



# THE CATALYST

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

## Chair's column

By E. Nicole Carrion

*(The following comments and opinions are those of the author only and not intended to speak for the Committee as a whole)*

As many reading this edition of *The Catalyst* know, the *Chicago Daily Law Bulletin* published a cartoon in its September 13th issue depicting a female attorney cross-examining a witness and the presiding male Judge remarking to the female attorney, "Don't bully the witness, Miss Greer, he has a wife at home already." The cartoon is an ugly reminder to women attorneys that negative stereotypes of women in the workplace (in this case the courtroom) and at home still persist. Of course, I, like many other practicing women attorneys in the legal profes-

sion, already knew that. In my experience, it is not uncommon to be privy to a conversation in the courtroom, in chambers, or in the lawyers' lounge, wherein some snide or stereotypical comment is made regarding women attorneys (or women in general) on such "important matters" as her body parts, physical appearance, aggressiveness in the courtroom (no doubt being indicative of sexual prowess or, in the case of this cartoon, a "nagging" female), etc., etc. Much of the time, these remarks are in the guise of humor—similar to the cartoon. Now, I can take a joke, and I love to laugh. Good humor helps make life tolerable. However, not all "jokes" are funny.

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## 50 best law firms for women

By Cindy G. Buys

The September 2011 issue of *Working Mother* contains the annual NAFE/Flex-Time Lawyers list of the 50 Best Law Firms for Women. According to *Working Mother*, these 50 firms exemplify best practices when it comes to supporting and advancing talented female lawyers. At these firms, women get top assignments, learn to become rainmakers, fill senior leadership positions and have a better work life balance.<sup>1</sup>

All of the law firms on the list have reduced hour policies, and 78 percent offer full-time telecommuting. Ninety percent offer management and leadership training and 80 percent offer mentoring circles. Seventy-eight percent offer backup childcare and 62 percent offer subsidized in-home backup childcare.

The study notes, however, that representa-

tion of women remains weak at higher levels, although averages at Best Law Firms (e.g., Equity Partners, 19%) exceed national ones (e.g., Equity Partners, 15%).

Women also continue to show low representation at the leadership level, although five of the Best Law Firms have female Chairpersons, up from one in 2007. Usage rates for alternative work arrangements remain low (e.g., Reduced Hours, 10%), although the Best Law Firms' averages also exceed national averages (e.g., Reduced Hours, 6%).

Seven Illinois firms made the list, including:

**Baker & McKenzie**, which is touted for its flexible work schedule policies. It also is noted for the fact that the 2011 partner class for its North

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## Chair's column

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And nothing irritates me more than someone using the guise of humor to convey a socially unacceptable or immoral message that the speaker is really just afraid to say directly. When confronted with such a scenario, I am generally inclined to see it for what it is and call a spade a spade. Unfortunately, I hate to admit, at times I have wrestled with speaking out when an inappropriate remark is made. In my experience, sometimes when a woman lawyer speaks out against such remarks, that woman lawyer may be labeled a "stiff" (another more inappropriate word may be used by some) and not able to "take a joke." As a consequence, that woman lawyer may then be ostracized by the network of lawyers and

judges with whom she practices on a daily basis and put in the "them" category (versus the "us" category). This type of ostracizing can not only have negative effects on that woman's person, but also on her advancement in the profession, and in some instances, the legal representation of her clients both in and out of the courtroom.

I am not accusing the publishers of the cartoon in the *Law Bulletin* of intending to convey such a message. I think they were just careless and did not consider the effects, like those mentioned above, that publishing the cartoon would have on women attorneys and the stereotypical messages that would be relayed to the *Law Bulletin's* readers. For

what it is worth, and at the risk of being accused of "not being able to take a joke," I want to publicly address the cartoon with the primary purpose of bringing awareness to the subtle, yet pervasive, negative stereotypes that still exist regarding women and women attorneys in the legal profession. I hope that the publishers of the *Law Bulletin* and other persons of influence in the legal community such as Judges, bar association leaders, etc., acknowledge the continuing existence of these stereotypes and take affirmative action like diversity initiatives (including the funding of such initiatives) to help combat these stereotypes in their respective spheres of influence. ■

## 50 best law firms for women

*Continued from page 1*

American offices is 80% female.

**Female Attorneys 37%**  
**Female Equity Partners 19%**  
**Female Nonequity Partners 31%**  
**Lawyers Working Reduced Hours 11%**

**Chapman & Cutler**, which won praise for its recent revamping of its mentoring program with cross-practice-area and cross-gender mentoring groups that ensure every female associate has access to the firm's rainmakers and policymakers. In 2010, the firm also revamped the associate bonus system, to reward not just billable-hour productivity but also contributions to recruiting, training and leadership.

**Female Attorneys 31%**  
**Female Equity Partners 18%**  
**Female Nonequity Partners 23%**  
**Lawyers Working Reduced Hours 8%**

**Jenner & Block**, which is commended for providing 18 weeks of paid maternity leave for associates and 21 weeks for partners. It is also one of the few large firms with a female managing partner and is at the forefront of having women attorneys in leadership positions. In 2010, the firm promoted six women associates to partner—50% of the new partner class. Women also made up 51% of the firm's 2011 summer class.

**Female Attorneys 33%**

**Female Equity Partners 17%**  
**Lawyers Working Reduced Hours 10%**

**Katten, Muchin & Rosenman**, which has women in leadership roles at all levels of the firm. The firm provides its women attorneys with specialized business development training, including one-on-one coaching for select high-potential women partners. To promote work life balance, all attorneys can pursue a flexible schedule, including those moving toward income or equity partnership. For primary caregivers returning from maternity or adoption leave, the firm offers a 60/60/80 program to ease the transition back to work. The three-month program consists of a 60% work schedule for the first two months and an 80% work schedule for the third month. Participants' billable-hours targets are reduced to reflect the reduced work schedule.

**Female attorneys 43%**  
**Female Equity Partners 18%**  
**Female Nonequity Partners 31%**  
**Lawyers Working Reduced Hours 5%**

**Neil, Gerber & Eisenberg**, which received recognition for its reduced-hours option. By 2010, 35% of women attorneys and 43% of women partners were taking advantage of the reduced-hours option. The firm also created Women Attorney Networking

Teams in 2010 to provide women lawyers with increased opportunities to network internally and build meaningful personal and mentoring relationships with colleagues. Women leaders abound in the firm: half of the firm's committees are chaired or co-chaired by women, and almost 20% of practice group leaders are women.

**Female Attorneys 33%**  
**Female Equity Partners 15%**  
**Female Nonequity Partners 44%**  
**Lawyers Working Reduced Hours 13%**

**Seyfarth Shaw**, which has an innovative 24-hour national help desk to make telecommuting easier. The firm also wins praise for a "culture of flexibility," which includes prorated annualized hours and unlimited vacation days and sick days. In 2010, 75% of partner promotions were women. Two of the firm's five national practice departments are led by women and women attorneys hold leadership roles on the firm's most influential committees: executive, compensation, hiring and administrative. The firm also recognizes that not all talented lawyers want to be partners and has developed a nonpartnership track to provide more flexibility in career options, including a progressive alternative schedule program.

**Female Attorneys 36%**  
**Female Equity Partners 13%**

**Female Nonequity Partners 29%**  
**Lawyers Working Reduced Hours 8%**

**Sidley Austin**, which was recognized for the fact that 20% of women lawyers and 24% of women partners worked on a reduced-hours basis in 2010 while remaining on partnership track, retaining all benefits and maintaining bonus eligibility. The firm demonstrates its commitment to gender diversity by requiring partners to detail in their annual achievement reports their personal efforts to strengthen the firm's gender diversity. These

assessments contribute to partner compensation decisions. Half the 2010 partnership class in the United States were women.

**Female Attorneys 34%**  
**Female Equity Partners 22%**  
**Lawyers Working Reduced Hours 7%**

Cindy G. Buys is a Professor of Law at the Southern Illinois University School of Law and a member of the ISBA Women and the Law Committee.

1. An Executive Summary of the report may be found at <http://www.flextimelawyers.com/best/p11a.pdf>.

## The new Civil Union Act and its effect on the Illinois Probate Act

By Joanna M. Lekkas

On June 1, 2011, Illinois became the sixth state to recognize civil unions for same-sex couples. The Illinois Religious Freedom Protection and Civil Union Act provides for all parties entering into a civil union arrangement to be treated as spouses under Illinois law.<sup>1</sup> The Act further provides that all parties to a civil union are entitled to equal obligations, responsibilities, protections and benefits given by Illinois law to spouses. Some of these protections and benefits include, but are not limited to, health care benefits, the right to hold real estate as tenants by the entirety, the right to seek spousal financial support, visitation rights and child custody, and the right to be recognized as a spouse under the Illinois Probate Act. This latter right is extremely important in today's society, where more and more households depend on two incomes, especially when children are involved. For couples who have not planned for the disposition of their estate, either through a simple will or more complex estate planning, the Illinois Probate Act provides certain safeguards for surviving spouses.

Some of the most important rights afforded spouses under the Illinois Probate Act include the right to receive a spousal award, primary preference in nomination as representative of the deceased spouse's estate, and the right to either half or the entire estate of the deceased spouse, depending on if the deceased spouse has children. During the administration of a decedent's estate in Illinois, the surviving spouse is entitled to a

sum of money...for the proper support of the surviving spouse for the period of 9 months after the death of the decedent in a manner suited to the condition in life of the surviving spouse.<sup>2</sup> The award must be no less than \$20,000 along with an additional sum of no less than \$10,000 for each minor child.

Along with spousal awards, parties to a civil union in Illinois will now have a say as to who is entitled to act as Administrator if his or her spouse dies without a will. In Illinois, a surviving spouse or any individual nominated by a surviving spouse is entitled to preference in obtaining letters of administration.<sup>3</sup> Regarding the disposition of the deceased spouse's remains, parties to a civil union who are also appointed as administrator will now have priority to direct how and where the decedent is to be buried or cremated.<sup>4</sup>

While intestacy laws may protect surviving spouses who are parties to a civil union, it is important to keep in mind that only six states recognize these unions. Therefore, estate planning for disability and death remain important tools for same-sex couples. The importance of having healthcare and property power of attorney forms, Health Insurance Portability and Accountability Act (HIPAA) authorizations, living wills, and other estate planning documents remains in place for same-sex couples. ■

1. S.B. 1716, 97th Gen. Assembly (Ill. 2011).
2. 755 ILCS 5/15-1(a) (2011).
3. 755 ILCS 5/9-3(a) (2011).
4. 755 ILCS 65/5 (2011).

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## Incentives to being woman-owned

By Angela Evans

**M**adeleine Albright said “there is a special place in hell for women who don’t help other women.” It follows that there must also be a special place in hell for women who do not accept the help of entities, programs, and benefits specifically purposed to promote women and diversity in the business world. Being a woman in business does not have to be a disadvantage, especially if you capitalize on the advantages. The business incentives discussed here are by no means exhaustive.

The U.S. government offers free help in planning how to start or improve woman owned businesses and in securing low-interest SBA-backed small business loans. The U.S. Small Business Administration recognizes the unique obstacles women face in the business world and has an “Office of Women’s Business Ownership” dedicated to assist women at every stage of developing and expanding their businesses. <[www.sba.gov/womeninbusiness](http://www.sba.gov/womeninbusiness)> is a great source and also has a link to outside resources.

The U.S. government does not currently provide grants for starting or expanding small businesses. However, there are other entities that do. Check out <<http://www.womanowned.com/Growing/Funding/Opportunities.aspx>> to see where to go for loans, scholarships, and other sources of funding. This site also gives insight on how to identify funding programs that are a scam.

The Illinois Department of Commerce & Economic Opportunity (DCEO) offers a Minority, Veteran, Women, and Disabled Participation Loan Program (MVWD/PLP). The MVWD/PLP program is a variation of the conventional PLP. The variation is that DCEO may subordinate the loans through participating lending institutions. The MVWD/PLP program can provide Illinois small businesses that are 51 percent owned and managed by persons who are minorities, veterans, women, or disabled with loans up to \$100,000 or 50 percent of the total project.

Woman owned businesses should explore federal and state tax credits offered to minority businesses and other government programs such as the 8(a) Business Development Program which is claimed to be an essential instrument for helping socially and economically disadvantaged entrepreneurs

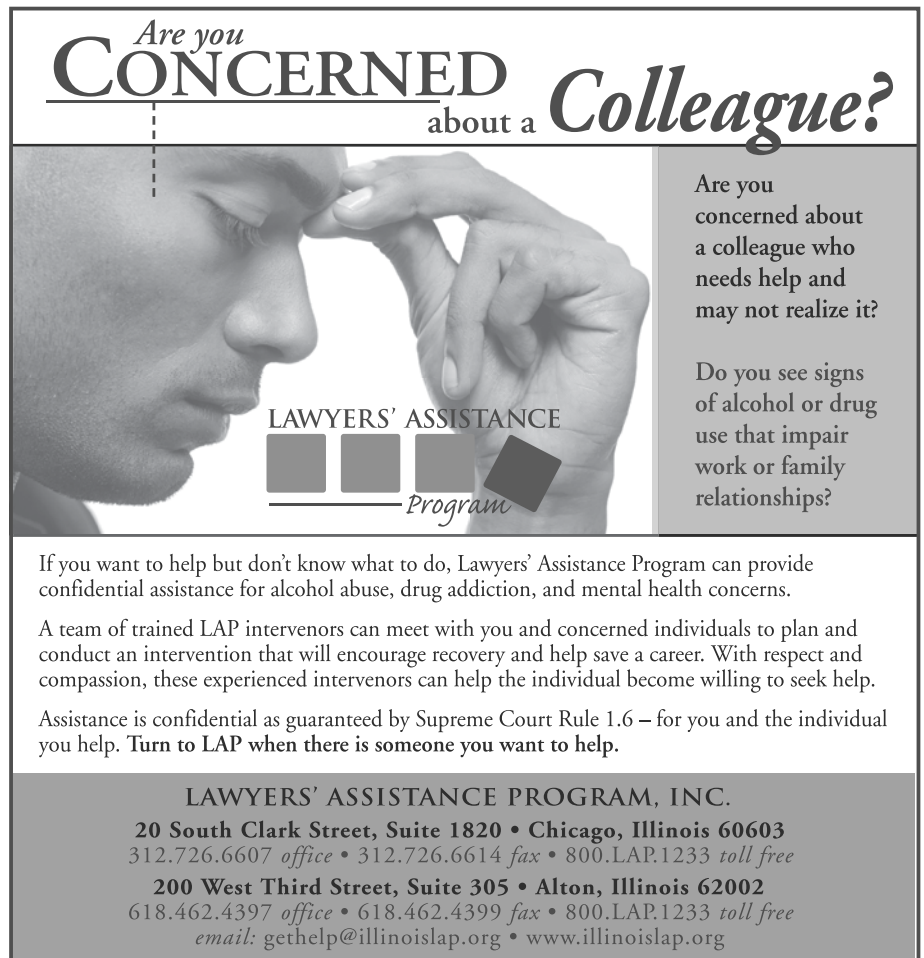
gain access to the economic mainstream of American society.

Organizational support specific to woman owned law firms include nonprofits such as NAMWOLF, the National Association of Minority and Women Owned Law Firms. NAMWOLF assists its law firm Members in developing strategic alliances, coalitions, and affiliations with corporations, in-house counsel, and other legal trade associations.

Many corporations have specific programs designed to increase the amount of funds spent for legal services with women lawyers and women owned law firms. In order for a firm to qualify for consideration for those programs, certification is normally required. The standards for certification typically require the firm to be both majority owned and managed by women.

Many organizations offer certifications for women owned businesses. These certifications claim to be important marketing tools with major corporations and government agencies. The Women’s Business Entrepreneurial National Council (WBENC) offers the Women’s Business Enterprise (WBE) certification for women owned businesses. Since there are different considerations and markets for each of these organizations, the certification offered by the NAMWOLF may be most applicable.

In sum, if you are a woman who plans to start your own firm, please do not ignore the advantages of being “disadvantaged.” Perhaps some or all of the incentives to being woman owned is the necessary catalyst to making it rain at your firm and promoting diversity as well. ■



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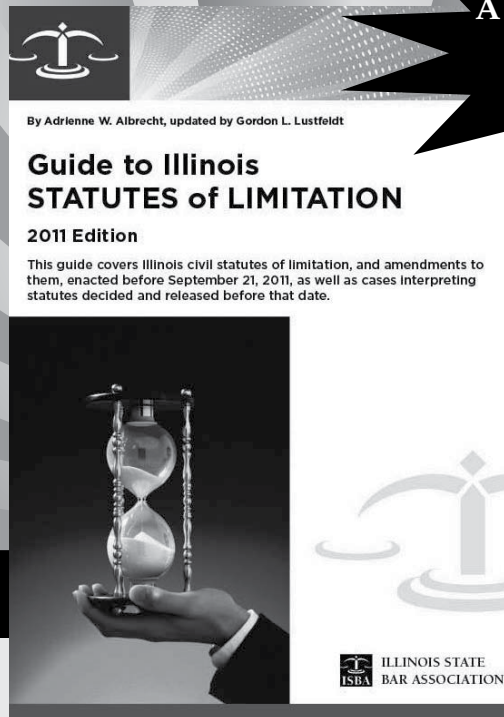
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some pretty good lawyers.  
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# Emotional side of civil union law

By Anna Fridman

I recently participated in a panel discussion about the new civil union law that became effective on June 1, 2011. As a prototypical lawyer, in my mind I have completely and narrowly focused on the legal implications of the new legislation. Granted, my oversight of other possible effects was somewhat excusable. After all, the new law has catapulted Illinois into a new and exciting realm of recognition of the legal rights of same-gender couples, and talking about them was exactly the reason why I was on the panel. And there are so many new rights. To be precise, as cited by Equality Illinois, an organization dedicated to promoting equal rights for lesbian, gay, bisexual and transgender (LGBT) persons in Illinois, same-gender couples have gained an estimated 650 new rights on the state level.

As far as the basics go, the law endeavors to provide exactly the same rights and impose the same obligations for civil union partners at the state level as were already in existence for spouses in a marriage. Some of those more notable rights pertain to estate planning and family law.

Prior to enactment of the law, if no estate planning documents were prepared and a partner in a same-gender couple suddenly perished, the remaining living partner was often left in dire straits. The partner would have essentially no recognized legal rights. He would not inherit anything under Illinois intestacy laws since the survivor had no legal relationship to the deceased. Long lost siblings or parents to whom the deceased may not have spoken for years would take before a partner who had lived with the deceased for 20 years. Siblings and parents would also take priority in the making of health care decisions if a person suddenly lost the capacity to make his or her own decisions and a health care power of attorney was not drafted to designate his or her partner as the decision-making agent. Civil union partners have gained the important rights to enter into prenuptial agreements and the same rights in dissolution of unions.

What I entirely diminished in significance, an oversight that became glaringly obvious when the a psychiatrist took the panel, was the range of emotional effects that this law will have on the LGBT community here on out. To many, it was an obviously incredibly

joyous moment—a moment when your relationship was recognized by the world, when the outside community agreed that there is really something special to your relationship and that is it worth that kind of commitment and acknowledgement. However, there were numerous other effects that never fully occurred to me. The psychological effect of the availability of the option of legalized union and the hesitation before entering into such an overwhelming commitment is an issue that came to the forefront. After all, the new law has bestowed obligations as well as rights. Partners become financially responsible for their mates and their mates' liabilities to the same extent that spouses do in marriage. If "till death do us" part does not materialize into reality and a dissolution of union is necessary, partners will have to face possibility of having to make support payments, significantly share their estate, and face potential custody battles.

Lost to me amidst the fight to obtain equal rights for every person, it suddenly

occurred to me that the LGBT community is now faced with the same questions that heterosexual couples have been grappling with for centuries in one form or another—having to make an unequivocal proclamation of one's commitment for the rest of their lives that this is the one person for him or her and associated issues. How do you bring it up to your partner that you may want him to sign a prenuptial agreement? How do you bring it up to your partner that you will be one unit and you would like him to be financially responsible? How do you bring up the fact that you might not be completely ready to enter that big of a commitment or that you are having any doubts? What if you have been with your partner for 20 years and have always assumed that you would be married if you were allowed that privilege and later find out that your life-long partner is hesitating?

LGBT community has many new issues and decisions to face, but having the opportunity to face those choices is unquestionably a welcome change. ■

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ILLINOIS STATE BAR ASSOCIATION  
CORPORATION, SECURITIES & BUSINESS LAW FORUM

The newsletter of the Illinois State Bar Association's Section on Corporation, Securities & Business Law

**Company Web sites: Best practices for avoiding securities fraud**  
By Elizabeth A. Bleakley and Daryl M. Schumacher

**A. Introduction**  
With the increased flow of information via company Web sites, companies must ensure that their Web sites comply with regulatory requirements, and refrain from providing inaccurate or incomplete information that a potential investor might rely upon in deciding to purchase or sell a company security. This article addresses some of the regulatory issues, as well as the application of antifraud provisions of federal and state securities laws to company Web sites.

Regulators encourage the use of company Web sites for the dissemination of the public of important company information.<sup>1</sup> They also support the use of electronic communication with shareholders. Regulators believe that the internet enhances the quality, quantity, and speed at which information reaches the market.<sup>2</sup>

The Securities and Exchange Commission had long recognized the vital role of the Internet and electronic communications in modernizing the disclosure system under the federal securities laws and in promoting transparency, liquidity, and efficiency in our trading markets.<sup>3</sup>

In addition to finding information about a company on its Web site, information is often readily available to the public through regulatory Web sites.

**B. Web sites and Regulatory Disclosures**  
The SEC requires public companies to disclose their Web site in their annual reports, make reports filed on EDGAR available on

company Web sites, and post beneficial ownership reports on company Web sites.<sup>4</sup> However, companies are not necessarily required to have Web sites.

Posting on a company Web site may be allowed to act as a supplement to EDGAR filings, an alternative to certain EDGAR filings, or a stand-alone method of providing information independent of EDGAR. For example, a company Web site may include:

- audit, nominating, or compensation committee charters, instead of providing them in a proxy statement;
- material amendments to the company's code of ethics, instead of filing a Form 8-K; and
- static proof data for an asset backed issuer, rather than on EDGAR.<sup>5</sup>

If a company elects to meet securities disclosure obligations by posting required information on the company's Web site, the company must establish controls and procedures to ensure compliance with relevant securities regulations. When Web site postings fall short, supplemental filings with securities regulators are required.

**C. Company Web sites and Antifraud Provisions, Generally**  
The antifraud provisions of federal and state securities laws apply to both public and non-public companies and apply equally to electronic-based media, including a company's Web site.<sup>6</sup> Under the antifraud provisions, it is unlawful for any person, directly or indirectly to make any untrue statement of a material fact, or to omit to state a material fact, in connection with the purchase or sale of any security. A fact is "material" if it

is a substantial likelihood that a reasonable investor would consider the fact important in making the investment decision, and as having significantly altered the "total mix" of information made available.<sup>7</sup>

Information posted on a company's Web site may be considered part of the "total mix" for purposes of materiality in a fraud context.<sup>8</sup> Information hyperlinked from a company's Web site may also be relevant to the "total mix analysis" if the hyperlinked information falls under the "entanglement theory," "step-by-step" theory, or the "distorted facts" doctrine.<sup>9</sup> Securities disclosures should appear in close proximity to the information to which they refer. Disclosures may also need to appear in several locations on the Web site.

**D. Web site Formatting**  
Web site information can be formatted independently of computer paper-based information.<sup>10</sup> Generally, Web site content does not have to be presented in a "print-ready" format. Instead, information can be presented without focus on readability, such as, through, specifically requiring "print-ready" formatting for example, electronically posted proxy materials require both "readability" and "printability."<sup>11</sup>

**E. Hyperlinks to Third-Party Information**  
When a company is a registrant,<sup>12</sup> if the company includes hyperlinks on its Web site that an "offer" or "offer to sell" securities, a strong inference arises that the linked information has been adopted for antifraud purposes.<sup>13</sup> Similarly, a company is deemed to have adopted information from a hyperlink

## We've come along way, i-baby

By Janice L. Boback

When I think back about 13 years when I began practicing law it seems hard to comprehend how quickly technology has advanced in just this past decade. There were no smart phones when I was a new lawyer. Most of us had cell phones which were simply that—a cell phone used to make and receive calls. I also had a “Palm” which was considered advanced technology at the time. I remember the Palm being a great tool to keep my calendar, but I did not imagine how soon it would be replaced with something that could calendar, e-mail, take photos, shoot videos, text, tweet, link in and update what has become known as ones “status.”

Facebook did not exist. My friends were really my friends, and I did not have personal knowledge that an acquaintance I had not seen since high school had over-achieving children and was having sushi for dinner.

E-mail was rarely used for business communications. I remember opening my hot-mail account in 1998 with the help of a secretary in my office who thought I should have an e-mail account. At that time, I was not sure if it was necessary or would even be useful. Looking back now, the time it took to write formal letters, the cost for postage and the time delay via first class mail to get information to a client seems unimaginable in this day and age of instant communication.

In April 2010, the iPad was introduced into the United States, and it has become a common sight to see attorneys with their iPad both in and out of the courthouse. The iPad is great for reading books, magazines, newspapers, and articles. It is great for playing games, taking notes, storing documents and photos, surfing the Web, keeping your calendar and e-mail. It is great for watching the news or a movie or that television show that you missed. It is great for planning a vacation or keeping track of income, expenses, Groupons, calories, and shopping lists. There are so many uses and everyone individualizes their own iPad by downloading apps of their choosing from the App Store, many of them free. As my list indicates, I have found many useful applications for the iPad both in and outside of my practice and highlight below some of my most most frequently used iPad Apps:

**FASTCASE:** The Fastcase App (free) pro-

vides portable access to the entire Fastcase law library and legal research system, is entirely free—no ISBA membership required. This app provides legal research results quickly at the touch of the screen. When you are in a courtroom and need to review one more case or statute or look up a case that the opposing counsel is spouting about—this is the answer-last-minute legal research right in the courtroom.

**SQUARE:** The Square App (free) allows you to accept credit cards with your iPad or iPhone. You register with the website and then receive a free card reader that plugs into an iPhone or iPad. You plug in the reader and swipe a MasterCard, Visa, American Express, or Discover card and payment is deposited into your bank account and a receipt is e-mailed to you and/or your client. There are no monthly fees but you are charged a fee for each credit card transaction. This will allow you to be paid by those clients who meet you at the courthouse but “forget” their checkbook.

**EVERNOTE:** The Evernote App (free) is a very popular and useful information storage application. This app allows you to organize various types of information from several different sources into one central location. You can clip web pages and archive them for later reference, store screen shots, photos and text notes, all within Evernote’s customizable storage system. Evernote will also organize things for you by the date which the note or other document was created, by category, or by name.

**PAGES:** The Pages App (not free) is a great word processor that was designed for the iPad. You can create, edit, and view documents wherever you are. This app comes with 16 templates to create letters, reports, flyers, cards, pleadings, etc. This app automatically stores your documents to iCloud so that you can retrieve them from any device.

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As we have all heard by now, Steve Jobs, the visionary co-founder and longtime leader of Apple, recently passed away after a battle with pancreatic cancer. I believe every newspaper in the nation announced his death on their front pages. Steve Jobs is surely missed, and we can all agree that the world has changed because of Steve Jobs. Certainly, my ability to be more productive, efficient, and responsive in my practice is in part because of his innovations. ■

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## Stalking No Contact Order Act

By Lori G. Levin

Since the passage of the Illinois Domestic Violence Act in 1986, the courts have issued domestic violence civil order of protection for persons who have had a dating or familial relationship. Under the auspices of the Illinois Criminal Justice Information Authority, in 1993 the legislature created the Task Force on Domestic Violence Training and Curricula which issued a model protocol in 1996. I was fortunate in 2004 to Chair the update of the protocol which was issued in 2007. One of the issues discussed by the reconvened task force was the offense of stalking and how many complainants who were the subject of such actions were ineligible to be covered by the Illinois Domestic Violence Act. The Illinois General Assembly has addressed that shortcoming and passed the Civil Liabilities, Stalking No Contact Order Act, which was effective January 1, 2010.

Under that Act, 740 ILCS 21, et. al, the courts now also hold civil stalking no contact proceedings for persons who have not had a dating or intimate relationship but where conduct is alleged to have reached the level of stalking. The persons covered by the Act are those where relief is not available by the Illinois Domestic Violence Act of 1986 who is a victim of stalking or by a person on behalf of a minor child or adult who is a victim of stalking but, because of age, disability, health or inaccessibility, cannot file the petition.

The legislative purpose of the 740 ILCS 21 is to deter a course of conduct, not a single act. "Stalking behavior includes following a person, conducting surveillance of the person, appearing at the person's home, work or school, making unwanted phone calls, sending unwanted e-mails or text messages, leaving objects for the person, vandalizing the person's property, or injuring a pet. Stalking is a serious crime. Victims experience fear for their safety, fear for the safety of others and suffer emotional distress. Many victims alter their daily routines to avoid the persons who are stalking them. Some victims are in such fear that they relocate to another city, town or state. While estimates suggest that 70% of victims know the individuals stalking them, only 30% of victims have dated or been in intimate relationships with their stalkers."

The statute defines "course of conduct" as two or more acts which include but are not

limited to acts where a respondent directly, indirectly, or through third parties, by any means, action method or device follows, monitors, observes surveils, threats or communicates to or about a person and engages in other conduct or interferes with or damages a person's property or pet. This conduct may include electronic communications. Additionally, a respondent's incarceration does not bar proceedings under the Act.

The proceedings and protections mirror many of the provisions of the domestic violence order of protection act. Both parties are entitled to hire counsel to represent their respective interests. The orders are meant to provide protection for individuals who present sufficient evidence to the court. Since this is a civil, not a criminal proceeding, the standard of the burden of proof is by a preponderance of evidence, not beyond a reasonable doubt. Moreover, the act prohibits mutual stalking no contact orders.

Although intentional violation of a no contact stalking order is a Class A misdemeanor with a second or subsequent violation a Class 4 felony, other criminal charges such as Stalking or Aggravated Stalking may

also be lodged in particular situations.

The Model Domestic Violence Protocol of 2007 listed some alarming statistics about the offense of stalking, albeit in the context of domestic violence. It cited the National Violence Against Women Survey that found one in 12 women will be stalked in their lifetime, accounting for 1,006,970 annually. Additionally, although all stalking does not lead to physical or sexual violence, the act is often a precursor to homicide of women.

Since the Stalking No Contact Order Act is relatively new, its effectiveness in addressing this behavior has not been fully measured. It does provide a legal remedy to address what can be an alarming and concerning situation. ■

Lori G. Levin is an attorney in private practice in the Chicago area handling criminal and juvenile justice, domestic violence and stalking cases as well as mental health and adult guardianship matters. She serviced as Chair of the Model Domestic Violence Protocol of 2007 when she was Executive Director of the Illinois Criminal Justice Information Authority. Ms. Levin can be reached at 312-972-3756 or [levin@lorilevinlaw.com](mailto:levin@lorilevinlaw.com). Her Web site is [www.lorilevinlaw.com](http://www.lorilevinlaw.com).

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### December

**Thursday, 12/1/11- Chicago, ISBA Chicago Regional Office**—Recent Developments in State and Local Tax- 2011. Presented by the ISBA State and Local Tax Committee. 9-12.

**Thursday, 12/1/11- Teleseminar**—Business Planning with S Corps, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Friday, 12/2/11- Teleseminar**—Business Planning with S Corps, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Friday, 12/2/11- Chicago, ISBA Chicago Regional Office**—Motion Practice- From Pleadings through Post-Trial. Presented by the ISBA Civil Practice & Procedure Section. 8:50-2:15.

**Thursday, 12/6/11- Teleseminar**—Estate Planning for Retirement Benefits. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 12/8/11- Chicago, Sheraton Hotel**—ISBA Basic Skills Course 6.0 Live. Presented by the Illinois State Bar Association. 9-4:30.

**Friday, 12/9/11- Chicago, Sheraton Hotel**—Master Series: Divine Ethics: Avoiding the Chasm of Incivility. Presented by the Illinois State Bar Association. 1:00-4:14.

**Tuesday, 12/13/11- Teleseminar**—Individual Liability for Corporate Obligations: Piercing the Corporate Veil. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 12/14/11- Webcast**—Jury Selection. Presented by the ISBA Criminal Justice Section. 12-1.

**Thursday, 12/15/11- Teleseminar**—UCC Issues in Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 12/20/11- Teleseminar**—Asset Protection Strategies for Real Estate. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 12/21/11- Teleseminar**—Tax Efficient Methods of Getting Money out

of a Business. Presented by the Illinois State Bar Association. 12-1.

### January

**Thursday, 1/5/12- Teleseminar**—Estate Planning in 2012: Now That the Federal Tax is a Dead Letter, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Friday, 1/6/12- Teleseminar**—Estate Planning in 2012: Now That the Federal Tax is a Dead Letter, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 1/10/12- Teleseminar**—Dangers of Using “Units” in LLC Planning. Presented by the Illinois State Bar Association. 12-1.

**Friday, 1/13/12- Teleseminar**—Bridging the Valuation Gap: “Earnouts” and Other Techniques. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 1/17/12- Teleseminar**—Real Estate Finance in A World With Tight Credit and Less Leverage. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 1/18/12- Live Studio Webcast**—Step-by-Step Appeals in Child Custody. Presented by the ISBA Child Law Section; co-sponsored by the ISBA Family Law Section. 11-1.

**Thursday, 1/19/12- Teleseminar**—Ethics, Technology and Solo and Small Firm Practitioners. Presented by the Illinois State Bar Association. 12-1.

**Friday, 1/20/12- Teleseminar**—Rescission in Business Transactions: Techniques for Fixing Transactions Gone Awry. Presented by the Illinois State Bar Association. 12-1.

**Friday, 1/20/12- Chicago, ISBA Chicago Regional Office**—Practical Professional Responsibility for Health Care, Life Sciences and Corporate Attorneys and their Outside Counsel. Presented by the ISBA Health Care Section. 1-4:15.

**Friday, 1/20/12- Collinsville, Gateway Center**—Motion Practice. Presented by the ISBA Tort Law Section. 9-12. Max 66.

**Tuesday, 1/24/12- Teleseminar**—Incentive Trusts: Approaches and Limits to Encouraging “Good” Behavior in Beneficiaries. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 1/26/12- Chicago, Union League Club**—Making the Record on Appeal and Ethics and Civility in the Court Room. Presented by the Illinois State Bar Association, the Illinois Judges Association and the Women’s Bar Association of Illinois. 1:30-4:55 CLE; 5-6:30 Reception.

**Friday, 1/27/12- Teleseminar**—Drafting Effective and Enforceable Promissory Notes. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 1/31/11- Teleseminar**—Choice of Entity for Service Businesses, Including Law Firms. Presented by the Illinois State Bar Association. 12-1.

### February

**Thursday, 2/2/12- Teleseminar**—2012 Ethics Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Friday, 2/3/12- Bloomington, Holiday Inn & Suites**—Hot Topics in Agricultural Law 2012. Presented by the ISBA Agricultural Law Section. 9-4:45. Max 150

**Friday, 2/3/12- Teleseminar**—2012 Ethics Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 2/7/12- Teleseminar**—Estate Planning for the Elderly, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 2/8/12- Teleseminar**—Estate Planning for the Elderly, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 2/9/12- Chicago, ISBA Chicago Regional Office**—Nuts and Bolts of Starting Your Own Practice: A Primer for Ethically Creating Your Own Law Firm. Presented by the ISBA young Lawyers Division. 12:30-5:00. ■