



NEWS

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Clarifying Governmental Immunity

Two Illinois Supreme Court decisions from 2006 have illuminated the scope of governmental immunity under the Local Governmental and Governmental Employees Tort Immunity Act (Act), 745 ILCS 10/4-102, 4/107, and a third case is poised to extend immunity even farther. The decision in Moore v. Green, 219 Ill. 2d 470 (2006), found that although the Act provides absolute immunity regardless of culpability in most circumstances, the overriding policy concerns of the Domestic Violence Act trump that immunity when police fail to enforce orders of protection. DeSmet v. County of Rock Island, 219 Ill. 2d 497 (2006), however, found a complete lack of response to a decedent's 911 calls was equivalent to the failure to provide adequate service, thereby bringing them under the auspices of the Act.

Since these two decisions, the court has been presented with several cases to further clarify the contours of the Act, but has declined to do so. Hudson v. City of Chicago, No. 105923 (PLA denied 03/08), presented an appellate decision finding that officers were not enforcing or executing the law at the time they collided with the victim and, therefore, were not entitled to immunity under the Act. The appellate court in Ware v. City of Chicago, No. 105197 (PLA denied (11/07)), found that despite alleged willful and wanton conduct in failure to inspect a porch which collapsed, immunity still applied to the City under DeSmet.

The recent reckless homicide charges filed against a police officer in St. Clair County has again raised awareness of this immunity. Chances are the officer's role in the wreck which killed Jessica and Kelli Uhl will result in a civil suit. Whether the State will have to pay out is less certain.

Y. Sawyer & H. Hester

Pro Bono Opportunity

The Senior Center on North Walnut is in need of attorneys to assist its residents. Land of Lincoln Legal Assistance currently offers services two days a month at the facility; however, residents must often wait months for an appointment. Office space may be arranged with LLLA during regular business hours or George Tinkham after hours. If you are interested in volunteering, please contact Loren P. at LLLA (217)529-8400x206; e-mail LPahayan@LOLLAF.org.

Elections Forthcoming

It is once again time for the GBA to hold elections. The process will begin on April 21, 2008.

May 12: Petitions for Office Due

May 16: Nominations for Office Due

May 23: Ballots will be mailed

June 13: GBA Election

Late June (TBA): Annual Meeting & Election Results Talled

If you are interested in holding office for the upcoming term, please watch your e-mail for further details. See our website www.ilgba.org for petition and nomination forms after April 21.

Updating our Records

In an effort to streamline the process for reporting MCLE credit from our luncheons we are updating our membership database to include ARDC numbers. Please forward your number to Lee Beneze at lee.beneze@illinois.gov.

Committee Corner: Get Involved

We are looking for people to help out. There are many opportunities to work with the GBA. If a committee interests you, please contact us at Illinois.GBA@gmail.com

Upcoming Events:

Government Bar Association:

April 24 – Hon. Roger Heaton, US Attorney

May 15 – Dr. Walter Milton, Supt. Springfield Sch.

Chicago Bar Association:

April 21 – Judicial Review of Immigration Court Judges

April 22 - Federal Bar Training Course

April 29 -30 – New Lawyer Tool Kit

May 1 – Modern Day Slavery

Sangamon County Bar Association:

May 1 – Law Day at Sangamo Club

May 19 – SCBA Lawyer's Memorial Service

Central Illinois Women's Bar Association:

April 19 – CSI Springfield

May 22 (tentative) – Judicial Reception

March Luncheon: Hon. Donald Cadigan

Donald Cadigan, retired circuit judge and former Sangamon County State's Attorney, shared his experience as a governmental lawyer at the March Luncheon. He illustrated his points with fascinating stories of his career, relating his memories of prominent cases. Hon. Cadigan strongly cautioned not to ask that one question too many. He reminisced about a residential burglary case where defense counsel posed that one question too many, opening the door to the defendant's numerous prior bad acts. He entertained us with a "Cinderella" story – a robbery of a shoe store where the defendant claimed it could not be him due to the difference in shoe size. As the State's Attorney, Cadigan had his Perry Mason moment when he asked the defendant how many socks he was wearing and watched him pull them off one-by-one.

On a more serious note, Hon. Cadigan shared his belief that serving as a prosecutor was his most rewarding. He enjoyed making a tangible difference in the lives of the victims and their families. He emphasized that, although it is difficult if not impossible to understand the victim's pain, easing any part of their lives made the job worthwhile.

Fill the White Space

Have you heard about something your fellow government lawyers would be interested in? Is something going on in the community that we should be writing about? Do you know someone who should be highlighted in the newsletter? The newsletter staff is looking for ideas and contributions from the membership to keep the newsletter relevant and interesting to you. Please submit your ideas or content to ysawyer@court.state.il.us.

The Lighter Side

One day, an engineer died. He was the kind of engineer that built stuff, like air conditioners. When he died, he went to heaven, and met God. God said, "Hey! You're not on the list! Go to Hell!"

So he walked down about 2,500,001 flights of stairs, and met the devil. He said, "Okay. Come on in!" While in hell, he made all sorts of things, like escalators, air conditioners, etc.

One day, God called the devil and said, "You know that engineer? Well, he's supposed to be up here."

So the devil said, "Are you crazy? I won't give you this guy!"

God said, "Well if you don't, I'll sue!" So the devil said, "Sue? You can't sue me! You don't have any lawyers up there!"

Do you have a joke to share? Something funny happening in your office? At court? Write us and let us know:

ysawyer@court.state.il.us

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Planning Retreat Provides Guidance for the Future

On March 26, 2008, GBA officers, past presidents, and other interested members gathered at the ISBA to discuss the future of the organization. After recapping the progress of the earlier retreat, the real business began. Focusing on the two identified purposes of providing our membership opportunities for CLE and for socializing and networking, the group slowly developed ideas to carry us through the next few years. Discussing our commitment to provide quality, relevant, and affordable CLE to our membership, it was decided that we would continue to co-sponsor activities with other organizations while offering stand alone CLEs twice a year. Discussing the success of the recent offering on ethics for governmental attorneys, it was suggested that this become a fixture in our schedule.

Moving to the social and networking side, it was brought out that publicity for the organization is lacking. A plan to develop contacts in each of the agencies, focusing on senior agency personnel, to ensure continuity and dissemination of information was discussed. There was also a brief discussion on how to attract young lawyers to the organization. Suggestions included a social "happy hour," a luncheon geared toward newly admitted attorneys, and a mentorship program. With time running low, the group was reminded that implementation is the key to success in these endeavors. If you have comments or suggestions relating to the future of the organization, please contact a board member to share.

Upcoming Luncheons

The April luncheon, set for April 17, will feature US Attorney Roger Heaton. We will again meet at Maldaner's for the event. Watch your e-mail for further details and to RSVP.

Bulletin Board

The Governor's Prayer Breakfast will be held on Wednesday, April 23, at 7:30 AM at the Crowne Plaza in Springfield. The motivational speaker will be Maureen Driscoll, an internationally known Olympic wheelchair athlete and winner of two Olympic silver medals, twelve Paralympic medals, and eight Boston Marathons. Please contact GBA member Tom Andryk at 217-414-0377 or at Thomas.Andryk@att.net if you are interested in obtaining a ticket to the event.

Do you know of an activity or event that your fellow GBA members would be interested in? Is there a job posting in your office? Forward your bulletin board postings to ysawyer@court.state.il.us.

Officers & Board Members

President: Ed Schoenbaum - 217-524-7836 - e.schoen@insightbb.com

Vice President: Jason Anselment - 217-789-2393 - jason.anselment@cwlp.com

Secretary: Michelle Jochner - 312-793-5363 - mjochner@rcn.com

Correspondence Secretary: Yordana Sawyer - 217-784-4409 -

ysawyer@court.state.il.us

Treasurer: Lee Benezé - 217-524-7945 - lee.beneze@illinois.gov

Directors at Large:

Tom Andryk - 217-557-5873 - thomas.andryk@illinois.gov

John Dill - 217-785-1102 - dilljl@mail.ioc.state.us

Rob Patino - 217-545-8168 - rpatino@siumed.edu

Barbara Rowe - 217-785-6528 - bsrowe@sbcglobal.net

Steve Waggoner - 217-785-4459 -

steve.waggoner@illinois.gov

Shari West - 217-558-0014 - shari.west@illinois.gov

Newsletter Editors: Helen Hester & Yordana Sawyer ysawyer@court.state.il.us