



DIVERSITY MATTERS

The newsletter of the Illinois State Bar Association's Task Force on Diversity

The Illinois Religious Freedom Protection and Civil Union Act

By Richard A. Wilson

Editors' Note: Richard A. Wilson is a founding member and past-chair (2006-2007) of the Illinois State Bar Association's Standing Committee on Sexual Orientation and Gender Identity (SOGI), and a partner at Grund & Leavitt in Chicago, concentrating on litigation and appellate practice relating to domestic relations law and legal issues, with particular emphasis on same-sex issues, including domestic partnerships, parentage, custody and visitation, and related concerns and rights of persons in same-sex relationships.

Introduction

On December 1, 2010, the Illinois General Assembly passed SB1716 (HR-1), the "The Illinois Religious Freedom Protection and Civil Union Act" and on January 31,

2011, before a standing room only crowd at the Chicago Cultural Center, Governor Pat Quinn signed the legislation. When it takes effect June 1, 2011, Illinois will join 11 U.S. States and the District of Columbia that now recognize legal unions between same-sex couples; six permit same-sex marriage (Massachusetts, 2004; Connecticut, 2008; Iowa, 2009; Vermont, 2009, New Hampshire (January, 2010) and the District of Columbia (March, 2010) and five provide substantially similar legal protection to same-sex couples in the form of Civil Unions (New Jersey), Domestic Partnerships (California, Oregon, Washington, Maine, Nevada) or Reciprocal Beneficiaries (Hawaii).¹ Two states, New York and New

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ISBA Assembly supports U.S. ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)—What happens next?

By Annemarie E. Kill, Avery Camerlingo Kill, LLC

On December 11, 2010, members of the Illinois State Bar Association Assembly had the opportunity to vote on an ISBA Resolution in support of the U.S. ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW, which was adopted in 1979 by the U.N. General Assembly, is described by the United Nations as an "international bill of rights for women...it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination."

At this time, 186 countries have ratified CEDAW but the U.S. is one of the few countries that have not yet ratified CEDAW, joining countries such as Iran, Somalia and Sudan. As stated by Amnesty International, the U.S. has the "dubious distinction of being the only country in the Western Hemisphere and the only industrialized democracy that has not ratified this treaty." This is particularly troubling since, as they state, CEDAW "provides a practical blueprint to achieve

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The Illinois Religious Freedom Protection and Civil Union Act

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Mexico, fully recognize same-sex marriages from other jurisdictions, although they do not permit same-sex couples to marry.²

ISBA was an early supporter of the legislation, and was instrumental in its passage. ISBA SOGI (Standing Committee on Sexual Orientation and Gender Identity), established in 2002, was represented at and participated in discussions as early as 2004, among a broad and diverse coalition of community, social, political and legal groups, in determining both the type of legislation to propose, and strategy in pursuit of its enactment. SOGI actively promoted efforts by the ISBA to endorse the legislation, and, with the assistance countless individuals and key supporters within the ISBA, SOGI sponsored, and obtained, passage—by a substantial margin—of a key vote by the Assembly at the Annual Meeting in Lake Geneva in June, 2007, endorsing the legislation. The ISBA continued to lobby for passage of the Bill until its enactment in December, 2010.

The Act, codified at 750 ILCS 75/1 et seq., is not an amendment to the existing Illinois Marriage and Dissolution of Marriage Act [IMDMA], 750 ILCS 5/101 et seq., but a separate provision of the law that both provides for Civil Unions under Illinois law and incorporates relevant and particular provisions of the IMDMA, where necessary. It permits two persons both at least 18 years of age, without regard to gender, to obtain a civil union with the same rights and benefits afforded to opposite-sex couples under the state's marriage laws. It formally equates partners to a civil union with "spouses" under all of Illinois law: Section 5 of the Act declares that its primary purpose is "...to provide persons entering into a civil union with the obligations, responsibilities, protections, and benefits afforded or recognized by the law of Illinois to spouses" and Section 20 expressly provides that "[a] party to a civil union is entitled to the same legal obligations, responsibilities, protections, and benefits as are afforded or recognized by the law of Illinois to spouses, whether they derive from statute, administrative rule, policy, common law, or any other source of civil or criminal law." In Illinois parties to a civil union are now to be equated with parties to a valid Illinois marriage, as spouses.

Overview and Key Provisions

The Civil Union Act mandates the same procedures for obtaining, maintaining and dissolving a civil union, and provides the same substantive legal rights, benefits and protections in each of the three stages of the legal relationship—formation, recognition while intact, and dissolution—as is required and provided of marriage under Illinois law. The Act consists of 14 sections³ ranging from formalities of creation, rights and protections in recognition, and dissolution. Substantive rights and interests available to all spouses under Illinois law are many and include, for example, rights to acquire and own property without regard to title; rights to support between spouses; rights of parentage and to children; inheritance rights; and the right of dissolution and equitable division of the estate—alone a significant and welcome leap forward, permitting spouses to obtain the full reach of the law in the division of their estate, the consideration of spousal support, and the provision of care, custody, support and education of their children, where previously such rights and interests were, unlike with recognized married couples, pursued piecemeal, in different courts and based upon title to property and parentage of children, separately and if at all, with no rights of equitable distribution of the estate.

The law contains two significant differences not otherwise available with, or applicable to, marriage under Illinois law: continued jurisdiction of the Illinois courts to dissolve a civil union without regard to the residence of either party, and reciprocal recognition of foreign, same-sex relationships "substantially similar" to a civil union under Illinois law. Section 45 of the Act provides for the continued jurisdiction of the Illinois Courts to dissolve the Union, by consent of the parties, whether or not either or both continue to live in the state: "Any person who enters into a civil union in Illinois consents to the jurisdiction of the courts of Illinois for the purpose of any action relating to the civil union even if one or both parties cease to reside in this State." Section 60 of the Act expressly provides for reciprocal recognition of foreign same-sex relationships by declaring that "[a] marriage between persons of the same sex, a civil union, or substantially similar legal relationship other than com-

mon law marriage, legally entered into in another jurisdiction shall be recognized in Illinois as a civil union." This provision applies in all three stages of the union—its formation, recognition while intact, and upon dissolution—whether or not the state permits, or recognizes as marriages for purposes of Illinois law, same-sex marriages from other jurisdictions. For purposes of formation, parties to such relationships from other jurisdictions need do nothing more—as with a marriage, no registration or formal declaration is required—and, moreover, because the relationship will be recognized, such persons will be prohibited from obtaining a civil union under Illinois law, equivalent to the prohibition against bigamy under the IMDMA. While the relationship is intact, parties to a foreign, recognized relationship shall also be entitled to all of the rights and benefits accorded to spouses under Illinois law. And upon dissolution, this provision of reciprocal recognition will permit, finally, parties living in Illinois and having lawfully entered into such a relationship in another jurisdiction, to obtain a dissolution—a remedy previously unavailable, where Illinois would not recognize the relationship for any purpose.

The Act is simple, comprehensive, and but for marriage itself, provides and guarantees all of the rights, benefits, and burdens of marriage available under Illinois law. The most significant limitation of the Act—notwithstanding its essential implicit reservation of marriage to opposite-sex parties under Illinois law—is not in its substance but in its application, beyond the reach of Illinois lawmakers: the existence of federal law—the Federal "Defense of Marriage Act," or "DOMA."⁴—which, for purposes of federal law, limits recognition of marriage and spouse to opposite sex couples. DOMA provides that "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife"⁵ and permits states to refuse to recognize valid same-sex relationships from other states.⁶ Although marriage has traditionally been exclusively a matter of state law, federal law nonetheless has unavoidable and considerable impact on parties to a marriage where there are more than 1,138 federal programs, rules and benefits that depend upon or use

the term "spouse" resulting in significant and unequal treatment of parties to a marriage, civil union, domestic partnership, or other such substantially similar legal relationship where the relationship is not recognized for purposes of federal law or where substantive rights and benefits accorded by the state attendant upon the relationship conflict with, or are not available, under federal law. This includes everything from federal tax filing status, to any federal program that provides benefits or rights based upon the relationship as a spouse or parent to child, as well as the lack of tax consequences in the division of a marital estate, upon the dissolution of a marriage.

Given the relative legal parity of spouses to a civil union with spouses to a marriage under state law, and the existing limitation of recognition to only opposite-sex, [recognized as] married, spouses under federal law, unavoidable conflicts between state and federal law on these issues are inevitable, and the rights and interests available to parties to a civil union under state law may well cause a significant shift in legal representation of both same- and opposite-sex couples by Illinois lawyers. But notwithstanding the limitations of federal law, it's clear that Illinois has taken a welcome and substantial leap forward in protecting the rights and interests of same-sex couples under its laws, by providing them with all of the benefits, rights and interests otherwise available to *all* spouses under state law. The commitment of the ISBA in endorsing and promoting the passage of the Civil Union Act was substantial and critical, and as a founding member of ISBA SOGI, I applaud the Assembly for endorsing the leg-

islation, and the ISBA for its efforts to secure its enactment, as well as and consistent with all of its efforts in promoting diversity and equality among the Bar and throughout the state.

Note: ISBA SOGI is sponsoring a two-hour CLE at the Annual Meeting, on Thursday, June 17, 2011, from 2.00 to 4.15 PM, entitled "A Roadmap to the Illinois Civil Unions Act." ■

1. <<http://www.lambdalegal.org>> (Jan 2, 2011). The list does not include California (May, 2008, repealed November 2008) or Maine, May, 2009, repealed November, 2009). Id.

2. Outside of the United States, ten countries (The Netherlands, Belgium, Canada, Spain, South Africa, Norway, Portugal, Argentina, Iceland and Sweden) permit same-sex marriage, while more than twenty others have enacted comprehensive legislation creating civil unions, civil partnerships or other statuses providing same-sex couples equal or analogous rights to married couples.

3. Section 1, Title; Section 5, Purposes; rules of construction; Section 10, Definitions; Section 15, Religious Freedom; Section 20, Prosecutions, obligations and responsibilities; Section 25, Prohibited Civil Unions; Section 30, Application, license and certification; Section 35, Duties of the county clerk; Section 40, Certification; Section 45, Dissolution; declaration of invalidity; Section 50, Application of Civil Practice Law; Section 55, Venue; Section 60, Reciprocity; and Section 90, Severability. SB 1716.

4. (The "Defense of Marriage Act"), Public Law 104-199 (1996), which permits states to refuse to recognize valid marriages between persons of the same-sex performed in other states, [29 USC 1738] and created a federal definition of marriage for purposes of federal programs and interests, by declaring that "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." [1 USC 7].

5. 1 USC 7 (1996).

6. 29 USC 1738 (1996).

DIVERSITY MATTERS

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ILLINOIS STATE
BAR ASSOCIATION

ISBA Assembly supports U.S. ratification of CEDAW—What happens next?

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progress for women and girls and an opportunity for policymakers and advocates to work together on how best to end discrimination and ensure women's full equality."

While the United States originally signed the treaty in 1980, it has not yet taken the further step of ratification. In fact, the issue had remained dormant in the U.S. Senate since 2002. However, in November, 2010, the Senate Subcommittee on Human Rights and the Law, chaired by Senator Richard Durbin (D-Ill.), finally held hearings on the ratification of CEDAW.

Mark Wojcik, Secretary of the ISBA Board of Governors and professor at John Marshall law school, drafted the ISBA Resolution and formally presented the Resolution to the ISBA Assembly. Prior to the Assembly meeting, the Resolution was circulated to ISBA section councils and committees requesting comment and support. Many section councils and committees supported the Resolution including General Practice, Government Lawyers, Human Rights, International and Immigration Law, Labor Law, Mental Health, Real Estate, Women and the Law, Racial and Ethnic Minorities and the Law, Sexual Orientation and Gender Identity, Diversity Leadership Council, Tort, Traffic, Elder Law and Fam-

ily Law.

During a heated Assembly discussion lasting an hour, some opponents of the Resolution noted that it might not be appropriate for a state bar association to take a position on matters of international treaties, particularly when the treaty lacked specific enforcement mechanisms. However, many Assembly members spoke in favor of CEDAW and urged others to pass the Resolution. Proponents noted that the U.S. is among a small minority of countries which have not yet ratified CEDAW. In the end, the Assembly passed the Resolution supporting U.S. ratification of CEDAW by a large majority.

The ISBA has taken a lead as one of the few bar associations to pass a formal resolution in support of CEDAW. Perhaps more bar associations will follow, but in the meantime you might ask what you, as an individual, can do to further support U.S. ratification of CEDAW. The next step toward ratification is for Senator John Kerry (D-Mass.) to hold a vote in the Senate Foreign Relations Committee. If CEDAW is approved there, it would then finally be brought to a full vote on the Senate floor. There are many organizations that offer simple ways for individuals to support ratification efforts. Amnesty International

recommends the following:

- Urge Senator John Kerry to introduce and pass CEDAW in the Senate Foreign Relations Committee
- Urge all Senators to vote in favor of the ratification of CEDAW and to place a statement in the Congressional record in support of CEDAW

The ACLU has an online letter which you can easily complete and then e-mail to your senator. This can be found at <<http://take-action.amnestyusa.org/siteapps/advocacy/ActionItem.aspx?c=6oJCLQPAJiJUG&b=6645049&aid=14935>>. Amnesty International has a model letter and a petition which you can download at <<http://www.amnestyusa.org/actioncenter/actions/action14935.pdf>>. The National Organization for Women has an online petition directed to President Obama which you can electronically sign. This is located at <http://salsa.wiredforchange.com/o/5996/p/dia/action/public/?action_KEY=1364>.

Through our efforts, both collectively and individually, we can ensure that the U.S. ratifies CEDAW. In doing so, we can look forward to a day when the rights of women are seen not as optional but as a universal imperative. ■

ISBA—Who we are and how we are doing in 2011

By Sandra Crawford¹

As another Bar year draws to a close, it seems an appropriate time for some reflection on who we are and how we are doing as an organization on the diversity front. Many advances have been made by the Illinois State Bar Association (ISBA) in the past several years to promote the interests of minorities, women, and special needs attorneys within the Bar and the profession. Those efforts include the creation of the Diversity Leadership Council and the Diversity Fellows Institute. How well those efforts are turning into measurable results in achieving diversity in membership is sometimes hard to measure and understand clearly.

During a recent Diversity Matters editors' conference, my co-editors Lynn and Annemarie came up with the thought that looking at

census data maintained by the ISBA may be one way to answer the questions of "who are we?" and "how are we doing?" Obviously, being an all female, Caucasian, working group we faced our own set of challenges around addressing the concern of what diversity truly means. In the spirit of team work and collaboration, I took on the task of finding out some answers. With the generous assistance of ISBA Staff Member, Alexa Giacomini, I was able to pull together the following data to help answer those questions.²

The following data was available for the categories of: Age, Gender, Years in Practice & Judicial District Concentration for Attorneys Licensed in Illinois (Judicial report based upon attorneys registered in early 2010. Other data is current as of August 2010).

Gender

Female	25%
Male	67%
Unknown	8%

Years in Practice

Fewer than 5 years	14%
Between 5 & 10 years	16%
Between 10 & 20 years	21%
Between 20 & 30 years	18%
30 years or more	31%

Age

21-29 years old	7%
30-49 years old	34%
50-74 years old	41%
75 years old or older	6%
Unknown	12%

Judicial District

1 st (Cook)	47%
2 nd	17%
3rd	6%
4th	7%
5th	6%
Non Resident	17%

The following data are for the categories of: Practice Setting Type & Size Information for Attorneys Licensed in Illinois who are also ISBA Members.

Practice Setting - Type

Solo	25%
Associate	21%
Partner	23%
Managing Partner	5%
In-House Counsel	6%
Government	4%
Judge	2%
Lobbyist	1%
Unemployed	3%
Other	7%
No Status Marked	3%

Practice Setting - Size

Solo	25%
2-5	25%

6-10	9%
11-20	7%
21-50	7%
51-150	5%
Over 150	8%

The ISBA member profile differs somewhat to that of the lawyer population at large in Illinois, when similar data for similar categories maintained by the ARDC is considered. The ARDC portrait of the average attorney licensed in Illinois is as follows: Male, between the age of 30 and 49, admitted between 10 to 20 years, practicing in Cook County. While the portrait of the average ISBA member is: Male, between the age of 50 and 74, admitted 30-plus years and practicing in Cook County.

Much can be gleaned from a review of these numbers and a comparison of this census data with the data available on the number of minorities and women graduating from law school and entering the profession. Also, much can be gleaned from a comparison to more general census data collected as a result of the 2010 General Census. The one number which seemed somewhat hopeful is that the reported unemployment number

among ISBA Members (3%) is significantly lower than the 9-10% unemployment number which is currently being reported in the media.

The American Bar Association, through its Goal III Annual Report Card from its Commission on Women in the Profession and its Commission on Racial and Ethnic Diversity in the Profession, is currently tracking and reporting on the integration of women and minorities attorneys into its association's daily life. It is the hope that by providing the above data from within the ISBA we can further open up the dialogue around issues of improving diversity of the organization's membership, committee and governing structures. One step, which might be borrowed by the ISBA from the ABA's work, is the tracking of ethnic and racial data both for the membership at large and for the ISBA Assembly and its Committees. ■

1. The author is one of the 25% women, 25% solo practitioners, and 41% between the age of 50 and 74 members of the ISBA. She can be reached at lawcrwford@att.net or (312) 726-8766.

2. ISBA does not currently keep census data tracking race or ethnicity of its membership.

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The United States Hispanic Leadership Institute

By Dr. Juan Andrade, President

The United States Hispanic Leadership Institute (USHLI), a leading national Chicago-based nonprofit organization, has achieved national and international acclaim for its work in leadership development, promoting non-partisan civic engagement, research and as a principal source of information on Latino political demographics. The quality and quantity of its work has been validated at all levels including political, academia, and community.

Leadership development

Over 275,000 past, present and future leaders have participated in one or more of USHLI's critically acclaimed leadership programs or events that include: a nine-week training program for grassroots community leaders and local public officials on how municipal, school and county governments work and how to make them work more effectively; a six-week public policy training program for college students, faculty, staff and administrators; a classroom-based civic education training program for high school students in grades 9-12 utilizing mayoral, gubernatorial and presidential election curricula; and a 21-hour candidate and campaign management school.

USHLI's widely supported leadership development events include: career and college recruitment fairs for high school students; regional multi-state leadership conferences for college students; scholarships and paid internships through which students have earned nearly \$1 million toward their education; and the largest Hispanic leadership conference in the nation (over 6,000 participants annually representing 40 states).

Civic engagement

USHLI's 30-year commitment to civic engagement has helped transform America's political landscape. In partnership with other local and national groups, USHLI has helped organize, fund and conduct over 1,000 non-partisan voter registration campaigns. In 1989-1992, USHLI sponsored the longest sustained campaign in Illinois through which over 250,000 citizens registered to vote, mostly African Americans and Hispanics.

Since 1982, the year USHLI started its community empowerment work in Illinois,



The 2011 Dr. Juan Andrade Jr. Scholarship for Young Hispanic Leaders recipients at the Educational Achievement Luncheon held in February 2011.



USHLI interns sorting voter registration forms



Left to Right: Hon. Julian Castro, Mayor, San Antonio, TX; Mr. Rey B. Gonzalez, Chairman, USHLI, Board of Directors; Dr. Jose M. Hernandez, former NASA Astronaut; and, Dr. Juan Andrade Jr., President, USHLI, all at the 29th National USHLI Conference held in Chicago February 17-20, 2011.

the number of Hispanics registered to vote has increased by a phenomenal 150%, growing from 82,000 to over 200,000. To put this amazing expansion of the Hispanic electorate into a proper historical perspective, it should be noted that a study of Hispanic voter registration by USHLI found that the net increase in Hispanic voter registration from 1976-1980 had been a paltry 17.

Also since 1982, the number of Hispanic registered voters in Illinois has increased from just over 200,000 to an estimated 385,000 in 2008.

A major key to USHLI's success has been its model partnership with the Chicago Board of Elections Commissioners, which has served to modernize the electoral process by de-centralizing voter registration, obtaining court-ordered changes in the voter canvassing process to reduce the incidence of wrongful purging of voters and doubling the number of voter re-instatement locations, and computerizing Hispanic voter identification by surname.

Also since 1982, the number of Hispanic elected officials in Chicago has increased ex-

ponentially from three to over 30 at all levels of government including city, county, the state legislature, congress, and the judiciary. A comparable number of Hispanic officials have been elected in suburban Cook County.

Since 2006 USHLI has registered over 100,000 new voters in the greater Chicago-land area, most of them newly empowered naturalized citizens. Nationally an estimated 2.2 million citizens have been registered to vote through USHLI-sponsored or -assisted nonpartisan campaigns.

Research

USHLI has gained national prominence compiling a prolific record in its publication of more than 425 studies and reports on Hispanic political demographics. The reports profile targeted cities, counties and states throughout the nation. The Almanac of Latino Politics, USHLI's flagship publication and considered "the Bible" of Latino politics, is published every two years and chronicles population growth, voter registration, and voter turnout since 1972.

The Almanac also analyzes the impact of the Latino vote in presidential and non-pres-

idential elections, and profiles key congressional and state legislative districts in all 50 states.

Validation

USHLI's work has been validated internationally more times than any other Hispanic organization in the nation, having been invited to participate in the democratization of Mexico, Guatemala, Nicaragua, Panama, Colombia, Paraguay, Bolivia, Guyana, Suriname, and Haiti.

USHLI recently received the "Keepers of the American Dream" award for its work in empowering the immigrant community by registering newly naturalized citizens to vote.

USHLI President, Dr. Juan Andrade, has been awarded five honorary doctorates, which represent more academic validations received than any other Hispanic organization in the nation. ■

Dr. Andrade, a Presidential medal recipient, is also one of only three Hispanics in history to be decorated by the government of the United States as well as the government of Mexico for service to the community.

Building diversity and inclusion through CLE and lawyer-to-lawyer mentoring

By Jayne Reardon, Executive Director, Illinois Supreme Court Commission on Professionalism

Today, more than ever, diversity and inclusion are integral to our legal profession and to the practice of law. Promoting diversity is not just a "feel-good" movement; there are compelling and important reasons why a diverse profession supports the effective administration of justice. The importance of diversity to our profession is reflected by the fact that the Illinois Supreme Court specifically delineated diversity in Rule 794, the Rule that sets forth the professional responsibility requirement of the minimum continuing legal education rules. In addition to traditional CLE courses, mentoring is an activity that may allow lawyers to more personally promote professionalism, including diversity and inclusion, among their colleagues, while earning CLE credit. Pursuant to recently-adopted Supreme Court Rule 795(d)(12), the Illinois Supreme Court Commission on Professionalism now provides a vehicle for experienced attorneys to take a direct role in passing along these

values within a CLE credit-approved lawyer-to-lawyer mentoring program.

The value of diversity within the legal profession is supported by at least three foundational rationales. First, lawyers and judges have a unique responsibility for sustaining a political system with broad participation by all of its citizens, therefore, a diverse bench and bar create greater trust in the mechanisms of government and in the rule of law. Second, attorneys' corporate clients are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces comprised of many different backgrounds, perspectives, and skill sets, and thus culturally open and linguistically proficient lawyers are better able to serve their clients. Finally, those individuals with law degrees often possess the communication and interpersonal skills and the social networks to rise to civic leadership positions, so it is important that law school enrollment becomes more broadly inclusive.

Notably, the legal profession nationally is about 90% Caucasian, and this has been the trend for over a decade. These statistics are roughly the same in Illinois, where a recent Illinois State Bar Association survey shows that the attorney population in our state is about 60% male and 83% Caucasian. The same survey demonstrated that non-male, non-Caucasian respondents tended to respond with a lower level of satisfaction with the level of diversity and sensitivity in the practice of law in Illinois. (These survey results are similar to those of the survey the Commission on Professionalism took of Illinois lawyers at the outset of its operations in 2007.) As demographic shifts result in Caucasians becoming a racial and ethnic minority in the United States, the statistical lack of diversity among lawyers may exacerbate the dissatisfaction that non-Caucasian attorneys experience in the practice of law, further eroding professionalism within the bar. This is a result the Commission on Professionalism seeks

to avoid, by promoting movement toward greater diversity and inclusion.

The Commission's guidelines for approval of Professional Responsibility CLE encourage course topics such as exploring prejudices and biases, both personal and institutional, and developing strategies for changing behavior. Meeting the "diversity issues" requirement of Supreme Court Rule 794 may be achieved by coursework in a variety of substantive topics, including ethnic, gender, racial, and socioeconomic status; access to justice; institutional support for prejudice and bias in the education, employment, and retention of lawyers and judges; and responsibility for improving the administration of justice. These topics are integral to the relevance and impact of our profession in the increasingly global world.

In addition to traditional CLE programming, diversity and inclusion may be advanced through more personal one to one mentoring relationships. Now, thanks to the Illinois Supreme Court's recent approval of a recommendation of the Commission on Professionalism, experienced attorneys supporting the development of new lawyers through an approved mentoring program may receive professional responsibility CLE

credit under new Supreme Court Rule 795(d) (12), and activities around diversity and inclusion are a key component of the Commission's approved mentoring plan.

Attorneys serving as mentors in an approved mentoring program have an opportunity to gain personal satisfaction from "giving back" to the profession, particularly if they were mentored in their own early years. Mentoring is a chance to provide new lawyers not with substantive legal advice, but rather with the benefit of experience and judgment gained from many years of practice. And there are practical reasons for mentoring beyond a sense of satisfaction or the receipt of CLE credit. Careful mentoring can help newer lawyers avoid the kinds of problems that may lead to problems for them or their clients. Mentoring can also help ensure retention of associates in a firm, resulting in a stronger pool of talent and lower human resource costs. Although informal mentoring has been occurring for years, the Commission's structured program offers explicit guidance for professionalism related educational activities and an opportunity for both the mentor and the new lawyer to earn CLE credit. Significantly, with respect to diversity and inclusion, mentoring provides an oppor-

tunity for seasoned, experienced attorneys to share their personal insights and perceptions while inculcating these values with newer lawyers. As with the other important skill-building benefits of mentoring for new lawyers, mindfulness and the recognition of the value of diversity is a skill like any other, and it may often be best taught at a personal, one-to-one level.

A diverse and inclusive legal profession provides a firm foundation to our system of justice, which is why these issues have been elevated to a high level of importance in the continuing legal education of Illinois attorneys. Through lawyer-to-lawyer mentoring, attorneys can take an active role in strengthening the movement toward a more diverse and inclusive community of lawyers by directly influencing the next generation of attorneys. More information on the new mentoring CLE rule and guidance on how to conduct an approved mentoring program is found on our Web site at <www.ilsccp.org>. Please join our Commission in taking a role to build a more diverse and inclusive legal profession. ■

The author gratefully acknowledges the contributions of Jason T. Vail in the research and writing of this article.

Diversity Scholarship Foundation

By Jennifer M. Sender, Corresponding Secretary, Diversity Scholarship Foundation, NFP

The Diversity Scholarship Foundation, NFP ("DSF") is a not-for-profit organization under the Internal Revenue Code. It was established by a group of attorneys and judges committed to the ideal that diverse law school student bodies are a means of ensuring further diversification in the legal community. Although the DSF was formally established in March 2008, its mission had its genesis in 2003, when 17 bar association presidents (including the ISBA) joined together for the first symbolic swearing-in and took an oath to promote the goal of advancing diversity within the Chicago legal community. In subsequent years, the number of participating associations has greatly increased, to where, today, more than 50 associations have joined together to partake in the symbolic swearing-in and pledge to support the increasing need to take concrete

steps to diversify the legal community. One of the premier fundraising events of the DSF is the annual Unity Award Dinner, which will be in its ninth year on Wednesday, October 5, 2011 (please note the date change from October 6, 2011). The dinner includes an awards presentation, which recognizes the tireless efforts of individuals who have made significant contributions to the legal community and the community at large, including embracing diversity and the ideals diversity represents.

Throughout the plan year, the DSF offers support to small, medium, and large law firms to become their "diversity partners" and encourages mentoring and recruitment of minority attorneys. As a diversity partner, the DSF will work hand-in-hand with the leadership of these firms to structure and implement a diversity plan of action beyond mere

lip service. The DSF's goal is to assist managing partners or diversity officers in removing barriers and opening avenues of opportunity to under-represented groups—opportunities that, at one time, were accessible to only a select few. This is one offering that we hope you will take to your respective law firms and companies.

Mission of the DSF

The DSF was founded to promote diversity and inclusion by raising awareness of and providing support to the underrepresented sectors of the legal community, including those individuals wanting to pursue a career in the legal field.

While people may question whether such a foundation is still needed and relevant in today's society, the resounding response is, "Absolutely." Statistics show that within the

legal community, the number of women, minorities and persons with disabilities is disproportionately lower than the overall representation of these groups within the general population. Women make up approximately 28% of the legal workforce. Minorities only comprise approximately 10% of the legal workforce. Although persons with disabilities represent 18% of the national population, they comprise only 3.8% of the entire legal workforce. DSF's goal is to support and advocate for all minorities and persons with disabilities who wish to explore and pursue a career in the legal field.

Background

In 2003, the Filipino American Bar Association ("FABA") and the John Marshall Law School recognized and acted on a need to bring together all of the area bar associations to promote diversity within the legal community. With the drive of FABA and the financial support of the John Marshall Law School, the All Bar Swearing-In ceremony and reception was born. From 2003-2005, the John Marshall Law School underwrote the event and the response was overwhelming. In 2006, fueled by their success and lofty goals, FABA and the John Marshall Law School expanded the annual ceremony into the first Unity Award Dinner to claim a broader audience to inspire progress towards diversity and inclusion within the legal community.

In response to the tremendous success of the Unity Award Dinners, the Diversity Scholarship Foundation was established in March of 2008 to receive net proceeds of the annual Unity Award Dinner and to promote diversity in the legal community through scholarships, education, and outreach. At the end of 2008, the FABA board of directors resolved to have the DSF assume the responsibility of the planning and presentation of the annual Unity Award Dinner. With very little funding, the John Marshall Law School continued its financial support in the planning of the 2009 Unity Award Dinner. That year, net proceeds quadrupled and with the help of its dedicated volunteers, the DSF expanded its programming and community outreach.

The DSF relies on its partnerships with bar organizations that participate in the annual Unity Award Dinner to recruit volunteers to assist with its programming and the response is inspiring. As such, an important aspect of its recruitment and inclusion efforts is to bring together leaders and members of the supporting bar organizations. These gatherings are crucial in keeping the inter-

est alive and the DSF mission crystal clear to those who believe that diversity is the right thing to do and not just a lofty notion for marketing purposes.

The Officers of the DSF include Jessica Arong O'Brien (Illinois Department of Revenue), President; Honorable Jesse G. Reyes (Cook County Circuit Court), Vice President; Aurora Abella-Austriaco (Principal, Austriaco & Associates, Ltd.), Treasurer; Associate Dean Rory Smith (John Marshall Law School), Recording Secretary; and Jennifer M. Sender (Partner, Hinshaw & Culbertson LLP), Corresponding Secretary. The Board of Directors include William A. Von Hoene, Jr. (Executive Vice President of Finance and Legal, Exelon Corporation) and Honorable Israel A. Diserto (Cook County Circuit Court Judge). Floyd Perkins (Partner, Ungaretti & Harris) serves as the DSF's General Counsel.

Most recently, the DSF mourned the great loss of one of its board of directors, Jerold Sherwin Solovy. Jerry was DSF's friend, advocate and mentor. He was the Chairman Emeritus of Jenner & Block, LLP. The DSF would not be where it is today without the support and guidance of Jerry S. Solovy. In 2009, DSF honored Jerry with the Unity Award at our Annual Unity Award Dinner. In 2010, Jerry became a member of our Board of Directors. Due to his tireless fundraising efforts, Jerry became our biggest financial contributor to date. Jerry had already volunteered to co-chair the Unity Award Dinner for 2011 and 2012 with our president. Jerry's advocacy for women and minorities in the legal profession was one of his many outstanding attributes. His support, friendship and mentoring will forever impact those who were fortunate enough to have known him. Our board is deeply sorrowful for his loss and will vow to continue to accomplish our mission with him in our hearts. To keep his memory alive, we are naming our highest scholarship award in his name, Jerry S. Solovy Diversity Scholarship Award.

Today, DSF offers scholarships, its own programming through panel discussions, programming collaboration with bar organizations, other foundations and law schools on relevant diversity-focused presentations, and community outreach to Chicago public schools, as a means of achieving our goals.

Scholarships

On February 17, 2011, the DSF unveiled the following three scholarships to fuel its diversity pipeline:

- Jerold S. Solovy Diversity Scholarship

Award (\$5,000)—In gratitude for the outstanding support of diversity in the profession, DSF's highest scholarship is named after the late Jerold S. Solovy, who served as a dedicated DSF board member after he received the 2009 Unity Award and Co-Chair of the 2010 Unity Award dinner. The Jerold S. Solovy Diversity Scholarship Award (\$5,000) is awarded to a law student who actively advocates for diversity within the legal community and engages in *pro bono* work within the community.

- The Public Interest Advocate Scholarship Award (\$3,000) is awarded to a law student who is interested in pursuing a career in public service or who is actively involved with a not-for-profit agency that represents the underprivileged.
- The LSAT Scholarship Award (\$2,000) is awarded to an undergraduate student who is actively applying to an accredited law school or is a recent graduate with a four-year degree and is taking the LSAT.

The DSF supports students (from any law school) seeking a career in the legal profession who have maintained a high GPA and are actively participating or supporting diversity related programs.

In 2010, DSF awarded scholarships to: Nelly Montenegro (Law student from University of Illinois School of Law), Angela Snell (Law student from University of Illinois School of Law), Norma Manjarrez (Law student from University of Illinois School of Law), Xiomora C. Angulo (Law Student from Chicago Kent), Pamela Dones (Law Student Loyola School of Law) and Francheska Vargas (Undergraduate student of Allegheny College in New York). They were chosen because of their academic achievements, diverse backgrounds and their work in and around their communities. These students exemplify the very idea that once barriers are removed and opportunities are given, goals and dreams can be attained.

Finally, the DSF is pleased to announce the establishment of its newest scholarship fund for law students with disabilities (an award of at least \$500). This scholarship was truly a creation of love. Attorney Stacy J. Campbell, an Associate with Hinshaw & Culbertson, has devoted considerable time and energy in volunteer efforts for persons with disabilities. Stacy was one of the founding members and the first President of the John Marshall Law School's Disability Law Organization (the first of its kind in the Chicago area). Because of her passion to advocate

for persons with disabilities, Stacy and her fiancé, George F. Viamontes, have generously donated the funds to establish this permanent scholarship with a commitment to fund the scholarship for two years. Additionally, with a wedding set for October of this year, Stacy and George will be inviting their guests to make donations to this scholarship fund in lieu of traditional wedding gifts. The DSF is extremely grateful to Stacy and George's generosity of spirit in helping the DSF celebrate the richness of diversity of the legal profession by ensuring a pipeline for lawyers with disabilities.

Programming/Education

Another aspect of the DSF's mission is presenting and sponsoring programs to educate our profession on the importance of diversity and inclusion, and programs to assist lawyers who are women, minorities and persons with disabilities to achieve their fullest potential within the legal community.

The DSF presented complimentary and sold-out open forums addressing issues for women in the legal field, including *Women Partners & Women in Senior Corporate Management* and *Women Running for Public Office*.

- "*Women Partners & Women in Senior Corporate Management*" featured distinguished practitioners: Deirdre C. Drake, Senior Vice President, Human Resources, Harris, NA; Sharon A. Hwang, Shareholder, McAndrews Held & Malloy Ltd.; Gail H. Morse, Partner, Jenner & Block LLP; Joyce E. Tucker, Vice President, Global Diversity and Employee Rights, The Boeing Company; Rosa M. Tumialan, Member, Dykema Gossett PLLC; and Anna S. Wildermuth, Founder, Personal Images, Inc. The panelists described their unique experiences in attaining their current positions, including the obstacles and challenges in their career paths and balancing work and family. The participants were also engaged in an open discussion about diversity in the work place and its impact on achieving career goals.
- "*Women Running for Public Office*" featured **Stephanie D. Neely**, Treasurer, City of Chicago; **Dorothy Brown**, Clerk, Circuit Court of Cook County; **Robin Kelly**, former Chief of State to the State Treasurer Alexi Giannoulias and candidate for State Treasurer; **Sheila Simon**, Professor of Law, Southern Illinois University School of Law and now, Lieutenant Governor for the



State of Illinois; and **Janice D. "Jan" Schakowsky**, Congresswoman, 9th District of Illinois. Aurora Abella-Austriaco moderated the panel discussion. Each of the panelists spoke about their own experiences in seeking a career in public service. Based on the lessons they learned in their journeys to public office, the panelists offered insights into the challenges they faced and advice for those considering running for office. The discussion concluded with an overview of the progress women and minorities have made in the last decade.

For calendar year 2011, the DSF will be focus on offering programming for judges, lawyers and law students with disabilities. The DSF has created a specific committee to (1) increase awareness of the issues judges and lawyers with disabilities face in their respective careers, including accommodation challenges; and (2) encourage attorneys to engage in *pro bono* work to assist persons with disabilities.

Programming Collaboration with Bar Organizations/Law Schools and DSF's Financial Support of Diversity-Focused Presentations

The DSF is continually seeking to collaborate with and offer financial support to other bar organizations and foundations to promote diversity and inclusion in the legal profession.

- The DSF recently co-hosted "Winter Chill" an all-bar event with over twenty diverse bar organizations. Representatives from participating bar organizations enjoyed a chance to network and mingle with other professionals from diverse backgrounds.
- In support of the Illinois Judicial Council, the DSF financially sponsored a panel discussion held at DePaul Law School entitled "Road to the Robe Boot Camp." In collaboration with minority bar organizations (Asian American Bar Association of Greater Chicago, Puerto Rican Bar As-

sociation, Cook County Bar Association, and the Lesbian and Gay Bar Association among others), the event provided practical information to women and minority students and lawyers about becoming a judge.

- The DSF financially supported a symposium and reception with the ISBA Standing Committee on Women and the Law and the Standing Committee on Racial/Ethnic Minorities and the Law entitled, "ISBA on Self-promotion for the Young/New Woman or Minority Attorney."
- At the request of the Illinois Judicial Council, the DSF co-sponsored its "Travel Exhibits" at all Circuit Courts showing the progress of the Circuit Courts in electing and appointing minority judges.
- The DSF sponsored a minority student's attendance John Marshall Law School's LEAP (Legal Education Access Program), which is a program for junior and senior college minority students interested in pursuing a legal career. This "pipeline" program encourages diversity in the legal profession by inspiring students from groups historically under-represented in the law to become lawyers.
- In support of the Illinois Judicial Foundation, the DSF contributed funds towards a minority externship program, which is being implemented in conjunction with the American Bar Association.

Community Outreach

Another element of the DSF's mission is its CPS Outreach program. This popular program reaches out to middle and high school students attending diverse schools within the Chicago Public School system. DSF representatives and members of bar organizations that participate in the annual Unity Award dinner speak directly to these students about their own experiences in choosing a career in law and how to overcome discrimination and stereotypes while encouraging them to pursue their dreams. To date, this outreach program has touched over 500 students around the Chicago area. This year, the DSF is planning to visit Amundsen High, Hyde Park Academy and Jones College Preparatory School. The students are always engaging and find the experience inspiring. Those professionals who participate in this program walk away with a sense of hope for our future generations.

Looking Ahead

DSF is working tirelessly to promote its



mission and aspires to be the premier organization that supports and maintains high standards for diversity within the legal community. It has recently formed two committees: scholarship and disability programming. Co-chairs for the Scholarship Committee are: Frederick Agustin, President of the FABA, Michele M. Jochner, Executive Board Chair, Phi Alpha Delta, Chicago Alumni Chapter, Shelia C. Riley, Deputy General Counsel, Illinois Department of Children & Family Services, and Enrique Abraham, Immediate Past President of the Puerto Rican Bar Association of Illinois. Co-chairing the Disability Programming committee are Stacy J. Campbell, Associate, Hinshaw & Culbertson, LLP, Hon. Nicholas T. Pomaro (Ret) and Jennifer M. Sender, Corresponding Secretary, DSF. Judge Pomaro is the Director of the Kane Legal Clinic located at the Chicago Lighthouse. The clinic provides free legal services to blind or visually impaired people. Judge Pomaro himself has had an incredible and inspirational story. He

has been blind since age six. While in law school, he was told that he could never be a trial attorney. Against all odds, Judge Pomaro worked as an assistant Cook County state's attorney until he rose to the bench. He retired in 2005. DSF is honored to have Judge Pomaro co-chair this newly-established committee.

The DSF Board will also consider forming an advisory council during its upcoming April board meeting, as well as a partnership with a national foundation with a mission of also diversifying the legal community. There are many exciting plans of growing the foundation in furtherance of the DSF's mission. If any ISBA members are interested in becoming a part of any of the DSF committees, the DSF Board members are only a phone call away. The DSF appreciates the continued support of the ISBA leadership and members and looks forward to creating with you a rich and diverse legal profession. Please visit our Web site at <www.diversitychicago.org>. ■

ISBA Board of Governors adopts resolution recommending two additional Board seats to increase diversity

By Annemarie E. Kill, Avery Camerlingo Kill, LLC

"We derive great strength from our diversity. To the degree we are not diverse, we are weak."

~Admiral Michael Mullen, All Hands Call, September 27, 2005

On January 21, 2011 the Illinois State Bar Association's Board of Governors adopted a Resolution recommending the creation of two additional seats on the Board of Governors to be filled by members reflecting under-represented groups. These additional seats will enable the Board to better reflect the diversity of the practicing bar. The President-Elect, with the advice and consent of the Board members, would appoint the persons to fill the seats. The recommendation must be approved by the ISBA Assembly in order to take effect.

The Board adopted the Resolution in order to further the ongoing goal of enhancing diversity within in the ISBA. The Resolution noted that "the composition of the practicing bar is evolving and the intended purpose of the creation of such seats is to make the Board more reflective of the practicing bar, and the selection criteria for such seats should therefore focus on under-represented Illinois lawyers." The Resolution explains that it is essential that the program prioritize the "development of the bar leadership skills of those chosen in order to foster the interest of those individuals selected to seek elected ISBA office."

If passed by the Assembly, two additional Board seats would be created beginning in bar year 2011-12. The seats would be in two-year staggered terms and have no geographic limitations. The ISBA President-Elect would select members who will, in such President-Elect's discretion, make the composition of the Board more representative of the Illinois practicing bar. However, any persons and groups within the ISBA may recommend to the President-Elect any appropriate candidates to fill such seats. In order to ensure the program's effectiveness, an interim review will occur after five years.

The Board is the managing body of the ISBA, overseeing its operations and imple-

menting its policies. Currently, the Board consists of 25 members including the President, the last retiring Past President, three Vice Presidents and twenty other members elected from judicial districts circuits throughout the state. Of the 20 additional members, eight members are elected from Cook County, eight members are elected by ISBA members in their respective areas, two members under age 37 are elected from Cook County, and two members under age 37 are elected from the other judicial districts. Apart from the seats designated for younger members, there are currently no seats designated for those of any type of diverse background.

ISBA Second Vice President John Thies explained the benefit to the ISBA by adding the additional seats. "Our members would be better served by a more diverse Board.

At the moment, achieving more BOG diversity is not likely through the normal election process. This may not always be the case, but it is certainly true now. It is the consensus of our leadership that the ISBA's bylaws should provide for a limited number of BOG seats—outside the usual election process—to accomplish this goal of more diverse representation."

The Resolution declined to specifically designate seats for "minority" members in favor of designating seats for "under-represented" groups. Thies explained that "the definition of the word 'minority' is evolving. As such, it is more useful to speak in terms of our desire to make the Board more reflective of the practicing bar which is a concept which will serve the Association for a longer period of time. Our focus should be on targeting under-represented classifications of Illinois lawyers."

The ISBA would not be alone in its efforts to enhance diversity within bar association leadership. The Ohio State Bar Association currently has three board seats designated for under-represented groups. The Pennsylvania State Bar Association has two seats similarly designated—specifically one for a racially diverse person and one for a woman. Other state bar associations in Kansas, Louisiana, Minnesota, Washington, and West Virginia also have seats which are intended to

cultivate and promote diversity within the leadership of the associations.

The Board should be applauded for its efforts to elevate the issue of diversity over our traditional selection of Board members. The electoral system that we now employ often is a barrier to diverse candidates being elected to the Board. With approximately 30,000 members, we are the largest voluntary statewide organization of lawyers in Illinois. This Resolution advances our association's goal of inclusion by reflecting the changing face of our profession. The Board's concrete actions will continue to strengthen our association by allowing us, as an association, to reap the benefits of diverse backgrounds, opinions and ideas for years to come.

The 201-member ISBA Assembly will consider the Resolution on June 18, 2011 during the ISBA's 135th Annual Meeting at the Abbey in Lake Geneva, Wisconsin. ■

Wondering whether a case has been covered in an ISBA newsletter? Just curious to see what's been published recently?

Check out the indexes of every article the ISBA has produced since 1993 at www.isba.org/publications/sectionnewsletters.

And if you want to order a copy of any article, just call or e-mail Janice Ishmael at 217-525-1760 (ext. 1456) or jishmael@isba.org

ISBA develops Law & Leadership Pilot Program

By Paula Hudson Holderman, ISBA Third Vice-President

Exciting news—the ISBA is embarking on a significant venture to diversify the future legal community in Illinois. Members of the ISBA Diversity Pipeline Standing Committee have taken the lead to establish a pilot program for an Illinois Law & Leadership Institute in Chicago this summer. An appointed subcommittee has worked diligently since the June 2010 Annual Meeting when ISBA members Stephan Blandin and Rory Smith first suggested that Illinois emulate the Ohio Law & Leadership Institute, created and driven by that state's bar association and Supreme Court.

The subcommittee has met numerous times since June to refine the mission, design a curriculum, formulate a budget, and most recently hire a director. Under the good auspices of Associate Dean Rory Smith, the

John Marshall Law School has agreed to host the pilot program at its facility from June 21 through July 8, 2011. The ISBA and the Illinois Bar Foundation, through the M. Denny Hassakis Fund, have agreed to make a one-time contribution of \$37,500 to run the three-week pilot program for 40 disadvantaged minority eighth-grade graduates. It is the expectation and hope of the ISBA in collaboration with the Illinois legal community, that this initial pilot program will expand to a statewide initiative of intensive summer programs and regular Saturday programming during the school year. The summer Institute is designed to assist and encourage the pursuit of a career in law. The curriculum will feature programs on reading, writing, critical legal analysis, problem solving, civics, visits to courthouses and law offices, and leader-

ship training.

A steering committee was appointed by ISBA President Mark Hassakis and is comprised of Stephan Blandin, Sam Finklestein, Annemarie Kill, Paula Lucas, Prof. Alice Noble-Allgire, Chipo Nyambuya, Dean Rory Smith, Dean Francine Soliunas and myself. Our Program Director is Beth Bulgeron, a lawyer and educator, with experience in K-12 outreach program development.

Following the initial program in Chicago, our current plan is to identify a feasible structure to make the program permanent and to actively seek the support of ISBA lawyers throughout the state to maintain and expand the program throughout Illinois.

For more information, please visit <<http://www.isba.org/lawandleadershipprogram>>.



The Human Rights Campaign Corporate Equality Index

By Marc A. Garcia

The Human Rights Campaign Corporate Equality Index

Since 2002, through the Corporate Equality Index (CEI), the Human Rights Campaign has surveyed major businesses, including law firms, to benchmark important employer benefits and protections for lesbian, gay, bisexual and transgender (LGBT) employees and their families.

In 2006, the first year law firms were invited to participate, 12 achieved a 100 percent rating. An unprecedented 97 law firms achieved 100 percent ratings this year, eclipsing every other industry represented on the index.

The CEI Methodology

The CEI is not an award or overall “seal of approval.” It is an effective tool that is designed for a specific purpose: to improve workplace conditions for LGBT people by encouraging corporations to adopt pro-LGBT policies for their workforces. The CEI provides employers with clear standards that they must meet, creates competition (that

had previously not existed) to expand LGBT-inclusive policies and progressively raises the bar, pushing corporations to earn their ratings with increased commitment to equality.

Every step of the way, HRC is there actively working with firm diversity managers and partnership committees, as well as with LGBT attorneys, to implement inclusive policies at the nation's most prestigious firms. This partnership model has allowed twenty-three firms this year improve their ratings to 100 over the previous year.

The Science Behind the CEI

The survey collects key pieces of information to calculate an employer's score and other information that measure trends and best practices among all businesses or particular industries. Last year, a total of 1,662 businesses received invitations to take part in the survey. Of that number, 590 were rated—461 submitted surveys and 129 were rated by HRC using publicly disclosed information.

The current rating system in effect rates businesses on the following set of criteria—

employers must:

- **Be inclusive** by adopting equal employment opportunity policies that include gender identity or expression and sexual orientation
- **Demonstrate organizational LGBT competency** by providing training, resources or accountability measures where businesses exhibit a firm-wide, sustained and accountable commitment to diversity and cultural competency
- **Provide employee benefits to LGBT employees** by supporting same-sex partners of employees with health insurance, bereavement and family leave policies
- **Support LGBT resource groups** by providing funding and support to affinity groups or diversity councils, if there's an expressed interest from employees
- **Engage** in appropriate and respectful advertising and marketing or sponsor LGBT community events or organizations
- **Be responsible allies** by declining to engage in any activities that would undermine the goal of equal rights for LGBT

people.

Changes to the CEI

This year, HRC introduced a series of new metrics that, if adopted, could have a dramatic effect on the way of life of many LGBT individuals, particularly transgender employees. These updates include:

Transgender inclusive insurance

HRC will now put pressure on employers to give "equal health coverage" to its transgender employees for medically necessary care. The new criterion is a leap forward for the transgender community and it comes at a time when transgender individuals pay thousands of dollars out-of-pocket for medically-necessary services related to sex reassignment including: mental health benefits, pharmaceutical coverage for hormone replacement therapies, coverage for surgeries related to sex reassignment surgeries, and routine or chronic non-transition services.

Equal partner/spousal benefits

Not only will HRC now require businesses to make employee and spousal benefits equal for all employees, but with the grow-

ing number of states passing marriage and civil union legislation, HRC is asking companies to recognize state-registered same-sex partners, civil union partners and spouses when administering employee benefits.

Firm-wide diversity and competency training and metrics

Businesses must now demonstrate that LGBT workers are intentionally and consistently included in organizational assessments of climate, engagement and/or talent management. Adding LGBT demographic questions to internal surveys allows employers to better understand where they have LGBT employees, and how they perceive their work environment and their engagement levels. Because as the business maxim states: "If you can't measure it, you can't manage it."

External engagement

Companies must now demonstrate ongoing LGBT-specific engagement that extends across the firm, including intentional LGBT recruitment efforts, marketing or advertising to LGBT consumers, philanthropic support or LGBT organization and public endorsement

of LGBT equality legislation (local, state or federal) under the law. Efforts like these send a clear message to current and prospective LGBT employees that they are not only accepted by the organization, but valued.

Moving Forward

There has been and will continue to be thoughtful discussion about how to harmonize LGBT social justice with the practices of corporate America. In nine years, the CEI has helped lead a sea-change in workplaces across the country by helping firms take the steps necessary to replace discriminatory practices from the workplace with more inclusive and progressive employment policies. But even with all of its success, HRC and businesses should not rest on their laurels. Both must continue to work together and utilize every opportunity to change LGBT workplace policies for the better, one step at a time, even as the LGBT community continues to fight to pass laws to ensure that all LGBT people are protected equally, no matter where they work.

For more information, please visit: <<http://www.hrc.org/issues/workplace>> ■

ISBA Diversity Award

Editor's Note: The ISBA is currently accepting nominations for its Diversity Leadership Award. If you know if someone who has made significant contributions to the advancement of diversity within the legal community, the judiciary, or the ISBA, then please consider honoring the person with a nomination. The following is the criteria for the award which is also available at www.isba.org/awards/diversity.

Diversity Leadership Award

The Diversity Leadership Award recognizes long standing, continuing and exceptional commitment by an individual or an organization to the critical importance of diversity within the Illinois legal community, its judiciary and within the Illinois State Bar Association.

Eligibility

The recipient shall have made significant contributions to the advancement of diversity within the Illinois legal community, its judiciary and/or the Illinois State Bar Association

(ISBA). The recipient may be a lawyer or non-lawyer or an organization of lawyers or a combination of both.

For purposes of this award, "diversity" shall be construed broadly to include race, gender, disability, sexual orientation or any other category of historically disadvantaged individuals.

Consideration will be given to efforts to raise awareness of the importance of diversity to the legal profession; development of or participation in any innovative or meaningful initiatives or programs related to improving diversity within the legal profession; demonstrated commitment to diversity beyond the ISBA; or, exceptional support in advancing a particular diverse affinity group's interests within the Illinois legal profession.

Nomination Process

To nominate a person or organization for this award, please attach a letter or other supporting documentation that includes the following information:

1. Name of Nominee
2. Name of nominee's law firm, company or organization
3. Nominee's contact information, including telephone and e-mail address
4. A description of how the nominee has made significant contributions to the advancement of diversity within the Illinois legal community, its judiciary and/or the ISBA.
5. Contact information of the nominator. (Only ISBA members can nominate an individual or organization for this award.)

Submit nomination information to:

Diversity Leadership Council
ISBA, c/o Janet Sosin
20 S. Clark St., 9th Floor
Chicago, IL 60603

or by fax: 312-726-9071 or e-mail: jsosin@isba.org ■

Annual Luminary of Hope Event

By Melissa M. Olivero

Blustry weather could not keep almost 100 people from gathering at the Hegeler Carus Mansion commemorate Domestic Violence Awareness Month. The annual Luminary of Hope event was held on October 25, 2010 and sponsored by the Zonta Club of LaSalle-Peru.

Illinois Supreme Court Chief Justice Tom Kilbride, the evening's keynote speaker, told the crowd that domestic violence is a problem he wrestles with all too often on the bench. "Children are particularly vulnerable as witnesses to and victims of domestic violence," Kilbride told the crowd. He said that this subject causes him concern as a husband, father, and grandfather. Kilbride also told the crowd about his extensive record protecting crime victims, including a 2003 decision in which the court protected a 20-month-old victim of sexual assault from an intrusive medical examination sought by her attacker.

Justices Mary McDade and Mary Kay O'Brien of the Third District Appellate Court were also among Tuesday's featured speakers. Justice McDade reminded the crowd that children are always watching. Speaking from a child's perspective, Justice McDade said, "When you thought I wasn't looking, I saw you throw my grandfather to the floor, and I learned that the elderly are not to be respected." Justice O'Brien, a member of the Zonta Club of Kankakee, told the crowd that community groups like Zonta play an important role in the fight against domestic violence.

Justices Kilbride, McDade, and O'Brien were presented with awards by the Zonta Club of LaSalle-Peru for their commitment to fairly interpreting the law, while protecting the rights of victims. Officer Adam Conness of the Peru Police Department, Officer Nick Bernal of the LaSalle Police Department, and the patrol division of the LaSalle County Sheriff's Department were recognized for their work in assisting victims of domestic violence.

Judge Cynthia Raccuglia paid tribute to the late Judge William Banich, co-founder of the Thirteenth Judicial Circuit Family Violence Prevention Council. Banich and Raccuglia often said that the luminary, formerly sponsored by the FVPC, "was always held on the worst day of the year" in terms of the



From Left to right: Melissa Olivero; Illinois Supreme Court Chief Justice Tom Kilbride; and Ann Maxwell-Weisbrod.

weather. Raccuglia said, "I believe he is here with us tonight."

Margaret Morrison, Executive Director of ADV&SAS and a member of the Zonta Club of Streator, accepted an award for her work on behalf of survivors of domestic violence. The Zonta Club of LaSalle-Peru collected more than \$500 and eight shopping carts full of household products last weekend at Hy-Vee and Jewel. Young women from St. Bede Academy also donated buckets filled with cleaning supplies. These items will be given to individuals leaving the shelter, starting new lives free from abuse.

Other guests at the Luminary of Hope included LaSalle County Board members Sandi Billard and LouAnne Carretto, LaSalle Mayor Jeff Grove, LaSalle County Sheriff Tom Templeton, and retired Illinois Supreme Court Justice Tobias Berry.

Those on hand found the ceremony both moving and informative. Dr Eric Anderson of LaSalle said, "It was a great ceremony." "The location of this year's luminary was particularly fitting, especially given the strength of the women of the Hegeler and Carus families," said Ann Maxwell-Weisbrod, President of the Zonta Club of LaSalle-Peru.

Master of ceremonies Melissa Olivero told the crowd that service providers for victims have experienced an increased demand at the same time as funding for services has decreased. She asked the crowd to pledge to challenge false assumptions about domes-

tic violence, to use language that promotes hope instead of fear, to model healthy relationships, and to lead by example. Olivero closed by telling the crowd that, "Domestic violence is not a man problem or a woman problem, it is a community problem." ■



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Congratulations to the 2010-2011 Inaugural Class of Diversity Leadership Fellows

The Diversity Leadership Fellows program had its inaugural year in 2010-2011. The goal of the Fellows program is to increase diversity in the membership of ISBA section councils, committees, and other leadership positions, to educate young lawyers about the work, structure, and policies of the ISBA, and to ultimately to develop a diverse group of future leaders of the organization. Fellows are selected for a three year term during which they serve on an ISBA section council or committee. Congratulations to the inaugural class of Fellows:

Kimberly Foxx, Cook County State's Attor-

ney, Chicago (Diversity Pipeline Committee)

Micah Hall, Williams and Morris, St. Louis (Diversity Pipeline Committee)

Paula Lucas, Just the Beginning Foundation, Chicago (Diversity Pipeline Committee)

Jameika Mangum, The Mangum Law Firm, LLC, Rolling Meadows (Criminal Justice Section Council)

Phyleccia Reed Cole, Southern Illinois University, Edwardsville (Education Law Section Council)

Mikah Soliunas, Cook County State's Attorney, Chicago (Criminal Justice Section Council)

Derrick Thompson, Jr., Hoogendoorn & Talbot, LLP, Chicago (Human Rights Section Council)

Shira Truitt, The Truitt Law Firm, LLC, St. Louis (Women and the Law Committee)

Tamika Walker, Sreenan & Cain, PC, Rockford (Family Law Section Council) ■

ISBA members committed to diversity: How you can get involved

By Annemarie E. Kill, Avery Camerlingo Kill, LLC

The Illinois State Bar Association is committed to the twin values of diversity and inclusion, both within the organization and in the legal profession as a whole. The Diversity Leadership Council ("DLC") was created as a result of the work of the ISBA's Task Force on Diversity. The DLC's mission includes coordinating efforts of ISBA's diversity-related committees and section councils. The DLC is comprised of the leadership of diversity-related committees and section councils who meet several times a year in order to accomplish these goals.

Of course, the members of the DLC also serve as the leaders of their respective section councils and committees. As with most ISBA section councils and committees, their work involves coming together at meetings throughout the state, presenting CLEs on topics relevant to its membership, publishing newsletters, and reviewing legislation relevant to the group's particular scope. The following are some highlights of the work of the diversity-related committees and section councils this bar year.

Committee on Disability Law—Patrick Kronenwetter, Chair

Disability Law has a CLE planned for June 20, 2011 entitled "Hot Topics in Disability Law." Disability Law also urged the ISBA's Board of Governors to formally support the American Bar Association's "Pledge for Change." The Pledge affirms the legal community's "commitment to diversity, including diversity regarding individuals with mental, physical, and sensory disabilities, in the legal profession." On March 11, 2011, the Board approved signing the Pledge, making the ISBA a formal signatory. Finally, as a relatively new committee, Disability Law is looking toward the future and received Board approval to revise its scope statement to more accurately reflect the work of the committee.

Human Rights Section Council—Jennifer Shaw, Chair

The mission of Human Rights includes educating the people of Illinois about their human rights and the rights of others, and promoting the legal recognition and protection of human rights. On March 17, 2011, Human Rights presented a very successful half-day CLE entitled "Litigating, Defending, and Preventing Employment Discrimination Cases: Practice Updates for the Illinois Human Rights Act." This CLE included a review

of the latest information concerning employment discrimination cases under the Illinois Human Rights Act, case law updates, and best practice tips.

International and Immigration Law Section Council—William Mock, Chair

International and Immigration Law's mission includes raising the awareness of section members about the legal and political issues of international law, both public and private. This year, members of the International and Immigration Law worked to encourage the passage of a Resolution in support of the ratification of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). They also presented an enlightening CLE entitled "Cross-Cultural Communications: How Respect for Culture Returns Referrals" and the Annual Meeting in St. Louis last June.

Committee on Women and the Law—Sandra Crawford, Chair

On April 7, 2011, WATL joined the Committee on Racial and Ethnic Minorities to tour the Dwight Correctional Center for Women. This was followed by a brainstorming session discussing meaningful contributions attor-

neys could make to improve the system and to address issues unique to minorities and women in prison in Illinois. In addition WATL is proud that two of its members will receive prestigious awards at the Annual Meeting. WATL also presented a highly successful CLE entitled "Elder Law Issues for Everyone: Your Aging Clients, Their Parents, and You," the program "Power, Prestige and Your Personal Brand," and two ISBA cable television shows.

Committee on Racial and Ethnic Minorities and the Law—Amina Saeed, Chair

On October 28, 2010, REM presented a CLE entitled "Raising the Bar by Promoting Greater Diversity." The program included a panel of respected jurists (from walks of life historically underrepresented in the judiciary) coming together to discuss the various paths they chose to arrive at the judiciary, as well as the factors that led to their success. The panel members encouraged minority attorneys to consider the judiciary. In addition to partnering with WATL for a tour of the Dwight Correctional Center for Women, the two groups also co-sponsored a diversity reception in Peru that was well-attended by attorneys from LaSalle and neighboring counties. The REM Committee also organized a two-part ISBA cable television show entitled "So You Want to Be an Attorney," which was also made available on YouTube. Copies of the program will also be sent to area schools to assist students of diverse racial and ethnic backgrounds.

Committee on Sexual Orientation and Gender Identity—William "Toby" Eveland, Chair

SOGI will present a CLE entitled "A Roadmap to Civil Unions" on June 17, 2011 in conjunction with the ISBA Annual Meeting in Lake Geneva, Wisconsin. SOGI also presented three ISBA cable television programs on Lesbian, Gay, Bisexual and Transgender ("LGBT") issues, and they continue to partner in diversity initiatives with the Chicago Bar Association's Committee on LGBT Rights and the Lesbian and Gay Bar Association of Chicago, including marching in the Pride Parade, and hosting a booth at the Chicago Market Days street festival. SOGI also hosted a joint meeting where State Representative Gregory Harris (D-Illinois) addressed the group regarding the passage of the Illinois Religious Freedom Protection and Civil Unions Act, which established legal protections for unmarried cou-

ples across the state. For more information on civil unions, see the related article in this issue of *Diversity Matters*.

Committee on Diversity Pipeline—Gilda Hudson Winfield, Chair

The mission of the Diversity Pipeline Committee is to increase the diversity of the legal community by exposing elementary and secondary school students of diverse backgrounds to the law and legal careers, mentoring students as they progress through the educational pipeline to ensure that they are prepared for law school and practice, and identifying financial and other resources to assist students from under-represented populations with their educational needs. One result of their work is the Illinois Law and Leadership Institute which will begin this summer. The Institute will encourage area high school students to consider careers in the law. For more information, see the related article in this issue of *Diversity Matters*.

~

Please consider the opportunities available through participating in one of these section councils or committees. Your involvement could include attending an event sponsored by one of the groups, attending its meetings, or earning CLE credit by attending one of the many diversity-related CLEs. Many of the diversity-related CLEs (as well as hundreds of others) are available through ISBA "FastCLE" where you can often choose from DVDs, audio CDs, CD-ROM, podcasts, or online delivery. For more information, go to <www.isba.org/cle/fastcle>.

You might also consider becoming a member of a diversity-related section or committee. For a nominal fee ISBA members can join additional sections. As a member of a section, you will receive section newsletters, discounts on the section's CLEs, and often access to online discussion groups. If you are interested in joining any of these sections, you may contact the ISBA at <www.isba.org/contact>.

There is also the opportunity for appointment to a section council (the governing body of the section) or the leadership of a committee. ISBA members are appointed to these positions by the ISBA President-Elect each spring. ISBA members are encouraged to self-nominate and to nominate other lawyers for appointment. Jennifer Shaw explained the process in her article "De-Mystifying the ISBA - Sections and Committees"

which appeared in *The Challenge*, the newsletter of the Committee on Racial and Ethnic Minorities and the Law. "Nomination forms can be found in the late winter editions of the *Bar News* and the *Bar Journal*. Generally, they are half-page forms that list each of the sections and standing committees. In addition, nominations can be made online." The nomination forms "allow people to list their first three preferences for appointment. Certainly, some committees and sections are extremely popular and, accordingly, it becomes more challenging to receive an appointment to those sections and committees. Other groups, however, are always looking for new members." Diverse members are encouraged to seek appointment and "[t]o that end, the nomination form also includes space for people to identify their minority status. . . Importantly, minority status does not just include gender or race. Lawyers with disabilities or those who identify themselves as members of other minorities are also encouraged to indicate their status as well." You can read Ms. Shaw's full article at <www.isba.org/membersgroups/demystifyingisba>. ■



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ISBA Diversity Web page

By E. Lynn Grayson

As a recommendation of the 2007-2008 Task Force on Diversity, the ISBA diversity web page serves as a central repository of the latest diversity-related information, activities and events within the bar association as well as the Illinois legal community. The Web page also provides insight into recent diversity led initiatives and highlights the progress of other Task Force recommendations.

Key Reports

Diversity reports created by the Task Force are available on the web page including the 2008 Task Force status report to the ISBA Assembly; and, the 2009 report and recommendations of the Task Force.

Diversity Matters Newsletters

Launched in 2007, the *Diversity Matters* newsletter is in its fifth year of publication with this edition. Each of these annual newsletters is available on the diversity web page.

Diversity Leadership Award

Another recommendation of the Task Force, the Diversity Leadership Award recognizes those individuals or organizations whose efforts have promoted greater diversity within the bar. The award information and criteria are available on the web page as well.

Diversity Leadership Council

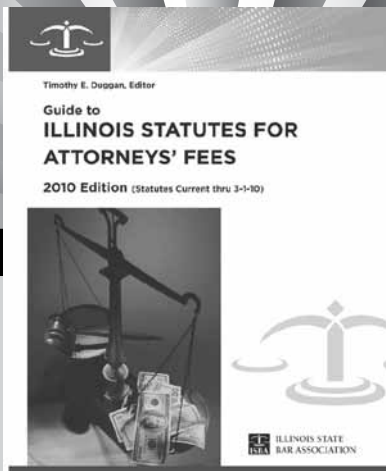
The web page highlights the diversity-related committees within the ISBA and allows for one-stop shopping in learning more about the work of these important commit-

tees. While the Diversity Leadership Council fosters communication and coordination between the ISBA diversity-related committees and section councils, the latter lead these efforts within the organization including the Standing Committee on Diversity Pipeline, the Standing Committee on Racial and Ethnic Minorities and the Law, the Standing Committee on Sexual Orientation and Gender Identity, the Standing Committee on Women and the Law, the Human Rights Section and the International and Immigration Law Section.

To learn more about diversity within the ISBA, both past and present initiatives, or how you can become more involved in these efforts, visit the Web page at <<http://www.isba.org/diversity>>. ■

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July

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

Thursday, 7/7/11- Teleseminar—MD & DDS Practice Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

Friday, 7/8/11- Teleseminar—MD & DDS Practice Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/12/11- Teleseminar—Employment and Labor Issues for Nonprofits. Presented by the Illinois State Bar Association. 12-1.

Thursday, 7/14/11- Teleseminar—Attorney Ethics in Advertising in a Digital Age. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/19/11- Teleseminar—Estate Planning for Real Estate, Part 1. Presented by the Illinois State Bar Association. 12-1.

Friday, 7/20/11- Teleseminar—Estate Planning for Real Estate, Part 2. 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.

Thursday, 7/28/11- Teleseminar—Tax Planning Issues in Divorce. Presented by the Illinois State Bar Association. 12-1.

August

Tuesday, 8/9/11- Teleseminar—Business Torts, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 8/10/11- Teleseminar—Business Torts, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/23/11- Teleseminar—Drafting Employee Handbooks. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/30/11- Teleseminar—Buying, Selling & Exchanging LLC and Partnership Interests. Presented by the Illinois State

Bar Association. 12-1.

September

Tuesday, 9/6/11- Teleseminar—Social Media Issues and Employer Liability in the Workplace. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 9/13/11- Teleseminar—Joint Venture Agreements in Business, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 9/14/11- Teleseminar—Joint Venture Agreements in Business, Part 2. Presented by the Illinois State Bar Association. 12-1.

Friday, 9/16/11- Webcast—ThaIP 101: An Intellectual Property Primer for In-House Attorneys. Presented by the ISBA Corporate Law Section. 12-2.

Friday, 9/16/11- Galena, Eagle Ridge Resort and Spa—Hot Topics in Consumer Collection. Presented by the ISBA Commercial Banking, Collections and Bankruptcy Section; co-sponsored by the ISBA Young Lawyers Division. 8:45-4:30.

Tuesday, 9/20/11- Teleseminar—Franchise Law: What You Need to Know Before Your Client Buys. Presented by the Illinois State Bar Association. 12-1.

Thursday, 9/22/11- Teleseminar—Generation Transfer Tax Planning. Presented by the Illinois State Bar Association. 12-1.

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.

Tuesday, 9/27/11- Teleseminar—Metadata: The Hidden Digital World of Client Files in Litigation. Presented by the Illinois State Bar Association. 12-1.

October

Tuesday, 10/4/11- Teleseminar—Fixing Broken Trusts. Presented by the Illinois State Bar Association. 12-1.

Thursday, 10/6/11- Teleseminar—Environmental Liability in Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 10/11/11- Teleseminar—Drafting LLC Operating Agreements, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 10/12/11- Teleseminar—Drafting LLC Operating Agreements, Part 2. Presented by the Illinois State Bar Association. 12-1.

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.

Monday, 10/17/11- Chicago, ISBA Chicago Regional Office—Hot Topics in Consumer Collection. Presented by the ISBA Commercial Banking, Collections and Bankruptcy Section; co-sponsored by the ISBA Young Lawyers Division. 8:45-4:30.

Tuesday, 10/18/11- Teleseminar—2011 Americans With Disabilities Act Update. Presented by the Illinois State Bar Association. 12-1.

Thursday, 10/20/11- Chicago, ISBA Chicago Regional Office—The IMDMA and the Welfare of Pets. Presented by the ISBA Animal Law Section; co-sponsored by the ISBA Family Law Section and the ISBA Human Rights Section. 1:00-4:30 p.m.

Thursday, 10/20/11- Live Webcast—The IMDMA and the Welfare of Pets. Presented by the ISBA Animal Law Section; co-sponsored by the ISBA Family Law Section and the ISBA Human Rights Section. 1:00-4:30 p.m.

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