

# The Catalyst

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

## Chair's column

BY LORI LEVIN

I am honored to have chaired The Standing Committee on Women and the Law (WATL) of the Illinois State Bar Association and am proud of our accomplishments. WATL is an umbrella committee of the Illinois State Bar Association. We are not practice area or topic specific but advocate for women's issues in general and women lawyer interests in the specific.

This year, we directed our attention not only on enhancing the lives and practices of our members but also advocating for the

girls who will follow us. As a committee of 40 members who live and practice throughout Illinois, we had unique opportunities to do so.

As a social and internal networking event, following our August meeting, we adjourned to Spa Space to enjoy ourselves and get to know our new members. In doing so, we furthered ISBA President Hon. James McCluskey's theme of enhancing the success and well-being of our members. The night before or

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## Should Illinois require women on corporate boards of directors?

BY BEVERLY GARLAND

Sheryl Sandberg suggested that women should "Lean In", and it seems that a few states have been paying attention to the conversation surrounded by Sandberg's book. States have started the process of legally requiring companies to have at least one woman on their board of directors.

California was the first state to do so when it enacted Senate Bill 826. This bill

was recently approved by the governor of California on September 30, 2018 and requires every publicly traded corporation in California to have at least one woman director on their board by the end of 2019. In addition, publicly traded corporations with six or more members on their board are required to reserve at least three seats for women by 2021.

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New Jersey followed California's footsteps with the New Jersey bill AB 4726. Members of the House of Representatives introduced this bill on November 26, 2018, and the bill was referred to the Assembly Women and Children Committee. The bill calls for public companies to have at least one director seat reserved for a woman by

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## Chair's column

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morning before each of our meetings, we got to know each other better by holding informal dinners or breakfasts to network and explore how we can assist each other's practices. Both current and former WATL members were invited to attend.

In the fall, WATL presented a popular CLE program on Branding and held a networking reception following the program, sponsored by Stephen Komie and Associates.

This month, we held a CLE on Girls in Crisis: Foster Care and Unaccompanied Immigrants, underwritten by Tomasik Kotin Kasserman LLC. That program was co-sponsored by the ISBA Child Law Committee, the Women's Bar Association of Illinois, the Black Women Lawyer's Association, and North Shore Law. National and statewide speakers educated us on the plights of these girls. Lynn Price, the founder of Camp to Belong, a nationwide network of summer camps reuniting siblings in foster care, informed us how her experience in Illinois foster care inspired her to help others for the past 25 years. Debra Dyer-Webster, chief deputy director of DCFS, and Chiquita Oglesby, Danville foster mother and social worker, along with Lynn, suggested programs and projects, some of which will be instituted next year under the leadership of incoming chair Kelly Bennett. Ashley Huebner, associate director of legal services, National Immigrations Justice Center, and Sara Elizabeth Dill, partner, Antheum Global, Washington, D.C., explained the problems of unaccompanied immigrant girls and suggested projects which are also being considered by WATL committee.

Additionally, this year, member Kristin Prinz presented a YouTube video on the differences between pay equality and pay equity on behalf of our committee. We also sponsored our extremely successful third annual International Women's Day Tea.

I am so proud of this committee's accomplishments and am grateful for the friendship of the committee members.

I cannot wait to participate and see the accomplishments of WATL under Kelly's leadership. ■

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**WATL members attend the "Girls in Crisis: Foster Care and Unaccompanied Immigrants" CLE**

## The Catalyst

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## Should Illinois require women on corporate boards of directors?

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2019. Further, companies with more than five directors must hold at least three seats for women.

Most recently, on March 29, 2019, the Illinois House of Representatives passed HB 3394 which would require all publicly traded companies to have one woman and one African-American on their board of directors by 2021. The bill mentions a fine of \$300,000 for failure to comply. HB3394 is now going to the Senate for consideration.

In addition to proposing legislation that requires companies to diversify their boards, some states are passing non-binding resolutions to strongly encourage companies to do so. For example, in 2015, the Illinois House of Representatives passed HR0439, a resolution that says companies perform better when their board of directors include women. HR0439 also encourages public companies with nine or more board members to have at least three women board members, companies with five board members to have two seats for women, and companies with fewer than five seats to have at least one woman on their board. In the same year, Massachusetts passed resolution S1007, which also encourages gender diversity on their boards. Pennsylvania chose to encourage companies in slightly a different way: rather than encouraging an actual number of women on the board, Pennsylvania bill HR 273 urges businesses to have women represent at least 30 percent of boards by 2020.

Other countries have required a certain number or percentage of women to be on a company's board for years. Since 2008, Norway requires companies with board of directors to reserve at least 40% of their seats for women. Israel and Quebec both require that companies reserve 50% of the seats for each board to women. Belgium, France, Germany, Italy the Netherlands, and other countries require that the board of directors reserve 25-35% of their seats for women.

Having women as members of a board

isn't just a request; there are concrete financial benefits to having women on a board. Credit Suisse found that companies with women directors benefit more than all-male boards in finances. Not only can companies benefit, but implementing laws requiring women to be on boards could provide employment to women. Women who choose to leave their current position for a board position could possibly provide an opportunity for someone else to be in the position that the board member was in prior to being offered a seat to the board.

For example, because of California's newly enacted law, over 700 board positions could be available for women. Those 700 potential positions could combat the fight for women to receive equal wages in comparison to men. Further, there may be 700 non-board positions available to qualified potential employees.

Although it has not been an issue yet, there could be a legality problem regarding the passing of these laws. Gender discrimination is a constitutional equal protection issue and there is a possibility that as these laws are enacted, a claim may be brought for being biased to women. So far, there are no claims that have been brought against states for gender discrimination as it relates to these laws, and it is likely that companies or other organizations will not bring lawsuits because of the timing as it relates to the nation's culture. With the growth of women movements such as #MeToo and #TimesUp (which are movements that are not about women in leadership, but still speaks to women's rights), this is a time when women are being more vocal and assertive about the rights they deserve. It could be detrimental for a company, especially as it relates to sales and a company's reputation, to bring a claim against this issue during a time like this when the culture of the nation emphasizes on amplifying women's empowerment.

Will Illinois be the next state to require

a certain number of women to serve on a company's board of directors? The future of HB 3394 will determine our answer, but will it shed light on people's mindsets as it relates to women in leadership? Will those who are not yet convinced soon understand that women play influential roles in many companies and are the "movers and shakers" behind successful projects and committees? To some, the passing of one bill may not seem like a big deal, but it will definitely be a step forward in a positive direction. ■

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*Beverly Garland is a second-year law student at SIU Law and appreciates Dean Buys for this opportunity to write about women's leadership.*

# Getting to know Maria M. L. Schwartz

BY KELLY R. GIRAUDO

Maria M. L. Schwartz is a new appointee to the ISBA's Standing Committee on Women and the Law. Her main areas of practice are estate and income tax planning and trust and estate administration. She is a 2013 graduate of Loyola University Chicago School of Law. She received her undergraduate degree in 2009 from the University of Minnesota.

After graduating from law school, Maria worked with a solo practitioner for a couple of years, focusing on trusts and estates and corporate law. She then joined DiMonte & Lizak, where she practiced for two years. Her focus within her favorite areas of practice has

evolved and in December of 2018, she joined the firm of Levin, Schreder & Carey.

Maria is an active member of the American Bar Association, Illinois Bar Association, Chicago Bar Association, Women's Bar Association of Illinois, and the Institute of Illinois Business Law.

Maria is very close with her parents and younger sister, who have inspired her decisions in life. Her mother, in particular, has an enormous amount of compassion and patience, and Maria is thankful to have learned from her.

In her spare time, Maria loves to spend time with her husband. They love taking

day trips around the Chicago area in the summer to hike and bike. They also enjoy theater and dance in the winter. Their number one hobby, year round, is exploring the food scene in Chicago and trying new restaurants. ■

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# Working collaboratively to end human trafficking

BY JUDGE ANN BREEN-GRECO

Both the National Association of Women Judges and the American Bar Association's Commission on Domestic and Sexual Violence have worked for many years to address what is referred to as "modern day" slavery – human trafficking. Recently the American Bar Association's Judicial Division (JD) established a Task Force on Domestic and Sexual violence and Human Trafficking. The JD Task Force, among other things, will work on the issue of reentry of victims including the expungement of records related to their victimization and the creation of a tool kit for judges. Now these three entities are working together to address human trafficking.

This collaborative effort seeks to combine the work each entity has been doing. The NAWJ's Human Trafficking Committee's work has included a human trafficking

survey, a survey regarding collaborative specialized courts, and communication from United Against Slavery (UAS) regarding its work on human trafficking. UAS provides a global platform to bridge the gap among anti-trafficking stakeholders to collaboratively address challenges affecting efforts to combat human trafficking. UAS is collecting data on behalf of stakeholder groups to raise money for an endowment fund for providing resources for shelters around the globe, collecting data from more than 23 stakeholder groups for its upcoming National Outreach Survey, including Judges, Attorneys, Law Enforcement, Survivors, and Former Foster Youth. There is a difference in the level of care that can retraumatize survivors and it is important to hear from all of those contributing to or impacted by those situations, including successes and failures.

Fourteen congressional members are waiting for the data to be released. Of particular interest to the UAS are the challenges being faced in the courtroom. For prosecution and law enforcement, unlike most crime categories, victims of HT do not identify themselves as victims. If they are in a judge's courtroom for juvenile or family or criminal matters, judges may not know if they are victims. Legal practitioners have to be trained detectors of victimization. When there is a case for expungement, practitioners must be trained as professionals to deal with trauma victims, especially because they may present as not sympathetic. Once they are detected there needs to be a follow up. With respect to services, if a victim is acting out or running away, it is difficult to provide the right services.

United Against Slavery will be releasing



a Governors' report on human trafficking, which covers all 50 states.

Here is a summary of a case UAS shared. Olivia finally got her day in court, after waiting three years for her social security to be approved. She was homeless at times during this lapse in time. She sat with her attorney in the courtroom, March 8, 2019, to speak with the judge about her SSI. She had to provide her employment for a long time period and the judge had been made aware that she was an adult trafficking victim for 11 years.

The judge had a vocational expert on the phone who referenced DOT (Dictionary of Occupational Titles) and provided his expert opinion on various hypothetical scenarios in which Olivia could/could not work. The judge started going through her employment records and they assigned a monetary value to what she earned in those jobs. He came to her 11 years as a trafficking victim and he asked her questions about how much she made, either \$1,000 a month, a week, or how much did she make. Olivia responded, "Judge it doesn't work that way." The judge

kept pressing her to find out how much she made during her "employment" as an escort. "Sir, I wasn't employed. If I looked the wrong way, I was beat up." The judge asked the vocational expert to search the DOT for escort so he could estimate the money Olivia made in her employment as an escort, while being sex trafficked. Olivia was noticeably taken back as the judge wouldn't listen to her as he continued to press her for how much she made as a trafficking victim. "Sir, I don't call spreading your legs, employment." In the end, the vocational expert found the DOT Code for Escort.

In Olivia's words, "I'm so upset. The judge literally was trying to put a dollar value on my SLAVERY. Last time I checked, that was real similar to pimping. It's like 'so you were being exploited, but how much did you benefit when you were exploited?'"

As UAS noted, there is a difference in a judge determining fair wages for a trafficking survivor when determining a civil case versus determining SSI.

As UAS stated, "Quality data fuels resources and funding. It's time to equip and

empower stakeholders with the tools they need to work effectively and pursue policy changes to enforce those changes."

There was some recent good news for survivors: the case of Cyntoia Brown who was serving a life sentence for the murder of a Nashville man in 2004. According to Brown, after a childhood marked by abuse and drugs, she was raped and forced into prostitution by a pimp, and ended up killing one of her rapists out of self-defense when she was just 16 years old. Despite her youth, she was tried as an adult and given a life sentence. The details of her crime and trial—including the fact that the man who had paid for sex with her was 43 years old, started circulating, catching the attention of A-list celebrities. However, even before the renewed interest, her trial inspired a documentary and was a factor in a major change in how the state of Tennessee deals with child prostitution cases. After 15 years in prison the Tennessee Governor commuted Brown's sentence and she will be released in August. ■

# Burned out? Overwhelmed? Meet Dr. Diana Uchiyama and the Illinois Lawyers' Assistance Program

BY MARY F. PETRUCHIUS

The Illinois Lawyers' Assistance Program, or LAP, was founded in 1980. It is a not-for-profit organization that offers free, confidential help to Illinois attorneys, law students, judges, and their families whose lives are affected by substance abuse, addiction, and/or mental health issues. In late 2018, LAP opened an office in Geneva. I recently interviewed Dr. Diana Uchiyama, LAP's executive director, about LAP and her role in the Geneva office.

**Mary:** Diana, before we discuss LAP and what you do, I'd like our readers to get to know you. Where did you grow up? What's your educational history?

**Diana:** I grew up on the north side of

Chicago after my parents immigrated here from Germany with my two older siblings. I attended public grammar school until the eighth grade and graduated from St. Scholastica Academy, an all girls' college preparatory high school in Chicago. I received my undergraduate degree from the University of Illinois in Champaign and my Juris Doctorate from Pepperdine University School of Law. I attended Benedictine University for my MS in Clinical Psychology and Midwestern University for my PsyD in Clinical Psychology.

**Mary:** Who were your role models growing up? The influences in your personal and professional life?

**Diana:** I would say my parents and younger brother were the greatest role models in my life. My parents immigrated to the United States with two small children because my parents wanted to provide their children with a better quality of life than they had in Germany. My father was Assyrian from a Catholic family in Iraq, and they were a minority group that was persecuted because of their religion. He moved to England to attend college and met my mother, who was from Germany, and they eventually got married in Germany. They had two children but neither of my siblings were German citizens, due to my father being a foreigner. My parents decided

to move to the United States so that their children would have a national identity and more opportunities than in Germany.

My younger brother and I were born in Chicago and he was born with Down Syndrome. My parents always pushed all of us to become educated, to work hard, to speak up against injustice, and to give back through acts of public service and charity, which has been my biggest motivation in life. And because I have a brother with a disability, I was motivated to provide him with all of the opportunities that I had and to push him to rise above his disabilities, to be an independent human being with a purpose in life.

I think that growing up with parents who were from other countries and who gave so much of their lives to better their own children's lives, made me want to pay it forward in my own career and my own sense of identity. I understand what it means to be poor, to work hard to get ahead, to have a sense of purpose, and to work for the greater good. My parents instilled in me a desire to be motivated not just by money and title, but to better the lives of as many people as you can, regardless of who they are and where they are born.

**Mary:** Why did you decide to become lawyer?

I think that the circumstances of my childhood, including growing up with parents who were from other countries and often being judged by the fact that my parents had accents, influenced me greatly because I often felt different and like an outsider.

In my family what was really valued was education and hard work, instead of superficial things. Then, having a brother with a significant disability and watching my family fight to get him equal treatment in school and in life, made me passionate about being a voice for the voiceless or for those treated as "less than."

I felt passionate about making sure that people were treated fairly and with a sense of justice and equality, regardless of where they were born. I had a strong desire to pursue a degree in law, specifically in criminal law as an Assistant Public Defender. I wanted to make sure that

everyone's rights were honored regardless of education, economic status, or nationality or race.

**Mary:** Diana, take us down through your career path and where it has led you.

**Diana:** After graduating from law school, I first practiced in international health care law, due to the fact that I speak fluent German, while I was waiting to find out if the Cook County Public Defender's Office was hiring. I then applied for a position there and happily was hired. I worked as an Assistant Public Defender for about 12 years assigned to various felony courtrooms, mostly at 26<sup>th</sup> and California.

I then decided to get my master's degree in clinical psychology and, after that, my doctorate. I have blended my work as an attorney and clinical and forensic psychologist. I previously worked at the Kane County Diagnostic Center doing forensic evaluations for the Court and as the Kane County Juvenile Drug Court Coordinator. I have also worked for the Cook County Juvenile Detention Center with adolescents who were charged criminally as adults. I was the Administrator of Psychological Services for DuPage County, working with a court-mandated population of clients who had substance use, mental health and/or domestic violence and anger management problems. I am now the Assistant Deputy Director of LAP.

**Mary:** What brought you to LAP?

**Diana:** There were a number of reasons that I came to LAP. I had several former legal friends and trial partners who were struggling with mental health and/or substance use issues and, when a few of them or their family members began reaching out to me regarding the problems they were facing, I thought initially that it was an isolated problem. After doing a presentation with a member of the ARDC, however, I found out that the substance use and mental health problems in the legal community were pretty common and very complicated.

Additionally, we had quite a few attorneys seeking mental health, domestic violence, and/or substance use assistance when I worked at DuPage County. Sometimes those attorneys had a difficult

time in group settings with other group members. They often felt a great sense of shame at needing mental health or substance use services. That made me feel tremendous empathy for them.

And finally, I have personally known attorneys with whom I was acquainted or worked with, who committed suicide. I felt great distress and sadness that this was happening to my legal community. As a result, I felt that all my education and training was well suited to understanding the specific needs of the legal community and appreciating how hard it is to reach out and access services to get the help needed.

I owe a lot of gratitude to people in the legal community who shared their passion, knowledge, and patience with me as I was learning to become a lawyer. I felt this great desire to give back to the legal community in general because that community had been so good to me when I was a practicing attorney.

**Mary:** What does LAP do?

**Diana:** LAP is a not-for-profit organization that helps Illinois lawyers, judges, law students, and their families concerned about alcohol or substance use or dependency, mental health issues including depression, anxiety, and suicidal thinking, or stress-related issues such as compassion fatigue and burnout.

LAP's services include individual and group therapy, assessments, education, peer support, and interventions. Our mission is threefold: To help lawyers, judges, and law students obtain assistance with substance abuse, addiction, and mental health problems; To protect clients from impaired lawyers and judges; To educate the community about addiction and mental health issues.

Everything at LAP is free and confidential and many of the staff are attorneys/clinicians or specialize in substance abuse issues. We have offices in Chicago, Park Ridge, Geneva, and satellite offices throughout the State of Illinois. LAP has a board of directors, an advisory committee, and an associate board comprised of lawyers and judges from all over the state.

**Mary:** Have you seen the wellness issues faced by attorneys change since you became

an attorney in 1989?

**Diana:** In some ways, yes.

**Mary:** In what ways have those issues changed?

**Diana:** Honestly, looking back I think that the problems in the legal profession with substance use and mental health problems were significant even when I practiced law. I believe, however, that I normalized it as a professional hazard. I felt that it was not unusual for members of my profession to drink heavily or to struggle with relationship issues, burnout, and compassion fatigue. I was surrounded by it on the bench, with my colleagues, and at legal functions I attended.

Until I stepped out of the field and entered into a different working arena, I never recognized that the work attorneys do---the tragedies and traumas we see on a daily basis, the win/lose attitude we all encounter, and the high case volumes we endure would cause a wear and tear and erosion of our physical and mental health. It was not until I began hearing stories about disastrous outcomes of people I worked with or knew, or was asked for treatment assistance or help, that I recognized that something was wrong and unhealthy with our profession.

I also knew that I had the educational ability and expertise to go back and help people with whom I strongly identify, relating to the personal qualities I share with them. Those qualities include perfectionism, competitiveness, being a problem solver, and possessing an inability to ask for help due to shame and fear. I feel very blessed to be able to do this work and help people realize that asking for help is a strength and not a weakness.

**Mary:** What issues do we as a profession face today that we may not have faced 20 years ago?

**Diana:** The level of stress and anxiety is dramatically increasing. We cannot turn off our brains. We are having higher levels of mental health issues in general, including depression. This is most likely due to poor sleep habits, the presence of social media, and the inability to separate work from home, due to the accessibility of people via email or text. The suicide rate for attorneys is very high and that means that people are suffering alone and in isolation. We need to do a better job of helping

people, collectively and individually, in the legal profession, so that no one feels that suicide is the only option to escape the hopelessness and sadness they may be experiencing.

**Mary:** Do the younger lawyers take advantage of LAP?

**Diana:** Younger people in general access LAP services more readily and this may be due to the lower levels of stigma associated with seeking help for mental health and substance use issues in this age group. It is also related to LAP's incredible outreach in the law schools, including staffing every law school in Illinois with monthly office hours using staff or volunteers to identify individuals who may be struggling, and offering them help before they enter the legal field. Forty percent of our clients are now coming from the law student population and over fifty percent of LAP clients are under age 40.

**Mary:** What issues do younger lawyers have that differ from the issues of more seasoned lawyers?

**Diana:** Young lawyers have significant financial issues related to educational debt. They are also just starting their careers, transitioning from being students to being adults with full-time work responsibilities, forming permanent relationships, having children, purchasing houses, and trying to establish themselves in their legal community. They often feel as though they lack the knowledge or expertise, despite their educational training. They face significant stressors that may increase mental health and substance use issues.

**Mary:** How did the Geneva LAP office come to be?

**Diana:** The Geneva office came to be due to increased demands for services in the western suburbs, including DuPage and Kane Counties. LAP recognized that the legal community there and in the far west, including Rockford and DeKalb, would not be able to easily access services in the downtown Chicago or Park Ridge areas due to distance. We received increased requests for services and felt we needed to meet the demand for an area that was underserved and needing significant assistance.

**Mary:** What services does LAP offer?

**Diana:** We offer assessments, evaluations, and individual therapy in Geneva. I staff that office one or two days

a week by appointment. We also provide peer support mentors and refer people to outside agencies as needed, including psychiatrists, therapists, and substance use providers.

**Mary:** What are your goals for the Geneva LAP office?

**Diana:** We hope to provide group therapy in the future as the demand increases and the desire for these types of services is requested. We also want to increase the involvement of the judiciary and the training of people in DuPage, Kane, and surrounding areas who want to volunteer with LAP. Individuals will be able to go to those volunteers and ask them questions about what LAP can do for them.

**Mary:** How do you envision your future?

**Diana:** I love my job and feel passionate about what I do, so I hope to be a part of LAP for a long time. I hope to increase LAP's ability to assist more people in the legal profession by expanding services statewide, creating more volunteer outreach, involving members of the judiciary and local legal communities with LAP, and increasing financial support for LAP through fundraising and donations.

I want to help people struggling with mental health and/or substance use issues to recognize LAP as a safe place to seek assistance and access services. We are in the business of aiding legal professionals in need, providing hope for people who are hopeless, and helping people become healthy and optimistic about their work and their futures. I am honored to be serving in this capacity.

**Mary:** Diana, it has been a pleasure and a privilege to interview you and learn about the great work you and LAP are doing for our legal community. How can our readers contact LAP?

**Diana:** They can call LAP's main telephone line at: 312.726.6607 or 1.800.LAP.1233. They may also email me directly at [duchiyama@illinoislap.org](mailto:duchiyama@illinoislap.org). ■

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*Mary F. Petrucci serves on ISBA President James McCluskey's Special Committee on Health & Wellness. She is the PAI (Private Attorney Involvement) Plan Coordinator for Prairie State Legal Services' St. Charles Office. Mary came to Prairie State in July, 2018, after 26 years practicing criminal defense, juvenile, and real estate law.*