MAY 2004, VOL. 14, NO. 4

ILLINOIS STATE BAR ASSOCIATION

THE CHALLENGE

The newsletter of the ISBA's Standing Committee on Minority and Women Participation

Relocation in custody and divorce: Giving weight to the best interests of the custodial parent in alignment with the best interests of the child

By Colleen Buckwalter, 2nd Year Law Student, Northern Illinois University; and Diane E. Elliott, 2nd Year Law Student, Northern Illinois University

Relocation post-divorce presents concerns for the custodial as well as the non-custodial parent. In 1988, the Illinois Supreme Court set forth in *Eckert* a five-factor balancing test to be used in determining what are the "best interests" of the child in such situations as when the custodial parent wants to relocate outside the borders of the state of Illinois. In May 2003, the court more fully articulated these factors in *In re Marriage of Collingbourne*, determining that if a petitioner wishing to relocate can prove by a preponderance of the evidence the anticipated move will benefit the petitioner, and thus the children, relocation outside the state of Illinois will be permitted when a realistic and reasonable visitation schedule can be created. *In re Marriage of Collingbourne*, 204 Ill.2d 498, 791 N.E.2d 532, 274 Ill. Dec. 440 (2003).

The Collingbournes, Soryia and Geoff, were married June 13, 1985, and subsequently had two children, Geoffrey, born January 11, 1986, and Tyler, born January 10, 1991. The judgment for dissolution of this marriage was entered on September 1, 1999. The marital settlement agreement provided for joint custody of the children with Geoff getting sole physical custody of Geoffrey and Soryia getting sole physical custody of Tyler. The joint parenting agreement outlined that both parties would have equal rights and responsibilities with both boys in any major decisions but day-to-day decisions regarding each boy was the responsibility of the custodial parent. A liberal visitation schedule that would allow time for both boys to be together was also established.

One and a half years after the divorce was final, Soryia petitioned in Kane County seeking consent to remove Tyler, then 10, from Illinois to Massachusetts. Soryia had been dating a man, Mark Rothman, from Massachusetts who could not relocate to Illinois for undeniable business reasons. Additionally, Soryia's sales job in Kane County had become unstable and Mark had offered her a position with his company at a substantial salary increase and a more flexible work schedule to accommodate Tyler's school schedule and allow him to become involved in more extracurricular activities. Based on these changes, Soryia alleged that both she and Tyler's lives would be enhanced and her only motive was to provide the best life possible for her young son, Tyler.

Although Soryia had proposed a visitation schedule with frequent return trips to Illinois for holiday times and school breaks which amounted to more time spent with Geoff, his new wife and Geoffrey than currently in place, Geoff opposed the removal of Tyler from Illinois claiming Soryia was only motivated to improve her own life. He proposed that physical custody of Tyler be transferred to him with a visitation schedule established with Soryia.

At trial, the circuit court heard testimony regarding Tyler and Soryia's current lifestyle: living in a two bedroom apartment, Tyler in day care after school until 5:00 p.m., limited extracurricular activity, sporadic visits with older brother Geoffrey (then 15), Soryia's required overnight business trips, and Geoff's missed visitation with Tyler. Additionally, the trial court heard testimony regarding the educational opportunities in both living situ-

IN THIS ISSUE

Get the electronic version of this newsletter

See page 8 for details.

Congratulations!

Committee member Jorge Montes has just been appointed chairman of the Prison Review Board—the first Latino to ever hold the position. His term will last from May 1st, 2004 until January 2006.

ations that would be available to Tyler and concluded that both the Illinois and Massachusetts districts were qualified and would provide Tyler with a good education.

While Geoff was on the witness stand, he pleaded with the court to prevent Tyler from leaving the state because their close relationship would be heavily burdened and would most likely suffer because of the distance. However, Geoff admitted to missing some visitation time with Tyler because of his work schedule and that the move would not be in Geoff's own best interests. Geoff also acknowledged that he has not played an active role in Tyler's education or extracurricular activities. One of his serious worries was not being able to have Tyler on holidays spent with extended family, one privilege he has enjoyed since the divorce. However, the visitation schedule proposed by Soryia includes trips to see Geoff and Geoffrey around holiday times.

In an *in camera* interview with Tyler, the trial court learned that Tyler's four trips to Massachusetts with his mother were "okay" but traveling was not a fear. Tyler did fear leaving his friends and family but did not like the day care program and only spent limited time with his brother Geoffrey.

With Section 609 of the Illinois Marriage and Dissolution of Marriage Act and *In re Marriage of Eckert*, 119 Ill. 2d 316, 518 N.E. 2d 1041, 116 Ill. Dec. 220 (1988) as its guide, the trial court granted Soryia's petition to remove Tyler from Illinois. The court concluded that Soryia had met her burden under the statute and that since the general quality of life for both Soryia and Tyler would be improved, it was in the child's best interests that removal be granted. Geoff appealed and the appellate court reversed the trial court's decision because the evidence did not establish that Tyler would experience a substantial direct benefit, even though there was evidence to show that Soryia would benefit. The benefits Soryia would derive from relocation and remarriage would occur in almost every instance of remarriage and the court concluded this factor alone does not determine a direct beneficial result for a child.

The majority of the appellate court also determined that the modified visitation schedule, which was comparable to the visitation schedule enacted at the time of the divorce, was not in Tyler's best interest. They viewed the time on airplanes to reach Illinois and the time away from his Massachusetts home as time-consuming and burdensome on a minor child. For these reasons, the court determined that it was in Tyler's best interest to remain in Illinois to maintain his close relationship with his father, brother and extended family. The lone dissenting justice stated that the majority had failed to demonstrate that the trial court findings were contrary to the manifest weight of the evidence. Justice Bowman stated in his dissent that he would affirm the circuit court's ruling because that court was in the best position to evaluate the evidence and observe the witnesses, especially Tyler and his parents, to determine the living arrangements that would be in Tyler's best interest. Soryia then was granted leave to appeal this ruling by the Illinois Supreme Court.

As done by the trial court, the Illinois Supreme Court determined that 750 ILCS 5/609(a) governs Soryia's petition for removal. That statute reads in part: "The court may grant leave to any party having custody of any minor child or children to remove such child or children from Illinois whenever such approval is in the best interests of such child or children. The burden of proving that such removal is in the best interests of such child or children is on the party seeking the removal."

The two issues on appeal were: 1) The appellate court incorrectly required the parent seeking removal to prove that the child would reap a direct benefit from the move and 2) The appellate court refused to give weight to the substantial indirect benefits that flow to a child as a result of the enhancement of the general quality of life for the custodial parent. Geoff maintains that the appellate reversal was appropriate because Soryia's sole reason to petition for removal was so that she could marry and live with Mark. He argues that these direct benefits to the custodial parent do not meet the burden required by the statute to show that these benefits resulting from the removal would result in a move that is in the child's best interest.

The *Eckert* factors in removal decisions

In its analysis, the Illinois Supreme Court referred to their 1988 decision, *In re Marriage of Eckert*, to explain that in a petition for removal the paramount question is still what is in the minor child's best interest. In *Eckert*, Carol

The Challenge

Published at least four times per year.

Annual subscription rate for ISBA members: $20.

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

Office
Illinois Bar Center
424 S. 2nd Street
Springfield, IL 62701
Phones: (217) 525-1760 OR 800-252-8908

Web site: www.isba.org

Editor
Vickie A. Gillio
Northern Illinois University
Lowden Hall 305
DeKalb, IL 60115

Associate Editor
Susan M. Witt
Barrett & Gilbert
P.O. Box 21
Rock City, IL 61070

Managing Editor/Production
Katie Underwood
kunderwood@isba.org

POSTMASTER: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779

Eckert petitioned the trial court for leave to remove her son from Illinois to Arizona. The trial court denied the petition but the appellate court concluded that the denial was against the manifest weight of the evidence and the best interests of the child would be served if removal was allowed. Mark Eckert appealed.

The facts that the trial court of the *Eckert* case uncovered are as follows: parties were married in 1976 and divorced in 1983; Carol was awarded custody of one son. Carol had custody of another minor son from a previous relationship who had asthma. Mark was awarded extensive visitation. While Carol was teaching nursing in the St. Louis area for $21,000 per year, she was offered teaching position in Yuma, Arizona, with salary approximately $23,000. Carol had not pursued other teaching positions in St. Louis area. Carol was dating a physician in Yuma but no definite marriage plans had been made.

The court-appointed psychologist concluded that their son had developed close relationships with both parents and the child's best interests would be served by remaining in the St. Louis area. Additionally, the court determined that Mark never missed visitation and was very active in his son's education and extracurricular activities. Based on these circumstances, the trial court concluded that the continuing and close relationship between Mark and his son were favored over the move to Yuma, which petitioner did not establish would provide benefits to her son.

The appellate court reversed this decision and found the trial court's decision was against the manifest weight of the evidence because: 1) Carol had a good reason to move; 2) the two minor boys would be able to maintain their close relationship; 3) Carol was dating someone in Arizona; and 4) Mark would only suffer a reduction in amount of visitation. Mark argues that this court disregarded the best interests of the child requirement set forth in the statute by allowing removal based solely on the custodial parent's desire to move. The Illinois Supreme Court agreed with Mark's argument when it reversed the appellate court.

In *Eckert*, the court clearly established that a decision to grant removal is a fact-intensive decision to be determined on a case-by-case basis. Certain factors that should be considered include: likelihood of the move enhancing the quality of life for both the custodial parent and the child, motive of the moving party in seeking removal, motive of non-custodial to resist removal, visitation rights of the non-custodial parent, and likelihood of realistic and reasonable visitation after removal from state. When the court applied these factors to the case brought before it in *Eckert*, it concluded that Carol had not met her burden in proving that the move would enhance their lives since the nursing job she was offered provided little more salary than her current position. She also offered no proof that conditions in Arizona would substantially improve the health of her asthmatic son. On the other hand, facts indicated that Mark was an "exemplary parent" and that "he had an especially good relationship with his son" which would be substantially burdened if the court allowed removal to Arizona, since a reasonable and affordable visitation schedule had not been proposed. 518 N.E. 2d at 1047. Since the trial court's determination was not against the manifest weight of the evidence, the Supreme Court reversed the appellate court and affirmed the trial court's denial of Carol's petition.

Court's analysis of *Collingbourne* under *Eckert*

Since its determination in *Eckert*, the court has emphasized that the enumerated factors outlined in that case are not exclusive. Other relevant factors which the trial court determines important in deciding the best interests of a child may be considered. In *Collingbourne*, the court explained that these factors were set out not as a test to be applied by circuit courts but rather factors such as this should be considered and balanced in arriving at a child's best interest determination.

After applying the *Eckert* factors to the instant case, the Supreme Court determined that the trial court correctly granted Soryia's petition for removal. Soryia had demonstrated that the beneficial change in lifestyle would outweigh the burden of the move, as was her burden of proof to meet as the parent seeking removal of the child. The indirect benefits that Tyler would derive from the direct benefits that his custodial parent will enjoy are sufficient justification to grant the removal. Although Geoff argued that removal should only be allowed if the custodial parent could prove that the move would result in some direct benefits to Tyler, the court explained the minor child would likely not benefit directly from a move immediately. But since "there is a palpable nexus between the custodial parent's quality of life and the child's quality of life," the court concluded that what benefits the custodial parent necessarily provides a benefit to the minor child. 802 N.E. 2d at 547. Since a custodial parent has presumably acted in the child's best interest since being awarded custody, the custodial parent's desire to remove a child from the state deserves some deference. *Id.* The best interests of the child cannot easily be separated from those of the custodial parent, upon whom the child depends for care. *Id.* Since Soryia had presented substantial evidence at trial with regards to benefits that would be derived from the move, the trial court determined that the quality of life for both Soryia and Tyler would be improved and this *Eckert* factor had been met to determine that the move would be in Tyler's best interest.

In assessing the motives of the parties, *Eckert* factors two and three, the trial court determined that neither party had an invalid motive to either petition for the removal or resist the removal. Since both parties were sincerely concerned about Tyler's best interests, these factors did not apply any weight to either side of the argument.

The fifth *Eckert* factor, which emphasizes that the court carefully consider the visitation schedule afforded the non-custodial parent, however, did provide Soryia with weight on her side. The petitioner had proposed a realistic and reasonable visitation schedule to be subsidized by her. The new arrangement would allow equivalent time spent with his father and his new family as had occurred under the old visitation schedule. It would also allow for extended periods of time for Tyler and Geoff to spend together, especially around the holidays and on school vacations. The court observed that the travel time involved in the new visitation schedule would not be significantly greater for the child than if Soryia had chosen to move to Southern Illinois, rather than Massachusetts. Both the quality and

quantity of the proposed visitation schedule meet the reasonable and realistic requirement set forth in *Eckert*. The Supreme Court concluded that the trial court findings regarding visitation were not manifestly erroneous.

Since the *Eckert* factors were met and Soryia established that removal would be in Tyler's best interest at this time, the Supreme Court concluded that removal should have been granted. It emphasized that the ever-changing family dynamics must allow for both parties subsequent to a divorce to go his or her own way in order to better the quality of his or her life.

Fourth District applies *Eckert* and *Collingbourne*

Using the five-part *Eckert* test and an analysis similar to that used in *Collingbourne*, the Illinois Appellate Court for the Fourth District reviewed the issue of relocation post-divorce in a December 2003 decision, *In re Marriage of Parr*, 345 Ill. App. 3d 371, 802 N.E. 2d 393, 280 Ill. Dec. 468 (2003). In *Parr*, the petitioner sought review of a decision from the circuit court of Vermillion County which had given her custody of the minor children, but refused to allow her to relocate to Colorado. Since the parties' divorce in June 2001, the petitioner had returned to graduate school and had obtained her PhD in animal nutrition. She had been offered a position by Colorado Quality Research, Inc. as investigator/director of nutrition with a base salary of $67,650. Additionally, there was the added enhancement of a reasonable expectation of an additional 10 percent to 15 percent performance/profit sharing bonus, $5,000 to cover moving expenses and CQR would pay 85 percent of her health insurance premium. The position's hours were fixed from 7:00 a.m. to 4:00 p.m. with almost no travel involved. CQR is located in Wellington, Colorado, which is about 10 miles north of Fort Collins.

At trial, the petitioner testified that the University of Illinois did not have any positions available for her. Her current income was the $1,100 she earned monthly as a graduate assistant, with a tuition waiver. She was also receiving financial assistance from her father. Securing full-time employment was essential. She had actively sought employment in the Midwest, working with a headhunter and sending out 19 resumes. Her job search efforts had led to only one possible avenue of employment, in Princeton, Missouri. This was a position that paid $50,000 a year and offered her little opportunity for advancement. It was also a seven-hour drive from Caitlin, where the petitioner resided with the children.

The respondent objected to the move, stating his visitation time with the children would be greatly reduced and the children would suffer being removed from Caitlin, where they had lived all their lives. Respondent lived in Frankfort, Indiana, which is about a 1-hour-and-25-minute drive from Caitlin. He had been living there full-time since 1998, traveling to Caitlin to see the children on weekends.

The trial court denied petitioner's request for removal, saying that she had not met the burden of proof in satisfying the *Eckert* factors, particularly the fourth and fifth prongs, dealing with establishing a realistic and reasonable visitation schedule. Petitioner filed a timely appeal, saying the trial court erred in denying her request to remove the children to Colorado. The appellate court took issue with the trial court's statements related to its determination that a visitation schedule could not be established that was reasonable and realistic. The appellate court took this opportunity to reiterate that the *Eckert* factors do not establish a bright-line test, which requires the custodial parent to meet every prong. Instead, the court stated that the *Eckert* factors are "not exclusive and are only factors to be considered and balanced in determining whether removal is in the child's best interests." 802 N.E. 2d at 399. It appeared here that the lower court understood *Eckert* to require satisfying each prong of the test, rather than weighing and balancing the relevant factors in making a determination as to whether or not removal was in the child's best interest.

In *Parr,* the appellate court found that as to the first *Eckert* factor, the quality of life for the petitioner, and thus the children, would be greatly enhanced by the salary the petitioner would receive in her new position at CQR. While the move would require adjustment, so would the petitioner's change from student to full-time employee status require adjustment for the family.

As to the second and third *Eckert* factors, both petitioner and respondent were considered to be well-intentioned, thus no weight was given to either party under this factor. The petitioner was not moving as a way to frustrate or defeat visitation, and the non-custodial parent was not resisting the move simply to be stubborn or to put unnecessary obstacles in the path of the custodial parent.

The appellate court found objectionable the trial court judge's determination that because of the distance involved a reasonable visitation schedule could not be created. The appellate court determined that this basically gave the non-custodial parent veto power over the custodial parent's decision to move out of the state, no matter how valid the reasons for that move might be. The *Eckert* decision does not give the non-custodial parent this kind of veto power. The custodial parent's interests are not to be automatically subordinated to those of the non-custodial parent in a removal situation. *Collingbourne*, 791 N.E.2d at 548.

Preservation of the non-custodial parent/child relationship is very important, but that does not outweigh the "enhancement of the quality of life for both the petitioner and the children." *Parr*, 802 N.E. 2d at 379. In this case, because the petitioner had completed her education, her sources of income (scholarships and financial aid) were soon to end, requiring she find employment. Her expenses would increase because she would need to begin to pay off her school loans. The child support she received was insufficient to cover all of her household expenses. And her employment search revealed no jobs were available in her field in the Caitlin area. Additionally, the job she was offered in Colorado would provide for her economic needs, allow her a flexible schedule to meet the needs of her children and move her family to an area similar to Caitlin. The court was certain that a reasonable and realistic visitation schedule, per *Eckert,* could be arranged for the children and the respondent father to maintain their close relationship.

The appellate court concluded that the denial of the petitioner's request to move to Colorado with the minor children was against the manifest weight of the evidence and reversed the trial court's decision on this issue.

Court recognizes custodial parent's right to relocate out of state

In conclusion, the Illinois Supreme Court has taken a clear step forward with their decision in *Collingbourne*, further refining for the appellate court's application the five-factor test set forth in *Eckert*. With more than one-half of marriages ending in divorce, many families have to grapple with decisions about relocation and what is in the best interests of the children. No custodial parent ought be held captive by the non-custodial parent's refusal to cooperate about relocation, particularly when there are clear economic advantages for the move. The child's best interests are served when the custodial parent's economic and social needs are being met. There is then a trickle down of benefits to the child or children involved. As the court in *Parr*, citing *Eckert,* stated, "our society is a mobile one ...the best interests of the children cannot be fully understood without also considering the best interests of the custodial parent." The five-factor balancing test set forth in *Eckert* does just that.

Why do we need to revamp custody?

By Laura Urbik-Kern, Chair, ISBA Family Law Section

In the 25 years since the custody act has been written, there has been much discussion among family lawyers about why the custody act is in need of overhaul. In the interim, a great many changes in our society have taken place, such as greater mobility, the advent of the computer age, the acceptance of alternative lifestyles, children residing other than with their biological parents, and an increase in single-parent birth and households. Each of these changes has had a profound impact on our children. Books have been written not only on the impact of divorce on children, but also on the long-term effects on their relationships into adulthood.

The Family Law Section Council has worked for more than two years investigating both statutory and case law. We have read the books, reviewed statutes from other states, researched the analysis and recommendations of the American Law Institute and relied on our own experiences in this area to craft legislation that puts the emphasis where it belongs, on the children.

First, we started with defining the goals. Our goals were simple: keep the children's stability as our primary goal throughout the process by getting the parents to consider the children first, and reducing the long-term damage to the kids.

If the ultimate goal is to remain the best interests and stability of the children, we need laws that are "kinder-centric" or centered on the children and *their* needs as opposed to centered on parents' needs or even rights. The American Law Institute (ALI) suggested expanding standing to virtually everyone to promote children's best interests. We did not believe that drastic of a change was neither necessitated, nor realistically acceptable in Illinois at this time. One of the key components that make our proposal different from the ALI model is that *all* decision-making authority remains with the parents. The only new right granted to nontraditional, non-legal parents is parenting time, which would be established via the parents' decision and perpetuated by the parents themselves long before dissolution ever took root, thus leaving in the child's life those with whom that child has built a bond and is reliant upon.

The bottom line is no child asks to be born. They have no control over the life-changing decisions their parents ultimately make. Children are not in the position to be the decision-makers and they should not have to divide their loyalties because their parents get divorced. What is important is that we try to leave the child as untouched by the process as possible.

To begin the analysis, the first question must be: what is a parent? A parent, legally defined, is either biological or adoptive. However, if you look at a dictionary definition of a parent it says a mother or father. When you research the definition of a mother or father, the definition is not limited to a biological parent or adoptive parent but expands to someone who nurtures as a mother or acts as a father. Doesn't it stand to reason that a child would have this exact view of a person who assumes the responsibility for their well-being and spends time with them? In that same vein, if a person is in a child's life performing the role of parent and that child has come to rely and depend upon that person, do we banish them because of a parental split? That is what we do now and it is bad for kids. What effect, long- and short-term, does that have on that child? This is not to say that every person who in some way has formed a relationship with a child should be given an opportunity to litigate. This proposal provides very specific and stringent requirements before a party can legitimately walk through that courthouse door.

One of the key ideas is to try to balance each person's rights. We need to look at the willingness and ability of parties to place the needs of the child above their own. Each person's wishes, the wishes of a child who is mature enough to express a reasoned preference and the past history of caretaking within the family must all be considered. Who was involved in the child's life? How involved were they? What was the character of their involvement? What decisions were made and have been in place over an extended period? Who made those decisions? We also should look at the interaction and interrelationship of the child with involved parties: the child's adjustment to home, school and community; the child's needs in light of economic, physical or other circumstances, including distances between the parties' residences; cost and difficulty of transporting the child; schedules of all persons involved; ability to cooperate; the threat of abuse, neglect or domestic violence, past or present; and given the circumstances, whether restrictions are necessary. This is not an all-inclusive list and the court should retain the discretion to consider any other relevant issues. Some things in a child's life will necessarily have to change and others absolutely do not. The less parental decision is allowed to upset the child's world, the more stable the child's life will remain.

We have also divided the amount of time a child spends with a parent. We now put kids in the horrible position of deciding do I want to play soccer or do I want to spend time with my parent? As an example, the parents have had

Jimmy in soccer for five years. They divorce. Dad or Mom moves 20 miles away. Jimmy really wants to stay on his team where he has played for the last five years. Mom or Dad doesn't really want to drive 20 miles each way. They don't want to give up "their time" with Jimmy. Does Jimmy pay the price if it's feasible for one or the other to drive? Does Jimmy drop off the team because his practices or games are during one of the parent's prescribed times with him? How do those decisions affect not only Jimmy, but also his relationships with each of his parents? This is only one easy example of the myriad of issues that occur in a dissolution setting. What this legislation would do is to procedurally force the parties to look at their decision-making and parenting time with the child through the child's eyes *first.* The children will no longer be stuck in the middle of the controversy.

Let's face some real facts. Custody is a loaded word. Practitioners know that in reality, what custody means is making decisions. Visitation is a loaded word. Practitioners know that parents do not visit their children; they *parent* their children during the time the kids are in their care. How many times have people walked into your office and said," I don't have to tell my ex about the school play, I am the sole custodian." Wrong!

Parents have rights and responsibilities; kids have or should have rights and responsibilities. Parents are and should be the ultimate decision makers in their children's lives and depending on the history of their family, those decisions should be allocated to maintain the status quo of what that child has been living, counting and planning upon.

Time spent with the most important people in a child's life is critical to their emotional and mental well-being. Does rearranging a child's life without a thought as to the effect on that child amount to best interests? We submit it does not. If the legal community can draft laws that shift the paradigm and *place the emphasis on the child*, while accommodating the rights of all concerned, *that* would serve children.

And what of parents who demand their rights, demand specific time with that child and once the ink is dry, show up occasionally or not at all, leaving a kid standing by a window waiting only to be disappointed by their absence? What are the real financial consequences to the other parent of shouldering the majority of the expense because the other parent does not show up, let alone the impact on the child? This proposal addresses those issues as well. What about parents who spend their time figuring out how they can best keep the child from the other parent? We also address those issues.

Our proposal seeks to have the parents address the children's issues *first*. It forces them to come up with a parenting plan of their own making which fits their family and the child's interests. It utilizes mediation as a tool to resolve disputes. There will always be those who cannot or will not step up to the plate for their kids. There is no magic bullet to solve every problem or resolve every post-decree issue. For those who cannot, the court will. It is our hope that if this proposal is accepted and made into law, the children going through the process will grow up healthier because of it.

The history of women in the Justinian Society

By Anita M. DeCarlo & Katherine Amari

When you first think of women in the Justinian Society of Lawyers, the first person that comes to mind is Judge Gloria Coco. Of course, Judge Coco was our first and, to date, only woman president of the Justinians. In researching this article, we discovered that there was a previous woman vice-president, Helen Cirese, but she never became president. Helen Cirese was not only the first Italian-American woman to be admitted to the Bar in 1921, but also she became a founding member of the Justinian Society. Needless to say, she was the only woman!

It took 70 years for the Justinian Society to install its first woman president, Judge Gloria Coco, in 1993. We have come a long way, baby! When Judge Coco was in law school in 1975, she used to attend the monthly meetings with her father, Samuel J. Coco. She remembers that during that time, she would see other woman attorneys at the meetings upon occasion. After she graduated in 1978, she saw other women lawyers a little more often. But still, no women attended meetings regularly

It was not until the mid-1980s that other women began attending regularly. This all began with Lisa Marino, who will be installed as president in May of 2005. Lisa began attending meetings as president of the DePaul Law School Student Chapter. While her father was not a lawyer, she had family friends, such as Bruno Tassone, who introduced her to the Society. After attending a few meetings, she met many other Justinians who welcomed her. Unfortunately, most of the women who regularly attended meetings at that time are no longer active.

In the mid-1990s, Vita Conforti became very active with the Society as president of The John Marshall Law School Student Chapter. At that time, other law school regulars included Monica Gurgiolo, Jessica DePinto and Cristina Mungai. When Donnalyn Gurgiolo became president of the John Marshall chapter a few years later, she continued the trend of inviting law students to attend. This trend continues today with members like recent graduate Kate Woodard and law student Natalie Petric.

Today, not only is Lisa Marino an officer, but Celia Gamrath is directly behind her. In addition, the writers of this article would estimate that we have more active women members than active men members under the age of 35. Indeed, we have come a long way! This wonderful trend is not only due to our "founding mother," Helen Cirese, and our mentors, Judge Gloria Coco, Lisa Marino and Celia Gamrath, but this trend is also due to the wonderful and open-minded men of our society. Let us not forget that Joe Locallo, Len DeFranco and John Locallo were the presidents who chose Judge Coco, Lisa Marino and Celia Gamrath as secretaries (respectively). Plus, there are countless active members who have welcomed women to become active members.

Voice of the co-editor

By Vickie Gillio

On April 3, 2004, our standing committee members met in St. Louis for our quarterly meeting in order to bring members together from throughout the state. In attendance were Gil Cubia, Tish Sheats,Yvonne Kato, Jorge Montes, Alice Noble-Allgire, Vickie Gillio, Mike Daniels, and Chair Richard Porter. We focused, among other issues, on working to insure the active involvement of women and minority members in committee work, section councils, and bar leadership. To this end, this issue of the Challenge focuses on issues of importance from an article on women leadership in the Justinians to an article focusing on emerging issues in family law.

Pictured above left (L-R): Seated is Richard Porter, Markham (Committee Chair); Yvonne Kato, Chicago; Alice Noble-Allgire, Cartersville; Tish Sheats, Chicago; Gil Cubia, Chicago; Jorge Montes, Chicago.
Pictured above right (L-R): Mike Daniels, Edwardsville; Gil Cubia, Chicago. Standing is Vickie Gillio, DeKalb.

psst... Wanna get ahead of the game?

This newsletter is available on the ISBA's Web site nearly two weeks before it comes to you in the mail--meaning you could be informed about important issues and updates affecting your practice long before the competition.

Sound good? Hundreds of other attorneys who think so have already signed up. So before any more time goes by, send an e-mail to jlyman@isba.org and tell her you want this newsletter electronically—and all the benefits that go along with being in the know.

The Challenge
Illinois Bar Center
Springfield, Illinois 62701-1779
May 2004
Vol. 14, No. 4

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