



ILLINOIS STATE
BAR ASSOCIATION

THE CATALYST

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

(Notice to librarians: The following issues were published in Volume 10 of this newsletter during the fiscal year ending June 30, 2005: October, No. 1; February, No. 2; May, No. 3).

Letter from the Chair

By Meredith Ritchie¹

In the wake of Hurricane Katrina, I think we have all realized how important our volunteer efforts are—and the potential we possess to aid those in need. I urge everyone to contribute to the fund established by ISBA President Robert K. Downs and Illinois Bar Foundation Russell K. Scott for the victims of the hurricane. Donations can be made by check or credit card (MasterCard, Visa, American Express). By mail: Illinois Bar Foundation, 424 South 2nd Street, Springfield, IL 62701; by phone (credit card): 1-800-252-8908; or at the Web site: www.isba.org. Checks should be made out to: Illinois Bar Foundation—Katrina Legal Relief Fund.

The establishment of the Katrina

legal Relief Fund by Mr. Downs and Mr. Scott less than a week following the hurricane's devastation in Louisiana, Mississippi, Alabama and Florida makes me proud to be an ISBA member. I am proud that our profession acted so quickly on behalf of those in need. I am sure that many of you have acted in your own personal way to assist those in need of help—not only helping the victims of the hurricane but also providing quality legal services to the citizens of Illinois. For example, Meg Benson, Executive Director of Chicago Volunteer Legal Services, writes in this issue about her organization assisting people in probate court—people who cannot afford private attorneys. Attorney Anita Ponder writes about assisting women with legal issues surrounding franchises. These are examples of hardworking, conscientious attorneys making our community a better place to live and practice law.

This year our committee has a full agenda. First, we are introducing a new element to our committee meetings—we plan to have a guest speaker at each committee meeting followed by our business meeting. We were delighted to have Daniel Rosman, Assistant General Counsel for the Illinois Department of Human Services speak to us in August about the plans of the Task Force on Genetics & Human Reproduction. The task force, established by President Downs and chaired by family law leader H. Joseph Gitlin, will address this emerging and complex area of law including surrogacy and reproductive rights. In October, Michele Latz, Director of the Illinois Department of Financial and

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Professional Regulation, will speak to our committee about the Pay Day Loan Reform Act, which has the potential to affect women and many of our clients in positive ways.

On November 10, 2005, our committee, together with the Committee on Minority and Women Participation, will co-host a brown bag lunch at the Chicago Regional Office: "How to get elected to ISBA offices." First Vice President Irene Bahr and other well-known ISBA leaders will share their experiences with us and give us helpful suggestions for running for Assembly, Board of Governors and Third Vice President as well as advise us as to how to get appointed to a committee or section council. Please contact the ISBA at 312-726-8775 to register for this event.

Five years ago, our committee collaborated with a number of other committees, section councils and bar associations to present an informative

and riveting seminar on Domestic Violence. Due to the success of that seminar, we are currently formulating a proposal to present another Domestic Violence seminar in the spring of 2006.

In addition to the special events already mentioned, our committee will continue to comment on legislation that is presented to us, publish quality newsletters, propose continuing legal education and cable TV programs, participate in the Women Everywhere Project, promote and implement alliances with other ISBA

committees and section councils as well as other bar associations and address any women's issues we are presented with. I am honored to lead such a dynamic, energetic committee. I invite ISBA members to contact me with ideas, comments or concerns. I can be reached at 312-814-1569.

1. Ms. Ritchie is the Deputy General Counsel of Central Management Services, a State of Illinois agency. She is the 2005-2006 Chair of the ISBA Women in the Law Committee.



Current Chair Meredith Ritchie congratulates Immediate Past Chair Ellen Schanzle-Haskins, upon receipt of her award from the Women and the Law Committee, presented at the ISBA Annual Meeting in June, 2005.

Gala 2005 to honor Quinlan

By Susan Pierson

The Illinois Bar Foundation will celebrate its 7th Annual Gala on Friday, October 14 at the Four Seasons Hotel in Chicago. This year's recipient of the Foundation's Distinguished Award for Excellence is Hon. William R. Quinlan of Quinlan & Carroll. Mr. Quinlan has demonstrated throughout his professional life his commitment to public service. He has served as Corporation Counsel for the City of Chicago for three mayors and is a former Justice of the Illinois Appellate Court and judge in the Circuit Court of Cook County.

Gala Co-Chairpersons Martin Healy, Jr. of The Healy Law Firm and Lee Miller of DLA Piper Rudnick Gray Cary and Circle of Friends Co-Chairs

Cheryl Niro and James Carroll, both of Quinlan & Carroll, have worked tirelessly to make Gala 2005 the most successful ever.

This year's event will once again feature both a live and silent auction. A number of unique items ranging from a glamorous fox-trimmed hat to a relaxing seven-day Caribbean cruise to an exciting Cubs Rooftop party will all be available for bidding.

In addition to the auctions, Raffle Co-Chairs Tony Romanucci and Stephan Blandin have put together an exciting raffle where one lucky winner will drive away with a 2006 Pontiac Solstice Roadster! Pontiac's newest convertible comes equipped with a five-speed manual transmission coupled

with a four-cylinder, 177 horsepower engine. Add to that a sleek styling that is sure to turn heads and you have one of the hottest cars of 2006. Other items include a trip to Puerto Vallarta and his and hers Concord watches.

All proceeds from Gala 2005 benefit the Illinois Bar Foundation in its effort to improve and facilitate the administration of justice, provide scholarships to worthy law students, and provide subsistence to lawyers who are unable to practice because of illness or disability. For more information or to attend the event, contact Susan Pierson at 312-726-6072. Remember to buy your tickets early as this event has sold out early in recent years.

Superwoman Syndrome

By Heather M. Fritsch

I think you can learn a lot in this profession from observing other attorneys. You can learn what to do, and perhaps more importantly, what not to do. I bought my first house in January and the added responsibilities tied to the house have made my days a bit longer. To be honest, that

is an understatement. In reality, I can no longer keep up. As I was sitting at my desk feeling like a failure because my lawn is so high that it will need to be baled (luckily dad's a farmer so I can borrow the tractor), the fresh vegetables from my garden need to be frozen before they go to waste and I

desperately need to do some ironing, I decided to observe the other attorneys around me to see how they are able to get these things done. But during my observations, I began to realize that the male attorneys I know had a bit more time to spend in the office than the female attorneys.

Once I realized this unfortunate fact, I decided to start paying more attention to the other female lawyers around me in an attempt to figure out why so many of us are always so busy that there's no time to sit down and read a good book (unless it's law-related) or take a relaxing bath. Not to state the obvious, but the legal profession is filled to the brim with stress, due dates, pressures, time constraints and a great deal of responsibility. Through my observations, I noticed that, although I was often stressed out by work, life and all the many obligations, the male attorneys seemed to handle the stress better. I did not care for this observation, so I decided I had to investigate this phenomenon and figure out what the heck was going on. In fact, I had a conversation about this issue with one of the male attorneys that I am fortunate to be able to have as a mentor. I told him that I could not figure out how he could stay at work so late every single night and still get things done at home. His response was that he was pretty much taken care of— i.e., he has a wife who cleans the house, makes him dinner and does the laundry.

And then it hit me. What I began to realize was that most female attorneys have Superwoman Syndrome. By Superwoman Syndrome, I don't mean that we have super-strength or that we don our blue masks and fly to the courthouse with blue capes flapping in the wind with a big red "S" painted on our chests. If Superwoman Syndrome was a legal term, Black's Law Dictionary would describe it as:

SUPERWOMAN SYNDROME: a condition or characteristic pattern of behavior by which one thinks they are a superwoman. One is usually diagnosed with Superwoman Syndrome in the late 20s or early 30s, but some show symptoms at an earlier age. It is unknown whether Superwoman Syndrome is genetic or created by societal pressures, but it is thought to be present at birth. One afflicted with Superwoman Syndrome does not know her limits and believes that she can do anything and everything—all at one time. When left untreated, Superwoman Syndrome can

cause complete burn-out, disillusionment and the inability to practice law.

As lawyers, we are members of a profession that requires more time and energy than the typical career. But, the problem is, we're not just lawyers. We're also mothers, daughters, sisters, granddaughters and friends. We have families to take care of, friends to spend time with, houses to clean, healthy dinners to cook, perfect parties to plan, lawns to mow, laundry to do, bills to pay, groceries to buy, lives to live. Then there are workouts, pro bono hours, and volunteer work. Dare I even say that we also need time to have a little fun!? Sometimes it is nearly enough to make your head spin. Yet, most of us refuse to admit that we have limits and do it all anyway. Instead of just letting our head spin, we polish our shiny blue cape and knee-high boots and keep on trucking through the to-do list.

Although this seemed to work quite well for Linda Evans, it is pretty hard to sustain in the real world for any extended period of time. Yet, we try it anyway. Some of us will succeed; some of us will burn out. We'll look around in five or 10 years and many of us will no longer be practicing law. Some of us will leave the profession to raise a family or pursue other avenues like so many female attorneys before us. But, if you're one of the many Superwoman Syndrome-inflicted attorneys who want this to be a lifetime career, how do you survive and thrive in a profession that tends to push until you snap?

I suppose the first step is realizing that you have Superwoman Syndrome. Although I was recently diagnosed with Superwoman Syndrome, I have suffered from this affliction since I was quite young. Until recently, I used to stay up until all hours of the night in an attempt to cross a few more things off my to-do list each day. But, as I grow older, I am beginning to realize that I am simply not capable of doing this any longer. I first realized that I had Superwoman Syndrome when it began manifesting itself in physical symptoms—constant headaches, knotted muscles, neck and shoulder problems, TMJ Syndrome and various other troublesome ailments. I've been

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able to take control of these physical symptoms through many, many visits to my chiropractor, frequent and painful massage therapy sessions and lots and lots of yoga. That's when I realized it was time to give myself a break.

Perhaps that's the answer. Break down your to-do list into three segments: (1) must get done today, (2) should get done today, and (3) wouldn't it be nice if this got done today. Make sure you get all items in the first segment done each day. Do your best to get the items in segment two done each day. Then, if you have

time and energy at the end of the day, work on segment three. You're probably thinking that this is nothing new—that this is what you already do. But here's the new part—if you can't get to segment three, don't sweat it. The lawn will still be there to mow. The dishes aren't going anywhere (unfortunately).

As I look into my kitchen right now, the pile of dirty dishes annoys the hell out of me as I fight off thoughts that I'm a failure as a woman for not keeping up with my housecleaning. My pile of folded, clean laundry sits in a laundry basket in my bedroom. The

dust is gathering on my living room furniture. I haven't done my yoga today. And, yes, my lawn needs to be mowed. But it's 11:00 p.m., it's been a long day and my alarm will go off in exactly six hours. It's time to catch some zzzzz's.

In other words, it's time to give ourselves a break. After all, we're only human.

1. Ms. Fritsch is with the law firm of Cliffe, Foster, Corneille, Buick & Buick, LLC and a member of the ISBA Women in the Law Committee.

Perspective

By Rebecca L. Caires¹

Remember when the “most important thing in the world” to you was what time recess started, or counting the months until graduation, or how soon you could buy that new television, car, or pair of shoes? I don't know exactly when, but at one point, my priorities shifted. At some time I realized that my health drove everything else and the potential success thereof. When people asked me what was most important in my life, I started saying my health because I understood that all else was driven from there.

I didn't have one tipping point, but after a few very bad flu seasons during my early 30s, being home sick was far more of a burden than what I thought it should be—and it was far less fun. Being home ill meant nothing else could get done and no one could count on me. It was not a “play day.”

It seems now, every couple years I go through a major health-threatening situation with someone I care about—a friend, a loved one, a family member. Experiencing the near loss or loss of a loved one wakes you up. You are reminded that each day should be viewed as a gift—and that time with people you care for is precious. You are reminded of your own mortality and your own responsibilities. One eye-opening experience that helped me realize life's gift of health was when my mother's life was threatened by stage IV breast cancer. I had been working

in a cancer center and had access to information, second opinions, research and moral support. Knowledge and assistance I gained from experts then, enabled me to say today that she is a 17-year cancer survivor. I never spend a minute with her now that I take for granted. We celebrate our friendship and our mother-daughter relationship every day, not just on Mothers Day.

It was during that time too, when I came to understand that I needed to take better care of myself. But, these days we are too busy to make health a priority, right? Sadly, some of us have too many other issues to juggle, which supersede us taking care of ourselves. We have joined the ranks of women who continue to do it all. If you are like me, mid-career and mid-life helped me realize that 40 could be more fun and fulfilling than my 20s and 30s. But, along with this level of intelligence, wisdom, and experience comes more responsibility too. We have aging parents, children turning into adults, and expanding health care needs for our families and ourselves.

We must remind ourselves occasionally, that even if we don't think we have time for our own healthcare, we must make the time. Because if we don't, we will be caught trying to juggle all of these balls and will not physically be able to do it. The cycle of our lives and our commitments all stop when we are ill. And if we have something more catastrophic happen, we realize all the

more, how important our health and our families are.

And though we intellectually understand what's right regarding our habits of health, diet, and exercise, most of us can always improve upon what we do, right? We read about ideas to improve our health everyday. But the advice is often harder to live by. While trying to improve our lifestyles, which will help prevent early onset of many diseases, we can't forget early screening methods. Cancer screenings should be in our routine as well. Screening will give us peace of mind. And, worst-case scenario, screening allows us to detect disease early enough to do something about it.

Think about these statistics from the American Cancer Society estimated for 2005:

- There will be an estimated 1,372,910 new cases of cancer and 570,280 deaths from cancer in the United States.
- Nationally, the top three types of cancer incidence in women will be breast, lung, and colon cancers, and the top three types of cancer deaths will be lung, breast, and colon cancers respectively.
- Tobacco use, physical inactivity, obesity, and poor nutrition are major preventable causes of cancer and other diseases in the United States.
- Screening and finding a cancer early before it has spread gives you the best chance to do something about it.

In my line of work, I meet people every day who are ill and could not have done anything about it. And, I meet people who are ill and whose lifestyles might have exacerbated their disease—or might have impacted its onset. But, I have personally seen people too, who ignore signs and symptoms and don't follow up at all. Sometimes they don't live to regret it. Is it that people are afraid of what they don't know? Are they afraid of what might happen, and simply don't want to know? Is that why women don't get mammograms? These screenings save lives. They detect cancers far earlier than can be detected until the onset of symptoms. Some cancers do not exhibit many signs or symptoms at all. I urge you to review the following screening guidelines for the top three cancers for yourself, your families, and your friends.

American Cancer Society Screening Recommendations for Women:

Breast Cancer:

- Mammogram yearly after age 40.
- Clinical Breast Exam (CBE) as part of a full health exam every three years in 20s and 30s and annually after age 40.

- Breast Self-Exam (BSE) monthly beginning in 20s.
- Report any breast change to your doctor without delay.
- Women with increased risk (family history, genetic tendency, past breast cancer) should speak with their physician about benefits and limitations of screening earlier or having additional tests.

Lung Cancer:

- The American Cancer Society states that smoking is the cause for more than 80 percent of all lung cancers. It is one of the few cancers that can often be prevented. If you are a smoker, ask your physician to help you quit.

Colon Cancer:

The American Cancer Society recommends one of these testing options for all people beginning at age 50:

- Fecal occult blood test yearly.
- Flexible sigmoidoscopy every five years.
- Double contrast barium enema every five years.
- Colonoscopy every 10 years.

So, consider your options and

review the things that you could do better—at least get your basic screenings each year. Then think about not taking your health for granted, nor anyone else's.

Then call your friend, your parent, your child, or your spouse, and tell them that you are glad they are in your life. Thank them for their gifts to you. Celebrate the day with them. Wake up tomorrow and celebrate your own aliveness. Enjoy the sunrise, and the air, and the views, and the funny things that happen to you. Enjoy your moment here in good health.

For further reference on cancer statistics, prevention, screening, diagnosis, treatment and research, please visit these Web sites.

- <<http://www.cancer.gov/>>
- <<http://www.cancer.org/docroot/home/index.asp>>
- <http://www.nccn.org/patients/patient_gls.asp>
- <<http://www.cdc.gov/cancer/index.htm>>

1. Ms. Caires is a Service Line Administrator in Oncology at Provena Saint Joseph Medical Center in Joliet, IL.

The case for expanded stem cell research: An update

By *Gretchen Livingston*¹

Since last fall, when Illinois Comptroller Dan Hynes announced his effort to fund all forms of stem cell research in Illinois through a bill that would have taxed voluntary cosmetic procedures and created the Illinois Regenerative Medicine Institute, the move to expand stem cell research here in Illinois has taken a positive turn. The momentum to expand stem cell research has continued at the federal level as well, even in the face of a small minority who oppose the research. Because the polling data consistently reflects widespread support for all forms of stem cell research, both adult and embryonic, these developments should surprise no one. The more our legislators learn about the promise of the research, the more support for change grows, begin-

ning here in Illinois and continuing at the federal level.

The bill that would have established the Illinois Regenerative Medicine Institute was supported by a wide range of health care advocacy groups, including the Juvenile Diabetes Research Foundation, the Parkinson's Action Network, and the Les Turner ALS Foundation, among many others, as well as major Illinois research institutions like Northwestern University and the Research Institute at Children's Memorial Hospital. But despite the widespread support of these institutions, organizations of plastic surgeons and industries that support them, like botox manufacturers, opposed the legislation, along with some right to life groups who have wrongly attempted to link embryonic stem cell research with

the abortion issue. Against this backdrop of well-funded opposition, the bill's chances of success in the Illinois General Assembly were less than certain and it was not called for a vote. The legislative session ended in a more timely fashion than the previous year, with the legislature approving a budget that included a \$10 million line item for medical research.

On July 13, 2005, Governor Rod Blagojevich signed an Executive Order designating that line item to all forms of stem cell research. At the press conference where he made the announcement, the Governor was accompanied by some of the legislative leaders who have consistently supported this issue over the last several years, including Comptroller Dan Hynes, House Republican Leader Tom Cross,

whose daughter has type 1 diabetes, Senator Jeff Schoenberg and House Representative Sarah Feigenholz. In addition, representatives from the same health care advocacy groups that had supported the prior stem cell bills in the Illinois General Assembly, including numerous children suffering from type 1 diabetes, and children suffering from other devastating diseases, like Canavan's (a rare genetic disorder that results in severe neurological dysfunction and eventually causes the brain to degenerate into a spongy mass), stood with the Governor in support of his Order.

I delivered remarks at the press conference applauding the Order:

I am not content to wait while politics cloud the science and interfere with real progress towards cures. Like any mother, I want a healthy child, and barring that, access to scientific advances supported by our major Illinois research facilities to make my child healthy again. Illinois can now join the growing number of states that have embraced the best medical research has to offer for the benefit of people like my daughter Clara and our friends. She's done her part—pricking her finger 10 times a day to test blood sugar, putting a large needle into her stomach to deliver insulin, counting the carbs of every bite of food she eats—now our legislative leaders have done their part too. Let's let the researchers get to work on the cures.

In 2002 nearly 7 percent of the adult population in Illinois had diagnosed diabetes. Direct and indirect costs of diabetes in Illinois totaled about 6.8 billion dollars in 2002. Progress towards a cure for diabetes and the other diseases that could be cured through stem cell research is imperative not just economically, but also morally because we care about those who suffer from disease.

We now await the implementation of the Governor's Executive Order, which will occur under the purview of the Department of Public Health. The experience of other states will be instructive in this process. California has not had an easy time implement-

ing Proposition 71, which allocated \$3 billion to stem cell research in that state and immediately drew the attention of researchers who have been hampered in their ability to do their work by the federal policy and may find California a more supportive place to do medical research. And while Illinois has been busy making progress towards an expanded stem cell research policy, other states have had success defeating bills that would have restricted, or even criminalized, stem cell research, including Missouri and Texas.

All of the effort in the states would be less important if the federal government had a more expansive policy of funding stem cell research. Since August 2001, in a compromise that did not fully satisfy either side in the debate, federal funding of embryonic stem cell research has been limited to lines of stem cells already in existence as of that date. Because those embryonic stem cells had already been destroyed at the time of the announcement, the government would play no part in their destruction by allowing funding on research occurring after the announcement. For some time now, health care advocacy groups have been working on legislation to expand the policy consistent with this view. The result is H.R. 810, The Stem Cell Research Enhancement Act of 2005, which would allow federal funding of research on embryos donated through a process of informed consent by couples who have created them during the course of fertility treatments and have determined that they will not use the excess embryos to create additional children (or pay to store them or donate them to others). H.R. 810 passed in the United States House of Representatives this spring by a vote of 238 to 194, a total that included 50 republicans who broke with the President, despite his threatened veto.

The U.S. Senate may soon consider H.R. 810 for a vote on the floor; though the vote may be delayed by legislative developments related Hurricane Katrina and new Supreme Court appointments. In an exciting development occurring at the end of the legislative session before the August recess, Senate Leader Bill Frist, who is also a doctor, announced that he now supports H.R. 810: "While

human embryonic stem cell research is still at a very early stage, the limitations put in place in 2001 will, over time, slow our ability to bring potential new treatments for certain diseases. Therefore, I believe the president's policy should be modified." This important announcement by Senator Frist could have the affect of drawing additional votes in the Senate, where there is bi-partisan support for the bill already, with notable pro-life Senators like Senator Hatch already in support of the bill as a co-sponsor.

In a more disturbing development, the Senate plans to consider other stem cell bills along with H.R. 810. One bill that could slow progress on stem cell research is S. 658, the Human Cloning Prohibition Act, which would ban not just human reproductive cloning, which virtually everyone opposes, but also somatic cell nuclear transfer (SCNT- often called "therapeutic cloning"). SCNT provides researchers with another means to create stem cell lines by combining a donor cell that has had its nucleus removed with another cell from the patient and chemically triggering the combination to grow. When scientists use SCNT to create stem cells, no sperm is used and the resulting cell has no chance of developing into a human being because it is never placed in a uterus. Scientists believe SCNT offers great therapeutic and research potential, in part because it would result in replacement cells genetically matched to the patient. An earlier version of this bill passed the House several years ago.

Since human embryonic stem cells were first isolated in 1998 researchers have been making progress, and with the support of state and federal government they will make more progress. Advocates have worked tirelessly to educate our legislators and our legislators have gotten the message: their constituents expect their elected representatives to support medical research that will benefit the sick. No one wants to be on the side of an issue that delays hope and health for millions. We will all benefit from an expanded policy one day.

1. Ms. Livingston, formerly a partner at Jenner & Block, is currently the volunteer Legislative Chair for the Juvenile Diabetes Research Foundation-Illinois.

Reflections on Women Lawyers: Personal experiences and history

By Joan M. Hall¹

Editors Note: On July 27, 2005, retired Jenner & Block Partner Joan M. Hall addressed the Firm's Women's Forum including women summer associates. She spoke about her personal experiences as a women lawyer as well as her insights about women lawyers in history and at Jenner & Block. Her remarks and stories about the treatment of women in law and her research on this topic are of interest to all women lawyers. These comments help us understand how far we have come and the progress that remains to be achieved by and for women lawyers.

I am really pleased to be here today, mainly because I love being in a room full of women lawyers. That's because for the first 15 years of my practice, I rarely saw another woman lawyer anywhere I went. I want to begin by telling you a story. Those of you who have been here a long time have heard this story, so you can use this time to check your BlackBerrys, but I do want to share it with the rest of you.

In 1982, I was admitted to membership in the American College of Trial Lawyers. This is a prestigious organization of trial lawyers from all parts of the country. At the time of my admission, the College had 3,600 members, of whom three were women. I was the 4th woman admitted.

When I received the plaque memorializing my admission to the American College, I was about to hang it on my office wall when something on the face of the plaque caught my eye. The plaque bore the following legend: "The Regents of the American College of Trial Lawyers hereby certify to the admission of Joan M. Hall as a Fellow of the College, these letters being the testimonial that he possesses the necessary experience, skill and integrity to qualify for this Fellowship." The president of the American College who signed my plaque was a talented trial lawyer from Little Rock, Arkansas, who happened to be a good friend of mine. My secretary prepared a photocopy

of the plaque. I circled the word "he," wrote in the margin "How long, oh Lord, how long" and mailed it to my friend who had signed it.

I received a response almost instantly. He wrote back and said, "When we in the American College make somebody a Fellow, we go whole hog."

I am pleased to report that this story has a happy ending. The American College now issues different plaques to its male and female members. In fact, I am told that the plaque which I have is a collector's item, because there won't be any more like it. You are welcome to stop by my office to check out the two plaques.

I also want to tell you a little bit about my own background. I grew up in Bassett, Nebraska, a town of 800 people in the Sandhills of Nebraska. Both of my parents were schoolteachers and my mother always worked. There were 24 students in my high school class.

I graduated from Nebraska Wesleyan University, a small church school in Lincoln, Nebraska where we had to be in our dorm rooms by 9:00 p.m. and there was compulsory chapel every week.

I worked my way through college by holding down two jobs: working as secretary to the head of the English department and playing the organ at a Lutheran church in Lincoln.

There are no lawyers in my family and I didn't aspire to be a lawyer when I was growing up. After college, I married a young man who was determined to become a lawyer. He suggested to me that I go to law school and I responded that I had nothing better planned. We decided to attend the Yale Law School, having made that decision on a very scientific basis. We had never seen the school (or any other law school to which we applied) but Yale gave us the most money and that was the basis for our decision.

At the time I graduated from Yale in 1965, many law firms who came to the school advised the placement office in advance not to sign up any women for

interviews because they did not hire women. We accepted that and didn't make any protest.

I had a very difficult time finding a job and I was enormously grateful to Jenner & Block for going out on a limb and offering me a position.

My assigned topic today is the history of women lawyers at Jenner & Block. But before I get to that, I would like to share with you a bit of the history of women lawyers in this country.

Historically, women were excluded from participating in or controlling any aspect of the legal system. Women could not be judges, jurors or litigants. For example, the common law rule was that juries were to consist of "12 good men." There was one lone exception: when a pregnant woman faced execution, a jury of 12 women was convened to decide whether she should be executed before or after giving birth to her child. The common law view of women is well summarized in one of the early cases which describes a woman as "a vessel, a chattel and a household drudge."

For the most part, women were also precluded from attending law school or practicing law. One of the most important early decisions was *Bradwell v. Illinois*, in which the Illinois Supreme Court denied a woman's application for a license to practice law solely because she was female.

The Illinois Supreme Court noted the following immutable principle of English common law: "That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply and execute the laws."

The U.S. Supreme Court affirmed. The majority opinion was brief and not particularly noteworthy. But the concurring opinion by Mr. Justice Bradley is notorious and you may be familiar with it. In case you are not, I'd like to read a brief passage from his opinion because I fear that any paraphrase might lose the true flavor:

Man is, or should be, woman's protector and defender. The natu-

ral and proper timidity and delicacy which belongs to the female sex unfits it for many of the occupations of civil law. The domestic sphere is that which properly belongs to the domain and functions of womanhood. The harmony of interests which belong to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband.

Justice Bradley continues:

The paramount destiny and mission of women are to fulfill the noble and benign offices of women and mother. This is the law of the Creator.

He does not tell us how he received this word from the Creator.

Perhaps the most offensive part of the opinion is where Justice Bradley notes that it is within the province of the legislature to decide that certain professions "shall be filled and discharged by men, and shall receive the benefit of those energies and responsibilities, and that decision and firmness which predominate in the sterner sex."

Well, Mrs. Bradwell persevered. Having first applied for admission in 1869, she was finally admitted 21 years later at the age of 59. She died four years after her admission to practice.

About 20 years after the *Bradwell* case, the Supreme Court did it again. The State of Virginia had a statute allowing any "person" admitted to practice in another state to practice in Virginia. The Virginia court said the word "person" of course meant "male." The Supreme Court refused to issue a writ of mandamus ordering the female applicant's admission to practice.

Another interesting bit of history involves the admissions policies of the law schools. For decades many of the nation's top law schools totally excluded women. The Dean of Columbia Law School came under suffragette pressure during World War I and he responded with the prediction that if women were admitted, his school "would soon be swarming with freaks and cranks."

The Harvard Law School held out until 1950. And even then I think they acted very reluctantly. One of the women admitted to Harvard in the 1950s tells the story of being invited,

along with the eight other women in her class, to Dean Griswold's home for dinner. She was very pleased with the invitation, thinking the Dean wanted to make them feel welcome. Instead, after dinner, the Dean required each woman in turn to justify why she was occupying a place in the class that could be held by a man. Not until 1972 were women admitted to all law schools approved by the A.B.A.

Now I'd like to turn to a few statistics which I hope you will find interesting. What do the statistics reveal? They reveal that not all states were as obstinate as Illinois and Virginia. The first woman was admitted to practice in the U.S. in 1869. But the progress was unbelievably slow. For example, Rhode Island did not admit women to the bar until 1920. The total percentage of women lawyers remained low and showed very small growth. In 1948, women constituted only 1.8 percent of lawyers. Twenty years later, in 1968 (which was three years after I graduated from law school), this percentage had risen only to 2.8 percent

It is easier to see the dramatic change in this area if you look only at law school admissions, not at the total number of lawyers. Then you can highlight the sudden influx of women into the legal profession. When I graduated from law school in 1965, there were seven women in my class of 165. The national average at that time was around 4 percent—that is, about 4 percent of the law students in this country were women. By 1975, that number had jumped to 23 percent. Now I think in most law schools, about 50 percent of the students are women. The change has truly been revolutionary.

Let me tell you about some other statistics which I found astounding—the statistics relating to women judges. From the founding of the republic until 1968, only one woman ever served on the U.S. Court of Appeals. Florence Allen was appointed to the Sixth Circuit by President Roosevelt in 1934 and served until her retirement in 1954. Judge Allen wrote an interesting autobiography entitled *To Do Justly*. She describes her election to the Court of Common Pleas in Cleveland, running on a platform of improving the criminal courts. She was particularly interested in criminal cases. Much to her chagrin, as soon as she was elected, the other judges

on the court created a divorce division and announced that Judge Allen would hear all the divorce cases. I'll read you her response: "Since I was unmarried, I thought these eleven men, most of them married, were better qualified than I to carry their share of this burden." Judge Allen issued a press release saying she wouldn't accept the assignment and the other judges retreated.

When Judge Allen went on the Sixth Circuit, she described the reaction of the three male judges on that court as follows: "None of the judges favored my appointment. I am told that when it was announced one of them went to bed for two days." One of her fellow judges so strongly disapproved of her appointment at first, he would not even look at her during the working sessions of the court. But eventually, she won them over.

Women now constitute 18 percent of the federal Circuit Court judges—a fairly low number. And, of course, the number of women on the U.S. Supreme Court has just decreased by 50 percent.

Another interesting group of statistics relates to women in large law firms. When I graduated from the Yale Law School in 1965, the 20 largest law firms in Chicago had a total of five women partners and 350 male partners. In 1983, the 20 largest firms had about 1,200 partners, of whom only 43 were women. This was indeed slow progress and of those 43 women, 12 were with Jenner & Block.

For many years, women were also notably absent from the ranks of the law school professors. When the great influx of women law students began to complain about this situation, the law schools started scrambling to find women faculty members. A 1972 report indicated that while women constituted 8 percent of all law faculty members, they constituted only 2.5 percent of the full professors. Many of the nation's leading law schools, including Stanford and Columbia, did not acquire their first woman full professor until the 1970s.

As an aside, I want to share with you some remarks made by Chief Justice Burger during the oral argument of a Title VII case. In commenting on the fact that 80 percent of the people the defendant hired for its assembly line were women, the Chief Justice

said:

The reason you have 80 percent women is something that I would take judicial notice of, from many years of contact with industry, that women are manually much more adept than men and they do this kind of work better than men do it, and that's why you hire women. . . .

At a later point, the Chief Justice went on to say:

The Department of Justice, I am sure, doesn't have any male secretaries. That is an indication of it. They hire women secretaries because they are better and they hire women assembly people because they are better. . . ."

I don't want to be unfair to Chief Justice Burger. In an opinion he wrote at a later date, I came upon a sentence which I thought showed significant improvement. The Chief Justice said "No ordinary shareholder would have had to comply with the '33 Act registration requirements in order to sell his or her stock." That may not seem significant to you, but I want you to know that thousands of judicial opinions have been phrased on the assumption that the men own all the stock. I think the consciousness of the Chief Justice, or his law clerks, had been raised.

Now let's turn to the history of women lawyers at Jenner & Block. About 8 years ago Barb Steiner and I worked together to try to piece together some information on this subject. It was a very good thing that we did that because several of our sources are no longer with us.

In gathering evidence of the firm's history, it was not easy to separate myth from reality. For example, we cannot determine for sure who was the first woman lawyer at the firm.

One of the early women lawyers at the firm was Irene Zeisler. I am told that she attended John Marshall Law School and only did secretarial work at the firm, not legal work. Then in the early 1940's, Mr. Jenner hired a woman lawyer named Nan Britton to assist him in drafting the notes to the Illinois Civil Practice Act. But Barb Steiner's research revealed that Nan Britton was not listed in Sullivan's or on any firm letterhead or announcement.

The next woman lawyer at the firm

was probably Charlotte Hornstein whom I talked with in 1997 when we were pulling together historical evidence. Charlotte attended the University of Chicago Law School and ultimately graduated from John Marshall Law School during the depression. She came to Jenner & Block on her 30th birthday in 1942. She told me it was very difficult for men or women to find jobs during the depression. She was a lawyer, but she was hired as a secretary and she told me that she was thrilled to have that job. Barb Steiner discovered that beginning in 1947, Charlotte had an individual listing in Sullivan's law directory which listed her office address as the Jenner & Block address and also listed the firm phone number as her phone number. Charlotte was secretary for a partner named Henry Brandt. Since my earliest days at the firm, I was led to believe that Henry Brandt had asked the firm to make her an associate and when the firm refused, Charlotte and Henry left the firm. When I asked Charlotte about that, she told me that she and Henry did leave the firm in 1958 to join another law firm where she worked as a lawyer.

So the first woman that I know for sure was hired here as a lawyer and who worked here for a substantial period of time was Marianna Cook who was here from 1963 to 1978. Marianna had been a trust officer at State National Bank in Evanston which was our client. She was hired to work in the probate department for Addis Hall, then head of that department. Addis, who is now deceased, remembered vividly that Marianna was hired the day that President Kennedy was assassinated, November 22, 1963. He recalled taking Marianna to dinner that evening and offering her a position with the firm. She was a full-time lawyer with the firm. She withdrew from the firm at the end of 1978 and moved to Oregon because she was unhappy with her lack of progress at the firm.

When I was a young lawyer at the firm, I was frequently told that when Marianna Cook was hired, she was told that she would never be considered for partnership. As I mentioned, she was hired in 1963. She was elected to the partnership as of January 1, 1970. I do not know whether the story about what she was told when she was

hired falls into the category of myth or reality.

In 1964, the firm hired a second woman, Diane Lunquist. She worked exclusively in the probate department. She was here only a short time and left soon after I joined the firm in the summer of 1965.

I joined the firm in the summer of 1965. Two other men were hired at the same time and we received the same treatment. In fact, we all three shared an office. I was not restricted to assignments from the probate and estate department.

I never experienced any discriminatory treatment from the other lawyers at the firm. I suspect that a few of them may not have been pleased with my presence, but I always received good assignments and had plenty of work to do. For my first 5 years, I worked almost exclusively for Sam Block, whose practice was a mixture of corporate and litigation. Sam was a very strong mentor for me. Sam died, very unexpectedly, at a very young age, after I had been with the firm for 5 years. I thought it was the end of the world.

I want you to know a little more about Sam Block. People around here talk a lot about Bert Jenner but you don't hear too many stories about Sam Block, a man I loved and respected.

Samuel W. Block was born in 1911 in St. Joseph, Missouri. He received his undergraduate degree from Yale in 1933 and his law degree from Harvard in 1936. He came to this firm when he graduated from law school in 1936 and he was admitted to partnership in 1948. His name was added to the firm in 1964, the year before I arrived here. He had tremendous expertise in anti-trust and securities matters. But he also handled litigated matters.

On the personal side, Sam was married, had three children and lived in Hyde Park. He and his family had a cottage in Wisconsin. There was a world of difference between the way Mr. Jenner lived his way and the way Mr. Block lived his life. Bert Jenner's idea of a vacation was to go to an American Bar Association convention. Sam Block lived a much more balanced life and did not work nearly as long hours as Jenner. I think Sam Block was a great example for all of us. You can learn from his example. You can lead a balanced life and still become a

name partner in a major law firm.

When Sam died on October 28, 1970, I was extremely pregnant with my first child who was born three weeks after Sam's death. I think Sam was a little perplexed about working with a pregnant lawyer, as I was the firm's first pregnant lawyer. However, nobody said or did anything about it. One of my law school friends at another large Chicago firm was required to take a substantial maternity leave when she got pregnant. Nobody at our firm (including me) knew anything about maternity leave so I only took one week off with each of my two sons. My first son was born in 1970 and my second son in 1974.

In the summer of 1967, Leah Hamilton joined the firm. Bert Jenner was very much in favor of hiring Leah because she had attended the University of Illinois Law School, his alma mater. I was excited to have Leah join the firm, because we were about the same age. Leah eventually became a tax lawyer and she was brilliant. Leah left the firm in 1983, after she had married one of our tax partners,

Herb Olson.

I was elected to partnership as of January 1, 1972. Marianna was still there, so the firm had two women partners.

Leah Hamilton was elected to partnership as of January 1, 1973. At that time, we had three women partners and two women associates.

No additional women were elected to partnership until 1976, when one woman was admitted. Then there was another four-year hiatus, until two more women were elected in 1980.

In the meantime, we began to make real progress in terms of the number of woman associates hired. I was named chairman of the Hiring Committee in 1976. We hired 16 new associates that year and seven were women.

I have a vivid memory of riding in a limousine with Bert Jenner on our way to a funeral service for a member of the firm. He knew that I was the chairman of the Hiring Committee and he was grilling me about the lawyers we had hired. He was particularly interested in knowing how many people we had hiring from the University of

Illinois Law School. He also wanted to know how many women we had hired. When I told him that half of the incoming group were women, I thought he would fall off the car seat. But he didn't make any protest.

So where are we today in terms of women lawyers at Jenner & Block? I thought you might be interested to know that there are 35 women partners at Jenner & Block, out of a total of 199 partners. Therefore, approximately 18 percent of the partners at Jenner & Block are women. It is a matter of enormous interest to me that this number does not rise to become anything like the percentage of women in law school classes. I have some theories about that, and you probably do too—and perhaps we'll have an opportunity to discuss that together sometime.

1. Joan M. Hall is a retired Partner at Jenner & Block. Ms. Hall was a founder of the Young Women Leadership Charter School of Chicago ("YWLCS"), a school dedicated to advancing young women in the areas of math, science and technology. She now serves as President of the YWLCS Board of Directors.

Desperate Housewives Chicago style

By Margaret C. Benson¹

Now that Annie has convinced Roy to move in with her, what will happen with her plan to get guardianship of her orphaned niece? Will Stella's grandchildren learn that she has been deleting the emails their father sends them from prison? Where will Collette's little boy sleep tonight?

Annie was thrilled the day Roy finally agreed to move into her cozy one-bedroom bungalow on Misteria Lane. But then her aunt suddenly died, leaving behind a 12-year-old adopted daughter. Annie wants guardianship of the child, but does Roy? Right now, the girl is living with her 30-year-old adopted brother, Fred, a notorious abuser. Fred was jailed, more than once, for violating Orders of Protections obtained by his mother and various other people. Fred has always denied any anger issues, claiming that other people are

simply out to get him. Fred says he will fight Annie for custody of his sister. He says Annie's boyfriend, Roy, is a drug dealer and he can prove it in court.

While Annie tries to figure out what to do, her neighbor across the street, Stella, is worried about keeping her grandchildren away from their father. She took guardianship of the kids when Bill went to prison. It seems he'd been chatting on-line with an undercover police officer who went by the screen name, "Hot Young Thang." Bill was charged with and ultimately convicted of child porn—the police had found thousands of illegal images of children on his personal laptop. Yesterday, Bill showed up at Stella's front door. He'd been released early thanks to prison overcrowding and wanted to collect his kids and move to Elgin. Stella didn't want to let the kids go and they didn't want to move away from Misteria Lane.

Now they were sobbing hysterically, while Bill was demanding his rights as a father. What could Stella do?

Down the street, Collette had her own problems. Five years ago, she'd left her baby boy with her stepmother, Francine, while she went away to college. Upon graduating with a B.S. in nursing, she'd rented a condo on Misteria Lane and was ready to bring her son home with her. Francine had other ideas. Although the child spent last winter with his mother while Francine wintered in Vegas, now Francine has enrolled him in a private kindergarten on the other side of town and is refusing all contact. Collette, devastated, turned to her police officer boyfriend for help. He ran a check on Francine's plates and discovered a three-year-old DUI conviction. He told Collette she should call Francine and threaten to report her to child welfare

authorities unless she turned her son back over to her immediately. Collette didn't really want to threaten Francine, who had really helped her out over the years, but what other choice did she have?

Will Collette turn in Francine? Will Roy allow Annie to take care of her niece? Will Stella have to let Bill see his children?

Do you think these people are all nuts and someone needs to watch out for the kids?

Maybe that someone is you. You

don't need to tune into this newsletter next month to find out what happens. The continuing saga of the fascinating world of Misteria Lane is played out every day in the Probate Division of the Circuit Court of Cook County. There, attorneys just like you, who want to help kids, volunteer for Chicago Volunteer Legal Services ("CVLS") to serve as guardians ad litem. CVLS investigates the parties and the allegations, submit a written report to the court with a recommendation as to the child's best interests and represent the

child in court.

This is a great program for attorneys who want to help kids—CVLS provides intensive, one-to-one training and support, leaving volunteers free to advocate for their young clients. If you want a first-hand look at the daily intrigue on Misteria Lane, contact Michael Bergmann, 312.332.1916 or at mbergmann@cvls.org.

1. Ms. Benson is the Executive Director of the CVLS.

Franchising opportunities for women

By Anita Ponder and Alison Helin¹

With the complexities of juggling a family, career, and community service, franchising opportunities are especially appealing to women. Franchising provides women with a unique opportunity to be their own boss and display their entrepreneurial spirit while taking advantage of the franchisors' existing systems of operational processes, training, and support. Some of the more popular franchise systems for women have been those that offer the most flexibility and control over their schedules, including childcare facilities, tutoring programs, cosmetics companies, flower shops, hair salons, housekeeping services, and weight-loss centers. Below are answers to some of the most frequently asked questions regarding franchises.

1. How many women are involved in franchises?

According to the International Franchise Association, women currently own about 38 percent of all franchises, and women are beginning to buy franchises outside the traditional women's areas. This corresponds to the fact that women now make up 32 percent of the country's 12.2 million business owners, according to a recent study sponsored by the U.S. Small Business Administration ("SBA"). However, most women co-own franchises with their husbands, and only 10 percent of franchises are owned solely by women,



Anita Ponder

according to an SBA report. Some franchisors have made recruiting women a priority because it may provide them entrance to a market they had not considered before. KFC, 7-Eleven, and Thrifty Car Rental are three franchisors that have created assistance programs for women and minority franchisees.

2. What are franchisee benefits to women?

Franchising offers women two major advantages: self-employment using a proven method, and the flexibility to cater a business to the lifestyle they want. Franchising is a relationship-driven industry, and many women find they are good at managing relationships as well as business. A franchisee receives the intangible advantage of starting and operating under the umbrella of a recognized brand name

and established reputation and the use of the franchisor's marketing concept and expertise. Franchisees may engage in business with less capital than would be required to start and operate a completely independent, unaffiliated outlet because of the resources that are available in the franchise relationship.

3. What is the definition of a "franchise"?

The term "franchising" has been applied to many different kinds of trade name and trademark licensing and distribution arrangements. Within the spectrum of business arrangements, one finds a variety of legal relationships, and "franchising" is not susceptible to a very specific definition.

The Federal Trade Commission's regulations characterize a "franchise" as an arrangement in which: (a) the franchisee sells goods or services identified by the franchisor's trademark and that meet the franchisor's quality standards; (b) the franchisor has control over the franchisee's method of operation or gives the franchisee assistance; and (c) to obtain the franchise, the franchisee is required to make a payment to the franchisor of at least \$500 within six months after commencing operations under the franchise. 16 C.F.R. § 436.2.

In Illinois, the Franchise Disclosure Act of 1987, 815 ILCS 705/1, et seq., defines a "franchise" as an agreement by which: (a) a franchisee is granted the right to engage in the business of sell-

ing goods or services under a marketing plan prescribed by a franchisor; (b) the operation of the franchisee's business is substantially associated with the franchisor's trademark, advertising, or other commercial symbol; and (c) the franchisee is required to pay a franchise fee of \$500 or more. 815 ILCS 705/3(1).

4. Are franchises subject to regulation by state and/or federal authorities?

Yes, a franchise is almost certainly subject to regulation by state and/or federal authorities. The Illinois Attorney General has broad power to regulate the offer and sale of franchises, and is vested with civil and criminal enforcement powers. 815 ILCS 705/22(a), 705/24-705/26.

5. What are some start-up and pre-start-up services frequently provided to franchisees?

(1) Market surveys and aid in selecting a suitable site; (2) negotiating leases or providing plans and specifications for facility design and construction; (3) training the franchisee and key employees, and providing operating manuals, accounting systems, and recordkeeping materials; (4) aid in procuring financing; and (5) start-up assistance with franchisor employees and with pre-opening promotional aids.

6. What are the most frequently provided continuing services to franchisees?

(1) Periodic franchisee employee retraining and training for new supervisory employees; (2) periodic inspection to ensure maintenance of product, service quality, and standardization; (3) promotion, advertising, and merchandising materials; (4) merchandise selection, inventory control aids, marketing data, and, on a voluntary participation basis, provision for centralized purchasing; (5) aid in purchasing and financing equipment; and (6) auditing or bookkeeping and recordkeeping services.

7. What are the sources of franchisor revenue?

The two most common sources of franchisor revenue are nonrecurring initial license or franchise fees and royalties. The royalty is a periodic percentage payment for use of the trademark and trade name and for benefits available during the term of the franchise relationship on a continual basis, such as supervision, inspection, and operating and marketing advice.

Revenue also may come from a combination of the following: (1) sales

of general supplies, inventory, or equipment (or rentals from the leasing of equipment); (2) rentals from a lease or sublease of the retail outlet premises; (3) payments for promotion campaigns and advertising; and (4) fees for special services, such as tax and accounting services, and computer support services.

8. What needs to be registered with the Illinois Attorney General before the offer or sale of a franchise in Illinois?

The offering must be registered and sold by means of an offering circular. Under the Franchise Disclosure Act of 1987 (the "Act"), this offering circular must be delivered to a prospective franchisee at least 14 business days before acceptance of consideration or execution of any franchise agreement. 815 ILCS 705/5(2). (Note, however, that the time period in the federal regulations promulgated under the Federal Trade Commission Act, 15 U.S.C. § 41, et seq., which have preemptive effect, is 10 business days. See 16 C.F.R. § 436.2(g).) The Act is applicable to all offers and sales that involve either (1) a franchisee domiciled in Illinois or (2) an offer or acceptance of a franchise that occurs in Illinois if the franchise is to be located in Illinois. 815 ILCS 705/10.

9. How can a franchisor obtain a franchise registration?

To obtain a franchise registration pursuant to §10 of the Act, a franchisor must file (1) an initial registration application; (2) an offering circular, including financial statements and franchise and other agreements; and (3) a consent to service of process naming the Illinois Attorney General as the franchisor's agent to receive service of process. See 14 Ill. Admin. Code § 200.600(a). If a material change occurs with respect to any facts required to be disclosed in the franchisor's offering circular, the franchisor is required to amend its offering circular and to submit the amended circular to the Illinois Attorney General. 815 ILCS 705/11. The franchisor may use the amended prospectus as soon as it is filed with the Attorney General. The Act also provides that if the changes reflect negotiations between the franchisor and a franchisee with respect to the terms of the franchise agreement, an amendment is not required. Id.

The Act prohibits the inclusion of untrue statements or the omission of statements of material fact in any application, notice, or report filed with the Illinois Attorney General.

815 ILCS 705/5(4). The statutory duty to disclose material facts ends when there is a binding commitment to enter into a franchise relationship. *Bonfield v. AAMCO Transmissions, Inc.*, 708 F. Supp. 867 (N.D. Ill. 1989). Although a franchisee may execute a franchise agreement, if this agreement is conditioned on the approval of the franchisor, there is no binding commitment until the franchisee has been approved. Id.

10. What is the purpose of the franchise agreement?

The purpose of a franchise agreement is to define the rules of the relationship and to protect the entire franchise system from any operator conducting its business in a manner that might be injurious to another operator of the system as a whole. There is no standard format because the terms and conditions vary from franchise to franchise and from industry to industry.

In general, franchise agreements cover the following: (1) training and/or ongoing support provided by the franchisor; (2) assigned territory; (3) duration of the franchise agreement; (4) franchise fee and total anticipated investment; (5) trademark, patent, and signage use; (6) royalties and other fees; (7) advertising; (8) operating standards; (9) renewal rights and franchisee termination/cancellation policies; and (10) resale rights. Other provisions that may be included in the franchise agreement include: accounting and records; audits; insurance; taxes, permits, and indebtedness; and dispute resolution. Most franchise companies will not negotiate the terms of their franchise agreements, except for the definition of the protected territory.

For women looking to own their own business, owning a franchise can provide great opportunities. It is advisable that franchisees seek the advice and consultation of competent legal counsel prior to executing a franchise agreement. The International Franchise Association has a Women's Franchise Committee on its Web site which can provide women with a mentor.

Anita Ponder is a partner with the national full-service law firm of Gardner Carton & Douglas LLP. Her unique law practice focuses on commercial transactions, government contract, procurement law, and government relations. Alison Helin, who contributed to this article, is an associate attorney in the Litigation Department of Gardner Carton & Douglas LLP. Her practice focuses on commercial litigation.

Legislative report

By Sharon L. Eiseman

On January 1, 2006, these acts become law:

Despite the huge number of bills that died in session during this recent term, a great number of ones introduced made it to the Governor's desk and were signed into law. Moreover, many of these can be cause for satisfaction because they expanded the rights and protections of those individuals in our state who are the most vulnerable to victimization and exploitation. Maybe the voices of reason that champion the cause of such individuals are indeed heard by our legislators.

1. PA94-360

Orders of protection are now deemed "civil no contact orders" under amendments to the Civil No Contact Order Act. More significantly, the Act has been expanded to include "non-consensual sexual contact" as a ground for issuance in addition to nonconsensual sexual penetration.

2. PA94-640

The court may order counseling for the child/ren, family counseling, or parental education for one or more of the parties in a domestic relations proceeding where certain circumstances are found. Those circumstances include (a) the agreement of the parties; (b) a finding that one or both parties have violated the joint custody agreement and their conduct has affected the child; (c) the child's physical health or emotional development is endangered. The court shall assess the costs of counseling against a particular party if it finds that said party has violated a court order concerning custody, visitation, or joint parenting. Otherwise, the court may apportion the costs between the parties as appropriate. (Note: Although this bill generated some opposing views among the different interested section councils and standing committees, the ISBA's Legislative Committee voted to support the legislation.)

3. PA94-0148

This bill amends the language in the section of the Criminal Code pertaining

to convictions of domestic battery. If such a conviction resulted from an act committed in the presence of any child under 18, the person so convicted must pay the counseling costs of such child. Previously, the child had to be under 16 and the defendant's or victim's child or step-child residing in the household of the defendant or victim.

4. PA94-391

Any nursing mother may now, upon request, be excused from jury service.

5. PA-94-643

This amendment to the IMDA requires a parent who intends to marry or reside with a sex offender to provide "reasonable notice" to the other parent (with whom he or she has a minor child) before the marriage or co-habitation takes place. In addition, the act deems such a marriage or co-habitation a change of circumstance allowing for a motion to modify a custody judgment.

6 & 7 PA94-0087 (effective date of 6-30-05); PA94-43 (both pertaining to child support)

The new Child Support Payment Act makes it easier to pay support by allowing payments to be made at a currency exchange. The payor must provide sufficient information to enable the currency exchange to transmit the money to the obligee. Understandably, this bill became law on June 30, 2005.

To protect their privacy, PA94-43

authorizes the court to withhold the social security numbers of the child or children from disclosure in the income withholding notice.

8. PA94-0589 (effective 8-15-05)

This law creates the new Family Military Leave Act, which requires employers, including municipalities and other units of local government, to provide a certain amount of unpaid family military leave to an employee during the time federal and state deployment orders are in effect. For employers with 15-50 employees, the required leave is up to 15 days; for employers with more than 50 employees, the required leave is up to 30 days. Importantly, "family military leave" is defined as leave requested by an employee who is the spouse or parent of a person called to duty lasting longer than 30 days. Employees utilizing this leave must have used all other available leave prior to taking their allotted time.

9. PA64-0126

In this amendment to the Criminal Code, a person or entity that knowingly obtains, or assists another to obtain, a contract with a governmental unit by falsely representing that said person or entity is a minority or female owned business, or a business owned by a person with a disability, is guilty of a Class 4 felony. A person convicted of this offense must pay back an amount determined by the statute.

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News you can use

- Ellen Schanzle-Haskins has been appointed Acting Chief and now Chief Counsel of the Illinois Department of Transportation. She is the first woman lawyer to hold this IDOT position.
- Ruth Ann Schmitt, executive director of the Lawyers Trust Fund of Illinois, was elected to a second term as Vice President of the National Association of IOLTA Programs (NAIP) at the American Bar Association annual meeting in Chicago in August. NAIP was formed by IOLTA directors and works with the ABA Commission on IOLTA and ABA staff to address state and national issues affecting IOLTA programs.
- Patricia Ball Reed was recognized on the 2005 list of Illinois Super Lawyers. She also will be serving as the First Vice President of the John Marshall Law School Alumni Association.
- Celia G. Gamrath recently received the Distinguished Service Award from the John Marshall Law School. Judge Jan Stuart also received a Distinguished Service Award and Justice Anne M. Burke received the Freedom Award. These awards were presented at a special luncheon held May 13th.
- E. Lynn Grayson has been appointed following the 2005 ABA Annual Meeting in August to the Board of Directors of the National Conference of Women's Bar Associations. She will serve a two year term from August 2005 through August 2007.

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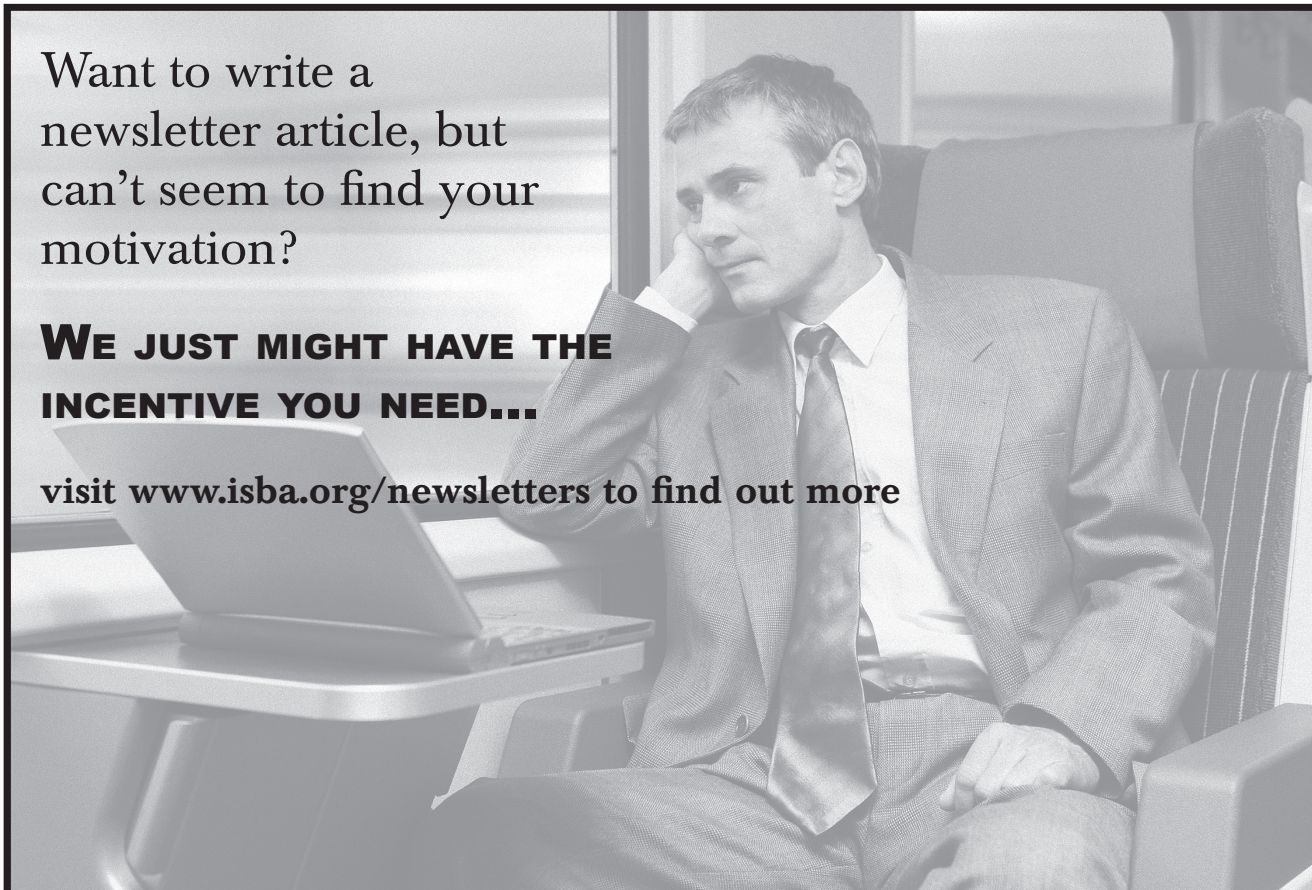
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