



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

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

Chair's Column

By E. Lynn Grayson, Chair¹

The Women and the Law Committee celebrated National Women's History Month and International Women's Day with a special luncheon on March 6th. Over 50 women attorneys joined together to hear Lawyers' Assistance Program ("LAP") speakers Janet Piper Voss, Executive Director, and Susan Riegler, Clinical Director, address "Having It All and Giving Back: Special Challenges Faced By Women Attorneys." Their comments were insightful, interesting and at often times funny in discussing how times have changed for women over the years and how "having it all" means doing so much more today. Our thanks and appreciation to Janet and Susan for sharing their time with us and making our time together even more meaningful. Our very special thanks to Sharon Eiseman, Office of the

Illinois Attorney General, for chairing this special celebration.

A Powerful Noise Live: In honor of International Women's Day, a new movement has been initiated calling on everyone to help make a difference in the lives of women and girls worldwide. *A Powerful Noise Live* was developed to ignite the women's empowerment movement by generating national awareness and encouraging women in the United States to help empower poor and impoverished women around the world. According to *A Powerful Noise Live*:

Women and girls are the most impoverished, discriminated-against group in the world. Consider the following:

- Of the 1 billion people living in absolute poverty around the globe, 60 percent are women and girls.
- Women log two-thirds of the world's working hours, yet earn only 10 percent of the income.
- Women produce half the world's food, yet own only 1 percent of its land.
- Women make up two-thirds of the estimated 876 million adults worldwide who cannot read or write; and girls make up two-thirds of 77 million children not attending school.
- Every minute of every day an expectant mother dies from mostly preventable causes.
- At least one out of every three women and girls will be severely beaten in her lifetime.

Because the majority of the world's poor are women and girls, the success of this women's empowerment movement is vital to achieving the UN Millennium Development goal of halving poverty by 2015. As discussed during our March 6th luncheon, please consider learning more about this movement and how you may contribute to this positive effort.

Learn more about *A Powerful Noise Live* at <www.apowerfulnoise.org>.

VOCA Funds Update: ISBA's Jim Covington has developed a communication to Senator Richard Durbin to raise awareness about the impact in Illinois of reduced Victims of Crime Act ("VOCA") funding. As I mentioned in my prior column, this funding crisis was so identified by the Women and the Law Committee and brought to the attention of the ISBA. VOCA is funded with fines paid by offenders convicted of violating federal laws. This funding supports direct services to crime victims including support to domestic violence shelters, child advocacy centers, rape-crisis centers, elder-abuse services and support of prosecutors and law enforcement. Unfortunately, this funding has been reduced from \$15.4M to \$11.7M. We hope continuing to raise awareness of this important issue, support from the ISBA and personal outreach during the upcoming ABA legislature day in Washington, D.C. will have a positive impact on restoring these much needed funds to FY 06 levels. Thanks again to the Committee and particularly Lori Levin, Executive Director, Illinois Criminal Justice Authority for their efforts to restore these funds.

University of Illinois Women Law Students Outreach: The Committee has finalized its plans to visit the University of Illinois School of Law on April 23rd. The Committee will be joining in to support and participate in the University of Illinois' Women's Law Society symposium "Promoting a Healthy Work Place." We will host a panel discussion titled "Women Can Have Careers and Enjoy Them Too!" Our panel members will discuss how women can survive long term in the profession, find their own work-life balance and enjoy their careers in law. Our panel discussion will include:

IN THIS ISSUE

- Chair's Column1
- Beating breast cancer one step at a time3
- Women who made history during Lincoln's presidency6
- Mediation and Domestic Violence: A practical guide for mediators and attorneys8
- Spring 2009: Launch of The Legal Balance9
- Approaches and alternatives for implementing a Business Development Initiative10
- Upcoming CLE programs12

1. Lynn Grayson -- large law firms;
2. Sharon Eisman -- state government;
3. Nikki Carrion -- small law firms/general practice;
4. Annemarie Kill -- starting your own practice;
5. Sandy Blake -- public interest law; and,
6. Melissa Olivero -- federal government work, social issues and volunteer work.

The Committee will spend time with the women law students following the panel discussion. We look forward to joining in the day's activities and events including a special "Peer's Pub" reception from 4:00 p.m. - 6:00 p.m. the same day. We are pleased to have the opportunity to support this special Women's Law Society symposium and look forward to our day in Champaign at the University of Illinois.

The Committee also will have a business meeting the following day on April 24th at 9:30 a.m. You are welcome to join us for this meeting.

A very special thanks to Stephanie Nathanson, Fiedler & Nathanson Ltd., for chairing our University of Illinois outreach, developing the panel discussion and organizing our efforts at the University of Illinois.

Since this is the last edition of the newsletter during my term, I want to thank everyone on the Committee for their hard work, support and overall good cheer in making the 2008-2009 term another successful year for the Women and the Law Committee. A personal thanks to ISBA Past Presidents Cheryl Niro and Irene Bahr for encouraging me to get even more involved with the ISBA which led, in part, to my time

with this wonderful committee.

The women attorneys on this Committee are simply amazing -- bright, talented, energetic, caring and supportive. My continued best to each of you. The Committee will progress even further next term under the able leadership of Annemarie Kill, Avery, Camerlingo & Kill and Sandra Crawford, Offices of Sandra Crawford.

As always, we appreciate the tireless support and assistance the Committee enjoys from the ISBA's Janet Sosin.

It has been my sincere pleasure and privilege to chair the ISBA Women and the Law Committee.

1. E. Lynn Grayson is Chair of the ISBA Women and the Law Committee for 2008-2009. She is a partner at Jenner & Block in Chicago.



Pictured At Left: The members of The Standing Committee on Women and The Law.

Pictured At Right: (From L to R): Susan Reigler, Clinical Director at LAP, Janet Piper Voss, Executive Director of LAP, Sharon Eisman and Irene Bahr.



Beating breast cancer one step at a time

By Mona Stone of Locke Lord Bissell & Liddell LLP

Do you want to make a dramatic contribution to the battle against breast cancer? Over 2 days and 39 miles, you can make an extraordinary impact on millions of women affected by breast cancer globally. The Avon Walk for Breast Cancer ("Avon Walk") is a national series of 39-mile weekend fundraising events launched in 2003 by the Avon Foundation. The cities participating in the 2009 Avon Walk include Houston, Washington D.C., Boston, Chicago, Rocky Mountains, San Francisco, Los Angeles, New York and Charlotte. Those who participate in the Avon Walk help grant aid to medically under-insured women and men to receive the screening, support, and treatment they require.

The dates for the Avon Walk Chicago are the weekend of June 6 – 7, 2009. As noted on the Avon Foundation's Web site (<http://walk.avonfoundation.org>):

Noted for its Lake Michigan shoreline and downtown skyline (considered by many as the most picturesque skyline in the world), America's third-largest city plays host to the **Avon Walk Chicago, June 6-7, 2009**. You will travel along the vast lakefront, past stunning architecture and through vibrant multi-cultural neighborhoods. Whether you're a resident or a visitor, you'll come face-to-face with the Midwest warmth, friendliness and sophistication of Chicagoland—all the while helping the city's breast cancer community gain momentum and take one step closer to a cure.

Participants in the Avon Walk Chicago will walk up to 26.2 miles on Saturday and 13.1 miles on Sunday. A. Kelly Turner, a partner in the Litigation Department at Locke Lord Bissell & Liddell LLP, provides insight on the Avon Walk based on her experience in participating in last year's Avon Walk Chicago and in organizing a team for 2009.

ISBA: What prompted you to become involved with the Avon Walk and when?

AKT: Two of my friends were diagnosed with early-stage breast cancer

within weeks of each other at the end of 2007. That both scared me and catapulted me to do something about it. Right around that time I started hearing on the radio and seeing at "L" stops ads for the 2008 Avon Walk for Breast Cancer in Chicago. And I thought, "You know, I should do that ... I need to make a difference."

ISBA: You participated in last year's walk in Chicago. What gave you the idea to create a team made up of members of your law firm?

AKT: Frankly, I wasn't sure I would be able to walk that far on my own. So I thought of walking with others at my firm so the walk would be not only a fundraiser but as bonding experience to bring the participating attorneys closer together.

ISBA: How did you go about forming a team (i.e., how did you solicit participation)?

AKT: A few firm-wide emails generated interest, and then I followed up individually with anyone who expressed potential interest in participating. And, because the Walk is open to anyone and

Save the date!

Join us for a Women Everywhere: Partners in Service Project day of court tours and educational programming on April 24, and a community service day on June 12.

See page 7 of this newsletter for details

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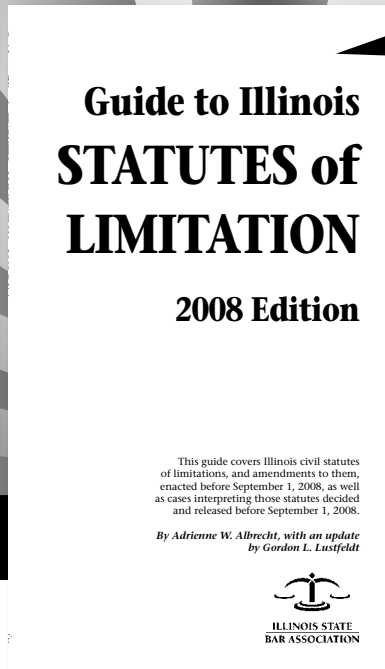
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Don't Miss This Easy-To-Use Reference Guide of Deadlines and Court Interpretations of Illinois Statutes



2008 Guide to ILLINOIS STATUTES OF LIMITATION

This new, updated Guide contains Illinois civil statutes of limitation enacted and amended before September 1, 2008. It provides information on deadlines and court interpretations of Illinois statutes. It has an index listing statutes by Act, Code, or by subject. The Guide is designed as a quick reference for practicing attorneys, helping them to initiate their legal proceedings in a timely fashion.

This new guide has been prepared by the **Honorable Adrienne W. Albrecht**, with an update by the **Honorable Gordon L. Lustfeldt**. Every effort has been made to ensure that the Guide is current, accurate, complete, and reflects Illinois statutes and cases through September 2008.

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Illinois has a history of some pretty good lawyers. We're out to keep it that way.

everyone who wants to walk, men as well as women, everyone at the firm was a potential walker.

ISBA: If I form a team through my law firm, can people outside my firm still join my team?

AKT: Absolutely, as you can set up your team however you want. Our team is open not only to attorneys and staff but also clients, family and friends. The more, the merrier!

ISBA: Do you know how many teams walked last year? Were other law firms represented last year?

AKT: There were numerous teams last year but I am not aware of any others organized through a law firm.

ISBA: Are there minimum requirements for team formation?

AKT: All you need to form a team are at least two people who have registered as walkers in one of the Walks and a team name. As a registered walker, you commit to raising at least \$1,800 in donations. Your team sets a fund-raising goal that can be more than each team member's \$1,800, but it doesn't have to be.

ISBA: Can children participate in the Avon Walk?

AKT: All walkers have to be at least 16 years old, but kids aged 10-16 can apply to be part of the Youth Crew, one of the groups of volunteers who "crew" the walk – help out at street crossing, pass out drinks and snacks at rest stops, and overall provide awesome morale support for the walkers.

ISBA: Can people from other cities participate in the Avon Walk Chicago?

AKT: Absolutely, and they do. I heard of people from all over Illinois and throughout the country walking in the Chicago Walk in 2008. And attorneys from Locke Lord Bissell & Liddell walked in the Avon Walks in Washington, D.C. and Los Angeles, as well as Chicago, last year.

ISBA: What is the minimum individual fundraising amount per team member? Is it hard to raise that much?

AKT: The fund-raising minimum of \$1,800 per individual walker is daunting but I was happily surprised last year to find that friends and family quickly stepped up to support me with generous donations. And I know that my other team members felt the same.

ISBA: Any tips on how to ask people for donations (i.e., what worked well for your team and you)? Were you able to raise more than the minimum required?

AKT: I reached, and surpassed, the fund-raising goal last year without too much effort. I tweaked the Avon Walk's template e-mail to fit my circumstances and personality a little better and then sent that around to my family, friends and colleagues by e-mail. The positive responses I received were just amazing.

ISBA: You have a demanding career and a family with two young sons. How do you find the time to organize a team and walk in the Avon Walk?

AKT: It is hard to give up a weekend to the Avon Walk – I did miss the time with my kids. But compared to what those fighting breast cancer go through, one weekend is the least I can do.

ISBA: What do you do to physically prepare for 39 mile-walk? How much training is involved?

AKT: There is a suggested training schedule put out by the Avon Walk organizers, but I did less than what was recommended due to my other time commitments. For 4 or so months before the Walk I worked out usually 5 times a week, walking for an hour or combining walking with another workout (biking or elliptical). I'm over 40 and not in great shape – if I can make it with minimal training, anyone can!

ISBA: What happens if someone cannot walk the full 39 miles?

AKT: The Avon Walk crew has shuttles that pick up those in too much pain or who are walking too slowly. I know that there are sometimes people who can only walk one of the two days. Although the preference is to have everyone walk the full 39.3 miles, I think it's understood that it can't always happen.

ISBA: What can someone expect during the walk?

AKT: Blisters, muscle pain, cramps, and fat fingers (fluid collects in your hands after a while) were my biggest problems. But there are medics at some of the rest stops who do their best to help as much as they can. And pushing yourself through the pain is part of the overall experience of succeeding.

ISBA: Are there accommodations for an overnight stay between day one and

day two of the Avon Walk?

AKT: The organizers of the Avon Walk arrange for discounted rooms at a hotel (out by O'Hare), and the walkers are encouraged to stay the Saturday night at the Wellness Village (last year, it was a large park in northwest Chicago) in tents that are set up for the walkers. I opted to spend the night in my own bed so I could see my kids.

ISBA: The energy level during the event itself must be exhilarating. Were people cheering you on along the walk itself?

AKT: That was one of the best parts of the walk – people from neighborhoods all over Chicago came out to cheer for us, hand out water, lollipops or popsicles, or offer up a spray from a hose to cool us off. It made such a huge difference and was really a great morale booster.

ISBA: Describe the most challenging aspect of the 2-day Avon Walk.

AKT: The hardest part for me was keeping my spirits up around mile 16 on Saturday – we still had 10 miles to go and my blisters were unbearable. But that was where having teammates was so important – we kept each other moving forward.

ISBA: What was the most gratifying part of participating in the 2008 Avon Walk?

AKT: I have a three-part answer – (1) the response I received from friends, family and colleagues to the donation requests I sent out, (2) actually finishing – I think I could have run that last mile!, and (3) sending a thank-you e-mail to all my supporters. And a fourth part – finding out that I was part of the Chicago Walks' raising more than \$9.1 million in 2008!

ISBA: You are organizing another firm team for the June 2009 Avon Walk Chicago. Is it any easier the second time around? Do you plan to do it again next year?

AKT: Ask me in three months if the Walk is easier this time around ... I assume it'll be better because at least I now know what to expect. My goal is to walk every year until my knees just can't take it anymore. Then I will volunteer as a member of the crew to participate vicariously in the Walk!

ISBA: Is there a deadline by which people need to make donations for the 2009 Avon Walk?

AKT: Walkers can collect donations up until the date of the Walk, although you need to have reached the fund-raising minimum before the Walk in order to be allowed to check in as a walker.

ISBA: Can people make donations without forming a team or participating in the Avon Walk? If so, where should

they send payment? (e.g., does the Avon Foundation take donations without team sponsorship?)

AKT: I believe that you can make donations to the Avon Walk for Breast Cancer directly on the Avon Walk Web site without specifying a walker or team to support.

ISBA: Where can people get more information if they want to form a team and/or participate in Avon Walk Chicago 2009?

AKT: The Avon Walk for Breast Cancer Web site -- walk.avonfoundation.org -- has lots of information, and you can register online to be a walker.

Women who made history during Lincoln's presidency

By Sandy Blake of LifeSpan, Chicago, Illinois

In recognition of the bicentennial of the birth of Abraham Lincoln and National Women's History Month, take this opportunity to meet or become reacquainted with women who made history during the Lincoln presidential years. Those who paved the way include abolitionists, soldiers, spies, nurses and organizers.

Among the most famous of the Lincoln-era women are two former slaves. Although she never learned to read or write, Sojourner Truth commanded attention by her physical appearance and her communication style. A muscular, six-foot-tall woman, she frequently addressed anti-slavery meetings, recounting tales of slave children being forcibly taken from their mothers and sold off. The mother of 13 children, Sojourner Truth spoke about that terrible pain from experience.

In physical contrast to Sojourner Truth, Harriet Tubman was only about five feet tall. Harriett Tubman was about 30 years old when she escaped to the North. She then became a conductor on the Underground Railroad for eight years, making nearly 20 trips to lead slaves from Maryland and Delaware to freedom. Her efforts earned her the appellation "Moses," after the biblical character. An antislavery and women's rights speaker, Harriet Tubman asserted, "I never ran my train off the track, and I never lost a passenger." During the Civil War, she worked as a nurse and a scout for the Union Army.

Harriet Beecher Stowe began writing *Uncle Tom's Cabin* as a weekly series in *The National Era*, an antislavery news-

paper published in Washington, D.C. Although she planned to write only three or four episodes, as a result of popular demand, some 45 episodes were published. *Uncle Tom's Cabin* was published in book form in 1852. More than 1 million copies were sold in the U.S. and England within a year. Shortly thereafter, the book was translated into at least 10 languages, including French, German, Italian and Portuguese.

Born into an upper-class family in Charleston, South Carolina, in the early 1800s, Angelina Grimke grew to abhor slavery and left the South at age 24, moving to Philadelphia. There she joined the antislavery movement, and even wrote a pamphlet directed to Southern women. The pamphlet sparked outrage and was publicly burned in Charleston. Well into her golden years, Grimke continued to help the newly freed slaves by speaking at meetings and collecting funds. In the late 1860s, Grimke learned that she had three nephews who were her brother's sons by a slave woman, among them Archibald and Francis Grimke. She helped to pay for Archibald's tuition at Harvard Law School and for Francis' at Princeton Theological Seminary.

Dr. Elizabeth Blackwell was the first woman in the U.S. to earn a medical degree. Recognizing that the Union Army had no organized supply distribution system, in April 1861, she organized thousands of women in New York City into the Women's Central Association of Relief (WCAR). Although it had no official status, this volunteer organization planned to collect all types of donations from citizens and distribute them to

soldiers. In addition, Dr. Blackwell taught training courses for nurses. Several months later, the Union established the U.S. Sanitary Commission, and WCAR came under its umbrella.

Mary Livermore and Jane Hoge were involved with the Chicago office of the Sanitary Commission. While the organization successfully distributed thousands of boxes of supplies, transportation funds were in short supply. The two organized a regional fair to raise funds to meet those expenses. Livermore, Hoge and other women solicited contributions of goods and money from leaders in several states. The fair was a huge success, raising nearly \$100,000. Similar fairs in other major cities followed.

Perhaps best known as the founder of the U.S. Red Cross, Clara Barton was the first woman ever hired for a government job in Washington, D.C. She was a teacher at age 15 and opened her own school by the time she was in her early 20s. A reputed organizational genius, Clara Barton became involved in the war effort when some of her former students were injured and killed in battle near Washington. She helped set up a provisional hospital in the U.S. Capitol. She gathered warehouses full of provisions needed by the Union Army and distributed them to camps and battlegrounds around Washington. Clara Barton was credited with being the first nurse to arrive at Antietam in Maryland. She is said to have nursed wounded soldiers following that battle, where more than 20,000 were killed or injured, working outside the official system. Barton continued to use her superlative organizational

skills after the war. Realizing that thousands of soldiers died in prison camps and more than half of the Union dead were buried in unmarked graves, Barton asked President Lincoln to authorize her to conduct official searches on behalf of the families of soldiers who did not return home. Once she had that authorization, Barton spent her own money to locate the fallen. She appealed to veterans, published in newspapers and posted names in public places. After four years of searching, Barton learned the fate of more than 22,000 Union soldiers.

During the Civil War years, nursing became a new profession for women, and it is estimated that more than 3,000 women answered the call. Shortly after the war began, the U.S. government appointed Dorothea Dix superintendent of women nurses. Her responsibilities included screening volunteers and establishing rules for hospital duty. Prior to her appointment, Dix had gained a reputation as a reformer of mental hospitals. She concentrated her efforts on investigating the treatment of the mentally ill in the U.S and England and worked to improve conditions in asylums.

Among the women nurses was Louisa May Alcott, who volunteered at the Union Hotel Hospital. She oversaw a ward of 40 beds, reading newspapers to the injured, helping them write letters, easing their distress, distributing medicines and treating wounds. Shortly after arriving at the hospital, Alcott became ill with typhoid fever. She recovered from the illness but never fully regained her strength. Alcott later gained fame as the author of *Little Women*.

At about the same time that Alcott became ill with typhoid fever, the illness took the life of the hospital's head nurse, or matron, Hannah Ropes. Prior to her death, Ropes had frequent battles with the head surgeon regarding the hospital's management and conditions. Being unsuccessful with the surgeon and his superiors, Ropes took her concerns to U.S. Secretary of War Edwin Stanton, who removed the head surgeon and ordered an official inspection of the hospital.

Mary Ann Bickerdyke cared for soldiers at 19 battle sites. She nursed thousands of Union soldiers and was named matron of a hospital in Cairo, Illinois. Bickerdyke discovered surgeons and others were stealing food and supplies from the hospital. Her confrontation of the chief surgeon was unsuccessful, so she took matters into her own hands.

She placed a medicine that would induce vomiting into some food that was later stolen and eaten by the thieves. She had the satisfaction of seeing the results of her attempts to deter future thefts reach fruition.

In the South, Sally Tompkins of Richmond established a 22-bed hospital. The facility was so well-acclaimed that Confederate President Jefferson Davis awarded her the rank of captain.

In addition to nursing, the Civil War allowed women to enter other non-traditional professions—such as soldier and spy. Dozens of women were discovered disguising themselves as men and fighting in the armies of the North and South. Among them were Franny Wilson of New Jersey, who fought in the Union Army for 18 months before she was wounded at Vicksburg, Mississippi, and Amy Clark, who fought for the Confederate Army to be near her husband and continued in uniform even after he was killed. Jennie Rodgers avoided discovery for decades after the war. She fought in an Illinois regiment for four years as Albert Cashier and maintained her male disguise until she was injured in a car accident in 1911. Sarah Edmonds also escaped detection. As Franklin Thompson, she enlisted in the Second Michigan Volunteer Infantry as a male nurse and later became a Union spy. Her identity was revealed some 20 years after the war, when she sought assistance in getting a military pension.

Women used their social position to spy for the South and North, as well. Rose O'Neal Greenhow was a wealthy, Southern widow who lived in Washington, D.C. A society hostess, she entertained senators, government officials and military leaders, gathered intelligence and passed it on to Confederate commanders using elaborate codes. She drowned on a return trip from Europe to raise funds for the Confederacy.

Known as "Crazy Betsy," Elizabeth Van Lew lived in the Confederate capital of Richmond and spied for the Union Army. She assisted in having a former slave installed in the home of Confederate President Jefferson Davis and made her own mansion a refuge for those who escaped from Confederate prisons. As a reward for her services, after the war she was appointed postmistress of Richmond.

Tens of thousands of slaves sought refuge behind Union lines. These slaves became known as "contrabands." The largest groups made their way to Washington, D.C and South Carolina's Sea Islands. In 1862, teachers began arriving to the Sea Islands to educate the contrabands. Among the teachers was Charlotte Forten, a free black woman who came from a family of abolitionists in Philadelphia. Forten devoted her life to teaching a working for civil rights. In 1878, she married Francis Grimke, nephew of Angelina.

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Mediation and Domestic Violence: A practical guide for mediators and attorneys

By Nikki Carrion

In 2006, the Illinois Supreme Court adopted rules governing mediation in family law cases. Illinois Supreme Court Rule 905(b) mandates each judicial circuit to establish a mediation program for all dissolution of marriage and paternity cases involving issues of child custody or visitation. Rule 923(a)(3) mandates that if the parties to a case involving child custody or visitation issues have not reached an agreement regarding those issues at the time of the initial custody case management conference, the parties must attend mediation to resolve those issues prior to litigation. While most judges and attorneys agree that mediation is generally a good thing for most custody and visitation cases, there may be certain cases, such as cases that involve domestic violence, that may require special considerations during mediation or perhaps a waiver of mediation altogether.

Supreme Court Rule 905(b)(iv) exempts certain cases from the mediation process if certain “impediments” exist. The committee comments to Rule 905 list certain impediments, including but not limited to, domestic violence, mental health issues, and drug or alcohol abuse. In cases where an impediment to mediation may exist, it is up to the Judge to determine that the impediment exists and exempt the parties from mediation. Therefore, if a party wants to be exempt from mediation due to an impediment such as domestic violence, then that party or his or her attorney should file an objection to mediation before the initial custody case management conference. The judge will then make a determination as to whether or not the impediment exists and whether the parties will be ordered to attend mediation.

Not all cases involving domestic violence are necessarily exempt from the mediation process. I have successfully mediated a number of cases where domestic violence has been present. However, mediators may need to handle these cases differently. At the outset, mediators should be able to identify whether or not domestic violence exists. Typically, in my circuit, the form used by the court for mediation referrals includes

information regarding any orders of protection that may be in effect. That information is helpful, but a mediator should also request copies of the pleadings from the parties’ attorneys to check for any allegations regarding domestic violence as well. Mediators may also use screening tools, i.e., questionnaires or intake forms, that must be completed by the parties prior to the first mediation appointment. Screening tools should be kept confidential so as not to disclose any unintended or unknown information to the other party or risk any parties’ safety. Any party or their attorney should inform the mediator of any domestic violence or safety issues or concerns prior to the first mediation session.

Once the mediator identifies that domestic violence is an issue in the case, the mediator should take certain steps to safeguard the session and the mediation process. First, the mediator should make sure he or she has established sufficient safeguards to protect the parties, the mediator, and the mediator’s office staff and personnel. A mediator may consider having the parties arrive and leave mediation separately, to sit in separate waiting rooms, and in certain cases, allow an advocate or attorney to be present in the waiting room for support of an abused party.

During the actual mediation process itself, the mediator should be knowledgeable of the dynamics of domestic violence—specifically, that domestic violence is fundamentally about an abuser’s need for power and control. Successful mediation presumes that the participants have equal power in the mediation and decision-making process. An imbalance of power may result when a party fears asserting his or her own needs and goals or when he or she is unable to assert needs or goals due to trauma, etc. If the balance of power is not maintained or goes unrecognized during the mediation process, the process or any resulting agreement could put one party or the children at an increased risk of danger or the resulting agreement may be unfair or one-sided. Thus, the mediator will need to diligently assess and maintain the balance of power between the parties

throughout the mediation session.

There are some tools that a mediator may use to maintain the balance of power in mediation. First, the mediator can encourage or allow an advocate or attorney of the abused party to be present in the waiting room to provide support throughout the process if needed. Second, the mediator can mediate with the parties separately, in separate rooms or at different times in order to increase the abused party’s ability to fully assert her needs safely. This process is generally referred to as “caucusing” or “shuttle mediation.” The mediator will have to be careful not to disclose any information received by the abused party during caucusing that she does not want to share with the other party. The mediator should ask for permission to disclose. Third, the mediator should continue to monitor the process for the abused party’s safety and ability to negotiate. If at any time the mediator feels that the mediation process puts the abused party at an increased risk of danger or that the abused party does not have the ability to adequately negotiate, the mediator can terminate the mediation session without any explanation to the court or the other party other than that the mediator feels that mediation is not appropriate or feasible in this particular case. Indeed, the mediator must adhere to confidentiality of the process and must remain neutral so as not to disadvantage either party in court.

If the mediator can maintain the balance of power, the mediator should consider facilitating the crafting of an agreement that is very specific and incorporates any safety measures and concerns of the abused party such as locations and times for visitation exchanges, surrenders of passports, etc. Both parties should be fully and regularly informed that they can terminate the mediation process at any time. Even though mediation is a “mandatory” process, if either party chooses not to attend or cooperate, the mediation is terminated and the mediator would file a general non-compliance/termination report with the court. To keep the parties on board with mediation, however, I generally spend time discussing the advantages

of mediation to the parties throughout the mediation process to redirect them and to keep them on task. Additionally, I find it helpful to remind the parties that my job as mediator is not to make judgments about the truth of the allegations of abuse. I am not the judge. It is not necessary to establish whether the allegations are true or false. What is necessary is that regardless of whether or not the allegations are true or false, if one party has safety concerns, those concerns must be addressed in any agreement—which can be done without anyone admitting to the truth of the matter. The mediator's job is to redirect the parties' focus on getting their respective goals and needs met regardless of whose version

is "correct" or "justified." So long as both parties' needs and goals are addressed and incorporated into a final agreement, both parties can feel confident with the agreement. Finally, it is important to note that in some cases mediation may not be possible if the imbalance of power is so great and the mediator cannot maintain the balance. In those cases, the mediator should terminate the mediation immediately.

As for lawyers representing victims of domestic violence in custody cases, talk with your client about mediation before the initial custody case management conference. In some cases you may need to object to the mediation process. In all other cases, you should, at a minimum,

explain the mediation process with your client before the first mediation session. Explain the entire mediation process, including caucusing, and advise your client that he or she should tell the mediator about any safety concerns prior to mediation in a confidential setting. If the mediator has an intake form or screening tool, make sure your client adequately completes it and returns it to the mediator in advance of the first session. Finally, remind your client that even though mediation is a good thing and can work even in cases involving domestic violence, your client's safety is the ultimate priority and he or she can terminate mediation at any time if he or she feels unsafe.

Spring 2009: Launch of The Legal Balance

By Erica Zalokar

Get involved with a new resource for women attorneys to be launched this spring!

What is The Legal Balance?

The Legal Balance is a new, soon-to-be launched online community catering exclusively to women attorneys to help them find a way to effectively and efficiently handle their personal and professional priorities. The Legal Balance is a repository of information and resources. Its mission is to provide resources that improve the promotion, retention and leadership of women attorneys in the legal profession and beyond. The community draws on the collective knowledge of its members to create a powerhouse "brain." No matter where one is at in their career, The Legal Balance would like to connect its members to other women attorneys just like them to provide the information, opportunities and resources they seek, thereby increasing all members' personal and professional satisfaction, efficiency, and effectiveness.

The Legal Balance will provide numerous resources for women attorneys in one spot, including tips on rainmaking, mentoring, career advancement, and job opportunities. The Legal Balance is designed as one-stop shopping for resources women attorneys need.

How Does The Legal Balance Help Women?

The Legal Balance will provide anonymous forums to facilitate community discussions. Ask those tough and sometimes delicate questions. Are you looking for a fertility specialist? Do you need tips on partnership advocacy? Are you working part-time with a reduction of salary but no reduction of job responsibilities? Ask the Legal Balance community your questions in a safe, nurturing and supportive community.

The Legal Balance also has many contributors, including a group of successful and powerful women attorneys, such as our "Dear Jane" contributor where members can ask their questions anonymously. Do you want to know if it is okay to date a co-worker? Why has no one asked you to take an expert deposition? The Legal Balance's "Dear Jane" will work with its members to create a success strategy career game plan.

The Legal Balance will provide an events calendar to its members where the bar associations' events will be showcased and listed for quick review and to connect its members to the various bar association committees and resources focusing on career issues, women's issues, mentoring opportunities and

other programs geared towards women attorneys.

The Legal Balance will provide access to the Top 100 Legal Balance Leaders in its section entitled, "This is how she does it!" where The Legal Balance will showcase successful women attorney leaders in Chicago and later the nation.

Lastly, The Legal Balance has numerous experts on hand to answer questions on real estate, finance, career, skin care from an Oprah show dermatologist, even wine!

The Legal Balance is designed for all women attorneys. Whether one is a new lawyer freshly sworn into the bar, a veteran lawyer whose been practicing for years, an associate, in-house council, government attorney, not-for-profit lawyer, judge, staff attorney, partner, law student, stay-at-home mom, or an attorney looking to return to the practice, The Legal Balance wants all women to know they are welcome!

About the Founder: After practicing law for many years, Erica was alarmed at the attrition rate of women attorneys leaving the practice of law, and Erica realized a new passion: helping women attorneys from all backgrounds gain access to resources and to connect them in a powerful community. It is her hope that the Legal Balance will assist women attorneys in all stages of their career choices.

She also hopes that women attorneys will use their great brains, talents and resources to help others.

Prior to The Legal Balance, Erica practiced corporate litigation at numerous prestigious law firms that have done much to advance

women attorneys to leadership in Chicago, including Eimer Stahl Klevorn & Solberg, a litigation boutique spun-off from Sidley & Austin, Ungaretti & Harris, and Williams, Montgomery & John. Erica is a 1998 graduate from Indiana University Maurer School of Law.

The Legal Balance goes live this spring with a small \$40 annual membership fee to join. If you would like an invitation to join, Erica can be reached at Erica@thelegalbalance.com.

Approaches and alternatives for implementing a Business Development Initiative

By Deb Knupp and Paula Giovacchini

From 2001 – mid-2007 annual growth for law firm revenue and profits per partner was at near double-digit levels and firms enjoyed unprecedented growth, according to Hildebrandt’s 2009 Legal Study. In the 2006-2007 class, women made up 46.9% of law school students. According to a 2006 survey by the National Association of Women Lawyers, of the nation’s 200 largest law firms, women represent 30% of of-counsel, 26% non-equity partners and almost 16% of equity partners. Catalyst estimates women will not achieve parity with men in law firm partnerships until 2088.

What’s a woman attorney to do?

Business development is the life-blood of a law firm’s sustainability and viability, particularly in light of the recent economic challenges. Many law firms are recognizing that a critical element of business development is ensuring that relationships are being built within the right target markets and that law firms are bringing real value and real solutions to business problems, even when there is no immediate legal problem at hand. Additionally, many firms have also launched organized Women’s Initiatives that are seeing an increased interest in transitioning from pure affinity groups to become more focused on business development. These initiatives are moving away from “monthly lunches with the ladies” into more substantive vehicles to increase firm revenue, talent pools, etc. with greater accountability to results. A number of firms are investing in leader-

ship development and business development training to assist with the “lunch transition.”

Many Women’s Initiatives are seeking to network with other professional women’s groups outside of law firms as a means to drive relationship building that could lead to business. As such, most of these efforts are centered on “meet-n-greets” without a defined goal or objective that would create more meaningful follow-up. The best “meet-n-greets” are built around prep/planning/strategy to ensure that the right people are in the room with clear goals for follow-up. Business development through Women’s Initiatives can also create a target market to develop business specifically with women prospects/clients.

With budgets tightening, more Executive Committees are asking the tough questions about return on investment (ROI). The most progressive Women’s Initiatives are creating regular reporting (internal selling communication) to the ECs as to what’s happening and seek to quantify results, even if they

are anecdotal results.

Adopt A Business Development Process

Before a Women’s Initiative embarks upon a business development program, it would be wise to adopt a general business development process to guide accurate expectations and appropriate activities to determine how and when an effort will generate an ROI. One effective approach is represented in the process diagram below that accounts for the importance of clearly targeting contacts and building authentic relationships that with time may transition into a legal business development opportunity.

Approaches and Alternatives for Business Development Initiatives

There are a number of approaches and alternatives for business development initiatives. A number of firms are shifting attention from simply building business development skills to building business development agility. To successfully evolve to strategy and agility,

Target	Relationship Building	Transition	Sales Execution	Close Business
Identify contact within your target market and find the “in” that establishes affinity or interest in having a relationship	Build and nurture the relationship with authenticity and provide solutions to problems that should be solved	Be aware of any triggering event happens that aids in identifying a legitimate legal need, problem, opportunity, etc.	Execute a sales process that may include introductions, content, pitches, solution planning and proposals	Close business when you satisfy the 6 Qualifiers(sm) Problem, Solution, Urgency, Access, Expectations, Budget

TIME

attorneys must have a common set of the fundamental skills, language, tools, etc.

Given the current economic climate together with clients requesting alternative-billing arrangements, Women's Initiatives have an opportunity to demonstrate resourcefulness and out-of-the-box thinking to increase revenue during a downturn. Law firm leaders do not have the roadmap since the legal market has not experienced anything like the current recession for the last 17 years or longer.

Economists predict that a broad recovery is not likely to occur before 2010 and some see an even longer road. One bright spot is highlighted in a recent Hildebrandt Study that states since the legal industry is a critical part of the economic infrastructure, law firms are generally fairing better than other businesses and the demand for legal services will rebound as the economy begins to recover.

The following diagram demonstrates four fundamental approaches to consider when launching a business development initiative.

The typical positives for each approach are that awareness and skill-based programs are generally less expensive to implement, focus on the individual and don't necessarily require the firm's culture to change. Strategic and agility based programs can generate a more substantive ROI, positively impact the firm culture and deliver firm-wide improvement in client service and talent retention.

The typical downsides for each approach are that awareness and skill-based programs may lose momentum

and accountability for long term change or results and may have difficulty realizing the full ROI if the firm culture is unresponsive to change. Strategic and agility based programs can be more expensive to implement and require organizational patience and resolve to see full results.

Winning Business Development Strategies for Women

Regardless of the selected business development approach, there are a number of strategies and best practices for individuals and firms as a whole. A few of these best practices are highlighted below:

Individual Strategies

- Segmenting contacts to focus on "A" level relationships – professional and personal
- Turning client relationships into connectors
- Finding a dedicated business development rhythm that works with time management constraints
- Looking at invitations, education and contacts as currency for business development
- Leveraging 3-for-1 payback on any investment of effort
- Setting definitive next steps to ensure regular, timely follow-up
- Finding lunch, drink and sports alternatives for staying in touch
- Leveraging engagement reviews

Firm Strategies:

- Education offers that have CLE accreditation
- Education offers that focus leadership

development

- Education offers that focus on change management
- Engage in "special project teams" with clients
- Engage in best practice briefings
- Establish regular communication protocol with clients and teams
- Hosting family friendly events with a prep and follow-up plan
- Hosting gender neutral events with a prep and follow-up plan
- Hosting selective 'women only' events with a prep and follow-up plan

Summary

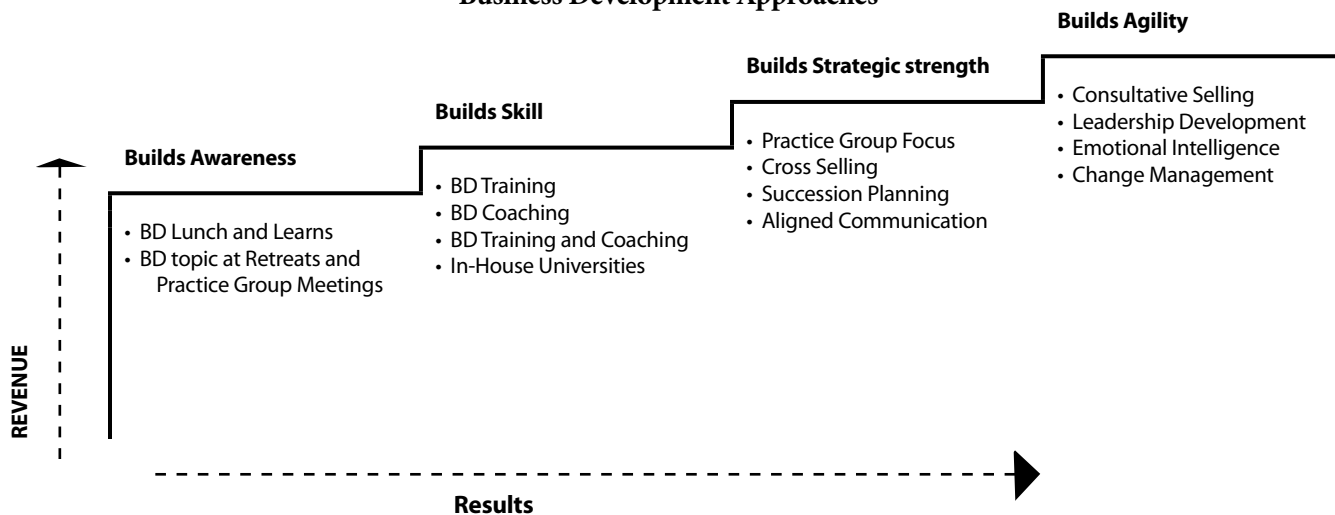
An organized Women's business development initiative provides for greater structure and professionalism in the business development approach and can help women attorneys have a distinct advantage in the market place. Firms will realize a greater ROI as the business development approach evolves from awareness and skill building to strategic thinking and agility in business development. Sustainability in revenue generation happens when individuals and groups execute best practices and strategies with consistency and accountability. The current market and economic climate presents a tremendous opportunity for women to take a leadership role in revenue generation and pave the way for innovation in client relationship building.

For more information or questions, please contact:

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Business Development Approaches



Upcoming CLE programs

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

May 2009

Friday, 5/01/09—Chicago, ISBA Regional Office—Cross Section of Immigration and Criminal Law; Immigration Consequences of Criminal Offenses. Presented by the ISBA International & Immigration Law Council, Co-Sponsored by the Criminal Justice Council. 8:30-11:30.

Friday, 5/01/09—Chicago, ISBA Regional Office—The Child As Witness. Presented by the ISBA Child Law Section. 1-5.

Sunday – Tuesday, 5/03/09 – 5/05/09 – Chicago, Jenner & Block LLC Conference Center—International Court of Arbitration Workshop. Presented by Jenner & Block LLC, Co – Sponsored by the ISBA Alternative Dispute Resolution Section. <http://www.uscib.org/docs/ICCArbitration_Chicago_Workshop.pdf>.

Wednesday, 5/06/09—Chicago, ISBA Regional Office—Settlement in the Federal Courts. Presented by the ISBA Federal Civil Practice Section. 12-4:30.

Thursday, 5/07/09—Webinar—Conducting Legal Research on Fastcase. Presented by the Illinois State Bar Association. **An exclusive member benefit provided by ISBA and ISBA Mutual. Register at: <https://www1.gotomeeting.com/register/725751470>.*

Thursday, 5/07/09—Bloomington, Illinois State University Alumni Center—LESSONS IN PROFESSIONAL RESPONSIBILITY. Learned from the Illinois Law Practice of Abraham Lincoln. A Master Series Video Production Presented by the Illinois State Bar Association. 8:30-12:30.

Thursday, 5/07/09 – Chicago, ISBA Regional office—Franchising Issues under New State and Federal Requirements. Disclosure, Laws, Rules and Forms. Presented by the ISBA Corporation, Securities, and Business Law Section.

Friday, 5/08/09—Springfield, President Abraham Lincoln Hotel and Conference Center—Ethics for

Government Lawyers. Presented by the ISBA Committee on Government Lawyers.

Friday, 5/08/09—Chicago, The Conference Center, UBS Tower—Cutting Costs and Maximizing Value in International Intellectual Property Law Practice. Presented by the ISBA International & Immigration Section. 8:30-12:15.

Friday - Saturday, 5/08/09—5/09/09—Chicago, ISBA Regional Office—Basic Skills for New Attorneys. Presented by the Illinois State Bar Association.

Friday, 5/15/09—Springfield, President Abraham Lincoln Hotel and Conference Center—State and Municipal Administrative Hearings and Appeals. Presented by the ISBA Administrative Law Section. 1-5 capacity 75.

Thursday, 5/21/09—Chicago, ISBA Regional Office—The Basics You Need to Represent Local Governments. Presented by the ISBA Local Government Section. 1-5.

Friday, 5/22/09—Bloomington, Doubletree—Civil Procedure Update. Presented by the ISBA Civil Practice and Procedure Section. 8:50-4:45.

June 2009

Thursday, 6/04/09 – Webinar—Conducting Legal Research on Fastcase. Presented by the Illinois State Bar Association. **An exclusive member benefit provided by ISBA and ISBA Mutual. Register at: <https://www1.gotomeeting.com/register/243556910>*

Thursday - Friday, 6/04/09 - 6/05/09 – Peoria, Bradley University—The 2009 Annual Illinois Traffic Court Conference. Presented by the Illinois Traffic Court Conference Committee, Co-sponsored by the Illinois State Bar Association.

Thursday, 6/04/09 – Chicago, ISBA Regional Office—Hot Topics in Animal Law. Presented by the ISBA Animal Law Section.

Friday, 6/05/09 – Carbondale, Southern Illinois University School of Law—LESSONS IN PROFESSIONAL RESPONSIBILITY. Learned from the Illinois Law Practice of Abraham Lincoln. A Master Series Video Production Presented by the Illinois State Bar Association, co-sponsored by the Southern Illinois University School of Law.

Friday, 6/05/09 – Bloomington, Eastland Suites—Inside Divorce Mediation. Presented by the ISBA Alternative Dispute Resolution Section, Co-sponsored by the ISBA Family Law Section. 9-1.

Wednesday - Thursday, 6/10/09 – 6/11/09 – Chicago, ISBA Regional Office—Attorney Education in Child Custody and Visitation Matters – Video Replay. Presented by ISBA Bench and Bar Section, Co-sponsored by the ISBA Family Law Section

Friday, 6/12/09 – Chicago, ISBA Regional Office—Legal Writing: Improving what you do Everyday. Presented by the Illinois State Bar Association.

Friday, 6/12/09 – Grafton, Pere Marquette Lodge and Conference Center—Hot Topics in Animal Law. Presented by the ISBA Animal Law Section. Cap 70 1-5.

Thursday – Saturday, 6/18/09 – 6/20/09, Chicago, ISBA Regional Office—CLE Fest 2009. Presented by the Illinois State Bar Association.

Friday, 6/26/09 - Lake Geneva, WI—ISBA Annual Meeting Professional Responsibility CLE Programming. Presented by the Illinois State Bar Association.

October 2009

Thursday - Saturday, 10/22/09 - 10/24/09—Springfield, President Abraham Lincoln Hotel—5th Annual Solo & Small Firm Conference. Presented by the Illinois State Bar Association.

2009 EDITION

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A PRACTICAL GUIDE
TO THE
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DOMESTIC
VIOLENCE ACT

Jan Russell
2009 Edition



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ers from Florida to Hawaii. *This new edition is available NOW!*

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