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The newsletter of the ISBA's Section on General Practice, Solo & Small Firm Section

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Chair's column

By Julie Ann Sebastian

Once again I repeat the scope/mission statement of the General Practice, Solo & Small Firm Section Council: "To promote professional excellence among those engaged in the general practice of law through education relating to substantive legal practice areas and by providing opportunities for the exchange of information particularly pertinent to the needs of solo and small firm practitioners." My thanks to the ISBA staff member Janet Sosin for distributing this scope or mission statement as part of the business agenda. Janet Sosin is a wonder, knows not only the procedural steps to getting things done but is always willing to provide a name of a speaker for an upcoming program. This Section Council is very fortunate to have Janet assigned as the ISBA

staff liaison. Please allow me to thank Janet for all her hard work behind the scenes. The Section Council is particularly proud of Janet's leadership in the coordination of the 4th Annual Solo & Small Firm Conference, held September 4-6, 2008, again at the Pheasant Run Resort in St. Charles. If you did not attend, you may still purchase the materials from the conference... three tracks of programming—*Substantive Law, Effective and Ethical Practice of Law, and Legal Technology*—to earn up to 14 hours of MCLE, including all 4 hours of professional responsibility MCLE.

How can we—the members of this Section Council - best promote professional excellence among those engaged in the general practice of law? I believe that continuing education programs promote excellence, like the Solo Conference. Keeping up with new legislation also promotes excellence. Something particularly pertinent to the needs of solo and small firm practitioners, indeed to all lawyers, is a reminder to make time for you. Recently, I notice an advertisement in the *Illinois Bar Journal* for the Lawyer's Assistance Program, captioned "schedule time to relax and play ... it could make you a better lawyer." To be able to process all the information that we must process hourly, we need to focus. Play helps. So does exercise. A clear mind benefits from a good night's sleep and a routine of exercise.

One of the best new routines that I



Current Chair Julie Ann Sebastian presents ISBA Certificate of Appreciation to outgoing Chair Donald A. LoBue.

have found—at least for me—is yoga. Through the city college system, yoga classes are held regularly in downtown Chicago at 66 East Randolph Street, part of the Gallery 37 Center for the Arts. Lots of park districts, community colleges, and private health clubs offer yoga classes. Some classes are even free. There are many different types of yoga. My first yoga class was with instructor Tim Norworyta, who has been teaching Hatha yoga for more than thirty years. Hatha yoga refers to the way participants breathe during exercise—consciously, slowly, and deliberately.¹

At Gallery 37, the open space on the 4th floor of the Center for the Arts is an ideal location with sunlight streaming

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through the south wall of floor-to-ceiling class windows in the huge, spacious room that also serves as a dance studio. Sandblasted golden brick walls line two of the four walls, and the light oak floors invite the students to stretch out comfortably on mats. The instructor begins class with verbally guided relaxation... a welcome change from the daily activity of running to and from different courtrooms and court buildings. The class then begins with stretching and strengthening routines. Class ends after 45-minutes of stretching and strengthening routines with another guided relaxation routine. Teachers espouse different parting words, but most teachers share a philosophy of a calm core.

While a simple bend-and-touch-your-toes exercise is always a challenge the first day of the new semester, at the end of the semester, it's a whole palm on the floor! Honestly. The first time I attended class I could barely touch the floor with my long fingertips extended as far as possible. By the end of the semester, the

difference in flexibility is measurable. The yoga classes allow me to stretch and strength body, soul, and mind. When I leave class, I feel relaxed, refreshed, and renewed. Ready for anything.

Writing about being ready for anything reminds me to thank the editors of this newsletter, Judge Edna Turkington-Viktora and John Phipps for the time that they devote to the *General Practice* newsletter and for the effort that they expend to ensure that it is a quality resource for you. They are always at the ready for a new article. Members of the Section Council write valuable articles designed to share information with you. Do you have areas of interest about which you would like to write? Areas of the law that you wish to know more about? We need to know more about what you—the general practitioner—want to know more about to provide that valuable exchange of information. I welcome, and invite, you to write a “Letter to the Chair” like a “Letter to the Editor.” I can be reached at the following mailing address, telephone num-

ber, or e-mail address, if you have ideas or wish to submit a letter to the chair:

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1. According to the online encyclopedia Wikipedia.org, “the word Hatha comes from combining the two Sanskrit terms “ha” meaning sun and “tha” meaning moon... . When the two components of the word are placed together, “hatha” means “forceful”, implying that powerful work must be done to purify the body. Yoga means to yoke, or to join 2 things together, hence hatha yoga is meant to join together sun (masculine, active) energy and moon (feminine, receptive) energy, thus producing balance and greater power in an individual.”

About the Author: Julie Ann Sebastian is an Assistant State's Attorney in the Cook County State's Attorney's Office. She is chair of the ISBA General Practice, Solo and Small Firm Section Council.

Past Chair's Column: Tradition of Excellence Award to Matt Maloney

By Donald A. LoBue

This year's Tradition of Excellence Award goes to Matthew A. Maloney of Princeton, Illinois, posthumously. Matt epitomized the award. In all likelihood he would have received the award at some future date. Our committee is only sorry he will not be able to accept it personally.

The Tradition of Excellence Award stresses excellence in the practice of law, contributions to the bar, contributions to continuing legal education, and service to the community. Matt was all of these.

Matt was a partner for over 30 years with the firm Pierson, Maloney & Rayfield in Princeton, Illinois. He was chairman of the General Practice, Solo & Small Firm Section Council from 2006 - 2007. He served on the ISBA Criminal and Justice Section Council, the Legislation Committee and the Supreme Court Rules Committee. He was a member of

LaSalle and Bureau County Associations, the ABA, ITLA, NACDL, AAJ, IACDL and ABATE.

Matt was the individual the General Practice Committee looked to for input on legislation and for long range planning ideas. Somehow, despite his busy schedule, he seemed to be able to read almost every bit of legislation the ISBA forwarded to us for comment and provided meaningful commentary on almost all of it.

He was concerned about bringing legal services to the solo practitioner and small firms who served communities outside the larger metropolitan areas. He was emphatic about presenting CLE programs in the small communities using local lawyers and local judges. To this day, the bar associations continue to thank the General Practice Committee for their assistance in organizing these programs

for them.

Matt exhibited passion, zealous advocacy, and personal service, both to the profession and to the bar. Julie Ann Sebastian, the person who nominated Matt Maloney for the award, says “I am humbled to have known him and honored to recommend him for the 2008 GP Tradition of Excellence Award.” Hopefully, next year we can further honor Matt by renaming the award “The Matthew A. Maloney Tradition of Excellence Award.”

About the Author: Donald A. LoBue is the immediate past Chair of the General Practice, Solo and Small Firm Section Council. His practice in Springfield, Illinois includes wills, probate, estate planning, corporate planning and the representation of small businesses.



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Editors Column: Pro bono for lawyers with limited time—There are many ways to serve

By John T. Phipps

Recently, the Illinois Supreme Court adopted a change to Supreme Court Rule 756 (j) that allows inactive and retired lawyers to represent pro bono clients without being required to pay the active lawyer registration fee or comply with mandatory CLE requirements. Retired lawyers generally have available time that they can use to do pro bono work, so retired lawyers are a valuable untapped resource that can now be used. This rule change was a positive step towards meeting many unmet legal needs, but what about opportunities for lawyers with limited time?

Practicing lawyers with limited time, however, have a problem accepting pro bono clients because of the time commitment required. Unfortunately, pro bono clients frequently have serious problems which can create a significant time demand on a lawyer's already busy schedule. As a result, many lawyers who would like to do pro bono work avoid getting involved and lose the opportunity to make a significant pro bono contribution.

It is time we look beyond direct client representation and search for other pro bono opportunities. A good starting point is Supreme Court Rule 256 (f). Under the rule, "Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee," as further defined in the rule. While many pro bono advocates talk about providing legal services "to a person of limited means," that is only the first of four pro bono service categories. The other three are:

- (b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;
- (c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and
- (d) training intended to benefit legal service organizations or lawyers who

provide pro bono services.

These categories open up a wealth of possibilities to lawyers who do not have the time to accept a direct service case.

For example, under paragraph (d), a lawyer with specialized knowledge can do training to benefit a legal service organization. Many such organizations would welcome such training. In most cases, all that needs to be done is to ask what the need is and an opportunity will develop. Even contributing a couple of hours of needed legal research can be important to help out an overworked legal services lawyer. Helping out at a legal clinic or spending time answering a legal service hotline is valuable. The time commitment may not be long, but the contribution is real and appreciated.

Legal services in furtherance of an organization's purpose also provide a world of opportunities. A good example that occurred in Champaign recently involved the building of a new Land of Lincoln Legal Assistance Foundation office. A local real estate lawyer who does no court work volunteered her time and provided all of the necessary legal services to acquire the property and construct the building. The amount of work was significant, but because of her expertise, she was able to both limit her involvement and provide a much-needed service that most certainly furthers Land of Lincoln's organizational purpose without draining its limited resources.

Finally, legal services to organizations "in matters designed to address the needs of persons of limited means." Here the opportunities appear wide open, and can include training volunteers, preparing brochures or procedure checklists, or providing educational courses for persons of limited means. Updating and supplementing existing information is a frequent need in these types of organizations because of statutory and other changes. Counseling clients at a homeless or domestic violence shelter would also qualify. Helping these types of organizations and their clients can be very

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satisfying and makes a real difference in people's lives.

There are many ways to serve. Lawyers simply need to look for the opportunities and ask what they can do to help. As these examples show, there are unlimited ways to make a difference without adding to an already full caseload.

About the Co-Editor: John T. Phipps is engaged in the general practice of law in Champaign, IL as John T. Phipps Law Offices, P.C. His primary emphasis is in the areas of family law, general civil litigation, real estate, criminal law, probate and business law. He is a past chair of the ISBA General Practice, Solo and Small Firm Section Council, Co-Editor of the Section's newsletter and a member of the ISBA Assembly. He also chairs the ISBA Special Committee on Electronic Research Services for Members.

Practice Tip—Helping clients: *To Survive Caregiving: A Daughter's Experience, a Doctor's Advice on Finding Hope, Help and Health* (2007) By Cheryl E. Woodson, M.D.¹—A book review

By John Voorn

Serving as a caregiver is a daunting task. As noted in a *Wall Street Journal* article, there are an "estimated 45 million people who provide care for a loved one, including those with the most devastating diseases such as cancer, Alzheimer's and Parkinson's. Studies are increasingly showing that caregiving responsibilities can exact a drastic emotional, physical and financial toll, with caregivers experiencing high rates of depression, stress and other physical and mental health problems.² At a recent office conference, a new client explained in considerable detail the struggles she experiences and the toll it was taking as she cares for her Alzheimer's-afflicted husband. I mentioned to her that there is a resource (*To Survive Caregiving*) to assist her in managing the many responsibilities that come with being a caregiver. The author, Dr. Cheryl E. Woodson, is uniquely qualified to write such a book as she is a geriatrician whose practice is located in Chicago Heights, Illinois. The book is based on her personal experience as a caregiver to her mother during her mother's 10-year struggle with Alzheimer's disease and supported by the author's more than 20 years of practice in the field of geriatric medicine. There is no better authority on caregiving than one who has been a caregiver and advises caregivers in their profession. She knows the stress involved in caring for a loved one while maintaining her marriage, raising two children

and operating a medical practice. The book's theme is that the caregiver is the care recipient's most valuable asset and if the caregiver does not take care of themselves, he or she will be unable to provide proper care. The book consists of many anecdotes from the author's personal experience while omitting the identifying details. I found the anecdotes to be a valuable complement to the helpful advice interwoven within the pages. The book also contains a list of references and resources including agencies and organizations that a caregiver can access for information. The author explores the current crisis in caregiving, which is due to today's caregivers being responsible for an increasing population of elders that are living longer and are often afflicted with more serious illnesses while resources to assist the caregiver have been shrinking. We are mindful of the problems caregivers encounter in taking care of the care recipient, fulfilling family responsibilities to a spouse and raising children, all while trying to work and plan for retirement. Dr. Woodson's book provides guidance and assistance on how to manage those responsibilities. In the chapter on seeking help from professionals, she addresses the frequent barriers in recognizing that the elder needs help, i.e., denial and Ageism. Topics which are discussed include assistance that a geriatrician can provide, what is involved in a geriatric assessment, the role of geriatric care managers, what constitutes the level

of care prescription and how to develop a productive relationship with the elder's physician. An important point made by the author is that to survive caregiving, the caregiver must enlist assistance from professionals and others. The author stresses the importance of getting help early in the caregiving process and how to obtain help from family and friends. Another chapter addresses protecting the primary resource of the loved one, the caregiver, and advice is provided on what the caregiver needs to do to promote their physical, financial, emotional and spiritual well being through the caregiving process. The chapter on the burdens of caregiving to the caregiver's marriage and family contains helpful insights, and the author clearly sets forth the priorities that should be maintained. Her considerable experience in counseling caregivers is evident in her chapter addressing the difficult decisions of how to approach an elder who can no longer drive safely or live independently. In addition, the issue of confronting admission to a nursing home is also discussed. It is not uncommon to hear of loved ones seeking a promise that they will never be placed in a nursing home. The author discusses how the spirit of that promise is for the caregiver to always provide the best care. Nursing home placement may be the fulfillment of that promise. When admission to a nursing home needs to occur, guidance is given as to how to manage the many issues that arise.

A good discussion of end-of-life care issues is present as the book addresses the three fallacies that people tend to believe:

1. Death is optional.
2. Technology is God.
3. Death is failure.

Hospice care receives attention from the perspective "to transform dying into the last act of living well." It is the author's experience that the benefits of hospice are often lost due to the belated entry into the program. Failure of the caregiver to avail the benefits of hospice to the care recipient at the appropriate time denies the individual that entire hospice can offer. Advice is provided to caregivers on dealing with the grief that often begins long before the ailing loved one passes away. A final chapter addresses the failure of public policy in which the author makes the case that the current health care system in this country fails both seniors and their caregivers. Important issues are raised in that chapter about the future of the American

health care system as it addresses the needs of our seniors.

This book is a valuable resource to any caregiver. Elder law attorneys will also find it is helpful to assist in counseling their clients. The book gives advice to the caregiver on the many issues that if not properly addressed can overwhelm and exhaust the caregiver. As Dr. Woodson states the caregiver is the "senior's most important asset."³ This book advises the caregiver on how to maintain a healthy and balanced life. As Dr. Woodson states, "You cannot give care, supervise care, advocate for anyone when you are physically ill, financially strapped, emotionally exhausted or spiritually bankrupt."⁴ Attorneys in counseling caregivers would serve their clients well by providing them with a copy of this book. It is an easy read and the anecdotes alone keep the reader's interest in turning the pages.

1. *TO SURVIVE CAREGIVING: A Daughter's Experience, a Doctor's Advice on Finding Hope, Help and Health (2007)*; By Cheryl E. Woodson,

M.D. Published by: Infinity Publishing. Com, 1094 New DeHaven Street, Suite 100, West Conshohocken, PA 19428-2713, #(877) BUY BOOK and #(610) 941-9999, ISBN: 0-7414-3725-2; Pages: 168; \$18.95.

2. *More Resources Help Caregivers Help Themselves*, Laura Landro, November 28, 2007.

3. *TO SURVIVE CAREGIVING: A Daughter's Experience, a Doctor's Advice on Finding Hope, Help and Health (2007)*; By Cheryl E. Woodson, M.D. Page 153.

4. *TO SURVIVE CAREGIVING: A Daughter's Experience, a Doctor's Advice on Finding Hope, Help and Health (2007)*; By Cheryl E. Woodson, M.D. Page 154.

About the Author: John Voorn practices in the Orland Park, Illinois office of Hiskes, Dillner, O'Donnell, Marovich & Lapp, Ltd. He is also licensed in Florida and Indiana. A member of the General Practice Solo and Small Firm Section, he currently is serving as a member of the Solo and Small Firm Conference Planning Committee. He can be reached at (708) 403-5050 and jvc@hdoml.com.

Five top financial tips for young attorneys

By Randall Edgar

Although any young professional should appreciate sound financial advice, I have written this article to be primarily directed to young attorneys who will face slightly different problems than young business professionals or individuals in other professions. These five tips will not provide a complete financial plan, but, if followed, will force you to be introspective and to truly examine how finances can impact your major life decisions and career choices. Remember, you cannot truly respect yourself until your relationship with money matches your goals and ideals. Stepping off of my soapbox, here are five financial tips to put you on the road towards success:

1. Buy Your Home Instead of Rent

This piece of advice has become a catch phrase for most individuals trying to publish a book in the past couple of years, but many of these authors

neglect to stress the importance of making this dream a reality at an early age. In an expensive real estate market, like Chicago, it is even more difficult for a young professional to own their own home. Often times, it will be necessary to rent for a year or longer before an individual is able to purchase a piece of property. Right now, we are in a great buyer's market in Chicago, with more property listings available on the MLS real estate Web site than ever before. Lending options are plentiful, including the option of no money down loans, or down payment options for as little as five percent or 10 percent of the purchase price. With a good credit score (more on that later), it is very possible for any responsible, hard-working attorney to save the down payment necessary to facilitate their home purchase. Even if extensive sacrifices need to be made, buying a home is a better option than renting for anyone who plans to stay in

their respective city for three to five years. As many people already know, rental payments will never help you to make financial progress.

Rent drains your income, as well as your resources, and steals the equity and financial flexibility that comes from being a homeowner. Buying a home is central to building a successful financial future, for it provides tax benefits in the form of mortgage interest deductions, an appreciating asset which can be used to obtain cash flow and build wealth, as well as provide a symbol of financial independence.

If buying a home is your goal, there are many things you can do to proceed towards your purchase. First, eliminate any unnecessary spending and save any additional money for the down payment. Second, research the area you where you would like to purchase, and make sure your career choice fits with that geographical area. Finally, surround yourself



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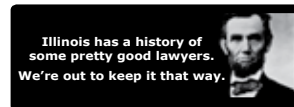
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2. Make Your Meals Instead of Buying Out

This tip is huge, and you will appreciate the health benefits of preparing meals as opposed to eating over-sized portions that you likely will not appreciate after the meal ends. On average, eating out for lunch typically costs \$9 per day, \$45 per week, and \$2,340 per year in downtown Chicago. Avoid eating out for lunch for three years, invest that cash, and you will have the down payment for your home. In addition, your body will thank you and you will likely be much healthier, and have more money by limiting your visits to the doctor. Following this strict rule and complaining while you work toward success is acceptable. Complaining about not having money, but spending \$50 per week eating out is a joke—and you will never get ahead by doing this. If you are able to follow this rule for dinner, you will be able to save that much more in a faster period of time. Although this rule takes discipline and perseverance, I have always connected eating meals at restaurants with special occasions. By adopting this mentality, you will stay healthy and pad your pocketbook at the same time.

3. Retirement Savings Must Become A Priority

Retirement spending is easy because it takes minimal initial effort; and even less yearly maintenance if you automatically have the deductions taken from your paycheck. The key to proper retirement planning is prioritizing your objective. For attorneys, knowing which investment vehicle to use can be difficult—and the answer specifically depends on your income. If you are single and earning less than \$99,000, or married with a gross income below \$156,000, your #1 option for retirement is a Roth IRA. A Roth IRA is the best thing on earth as far as retirement savings is concerned. In this account, you are able to invest after-tax dollars, for which you will not have to pay taxes when you take the money out at age 59½. If you were to start putting away \$100 per month at age 25 in this type of account, assuming

an average market rate of return, you would likely have over \$1 million by the time you retire. Obviously, the more time that goes by before you start saving, the less money you will ultimately have. In 2007, you are able to put \$4,000 in this account, and in 2008 you are able to put away \$5,000.

For those lucky attorneys who are “priced out” of the Roth IRA because their salary is too large, there are other retirement options. The next best plan is to put money in a company 401(k) program. Many employer plans match your contributions—do not let this get by you, this is absolutely free money which you must take advantage of. Make sure that you do not blindly throw money in the 401(k); as an attorney you should be good at research, so research these mutual funds and select funds that will be good performers. You will have to pay taxes on this account when you draw it out, but your contributions will grow tax deferred so be sure to contribute every month.

Third, a regular IRA (individual retirement account) can be used to store money for retirement. This account is similar to the others in that you select mutual funds that will create growth for the long term and your money grows tax deferred. The difference here is that you can claim a tax deduction for these contributions in the year that you contribute, but you will be taxed on this account when you go to get your money, and are required to pay ordinary income tax.

Finally, a last-ditch effort is for a high interest savings account that is easy to find on the Internet. These accounts are easy to set-up and fund, and will still net you about 4 percent interest on your money. Although this option is not nearly as good as the others, a high-interest savings account will at least allow you to get some money back against all of the loans you are still paying off from law school.

4. Use Your Personal & Professional Skills to Create a Cash Cow

This tip requires creativity for each individual attorney. If you ever wanted to have a side job or weekend job, this extra income can help. In addition, if you are interested in real estate investing, the stock market, or inventing a product that will change the world—it is very important to allow your creative outlet to earn you cash some day. Even if your side job or business only brings in \$100 or \$200 per month, these activities help to make you well-rounded and will allow you to

gain additional insight into the law practice by associating with people outside of the legal arena.

5. Save All Debit, Credit, & ATM Receipts & Check Them Against the Statements Every Month

This tip is by far the most important on this list. There is no easier way to deal with your financial reality than by saving all your receipts and checking them against your bank statement every month. If you have \$400 worth of receipts to The Gap every month or \$300 worth of charges to your favorite restaurant, you will realize right away that you have an issue that needs to be corrected. Even after doing this for one month, you will have an understanding of where your money goes and will be able to begin to make conscious decisions regarding your spending. The alternative is what many people do—spend their money however they want without knowing or “wanting to know” where it goes. This latter decision is the recipe for how people go bankrupt. There is a very distinct power in knowing where your money goes each month and deciding to make it go there. Therefore, drop the lame excuse that it is “easier” to have all your bills paid on the Internet and request paper copies in the mail so you are forced to sit at a kitchen table and look introspectively at your finances.

As attorneys, we manage money for individuals, small businesses, and corporations on a daily basis. This important activity of checking all of your monthly receipts against your bank statement will allow you to serve as counsel for your own money-making goals. You need not feel guilty about all of the money you spent each month as you are doing this, and exactly the opposite will happen. You will feel guilty about the bad expenses, good about the expenses that were worthwhile or important, and overall you will feel great that you have the knowledge to be able to “change your ways” on a monthly basis.

About the Author: Randall Edgar attended the University of Illinois, graduating with a BA in English and Political Science and a JD from Southern Illinois University School of Law. As an attorney, Mr. Edgar has practiced insurance defense litigation, construction law, and creditor's rights. He is currently practicing as an associate attorney with the law offices of Arnold Landis, Chicago, Illinois.

Taking a leap of faith

By Joe Giamanco

Ask any solo or founding partner of a new firm what convinced them to take the leap of faith and leave the safety and security of their former employer for the “what if” opportunity of opening a new practice and you are bound to get a wide variety of responses.

Many get fed up with being under paid or overworked. Others believe they could do it better if they were in charge. Some run out of growth opportunities and want to expand their practice. An unfortunate few are pushed out and are left with no other option but to sink or swim on their own.

Then there are those who have the joy of dealing with “partnership tracks” and wondering if they will ever make partner. And my personal favorite, those who achieve “partnership” only to learn that can mean a variety of things. To some “partner” means what they thought it did – they share in the income, equity and control. To many it means much less. To a few it means nothing more than an empty title.

The list of reasons to make such a leap of faith into the wondrous abyss of starting your own firm is endless.

For me it was not an issue of being under paid (I was paid fairly well) or under appreciated (I experienced minimal second guessing and always felt respected within my office). I had control and discretion over my case load and how it was handled. The workload was *extremely* reasonable, outside of when I was on trial I rarely worked in excess of 45 – 50 hours a week. I know, to some of you this may sound like an ideal job; but, for me there was something missing.

So why would I leave safety, security, and a healthy paycheck for the “what if”? I suppose it came down to the personal mantra of a college friend of mine, “There are no big rewards without big risks.” Sure, I could have stayed at the same firm for as long as I liked enjoying a comfortable existence and good nights of sleep, but “what if”?

As long as I can remember I have imagined opening my own office, practicing in the areas of personal injury, civil litigation and criminal defense. I have imagined starting small and growing

the office over time into a mid sized firm. Yes, I have imagined doing quite well for myself financially over time; however, I have also always been compelled to help people through desperate situations and provide legal assistance to those who really need it.

This image was not the result of naivety for I had seen first hand how tough life can be for a solo or small firm in two very distinctive respects.

My father practiced in southern Illinois for nearly thirty years before retiring from full time practice. While he had associates and partners from time to time the vast majority of his professional life was spent as a solo with all of its ups and downs.

In my prior employment I had numerous occasions to work opposite many fine solos and small firm attorneys as I defended auto accidents, premises liability and dram shop matters. While it was the exception far more than the rule, there were a number of occasions when I knew the other attorney was far too willing to settle their respective case short of what his client could receive if he or she held out a little longer. Pressure to pay overhead and put food on the table can certainly be motivators – but sometimes not for the best.

Then there is the public perception. While many solos and small firms believe they are the “heart and soul” of the legal profession, many big firm attorneys think otherwise and frankly look down upon them.

In spite of having seen these “realities” the desire to open my own office didn’t go away.

During the winter of 2006 I chatted with an opposing counsel who had opened his own firm within the prior year and I mentioned that I was considering going the same route. When I told him how long I had been practicing he said, “Joe, you have far more [guts] than I did at your age” (only he didn’t use the word “guts”). This particular attorney was in his mid 40’s and had practiced for a well known defense firm for a several years until he reached the partnership level. After being a “partner” for a number of years he ultimately grew tired of the continuous office politics and realized he needed to change directions. He encour-

aged me to not delay in making such a decision as it would only get harder over time as I continued to grow accustomed to a healthy paycheck.

Prior and subsequent to this conversation I had countless others with attorneys who had made a similar leap of faith. One common thread was shared amongst all to whom I spoke—they were confident they had made the best decision and they encouraged me to do the same. It was around this same time that I committed myself to the idea of taking the leap.

My partner, Juan Ooink, and I had met initially in law school and were on the moot court trial team together. Juan was a licensed patent attorney; however, he truly enjoyed criminal defense and had ample experience within the field. While we had previously talked informally about opening our own office we started to commit ourselves to the idea and began making concrete plans for all of the logistical elements. Over the course of the next year we continued planning, meeting almost weekly to discuss everything from marketing ideas to technology requirements to who’s name would be first.

On March 5, 2007, we formally opened our office. I knew the moment I flipped the sign over to “open” the clients and calls would start rushing in... ok, so I was a bit delusional that day.

When we opened the office we had 10 – 12 cases between the two of us; hardly enough to keep one of us busy part time let alone both of us busy full time. We spent our free time focused on marketing efforts both traditional and non-traditional. We joined the local chamber of commerce and attended numerous associated events. We sent out announcements to our friends, family and colleagues reminding them that we were opening our office and what type of work we were interested in accepting.

Over the course of the next few months we had a few slow weeks here and there. When things were slow we concentrated on marketing. Remarkably, as the weeks went by business continued to grow. We connected with several key referral sources that regularly send us clients and made sure all of our current clients were kept happy with our services

at all times.

Today things are good. Professionally I have gotten the opportunity to learn new areas of the law and run my own office. Business continues to develop every day and the future looks bright. We currently have a case load of around 80 cases at any given time. Our civil litigation files range from property damage defense matters for an insurance company to seven figure cases for plaintiffs. On the criminal defense side we defend everything from your routine traffic ticket to cases involving multiple felony counts.

Financially we've operated at a profit since the second month of being open and things have gotten progressively better. Salary wise this year I expect to meet or surpass my 2006 earnings.

While I do still have some sleepless nights I take comfort in knowing that I now play a substantial role in determining my own future. I no longer feel restricted in what cases I take on or what my potential could be.

My leap of faith has also far proven to be one of the best personal decisions of my legal career as I now work a mile and a half from my house, my dog goes to work from time to time, and I take time off when the mood strikes me.

So to those of you who read this article, as I would have a year ago, and think to yourselves "what if," take comfort in knowing that it can be done. While as I complete this article our office has only been open for eight months, thousands of other attorneys in Illinois have previ-

ously taken this same leap of faith and countless numbers of them have been more than satisfied with the results.

Little is guaranteed in life and even less success comes without some risk; however, if you are one of the ambitious who wonders about the "what if" potential when it comes to opening your own office there's only one way you will ever find out. Take the risk, the reward just might be worth it.

About the Author: Joe Giamanco is a partner with the law office of Giamanco & Ooink located in Bolingbrook, Illinois where he practices in the areas of personal injury, civil litigation, criminal defense, traffic and DUI matters. He can be reached at joe@golawoffice.com or at 630-679-0930.

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On October 10, 2008, the ISBA will offer a unique opportunity to attend an encore presentation of the important and timely program devoted to legal issues concerning veterans. Learn more about VETERANS LEGAL ISSUES: Employment and Re-Employment Rights, the Veterans Administration, Illinois Laws, and Family Law, presented by the General Practice, Solo & Small Firm Section and Military Affairs Committee. Learn more so that you can volunteer—details are noted below.

The program will be held at the Scott Air Force Base, outside Collinsville. Program moderator will be Brian Clauss, Arbitrator – Mediator, and Ombudsman Director of the John Marshall Law School's Veteran's Legal Affairs Clinic. The program begins promptly at 8:45 a.m. and the program is noted below. This program has been approved for Illinois Minimum Continuing Education Credit.

8:45 - 9:00—Welcome and

Introductions

Donald A. LoBue

9:00 - 10:00—Federal Law – activation and return

Uniformed Services Employment and Reemployment Rights Act (USERRA)
Brian Clauss, Arbitrator – Mediator – Attorney, Ombudsman Director, Illinois ESGR

10:05-10:35—Illinois Law

Illinois Human Rights Act: Rights and remedies
Judge Abner Mivka, Chairman of the Illinois Human Rights Commission
Activation and Return – the Illinois laws and resources
Margaret Riley, Assistant Bureau Chief, Illinois Attorney General's Veterans Rights Bureau

10:35-11:05—Veterans

Administration: Application and appeal for health and education benefits.

Ryan Coward, Director, Veterans Legal Service Center at the John Marshall Law School

11:05 - 11:30—Family Law - Military member divorces and custody issues.

Ignacio Maramba, Maramba & Associates

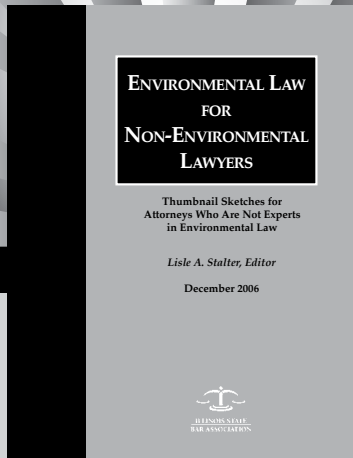
11:35 - 12:00—Q and A with presenters

12:00 - 1:00—Luncheon Speaker – General Steven Lepper

Many Illinois National Guard members and military reservists living in Illinois are being mobilized - indeed, over 35,000 Illinois service people will be called to duty. The Illinois State Bar Association, through its Committee on Military Affairs, seeks lawyers willing to volunteer as back-up to the JAG officers. Typical legal issues confronting mobilized Guard and reservists have to do with consumer finance, family law, housing, and employment issues. Lawyers who already practice in these areas are very much needed to assist the veterans. In addition, our veterans need assistance with securing disability benefits through the administrative process.

ISBA has published a book containing information about laws specifically affecting civilian soldiers. The book is free to volunteers; for a copy, call David Anderson at (217)525-1760. ISBA also produces *Called to Duty*, which contains helpful information for military personnel and their families. Please consider volunteering to assist our veterans, and attend the upcoming CLE program to learn more about how you can be of service.

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