

The Challenge

The newsletter of the Illinois State Bar Association's Standing Committee on Racial and Ethnic Minorities and the Law

REM: Continuing to ensure that diversity is at the forefront of the ISBA

BY KENYA JENKINS-WRIGHT

It has been an honor to serve as ISBA's Standing Committee on Racial & Ethnic Minorities & the Law ("REM") chair during the 2018-2019 bar year. As we reach the halfway mark, I am pleased to state that REM continues to be at the forefront of discussing issues that affect ethnic and minority attorneys, as well

as ethnic and minority communities in general. REM continues to ensure that it brings ISBA members forward-thinking diversity programs that will have a positive impact on ALL attorneys' practices. Every attorney, no matter their background, benefits from diversity programming.

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A rousing WELCOME to the newest members of the Illinois bar!

BY KHARA COLEMAN

This past November, a new crowd of smiling faces were sworn in as the newest members of the Illinois bar. We salute and congratulate each and every one of the new members of this legal community. We would also like to provide a special welcome to those members who are part of the community of racial and ethnic minorities ("REM"). After the conclusion of your celebration with family, friends,

and supporters, consider these brief tips that I hope will help you navigate the first years of the legal profession.

Join a bar association. If you have just passed the bar exam (congratulations!!), remember that many bar associations offer free membership for the first year after you have passed the bar. You might consider starting with the ISBA, at www.isba.org.

Create a mentoring circle. Whether

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formal or informal, having guideposts and resources outside of our employment is ALWAYS a good thing. In fact, you can have more than one mentor, and different levels of mentoring relationships. On one hand, sign up for mentorship programs. On the other, if there is an attorney who you know and admire, perhaps through an alumni network or past internship

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This fact is further emphasized by the Illinois Supreme Court's new CLE rule that requires all attorneys to take one CLE hour of diversity and inclusion programming. Diversity programming is not only recommended, but it is now required. REM will continue to present programs that will help attorneys meet this requirement and give attorneys information that will have a lasting effect on their practice. The ISBA fully supports REM's efforts to ensure that diversity programs are given a platform to reach a broad audience.

At ISBA's Midyear Meeting, REM presented a complimentary CLE entitled "The Judge: A Documentary Look at Shari'a Law and a Discussion on How It Intersects with U.S. Law." First, attendees watched the documentary *The Judge*, which examined the story of Judge Kholoud Al-Faqih, who made history when she became the Middle East's first woman Shari'a law judge. Second, we listened to an insightful interview of Erica Cohn, the director of the film. Finally, attendees learned about how Shari'a law impacts the American legal system and diversity and inclusion issues. Attendees received 2.0 hours MCLE credit for this thought-provoking program, including 1.0 credit for diversity and inclusion. Not only did this program examine an insightful subject matter, but it also allowed REM to do outreach with other bar associations and ISBA committees. This program was followed by the ISBA Diversity Legal Council's annual "Count Me In" complimentary networking reception, which brings attorneys together to celebrate diversity within the profession.

REM thanks Standing Committee Member Yolaine Dauphin for coordinating this amazing CLE. Furthermore, we would like to thank the following for their financial contribution which made this program possible: ISBA Mutual Insurance Company, Black Women Lawyers' Association of Greater Chicago Inc., Jewish Judges Association of Illinois, Illinois Association of Administrative Law Judges, Patricia Jackowiak, Sonni Williams,

Kenya Jenkins-Wright, and Ava George Stewart. Likewise, we would like to thank the following bar associations and ISBA committees for supporting this program: ISBA Administrative Law Section, ISBA Standing Committee on Disability Law, ISBA Standing Committee on Women & the Law, ISBA General Practice, Solo & Small Firm Section, ISBA Diversity Leadership Council, Arab American Bar Association of Illinois, Cook County Bar Association, Haitian American Lawyers Association, Muslim Bar Association, and the South Asian Bar Association of Chicago.

However, REM's efforts to promote diversity and inclusion in the profession will not stop at Midyear. REM is proudly working on bringing additional phenomenal programs to the ISBA. In spring 2019, REM will present a live CLE program on bail reform in Illinois. This CLE will bring together prosecutors, public defenders, private attorneys, not-for-profit attorneys, and judges for an in-depth discussion on the impact on bail setting and pre-trial detention on communities in Illinois, and how it disproportionately impacts certain communities. Plans are also in process for a post-program reception. Next, REM is preparing a Spring 2019 CLE that continues the discussion on implicit bias in the legal profession. Specifically, REM hopes to have a CLE webcast program which examines the impact of implicit bias on jury selection and jury instructions. Finally, REM is planning a webcast on "no-poach" and wage-fixing agreements, and how such agreements primarily impacts part-time (low wage) minority workers.

REM would like to thank our CLE Coordinator Sharon Eiseman for all her great efforts to ensure that REM continues to present forward-thinking and relevant programs to the legal community. Please continue to check your email and the ISBA website for upcoming REM programs. Please support REM's efforts to promote diversity programs during the second half of the bar year. ■

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To join a section, visit www.isba.org/sections or call 217-525-1760.

OFFICE

ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITOR

Khara Aisha Ashanti Coleman

PUBLICATIONS MANAGER

Sara Anderson

✉ sanderson@isba.org

STANDING COMMITTEE ON RACIAL AND ETHNIC MINORITIES AND THE LAW

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A rousing WELCOME to the newest members of the Illinois bar!

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or clerkship, keep the communication open – have lunch or coffee from time to time. It's easier to start an ongoing mentor-style relationship than you might think. You might start by telling him or her that you want to brainstorm about your job search, your first trial prep, etc. (I've even used mentors to help walk/talk me through moments when I felt I was being underestimated because of my race or sex. I would have not navigated those moments as well as I did without those relationships.) I would venture that most attorneys are happy to share what we have learned over the years and help young attorneys through some of the inevitable growing pains.

And, of course, there are also formal mentoring programs and activities organized through various bar associations, including but not limited to the Cook County Bar Associations, the Chicago Bar Association, The Puerto Rican Bar Association, the Women's Bar Association of Illinois, and the Black Women Lawyer's Association of Chicago. If you are looking for a place to begin, the ISBA offers a

Lawyer-to-Lawyer Mentoring program. You can find more information about the program at <https://www.isba.org/mentoring>.

Why wait for a CLE? There is always going to be something that you could learn how to do or navigate a little better. Maybe you want to learn more about electronic discovery, or taking and defending depositions, or even copyright law. At any point in your career, you are only a click away from publications that address these areas in detail. You don't have to wait for a CLE to begin to read and learn about an area that you want to explore or master.

Take an e-filing class. NOW! E-Filing is now mandatory in most state and federal cases in Illinois. Don't wait until your job arranges for you to take an e-filing class. Find one now, enroll, and make sure you know the rules. When it is crunch time, you will be glad to be one of the attorneys who is already familiar with the e-filing systems.

Don't forget that YOU are still the biggest investment of your career! Law

school was a huge investment in your career. But the substantive investment doesn't stop there! Some employers give ample leeway to join bar associations and attend legal conferences, including giving time off and paying for or subsidizing the costs. Other employers do not help cover the costs, and may not even be lenient with the time you might need to meet your CLE requirements. Wherever you find yourself on the spectrum, remember that you need not let your employer's policies or interests dictate what you learn. Don't wait for someone else to decide what skills YOU sharpen, or determine how much YOU put into your personal index of legal skills.

I remember with a bit of nostalgia the day that I was sworn in before the Illinois Supreme Court. Though my career path has not always been easy or well paved, I am glad to say that, fifteen years later, I have no regrets about my decision to become a practicing attorney. I wish the same for all of the new members of our esteemed Illinois legal community. ■

Martin Luther King Jr. Day 2019: A different perspective on the 'legacy' of MLK Jr. from civil rights attorney Vernon Jordan

BY SHARON L. EISEMAN

When Was the MLK, Jr. Holiday Established and Why?

First, before turning to a discussion of Dr. King's legacy and what it means, let's review how a holiday in his memory was established. Are you surprised to learn that serious controversy arose in 1983 when

Congress moved to create a national holiday to honor Dr. Martin Luther King, Jr. and commemorate his legacy? It did, from southern legislators as well as from President Ronald Reagan who opposed any national observance for Dr. King who was variously described as "an outside agitator" (by

Senator Strom Thurmond in 1968 following King's assassination), and as someone who "welcomed collaboration with Communists" (by North Carolina Senator Jesse Helms). To express his resistance that year, Helms led a sixteen-day filibuster of the MLK Holiday bill but then finally voted for it in exchange

for Congress' approval of his tobacco bill. Despite this opposition, the bipartisan vote in favor of the bill handily won the day, possibly because many Republicans may have believed they needed to show the public their support for civil rights.

And did you know or do you recall that Dr. King died before he even reached the age of forty, having been assassinated in Memphis, Tennessee on April 4 of 1968 when he was in the midst of preparing to lead a protest march in support of the City's striking sanitation workers? Yet in his short lifetime, Dr. Martin Luther King accomplished the unimaginable, especially for a black man from the South and one advocating for peaceful integration. Thus, this year as in every previous year the holiday has been observed, people all over our country—and beyond—will pay homage to this great man, preacher, and acknowledged leader of the civil rights movement in America that has defined for generations what our country must acknowledge and address in order to *eliminate racism* in our society.

Dr. King's Early and Relevant Education

Even before he stepped onto the national 'stage' and ignited a widespread movement for peace, justice and racial equality through his electrifying voice and powerful words invoking hope for the dreamers in his audiences, Dr. King had achieved many impressive goals. At an early age, and in short order, Dr. King proved the belief that he was bright, articulate and driven by earning a B.A. in Sociology from Atlanta's Morehouse College when he was only nineteen, a B.A. in Divinity just three years later, and then, in 1955, a Doctorate in Systematic Theology from Boston University. Those studies and his degrees both reflected his interest in canonical teachings and grounded him in the power of oratory of a spiritual nature that would engage his listeners and move them to action.

How Rosa Parks' Courage Helped Inspire Dr. King's Early Activism and Advocacy for the Oppressed and Dispossessed

Also in 1955, Dr. King was chosen by

local civil rights activists to lead a one-day boycott of the buses in Montgomery, Alabama. Their protest was spurred by area residents upset when Rosa Parks, a black woman, was arrested and fined on the bus she was taking home from work for violating the City's segregation laws. Parks had refused the order of the bus driver to give up her seat to a white man who had been standing on the crowded bus. Under local law governing public accommodations, he was entitled to preferential seating because of his race. That single day turned into a year which is how long it took Montgomery to desegregate the buses.

By persisting in its defense of racial segregation within its public transportation system, the City not only faced legal and financial challenges but it also, perhaps unwittingly, simply stoked the flames of a significant and growing national civil rights movement. That movement, which engendered many other battles for racial equality, was borne of one black woman's using her **voice** to demand equal access to public services. Ms. Parks later explained that she claimed her seat that fateful day, not because she was physically tired but because she was "tired of giving in". For more about Rosa Parks, who was lauded for her courage, wrote two compelling memoirs, and lived into her nineties, see <https://www.biography.com/people/rosa-parks>.

Etched Forever in Our Collective Memories: Dr. King's Compelling Words

Events in the sixties related to Dr. Martin Luther King Jr. are forever etched in our memories and in America's history. On August 28, 1963, King delivered perhaps his most stirring and memorable speech, one that has come to be known as the "I Have a Dream" speech. To the 250,000 participants in that day's organized march to D. C., King pronounced: "***I have a dream that one day this nation will rise up and live out the true meaning of its creed, 'We hold these truths to be self-evident: that all men are created equal.'***" In that same speech he made the dream personal when he stated: "***I have a dream that my four children will one day live in a nation where they will not be judged by the colour of their skin, but by***

the content of their character." The theme of non-judgmental equality and respect for human rights and opportunity for all without regard to color resonated with many individuals besides the marchers, which is what King intended: that his message of hope would take hold across the nation and trigger needed changes in the law.

In the Face of Many Threats to Him and His Family and All His Detractors, Dr. King Received the Nobel Peace Prize in 1964

The era of the sixties was also witness to the award of the Nobel Peace Prize to Dr. King—in 1964. In the presentation to King, Nobel Committee Chairman Gunnar Jahn described the Reverend as an "undaunted champion of peace" who had distinguished himself by showing that "a struggle can be waged without violence". Mr. Jahn also praised Dr. King for never abandoning his faith despite his having been subjected to numerous imprisonments and bomb threats, as well as repeated death threats against him and his family. Although detractors continued to attack Dr. King's teachings, much progress had been made toward the goals of equality, justice and peace that King was preaching. As notable examples, in the middle of the sixties, Little Rock High School and the University of Mississippi were integrated, Congress enacted the 24th Amendment to the U. S. Constitution, and President Lyndon Johnson signed the Civil Rights Act of 1964.

Dr. King's Assassination: A Dark Day for All, and Its Aftermath

Sadly, as we all know, that decade didn't end well. Dr. King's good fortune, and possibly the momentum toward a more civil and just society, took a tragic turn on **April 4, 1968** when Dr. King was assassinated in Memphis, Tennessee and it seemed the world had come to a stop. By that time, many who questioned his motives and his means to achieving peace and equality had begun to appreciate the import of his messages and his work on the ground toward implementation of his mission—even though some believed Dr. King was espousing more aggressive actions to bring about the change he wanted. While his death left a terrible

void, his legacy as a ‘champion of peace’ has continued to move us forward toward a more just society, even if slowly and with ‘bumps’ in the road in recent years. Still, we all need to keep vigilant to make sure we don’t lapse in our efforts or allow prejudice, anger and distorted perspectives to further divide us as a nation into separate and unequal factions. And this is where Vernon Jordan enters the scene and shares a somewhat different and thus refreshing view of how to best honor the work done and progress achieved by Dr. King.

Who is Vernon Jordan and What Does He Have to Say About MLK Jr.?

Vernon Jordan, who is African-American, graduated from Howard University Law School in 1960 and joined the firm of a prominent civil rights attorney in Atlanta as a law clerk earning \$35 a week, eventually becoming a well-known civil rights advocate in his own right. As a new lawyer, Jordan was part of an NAACP team representing a young black man who, in a mere 48 hours, had been arrested, arraigned, indicted, tried, convicted and sentenced to death by electrocution. That was a time when ‘colored’ people had to find outlying black-only motels when transacting business in the courts—or anywhere. And because they were banned from restaurants, they had to buy food at a grocery store and eat in their car.

Mr. Jordan’s firm, which included Constance Motley, sued the University of Georgia in Federal Court, alleging that its restrictive admission policies constituted racial discrimination. Despite challenges and a stay that was reversed, the case concluded successfully for the plaintiffs in 1961 with the Court Order directing that the two named African American plaintiffs be admitted to the University. (See *Holmes v. Danner*, 191 F. Supp. 394 (M. D. Ga. 1961.)) In 1970, having left his firm, Jordan became the executive director of the United Negro College Fund, and in 1971 he assumed the presidency of the National Urban League, a position he held until 1981 when he resigned to become legal counsel in the Washington, D.C. law office of a Texas firm.

Aside from serving as a presidential advisor and a consultant to other high level government officials, and in demand for appointment to the boards of multiple corporations, Jordan has recently held the position of senior managing director for an investment banking firm. He has also authored two books, most recently (2008) *Make It Plain: Standing Up and Speaking Out*, a collection of his public speeches with commentary. The title certainly makes plain what Jordan has fought for all of his life and career. This indefatigable humanitarian has continuously used his legal and oratory skills and his talent for advocacy to help move the dial forward on the task of eliminating racial injustice.

Vernon Jordan’s Characteristic ‘Call to Action’ as a Means to Change

It is on the stage before attentive audiences such as college graduates, that Jordan is most effective. In June of 2015, speaking to Stanford’s graduating class at a multi-faith celebration for the students and their families, he minced no words, instead urging the audience to be ‘**disturbers of the unjust peace**’. Using a question from the prophet Isaiah: “Who will go, and whom shall we send?” as a basis for his message that day, Jordan said he prays the answer is “Here am I. Send me.” He continued on: “**Send me to help clear the rubble of racism still strewn across this country. Send me to be one of the bulldozers on behalf of equality and in the cleanup crews against injustice. Send me to ‘disrupt’ injustice. Send me to ‘hack’ bias and bigotry. Send me to ‘lean in.’**”

And now, ‘fast tracking’ right to 2018: Vernon Jordan, at 83 years of age, was invited by Dr. Otis Moss III, the young and engaging Senior Pastor of the Trinity United Church of Christ in the Washington Heights Community on Chicago’s South Side, to give the guest sermon at the Church’s September 30, 2018 Sunday morning service focused on ‘Honoring Our Elders’. How did I learn about this meaningful event? Attorney **Juan Thomas**, a member of the ISBA’s Standing Committee on Racial and Ethnic Minorities and the Law, had invited his REM colleagues—which includes me—to

this special church service, and I decided to attend—with my husband Noel. Besides being quite touched by the warm welcome we received from the congregants that day in a venue where we were two of just a handful of white people in attendance, we were moved by Pastor Moss’ sermon and by Mr. Jordan’s compelling insights.

The primary message Jordan conveyed is simple: **While it is important to honor MLK Jr. for his accomplishments and celebrate his storied career as a civil rights activist, we cannot, must not, stop there as we often do, assuming it is enough to pay a yearly tribute to Dr. King as our means of supporting racial, ethnic and gender equality. Instead, we have to keep King’s DREAM alive by working to achieve the goals he pursued. In other words, we should consider ourselves the heirs of his legacy and take on the tasks he left to us—unfinished—until they are finished.**

What Can We Do to Make a Difference ‘Going Forward’?

For us to stay on track toward achieving justice for all, we must have strong leadership in our local, state and federal governments and in the private sector, as well as great teachers in our schools. It is through the polls at each election and, of course, through our political discourse and educational systems, that we can encourage each new generation to attain a better understanding as to the positive outcomes when diverse communities live and work together in mutual respect for their differences. We must also do what we can to assure that equal opportunities for achievement are available to all. Part of this equation is having **the will to speak up** when we see imbalances and inequities. It is especially important that, as lawyers, we also use our knowledge, our words, and our penchant for persuasion to convince others to join the movement and commit to action toward a more fair and just treatment of those groups in our communities who have no voice, no advocates, and waning hope.

Meanwhile, let’s not forget the upcoming 2019 Martin Luther King, Jr. Holiday to be observed on Monday, January 21, 2019. We hope you will join in the tributes likely taking

place all over Chicago—especially in our public schools and in other public arenas, as Chicago is a City that particularly and warmly embraced King and to which he had many close ties. Between 1956 and 1966 Dr. King gave three speeches at the University of Chicago’s well-known Rockefeller Chapel, all of which became famous for his inspiring messages and brought him to the attention of the public.

Resources for learning more: If you wish to read more about Dr. Martin Luther King Jr. and his legacy, check out the University of Chicago’s website at <http://mlk.uchicago.edu/> which offers significant material about the subject, what the University is doing to pay tribute to Dr. King this year, and how to pursue ‘civic engagement’ toward increasing diversity and inclusion. Much historic detail is available on the website for the National Park Service’s Martin Luther King, Jr. Memorial located in Washington, D.C. That site, though unable to provide continuing updates due to the current ‘shutdown’ of the

Federal Government that is severely affection the NPS’s ability to take care of its various sites, is nevertheless at least accessible at: <https://www.nps.gov/mlkm>. Teachers will also find many resources for observing the Holiday at www.MLKDay.gov. For the young and older, participating in a ‘Day of Service’ as part of the MLK, Jr. Holiday is a way to help preserve Dr. King’s legacy and keep the torch of equality burning

One additional reference is The Martin Luther King, Jr. Center for Nonviolent Social Change in Atlanta, Georgia, which Mrs. Coretta Scott King established in tribute to her husband, not as a ‘dead monument’ but as a living testimonial that would engage and empower visitors. The King Center, a 23-Acre National Historic Site that invites and enables visitors to embark on a self-guided tour, includes a Library and an Archive and, as of last year, it had initiated a project for an “innovative digital strategy and conference series”. Check it all out at <http://thekingcenter.org>. ■

1. Constance Motley, widely known as an early civil rights activist, was born in 1921, the ninth of twelve children, to parents who emigrated from the West Indies. At the age of 15, having been inspired by reading about civil rights heroes, Motley decided she wanted to be a lawyer—and ultimately became the second black woman to graduate from Columbia Law School where she met Thurgood Marshall, chief counsel for the NAACP Legal Defense Fund where Motley worked while a law student. She later clerked for Supreme Court Justice Marshall, became chief counsel herself of the NAACP Legal Defense Fund, and wrote the draft complaint for *Brown v. Board of Education*. As a practicing attorney, Motley argued before the Supreme Court, winning nine out of her ten cases. As lead counsel, Motley was also successful in defending protestors arrested in the early sixties for taking part in the Freedom Rides, and for helping James Meredith gain admission to the University of Mississippi in 1962. Ultimately turning to the political arena, Motley became the first black woman to serve in the New York State Senate. In another first for an African American woman, Motley became a federal judge when President Lyndon Johnson appointed her to the Manhattan Federal District Court in 1966. After a very full and productive life, Constance Motley died in 2005 at the age of 84.

Getting ‘put on papers:’ The case against informal support arrangements

BY SHERLYN SMITH

I recently came across a particular term while talking with a male member of the community that struck me as new and interesting. Subsequently, an initial intake with a potential client took a whole new direction when that same term reared its ugly head again. The term I am referring to is colloquially known as “[being] put on papers” The term “put on papers” refers to the documented Order for child support payments (and typically the trail of enforcement and modification proceedings that follow) that is generated by either an administrative agency or a court.

Based on my conversations with clients and professionals working in the child

support arena, as well as my own “complicit” involvement in child support proceedings, I suspect that something that was intended to be an equitable remedy to prevent over dependence upon social welfare programs, and to ensure that children are provided the basics of life, has evolved into a bureaucratic disaster. This particular bureaucratic disaster is now something that most parents would rather avoid completely. Inefficient administration, disparities in justice, and discretionary relief have made the child support system synonymous with hassle and poor results, all while sparking informal, self-help measures to avoid it. Such self-help commonly includes informal support

arrangements between parents wherein the obligor will make some sort of direct payment to the obligee in lieu of filing for child support, and thereby involving a court or the legal system.

I am a realist. Every day I see the frustrations of the child support enforcement system: inaccurate income withholdings and accountings; incarceration and contempt findings; oppressive garnishments; lack of control over when funds will be disbursed; lengthy court proceedings and continuances – and the list goes on. And because of the disproportionate rate of incarceration for African-American litigants, members of the African-American community, in particular,

are rarely willing to voluntarily enter a courtroom for legal proceedings of any kind.

Despite the frustrations and inadequacies of the legally enforceable child support system, there are several substantial drawbacks to informal child support arrangements.

Incorrectly Calculated Payments

Every state has a method applied to determine the amount of financial contribution due from a parent with a duty to support. There are three primary methods to determine child support: income shares, percentage model, and the Melson Formula. Informal payments may be based upon what the non-residential parent is able to or chooses to pay. Informal payment agreements frequently involve arbitrary payment calculations, with a high probability that the payment would be either *more* than is required or *less* than required by the law; in other words, something other than what would have been ordered in a formal Court proceeding. Under this scheme, someone will get the short end of the proverbial stick.

Setting the Status Quo

An informal agreement that pays too much can be difficult to erase. In Domestic Relations law, status quo is often the lens used to determine what is in the best interest of the child. If an informal child support arrangement yields higher support than a court would order under the statutory scheme, a court would reasonably enter a finding of an increased ability to pay based on the informal payments. This finding would then be the basis to support an upward deviation from the support guidelines and lock an parent/obligor into a higher payment.

No Credit for Informal Payments

Some states, such as Texas, are clear about their disfavor of informal payments. Because Illinois does not statutorily or judicially prohibit informal payments, the judges are then vested with the discretion to consider such payments as merely a gift. Illinois requires that child support be based on the

requirements of Section 505. Any payments made that do not conform to the statutory duty, is by definition NOT child support and may be considered not as child support but rather a gift.

No Tolling Effect

An initial order of support necessarily makes certain findings, such as parentage, and starts the clock on the legally cognizable obligation to provide financial support. Child support orders are therefore useful in establishing certain timelines for enforcement and modification proceedings. Informal child support arrangements, which later become formalized, can create difficulty in determining the appropriate length of retroactivity. For example, the Illinois Parentage Act of 2015 allowed the State's Attorney to relate a child support order back to the date of birth instead of the date of filing of the petition for child support. Under this law, obligors who made informal child support payments could be found to be delinquent and assessed to owe child support arrearages even during the years when informally agreed upon financial support was provided. Thus, an initial support order could potentially include thousands of dollars in arrearages and a finding of delinquency from the outset – all despite the fact that the child had been financially supported during the time between birth and the support order. On the other hand, any subsequent filings pertaining to a formal support order would relate back to the date of the prior order, or the date of notice.

Increased Parental Conflict

Informal child support arrangements likely begin with parties who are amicable enough to come to mutually agreed upon terms. However, in many instances, due to lack of consistency and oversight, the relationship can quickly break down. Unlike an actual child support order, the parties to an informal arrangement have no intermediary for redress and must rely on resolving disputes and modification between themselves. This is a difficult task when emotions are involved and can quickly

lead to the breakdown of the co-parenting relationship. On the other hand, a formal agreement allows for objective standards to be utilized in equitable decisions regarding the duty to support. A formal child support order simply makes one less thing for the parties to dispute because someone with enforceable legal authority has already decided what, when, and how the support should be made, and the issue is simply not open for discussion at the dinner table or parenting time transitions.

Conclusion

It is unlikely that informal arrangements are going to disappear completely, and they are necessary in some instances, such as in rural counties where transportation and access to the judicial system are impaired, or when the obligor parent is underemployed or unemployable. However, the intended goals of these arrangements, to bypass the judicial system, can be frustrated or exacerbated when the parties are forced to resort to an Illinois court to accomplish the intent of the informal agreements. So, formalizing child support agreements, from the onset, can be a positive and protective measure for both parties, limiting the need for contentious interactions regarding child support, thereby allowing parties to focus their energy on co-parenting and maintain a sense of respect and normalcy for their children. ■

1. <http://www.ncsl.org/research/human-services/guideline-models-by-state.aspx>.

2. *Id.*

3. Tx. Fam. Code 154.009(c). "Unless the Title IV-D agency is a party to an agreement concerning support or purporting to settle past, present, or future support obligations by prepayment or otherwise, an agreement between the parties does not reduce or terminate retroactive support that the agency may request."

4. Important to note that once the parent child relationship is established in a child support action, that finding relates back to the date of birth in most states.

Spotlight: Appellate Justice Carl Anthony Walker

BY JUDGE GERALDINE D'SOUZA

Justice Carl Anthony Walker was sworn in as a Justice of the First District Illinois Appellate Court on June 15, 2018, after serving for 12 years as a Cook County judge. Justice Walker was appointed to his new position by the Illinois Supreme Court. He is a native Chicagoan who grew up in Englewood and attended Chicago Vocational High School. Justice Walker credits his mother for his success in life, mostly because she was always involved in every aspect of his life and schooling, and kept him on the straight and narrow path.

There are no other lawyers in this justice's family, but his interest in law began in high school, when he and a classmate took a business law class and started joking around about the name of the law firm they would one day have. Justice Walker wanted his name to be first, and the classmate, of course, disagreed. Justice Walker told his family that he was going to be a lawyer and informed them of the name that he wanted for his firm. After that, his family always reminded him of that goal. His family would tell him, "Don't forget, you said you were going to be a lawyer," and those words resonated with him. Due in part to his family's expectations, Justice Walker attended law school at the University of Iowa College of Law, after graduating from the University of Illinois at Champaign-Urbana with a degree in accounting and working for a few years as a CPA.

Justice Walker did, in fact, fulfill his dream of starting his own practice, and he was at the helm of that practice for 14 years before finally accepting an appointment to the Cook County bench. He had been approached previously about becoming a judge, but enjoyed the practice of law and his interaction with clients so much that he had previously preferred to continue his private practice. He had a general practice, which encompassed both criminal and civil

law, where he practiced in such diverse areas as real estate law, insurance law and even personal injury. While running his own law practice, Justice Walker also worked part time as a hearing officer for the City of Chicago. In fact, he credits that experience with giving him an easy transition to being a member of the judiciary. From the first day that Justice Walker was a sitting judge, he was on his own, running a call and hearing cases that afternoon. His previous experience as a hearing officer gave him the knowledge and the confidence he needed to succeed as a jurist. In fact, Justice Walker heard a myriad of cases as a judge, with as much variety as when he was a private attorney. Because he had legal knowledge encompassing so many areas, during his tenure as a Cook County Judge he handled cases in the Law Division, the Juvenile Justice Division, felony preliminary hearings, criminal misdemeanors, domestic violence, and even traffic court.

Knowledge in various areas of the law has also helped Justice Walker transition to the appellate court. What he enjoys most about his new role as an Appellate Justice is the ability to talk about the cases with the other justices before making a final decision. As a trial judge, Justice Walker would make his rulings on his own while in the courtroom, but as an Appellate Justice he is required to discuss the cases with the other justices in his division and hear their different points of view before rendering a final decision. His biggest challenge as an appellate justice is the heavy work load, since he always attends every meeting and every oral argument prepared; he takes the time to read all the briefs and case law presented by the parties and does his own legal research when necessary.

Justice Walker believes that lawyers who have judicial aspirations must, first of all, be kind and courteous to everyone they

encounter. Since attorneys tend to work in an adversarial system, the tendency may be to do otherwise, especially if the client expects their attorney to be tough on opposing counsel or resents their attorney being friendly with opposing counsel. Justice Walker cautions young lawyers not to fall into that kind of reasoning, but instead be courteous to opposing counsel and explain to a client who may resent that type of behavior that both parties have to work together to resolve the issues in the case, be it criminal or civil.

Justice Walker believes that racism, which can be found in all the different levels of our legal system, can be an obstacle for minority attorneys with judicial aspirations. Such racism may be covert, or there may be some level of implicit bias at play. Justice Walker believes that members of minority groups should continue to work hard and always be prepared, and hope that this will help to eliminate people's racist views of minority attorneys. He strongly believes in bar associations and their role in promoting diversity in our profession, which will hopefully lead to more diversity on the bench. He would like to see the bar associations reaching out to the underrepresented communities and encouraging more young people of a minority background to go to law school and become attorneys. He strongly believes that we need lawyers and judges with different viewpoints and life experiences to make our profession even stronger.

Justice Walker is a wonderful example of how hard work and determination can allow someone to reach their goals. He would read book after book on all areas of law when he practiced. His desire to learn everything that he can about every aspect of the law has helped him to forge a stellar career, and I am sure he will have a long and illustrious career on the appellate bench. ■