

The Catalyst

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

Chair column

BY MELISSA OLIVERO

Happy Spring! Since 1987, March has been Women's History Month in the United States. This year's theme for Women's History Month is *NEVERTHELESS SHE PERSISTED: Honoring Women Who Fight All Forms of Discrimination Against Women*. According to the National Women's History Project, "The 2018 National Women's History theme presents the opportunity to honor women who have shaped America's history and its future through their tireless commitment to ending discrimination against women and girls. The theme embodies women working together with strength, tenacity and courage to

overcome obstacles and achieve joyful accomplishments."

March 8 was International Women's Day. I have seen two themes for International Women's Day: One is #PressForProgress, "With the World Economic Forum's 2017 Global Gender Gap Report findings telling us that gender parity is over 200 years away—there has never been a more important time to keep motivated and #PressforProgress." The other is "Time is Now: Rural and urban activists transforming women's lives," which seeks to "draw attention to the rights

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Spotlight on Maxine Weiss Kunz

BY EMILY RAPP

Maxine Weiss Kunz had her awakening while laying on a yoga mat, practicing the lovely yoga pose of Shavasana. You know, the pose where you finally get to rest after an hour of strenuous, often-impossible yogi moves. One day in 2014, while lying on her mat, Maxine had a vision of a law firm. A law firm where she was boss.

Three months later, Maxine resigned from her then-firm and started her own private practice, Weiss-Kunz & Oliver, LLC. The firm opened with three locations:

Chicago, Park Ridge and Elmhurst. Maxine's firm is concentrated in family law, which includes divorce, parentage, custody (now allocation of parental responsibilities and parenting time), child support, pre- and post-nuptial agreements, and adoptions. Maxine is a certified mediator, guardian ad litem (attorney appointed by the court to determine the best interests of children) and collaborative lawyer. She additionally handles appeals to the appellate court. In short, Maxine is busy.

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and activism of rural women, who make up over a quarter of the world population and are being left behind in every measure of development.”

How can you help to empower women and girls this month? You could join an international service organization like Zonta that seeks to empower women worldwide through service and advocacy. As a Zonta member for over 15 years, I have seen first-hand how Zonta has made a global impact on issues such as reducing violence against women and saving the lives of women affected by HIV/AIDS, tetanus, and obstetric fistula, and a local impact by supporting our county’s domestic violence and sexual assault shelter.

You can find out more about Zonta by going to www.zonta.org. For more information on Women’s History Month please go to www.nwhp.org/. For more information on International Women’s Day, please go to www.unwomen.org/en/news/

in-focus/international-womens-day or www.internationalwomensday.com/.

The work of our committee to recognize the achievements of women in our profession continues. We are proud that so many of our current and former members have been named Super Lawyers, Rising Stars, or Leading Lawyers, among other accomplishments. Our committee also remains steadfast in our efforts to raise awareness about equal pay, the ERA, and other issues affecting women both inside and outside our profession.

Guests are always welcome at our meetings and events. Our committee is holding its annual outreach event at the United States District Courthouse in East St. Louis on Friday, April 20. Please consider joining us to discuss issues affecting women in the profession and for a chance to network with some of the best lawyers in Illinois and Missouri. I hope to see you there! ■

Good News

The Illinois Women and the Law Committee would like to congratulate our members on their selections for the following awards:

2018 Super Lawyers

Bridget Duignan – Medical Malpractice
Annemarie Kill - Family Law
Jennifer Kobayashi - Employee Benefits
Maxine Weiss Kunz - Family Law
Lori G. Levin - Criminal Defense

2018 Super Lawyers Rising Stars

Staci L. Balbirer, Family Law
Emily Hansen, Family Law
Jessica C. Marshall, Family Law
Emily Masalski, Environmental
Litigation
Erin Wilson, Family Law

2018 Super Lawyers Top 50 Women Lawyers in Illinois

Annemarie Kill
Jennifer Kobayashi

2018 Super Lawyers Top 100 Lawyers in Illinois

Jennifer Kobayashi

Leading Lawyers 2018

Alice Sackett

Top 40 Under 50 by Advocate Society of Legal Services (ASLA)

Maxine Weiss Kunz - Family Law

10 Best Law Firms by the American Institute of Family Law Attorneys

Weiss-Kunz & Oliver, LLC - (Member:
Maxine Weiss Kunz)

Emerging Lawyer for Leading Lawyers

Erin Wilson, Family Law ■

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Spotlight on Maxine Weiss Kunz

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In addition to running a successful family law practice, Maxine spent much of 2017 pregnant with her third child. Healthy baby boy Kunz arrived in November 2017 and Maxine was back to work full-time by January 2018. Maxine's older children are six and four years old. Maxine, her husband, and their three kids live in the western suburbs of Chicago.

Maxine is a Chicagoland native, growing up in Oak Park and Downers Grove. She attended college at Indiana University (Bloomington) where she studied psychology, communications and business. Of note, Indiana University was voted as the biggest party school in the nation the year Maxine graduated. Maxine likes to take credit for this "honor" bestowed on her alma mater the year she graduated. How Maxine had time for partying is unclear as, in addition to studying for three degrees, Maxine was busy working as the school videographer and editor of their

telecom journal.

Maxine enjoys having fun! One example: She chose law school over clinical psychology because, "lawyers are more fun." Many of Maxine's closest friends are fellow lawyers. (Disclaimer: this is not to say other professionals are not fun!).

Maxine attended law school at IIT, Chicago-Kent. While in law school, Maxine was fairly confident that family law was her calling. She has a psychology background, volunteered in the advanced family law clinic and clerked for Davis Freidman (another preeminent family law firm in Chicago). She also received the LADR certificate: Litigation and Alternative Dispute Resolution, and CALI'd her Advanced Family Law class in her last year of law school. In order to assure herself that family law was absolutely for her, Maxine clerked for a personal injury firm in 2003; that only lasted two weeks before she started having nightmares. That experience

solidified her desire to practice only family law.

Now Maxine has been a practicing family law attorney for over 13 years. Maxine was recently selected as a 2018 Super Lawyers and selected as 40 Under 40 Attorneys to Watch by ASLA (American Society of Legal Advocates). Maxine likes using her abilities to help those who feel they are helpless. A great reward for Maxine is a client whose head is held high after achieving the outcome he or she deserves. Maxine credits Debra Braselton, Kathryn Farmer and her partner in law, Amanda Oliver, as being great influences on her career. "They are not only amazing at their jobs, they are supportive and encouraging of other women attorneys," says Maxine of her mentors.

To conclude, Maxine's story reminds us to listen to our inner voice (with or without yoga). ■

The career of Lois Wood

BY ERIN HODGSON

Ms. Lois Wood has had a distinguished legal career and continues to make positive impacts in the legal profession. Ms. Lois Wood is a woman worth recognizing, and her devotion to improving access to legal counsel in Illinois is worth celebrating. Ms. Wood acted as the executive director of The Land of Lincoln Legal Assistance Foundation, Inc., which strives to provide free legal services to qualified residents of Illinois in order to help them achieve "their basic human needs," from 2004 to 2017, when she recently retired. Her devotion to this cause can be traced back to her legal education.

Ms. Lois Wood says she went to law school to "find a way to make an impact on

the world and improve people's lives." Her first year of law school she didn't know how she would use her legal education to make that goal a reality, but by luck of the lottery, she was accepted to the Harvard Legal Aid Bureau during her second year. She served her first client within weeks of becoming involved with the Bureau in a housing case, and she knew then that this was exactly what her calling was. Ms. Lois Wood became committed to making legal counsel more accessible in 1972, as she served on the Harvard Legal Aid Bureau. She acted as president in 1973, and remained on the Bureau until 1974 when she graduated from Harvard Law School with cum laude honors. As a member and president of the

Bureau she committed substantial amounts of time to the legal clinic that represented Boston people in civil court, while her goal of making an impact became actualized for the first time in her career that would be devoted to making legal assistance more accessible.

After graduation, Ms. Wood began her career in the East St. Louis office of The Land of Lincoln Legal Assistance Foundation as a staff attorney in 1974. Her caseload was primarily public utility and public housing law. Public housing made up 25% of housing in East St. Louis at the time, and there was a demand for this type of legal aid. During her first year of practice she was recognized for her legal services

by the Lawyers Trust Fund of Illinois and given the Attorney Recognition Award.

After only four years at the office, she was promoted to Managing Attorney of the East St. Louis office. In this position, she continued to provide accessible legal counsel to the surrounding area by supervising staff and managing an office that provided a full range of civil legal services to the low-income and elderly residents of the surrounding seven counties. Ms. Wood engaged in and oversaw both individual and class action litigation concerning issues of housing, community groups, and economic development of the area.

As managing attorney, she discovered an enormous scam in the East St. Louis housing market—predatory lending. Ms. Wood accepted many clients who fell victim to these predatory practices and fought foreclosures they were facing so that they could remain in their homes. She also relayed the work she was doing and evidence she was finding to the FBI and U.S. Attorney's office. Eventually, with their own work as well as Ms. Wood's contributions, the FBI obtained a search warrant for the man who was engaging in predatory lending. When they found him, he had \$1 million in cashier checks on him that were seized and used for restitution purposes and given to Land of Lincoln clients. Ms. Wood describes this story as some of her most important work, and a moment of justice that is a reminder of why she has committed herself to accessible legal aid.

When asked about her proudest moment of her career, Ms. Wood told the story about her success in the East St. Louis public housing while she worked as a managing attorney at Land of Lincoln. The public housing authority declined for years, the president was imprisoned for embezzlement, and the public housing faced being abandoned. This would leave many homeless. Ms. Wood knew that she couldn't allow the public housing to collapse, and pioneered a groundbreaking lawsuit unlike any that had occurred before. Ms. Wood, with Land of Lincoln, filed suit in federal court against East St. Louis Housing Authority and United

States Department of Housing and Urban Development ("HUD"), demanding that they had an obligation to take over the housing authority and fix it. The suit ended with HUD putting over \$150 million into the East St. Louis public housing authority. They demolished dilapidated housing, repaired what they could, and rebuilt. This was an enormously successful initiative that took innovation and courage for Ms. Wood to launch, and which allowed for so many people of St. Louis to live in accessible, comfortable housing.

During her years as managing attorney she continued to be recognized for her excellent work by legal foundations, receiving the Chief Judge Richard A. Hudlin IV Memorial Award for community service and professionalism in 2002, as well as Kutak-Dodds Prize in 2003. This national award was presented to her by the National Legal Aid and Defender Association and the Robert J. Kutak Foundation, for her advocacy on behalf of the poor, and was accompanied by a \$10,000 award.

From 1986 to 1996 she took on an additional project, a joint collaboration between The Land of Lincoln Legal Assistance Foundation and Prairie State Legal Services, where she served as an attorney at The Illinois Family Farm Law Project. The goal of this project was protecting small farmers from losing their farms during a time of sky-rocketing interest rates.

In 2004, Ms. Wood accepted the position of Executive Director of The Land of Lincoln Legal Assistance Foundation. She worked as executive director for 13 years until her recent retirement. Ms. Wood described a day as an executive director as, "something different happening all the time." A day could start with working on a grant application, to guiding a staff attorney over the phone on the best course of action, to talking to board members about complying with reports for the corporation's donors. The job was largely administrative, but Ms. Wood thrived in the fast-paced, multi-faceted position. She managed five regions that included five regional offices, their satellite offices, 55 attorneys, and around 40 other

employees.

Ms. Wood's devotion to The Land of Lincoln Legal Assistance Foundation has made civil legal services more accessible to low-income and elderly citizens of Illinois, made advancements in fair housing for consumers, advocated for victims of domestic violence, and promoted easier access to healthcare. Ms. Wood has worked tirelessly and passionately in order to produce more accessible civil legal counsel to the elderly and low-income residents of Illinois. Her work has improved the lives of many, and it has not gone unnoticed. She has been recognized by the Illinois State Bar Association for exemplifying the standards of the legal profession, the NAACP for outstanding community service, the St. Louis University School of Law for public interest advocacy, and the Lawyers Trust Fund of Illinois for her life-long commitment to accessible legal services.

Ms. Lois Wood has recently retired from practice, but her years of dedication to The Land of Lincoln Legal Assistance Foundation has created a lasting impact for the elderly and low-income residents of Illinois. She has dedicated 45 years of her life to improving the accessibility of legal assistance to those in need, and undoubtedly touched the lives of many throughout her labor. Thank you, Ms. Lois Wood for your devotion to serving Illinois during your outstanding legal career. ■



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Methods to ensure appropriate diligence and promptness in representing clients

BY JENNIFER L. BUNKER

With the new year, many people find themselves making resolutions to personally better themselves physically or mentally. But how can we, as attorneys, better our practice and representation of our clients? As an attorney in a small general practice firm, I am always looking for ways to become more efficient, to expand my knowledge of the law, and to have better business practices. However, it can be easy to be more preoccupied by urgent client matters and obtaining billable hours than in focusing on conceptual ideas or methods to enhance my practice. It is my hope that this article provides some practical advice concerning methods that you may not have thought of that can be adopted concerning one of the most important responsibilities of an attorney—ensuring that deadlines are met.

Illinois Rule of Professional Conduct 1.3 – Diligence

Rule 1.3 of the Illinois Rules of Professional Conduct of 2010 provides, “A lawyer shall act with reasonable diligence and promptness in representing a client.” Rules of Prof. Conduct, Rule 1.3. The comments to this Rule further elaborate:

“Perhaps no professional shortcoming is more widely resented than procrastination. A client’s interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client’s legal position may be destroyed. Even when the client’s interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer’s trustworthiness.”

Id. at Comment 3.

Meeting deadlines is more than filing a pleading within the statutorily or judicially prescribed date. It also includes monitoring responses of opposing counsel and clients and ensuring that research, obtaining evidence, interviewing witnesses, and other case management actions are performed within a timely manner. Many attorneys use an “all-in-one” software for managing files, calendaring, and billing such as Clio or MyCase. In my practice, I do not use these types of programs but rather use a combination of software and more traditional “hardcopy” methods to monitor files.

Software/hardcopy: The calendar

No matter if you use an online calendar through your smartphone or a physical calendar, a calendar is an attorney’s first line of defense in making sure that all deadlines are met and court appearances are attended. It is important that attorneys keep multiple calendars (or at least effectively “back up” online or computer-based calendars) as technology can fail and paper calendars can be lost. I use an individual pocket-sized calendar and the firm uses physical and electronic calendars. On the calendars are court appearances, meetings, and important filing deadlines.

Software: Microsoft Outlook

In addition to using an individual and firm calendar, I utilize the “tasks” section of Microsoft Outlook software for managing cases and remembering to take more trivial actions on files. Examples of these type of actions would be to draft correspondence, perform research, or prepare a settlement agreement. In Microsoft Outlook tasks, I can set due dates for these actions and set reminders that “pop up” on my computer screen. The due dates I give to these tasks are not absolute like the dates that I make

sure are on my calendars. Rather, I use Microsoft Outlook for managing tasks that have more aspirational deadlines. Using the tasks feature, it is also easy to delete reminders when completed or to change the due date.

Hardcopy: The accordion file

I am a visual person. What I have found to work best for me in monitoring responses to letters, emails, proposals, and requests (basically, anything that I send out for which I am awaiting a response) is to use an accordion file with individual slots numbered 1-31 for each day of the month. I place a copy of the communication in the accordion file in the slot for the day that I want to review whether an action has occurred on it. At the beginning of each day, I go to my “tickler” accordion file and pull the documents for that day’s date. I like having a hardcopy of the document because it is much easier for me to recall what I’m following up on if I have a copy of the communication. I often go another step further and highlight on my tickler copy what specifically I am monitoring (such as “call the office to make an appointment to discuss in person” or “please provide me with this documentation”). A more general reminder of “response to 10-7-2017 correspondence?” without using this type of hardcopy tickler system would cause me to spend more time than necessary in following up on matters because I would likely not recall what the correspondence was about and I would have to pull the file to review.

In summary

No matter what type of case management system you use, it is necessary for all attorneys to ensure that deadlines are met and that files are being monitored appropriately. As we work to better our practices and ourselves this

new year, implementing new procedures and improving current procedures not only helps our clients but better our own personal well-being. Effective case management tailored to our areas of law and personal traits reduces stress caused by fears that an important deadline may be missed or the “ball may have been

dropped” on moving a file.

Although the foregoing techniques work for me, they are certainly not exhaustive and may not be the best for everyone. What are strategies that you use in your practice? Feel free to share your case management methods in the comments below the online version of this article. ■

Jennifer L. Bunker is an attorney at Reilly Law Office, LLC, in Streator, Illinois, and a member of the Standing Committee on Women & the Law. She is also a member of the ISBA Trusts & Estates Section Council, Secretary of the LaSalle County Bar Association, and Vice President of the OSF HealthCare Foundation Council for Ottawa/Streator.

Illinois legislators continue to combat the wage gap

BY ELIZABETH REYNOLDS

2017 was a year of sweeping political changes. Some successful and some not so much. The year started with the inauguration of what could have been our country’s first female president had Hillary Clinton won the 2016 presidential election. For me personally, it marked finally pursuing my dream of going to law school, and being a 1L at Southern Illinois University, a humbling, exhausting, and rewarding experience that required more strength than I ever knew I had. Women are resilient and with focus and determination, we can accomplish anything. However, sometimes progress is slow and an uphill battle. Such was the case for HB 2462, a piece of legislation intended to narrow the wage gap and put an end to the perpetual cycle of women being underpaid. Despite its ultimate death by executive veto, hope is not lost and the pursuit of equality continues.

Intended to restrict employers from obtaining a job applicant’s pay history, HB 2462 was sponsored by Rep. Anna C. Moeller of the 43rd District and introduced on Feb. 8, 2017. It specifically states that it:

Amend[s] the Equal Pay Act of 2003. Prohibits an employer from: (i) screening job applicants based on their wage or salary history, (ii) requiring that an applicant’s prior wages satisfy minimum or maximum

criteria, and (iii) requesting or requiring as a condition of being interviewed or as a condition of continuing to be considered for an offer of employment that an applicant disclose prior wages or salary. Prohibits an employer from seeking the salary, including benefits or other compensation or salary history, of job applicant from any current or former employer. Limits defenses. Provides for penalties and injunctive relief.¹

The bill passed in the Illinois House and Senate with strong Democratic support in April and May 2017, respectively. Unfortunately, it was vetoed by Governor Rauner on August 24, 2017. A veto override was successful in the House in October 2017 but ultimately failed in the Senate.

The issues that HB 2462 was specifically designed to address were employment, affirmative action, civil liberties, civil rights, and women’s rights. By prohibiting the screening of job applicants based on wage or salary history, advocates of the legislation claimed that it would expand the Illinois Equal Pay Act of 2003 and further restrict employers from using gender as a basis to differentiate pay between employees performing similar duties. Those supporting the bill claim that

it would help narrow the wage gap that exists between men and women because it would reduce hiring discrimination. Historically, women on average are paid less than men and in Illinois the facts are staggering. Women in Illinois make 80 cents for every dollar that a man makes.² Black women make 63 cents for every dollar made by non-white Hispanic men and Latina women make 48 cents on the dollar. Overall, women make less than men across all occupations and regardless of education level. Wendy Pollack of Sargent Shriver National Center on Poverty Law in Chicago, a policy and research think tank states “Asking about previous salary just perpetuates the lower salaries of women and people of color and it carries over into retirement. So that poverty rates among women and people of color are just higher and it is a lifelong situation.”³

Of the bill’s opponents, Rep. Mark Batnick (97th District), who happens to have worked in commercial real estate, stated that he found salary history important for commission-based jobs in order for a future employer to best evaluate an applicant’s past performance. “To say that it is not relevant when I am hiring somebody that works on commission . . . when [salary history] is a direct correlation to how well they did their last job, I think that it is an absurdity.”⁴

For the most part, bills are proposed

with the intention of promoting the greater good. Unfortunately, lawmakers often lack the psychic powers necessary to fully predict how legislation will affect everyday working people. Although politicians differ in opinion on the efficacy of HB 2462, a better way to gauge the efficacy of such legislation may be to ask a hiring professional. With over 16 years experience in human resources and presently Human Resources Manager for an Illinois-based chemical manufacturer, Phil Taylor believes “this bill will not impact a wage gap between genders.” Taylor explains that “within my experience, the wage gap doesn’t exist when applicants bear similar qualifications.”

Restricting the questions that can be asked of job applicants could ultimately make the interviewing process easier for applicants but harder for those actually doing the hiring. Taylor explained that if the legislation passes, it would alter the questions employers can ask during the interview and qualification process. He could still ask questions like “What are your wage expectations for this position” during initial screenings. This still sets the tone of expectations from the employers, but limits questions employers are able to ask during interviews.

As Taylor illustrates, many people don’t believe a wage gap exists between sexes. This is problematic and there are three possible explanations. First, it is possible that they believe the wage gap is a myth, based on skewed statistics that do not account for hours worked and experience earned. Secondly, a great deal of gender wage gap skepticism can be attributed to factors such as “occupational segregation” because work in female-dominated fields is valued less than work in male-dominated fields. One example would be the typical lower rate of pay given to women engaged in traditional roles as unpaid caretakers and caregivers. The third and last possible explanation to why some men don’t believe in the wage gap is the possibility that they don’t want to believe they are benefiting from an unequal system, in which one would imply they’ve been rewarded for more than they rightly deserve.

Regardless of the opposing mentality,

Washington, D.C., has enacted a salary ban, along with several other jurisdictions including California, Delaware, Massachusetts, Texas, Oregon, New Orleans, New York, and San Francisco, based on the premise that something must be done about wage inequality between sexes.⁵ As wage history bans continue to grow in popularity, it is expected that Illinois will eventually adopt similar legislation. As for what this will mean for everyday people, Taylor says he thinks “everyday people would welcome the law passing as it would eliminate a very tough question that applicants would be directed to answer during the interview process.” Job interviews are stressful and often candidates feel the temptation to lie or to inflate their salary history to qualify for an increase when switching employers. This puts the burden on the employer to determine wage gaps, which sometimes leads to employees being undercompensated.

Thankfully, the hope for equality has not been abandoned. On February 15, 2018, Illinois State Senator Jennifer Bertino-Tarrant filed SB 3100, which is described as the Equal Pay-Salary History Bill. The bill is also sponsored by three male State Senators: Michael Connelly, John G. Mulroe, and Bill Cunningham. Its purpose is to amend the Equal Pay Act of 2003. If enacted, SB 3100 will prohibit an employer from requiring an employee to sign a nondisclosure agreement regarding the employee’s salary, from seeking the salary history of a prospective employee, and from requiring that a prospective employee’s salary history meet any specified criteria. It will provide for employers to establish a self-evaluation plan of the employer’s pay practices and set forth permissible components of a self-evaluation plan. SB 3100 will require submission of self-evaluation plans to the Department of Labor for verification. It will provide that an employer complete a self-evaluation plan that has been verified by the Department of Labor and provides it with an affirmative defense to liability for certain alleged violations of the Act. Lastly, SB 3100 will require that an employer that does not have a verified self-evaluation plan

be subject to civil penalties for violations of the Act. The bill was assigned to the Senate Labor Committee on February 27, 2018 and will garner increasing amounts of attention as it progresses through the Legislature. Be sure to stay tuned for more on the progress of SB 3100 and Illinois’ latest attempt at legislation specifically intended to narrow the wage gap. ■

Elizabeth Reynolds is a first-year law student at Southern Illinois University School of Law and originally from Downers Grove, IL. She is the proud mother of two children, Francis and Cecilia, and has a passion for women’s rights and international business law.

1. H.R. 2462, 100th Gen. Assemb., Reg.Sess. (IL 2017).
2. Daisy Contreras, Equal Pay Act Goes to Senate (Feb. 27, 2018, 6:00 PM), nprillinois.org/post/equal-pay-act-goes-senate#stream/0.
3. *Id.*
4. *Id.*
5. Darren Mungerson and Betsy Cammarata Will Illinois Ban Salary History Inquiries? Hang on for a Bumpy Override! (Feb 27, 2018, 11:31 PM), www.littler.com/publication-press/publication/will-illinois-ban-salary-history-inquiries-hang-bumpy-override.

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Lowering costs of healthcare by increasing access to midwives and nurse practitioners

BY TRACY DOUGLAS

The cost of healthcare in the United States is expensive and cited as a reason for needing healthcare reform.¹ The average American will spend \$10,000 on healthcare in a year. This is especially hard for the youngest generation of adults, Millennials, as 70 percent have only about \$1,000 in savings and 30 percent have no savings at all.² However, it is not just Millennials who have little or no savings—57 percent of Americans have only \$1,000 in savings.³ A medical expense can cause many problems for those who have little savings. This is especially concerning for women who plan on having children because the cost of childbirth in the hospital will be unknown until the bill comes in.

In Illinois, the average cost for a vaginal delivery is \$7,526⁴—ours is among the states with the highest costs of childbirth.⁵ The national average is closer to \$30,000 charged by the hospital and about \$15,000 covered by insurance with a \$2,000 out-of-pocket cost for patients.⁶ If your out-of-pocket costs are more than \$1,000, chances are you could be one of the 60 percent of Americans who could not cover that expense when the bill comes.

Medical debts like those associated with childbirth are a leading cause of foreclosure and bankruptcy. According to one study, medical bills account for 23 percent of hardships leading to foreclosure.⁷ According to that same study, a medical cause led to 57% of foreclosures.⁸ According to different studies, medical causes account for between 26 percent⁹ to 62.1 percent¹⁰ of bankruptcy cases. It makes sense that a medical cause would lead to foreclosure and bankruptcy because an illness would often require time off and possibly job loss. This is especially the case with childbirth because the United States does not mandate paid leave, so families could

lose income when they add a child. It is clear that medical debts and expensive healthcare are a public policy problem. One way to decrease the cost of healthcare is to expand access to freestanding birth centers, midwives, and nurse practitioners.

In 2007, Illinois approved licensing freestanding birth centers in a pilot program, but the rules were not finalized until 2011.¹¹ Since then, only two birth centers have been built, one in Chicago and one in Bloomington. Birth centers are less expensive than hospitals and expand access to needed care.¹² It is unfortunate that only two have been licensed and built in Illinois thus far.

In nearly every General Assembly session there will be a proposal to expand midwifery in Illinois to those who do not have advanced nursing degrees. They would be called certified professional midwives. There is one pending currently;¹³ however, it hasn't passed. Illinois licenses nurse midwives and nurse practitioners as advanced practice registered nurses. Current Illinois law requires that they practice with a collaborative agreement with a physician.¹⁴ However, if they have 4,000 hours of clinical experience and 250 hours of continuing education, they may have full practice authority and do not need collaborative agreements with physicians.¹⁵ While this is the new law, the rules implementing it are not yet finalized, so no advanced practice nurses have been licensed yet.¹⁶ This is a good step for Illinois healthcare consumers—Midwives are proven to be a cheaper option for pregnant women.¹⁷ But in Illinois, midwives are not well-integrated into healthcare for women, which means that midwives face regulatory barriers and problems with payor restrictions from insurance.¹⁸ Similarly, nurse practitioners are also proven to provide cheaper care.¹⁹ The public policy

of Illinois should shift to better integrating midwives and nurse practitioners into healthcare and assuring that they are reimbursed and covered by insurance. The new law indicates that the policy is shifting, which is a welcome sign. This will hopefully help decrease the out-of-pocket costs of care for Illinois consumers.

Much of the debate over healthcare reform focuses on insurance. While insurance is an important consideration, an equally important consideration is the cost of medical care and how that interacts with insurance and medical debts. If it is important to reduce the costs of care, then expanding access to cheaper care must be addressed. Allowing midwives and nurse practitioners to practice on their own will hopefully lead to a decrease in costs so Illinoisans are not driven to bankruptcy and foreclosure by medical bills. ■

Tracy Douglas is a supervising attorney in the Community Preservation Clinic at the University of Illinois College of Law. She is a member of the Standing Committee on Women and the Law and the Administrative Law Section Council.

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