June 2013 Vol. 57, No. 6



ILLINOIS STATE BAR ASSOCIATION

YLD NEWS

The newsletter of the Illinois State Bar Association's Young Lawyers Division

Adding value to your firm

By Bryan J. Wilson

ne of the biggest things that employers gripe about when hiring new associates is the cost. There is cost associated with training, educating and generally teaching new attorneys how to practice law in that specific area. In speaking with partners of firms in different areas, it can often be several years before an associate begins to actually pay for himself/herself. In many scenarios new associates' time is marked down or not charged in order to provide an appropriate value to a client. The best way to help overcome the cost of training you, as a new associate, is to help to add value in other ways at your firm. Here are some ideas:

Law Clerks: Does your firm hire law clerks? If so, find out who is in charge and ask to help. Hiring law clerks and interviewing can be a very time-consuming process, as time-consuming as hiring a new associate. You may be able to help with reviewing résumés and eliminating candidates in order to limit the amount of résumés that your partner needs to review. Ask to sit in on some interviews and let the partner know that you are willing to conduct first-round interviews to help

in the process.

Holiday parties: Does your firm throw a summer party or a holiday party? Not all firms have the resources to delegate tasks such as these to paralegals or secretaries. Oftentimes this task falls on the partner's shoulders to find a venue and organize the party. This is a very time-consuming task and volunteering to help with this project can relieve some of the stress of your boss while adding value to yourself as an associate. Your effort will make the firm a more enjoyable place to work at and by helping make that happen it will only help your career at the firm.

Administrative tasks: Again, not all firms have the resources to have staff to cover all of the administrative tasks at a firm. No project is too small to help complete. You want to make yourself a valuable member of the team and you should do whatever it takes to make that happen.

Community involvement: Organize members of your firm to volunteer or to compete in events such as Race Judicata. By spearheading

Continued on page 4

INSIDE

your firm
An introduction to probate estates 1
From the Chair 2
YLD Soiree a success 4
Bean Bag Tournament a fun time for all 4
Thank you, Janet 6
Upcoming CLE



IF YOU'RE GETTING THIS NEWSLETTER BY POSTAL MAIL AND WOULD PREFER ELECTRONIC DELIVERY, JUST SEND AN E-MAIL TO ANN BOUCHER AT ABOUCHER@ISBA.ORG

An introduction to probate estates

By Priscilla Singer

s young attorneys, we are all (hopefully) developing an expertise in a certain area of law. However, we may sometimes find ourselves being told to handle a case or two that are completely unrelated to our general practice area. One of the areas you may find yourself coming to every once in a while is probate. This overview will help shed some light on this particular area of law and can serve as a very basic guide if you are ever faced with having to open

a probate estate.

What is probate?

Probate is the process that enables the distribution of the assets from a deceased person's name to his heirs or legatees. Probate assets are those assets that existed in the deceased person's name at the time of his death. This includes

Continued on page 10

From the Chair

By Meghan O'Brien

t is hard to believe that this is my last article as the YLD Chairperson... this great year has flown by so quickly! I think everyone on the YLD Council would agree we had a wonderful year. The following paragraphs highlight some of this year's accomplishments.

The YLD hosted our long-standing traditional events: the Day at the Races; the Holiday Party; the Bean Bag Tournament; and, the Soiree. All were all attended and a lot of fun. In addition to our traditional events we took on some new challenges.

For the first time, we hosted a series of Professional Development Luncheons (PDLs). The PDLs were a four-part lunchtime series designed to help young and new attorneys with the professional aspects of their careers. Each luncheon hosted a panel of speakers, and via a moderator, the speakers answered important questions for attorneys at vital points in their careers. The first luncheon focused on getting a job or changing jobs, the second focused on rainmaking and networking, the third focused on how to enter the judiciary and the final luncheon focused on alternative legal careers. These luncheons were insightful and presented attorneys with a low-stress way to gain important information and networking skills.

Council members worked with President Thies on two of his presidential initiatives, the Lawyers Feeding Illinois Campaign and his Special Committee on the Impact of Law School Debt. We helped kick-off the Lawyers Feeding Illinois Campaign with a trip to volunteer at the Chicago Food Depository with President Thies and his wife, Terry, while two of our YLD Council members served on the Lawyers Feeding Illinois Committee. The YLD also had a team in the Lawyers Feeding Illinois contest where we raised money for our local food pantries. Furthermore, YLD members testified at the public hearings on law school debt and one council member served on the Special Committee on the Impact of Law School Debt.

We collaborated with the Chicago Bar Association and hosted a very successful All-Bar Social where young lawyers from different bar organizations across the state got together for an evening of socializing and networking. We again worked with Chicago Bar Association to host an All-Bar Summit. At the Summit, bar leaders from across the state got together to share thoughts on successful public service projects, recruitment, and challenges for the future.

It was brought to our attention that many on the ISBA Law Student Division did not feel connected to the ISBA membership at large. In an effort to collaborate more with the law students, we had three joint meetings with the Law Student Division. We brought some law students to volunteer with us at the Chicago Food Depository and invited the law students to attend our social events. We hope these actions helped the law students "bridge the gap" to feel more comfortable with the ISBA membership at large.

The YLD would not have had such a successful year without the support of ISBA leadership. President Thies went out of his way to welcome our members to the ISBA and to support us in all of our social activities and fundraisers for the Children's Assistance Fund. Janet Sosin, Director of ISBA Bar Services and our YLD Liaison, spent countless hours on all of our events and meetings to make sure that they all were problem-free!

It has been an honor and a privilege to lead the YLD Council and the young lawyers throughout our state. The YLD is in great hands with the next YLD Chairperson, Jean Kenol. Jean will do an outstanding job leading the Council toward great things. I look forward to standing by the YLD and seeing all the great things its members do in the years to come!

Stay connected!

Learn more about the YLD's upcoming events and how you can get involved through our Web site, http://www.isba.org/sections/younglawyersdivision>.

YLD NEWS

Published at least four times per year. Annual subscription rate for ISBA members: \$25.

To subscribe, visit www.isba.org or call 217-525-1760

OFFICE

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

> CO-EDITORS Debra Liss Thomas Douglas F. McMeyer

MANAGING EDITOR/PRODUCTION
Katie Underwood
kunderwood@isba.org

YOUNG LAWYERS DIVISION SECTION COUNCIL

Meghan N. O'Brien, Chair Jean A. Kenol,, Vice Chair Christopher W. Niro, Secretary Heather M. Fritsch. Ex-Officio

Kelly A. Armstrona Bradford L. Bennett Anthony A. Bruno Laura Anne Castagna Katherine A. Chamberlain Matthew J. Coleman Patrick Richard Cox Cade M. Cummins Michael P. DiNatale J. Amber Drew Jessica R. Durkin Jennifer Anne Haase Katherine Hegarty Matthew R. Huff Kenya A. Jenkins-Wright Amy E. Kelly Anna P. Krolikowska Maxine W. Kunz Nathan B. Lollis Marron A. Mahoney Douglas F. McMever Jennifer A. Mueller

Cole H. Munvez Gerald W. Napleton Julie A. Neubauer Allan J. Niemerg Abdus S. Pardesi George R. Petrilli Heather F. Pfeffer Paul Radoje Popovic Krysia W. Ressler Ryan J. Rodman Gina M. Rossi George L. Schoenbeck, III Priscilla Singer Brett J. Swanson Daniel R. Thies Debra L. Thomas Sarah E. Toney Angelica W. Wawrzynek Bryan J. Wilson Erin M. Wilson Jennifer Sellers Wong Michael D. Wong

Lynne Davis, Staff Liaison Janet Sosin, Staff Liaison Jean A. Kenol, Board Liaison Debra L. Thomas, CLE Committee Liaison Helen Sigman. CLE Committee Liaison

Disclaimer: This newsletter is for subscribers' personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

Postmaster: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779. Strength | Commitment | Dedication



we are **YOU**.

No other professional liability insurer covers Illinois like ISBA Mutual Insurance. As a matter of fact, we ONLY cover Illinois lawyers.

ISBA Mutual policyholders are the owners of ISBA Mutual. As a mutual insurance company, insured members are not subject to the pressure of stockholders pushing rates higher to reach a targeted profit. ISBA Mutual has paid a dividend every year for the last eight years and since 2000 we have returned over \$13,000,000 to our policyholders.

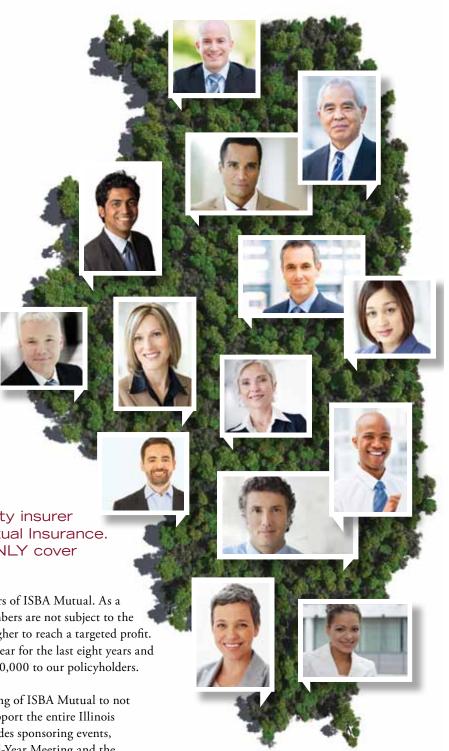
This unique focus stems from the founding of ISBA Mutual to not only provide competitive rates, but to support the entire Illinois legal community. Our involvement includes sponsoring events, such as, the ISBA's Annual Meeting, Mid-Year Meeting and the Solo & Small Firm Conference. Additionally, all ISBA members are entitled to absolutely free online legal research through Fastcase in which we completely underwrite 100% of the program.

Our story is simple, we take care of the Illinois legal community.

www.isbamutual.com | (800) 473-4722







Adding value to your firm

Continued from page 2

this initiative it will show that you are a team player and you are working to improve the firm's community presence. This is not billable hours, but the end result will be positive for you and your firm.

CLE: All lawyers have Continued Legal Education requirements. Not all lawyers know where to satisfy these requirements.

Find seminars that the firm can attend as a group or invite speakers to come to the firm to speak on topics that satisfy these requirements. This is a lot of work and while other associates may grumble about having to attend, the partners appreciate any attempt to increase the education of their employees.

There are many ways to add value to your

firm and these are only some examples. Remember, you want to make yourself an integral part of the firm. You want to ensure that when the partners at your firm are conducting your review or looking back on the year that you have put your imprint on the firm in as many ways as possible.

YLD Soiree a success

By Deborah Lollis

he ISBA Young Lawyers Division hosted its Fifth Annual Soirée on April 26, 2013. YLD members, other ISBA members, and guests enjoyed cocktails, hors d'oeuvres and music in a fantastic ballroom at the Hard Rock Hotel.

Through the Soirée, the YLD was able to raise over \$5,500 for the Children's Assistance Fund, which sponsors children's waiting rooms in courthouses throughout Illinois as well as other children's programs related to the law.

The Soirée committee would like to thank our generous sponsors:

AD BOOK SPONSOR:

Attorneys'Title Guaranty Fund, Inc

PLATINUM SPONSORS:

ISBA Mutual Insurance Company Johnson & Bell Ltd. Law Office of Vincent F. Cornelius

GOLD SPONSORS:

Avery, Camerlingo, & Kill, LLC
CBIZ Valuation Group, LLC
Greene and Letts
O'Connor Family Law, P.C.
Simmons, Browder, Gianaris, Angelides & Barnerd, LLC

SILVER SPONSORS:

Elite Deposition Technologies Paula Holderman, ISBA President-Elect

Mahoney, Silverman & Cross, LLC Law Offices of Nathan Lollis, LLC



The ISBA Young Lawyers Division hosted its annual Soiree on April 26 at the Hard Rock Hotel in Chicago. Pictured are Soiree co-chairs (from left) Deborah Lollis, Gina Rossi, Kenya Jenkins-Wright, Erin Wilson and YLD Chair Meghan O'Brien. Proceeds from the Soiree benefit the YLD Children's Assistance Fund.

Napleton Law, Ltd

We would also like to thank our raffle donors for their donations, which included a hotel stay from Hard Rock Hotel, a family admission package from Brookfield Zoo, Cooper's Hawk wine membership and tasting, tickets and autographed memorabilia from various Chicago sports teams, gift certificates for local restaurants and attractions, and many more donations. The generosity of our community helped make the evening a success.

A special thank you goes out to Peggy Fink of Communique Graphic Design for designing the Soirée logo, invitations, and other important documents for the event.

We hope that you will join us next year for the Sixth Annual Soirée and will continue to support the YLD. ■

Bean Bag Tournament a fun time for all

By Marron Mahoney

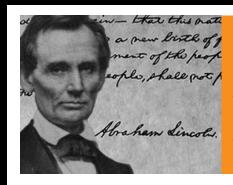
n March 9, 2013, the YLD hosted its annual Bean Bags Tournament. More than 30 teams participated in this year's tournament, which was held for the first time at Lion Head Pub in Chicago. With the help of its sponsors, Attorneys' Title Guaranty Fund and ATG Trust, the YLD raised over \$2,300 for its Children's Assistance Fund. The fund, in concert with the Illinois Bar Foundation, provides grants to organizations across the state related to children and the law. Save the date for the YLD's next fundraiser, its annual Holiday Party, which is scheduled for December 6, 2013, at the Cubby Bear in Chicago.

Sponsored by and for members of the Young Lawyers Division



Announcing the 2014





Lincoln Award Legal WRITING CONTEST

THE LINCOLN AWARD CONTEST

offers you a chance to enhance your reputation as a lawyer and earn cash at the same time. And whether your manuscript is a winner or not, it will be considered for publication in the Illinois Bar Journal.

WINNERS RECEIVE:

1st place - \$2,000, 2nd place - \$1,000, 3rd place - \$500.

Each winner will also get an attractive Lincoln Award plaque.

Your manuscript will be rated by a distinguished review panel of practicing lawyers, law professors or judges.

The ALA Contest is open to all ISBA lawyer members under 36 years of age on July 1, 2013 or admitted to the bar fewer than five years as of that date. ISBA law student members who are admitted to the bar on or before Dec. 31, 2013, are also eligible to enter.

All participants must file a notice of intent to enter the competition by July 15, 2013.

Contest rules and an entry form are at www.isba.org/ibj

If you have questions, contact Jean Fenski at jfenski@isba.org 217/525-1760 or 800/252-8908

Thounk Tanet

After 20 years of working with the YLD, ISBA staff member Janet Sosin is retiring. But we couldn't let her go without telling her just how much she's meant to us.

o say she is hard-working, dedicated and efficient would be an understatement. Janet Sosin is so much more than that. She is upbeat, friendly, funny, and always ready and happy to lend a hand to help. She is one of the secret weapons of the ISBA's Young Lawyers Division, not to mention the ISBA.

With the ISBA for more than 30 years, and a liaison with the Young Lawyers Division for nearly 20 years, Janet is a true inspiration and mentor to the lawyers of the YLD. No event, fundraiser or meeting occurs without the help and guidance of Janet. She tirelessly oversees all the details of the YLD. To put it mildly, she is the YLD. Every member of the YLD who has worked with Janet knows how hard she works. She has advised us on bar association matters, career matters and personal matters. She is a friend to us all.

Now that she is retiring, the YLD is sad at her departure, but happy for the wonderful things we know are waiting for Janet.

From all of us on the YLD Council, we thank you, Janet. Enjoy your retirement. You deserve it. And if you get bored, you are always welcome back to the YLD.

Here are a few words from your friends at the ISBA and YLD. We will all miss you.

—Debra Thomas

Janet has been the devoted behind-the-scenes leader of the ISBA Young Lawyers Division council since long before I became a member. That said, even in the few years that I have known her, it has been clear that she tirelessly works to ensure that the YLD council remains a successful and appreciated division of the ISBA. She responds to questions immediately and

seems always willing to drop everything and fix whatever problem may arise. I cannot imagine what the YLD would have been like over these past few years without Janet; her successor has some unfortunately large shoes to fill. Thank you to Janet for all of your hard work, kind words, and encouraging support.

—Angel Wawrzynek YLD 15th Annual Holiday Party Co-Chair

Janet Sosin has always understood that the real purpose of ISBA is to provide great member service. Throughout her ISBA career, Janet has demonstrated commitment and dedication to creating quality member benefit programs. She has served with distinction as staff liaison to some of the most productive ISBA groups. The members know Janet is a gracious, caring person, and they thoroughly enjoy working with her. ISBA could not have found a better Director of Bar Services.

—Robert Craghead ISBA Executive Director

Janet: I am the only lawyer who will continue to receive assignments from you. Enjoy the time for yourself and family.

—David Sosin

How do we love thee, Janet? Let us count the ways.....In reality, there are too many ways to count. I think everyone who knows Janet Sosin can attest to the fact that the Young Lawyers Division would not be what it is today without her.

I have had the pleasure and privilege of sitting on two ISBA Committees in which Janet was the Staff Liaison - the Standing Committee of Women in The Law and the Young Lawyers Division. In fact, Janet is the reason that I became active in the ISBA at all. Back in 2004, I was receiving the Young Lawyers Division Newsletter and contacted Janet to ask how I might be able to contribute to the newsletter. She was very friendly and helpful. She told me that I should consider asking to be appointed to the Young Lawyers Division and sent me the appropriate forms to do that. I followed her advice and asked for appointment to both YLD and Women in the Law. I received both appointments (probably due to Janet's recommendation). Because Janet made the effort to go above and beyond simply answering my questions, I have now been actively involved in the ISBA for eight years. During those eight years, I have come to depend on Janet to help with all matters ISBA. If she doesn't have the answer to any question, she certainly will be able to tell you where to find the answer and she will help you find it. She is an exceptional individual and the ISBA is definitely losing an indispensable as-

Even more importantly, during the last eight years, I have come to know Janet as a friend. Congratulations on your retirement, Janet. Enjoy it... and know that you have made a difference.

—Heather M. Fritsch 2012-2013 Ex-Officio Chair of YLD

I have had the pleasure of working with Janet Sosin at the ISBA during the past seven years, working very closely on the ISBA's Solo and Small Firm conferences. Janet is amazingly organized and adept at handling the multitude of details associated with the conference. She is a leader among the ISBA staff members, setting a high standard of professionalism in her

dealings with members, speakers, exhibitors and other staffers. It has been a personal pleasure to work with Janet and she will be greatly missed by her fellow ISBA staff members.

—Jeanne B. Heaton ISBA Director of CLE

Janet Sosin has been a part of the ISBA as long as I can remember. I think working with the YLD has kept her young because it's hard to believe she's going to retire just as I start my President's year—hope I'm not the reason! What I recall most about Janet is her leadership and guidance to the Women and the Law Standing Committee when it just started out. We didn't know what we were doing and we had a lot of personalities at work that Janet had to manage. With her help, the Women and the Law group became a strong, closely-knit and enjoyable group making significant contributions—as well as generating 3 ISBA presidents. As I have gone up the leadership ranks, I have also seen the care Janet takes with our young lawyers—the future of our profession and our association. And while the ISBA has been her job for many years, Janet has made deep and cherished friendships in the association. We will miss working with her, but hope those friendships will endure. Thanks for everything Janet. Best wishes, Paula.

> —Paula Hudson Holderman ISBA President-Elect

> > ***

I had the privilege of serving as the ISBA / YLD Chair from 2009 to 2010. While I had known Janet Sosin for several years prior to serving as Chair and already respected her greatly for her kindness, efficiency, professionalism and organization, it was during my tenure that I learned how invaluable Janet is to the YLD and to the ISBA as

a whole. Throughout her years of service in the ISBA, Janet has offered the YLD Council a wealth of knowledge and experience in event planning, which has been instrumental in the success that the YLD has garnered in its fundraising endeavors. I was impressed with Janet's knowledge pertaining to event venues, contract negotiation and pricing points. More importantly, Janet is often juggling many tasks at the same time, and she always moves mountains to accomplish projects and tasks for the YLD. As Chair, you quickly learn that there are several events with deadlines, goals and expectations that must be met. Not only did Janet keep me on track to create a successful year for me, she was always there to lend an ear or give advice. I have gotten to know Janet personally throughout these past few years, and I am happy to call her my friend. Janet is truly an inspiration to the ISBA members and the future of the ISBA. Janet, you will be missed by all as you are the spirit of the ISBA. Congratulations and best wishes on a successful career and warm legacy. We wish you the best!

> —Kelley A. Gandurski YLD Chair, 2009 - 2010

I have always enjoyed working with Janet. I have worked with Janet on almost all of my projects. Her dedication to the ISBA is inspiring. She is one of my favorite people. I will truly miss her. I wish her nothing but happiness.

—Kenya A. Jenkins-Wright YLD member

I met Janet when I first joined the ISBA Law Student Division almost nine years ago. For me, Janet is the ISBA; I can hardly imagine it without her. Over the years, she has been such

a tremendous asset to the YLD (and to me), whether she's giving us insight from her personal vault of ISBA institutional knowledge, coordinating every last detail for our YLD events, or just helping our new members immediately feel at home. Janet, congratulations on your much-deserved retirement. You will be missed!

—Marron Mahoney YLD member

I have so many special memories of Janet Sosin. I remember Janet welcoming me to my first ISBA meeting. I was 26, fresh out of law school and very nervous about my involvement with the YLD Council. Janet greeted me at the meeting with her warm smile and told me about the YLD and all the great things I would be able to do on the Council. She instantly made me feel comfortable and reinforced that I made the right decision to get involved with the ISBA.

In 2011, I had the great privilege of attending the trip Janet organizes on behalf of the ISBA to go to Washington D.C. to be admitted to practice law before the United States Supreme Court. Janet spent countless hours making this trip special for all of the attendees. She hosted a welcome reception. She prepared us for the day and eased our nerves by informing everyone of how things would work inside the courtroom. She handled the trip like a champion. I have wonderful memories of the trip and none of them would have been possible without Janet's hard work and dedication to the ISBA members.

As I took on new leadership roles within the YLD, it was so comforting to know that I always had Janet to guide me every step of the way. She supported me as YLD Chairperson and helped me to create a new professional development series for our members. In preparation for this se-

ries, she went out of her way to have special meetings with our committee and helped us to connect with great ISBA leaders and speakers that agreed present at our PDLs. The professional development luncheons helped many young and new ISBA attorneys and they would not have been possible if it were not for the guidance and assistance of Janet.

Janet will be deeply missed, not only by the YLD and myself, but also by her ISBA colleagues and all members of the ISBA. Her hard work, dedication and genuine kindness will truly be irreplaceable. Janet deserves the best and I wish her a wonderful retirement full of peace and joy!

> —Meghan O'Brien YLD Chair, 2012 - 2013

Janet Sosin was my first contact with the ISBA and has quickly revealed herself to be a tireless advocate for the ISBA and an unwavering supporter of the Young Lawyers Division. Janet has played an immense role in my continued involvement with the Young Lawyers Division. I've witnessed so many diligent efforts from Janet in her support of the ISBA and YLD that listing them would take pages. I am sorry to see her go. If she works on her golf swing with the vigor she's demonstrated at the ISBA, I look forward to seeing her in the LPGA.

All my best to Janet in her retirement. She will be unequivocally missed.

> —Jerry Napleton YLD Secretary, 2013-2014

We would like to thank Janet for all of her hard work towards making the inaugural year of the Professional Development Luncheons (PDLs) a success. From making excellent suggestions for speakers to ensuring that the

luncheons were highly publicized, Janet was the glue that held us together. Thank you for everything, Janet!

> -Matt Coleman, Heather Pfeffer and Jessica Durkin YLD PDL Co-Chairs, 2012 - 2013

> > ***

I have known Janet both professionally and personally for the past eight years. In all the YLD and Law Student Committee meetings I have attended during that time, she has always been thoroughly prepared and has always immediately executed the tasks assigned to her as the staff liaison of those groups. I know the rest of the YLD would agree with me that Janet has been an invaluable and tireless resource and advocate for our group. Despite her pint-sized stature, the person who replaces Janet will have some very large shoes to fill.

> -George Schoenbeck YLD member

> > ***

I've had the pleasure of working with Janet for 5 years as an administrative assistant. With her wonderful leadership qualities and good sense of humor, my job has been stimulating, challenging and enjoyable. She will be missed very much. I wish Janet a wonderful retirement with lots of great golf!

> —Janice Simpson ISBA Administrative Assistant

> > ***

Janet has been the heart and soul of many committees over the years. She is an extremely hard worker who worked weekdays and weekends without any gripes. She makes all she does seem effortless.

Her wonderful and happy personality blends well with everybody. We will all miss her greatly.

> —Tish Sheats ISBA member

Janet, congratulations on your well earned retirement! I had the honor of Chairing the YLD, but as I told everyone—Janet ran the show. Janet was the reason that I had a great year as Chair. Her hard work, dedication and obvious love for working with the YLD made all of our jobs not only easier, but possible. Janet, your service to the ISBA as a whole and to the YLD in particular has been extraordinary and your impact will continue to be felt, even as you play round after round of golf. Enjoy your retirement, you have earned the right to enjoy coming to all the events... without having to plan them first. Janet, I am not only grateful for your guidance and experience but for your unwavering friendship.

> -Robert Fink YLD Chair, 2010-2011

I have had the pleasure of working with Janet over my last 7 years on the YLD and especially over the last 2 years on the executive committee. Janet is one of those people who is so good at what she does, that you take what she does for granted. Things just seemed to happen. Events would get organized and meetings would get scheduled and it all just seemed effortless. The reality is all that wasn't easy. It was Janet's dedication, organization and enthusiasm that made those things happen and helped make the YLD a successful council. From the bottom of my heart I want to thank Janet for her years of service to the ISBA and wish her all the best in her well-deserved retirement.

> —Jean Kenol YLD Chair, 2013 - 2014

An introduction to probate estates

Continued from page 1

real and personal property. The procedures to administer a decedent's assets are provided for by the Illinois Probate Act (755 ILCS 5 et seq.). However, keep in mind that probate assets do not include assets in trust, assets owned jointly with rights of survivorship and assets with designated beneficiaries.

Intestate vs. Testate

When a person dies without a will, they are said to have passed away "intestate." The decedent's heirs are the heirs at law as determined by the descent and distribution rules in the Illinois Probate Act. For example, two people are married and have no children. Person A passes away while married. Person B is Person A's sole heir at law if Person A died intestate.

When a person dies with a will, we refer to this as "testate." The people (or entities) the decedent leaves assets to in a will are considered "legatees" of the will. Some of these legatees may also be heirs at law as in an intestate case. For example, Person A in the example above actually has a will at the time of his passing. In his will he provides that half of his estate should go to Person B and the other half to his good friend, Person C. Person C is a legatee and Person B (listed in the will and is the spouse of Person A) is both a legatee and an heir.

Required Documents

Intestate

In an intestate situation, your proposed administrator will sign off on the following documents. The administrator is someone who is entitled to act according to the Illinois Probate Act. Using our above example, Person B, as Person A's surviving spouse, can serve as an administrator of Person A's estate. Person C in the above example is not entitled to act according to the Illinois Probate Act, but Person B may nominate them as having the ability to act.

 Petition for Letters of Administration - This is your initial filing with the Clerk of the Circuit Court. It outlines the following pertinent information about the decedent: last residence, date of death, value of personal estate, value of real estate, and heirs. The petition is filed with the Clerk of the Circuit

- Court and, depending on the situation, may either be immediately set for hearing before a decedent's estate judge or will need to be set for at least thirty (30) days from the date of filing.
- 2) Oath and Bond Surety This is your administrator's insurance policy. It protects all the heirs of the estate against any bad behavior by the administrator such as depleting estate assets before distribution. The value of the bond is 1.5 times the value of the personal estate of the decedent when using a surety company to act as a surety. The oath states that the administrator will faithfully discharge the duties of the representative.
- 3) Affidavit of Heirship This is signed by someone familiar with the decedent's heirship. This means they know who the decedent's heirs are. The affidavit of heirship is just that: an affidavit whereby the administrator swears, on oath, that the individuals listed are the only heirs of the decedent.
- 4) Order Declaring Heirship This is an order that restates the heirs as provided for in the affidavit of heirship.
- 5) Order Appointing Representative This is an order that states that an administrator was appointed as provided for in a petition filed by a petitioner. Keep in mind that the person who ultimately serves as an administrator need not have been the initial petitioner. However, whoever petitions the court, has to have had the ability to act as an administrator.

Testate

In a testate situation, your documents will differ slightly from those listed above. Here is the list of the documents you will need to probate a testate estate:

- Petition for Probate of Will and Letters Testamentary - This petition is asking that the court find the will of the decedent to be valid and to appoint the person nominated in the will to be the executor of the estate. There are a few situations where the person not named in the will ends up serving as the administrator of an estate with a valid will, but those cases are not as commonplace.
- 2) Oath and Bond Same as in an intestate

- situation. However, some wills will provide that the executor need not obtain a bond for administration of the estate. In this case, you would have your executor fill out an Oath and Bond No Surety, which still requires him to affirm that he will faithfully discharge his duties as executor of the estate, but will not require that the administrator/executor post a bond.
- 3) Copy of Will You will need to provide a copy of the will with a statement asserting that the copy of the will you are giving the court is a true and correct copy of a filed original will.
- 4) Affidavit of Heirship Same as in an intestate situation. Keep in mind that the heirs of the estate and the legatees under a will may be different.
- 5) Order Declaring Heirship Same as in an intestate situation.
- 6) Order Admitting Will to Probate and Appointing Representative This order admits the will to probate after finding that the will is valid and appoints a representative to carry out the duties of the administration of the estate.

Conclusion

This article is definitely not a comprehensive guide on how to probate an estate, but should give you a pretty clear idea on the initial steps you will be taking in opening a decedent's estate. Keep in mind that there are quite a few notice and time requirements you will have to follow in order to administer the estate properly. However, this should give you a sufficient basis in moving forward with opening your first decedent's estate in Illinois.

Find what you're looking for...

Check out the ISBA's redesigned Practice Resource Center, at <isba.org/practiceresourcecenter>.

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, 7/2/13- Teleseminar—Portability of the Estate Tax Exemption: Planning Compliance and Drafting Issues. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/9/13- Teleseminar—Real Estate Management Agreements. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/9/13 – Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

Thursday, 7/11/13 – Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

Thursday, 7/11/13- Teleseminar—Corporate Governance for Nonprofits. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/16/13-Teleseminar—Health Care Issues in Estate Planning. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 7/17/13- Webinar (MCLE Credit Uncertain)—Business Building Strategies for Lawyers: Using Technology, Finding Clients, Getting Referrals. Presented by the Illinois State Bar Association and The Rainmaker Institute. 12-1.

Thursday, 7/18/13- Teleseminar—Managing Employee Leave. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/23/13-Teleseminar—Private Placements for Closely Held Businesses, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 7/24/13 – Webinar—Introduction to Boolean (Keyword) Search. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

Wednesday, 7/24/13-Teleseminar—Private Placements for Closely Held Businesses,

Part 2. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 7/30/13- Teleseminar—Attorney Ethics in Real Estate Practice. Presented by the Illinois State Bar Association. 12-1.

August

Tuesday, 8/6/13 – Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:30 – 2:30 p.m. CST.

Tuesday, 8/6/13-Teleseminar—UCC Article 9 Update. Presented by the Illinois State Bar Association. 12-1.

Thursday, 8/8/13 – Webinar—Advanced Tips for Enhanced Legal Research on Fast-case. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:30 – 2:30 p.m. CST.

Tuesday, 8/13/13- Teleseminar—Asset Protection in Estate Planning. Presented by the Illinois State Bar Association. 12-1.

Thursday, 8/15/13- Teleseminar—Ethics, Virtual Law Offices and Multi-Jurisdictional Practice. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/20/13- Teleseminar—Understanding the Law of Debt Collection for Businesses, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 8/21/13- Teleseminar— Understanding the Law of Debt Collection for Businesses, Part 2. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 8/21/13 – Webinar—Introduction to Boolean (Keyword) Search. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 1:30 – 2:30 p.m. CST.

Thursday, 8/22/13- Teleseminar—Outsourcing Agreements: Structuring and Drafting Issues. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 8/27/13- Teleseminar—Buying/ Selling LLC and Partnership Interests. Presented by the Illinois State Bar Association, 12-1.

Thursday, 8/29/13- Teleseminar—Mixed Use Developments in Real Estate: Planning and Drafting Issues. Presented by the Illinois State Bar Association. 12-1.

September

Thursday, 9/5/13- Teleseminar—Generation Skipping Transfer Tax Planning. Presented by the Illinois State Bar Association. 12-1.

Monday, 9/9/13- Chicago, ISBA Chicago Regional Office—ISBA Basic Skills Live for Newly Admitted Attorneys. Complimentary program presented by the Illinois State Bar Association. 8:55-5:00.

Tuesday, 9/10/13-Teleseminar—Choice of entity for Real Estate. Presented by the Illinois State Bar Association. 12-1.

Tuesday, 9/10/13 – Webinar—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

Thursday, 9/12/13 – Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

Thursday, 9/12/13- Teleseminar—UCC 9: Fixtures, Liens, Foreclosures and Remedies. Presented by the Illinois State Bar Association. 12-1.

Thursday, 9/12/13- Chicago, ISBA Regional Office—Trial Practice Series: The Trial of a Retaliation Case. Presented by the ISBA Labor and Employment Section. 8:55-4:15.

Monday, 9/16-Friday, 9/20/13 - Chicago, ISBA Regional Office—40 Hour Mediation/Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

YLD NEWS

ILLINOIS BAR CENTER SPRINGFIELD, ILLINOIS 62701-1779

JUNE 2013

VOL. 57 NO. 6

Non-Profit Org. U.S. POSTAGE PAID Springfield, III. Permit No. 820



