



SENIOR LAWYERS

The newsletter of the Illinois State Bar Association's Senior Lawyers Section

View from the Chair

By Gary T. Rafool, Peoria

As Chair of the Senior Lawyers' Section Council, I am very proud of the fact that we are publishing our fourth newsletter in just over a 12-month period.

A big thank you goes out to our editor, John Maville, members of the Section Council who have contributed articles and ideas, and to all Illinois and ISBA attorneys who have been reading and commenting on these newsletter articles.

It has been the goal of ISBA President John Locallo to emphasize the importance of technology in not only our practices, but in our daily lives. Therefore, one of the goals during my term as Chair of this Section Council has been to take the fear out of some of the technology in

our lives. It seems I am one of the hardest persons to convince, but it is getting easier.

We have tried to do this in several articles on technology in this and other newsletters and with CLE programs sponsored or co-sponsored by this Section Council.

Another goal has been to encourage Illinois attorneys who are 55 years of age or older, or who have been in practice for 25 years or more, to be a part of the Senior Lawyers' Section of the ISBA at no section fee cost. These senior attorneys can now make an election to receive this newsletter electronically or in paper form.

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Keys to active longevity

By Joseph N. DuCanto, J.D., Schiller DuCanto and Fleck LLP, Chicago

Living a long time brings with it many questions from younger people seeking the "key" to increase longevity. While I, now at age 81, really do not understand why I have been so fortunate since both my parents died in their 30s and my only sibling, a brother, passed on at 74 a dozen years ago, I believe I may encourage many to think about the process which successfully brought me to where I am. My added years are at odds with my early years in that, I not only served in combat in WWII without serious harm but it is a medical fact that my growth was retarded during infancy by illness and malnutrition.

Over the period of some years I have long pondered the essential question "why me?" Since this has proven to be an unrewarding query, I have instead tried to distill what I have read and learned over the years which undoubtedly has added to my longevity. Furthermore, if adopted

and implemented by those who follow me in age, there seemingly may be some positive benefit in my sharing these ideas with anyone who cares to read them. I therefore present the following and claim no exclusivity or copyright on this material since most of it has come from experience or life-long reading and consideration of the ideas of others.

1. Concentrate on saving for retirement, but don't retire early, thus relieving much financial anxiety as you age because your savings cannot be stretched to cover a longer than anticipated life-span.
2. Early on, give some thought to what you want to do when you cease your regular employment. Whatever you decide to do as an alternative to continuing your employment,

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View from the Chair

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The intent, of course, is to encourage senior attorneys to remain active in the ISBA, and to encourage non-ISBA members to join the ISBA and contribute their special skills and to enjoy the benefits of being a member of ISBA.

Finally, networking among senior at-

torneys is just getting off the ground. We hope to have in the very near future not only several live CLE programs where face-to-face networking is readily available, but the establishment of a listserve where online networking will be available. So, please stay tuned for some exciting things through the

Senior Lawyers' Section and the ISBA.

It has indeed been my pleasure serving as Chair of this developing Section and Council this ISBA year, and I strongly encourage all senior attorneys to take an active interest in this Section and its Council, because I think you will be very pleasantly surprised. ■

Keys to active longevity

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undertake early to prepare for your new occupation or position.

3. Keep your social contacts and work them from time to time; don't isolate yourself from new friends and circumstances. Pay particular attention to-and possibly mentor-young people who, in turn, will aid in keeping you and your outlook both youthful and contemporary.
4. Monitor your weight and pay attention to your teeth and your feet; don't let vanity prevent you from wearing sensible, comfortable clothing and footwear. Also, attend to the inevitable loss of hearing which accompanies aging and accept the need for procuring and using hearing aids. Today, hearing aids are remarkably small and effective and offer a defense against personal withdrawal because of an inability to hear or to understandably carry on a two-way conversation.
5. Falling while walking is a grave danger to the elderly, quickly incapacitating one with a broken hip or other bones. The resulting disability is permanent in a large percentage of cases and is often the start of a downward spiral. If you are beginning to feel unsure of step while walking, start using a cane to help avoid this disabling event. The foregoing is particularly true with respect to those who are taking multiple prescription drugs. Some of these necessary medications contribute to poor balance and dizziness.
6. Continue to have a purpose and function in life such as making contributions

to your specialty field, or activity which constitutes service in some way to those around you.

7. Long-term medical studies have validated that the ingestion of small daily doses of aspirin reduces the incidence of heart attacks and coronary diseases. No one seems to know why this is so, but pragmatically following this advice would appear to be wise.
8. Stay physically active and regularly exercise moderately in keeping with your age and ability.
9. Avoid depressive sights and scene. Growing old is not for sissies, and the older we

grow the more our minds revert to happier times, made more so than actual by invidious comparison of the aged present. Don't concentrate on those who has gone before you; focus on those still around!

10. Find and use a doctor skilled in geriatric medicine, one who is dedicated to helping you hold on to independent life.

Finally, remember that the quality of a life is often more important than its duration. Old age and experience will often trump youth and skill but that does not mean that those of much younger years have it less right than you do. It is a notable fact in my experience that malcontents move the world. ■

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Starting somewhere

By Frank Ariano

As members of the Technology sub-committee of the Senior Lawyers Section Council, it is part of our charge to help senior lawyers realize the benefits of technology and to assist them in implementing new concepts into their practices. In an earlier SLSC newsletter, I attempted to tell you about the ease and usefulness of the ISBA's electronic CLE offerings, in the hope that you would give it a try. Well, I haven't seen a large increase in recent sign-ups for electronic CLE by our senior Bar members, so maybe we need to try a different approach.

As a technology enthusiast, I often mistakenly assume that everyone loves, uses and dreams about the latest technology. That assumption can lead to advice that leaves many lawyers, especially senior lawyers who have not been raised with technology, feeling even further behind. Reading about the latest hardware and software products to assist in today's practice may be overwhelming to someone who watches office staff use computers and other "smart" devices from afar, with little or no personal hands-on experience. It may be that we need to start at the beginning, at least for some who have been afraid to try out a new concept in the "twilight" of their practice. After all, it took this long to get it right the old fashioned way.

Our sub-committee would like to help those who may not yet have seen the benefits of technology in their practice, beyond word processing. You know who you are--the ones who only make calls from the office, do research in the law library, dictate to your secretary (who is taking short hand) and who still carry paper calendars, stuffed with phone slips and notes!

I would like to introduce the most un-technical of you to a new product, of which you have certainly heard--the new iPad. I am not attempting to endorse this tablet over others just because my wife owns Apple stock, but because this technology is the "latest" and may get you to finally try an electronic device that you don't dial. Let's not even think about the practice or running out to purchase one. Let's just see if we can get you to do something you said you would never do. Don't worry, no one will find out if you just follow these very simple steps.

The next time you are in a shopping mall

with your spouse/significant other, rather than just sitting in chairs next to the escalators at Nordstrom, trying to keep from nodding off in public, get up and walk to the Apple store. Don't worry, you will be back in plenty of time to carry the shopping bags. As you enter the store, go to the table with about 30 iPads set up for trial. If you are worried about being recognized, wear a disguise and just ignore the sales person to whom you don't want to show your ignorance. Press the round button (Home Button) on the bottom of the tablet screen and then slide the bar with your finger. You are now ready to "use" an iPad. That wasn't so hard, was it?

Next, look at the icons on the screen and touch one of them to see what happens. That application will open and you can then either play the Game, read the News, see the Weather, or look up anything on the internet (using the Safari icon). Turn the tablet sideways if you prefer the "landscape" view and just touch the screen and follow the prompts. You won't hurt anything and no alarms will go off.

Now, let's get more advanced. Go to the Notes icon and open that application. A keyboard will pop up on the screen, on which you can type. Don't worry, no one will care if you use one finger. If you can't even manage that, touch the Microphone icon on the bottom left of the screen and say what you want to type--not too loud unless you want that sales person back again. What you say will be typed with amazing accuracy, including punctuation.

How about some music while you are having fun? Touch the Music icon and listen to the songs of your choice (I'm not sure they will have those recorded, but you get the idea). The toggle volume switch is on the right side near the top so you can be courteous to the rest of the store. You could also plug in your Bose noise reduction headsets on the top left of the tablet, but you probably left those on your last flight.

Now, let's get really advanced. Raise the tablet (it is attached with a cable to keep you from forgetfully taking it back to Nordstrom), touch the Camera icon on the screen, press the camera button located at the right middle of the screen and take a picture of that disguised senior lawyer on the other side of

SENIOR LAWYERS

Learn more about this section at
<<http://www.isba.org/sections/seniorlawyers>>.

OFFICE

Illinois Bar Center
424 S. Second Street
Springfield, IL 62701
Phones: 217-525-1760 OR 800-252-8908
www.isba.org

EDITOR

John H. Maville
600 S. State St., Suite 307
Belvidere, IL 61008

MANAGING EDITOR/ PRODUCTION

Katie Underwood
kunderwood@isba.org

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the table, who is following your every move. Next, press the Camera icon on the screen with the circular arrow (located at the bottom right) and see what you look like in that disguise. You can take a picture of yourself by touching that same Camera icon on the right middle of the screen. As you now see, the iPad has two cameras (including HD movie capability)—front and rear, the latter of which is useful for FaceTime (to be discussed at a later time). When you touch the Photos icon, you can see both of the pictures you took and observe the amazing clarity. The new iPad has a retina display which is HD, but you don't need to worry about the technical specs—just enjoy the picture quality. You will finally be able to really see how cute those grandkids are.

Next, touch the Books icon on the home page (to get back there, just touch that round Home Button near the bottom of the tablet). Touch a book on the shelves and begin reading your favorite novel—well, that one is probably not “in” that library—come on, there are kids in the store! Now go back

to the Home Screen and press the News icon. Depending on what application has been downloaded to that tablet (there are over 500,000—many of which are free or only cost \$.99), you can read the latest bad news in USA Today, the WSJ, etc. If you touch the App Store icon, you will see what I mean about the number of Apps available. Now press the Weather icon and see if you will need an umbrella when you leave the mall (or in, say, ten days) and then press the Finance icon to see how much money you lost on the stock market that day. If you're not too depressed, touch the Calendar icon and see what day of the week it is (I often don't remember, either). At a later time, we will talk about putting that calendar to better use.

Alright, now, if there is a Mail icon, touch it and see what e-mails this tablet has received. If you touch the square box with a pencil in it at the right top of the screen, that keyboard pops up again and you can type or dictate (by touching that microphone icon) an e-mail. More on that later; for now, just see how it works.

As you have seen, using this device is certainly easy, fun and nothing to fear! You could keep trying all the applications installed on that tablet, but by now your spouse/significant other may be calling your flip phone, which you probably forgot to charge or turn on. Hurry back to Nordstrom and don't forget to remove the disguise. When asked where you have been, you just say the restroom.

Now that you have used an iPad, re-read Bryan Sims' article in the Spring 2012 Illinois Lawyer Now Quarterly and you will hopefully have a better understanding of how you can apply your knowledge of some of the features of a tablet to what he says about the use of that device in your practice. You will no longer be ignorant of the latest technology and my guess is that you may even want to consider a smart phone or use of your iPad to make calls (including FaceTime). Don't worry, we will talk about that in a later newsletter. Consider the purchase of a tablet (it is also a great gift) for fun at first. You will later see what it can do for your practice, if you can keep it from those grandkids. ■

Technology for seniors

By Frank Ariano and Ed Schoenbaum, Co-chairs, Technology Committee

This is the first of what may become a regular column in the ISBA Senior Lawyer Section newsletter. That is up to you. If you like it (or even if you don't), if you have suggestions on what we should write about, or even wish to take a turn in contributing a column, let us know. Please feel free to volunteer to join our committee, and let us know what you want to learn.

Ed bought his iPad2 for his 69th birthday (one of the best birthday presents ever, he says). It is much easier to carry than a laptop computer. He has it with him wherever he goes. He can receive e-mails and respond anywhere, airports, Amtrak, hotels, anywhere, including his car as Sarah, his wife, drives. He has many free apps that allow him to watch TV programs (including ABC, CBS, NBC and WILL), or listen to classical music or Public Radio stations. Sarah and his two granddaughters love playing a variety of games. Ed has held off and not played a game yet (afraid of addiction).

Ed also paid for a couple of apps. Pages, which is similar to Word, is a great word processing program. Ed can store things in the Cloud, so he can create something on iPad2 and open it on his laptop, update it and print from either without being wired to his new printer. Ed also bought a roll-up keyboard for when he is doing serious keyboarding on iPad.

We are sure that some of you are way ahead of us with your experience on your iPads. Please send in a list of your favorite apps so we can learn from each other.

Google Voice

Ed is a very frugal person and uses Google Voice for making long-distance telephone calls using iPad2 from anywhere. When he is at home, he can use the Dialer feature to dial any preset 10-digit number, or he can add in a new number wherever he is. If the person he's calling has caller ID, it will show his Google telephone number (which he chose

when he set up his Google Voice account). A phone number can be any number you'd like, so long as it's not already in use by another person. Ed got his first choice.

You can also set it up so that your home number, your office number, and cell phone can all be forwarded to your Google number, and, if you do not answer when it rings, and if they leave a message, you get an e-mail with a transcript of their message.

Skype

The two co-chairs conducted our first conference call using Google Voice. It is a video conference call and works as long as each has Skype on his computer or iPad.

Facetime

Many think Facetime is better than SKYPE. One downside is that you must be calling from an iPhone or iPad to another iPhone or iPad. The connection is better and much easier. With the reverse camera you can show

your surroundings during the call, or follow the antics of a grandchild running around or playing. All you do is call the other person's number (iPhone) or email (iPad) to connect. It is just as easy as making a phone call, no difference. It takes seconds to identify the number or e-mail as Facetime, but, once that is done, it is done for good. These devices can use Facetime: iPad 2, iPhone 4, iPod touch, or Mac. (The authors would like to thank Don Mateer, the incoming chair, for his comments

about Facetime.)

One drawback is that you have to be in wi-fi --at least with AT&T. But wireless is nearly everywhere. Facetime can be used with an iTouch (with wireless) via e-mail address.

Dragon Naturally Speaking

This is a wonderful program that allows you to dictate into a microphone connected to your computer or a digital recorder and it converts the spoken word into text on the

screen. The more you practice and use it, the more accurate it becomes. It is even possible to have it review your documents and to learn the spelling of words you use regularly. It is now up to version 11.5. You need to use it a lot for it to understand the way you pronounce words. You must speak slowly and consistently without background noise.

Stay tuned. ■

Boo hoo! Nothing to do!

By Earle Malkin

The quiet alarm wakes me at 5:30. Carefully extracting myself from the bed, I dress and make my way to meet my acquaintances for a 6:45 tee time. Yes, I am retired and this is the only time when the alarm is always set.

This article is in response to a request to highlight what I believe is a successful retirement. However, I have been most fortunate in attaining this status, and this is personally anecdotal.

For statistical starts, I retired from the private practice as a sole practitioner, primarily a divorce lawyer, after 40 years. I've been retired, as of the writing of this article, for over 15 years. I felt burned-out, which emphasized my thoughts of retiring. The timing was somewhat coincidental; i.e., our children were in different parts of the country; my lease arrangement at the office was terminating; and my widowed mother died a year earlier and I no longer needed to care for her.

For those who contemplate retirement, there are a few categorical concerns, which I will briefly mention. To start with, answer the question of whether or not this would be a full retirement and, if so, include a move away from your practice jurisdiction. Since I moved out of State, I have little advice for those who will continue a part-time practice. Most of the following is the experience of one who moved away from Illinois.

Two basic and major areas of consideration are the emotional/psychological concerns and the financial concerns.

Emotional concerns

Are you prepared to leave family, close friends and acquaintances and move to a

relatively unknown and unexplored venue? Can you imagine yourself as a senior, starting in a new city and making new friends? When we moved to Las Vegas, my wife found a newcomers organization. Through that group, we've formed very close bonds with many people who also moved without close family here. Without that connection, this might not have been a successful retirement.

Are you prepared to abandon the cultural activities that have been a major part of your social and entertainment life? Some of the hardest actions we took on leaving were to give up our season tickets to Lyric Opera (opening night, main floor); Goodman Theater (opening night, 10th row center); Chicago Symphony (1st row, 1st balcony); and Chicago Bears (had since Wrigley Field). We moved to the wasteland of culture as we knew it. We acknowledge that we now live in the "Entertainment Capital of the World", and we do take advantage of that entertainment. But, frankly, the Las Vegas Philharmonic does not compare to CSO. Of course, if NASCAR and the country/western life is your preference.....

There will be the concern of what will I do with all that free time? We've found volunteering is the answer (besides golf, travel and bowling). I have been a mentor in one of our middle schools, a reader for our local NPR station, the president of a local genealogy society and, every four years, politically active. Together with friend activities, our days are full and sometimes even intellectually exciting.

Financial concerns

As I indicated, I have been very fortunate through no deliberate action on my part. My

wife was a Public Relations/Marketing person, and one of her clients was a financial advisor. We presented him with our asset list, our anticipated cost of living, our income from entitlements (Social Security and military pension), and what we believed inflation would be for the next 35 years (taking me to age 100). We also found an internet program from an investment site where we input the same information. Both sources indicated that, based on our circumstances, we could afford to retire. However, the financial advisor added a caveat on his conclusion, i.e., we would have insufficient income with which to pay a mortgage and would have to pay cash for our residence.

Our situation was such that we could not retire and have sufficient income to stay in Chicago. It was either not retire or move. We then came up with five criteria for the move. These are personal to us but have some relevance to all.

The first: Cost of Living. Not only the price of housing, but the tax structure and the amenities offered senior citizens. Yes, I'm talking about no income tax, a relatively low sales tax and "two-fers" from the casinos.

Second: Weather. If you reread the first paragraph, consider that it applies to mid-winter season and that when we finished the round of golf, the temperature was in the low 60s.... and sunny. Summertime is HOT, but everything is air conditioned and we learned to adapt. A great benefit is waking to bright sunlight over 300 days a year (OK, not at 5:30 a.m. in February).

Third: University. A college or university will provide some cultural activities and usually will offer free programs for seniors. I

understand that by reading this you'd never know that I attended playwriting classes at UNLV.

Fourth: Major Transportation Hub. Since our family is spread all over the U.S. and we enjoy traveling, we wanted a city from which we could go to any major destination in the world with only one stop.

Fifth: Major Military Installation. Making an arbitrary decision in 1954 to stay in the Army Reserve after completing two years of active duty became a 30-year career that provides me with a pension, free medical

benefits and access to the base pharmacy, commissary and exchange system. As we get older, this becomes a major concern.

I am grateful to so many people who have contributed to our successful retirement. The friends in Chicagoland with whom we are still close (thanks to email and SKYPE), our new friends in Las Vegas, our financial advisors from the time we instituted our retirement savings plans, and, last but not least, our families who visit and who we visit at leisure.

Those of you who have read my e-mails

on the Family Law chatgroup know that I end with a disclaimer. I do so now. My situation is individual to my wife and myself and may not be applicable to you. Las Vegas, while we enjoy our life here, may not be suitable for you. But, please, if you are tired of a lot of accounts receivable, unappreciative and non-paying clients, and unprofessional colleagues on and in front of the bench, investigate the possibility of living your remaining years in quiet satisfaction away from the maddening crowd. ■

Upcoming CLE programs

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

July

Tuesday, 7/3/12- Teleseminar—Planning for your Client's Biggest Assets: Personal Residences and Vacation Homes. Presented by the Illinois State Bar Association. 12-1.

Monday, 7/9/12- Webinar—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10.

Tuesday, 7/10/12- Teleseminar—Fiduciary Standards in Business Transactions: Understanding Sources of Liability in Transaction Negotiations and Drafting. 12-1.

Wednesday, 7/11/12- Webinar—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10.

Thursday, 7/12/12- Teleseminar—Ethics and Dishonest Clients. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/17/12- Teleseminar—Practical Issues in Trust Administration. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/17/12- Live Studio Webcast—Admitting Facebook Information into Evidence. Presented by the ISBA Committee on Legal Technology. 12-1.

Thursday, 7/19/12- Teleseminar—Em-

ployee Separation Agreements: Reducing Risk and Liability When Employees are Discharged or Leave. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/24/12- Teleseminar—Commercial Real Estate Workouts: Making Broken Deals Work Again, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 7/25/12- Teleseminar—Commercial Real Estate Workouts: Making Broken Deals Work Again, Part 2. Presented by the Illinois State Bar Association. 12-1.

Monday, 7/30/12- Webinar—Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10.

Tuesday, 7/31/12- Teleseminar—Special Needs Trusts. Presented by the Illinois State Bar Association. 12-1.

August

Thursday, 8/2/12- Teleseminar—Estate Planning for Pets. Presented by the Illinois State Bar Association. 12-1.

Monday, 8/6/12- Webinar—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 12-1.

Tuesday, 8/7/12- Teleseminar—Ethics in Employment Law and Practice. Presented

by the Illinois State Bar Association. 12-1.

Wednesday, 8/8/12- Webinar—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 12-1.

Thursday, 8/9/12- Teleseminar—Structuring Tax Free Mergers and Acquisitions. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/14/12- Teleseminar—Understanding Fiduciary Income Taxation for Estate Planners, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 8/15/12- Teleseminar—Understanding Fiduciary Income Taxation for Estate Planners, Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/21/12- Teleseminar—Innocent Spouse Defense. Presented by the Illinois State Bar Association. 12-1.

Monday, 8/27/12- Webinar—Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 12-1.

Tuesday, 8/28/12- Teleseminar—Essential Due Diligence in Business Transactions. Presented by the Illinois State Bar Association. 12-1. ■



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