



THE CATALYST

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

Chair's column

By E. Nicole Carrion

SAVE THE DATE!!

This Spring, the Women and the Law Committee, along with the Racial and Ethnic Minority Committee and other sponsors, are hosting a program and reception on April 26, 2012 in the 5th Appellate District in Mt. Vernon. The program will highlight women in the Illinois Judiciary and will feature and display the Illinois Supreme Court Historic Preservation Commission's exhibit titled "Early Illinois Women Lawyers." The main program and reception will be held at the fabulous Mitchell Museum in Mt. Vernon after a visit to the historic 5th District Appellate Courthouse—once the location of the

Illinois Supreme Court and one of the original courthouses in which Abraham Lincoln once argued. One of my major initiatives as chair of the Women and the Law Committee this year is to provide the women lawyers in downstate Illinois (*real* downstate for all of my Chicago friends (sorry, had to get a "jab" in)) a quality program and opportunity to network with each other and bring unity to the women's bar downstate. The event is supported by present, past, and future bar leaders and many of them should be in attendance. Please join us in April to celebrate women lawyers and judges and experience some real southern hospitality! ■

Be a woman with a plan

By Cristy Tackett-Hunt

I often find myself talking with others about the critical importance of estate planning. Not just at the office where I spend the better part of every day thinking about how to help my clients preserve, protect and transfer their wealth, but in my personal life as well. For many of you, I have just made my way onto your list of people to avoid at cocktail parties. Of course, some of you have your plans in order and can't wait to bump into me so that you can tell me how you rest easy knowing that your loved ones will always be taken care of, even if something happens to you. If I do run into *you* at a cocktail party, we'll both feel good about your effort and I will be really impressed if you recognize that you should, *and actually do*, reconsider whether your plan will accomplish your goals on a regular basis—at least every year or two.

For the rest of you, I'm hoping that I can convince you that creating a plan should be a priority for every adult, including those who just celebrated their 18th and 100th birthdays and everyone in between. My further hope is that you will then push yourself and your loved ones to start the process of designing a plan that achieves your goals while taking into account what is true about you today.

Did I mention that estate planning is particularly important to women? It is, extremely important. Why? Today women are healthier and more active than ever before; we earn more college degrees, and control the majority of wealth in our country. That's great news—we're going to live a long life as smart women of wealth! Woot! Unfortunately, there's also a problem. Many women

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Be a woman with a plan

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do not play an active role in controlling their finances or futures. Although many women realize that their disability or death would be devastating for their loved ones, they do nothing to plan for those unexpected events. Maybe they think that it's not really relevant to their specific circumstances, or that there will be time for that later. Of course, maybe you're not so sure that your magic eight ball is the best indicator of when you'll need a plan and you're considering hedging your bets by starting now. I'd like to try to provide you with the incentive to get moving.

So, let's start with the single women. How important is an estate plan to you? Consider how your finances would be managed if you were to become suddenly disabled—even if only temporarily. Now it's possible that someone would volunteer to help you and they might even be willing to go through the effort of being appointed your conservator—remember Britney Spears? But, it's so much easier to name the person of your choice as your agent under a power of attorney. While you're at it, you might as well make sure that you have someone who is empowered to make medical decisions for you when you cannot make them for yourself. If you do this while you're healthy, you'll have the opportunity to discuss your thoughts on organ donation and life sustaining treatments. Not to mention that your surrogate will really understand your wishes so that they can confidently make decisions.

Now, let's talk to the moms. Many women begin the estate planning process when or because they became a mother. Children rely on their moms—for everything. The thought of not being there to take care of them—well, that's just awful and no mom wants to think about it. Of course, the thought of the wrong person taking care of your children is worse. Moms want to make sure that their children will have the emotional support they need—someone to tuck them into bed and read them a story when they are three and talk to them about peer pressure when they are 15. Moms definitely have an opinion about who that person should be—or not be! If your child needs a guardian—whether temporarily (because, for example, you are in a car accident) or permanently—you will want to be part of the selection committee. Take the time to make your opinion known

through your plan documents. And don't you want to make sure that your child will use the resources that you left behind for college rather than that really sweet car?

While we're talking about children, let's consider what happens when our darlings turn 18 and become adults. Adults in the eyes of the law, maybe—but we all know that our kids will continue to need help our to make good decisions for years after that magical birthday. Of course, in order to be certain that you are able to help your child in the same way that you did when they were younger (you know, the day before that magical birthday) you will want to be named in their estate planning documents. Think about it, if your child needed to get out of an apartment lease—could you take care of it? What if your child needs medical care, will it matter to you if your child's other parent is deemed the decision maker? Helping your adult children to start their estate planning process early will also help them to realize its importance so that they will make it a priority throughout their lifetime. And think how critical that will be when you become a grandmother!

Finally, let's talk about those women who are married. Did I mention that women tend to live longer than men? That means that many women will outlive their husbands and, then, either benefit from a good estate

plan or suffer from a failed or nonexistent one. Take the time now to consider how you would manage if your husband became disabled or you were suddenly widowed. Would you have what you need to continue to care for yourself and your family? Do you have a good understanding of your family's financial picture and specific enough information to make necessary decisions? And, are you legally empowered to act for your husband if he cannot act for himself?

It's the perfect time to start the estate planning process, regardless of where you are in your life. Here's the good news—some planning is better than no planning. So start with the easy decisions, and work from there. More good news, estate planning is a dynamic process that can change over time so it doesn't have to be perfect. Each day helps you see with a little more clarity what will be needed to take care of yourself and your family if the unexpected happens. Plan now and plan often. You'll feel good about it, I promise. ■

Cristy Tackett-Hunt focuses her Rock Island practice on wealth preservation, protection and transfer for families and small business owners.

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Taking the War Out of Our Words: The Art of Powerful Non-Defensive Communication by Sharon Ellison

Reviewed by Angela Evans

During my first week as an Assistant District Attorney, the Chief Deputy told me I was “going to catch more bees with honey than with vinegar.” Following this instruction of how I should communicate with criminal defense attorneys was not as easy as it initially sounded. The ethical duty to zealously advocate for your client while maintaining professionalism and civility in your communications can be a highly sensitive balance. Luckily, “Taking the War Out of Our Words: The Art of Powerful Non-Defensive Communication” offers a process through which lawyers can learn to achieve this balance with great success.

Sharon Ellison’s “Taking the War Out of Our Words: The Art of Powerful Non-Defensive Communication” transforms the valuable lesson that you catch more bees with honey than with vinegar into a powerful, practical, and useful tool. Its foundation is an observation that attorneys know far too well; human communication is a power struggle, especially when a conflict is involved. To help us communicate with more clarity, confidence, and power, regardless of whether others cooperate or not, this book provides readers a process through which they may ask disarming questions that prompt others to drop their defenses, provide vital information, and make statements that are less adversarial but set firm boundaries and clear expectations.

For instance, Ellison proffers that instead of using statements as tools for clarity and understanding, we often use them to control other people’s opinions and feelings. She notes that the Aristotelian logic of stating one’s opinion as fact when trying to persuade someone to agree with us is misleading and polarizing. Ellison’s process would have the communicator try to persuade by trying to make the other person walk away thinking that whatever she wanted him to do was actually his own idea.

For example, a lawyer using Ellison’s model should not say, “Because it is undisputed that the debtor failed to make his January mortgage payment, the court must grant relief from the automatic stay.” Rather, proper non-defensive communication would re-

quire the lawyer to state “Section 362(d)(2) requires that relief from the automatic stay be granted upon a showing of cause. We believe that under the facts at issue where the debtor failed to make his January mortgage payment, and there is no equity in the home, we have made such a showing.” In the second statement the truth is liberated as there is no overstatement of the law. Also, the second statement is very careful not to put the Judge on the defensive by telling the Judge what he must do. Rather, it leaves the matter respectfully in the Judge’s discretion, while providing the Judge an accurate statement of the law and the relevant facts, as opposed to opinions stated as facts, and makes his conclusion feel as if it is wholly his own idea.

Ellison writes, “when we respond with an inaccurate or limited understanding of another’s meaning, we are often, without even knowing it, carrying on two parallel conversations; the twain never meet. Our erroneous assumptions create much of the drama in our miscommunication.” Litigation would be expedited and much more pleasant if every lawyer made it a point to ensure the accuracy of their understanding of what opposing counsel was communicating before taking action. “Taking the War Out of Our Words” forces you to ponder these types of simple truths and gives you an abundance of examples to learn from and tools to utilize. Everyone should read this book. ■



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Protecting your identity

By Ella York

Did you give out your credit card number to one too many people when buying gifts over the phone or online during the holiday season?

When you start receiving those account statements in January (after you get over the initial shock of the amount you spent), you should check for any suspicious or unauthorized charges to your debit or credit card. Identity theft is a crime that affects thousands of Illinois residents each year.

There are several steps you can take to protect yourself from identity theft.

First, never give out any personal information unless you initiate the contact. Before sharing any personal information, confirm you are dealing with a legitimate organization. Before giving out your credit card number over the Internet, make sure you are using a secure site. A site is secure if the web address begins with the prefix "https:" rather than "http:." When dealing with paper records treat your mail and trash carefully. You can opt out of receiving credit card offers in the mail by calling 1-888-5-OPTOUT.

Second, check your credit report regularly. Each individual is entitled to a free credit report once a year from each of the three major credit reporting agencies: Equifax, TransUnion, and Experian. You can get all three credit reports at once, or, ideally, spread them out over the course of a year and get a report from a different agency every four months. To request a copy of your credit report call toll-free 1-877-322-8228 or log on to <www.annualcreditreport.com>. (Make sure to go to www.annualcreditreport.com, not <www.freecreditreport.com>, which has hidden charges.) Once you have your report, check it to ensure you authorized every account listed. Additionally, check that everything reported is accurate. Occasionally, a creditor may report an account as delinquent when you are current on your payments. If you find any such errors you can send a dispute letter to each of the agencies. Inaccurate information reported on your report can affect your ability to get a loan, insurance, or even a job.


Third, if there is any account listed that you did not authorize, notify one of the three agencies so they can place a fraud alert on your report. The contact information is as follows: Equifax: 1-800-525-6285; <www.equifax.com>; Experian: 1-888-397-3742; <www.experian.com>; TransUnion: 1-800-680-7289; <www.transunion.com>. Also file a police report. Illinois law requires police departments to allow identity theft victims to file reports and provide victims with copies of those reports. Get a copy of the police report to help deal with creditors who need proof of the crime. You may also want to consider placing a security freeze on your credit report. A security freeze is different from a fraud alert. A freeze allows you to prohibit your credit report from being released to another person without your prior, express authorization. Security freezes are free to Illinois victims of

identity theft. You will need the police report number in order to place a free security freeze on your credit report.

Finally, be sure to remain alert, especially in the first year following a security breach notification or identity theft. ■

Ella York is a Community Outreach Liaison for Attorney General Lisa Madigan's office and a member of the ISBA Women and the Law Committee. For more information on identity theft check out the Identity Theft Resource Guide posted at <www.illinoisattorneygeneral.gov> or contact the Identity Theft Hotline operated by Attorney General Madigan's office at 1-866-999-5630.

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Social Security benefits not so beneficial to widows receiving government pensions

By Joanna M. Lekkas

It's extremely difficult losing your spouse at a young age. Perhaps you have young children who have just lost one of their parents. Perhaps your financial well-being has been put in jeopardy. Many widows rely on the fact that they will receive their late spouses' social security benefits when retirement becomes a reality. However, in some cases, the law restricts widows who receive a pension from a federal, state or local government from receiving their deceased spouses' social security benefits.

What many government employees may not realize is that social security benefits are reduced by two-thirds of their government pension.¹ The government pension offset (GPO) may affect the age at which a widow elects to take social security benefits, or it may completely eliminate any social security benefits the widow would have received had he or she not been entitled to a government pension. For example, a Lake County employee is widowed at a young age and can

finally begin thinking about retirement. She is eligible to receive a monthly pension in the amount of \$3,000, and she is also eligible to receive a widow's benefit from Social Security in the amount of \$2,000. However, two-thirds of \$3,000 (\$2,000) must be deducted from the Lake County employee's social security widow's benefit pursuant to the GPO. In this example, the Lake County employee will receive no widow's benefit from Social Security upon reaching the eligible age.

The financial well-being of widows in our society is of grave concern to lawmakers. Compared to the overall population, widows are much more likely to live below the poverty line. Of all widows ages 55 and older, 15.7 percent live in poverty. This is three times as much as married couples ages 55 and older.² A number of bills have been introduced in Congress to repeal the GPO, which affects widows who have had government careers as teachers, police officers, postal workers, and civil servants.³ For the time being, how-

ever, widows should educate themselves on the GPO as they approach 60 years of age, the age at which they are first able to claim widow's benefits through Social Security.⁴ Sitting down with your financial planner, visiting your local Social Security Administration office and reviewing your pension plan with the appropriate professionals will assist in fully informing yourself of your benefits prior to taking the plunge into retirement. ■

1. <<http://ssa.gov/pubs>>.

2. Stuart, Amy N., David A. Weaver, Ph.D. and Kevin Whitman. 2002. "Widowed Before Retirement: Social Security Benefit Claiming Strategies." *Journal of Financial Planning*. Available at: <<http://www.fpanet.org/journal/CurrentIssue/TableofContents/WidowedBeforeRetirement/>>.

3. Social Security Fairness Act of 2007, H.R. 82, 110th Cong., 1st Sess. (2007).

4. Widows can claim survivors' benefits at 60 years old receiving a prorated amount of their late spouses' social security income. <<http://ssa.gov/survivorplan/survivorchartred.htm>>.



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Taking charge

By Anna Fridman

I recently came across an article on the Forbes.com website written by Deborah Jacobs titled “Estate Planning for Women (and the Men Who Love Them).” The article cited a surprising statistic about U.S. population in our golden years—among Americans 65 years of age and older, 42% of women, but just 14% of men, are widowed. Women’s longer life expectancy, combined with some tendency to marry older mates and some lower lifetime earnings on average means that women are significantly more likely to see their living standards compromised in retirement if proper estate planning is not done in advance.

That article brought me to research some additional data points related to the difference between men and women in retirement age. Perhaps the most shocking statistic was that male widowers over 60 years of

age are roughly 15 times as likely to remarry as their female counterparts!¹

So why am I rehashing the statistics that might seem somewhat gloomy for women? Judging from professional experience and life observations, with which Deborah Jacobs seems to agree, it frequently appears that the male spouses tend to be more heavily involved in the estate planning process. Women sometimes take the supporting role and defer to their significant others to make the “right choices.” Reading these statistics made me appreciate the true importance of women taking charge and being highly involved in the process. After all, seeing the bare numbers makes one realize how heavily disproportionately women are effected due to frequently being the survivors in a couple.

On the flip-side, when men are the survivors, the likelihood that they will remarry late

in life is significantly higher than with female survivors. The remarriage may shift the priorities with respect to donor intent at death and the dispositive provisions of the estate may not be what you envisioned together during joint lifetime. The children from the first marriage may no longer be the primary beneficiaries of the estate. While we have a tendency to avoid these conversations for natural reasons, be it an aversion to thinking about passing away or unequivocal trust in the significant other to make the appropriate choices, it is important to have the conversation about your ultimate vision of disposition of wealth and make sure that your voice is heard and captured in the estate plan. ■

1. Ken R. Simith, Cathleen D. Zeek; Greg J. Duncan; Remarriage Patterns Among Recent Widows and Widowers; *Demography*, Vol. 28, No. 3 (Aug., 1991), p. 366.

An interview with State Representative Robyn Gabel on House Bill 1958 and the shackling of pregnant prisoners

By Mary F. Petruchius

The Illinois State Bar Association’s Director of Legislative Affairs, James Covington, joined the Standing Committee on Women and the Law for our August meeting, at which he discussed with us several pending bills. One bill in particular, House Bill 1958, aroused many members’ curiosity. Illinois State Representative, Robyn Gabel is the sponsor of this bill.

Robyn Gabel has served as the Executive Director of the Illinois Maternal and Child Health Coalition for 20 years. As the Executive Director, she is responsible for carrying out the Coalition’s mission of improving the health of women and children in Illinois through policy development, education and advocacy.

She began her career as an educator in a women’s health center, later serving as the training coordinator and eventually co-director of other health centers. As her interest in public service increased, Gabel became a legislative assistant to then-Alderman Luis

Gutierrez in Chicago, where she was responsible for the development of policy positions and legislation for healthcare, housing and economic development.

State Representative Gabel has received numerous awards for her work for Illinois families, including the *Grace Today* Magazine, Women’s Health Activism Award (2007); Illinois Public Health Association, President’s Award (1998); Infant Welfare Society, Child Advocate Award (1998). She is a member of the Delta Omega Honorary Public Health Society.

The following is a brief summary of House Bill 1958:

Provides that a county department of corrections and the Illinois Department of Corrections shall not apply security restraints to a prisoner that has been determined by a qualified medical professional to be pregnant and is known by the county department of corrections or the Illinois Department

of Corrections to be pregnant or in postpartum recovery, unless the corrections official makes an individualized determination that the prisoner presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the prisoner, her child or unborn child, the staff of the Illinois Department of Corrections, a county department of corrections, or the medical facility, other prisoners, or the public. Provides that leg irons, shackles, or waist shackles shall not be used on any pregnant or postpartum prisoner regardless of security classification. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that the county department of corrections official is immune from civil liability when applying security restraints to pregnant

prisoners or those in postpartum recovery, except for willful and wanton conduct.

I contacted State Representative Gabel after our August Committee meeting and she graciously agreed to an interview with me in October at her offices in Evanston.

MP: Thank you very much on behalf of the ISBA Standing Committee on Woman and the Law for taking time with me today to talk about House Bill 1958. My first question to you was going to be why in the world do you have an interest in this, but having looked at your very impressive background and your interest in women's and children's health, I can understand the genesis of that interest. I would like you to tell me just how you became interested in House Bill 1958 and why you decided to sponsor it.

RG: Before I became a State Representative, I was Executive Director of the Illinois Maternal and Child Health Coalition for 22 years and as the Director of that organization we did primarily policy and advocacy work. Actually, this issue was one of the issues that was supported when I was the Director of the Coalition. So when I became a State Representative, many of the groups who worked with us on some of the health issues for woman and children then approached me to see if I would be interested in carrying the Bill the next time. I was. It was an issue that we had looked at previously that I was concerned about in my last job, so it just made sense that once I became the State Representative, I would be interested in moving this issue forward.

MP: How actually did this Bill come to be? Was there a particular case, did a woman file a lawsuit in which she was shackled as a prisoner or a pregnant prisoner?

RG: The way it came to me is that CLAIM approached me to see if I would carry the Bill. They had it pretty much worked out and had spent quite a bit of time with the Cook County Sheriff's Office in order to work out a bill that they could all agree on. They gave me the Bill. I believe there were a couple of woman who had approached CLAIM.

MP: What is CLAIM?

RG: CLAIM stands for "Chicago Legal Advocacy for Incarcerated Mothers." It provides legal and educational services to

maintain the bond between imprisoned mothers and their children. It also advocates for policies and programs that benefit families of imprisoned mothers and reduce incarceration of women and girls. The ACLU is working with CLAIM as well. There was a woman who experienced being shackled during labor and she had a lot of post-traumatic stress from that experience. So they prepared this Bill and asked me to carry it. They had originally made this agreement with the Cook County Sheriff's Office, Tom Dart's Office and then they made the Bill actually be effective for the entire State of Illinois. We presented this Bill in Committee and the Department of Corrections came and testified against it.

MP: Do you know who specifically testified against it?

RG: Jenny Shack.

MP: What was her opposition to it?

RG: She said that there were two issues that were of a concern to us. One was that we didn't want a guard inside the room when the woman was in labor. Women had said that the guards would sit there and watch television and eat pizza and cheer for their teams while the woman was in labor. Being in labor is a very intense personal experience and to have to share that with a male stranger in the room with you is very traumatic. We wanted a guard to be *outside* the room. That was what the original 1999 law said. There was a law passed in 1999 that stated that a guard *should* be outside the room. What it didn't say was that a guard *could not* be in the room. So people interpreted the law the way they wanted to. They objected to that. The Department of Corrections said, "What happens if the woman has a weapon and attacks the doctors or tries to jump out the window if there wasn't a guard in the room?"

We said that the guard needs to go in initially when the woman is in the room in order to check the room and make sure there is nothing in there that is dangerous and that there is no window the woman can jump out of and if all that is safe, then there is no reason for a guard to stay in the room, unless the woman wants the guard to do so. There have been instances where there may be a female guard and, if the prisoner wants

the female guard in the room, with her then that is fine. But it should be up to the prisoner to decide if she wants to be alone or if she wants to have the guard with her. They decided that wasn't good enough. They just kept harping on the idea that there was something in the room that the woman *could* use to cause harm to someone.

We modified the Bill to say that if the doctor(s) felt that this woman was a danger, the doctor(s) could ask the guard to be in the room with them when they were in the room. Still wasn't good enough. The other issue was the shackling of the pregnant prisoner. The original Bill I think said "shackling during labor." There were other issues concerning the danger of shackling legs and hands when the woman is big, because her center of gravity is shifted, which makes it is easy for her to fall. If she falls, she can't protect herself by putting her hands out. There is absolutely no reason for a belly shackle on a pregnant woman, period, ever, the end.

They said that there were many times when a woman may have to be taken out to the doctor or taken out for different visits where it was important that she be shackled in some way. We finally agreed to no leg shackles, but hand shackles had to be a little distance apart so the woman, if she fell, could catch herself, at least. We compromised on that. It still wasn't good enough.

MP: Who testified on behalf of the Bill? Did you have experts come in and testify?

RG: We did. We had Gail Smith, who is the Executive Director of CLAIM and, I believe, we had a prisoner herself to be there to testify. I do not believe she had an opportunity to do so. If you have ever been in Committee, you know all witnesses aren't always called.

MP: Was she a woman who had been shackled?

RG: Yes.

MP: Did you call doctors to testify?

RG: I don't believe so, but we do have doctors who support us on this. We did have them write letters for us particularly, Dr. Liz Feldman. There were some other doctors as well.

MP: Have you had any community feedback? Any citizen feedback? Anybody

talking about it?

RG: I have gone around and talked about the Bill to various groups in the 18th District. I have gotten support for the issue.

MP: Geographically, what does the 18th District encompass?

RG: Currently it has a little of Rogers Park, Evanston, part of Wilmette, Winnetka. That is where it is right now. In the re-districting, it will include Glencoe, Northbrook, Northfield.

MP: In your opinion, is that a more open-minded a more liberal district than, let's say, rural Illinois?

RG: Undoubtedly. This District is still primarily Democrat. What I found is that many of the people are doing well here and that they have very generous hearts.

MP: What is your hope for the Bill? How do you feel about its passing?

RG: We have spent the summer trying to negotiate with the Department. It's really the Department that is holding this back.

MP: Meaning, IDOC?

RG: Yes, the Illinois Department of Corrections. We have the Governor's office involved. We feel that with Pat Quinn as Governor, there is no reason that his department should be against this. It is unheard of. We have his staff involved. We have provided research with them around other States. They seem to be supportive.

I went with Representative Lisa Hernandez and Senator Heather Steans to the women's prison in Dwight to interview people. So I have two more supporters, strong supporters, in the legislature as well. There were about three or four other legislators that wanted to come but couldn't make it.

We interviewed six or seven of the woman prisoners there, to see what their experience has been. Interestingly enough, some of them had said they were shackled with legs and hands in other small counties, like LaSalle County and other counties, which is one of the reasons why we want to pass a broader Bill to affect all of Illinois.

RG: And during our visit to Dwight we asked the women about mental illness. On first interviews that about 50% of the woman said they had mental illness but after

awhile when they felt more comfortable with the staff, it's over, 90%. A lot of them are there for prostitution, drugs, petty theft. Some of them are getting treatment, they do see counselors, and they do see substance abuse counselors.

It was interesting, they were telling us how the women make birthday cakes for each other, by purchasing Twinkies and putting them together. They figure out ways to cook. Many of the pregnant women told us that they are hungry all the time. We asked the staff if they get an increase in their food and they said that they do not if their doctor doesn't prescribe it or decided they get enough calories.

MP: Is there a bill in the making there, do you think?

RG: I'm always a big advocate of trying to do things administratively before you try to pass a law. Sometimes you can just get it done.

What happens is that some women who get extra money from home or earn extra money there they buy a lot of food at the commissary. They buy tons of food, packaged food, packaged meat, and packaged everything. One of the pregnant women said to me, "I don't have any money, so I can't buy any extra food." The women don't look thin there because I think they eat all the extra food that they can afford to buy. I asked them what they ate. They gave me what they got for that day for breakfast, lunch and dinner. It did not seem like enough protein for them; certainly not enough calcium. They said if one particular woman was on duty, she let them take two milks, but the other people didn't let them take two milks.

MP: Do they give them prenatal supplements?

RG: I don't know that.

MP: With your background and your history, what other bills have you sponsored or been an active part of that relate to women?

RG: I have passed six bills out of the House in my first term, which is very exciting. Many of them center around woman and children's healthcare. One of them one concerned immunization. We have an immunization registry in Illinois and, before my Bill, it was an opt-*in* registry so

everybody had to sign a form at their pediatrician's office to say that they wanted their children's immunization records put into a registry. We changed that to an opt-*out* so that the doctors would be able to put everybody's immunizations information in without having to have those forms signed. There will be a form available if parents do not want their information included.

It is a great thing to have. People move so often and you can lose those little pieces of paper that the doctor gives you with your children's immunization record on them. It is wonderful that parents can get the information through this registry and that schools can get it through the registry. Because children need the immunizations before they go to school.

There was a study done in Englewood in which they were drawing blood for lead poisoning. So they also decided to see what the numbers were for immunization for measles and mumps for the MMR vaccine. We thought that children in Englewood were about 50% immunized and when we got back the blood results, we found that 98% had been immunized.

So what that means is that children, because they didn't have the records were being immunized multiple times for the same disease because they didn't know if they had received the shot. This way, if we have records, then it will be easier to keep track of that. That is one bill I passed. Another bill relating to children's health was given to me by the Health and Disability Advocates. There is a law that says, "children who are sick for a number of days out of school or are going to be intermittently absent from school, such as if they have cancer and need treatment every other week, the school has to provide home or hospital instruction for them."

The parents were having a very difficult time getting this home instruction. So I passed a bill that said it had to be provided within five days of a doctor's note, it also defined what intermittent care was. It was if a doctor sent a note and said this child will be having intermittent treatment and needs to have care. People were very excited that they at least had a law that said after five days, they had to get someone to educate

these kids. They had been going months without education. That was a second bill I passed.

Another bill that I carried that did not pass was for certified professional mid-wives. Twenty-two other States have a separate license for certified professional mid-wives. There is a particular training that they have to do, that is very comparable to what nurse mid-wives go through. They do as many deliveries as a med student would do in a rotation and they are trained very specifically for home births. Because right now, doctors are not really providing home birth, they are doing home visits; they are not doing home birth. Nurse mid-wives cannot do home births without a doctor. So if a doctor won't do them, nurse mid-wives can't do them. There are about 800 women who want home births every year. It's not unheard; there are some women who belong to certain religious groups who want them for religious reasons.

There were doctors doing them. Dr. Einstein was doing them, there were other doctors who were but they have all kind of, the malpractice insurance has gone so sky rocket high, that they can't do them anymore.

RG: That bill had been in the legislature for ten years. My predecessor, Julie Hamos, had been the sponsor of the bill. So when I came in for the end of session in 2010, I picked up the bill. The first week I was there I was actually able to get the bill out of Committee. They had never gotten it out of Committee before! We were very excited. It was on the floor. We were all working as very hard, the medical society was absolutely against it. It was one of the major bills they were against.

MP: What was their reason?

RG: "It's not safe."

MP: Because it was a mid-wife and not a doctor.

RG: "It's not safe to do a home birth." Clearly, they are just protecting their turf, which is ridiculous because ob/gyn is a surgical field. In other countries, for instance in England, 80% of births are done by mid-wives.

Right now what we call it is "Home Birth Safety Act" because right now these 800 women who want to have home births,

are using mid-wives whom we do not know if they are certified or we don't know if they are trained. We don't know what their training is. We feel that it would be much better to actually have a licensure and have them trained so that we know they are capable of assisting in the home birth. Also, in that way, you could have a plan in place if something goes wrong to make sure that these women safely get to the hospital.

There have been numerous stories of women who had a home birth, who tore a little too much and they needed to go to the hospital to get stitched up. The doctors in the emergency room spent more time harassing them about why did they dare to have a home birth, who is their mid-wife, they better tell them who it was, yelling at them, screaming at them and then sewing them up. I heard of one case in which they actually called DCFS on this couple for having a home birth and the baby was taken away from them for a period of time. Simply for having a home birth, which really doesn't make much sense.

MP: Absolutely not. What is the future of that bill?

RG: I knew we didn't have the votes, but the mid-wives really wanted me to call the bill. We called it. I think we had about 47 or 48 votes on it. We need 60. The next year we tried putting in a bill that was just going to provide a way for women to go to the hospital to be treated well and safely. The hospital association worked with us on the bill and there was very little support. The medical society again was against the safe transfer of women to the hospital. It's absurd. There were so many other issues going on that it didn't make sense to try and move that bill forward, so we said that we might as well wait until next year and just do another home birth safety act and see if we can move it forward this time. Maybe the medical society will get involved in other issues and won't have as much time to fight this one.

RG: There are new people coming in and it's funny but some of the Tea Party members really like this bill.

RG: I have some strong Republican support on this. They believe in personal freedoms, so there is some support from them.

MP: That is very interesting that you have a little pocket of that kind of support. What other bills, have you sponsored relating to woman?

RG: Those are the ones that I can think of right off the top.

MP: Kid Care, were you a part of that or All Kids?

RG: I was, yes. I was very active in advocating for those changes in health insurance for children. Actually, when we first started, about 800,000 women and families and children had health insurance through the State. When I left 2 ½ million did.

RG: So we increased the ranks tremendously and we also did a study to show that when the kids received Kid Care and All Kids, the children were able to actually see the doctor. Whereas, before they had not been able to do so. It is really wonderful. We know that health insurance is the first step and then access to doctors is the second. We proved that they were able to get it with their cards. Kids who don't have insurance are more likely to die in the hospital, they are more likely to miss school, more likely to not graduate, all kinds of ramifications if you do not have insurance.

Eye glasses, you can't get eye glasses and you can't see the board, you can't do well in school, you're a troublemaker. We have really, really pushed that kids should have health coverage. Unfortunately, they have now ratcheted back down a little bit, instead of all kids it's now some kids again but it is up to 300% of poverty, which is still very good.

MP: Thank you so much for taking the time with me. You can be sure you have allies in the members of this Committee.

We invited Representative Gabel to join us for dinner during the ISBA Midyear Meeting but, unfortunately, she was ill and unable to do so. Gail Smith from CLAIM, however, did join us and we will be in close contact with her to track the progress of House Bill 1958. The Committee thanks Gail as well for her commitment to women and the law.

Mary F. Petrucci is a solo general practitioner in Sycamore, IL. She is the 2011-2012 Secretary for the Standing Committee on Women & the Law and is its CLE Subcommittee Chair. Mary is an incumbent on the ISBA Assembly for the 16th Judicial Circuit. She can be reached at marypet@petrucciulaw.com and her Web site is www.petrucciulaw.com.

Upcoming CLE programs

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

April

Tuesday, 4/3/12- Teleseminar—Portability of the Estate and Gift Tax Exemptions-Planning in 2012. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 4/4/12- Webinar—Advanced Tips for Enhanced Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10am.

Friday, 4/6/12- STUDIO TAPING—Economic Development Tools: What are the Options for Local Government. Presented by the Local Government Law Section. 9:30-11:30.

Monday, 4/9/12- Webinar—Introduction to Legal Research on FastCase. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10.

Tuesday, 4/10/12- Teleseminar—Employee Discipline and Discharge: Policies and Procedures to Limit Liability. Presented by the Illinois State Bar Association. 12-1

Tuesday, 4/10/12- DeKalb, Northern Illinois University—Issues in Illinois Public Construction Contracting (Repeat from June 24, 2011). Presented by the ISBA Construction Law Section. 8:55-4:30.

Tuesday, 4/10/12- Chicago, ISBA Chicago Regional Office—Master Series: Ethics and Professionalism through the Lens of Literature- Part 1. Presented by the Illinois State Bar Association. 9-12.

Tuesday, 4/10/12- Chicago, ISBA Chicago Regional Office—Master Series: Ethics and Professionalism through the Lens of Literature- Part 2. Presented by the Illinois State Bar Association. 1-4.

Wednesday, 4/11/12- Chicago, ISBA Chicago Regional Office—Master Series: Ethics and Professionalism through the Lens of Literature- Part 1. Presented by the Illinois State Bar Association. 9-12.

Wednesday, 4/11/12- Chicago, ISBA Chicago Regional Office—Master Series:

Ethics and Professionalism through the Lens of Literature- Part 2. Presented by the Illinois State Bar Association. 1-4.

Thursday, 4/12/12- Teleseminar—Drafting Life Insurance Trusts. Presented by the Illinois State Bar Association. 12-1.

Monday, 4/16/12- Bloomington, Holiday Inn and Suites—The Construction Project from Womb to Tomb (and Then Back to Life). Presented by the ISBA Commercial Banking, Collections and Bankruptcy Section; co-sponsored by the ISBA Real Estate Law Section and the ISBA Construction Law Section. 8:50-4:30.

Monday, 4/16/12- Chicago, Chicago Bar Association—Ethics and the Allure of Social Media. Presented by the Chicago Bar Association and the ISBA Energy, Utilities, Telecommunication and Transportation Section. Time TBD.

Tuesday, 4/17/12- Teleseminar—Real Estate Joint Ventures, Part 1. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 4/18/12- Teleseminar—Real Estate Joint Ventures, Part 2. Presented by the Illinois State Bar Association. 12-1.

Thursday, 4/19/12- Chicago, ISBA Chicago Regional Office—Civil Practice and Procedure Update 2012. Presented by the ISBA Civil Practice and Procedure Section. 8:50-4:00.

Friday, 4/20/12- Chicago, ISBA Chicago Regional Office—Legal Ethics in Corporate Law- 2012. Presented by the ISBA Corporate Law Department Section. 8-12.

Friday, 4/20/12- Chicago, ISBA Chicago Regional Office—ZPICs, Recovering from 3rd Party Payors, and the Status of Tax Exemption for Not-for-Profit Health Care Providers in Illinois. Presented by the ISBA Health Care Law Section. 1-4:15.

Tuesday, 4/24/12- Teleseminar—Franchisee Red Flags and Traps- What You Should Know Before Your Client Buys. Presented by

the Illinois State Bar Association. 12-1.

Wednesday, 4/25/12- Chicago, ISBA Chicago Regional Office—Master Series: Ethical Strategies for Client Service and Business Development. Presented by the Illinois State Bar Association. 8:30-12:45.

Wednesday, 4/25/12- Live Webcast—Master Series: Ethical Strategies for Client Service and Business Development. Presented by the Illinois State Bar Association. 8:30-12:45.

Thursday, 4/26/12- Teleseminar—Construction Contracts: Anticipating the Unanticipated, Ensuring Performance and Limiting Downside Risk. Presented by the Illinois State Bar Association. 12-1.

Thursday, 4/26/12- Chicago, ISBA Chicago Regional Office—Employment Law for the General Practitioner. Presented by the ISBA Labor and Employment Law Section. 8:55-12:30.

Thursday, 4/26/12- Mt.Vernon, Illinois 5th District Appellate Courthouse and Cedarhurst Center for the Arts—Women in the Illinois Judiciary. Presented by the ISBA Standing Committee on Women and the Law and Racial & Ethnic Minorities and the Law. 3-7:30.

Friday, 4/27/12- Chicago, ISBA Chicago Regional Office—The Construction Project from Womb to Tomb (and Then Back to Life). Presented by the ISBA Commercial Banking, Collections and Bankruptcy Section; co-sponsored by the ISBA Real Estate Law Section and the ISBA Construction Law Section. 8:50-4:30.

Monday, 4/30/12- Webinar—Fast Case Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association- Complimentary to ISBA Members. 9-10.

May

Tuesday, 5/1/12- Chicago, Standard Club—Tips of the Trade 2012: A Federal Civil Practice Seminar Chicago. Presented by the ISBA Federal Civil Practice Section. 9-4:30. ■