

Senior Lawyers

The newsletter of the Illinois State Bar Association's Senior Lawyers Section

From the Chair

BY TIMOTHY J. HOWARD

Happy New Year! As I explained in my first column, your Senior Lawyers Section Council is working on the issue of transition this year. Three of our members are actively involved in the Special Committee on Succession and Transition Planning formed by ISBA President, Russ Hartigan. The Special Committee's goal is to help lawyers prepare for and handle the transition of a law practice in an emergency due to a catastrophic event or a planned retirement. John T. Phipps, one of our council members, is the Committee's

Chair. Expect to hear more about the work of this Committee in the coming months and years.

Another new benefit from ISBA is "ISBA Central." ISBA Central is the new online community platform where only members of a Section Council can ask and answer questions, post messages, share documents and connect with other members. Section members are automatically added to their section's community. The section community for

Continued on next page

What happened to the senior lawyer listserve?

BY DON MATEER

Basically, the listserve has gone from only being an e-mail based system to one that includes an online web-based platform. A listserve message is now called a "discussion post." Posting can still take place as before; however, the means of access has changed. To begin a post, one can either go online to the new ISBA Central website or can e-mail to the group at its new address. To post online to the website, go to central.isba.org and click on the "Sign In" button on the top right corner. Enter the same user name and password

you use for the ISBA website. Then click on "post a message" under getting started and then on the next screen choose ISBA Senior Lawyers. That is all there is to it!

In addition to posting online, an email access is also available. Send your email to isba-SeniorLawyers@ConnectedCommunity.org. This system is more robust than the old system. There is a library to store relevant information, a member directory, and related ISBA events.

Welcome to the new world of communicating with your fellow lawyers. ■

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If you're getting this newsletter by postal mail and would prefer electronic delivery, just send an e-mail to Ann Boucher at aboucher@isba.org



From the Chair

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Senior Lawyers was recently launched and you should have received notice as a member. You will be able to change your settings on your ISBA Central account to get messages in real time or no messages at all.

A trip to Israel

BY HON. PATRICK J. LESTON (RET.)

As lawyers enter the “senior” phase of their professional careers, many start enjoying a few more personal days and looking forward to a bit more vacation time. Most frequently, the first travel thoughts involve winter trips to Florida or Arizona, or wherever the grandchildren are living. But if you still crave a bit of adventure, consider an ISBA or IJA tour. Lawyers are fine traveling companions. Most tell great stories. You’ll know a lot of the same people. And you will always have someone to join you for a cocktail.

The IJA Israel trip invitation arrived just at the right time. My wife, Kris, and I are retired. So we travel. A lot. But of course we had to do our due diligence. So we asked the question on everyone’s mind when going to a foreign country: “Will someone there try to blow us up?” We checked around. Most people said, “Probably not.” So we went.

It’s about a 15-hour trip to Israel, including a three-hour layover in Frankfurt. Frankfurt is like the Atlanta of Europe. Apparently every plane is required to stop there. But the Lufthansa flight was fairly comfortable. There was plenty of complimentary wine, more legroom than on domestic flights, and enough time for me to enjoy four action movies.

We arrived at the Dan Panorama hotel in Tel Aviv. We later stayed at a Dan Panorama hotel in Jerusalem. It was nice of Mr. and Mrs. Panorama to name all of their hotels Dan. Easy to remember. We had an elaborate buffet dinner and then joined our guide,

Finally, if you are looking for an opportunity to do some pro-bono work without a lot of time involvement, please see the article by Nicole Capretta, the manager of the Free Legal Answers program for Illinois Legal Aid online. ■

Nathan Shapiro, for a short history lesson and an overview of the trip. Nathan is a 10th generation Israeli. Modern Israel was created in 1948, so Shapiro’s family must have lived in the area when it was still unincorporated. But the guy sure seemed to know his way around.

Since this was an IJA trip, we did judge and lawyer type things. We spent the first morning with a lawyer from Tel Aviv and another from a large U.S. firm, practicing in Israel. They explained that Israel has a culture of laws and argument. Everyone is either a lawyer, has an immediate family member who is a lawyer, or thinks he is a lawyer. Law is an undergraduate degree and appears to be the fallback major. They have 6-8 times the number of lawyers per capita than in the United States. The law school at Hebrew University was founded 50 years before the founding of the country.

This is a lawyer type of place.

We took a guided tour around the law school campus, with a beautiful view overlooking Jerusalem. We met with a number of law school professors, including a former chief judge of the Israeli Supreme Court and a former chief judge of the Sharia Court of Appeals. The grand finale of the Supreme Court tour was a meeting in chambers with Justice Sabin Joubran, the only Arab Supreme Court justice. He’s a big fan of Chicago. His daughter lives here. Not surprisingly, she’s married to a lawyer.

But we certainly didn’t spend all of our time with judges. We toured. If you’ve read

Senior Lawyers

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The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

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about a place in the Old or New Testament, we were there. We drove north, past the Sea of Galilee to Mt. Beatitude and the Church of Loaves and Fishes. We walked through the old city of Jerusalem and past the Western Wall of the second temple, visited the Church of the Holy Sepulcher in the Christian Quarter, and walked the Via Dolorosa. I inconvenienced our travel companions by becoming hopelessly lost in the huge Arab market in the Muslim Quarter. (Thoughtfully, the guide refused to heed my wife's suggestion to let me find my own way back to the hotel. I would have made it. I remembered the hotel's name was Dan something.) We crossed over to the Arab controlled area of Bethlehem to visit Mt. Calvary, and then went on to the Mount of Olives, the Church of Peter, and the room of the Last Supper.

From Jerusalem, we headed south to the Dead Sea and Masada. The Dead Sea is much like Salt Lake, except there is no winter skiing and very few Mormons. Jump in, float, take a picture. Then run to a fresh water shower to wash off the rotten egg smell.

Been there. Done that. Never going again.

Masada, for those who didn't see the movie, was the last holdout of the Jewish rebels against the Romans, who had destroyed Jerusalem in 70 A.D. Eight thousand Romans laid siege to the fort, eventually building a ramp to move siege towers and a battering ram to the fortress walls. Nine hundred and sixty rebels

committed suicide rather than surrender. What you might not have known is that Masada was built by Herod the Great, shortly before the time of Jesus. Herod was born a Jew, raised and educated in Rome, and installed by the Romans as the king of Judea. Constantly fearing a Jewish uprising, he built Masada as a winter palace and fortress, with well stocked store rooms, pools and sauna, a sophisticated cistern and water collection system, and near impregnable walls. It's built on a rock plateau, in the middle of the desert. To get there, you go to the middle of nowhere. It's a few miles farther. And it's actually worth the trip.

We continued to Eilat, a resort town on the southern tip of Israel and the northern tip of the Red Sea. Despite being near the Dead Sea in both distance and literation, the Red Sea is more of a water wonderland, with a unique aquarium and underwater observatory, built right into the sea, over a coral reef. There are hotels, marinas, and scuba shops. Arriving in Eilat was like driving through the Badlands and ending up in Ft. Lauderdale instead of at Wall Drugs.

From Eilat, we crossed over to Jordan for the trip to Petra. Petra was the center of trading routes in both Greek and Roman times, controlling caravans and levying tolls affecting the movement of frankincense, myrrh, spices, silk, and ivory. By the time of the crusades, the demand for frankincense and myrrh had dwindled, most likely because everyone had a jar and the stuff lasted forever, and Petra was abandoned.

It was pretty much forgotten until Indiana Jones chased the Gestapo through Petra's scenic gorges and into Al-Khazneh (the treasury) at the conclusion of "Raiders of the Lost Ark"

Petra is magnificent. It is often justifiably referred to as the 8th wonder of the ancient world. The structures, now thought to be primarily tombs and temples, are carved out of solid rock in a secluded canyon and mountainside. And the facades have survived in near pristine condition for over 2000 years. Petra is a UNESCO World Heritage site and it's a nice piece of work.

Israel is a tourist-friendly, first-world country. Everyone speaks English and prices are reasonable. The hotels are new and clean, the a/c systems work, and the ATM machines dispense shekels. What's not to like? Tourism is a large part of the Israeli economy. Christians, Jews and Moslems criss-cross the numerous historical and religious sites. All seemed equally intrigued by the cultural overlaps. Put Israel on your bucket list.

This year, ISBA President Russ Hartigan organized a fabulous trip to Ireland and an international cruise through the Mediterranean. Incoming President Jim McClusky will have next year's itinerary at the Annual Meeting. You've got plenty of time to renew your passports. Sure, you'll miss the grandchildren for a week. But you can send them a postcard with a cool stamp. ■

Pro bono anywhere

BY NICOLE CAPRETTA, LEGAL ANSWERS PROGRAM MANAGER, ILLINOIS LEGAL AID ONLINE

With ILAO's Virtual Advice Clinic, lawyers can provide meaningful pro bono advice from their living rooms.

A new interactive website is helping meet the critical need in Illinois for civil legal advice to lower-income communities, and providing opportunities for Illinois lawyers to complete pro bono work from home.

Many lower-income residents of Illinois find the civil legal system frightening,

confusing, and nearly impossible to navigate without a lawyer. However, legal aid organizations in Illinois have trouble meeting the demand for civil legal advice. Often, residents are choosing to live with long-term legal problems like unresolved custody issues, landlord tenant disputes, and collection actions because they have no access to basic free legal advice.

In order to address this pressing need, Illinois Legal Aid Online (ILAO),

the Illinois Bar Foundation, and the American Bar Association launched IL.freelegalanswers.org (Legal Answers). Now celebrating its first anniversary, Legal Answers has a growing volunteer base and has already served over 2,000 Illinois residents.

Legal Answers is part of a nationwide ABA pro bono initiative to increase access to justice through technology. Legal Answers is designed to work like a virtual

walk-in legal clinic. Qualified lower income clients post their civil legal questions to an easy-to-use, secure website. Volunteer lawyers log in to the same website, select questions to answer, and provide information and basic legal advice on a one-to-one basis. Questions and answers are always private and can be answered by lawyers on an anonymous basis.

Legal Answers has proven to be mutually beneficial for both clients and volunteer lawyers who help them. After receiving legal advice specific to their case or issue, people are better equipped to resolve their issues on their own. For lawyers, Legal Answers is a convenient, low risk, and short term

commitment. Because it's virtual, lawyers can provide advice during lunch at a desk, late at night on the sofa, or on a train ride home. Limited scope representation means that it is a short term engagement without court appearances or petition/motion filing. Lawyers can remain anonymous to clients and malpractice insurance is provided.

Legal Answers' 100+ volunteers are from all parts of Illinois and span all ages from newly licensed attorneys to retirees. The website's largest volume of questions are in the areas of family law, housing issues, and consumer debt problems, but there are also opportunities to assist clients with questions about probate, work issues, public benefits,

and personal injury. ILAO provides ongoing training and support to all its volunteers.

The Illinois site of Legal Answers is managed by ILAO. ILAO already has a popular website which puts the law within reach for everyone with a legal problem in Illinois. IllinoisLegalAid.org, with over a million visitors each year, gives people access to user-friendly online legal information and services, regardless of their location, income, and education. Legal Answers expands ILAO's work even farther by connecting low-income clients directly to lawyers.

For more information and to learn how to volunteer, visit bit.ly/ILAOvolunteer. ■

Services at ISBA Mutual's new Loop office

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seat at the bar or a café table, pull out your laptop or tablet and your hard copy files, access our free and secure WiFi and get your work done while waiting to walk the two blocks to the court house.

You will likely encounter other professionals there, either working or just having casual conversation and a free, bottomless cup of coffee or tea. But, if you want more privacy, our four micro-offices may also be available for either quiet, private meetings or just a distraction-free place to work.

But wait, there's more! ISBA Mutual has also set space aside for larger group business meetings and social and educational events, and, at any given point of time, one of our area professional groups may have something going on. This larger group space features two conference rooms along with state-of-the-art technology. Think media streaming transceivers, a conference call system that integrates with the audio system, easily accessed power sources and USB charging capabilities.

It's all free to Illinois lawyers and legal groups, open during the week from 8 a.m. to 6 p.m. No reservations are necessary for casual use, but conference rooms do need to be reserved in advance. Just call our receptionist at 800-473-4722. You'll be

walked through the details: Catering needs to be approved in advance. The proper licenses must be provided if alcohol will be served. Proof of insurance is required. While these rooms also are free, if your event will go past 6 p.m., a \$150 fee to cover HVAC costs will be required. Attendee lists also will be required for after-hours events for security purposes.

ISBA Mutual is proud of the literal open-door policy we've put together for our

community of Illinois lawyers. Our office away from the office is a far safer option than more casual public gathering places like coffee houses, is less expensive (like free) than co-working options, and then, too, location, location, location.

It all combines to make ISBA Mutual a resource that, from every perspective, is hard to beat. I am happy to be involved with ISBA Mutual and very happy to share this information with you! ■



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ILLINOIS STATE BAR ASSOCIATION

Book review: *Testimony*

BY GARY T. RAFOOL

One of the benefits that I receive from reading various books and writing book reviews is the opportunity to sometimes read interesting books by authors who have other professions or careers.

To me, it seems extra special if the author is a lawyer, and it is an added bonus if he/she practices or has practiced in Illinois.

One such Illinois attorney is the historical novelist Susan Gunty, who practices in Chicago, and whose book “Schwerpunkt, From D-Day To The Fall Of The Third Reich” was reviewed in this Newsletter during the spring of 2016.

Another Illinois attorney and author is Scott Turow, who has written over a dozen books. He was also the lead counsel in the “Operation Greylord” prosecution several years ago when he was an Assistant United States Attorney in the Northern District of Illinois.

Turow’s 2017 novel “Testimony” is the subject matter of this book review. This book is available in hardcover (477 pages), soft cover and electronically.

Unlike most of the author’s novels, this book’s story does not take place so much in the court room, but it develops around an investigation during 2015 into the disappearance of some 400 gypsy refugees in Bosnia in 2004.

The principal character in the book is Bill ten Boom (Boom), who is a successful Kindle County, Illinois attorney. He is in his 50s and going through a mid- life crisis as well as a career change. His marriage has ended in divorce, and he decides to leave his \$1 million per year position as head of the white collar criminal defense department of a Kindle County law firm where he has worked the past 14 years. Before joining this law firm, Boom was the United States Attorney in the Kindle County area for four years.

Therefore, Boom is very ripe for a change of direction in his life when one of his old lawyer friends approaches him to lead an investigation and possible

prosecution in the International Criminal Court in the Hague concerning the disappearance of these 400 gypsies in Bosnia in April of 2004.

This offer presumably rejuvenates Boom professionally and he decides to leave his lucrative and secure job to take on this new challenge in the Hague at an annual base salary of 153,000 Euros, or about \$200,000.

The International Criminal Court, according to the author, was established by most United Nations’ member states. The United States, in 2000, through President Clinton, signed on. However, President George W. Bush “unsigned” the United States from it in 2002.

The author also describes the various legal entities operating in the Hague, with one such entity being the International Criminal Court, which was charged with prosecuting crimes against humanity during various international wars. This included the atrocities that took place after the breakup of former Yugoslavia that resulted in three groups trying to co-exist within Bosnia, namely Serbs, Croats and Muslims. This, as we now know, proved to be impossible, and it led to mass slaughters and other horrors during the Bosnian Wars. All of these problems and killings resulted in various charges against some 160 Serbian, Croatian, Bosnian and Kosovo leaders.

According to the author, the Bosnian Wars were ended by the Dayton Accords signed in 1995 by the Croats, Bosnians, Muslims and Serbs. These Accords are being enforced by the United Nations, which includes finding alleged war criminals to be tried in the International Criminal Court.

There is an eye witness in the case assigned to Boom. This witness is presented by Boom to a three judge panel of the International Criminal Court at a preliminary hearing. This witness describes in great detail, through an interpreter, the events that took place in 2004 when 400 Roma (Gypsy) refugees were rounded up

by men in uniforms. All of them were then placed in military vehicles and transported to an abandoned mine into which they were herded. After they were settled into this mine, there were several explosions creating an avalanche of rocks and dirt and causing all of them to be buried alive.

In an aside, the author reviews the history of the Roma people’s migration from India through Greece and into Europe. They were mistakenly assumed to have emerged from Egypt, thereby bestowing the name “gypsy” on them.

After the International Criminal Court allows the investigation into the disappearance of these 400 Roma refugees to proceed, the remainder of the book involves Boom’s investigation and the unusual adventure he undertakes. It also introduces the reader to some of the people he meets, and the difficulties and near death experiences in which he finds himself.

Suspects include Serb paramilitaries, organized crime gangs and even the United States government and military.

Two women also enter Boom’s life in and around the Hague. One is Esma, a Barrister, who claims to be Roma, and who is involved in her own hotly contested divorce. She is also the legal representative of Boom’s eye witness used during the preliminary hearing. The other is Boom’s landlady, Narawanda (Nara), who is an attorney, who grew up a Muslim in the Netherlands. Nara is married, and she is one of the legal representatives of the prime suspect in Boom’s case.

As Boom’s investigation proceeds, he develops much more than a professional relationship with both Esma and Nara.

While I think that detailed sex in a book can very much add to its story and interest, I feel that the sexual description in this book are misplaced. Also, in Boom’s position as chief prosecutor in the case, these relationships with legal representatives of his star witness and his prime suspect cross the line professionally

and ethically. Such behavior could very easily derail a case while it is still in the investigation and preparation stages.

In spite of these diversions, which probably jump out more to an attorney

reading the book, this well-researched book describes topics and places a reader might never have thought about in 2017. ■

(As a footnote to his review, Mr. Rafool later

forwarded the following link from Bloomberg with the headline “Bosnian Croat Kills Himself With Poison at the Hague, State Media Says”.

<https://www.bloomberg.com/politics/articles/2017-11-29/bosnian-croat-kills-himself-with-poison-at-un-court-hina-says>)

Upcoming CLE programs

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March

Thursday, 03-01-18 - Webinar—

Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 03-02-18 – ISBA Chicago Regional Office—9th Annual Animal Law Conference. Presented by Animal Law. 9:00AM to 4:30PM.

Monday, 03-05-18 – LIVE Webcast—Nuts & Bolts of a DUI Blood Draw Case. Presented by Traffic Law. 12:00-1:00 PM.

Tuesday, 03-06-18 – LIVE Webcast—The Ethics of Social Media for Attorneys and Judges. Presented by Bench and Bar. 1:00-2:30 PM.

Wednesday, 03-07-18 – LIVE Webinar—Fixing the Underperforming Practice. Presented by LOME. 12:00-1:00 PM.

Thursday, 03-08-18 – ISBA Chicago Regional Office—The Complete UCC. Master Series, Presented by the ISBA. 8:25-4:45.

Thursday, 03-08-18 – LIVE Webcast—The Complete UCC. Master Series, Presented by the ISBA. 8:30-5:00.

Thursday, 03-08-18 Webinar—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 03-09-18 – ISBA Chicago Regional Office—Malpractice Avoidance Program. Presented by Trusts and Estates. 8:30-4:00.

Friday, 03-09-18 – Webcast—Malpractice Avoidance Program. Presented by Trusts and Estates. 8:30-4:00.

Monday, 03-12 to Friday, 03-16— Pere Marquette Lodge, Grafton IL—40 Hour Mediation/Arbitration Training. Master Series, presented by the ISBA—WILL NOT BE ARCHIVED. 8:30 -5:45 daily.

Tuesday, 03-13-18 – LIVE Webcast—Don't Panic – What to do When a Letter Arrives from the ARDC. Presented by ARDC. 2:00-3:00 PM.

Thursday, 03-15-18 – Webinar—Hello My Name is PAC: An Introduction to the Attorney General's Public Access Duties. Presented by Local Government. 12:00-1:00 PM.

Thursday, 03-15-18 – Webinar—Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 03-16-18 – Holiday Inn & Suites, Bloomington—Solo and Small Firm Practice Institute. 8:00-4:55.

Monday, 03-19-18 – LIVE Webcast—2018 Traffic Law Update. Presented by Traffic Law. 11:00 AM – 12:00 PM.

Wednesday, 03-21-18 – LIVE Webcast—Topics in Professionalism 2018: Mental Health and Substance Abuse Impacting Lawyers, and Diversity and Inclusion in the Legal Profession. Presented by General Practice. 12:00-2:00 PM.

Friday, 03-23-18 – ISBA Chicago Regional Office—Applied Evidence: Evidence in Employment Trials. Presented by Labor and Employment. 9:00 am – 5:00 pm.

Friday, 03-23-17 – LIVE Webcast—Applied Evidence: Evidence in Employment Trials. Presented by Labor and Employment. 9:00 am – 5:00 pm.

Friday, 03-23-18 – Quincy—General Practice Update 2018: Quincy Regional Event. Presented by General Practice. All day.

April

Wednesday, 04-04-18 – LIVE Webcast—Hot Topics in Trial – Session 1 – Jury Selection and Jury Questions. Presented by Tort Law. 12:00-1:30 PM.

Thursday, 04-12-18 – ISBA Chicago Regional Office—Secrets of the Citation Act and Tips for Enforcing Judgement. Presented by Commercial Banking. 8:45 AM – 12:15 PM.

Thursday, 04-12-18 – LIVE Webcast—Secrets of the Citation Act and Tips for Enforcing Judgement. Presented by Commercial Banking. 8:45 AM – 12:15 PM. ■

SENIOR LAWYERS

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Services at ISBA Mutual's new Loop office

BY BOB DOWNS

As your former ISBA President and 51-year practitioner, it's not like I haven't been running around the block a time or two and am not aware of the various ways that client confidentiality can be breached. Or of the increasing risks in general of being hacked.

But do you think of that happening while you're reviewing client files or emails over a hot drink at the Loop coffee shop as you kill time between meetings or court dates? Probably not. But you should.

It's not just the free WiFi at coffee shops or fast food restaurants or other such public places that's risky. Malicious hackers can and do use network scanners to spot vulnerabilities on your device. Or they equip their mobile phones with high-resolution cameras to capture your credit card number, debit card number and PIN and email log-in information.

You can avoid this, and I'm not referring to anti-virus, anti-spyware and anti-phishing solutions (though, by all means, look into them!). If you're downtown looking for a place to relax, have a cup of coffee and kill some time, consider stopping by ISBA Mutual's office on the eighth floor at 20 S. Clark St. in downtown Chicago. Because we have you covered – and for more than just malpractice insurance. (Full disclosure, I am a board member of ISBA Mutual but secure WiFi).

When ISBA Mutual moved its office from its long-time River North location two years ago, its board and staff realized this was the perfect time to expand how we support and serve our community of lawyers. After all, we do more than underwriting. We believe it's important to be a resource on law firm best management

practices, because it takes knowledge and awareness of risks so you know enough not to trigger claims. That reduces claims and your premiums.

We also believe it's important to literally be there for you. That's why, when we were designing our space, we specially created a work haven – and more – for our community, whether you have a policy with us or not. Consider it your "Office Away from the Office." And, yes, it's free and no, you don't have to buy anything to use it. (Though if you don't have malpractice insurance or your renewal is approaching or you just want to compare policies, let the person at the reception desk know and they just might have someone come right out to help you.)

At our centerpiece Internet Café with a great view of Chase Plaza, you can have a

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