

At the Educational Projects Day this year, students downtown attended a luncheon at the Hotel Allegro after the court tours and were honored with speakers, Tina Skahill, Chief of the Office of Compliance of the Chicago Police Department, and Fox 32 News anchor (formerly of NBC 5) Anita Padilla, and Barbara Lumpkin, Deputy CEO for External Affairs and Partnerships at Chicago Public Schools. At the Criminal Courthouse, the students were treated to a luncheon program featuring attorney and author, Brunell Donald, and Kara Stephenson, a DNA crime lab specialist in the States Attorney's Office. At the Domestic Relations courthouse, students enjoyed a luncheon featuring Cook County States Attorney, Anita Alvarez, and Charmee Jones, a Director with Family Rescue. Last year, WE expanded its Educational Projects Day to the Markham courthouse. This year students toured the Markham courthouse, participated in exercises facilitated by the South Suburban shelter for domestic violence and were honored with speaker Robin Kelly. (See photos from Educational Projects Day included here.)

Educational Projects Day 2011

(more photos on next page)



Additionally, participating students in the program have the opportunity to apply for a WE college scholarship, and these scholarships were presented to three young ladies at various locations that afternoon.

It's not over yet! WE's next major initiative, Agency Projects Day, takes place on **June 17, 2011**. This event brings together several hundred volunteers, including attorneys, judges and friends of the legal community, to spend the day at dozens of agencies dedicated to the needs of women and children. Volunteers provide direct services such as painting or gardening, and might offer seminars on legal issues of interest to the clients served by the agencies. **WE is still in need of volunteers for Agency Projects Day, so please consider volunteering on June 17, 2011.** You can participate on your own, or as a group with others in your office! To complete a volunteer form, go to <<http://www.wechicago.org>>, or send an e-mail to Martina Brendel at martina.brendel@gmail.com or Sarah Buck at sbuck0427@gmail.com. For more information about these events or partnering with WE, please visit our Web site or contact Women Everywhere Planning Committee Co-Chairs Arleen Anderson (acanderson11@comcast.net) or Marcia Maras

(marciamaras@aol.com).

WE is grateful for the generosity and support of not only its bar partners and the Office of the Chief Judge of Cook County, but for the support and participation of numerous Chicago area law firms, including Brinks, Hofer, Gilson & Lione, DLA Piper, Goldberg Kohn, Jenner & Block, Matushek, Nilles & Sinars, Neal, Gerber & Eisenberg, Schiff Hardin, Quarles and Brady and Corboy & Demetrio. ■

The author, Shital Patel is an attorney practicing in Chicago. She is a member of the Women Everywhere Board of Directors and immediate past Vice-President and Co-Chair of WE. Ms. Patel is also current co-editor of *The Catalyst* and a member of the ISBA Women in the Law Committee.



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Zonta Club of LaSalle-Peru Honors Committee Member—Melissa Tomaska Olivero

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From 1990-1994 she served on active duty in Germany and Ft. Lewis, WA. She commanded a Military Police Company from 1992-1993. From 1994-1998 Ms. Olivero served in the Army Reserve and was honorably discharged in 1998 at the rank of Captain. During that time period, she also attended law school at Northern Illinois University College of Law and obtained her Juris Doctorate, *magna cum laude* in 1997.

In addition to her academic and military career, Ms. Olivero has had a remarkable legal career. She previously served as an Assistant State's Attorney in LaSalle County for almost six years. During that time, she founded and managed the first domestic violence prosecution unit in LaSalle County. Under her leadership, the conviction rate for domestic violence crimes rose from 50% to over 90%. Ms. Olivero currently serves as an attorney for the National Labor Relations Board. She investigates and prosecutes complex unfair labor practice cases, processes representation petitions, serves as a hearing officer, edits the

Regional newsletter, and serves as Outreach Coordinator. Ms. Olivero has also worked in private practice, defending medical professionals, hospital, lawyers, individuals, and large corporations in negligence matters.

In 2005, she married Peru attorney Doug Olivero. They have two sons: Cameron, born in 2007 and Andrew, born in 2010. As a wife and mother of two young children, Ms. Olivero has somehow managed to balance her outstanding legal career with the needs of her family. She also manages to find time to serve on the Illinois State Bar Association's Standing Committees on Government Lawyers and on Women and the Law and serves on the Board of Trustees of Illinois Valley Community College. She is the scholarship committee chair, a new student mentor, and an Alumni Ambassador on the Northern Illinois University College of Law Alumni Council.

As a member of Zonta International, Ms. Olivero has served as the local President, District 6 Area Director, and a member of the District Board. Zonta International is a

worldwide service organization of business and professional people who endeavor to improve the status of women.

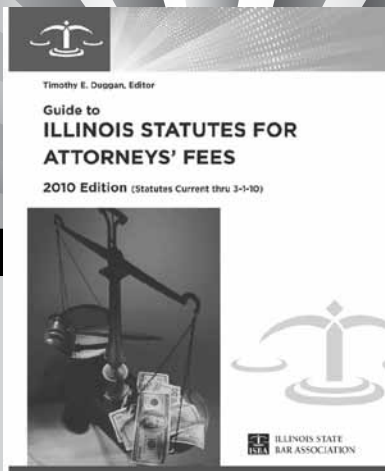
Eleanor Roosevelt once said, "You gain strength and confidence by every experience in which you really stop to look fear in the face. You must do the thing you think you cannot do," and that is the way Ms. Olivero lives her life—trying new things and accepting new challenges every day. "Without overcoming fear, I would have never served in the Army, jumped out of an airplane, gone to law school, had children, or run for office; and without having done these things my life would not be as rewarding," said Melissa.

She is truly a well deserving recipient of the 2011 Illinois Valley Woman Making History award and we are proud to serve with her on the Women and the Law Committee. ■

Emily N. Masalski is an environmental litigation associate at Deutsch, Levy & Engel, Chtd. She is a member of the ISBA Committee on Women and the Law and serves as co-Editor of *The Catalyst*. She can be reached at masalski@dlec.com.

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What every lawyer should know about Collaborative Law (a.k.a., Collaborative Practice)

By Sandra Crawford

Simply, Collaborative Law is a “no court” process of dispute resolution. Although, like mediation, Collaborative Practice had its origins in family law, it now also has application in areas as diverse as: probate, business partnership dissolutions, medical errors, labor and employment disputes. No matter the nature of the legal dispute the model is being used to resolve, the core component of the model does not vary. That component is an up-front written commitment of the professionals and the disputants:

- To negotiate a mutually acceptable settlement without resort to litigation (i.e. the court);
- To the withdrawal of the professionals if either party decides to litigate;
- To engage in open communication and information sharing, and,
- To create shared solutions that take into account the highest priorities of all the stakeholders (example: in family law matters the priorities of the children as well as the spouses).

The written commitment is widely referred to as the Participation Agreement. If you don't have a signed Participation Agreement you don't have a Collaborative Law/ Practice case.

It is highly recommended by those who have developed the model, and are shepherding the growth of Collaborative Practice around the world, that lawyers have at least a two-day basic skills education course specifically in Collaborative Practice and also have mediation skills or other communication skills training before attempting representations using this model. This additional course work and training is necessary because the tools used in “Collaborative negotiation” differ significantly from those used to negotiate a settlement in the context of litigation or arbitration.


The Collaborative model calls on lawyers to think differently about their roles in the conflict continuum. It calls on them to use interest based negotiation not positional bargaining techniques. The model also calls on lawyers to work as a “team” and to part-

ner with their clients, and with other specially trained professionals (mental health or financial professionals), to help the clients craft unique and sustainable future-focused solutions aimed at keeping them, the clients, out of the court system now and in the future. As one of the leading legal scholars in this area, Pauline Tesler, so eloquently states “where lawyers think differently, they behave differently and counsel their clients differently.” (See, Pauline H. Tesler, *Collaborative Law: Achieving Effective Resolutions in Divorce Without Litigation*, American Bar Association 2nd Ed., 2009. For reading on non-family “civil” Collaborative Practice, see Sherrie R. Abney, *Avoiding Litigation: A Guide to Civil Collaborative Law*, Trafford Publishing, 2006).

What every lawyer should also know about Collaborative Law is: (1) there is a favorable American Bar Association Formal Ethics Opinion (Opinion No. 07-447) on the topic; (2) there has been since October, 2010, a Uniform Collaborative Law Act, promulgated by the Uniform Law Commission, a.k.a., the National Conference of Commissioners of Uniform State Law. That Act has been adopted in several states; and, (3) there is an international organization, the Interna-

tional Academy of Collaborative Professionals (approximately 4,500 professionals in 17 countries, see <www.collaborativepractice.com>) which has also promulgated Ethical Standards for Collaborative Practitioners. Locally in Illinois there are various groups which provide training and mentorship in this emerging area of practice. Networking through the local and international Collaborative organizations is considered essential to the development of a client base in this practice area. Basic training in the Collaborative model is a condition of membership in the local organizations which are working to actively promoting the model to the general public. ■

Sandra Crawford is a collaborative law attorney and mediator in Chicago, Illinois. She has served for many years on the Board of Directors of the Collaborative Law Institute of Illinois and is a member of the Illinois State Bar Association's General Assembly. She is the Chair of ISBA's Women in the Law Committee (2010-11). Sandra is also trainer with the Trainers for Advancement of Collaborative Practice, Inc. and frequently lectures and writes on the topic of Collaborative Family Practice and mediation. Sandra was selected as an Illinois Super Lawyers in 2010 and 2011. She can be reached at www.lacrawford.com.



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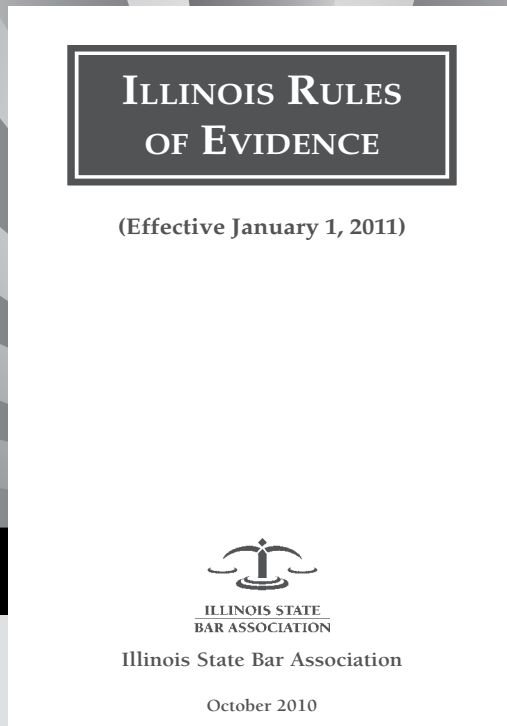
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Championing real diversity in a meaningful way

By Shira Truitt, Esq.

By now, you've been inundated with messages about diversity. You've attended seminars to augment your understanding, you've been on committees to increase diverse opportunities, and you've probably had some hand in articulating a policy that embodies diversity. Yet, the topic won't go away. Like tort reform, the need for a policy is real, no tangible agreement has been reached, and discussion is dominated by extreme examples on both sides with no close consensus. The truth of the matter asserted, which is probably somewhere in the middle, is no closer to being found than the legal definition of obscenity. Much like obscene material, the lack of diversity must be directly in front of you—as an individual—for you to know it when you see it and, then, do something about it. Given the individuality of this method, it is no small wonder that friction occurs from the juxtaposition of an approach that institutionalizes diversity as its mantra. That juxtaposition, as well as the continuing struggle surrounding diversity, produces frustrations at a level that hasn't been seen since *Marbury v. Madison*. Some of us don't quite get it, some of us don't see the relevance right now, and some of us believe that the right answer need not be further interpreted since changes in the law have allowed all people to participate as full citizens. Just to make the discussion move forward, go away, or at least change tone, we continue to participate in activities aimed at increasing diversity. Wherever you find yourself on that continuum, real and significant ways to encourage diversity do exist.

Increasing diversity doesn't mean taking something from one person and giving it to another; it is not the redistribution of wealth and resources as we know it. It is not the wedge used by minority populations to peacefully gain advantage by stripping those same advantages from others. Rather, it is the acceptance, appreciation, and propagation of our collective differences in a way that makes sense for everyone. Like the remedies for global warming, some people will go the distance to champion diversity while others will do what is immediately in their comfort zone. And, there's always a smaller group who will do nothing at all. Usually, nearly everyone will do something. But, what to do?

Here are a few meaningful ways to champion real diversity.

- **Understand the reason for diversity.** The case for diversity is no longer made from the standpoint of deprivation, lack of equality, and atonement for past behaviors. Rather, it is better championed by the ability to increase global competition, accessibility, and the elimination of barriers to achievement.
- **Be clear, be fair. Use clear messages, don't play hide the ball.** Though well meaning, people often communicate in ways that assume a particular understanding, background, or upbringing. Don't assume, based on commonalities, that you are being understood and correctly perceived. And, don't assume, based on differences, that you are not well understood or incorrectly perceived. Learn to appreciate, know, and accept the individual rather than wait until they prove or disprove the stereotype you have in mind.
- **Use the status quo as a guide, not an absolute.** This should be easy for us lawyers. The state of things as they are naturally, or the status quo, should be used as a framework upon which to improve. This is much like using the elements of a cause of action; they are a guide, not the gospel. The adversarial system is predicated, in part, on questioning the elements of a particular cause of action and proving or disproving them. To make your case, you use case law, facts, witnesses, and other acceptable forms of proof. The same holds true for diversity. No substantive difference exists between applying analytical techniques for case presentation and applying similar techniques to achieve diversity. For example, the status quo of some of the substantive law committees in ISBA is men of the majority race. Instead of accepting this as a norm, truth, or absolute, the same analytical techniques, using the current structure as a guide, apply to diversify those committees. Just like a case you argue, you must first believe that the outcome you want can be done. And, if you are an effective attorney, you must further bring to bear the belief that after your involvement is complete, it *will* be

done.

- **Demand and enforce equitable treatment.** Usually, attorneys do not have a problem making demands. In fact, one of the first items we learn to draft in law school is a simple demand letter. The rest of law school, then, is learning to gain and enforce your advantage. The same experience can be applied to diversity. The strength is not in the asking; the strength is in the enforcement, in making diversity work. Making the environment receptive to ideas for implementing real diversity requires more strength than finding the flaws in the ideas that are offered. Holding those who have opportunity, resources, and access accountable for the lack of tangible results requires more strength than a forgive-and-forget attitude regarding real diversity.

At best, it will take all of us to achieve diversity. Hanging in the balance is progress; not just for minority races, but for the human race. As I write this, it's hard to imagine what might happen if we, as a bar association and as lawyers, haven't the required strength and commiserate fortitude to champion real diversity in a meaningful way. I hope I never find out. ■

Shira Truitt is an attorney practicing in St. Clair County and Madison County in Illinois, and St. Louis City and County in Missouri. She can be reached at struitt@thetruiittlawfirm.com. She is a member of the ISBA Women and the Law Committee and is a diversity fellow. She practices in the areas of business law, estate planning, family law, and education law.



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“Elder Law Issues for Everyone: Your Aging Clients, Their Parents and You”—A great success!

By Mary F. Petruchius, *The Law Office of Mary F. Petruchius, Sycamore, Illinois*

The evaluations are in and the general consensus is that the CLE program this committee co-sponsored with the ISBA Elder Law Section Council, the ISBA General Practice, Solo & Small Firm Section Council, and the ISBA Senior Lawyers Section Council on April 7th was a hit with the attendees! We drew 87 participants, and the speaker roster was a veritable *Who’s Who* of esteemed professionals in his/her area of expertise.

The promotional brochure summarized the day’s agenda as follows:

Increase your understanding of the elder law landscape and make it easier to advise your clients on making informed choices!

Legal issues for the aging are numerous, on the rise, and reaching into

all areas of life. As a practitioner, you need to be particularly sensitive to these issues and their impact on elder clients. This full-day seminar will give you the confidence to assist clients in making proper decisions for all involved during a potentially stressful time. Topics include: physical, cultural, and psychological considerations when dealing with the elderly client; social security; Medicare and Medicaid issues; guardianship avoidance in diminished capacity cases; the financial representation of aging clients; trust & testamentary substitutes; probate issues; life care planning; powers of attorney; and much more. A discussion on avoiding conflicts of interest

when dealing with family, caregivers, and substitute decision-makers is also included.

Although the day was long and the syllabus jam-packed, it appeared as though those in attendance would have loved to have continued the discussion beyond the conclusion of the program. A follow-up social and networking hour would have been the perfect way to cap off a great day and great course! ■

The author of this article, Mary Petruchius, is a solo general practitioner in Sycamore, Illinois. She is the incoming secretary of the ISBA Standing Committee on Women and the Law and is the chair of its CLE subcommittee. Her Web site is www.petruchiuslaw.com and her e-mail address is marypet@petruchiuslaw.com.

Pay it forward

By Patrice Ball-Reed

The concept of “Pay It Forward” was introduced to me in 2000. It was the title of a movie that year which starred Kevin Spacey, Helen Hunt and Haley Joel Osment. In the movie, a young boy attempts to make the world a better place after his teacher gives him another chance. This is a variation on the concept of “Paying back.” Instead of paying back to someone, you pay forward by doing good deeds for three new people. The concept has remained with me over the years. I have attempted to pay it forward as well as looking for examples where others are promoting the concept. This year it occurred to me that I was a witness to the concept being applied at two different organizations on the West side of Chicago in the North Lawndale community. I grew up there when it was only Lawndale. One of the organizations is North Lawndale Employment Network and the other is Sankofa Safechild Initiative.

A snap shot of North Lawndale reflects the following statistics: Median family in-

come - \$20,253; Poverty rate – 42%; Female heads of household – 55%; and Criminal justice involvement – 57%. In this environment, the North Lawndale Employment Network (NLEN) is doing its work. The organization became a 501(c) (3) not for profit in 2000. It has grown from a staff of 3 to 18 person staff with a 15-member Board of Directors, multiple subcontractors and partners with an annual budget of \$1.3 million. Its mission is “to improve the earnings of North Lawndale residents through innovative employment initiatives that lead to economic advancement and an improved quality of life.” There are over 100 agencies that form a referral network for their programs. Their programs are as follows: U-Turn Permitted which includes job development and business partnerships; The NLEN Resource Center which provides a variety of services to the community including computer literacy, financial coaching and assistance; Behavioral Interventions; Partnership of New Communities; Productive Choice; Emergency Fund; Community Voice-

mail; and Sweet Beginnings LLC, which creates and sells Beeline products. The program that I found most interesting is the Sweet Beginnings.

Sweet Beginnings, LLC is a corporation initiated by NLEN. The corporation works to provide green pathways out of poverty for formerly incarcerated individuals by developing “green collar” jobs. These jobs are created by generating honey from apiaries in North Lawndale and at Wilbur Wright College. The employees produce premium grade natural, raw honey which is used to create spa quality, natural honey infused personal skin care products. These products are sold in stores like Whole Foods, Peapod and Mark Shale. Their brand is called beeline which a registered trademark. Their employment model has a 3% recidivism rate as opposed to the national average of 65% after three years in most rehabilitative and /or re-integration programs.

Their annual fundraising event is a creative endeavor. They have an Annual Sweet

Beginnings Tea which is a High tea. It is held at a different venue each year with a keynote speaker and awards. This year the Tea was held at the Peninsula hotel. The event was supported by numerous corporations including Jewel-Osco and Boeing. Majora Carter was the keynote speaker this year. Prior to her presentation, I had no idea that an African American woman was so involved in creating "green-collar jobs". Ms. Carter was born and raised in the South Bronx of New York. She founded the Sustainable South Bronx in 2001. This organization is a non-profit environmental justice solutions corporation. She was the Executive director until 2008. Thereafter, she founded a consulting firm, the Majora Carter Group, LLC. The organization focuses on providing services with the use of the green economy and green economic tools to unlock the potential of every place. Ms. Carter has earned a MacArthur "Genius" Fellowship and several other honors. Each time that I have attended the Tea, I have been impressed by the innovative and forward thinking speakers. This was no exception.

This organization continues to thrive in a depressed economy with reduced resources. Barbara Palms Barber, the Executive Director of NLEN and CEO of Sweet Beginnings, is the driving force behind the continued excellence of the organization. She received a Woman Excellence Award from the Chicago Defender this year. Her vision is helping North Lawndale to discover green pathways to economic sustainability. The desire to pay it forward is the key in promoting "green" in this environment.

The other organization which I referred to is Sankofa Safechild Initiative (Sankofa). This agency is paying it forward to a different constituency in North Lawndale. The word Sankofa is from the Akan language. The agency is named for the mythical bird that flies forward with its head turned backwards. The bird's stance reflects an Akan belief. A belief that the past serves as a guide for planning the future or the wisdom in learning from the past in building the future. The focus on looking backward to go forward and learning from that history was the reason for choosing the name. Prior to the creation of the agency, there were a series of town hall meetings. These meetings were convened by Seventh Congressional District Congressman Danny K. Davis in 1999. The problem that these meetings were attempting to address was the fact that 40% of all intakes for

the Illinois Department of Children and Family Services came from two Chicago communities in 1999. Those communities were Lawndale and Austin. With a problem of that magnitude many concerned citizens and various agencies came together to address it. After several meetings, recommendations were created to set priorities and implement them. The implementation of several of those recommendations resulted in the creation of Sankofa.

The mission of Sankofa is to provide supportive services, referrals, resources and skills that encourage underserved families and communities to be strong, self-sufficient and remain intact. Due to the expansive nature of the mission, they have attracted many "Village partners" that provide resources, encouragement and direction. In order to accomplish their mission, they have developed numerous programs and services. With the support that they receive the services cover assessments, advocacy, individual and family counseling, education, housing and many others. To effectively promote and implement these services Sankofa has the following programs: After school computer, tutorial and mentoring; Girl Scouts; Teen pregnancy and violence prevention; juvenile justice leadership navigation; youth empowering programs; health awareness; grandparents raising grandchildren support; parenting classes/family conferences; and support helpline.

There are two programs in particular that address a growing need for jobs and housing in the community. The grandparents raising grandchildren support caused the creation of housing. There is a facility called "Sankofa House." It is 58 units of affordable housing specifically designed for older American/kinship caregivers/ grandparents raising children and youth between the ages of 18-21 aging out of foster care. With such divergent age ranges residing together, Sankofa has created a residential community where the wisdom of the mature adults can be given to a new generation. The need for jobs, economic empowerment and job training resulted in the opening of a boutique. The boutique is called "It's in the Bag." It is a social enterprise business dedicated to train and employ individuals from the community. At the Boutique, Sankofa provides certified customer service training and job placement services. The proceeds from this enterprise is reinvested into the program to support the

services.

The Executive Director of Sankofa is a woman that I have known for several years. Her name is Annetta Wilson. She is shorter than I if you could imagine it. However, she has more heart, stamina and compassion than anyone that I know. Her vision has sustained the continued growth and viability of Sankofa. Annetta's ability to pay it forward has changed the lives of so many. This has helped to change the some of the disastrous outcomes that would have otherwise occurred in this community.

The North Lawndale Employment Network and Sankofa Safechild Initiative are only two instances where paying it forward is alive and well. Organizations of this type give hope to a community that I grew up in. If we all tried to "Pay it Forward" for the sake of a community, imagine what change and hope we can accomplish. ■



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Parliamentary procedure: Unexpectedly doing what is expected

By Shira Truitt, Esq.

The general public seems convinced that, as lawyers, part of our legal training involved public speaking, charm, and social grace. And, to be considered a *real* lawyer, they also expect that we have a healthy dose of sarcasm. Then, there's that other expectation—the unwritten rule that lawyers know what to do at all times, in all situations. This is especially true at meetings. Whether those meetings are religious organizations, not-for-profit groups, corporate boards, or merely a small gathering of neighbors, the expectation is that lawyers know how to effectively use parliamentary procedure to run the meeting. So, in addition to teaching you contracts, evidence, and ethics, law school was supposed to teach you how to effectively use parliamentary procedure! If you've ever been in that situation before, you know that trying to talk a person out of that belief is like arguing proximate cause in the *Palsgraf* case. Try as you might you cannot convince a layperson that knowing parliamentary procedure, as a lawyer, was not a foreseeable event. Because you are a lawyer, people expect you to lead...so do it! Here's a simple primer that should get you through the very basics.

Motions are the way business is conducted in a meeting. A motion is a formal proposal, by a member, in a meeting, that urges those assembled to take a certain action. Using parliamentary procedure, then, relates to the orderly transaction of business in meetings and to the duties of officers. Here is how a motion is brought and considered at a meeting or assembly, hazards present at each stage, and even a few tips to sharpen your edge:

STEP 1. A member stands up, is recognized, and makes a motion;

Common Mistake: Members do not stand up, do not wait to be recognized, do not properly obtain the floor, or starts to discuss the motion before completing STEPS 2, 3, and 4!

STEP 2. Another member seconds the motion;

Common Mistake(s): The person seconding the motion dives into the merits of the motion. A motion that does not require

a second is given a second.

TIP: A motion made by direction of a board or duly appointed committee does not require a second.

STEP 3. The presiding officer restates the motion to the assembly;

Common Mistake(s): The motion is not restated or is restated differently from the original wording of the maker. Beware! The motion that is adopted is the one stated by the presiding officer, not the one stated by the maker of the original motion.

STEP 4. The members debate the motion;

Common Mistake(s): The maker of the motion is not given the first opportunity to address the motion in debate. Debate gets out of control in temper, duration, or relevance! Members may talk at each other rather than through the presiding officer of the meeting.

TIP: A member who has spoken twice on the same motion on the same day has exhausted the right to debate that question for that day!

STEP 5. Presiding officer asks for the affirmative votes & then the negative votes;

Common Mistake(s): The presiding of-

ficer states 'All in favor' and fails to tell the members what to do as a matter of voting (for example, 'say aye,' 'stand up,' 'raise your hand,' etc.). In some cases, the negative vote is never requested or even counted and recorded!

STEP 6. The presiding officer announces the result of the voting; instructs the corresponding officer to take action; and introduces the next item of business.

Common Mistake(s): The presiding officer fails to pronounce the result of the voting. No one is instructed to take action. Sometimes, dead silence follows because the presiding officer is lost and stares at the assembly instead of moving to the next item of business.

Part of our legal training has always been to expect, and deal with, the unexpected. With this information in hand, you are well on your way to delivering a solid performance—as leader, as lawyer, and as expected. ■

References:

Robert, H.M. III, Evans, W, et al., Robert's Rules of Order, Newly Revised, 10th ed. (2000). Persues Publishing.
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Thanks for the memories

By Sandra Crawford, J.D.

It is with much gratitude and sadness that I bid farewell to the Women in the Law Committee (WITL) in this my last column as Chair. I have served on this committee for eight years now—I only mark this time for certain because the son of our former WITL Chair, Annemarie Kill, just celebrated his 8th birthday in April. I first met Annemarie right before she gave birth to her son, Jack—a young man who is so proud that his mom is a lawyer that he announced that fact loudly to an elevator full of ISBA members at last year's annual meeting in St. Louis. I want to thank Annemarie for her mentorship and friendship during my tenure on this committee and for her wonderful leadership this year on the Diversity Leadership Council (DLC).

I also would like to thank Gilda Hudson-Winfield. Gilda is the person solely responsible for my involvement on this committee and on the ISBA's Judicial Evaluation Committee. Gilda and I, both family lawyers, were working on opposite sides of a case together about 9 years ago. So collegial was our relationship that we struck up many conversations about her involvement with the ISBA and the Illinois Bar Foundation. At that time I was an ISBA member—but in name only. I was not active in committee work or in any volunteer aspects of the either organization. However, Gilda encouraged my involvement and set a wonderful example of best practices for a chair of a committee and a volunteer. It is because of Gilda I now consider myself "a Bar junkie." It is because of Gilda that

I have gone on to become an ISBA Assembly member and to have had the honor of following in her footsteps as the chair of WITL. It is because of Gilda that I will make my television debut on the Illinois Law cable show in June 2011. There have been subsequent WITL chairs from whom I have also learned a great deal on how to be a good leader. I now count several of them as friends, including Sharon Eiseman and Lynn Grayson—both celebrated women and examples to us all of what service to others truly means. To all the chairs, right back to our founding chair, Irene Bahr, I give thanks.

I would like to thank specifically WITL staff liaison, Janet Sosin, and all the folks at ISBA, including Katie Underwood, Joyce Williams and Jim Covington, who have worked with our committee over the years to make various projects come together smoothly. Without the staff's wonderful "behind the scenes" efforts our committee would not enjoy the success it does. I would also like to give special thanks to this year's Catalyst Newsletter editors, Emily Masalski and Shital Patel. Having been the newsletter co-editor myself of several years, I know how hard it is to enroll folks to write and submit articles and to consistently produce a quality publication. Shital and Emily have done that this year in the respective quiet and determined ways and deserve much praise for their efforts.

Special thanks also go to Melissa Olivero, Mary Petrucci, and Jan Boback for their dedication and hard work in making our

committee's community outreach to LaSalle/Peru this year such a great success. I will take with me from that event and the many other similar outreach events over the past eight years some fond memories. On these "WITL road trips" we have gone to points all around Illinois, like Bloomington, Peoria, DeKalb, Champaign, Carbondale. Through these outreach trips I have met many wonderful practitioners and made lasting connections to hardworking and successful ISBA women lawyers. Unfortunately you are too numerous to mention by name—you know who you are—and I thank each one and all of you for the memories and the mentorship and for my increased geographical knowledge of my adopted State. I believe the women of WITL are truly an outstanding group and set a great example for the next generation of women entering the profession and the ISBA.

Last, but not least, I would like to thank my Executive Committee Members this year, Nikki Carrion (incoming Chair) and Sandy Blake (incoming Vice Chair). I leave this committee in their good hands. Through their ongoing examples of professionalism and volunteerism, they have each been an inspiration to me and to the others on our committee and in their respective communities. Wishing you both and all the future Women in the Law members continued success. I will look forward to reading about WITL future successes in the pages of The Catalyst. Thanks for the memories. Good Bye. ■

Upcoming CLE programs

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

July

Wednesday, 7/6/11- Webinar—Conducting Legal Research on FastCase. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 7/20/11- Webinar—Conducting Legal Research on FastCase. Presented by the Illinois State Bar Association. 12-1.

September

Friday, 9/23/11- Fairview Heights, Four Points Sheraton—Current DUI, Traffic and

Secretary of State Related Issues- Fall 2011. Presented by the ISBA Traffic Laws/Courts Section. 9-4.

October

Friday, 10/14/11- Springfield, INB Conference Center—Divorce Basics for Pro Bono Attorneys. Presented by the ISBA Delivery of Legal Services Council. 1:00-4:45.

Friday, 10/14/11- Chicago, ISBA Chicago Regional Office—Family Law Nuts and

Bolts Chicago 2011. Presented by the ISBA Family Law Section. 8-5.

Friday, 10/21/11- Chicago, ISBA Chicago Regional Office—Pre-Trial Considerations. Presented by the ISBA Tort Law Section. TBD.

Thursday, 10/27- Saturday, 10/29/11- Springfield, Hilton Hotel—7th Annual Solo & Small Firm Conference. Presented by the Illinois State Bar Association. TBD. ■



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