



# THE PUBLIC SERVANT

*The newsletter of the Illinois State Bar Association's Standing Committee on Government Lawyers*

## Don't fear the reaper

*By Kevin Lovellette and Mary Jane Adkins\**

As governmental attorneys, we often deal with cases involving death. Whether we are defending a Wrongful Death lawsuit against law enforcement officials or prosecuting a felony murder charge, we frequently come into contact with Coroners and Medical Examiners.<sup>1</sup> Many of us may have spoken with a Coroner about autopsy results without analyzing whether such a conversation may breach the doctor-patient privilege. Surprisingly, there is no case law directly on this point in Illinois.

A hypothetical will help illustrate this issue: Bob is a hard-working and grossly under-paid governmental lawyer defending a civil lawsuit. Sue is opposing counsel. A Coroner is subpoenaed to testify at a deposition. Bob appears for

the deposition, but Sue does not. After a reasonable amount of time, the court reporter is released, and Bob discusses the particulars of the autopsy with the Coroner while in the elevator. The Coroner mentions that the cause of death was arterial blockage secondary to diabetes. Bob grins. This directly contradicts the Plaintiff's theory of proximate cause. He now has his issue for summary judgment. When Sue discovers the "elevator conversation," she seeks sanctions against Bob for violating the doctor-patient privilege.

The analysis of this issue begins with the Privileged Communications-Physician and Patient Act (Privilege Act).<sup>2</sup> The Privilege Act states that "[n]o

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## Who does the Attorney General represent in child support cases?

*By Lawrence A Nelson\**

I have been an Assistant Attorney General in the Public Aid Bureau of the Illinois Attorney General's office since 1975. A long-standing issue for the parties and the courts to grasp concerns whom I represent in child support cases.

I represent the Department of Healthcare and Family Services (HFS), the child support enforcement agency for the State of Illinois. Pursuant to federal mandates, HFS provides child support assistance to parents who apply for services and to parents who receive benefits from the State. Child support services include: establishing paternity and establishing, enforcing, and modifying child support orders in court. The Attorney General represents HFS in 89 counties throughout Illinois. In the remaining 13 counties, includ-

ing Cook County, the State's Attorney represents HFS pursuant to section 10-3.1 of the Illinois Public Aid Code (305 ILCS 5/10-3.1).

The cases involve obligees who receive child support and obligors who pay child support. The obligor can be either the mother or the father, or both mother and father when the child is living with a foster parent or guardian. The obligor/obligee roles can change in a case if custody changes.

Federal law requires HFS to provide child support services to both obligees and obligors. Therefore, HFS may ask the Attorney General to file a petition to enforce or increase an existing

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## Don't fear the reaper

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physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient.”<sup>3</sup> The Act states several exceptions to this general rule, including: (1) homicide cases; (2) medical malpractice actions against the plaintiff's physician; (3) with the express consent of the patient; and (4) actions brought by the patient which put her medical condition at issue.<sup>4</sup> The fourth exception applies to “all actions,” encompassing both criminal and civil actions,<sup>5</sup> though this exception can be overridden by confidentiality provisions in other statutes.<sup>6</sup> For example, statements made to a psychiatrist during the course of an examination to determine fitness for a criminal trial can remain confidential.<sup>7</sup> The Privilege Act extends to healthcare professionals other than physicians and surgeons.<sup>8</sup>

The exceptions enumerated in the Privilege Act are not unlimited; they must be read in concert with the *Petrillo* doctrine. This doctrine is named after *Petrillo v. Syntex Laboratories, Inc.*<sup>9</sup> The doctrine states that *ex parte* communications between defense counsel and a plaintiff's treating physician are prohibited because such communications are contrary to the doctor-patient privilege.<sup>10</sup> The doctrine can apply even when no confidential information is disclosed.<sup>11</sup> Like the Privilege Act, the *Petrillo* doctrine applies to health care professionals other than physicians and surgeons.<sup>12</sup> The doctrine limits the exceptions listed in the Privilege Act by requiring that the doctor-patient privilege can be breached only through the normal discovery methods authorized by the Supreme Court Rules.<sup>13</sup> *Ex parte* communications are prohibited.<sup>14</sup>

The courts have explained that the public policy behind the Privilege Act and the *Petrillo* doctrine stems from two areas: the code of ethics which governs the conduct of medical professionals, and the fiduciary relationship between a patient and his physician.<sup>15</sup> The physicians' code of ethics includes three prongs: the Hippocratic Oath; the American Medical Association's (AMA) Principles of Medical Ethics; and the Current Opinions of the Judicial Council of the AMA.<sup>16</sup> The *Petrillo* Court observed that under these ethical

considerations, the relationship between a doctor and patient remains viable only for so long as a patient can trust that his consent is required before the doctor will disclose medical information.<sup>17</sup> For the second indicia of public policy, the Court cited cases from Illinois and other jurisdictions emphasizing that at the heart of a fiduciary relationship is trust, loyalty, and faith in the discretion of the fiduciary.<sup>18</sup> In other words, the major public policy behind the sanctity of the doctor-patient privilege is to encourage full disclosure between a patient and her doctor.<sup>19</sup>

Obviously, the privilege (and the underlying public policy) is implicated only when there is a physician-patient relationship established between a patient and a treating physician.<sup>20</sup> A physician becomes a “treating physician” when a patient seeks his assistance in the treatment or curing of a physical or mental illness or symptom.<sup>21</sup> In at least one instance, the appellate court has held that a doctor-patient relationship is not established when a patient merely has a future appointment with a doctor that is not kept because of the patient's death, and the doctor has never examined the patient or reviewed any medical records.<sup>22</sup>

Our hypothetical scenario where a Coroner speaks to a governmental attorney about information gained during an autopsy has not yet been presented to the Illinois courts. However, the Michigan Supreme Court has ruled that there is no doctor-patient privilege involved in the performance of an autopsy.<sup>23</sup> The Michigan Court relied upon their state statute setting forth the physician-patient privilege which is substantially similar to the one in Illinois.<sup>24</sup> The Court stated that the purpose of the privilege is to protect the doctor-patient relationship and to insure that communications are confidential.<sup>25</sup> The Court went on to find that applying the privilege to an autopsy would not further the purpose of the act because there is no communication between a doctor and a patient during an autopsy.<sup>26</sup>

The Michigan and Illinois laws and public policy are substantially similar on this topic. It seems logical that Illinois courts would rule similarly to the Michigan Supreme Court. As in Michigan, there are no communications between a doctor and a patient during an

autopsy in Illinois. Therefore, it does not appear that upholding the privilege during an autopsy in Illinois would serve any public purpose.

Furthermore, a Coroner's status during an autopsy does not fit within the definition of a treating physician. The Coroner is not attempting to actually treat the decedent. Thus, this scenario does not involve an actual physician-patient relationship because there is no treatment involved. There is no public policy reason that the physician-patient privilege should attach to information garnered from an autopsy. For the same reason, the *Petrillo* doctrine should not be applicable.

Applying this analysis to our hypothetical situation, Sue does not have a basis to ask for sanctions against Bob. He did not violate the doctor-patient privilege or the *Petrillo* doctrine by speaking with the Coroner privately.<sup>27</sup> The elevator conversation was appropriate, and it gave Bob an excellent chance to defeat the lawsuit on a motion for summary judgment.

As government attorneys, we should examine the public policy behind the rules that govern our unique practice of law. The doctor-patient privilege, read with *Petrillo*, identifies the importance of patients' candor with their treating physicians, but the privilege is not meant to protect post-mortem examinations. As with Bob, we should have the ability to speak with a Coroner to gather all the information necessary to properly defend or prosecute on behalf of the People. ■

1. There is a difference between a Coroner and a Medical Examiner. A Coroner is an elected official, while a Medical Examiner is an appointed position. Despite this difference, they essentially perform the same duties. See Ill. Coroners and Medical Examiners Association, <<http://www.coronersillinois.org/ForensicAutopsyGuidelines.htm>>.

2. 735 ILCS 5/8-802

3. *Id.*

4. There are several other exceptions involving specific crimes, the validity of wills, and certain types of patients such as prisoners, among other exceptions. *Id.*

5. *People v. Botsis*, 388 Ill. App. 3d 422, 435 (1st Dist. 2009)

6. *People v. Sutton*, 316 Ill. App. 3d 874 (1st Dist. 2000)

7. *Id.* at 887.

8. *People ex rel. Dept. of Prof. Reg. v. Manos*, 202 Ill. 2d 563 (2002)(dentists); *Village of Arlington*

*Heights v. Bartelt*, 211 Ill. App. 3d 747 (1st Dist. 1991)(nurse).

9. *Petrillo v. Syntex Laboratories, Inc.*, 148 Ill. App. 3d 581 (1986).

10. *Id.*, at 591.

11. *Nastasi v. Unite Mine Workers of America Union Hosp.*, 209 Ill. App. 3d 830, 839 (5th Dist. 1991)

12. *Roberson v. Liu*, 198 Ill. App. 3d 332, 338 (5th Dist. 1990)(nurse); *Wakeford v. Rodehouse Restaurants of Missouri, Inc.*, 223 Ill. App. 3d 31, 46 (5th Dist. 1991)(rehabilitation counselor); *Lewis v. Illinois Cent. R. Co.*, 234 Ill. App. 3d 669, 680 (5th Dist. 1992)(medical records custodian).

13. *Petrillo*, at 606

14. *Id.* at 596

15. *Id.* at 588.

16. *Id.*

17. *Id.*; see also *Best v. Taylor Mach. Works*, 179 Ill.2d 367, 456 (1997)

18. *Petrillo*, at 588; *Best*, at 456.

19. See *People ex rel. Dept. of Prof. Reg. v. Manos*, 202 Ill. 2d 563, 575 (2002)

20. *Hoem v. Zia*, 239 Ill. App. 3d 601, 621 (4th Dist. 1992)

21. *Cleveland Wrecking Co. v. Central Nat. Bank*, 216 Ill. App. 3d 279, 295 (1st Dist. 1991); see also *Diaz v. Chicago Transit Authority*, 174 Ill. App. 3d

396, 403 (1st Dist. 1988)(“a treating physician is ... retained ... first and foremost to treat the patient”)

22. *Hoem v. Zia*, 239 Ill. App. 3d 601, 621 (4th Dist. 1992)

23. *Swickard v. Wayne County Medical Examiner*, 438 Mich. 536, 560-61 (1991)

24. Compare M.C.L.A. 600.2157 (“a [doctor] shall not disclose any information that the [doctor] has acquired in attending a patient in a professional character”) with 735 ILCS 5/8-802 (“no [doctor] shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character”)

25. *Swickard*, at 560.

26. *Id.*, at 561.

27. We note in passing that the Coroner also did not violate the privilege or *Petrillo* doctrine.

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## Who does the Attorney General represent in child support cases?

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support obligation in one case, and a petition to decrease an existing support obligation in another, depending upon the circumstances and application of the child support guidelines set forth in section 505 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/505).

Pursuant to law, the Attorney General represents only HFS – not the obligee, obligor, or child. Section 10-3.1 of the Illinois Public Aid Code reads in relevant part:

An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action brought pursuant to this Section, an attorney-client relationship does not exist for purposes of that action between that attorney and (i) an applicant for or recipient of child support enforcement services or (ii) any other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain con-

fidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

305 ILCS 5/10-3.1.

Additionally, the parent receiving child support services signs a disclosure statement. The disclosure tells the parent:

The Attorney General does not represent you. The Attorney General represents the Department of Healthcare and Family Services exclusively. If you want an attorney to represent you, you must retain a private attorney.

It further advises the parent that:

1. Information revealed during proceedings will be shared with HFS, including unreported child support, excess assistance, and the parent's financial assets and income.
2. HFS provides child support services to both obligees and obligors, as well as other custodians, guardians, and foster care agencies, which includes setting child support and seeking increases or reductions in support obligations as circum-

stances dictate.

3. The Attorney General will not participate in visitation, custody or property matters.
4. The parent must tell the Attorney General if they are represented by a private attorney or if they retain one in the future.

Child support attorneys must be ever vigilant that the parties and the court understand that HFS is our only client. Over the years, I have seen judges refer to the obligee as being "present" by the Attorney General. I have also observed obligees say that they were being "represented" by the Attorney General. On occasion, lawyers have sent discovery directed to the obligee to the Attorney General. In all of these instances, the Attorney General must take action to assure that these misunderstandings are addressed and corrected. The law is clear: in child support cases, the Attorney General has one and only one client—the Department of Healthcare and Family Services. ■

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## In-sites

### Electronic Discovery

For some time now, the discovery landscape has moved away from paper and into the electronic world. Electronically Stored Information (ESI) is the subject of discovery in almost every case, from e-mails to databases and beyond.

While government lawyers may still use the hard copy method, more and more attorneys and would-be plaintiffs are requesting ESI in its many forms. Also, there are cases where the government attorney should be requesting ESI.

In response to this growing area of the law, Judge Holderman and Magistrate Judge Nolan, both in the Federal Court in the Northern District of Illinois, convened a committee of lawyers, specialists and clients to study the issues of electronic discovery. The Commit-

tee drafted "Principles" for lawyers to employ in the discovery process. For the first year of the program, the Principles were used by select judges in the Northern District of Illinois. Following surveys and edits to the Principles, the Principles were updated. The Committee sponsored both webinars and live seminars to educate the legal community on the topic of ESI and the Principles.

The Seventh Circuit Electronic Discovery Pilot Program just launched their Web site. [www.discoverypilot.com](http://www.discoverypilot.com) contains a wealth of information. First, the Committee's Principles are provided. Many judges in the Seventh Circuit are using the Principles, in whole or in part. The participating judges are also listed. Second, the webinars hosted by the Committee are available for viewing. They range from an introduction of the Principles to an introduction of the mechanics of ESI.

The site's resources are outstanding, including news articles on the topic and an expansive listing of cases in the Seventh Circuit and seminal national cases by topic.

Other resources for those interested in e-discovery include:

- [www.thesedonaconference.org](http://www.thesedonaconference.org) (Working groups of lawyers, experts, academics, and judges)
- [www.edrm.net](http://www.edrm.net) (Electronic discovery reference model)
- [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt.pdf/\\$file/eldscpkt.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt.pdf/$file/eldscpkt.pdf) (Managing Discovery of Electronic Information: A Pocket Guide for Judges)

If you haven't gotten familiar with ESI, you should and these free resources are a good place to start. ■

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# Freedom of Information Act—Recent & proposed changes

By Stephan Roth and Jeannie Romas-Dunn

One area of law that is perpetually changing and very challenging for government attorneys is the application of the Illinois Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.*). In light of recent public corruption charges, FOIA has been ever evolving. The recent amendment to FOIA during the last legislative cycle made the most sweeping changes to FOIA since its inception. See Public Act 96-542, effective January 1, 2010. With those changes, however, have come attempts to revise and redefine the scope of FOIA. This article seeks to highlight some of the more significant changes made to FOIA, as well as identify attempts to revise it further.

Illinois' history and compliance with FOIA has not always been stellar. Illinois first approved FOIA in 1984. See Public Act 83-1013, effective July 1, 1984. However, Illinois was the last state to enact a law permitting access to public records. A 1999 audit of state government organizations by The Associated Press found that more than two-thirds of those organizations did not comply with FOIA. A 2006 investigation by the Better Government Association yielded a 60 percent noncompliance rate with almost 40 percent of the Illinois governments tested never even responded to the FOIA request. <[www.daily-chronicle.com/mobile/article.xml/articles/2011/02/21/71473566/index.xml](http://www.daily-chronicle.com/mobile/article.xml/articles/2011/02/21/71473566/index.xml)>. Yet in recent years, specifically with the sweeping amendment to FOIA effective in January 2010, the Act has taken on a new significance in Illinois, requiring government and governmental agencies to comply with the ever changing law.

FOIA only applies to "public bodies" as that term is defined in the Act, which encompasses "all legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code." 5 ILCS 140/2.

The general rule contained in FOIA remains that all "public records" in the posses-

sion of "public bodies" are subject to disclosure, unless covered by an exemption. Each public body must have one or more employees designated to act as a FOIA officer, receive training and develop a list of documents or categories of records that are immediately disclosable. 5 ILCS 140/3.5. Many larger public bodies had already designated such a person, but the codification of that practice provides consistency and accountability, allowing FOIA officers to work together to develop best practices, stay current on legislative changes and provide uniform training for employees.

A public body, under the amended FOIA, has five business days (previously seven) to respond to a request for public records unless the time is properly extended for another five business days, pursuant to reasons contained in 5 ILCS 140/3(e). A public body may also honor oral requests for inspection and copying. 5 ILCS 140/3(c).

Requests for information may still be denied by claiming compliance with the request would be "unduly burdensome" and there is no way to narrow the request. Repeated requests for the same documents from the same person fall into this category. 5 ILCS 140/3(g). Furthermore, a public body may elect to redact or not redact exempted information from a document that is not otherwise exempt disclosure. 5 ILCS 140/7(1).

## Exemptions

Sections 7 and 7.5 of the FOIA (5 ILCS 140/7, 7.5) contain approximately 45 separate exemptions. Specifically, section 7.5's "Statutory Exemptions" contains independent statutes exempting information from disclosure under FOIA in order to protect the privacy and confidentiality of specific types of information. Section 7 contains exemptions including "private information" (5 ILCS 140/7(b)), "personal information" (any information where the subject's right to privacy outweighs any legitimate public interest in disclosure) (5 ILCS 140/7(c)), records created in the course of administrative enforcement proceedings (5 ILCS 140/7(d)), and "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated[.]" 5 ILCS 140/7(f). Also exempted

from disclosure are performance evaluations for all public employees. 5 ILCS 140/7.5(q); 820 ILCS 40/11.

## Appeals and the Public Access Counselor

Section 9.5 of FOIA was amended to address the issue of requests for records which were denied and the appeal was made to the head of the public body to which the request was made and denied. With this amendment, an individual, who is denied a request by a public body, can file a request for review with the Public Access Counselor (PAC) in the Office of Attorney General. The section sets out the process for review by the PAC. On requests for review, if the public body has denied the request based on the "unwarranted invasion of personal privacy" (5 ILCS 140/7(1)(c)) or "preliminary drafts, notes, recommendations, memoranda and other records in which opinions expressed" exemptions (5 ILCS 140/7(1)(f)), the public body must provide written notice to both the requester and the PAC of its intent to deny the request in whole or in part. A requester has 60 days after the date of final denial to file a request for review with the PAC. Requesters denied access may also file an appeal in court. If they prevail, they can now recover attorneys' fees and costs. Public bodies found to have willfully and intentionally failed to comply with the FOIA are now liable for a civil penalty between \$2,500 and \$5,000 for each violation.

## Updates to FOIA

Since FOIA's amendment by Public Act 96-542, there have been a number of other proposed legislative changes. The *Chicago Tribune* recently reported on April 3, 2011, that "A little more than a year after Illinois lawmakers rewrote open records laws promising a new era of transparency and accountability, frustrated mayors, school superintendents and police chiefs are back in Springfield, looking to undo many of the provisions. More than three dozen bills—from minor tweaks to major overhauls—were filed this year to change the state Freedom of Information Act (FOIA), most with the goal of reducing access to records." <[www.chicagotribune.com/news/local/ct-met-foia-attorney-general-0404-20110403,0,790946](http://www.chicagotribune.com/news/local/ct-met-foia-attorney-general-0404-20110403,0,790946)>.

Most recently, the disclosure of information related to the issuance of a Firearm Owner Identification card (FOID cards) has been at the forefront of discussion at the State Capital. The Attorney General's Office, in its interpretation of the Act, concluded that information regarding FOID cards is disclosable. However, the General Assembly has taken up several bills to protect the information from being disclosed. House Bill 3500 passed both houses of the General Assembly and amends section 7(v) of FOIA to expressly authorize the withholding of "[n]ames and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearms Owners Identification Card Act."

As amended by Public Act 96-542, a public body employee's personnel evaluations were subject to disclosure under FOIA. After the outcry from various union groups, an amendment was passed by the General Assembly to exempt such records from disclosure. The legislation was amendatorily vetoed by the Governor, but his veto was overridden by the General Assembly and became law. See Public Act 96-1483, effective December 1, 2010.

Another proposed reform sought by the General Assembly that has received widespread attention is Senate Bill 39, sponsored by Senator Garrett. The bill was inspired by the investigation surrounding former Metra Executive Director Phil Pagano, who committed suicide by train near his Crystal Lake home in May. In its original form, Senate Bill 39 would have made communications between a public body and an attorney acting as a lobbyist on its behalf a public record. Sen. Susan Garrett, D-Lake Forest, said Metra often denied her request for copies of lobbying contracts she requested in pursuit of an audit, because the lobbyists happened to be attorneys. In the most recent amendment to Senate Bill 39, the scope of the bill has been refined. SB39, in its current amended form, provides that the definition of "public records" includes, "Communications and materials exchanged between a lobbyist and a public body that concern either lobbying performed on behalf of the public body by the lobbyist or the expenditure of public moneys for goods or services provided on behalf of the public body by the lobbyist are public records and are not exempt from inspection and copying unless exempt under Section 7."

The legislation amends section 7(m) of FOIA, currently providing that "Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies." However, "communications and materials exchanged between an attorney-lobbyist and a public body that concern either lobbying performed on behalf of the public body by the attorney-lobbyist or the expenditure of public moneys for goods or services to be provided on behalf of the public body by the attorney-lobbyist are public records, and are not exempt from inspection and copying[,] unless otherwise exempt. The bill has not advanced from the Senate and remains in the Assignments Committee. The bill's status can be tracked at: <[www.ilga.gov/legislation/billstatus.asp?DocNum=39&GAID=11&GA=](http://www.ilga.gov/legislation/billstatus.asp?DocNum=39&GAID=11&GA=97&DocTypeID=SB&LegID=54560&SessionID=84)

97&DocTypeID=SB&LegID=54560&SessionID=84>.

Other information sought to be excluded from disclosure include victim impact reports submitted under the Open Parole Hearings Act (House Bill 1928), information related to "vexatious requests" (Senate Bill 1645), information exempted under the Public Aid Code (House Bill 2259), to name a few. House Bill 1716, Senate Amendment 1, addresses some perceived shortcomings in FOIA related to "recurrent requesters" and commercial requests. There are also many bills that are still being considered that only make technical changes to the FOIA which can be amended to include other more wide ranging changes.

The sweeping changes that took place in 2010 to FOIA are being implemented and the full extent of such changes is starting to become apparent. As the realization of these changes become clearer, it is apparent from these legislative proposals that further revisions and in some cases, a complete reversal of some of the changes made in 2010 is on the horizon. ■

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**BAR ASSOCIATION**

## Upcoming CLE programs

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

### 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**—ThalP 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.

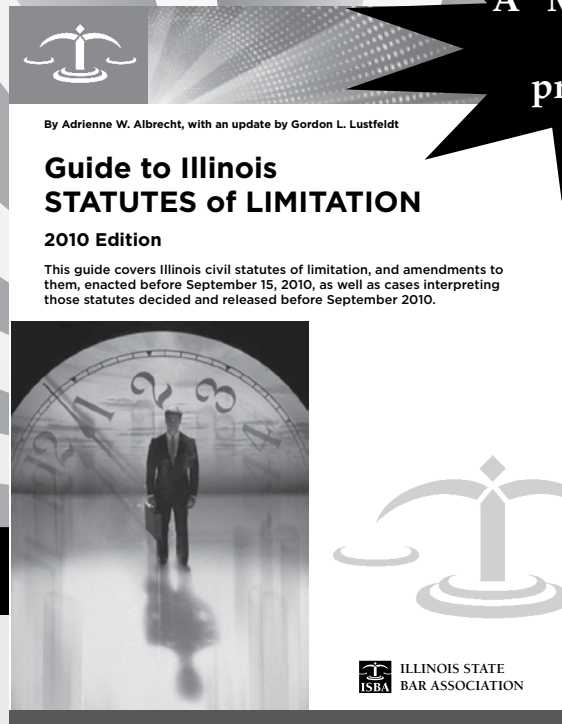
**Thursday, 10/20/11- Chicago, ISBA Chicago Regional Office**—The IMDMA and the Welfare of Pets. Presented by the ISBA Animal Law Section; co-sponsored by the ISBA Family Law Section and the ISBA Human Rights Section. 1:00-4:30 p.m.

**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. ■



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