



NEWS

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A Message from the President



Members, welcome to the FY2010 of the Illinois Government Bar Association. We have changed leadership over the summer and I would certainly like to thank Ed Schoenbaum for his service as president over the past two years. During that time, we discovered that we, as an organization, needed to focus more on doing what we do best, which is provide quality luncheons and educational programs, host social and networking events, support scholarship in the legal profession, advocate for the interests of government attorneys and continue to give back to the community when needed. These are the basic principles and duties that have served us over the years and continue to be valued by our members and the community. Thus, it is my goal, to make what we do better such that when others think about the GBA, they will think of us as an active and supportive organization that serves its members and the community with integrity and zeal.

I look forward to having a successful year and I think you'll be very pleased with our luncheon speakers and other events throughout the year. Please stay involved and if you have any suggestions or comments, please don't hesitate to let me know!

R. Patino

MCLE in Review: A Message from the Director

This month marks the fourth anniversary of the Supreme Court of Illinois' MCLE requirement for the more than 80,000 attorneys licensed by the Court. The program has just completed its first full reporting cycle for all attorneys. Here

is a brief look at the program's progress, as well as ideas for lawyers to integrate the MCLE requirements into their professional development plans.

Progress of the MCLE Program

Soon after the Rules were approved, the Court appointed volunteers from around the state to serve on the MCLE Board. Beginning the program from scratch was a more formidable task than most would anticipate. For example, applications to accredit more than 2,600 courses and more than 240 course providers were submitted in the first year of operations. In addition, because lawyers' licensing fees were not increased to fund the MCLE program, the program must raise its own revenue. To meet these challenges, the Board promptly selected a director who hired and trained staff, established a temporary then permanent office, created a web site, then began accrediting providers and courses, as well as communicating with thousands of attorneys and providers.

The Board and its seven-member staff have focused on making the program attorney friendly. Those efforts include establishing online reporting for attorneys that was available in the first reporting periods ending in 2008 and 2009.

MCLE Requirements Integrated into a Professional Development Plan

No matter how many years an attorney has practiced and no matter the type of law practiced, each attorney should consider preparing a written professional development plan covering one or two years. For newer attorneys, the acquisition of knowledge and skills will be paramount in those professional plans. (*cont.*)

Upcoming Events:

Government Bar Association:

- Oct. 15 – October Luncheon @ Maldaner's: Ted Chung
- Nov. 19 – November Luncheon @ Sebastian's: Tom Gray
- Dec. 17 – Holiday Party @ DH Browns from 5 – 7 PM

Sangamon County Bar Association:

- Oct. 8 – SCBA Smoker @ JP Kelly's 5:30 PM
- Nov. 12 – SCBA Annual Dinner – Hilton and Grid Iron

Central Illinois Women's Bar Association:

- Oct. 20 – Luncheon @ Maldaner's: Deirdre Hirner
- Nov. 17 – Luncheon @ Hoogland Center: Sarah Pratt
- Jan. 19 – Luncheon @ TBD: Ken Torricelli

For attorneys who have been practicing longer, staying current on the law and broadening the lawyer's areas of knowledge, as well as developing and refining management and other organizational skills, are likely concerns at the forefront.

As attorneys consider their professional goals and aspirations, they can integrate the MCLE requirements into those professional development plans. Attending courses offered by bar associations and other course providers provide opportunities to gain knowledge quickly -- both for newer attorneys and those looking to expand into new areas of practice. By attending courses in person, attorneys can meet others who share the same practice or interest. If an attorney's employer offers CLE courses in-house, the employer may be able to accredit those courses for Illinois MCLE credit.

But attending courses is only one of the ways to earn MCLE credits. Other options to consider include:

- Attorneys who want to build their knowledge while building their resumes can consider teaching an MCLE course or a law course at a law school, university, college or community college.

- Another option for learning and resume building is researching and writing a published legal book or legal scholarly article for an attorney audience.

- Trying to reconnect with alumni from law school? Consider judging a law student moot court competition hosted by the school.

- An attorney providing *pro bono* services through a referring entity can ask that entity if training courses are available for MCLE credit.

For more information, including requirements for and restrictions on earning these credits, please visit the MCLE Board's web site, www.mcleboard.org.

Karen Litscher Johnson, J.D., Director
MCLE Board of the Supreme Court of Illinois

What Were the Most Creative Moments in American Law?

Here is something that few lawyers think about: what were the most creative moments in American law? That, of course, raises the question: do most American lawyers think about such things? Perhaps a subject like that is just a little too historical or abstract for most practicing lawyers.

Fortunately for our profession, that list has been created for us: The Top One Hundred Most Creative Moments in American Law. This interesting and thought-provoking list was created by a law professor, Professor of Law Robert F. Blomquist at the Valparaiso School of Law in Indiana.

Initially, it must always be conceded that any such list, whether it is of legal acts, movies or baseball pitchers, can only reflect the subjective opinion of one person or perhaps a small group. Even if there is a basis of quantifiable factors, the selection of the factors or the means of measuring those are always somewhat subjective.

Just to see whether this list starts off on the right foot, it is worth looking at the first fifteen listings. Certainly most of us would agree with most of those listed moments, although doubtlessly a good argument could be made on the precise order of some as opposed to others.

Here are the top fifteen of the Most Creative Moments in American Law:

- (1) The Constitution and the ratification debates (1787-1788)
- (2) The Declaration of Independence (1776)
- (3) The Bill of Rights (1791-1792)
- (4) The Articles of Confederation (1777)
- (5) The Ordinance of 1787 and the creation of the Northwest Territorial governments
- (6) *Marbury vs. Madison* (1803)
- (7) President Lincoln's Emancipation Proclamation (1863)
- (8) The Judiciary Act of 1789
- (9) President Lincoln's suspension of the Writ of Habeas Corpus in the Civil War
- (10) *Brown vs. Board of Education* (1954) (and *Brown II*, 1955)
- (11) President Roosevelt's New Deal legislation (1933-1936)
- (12) Treasury Secretary Alexander Hamilton's plans for American economic policy (1789-1796)
- (13) President Thomas Jefferson's Louisiana Purchase (1803)
- (14) The Laws and Liberties of Massachusetts (1648)
- (15) James Kent's *Commentaries on American Law* (1826-1830)

As an Illinois lawyer, one notices immediately that Illinois has a direct connection to four of the fifteen items on this list. These include two linked to Illinois' most historically famous lawyer, Abraham Lincoln (#7 and #9), and two related to the establishment of the State of Illinois (#5 and #13). In fact, at least as to the top fifteen items, only Massachusetts and Virginia can claim a connection to more items.

This writer would quibble with at least a few items: for example, by suggesting that the GI Bill (1944), which was largely responsible for creating a broad American middle class for 50 years, should be ranked higher than #23 (maybe even in the top fifteen).

Likewise, the post Civil War constitutional amendments, including the Fourteenth Amendment, would seem to this writer to deserve a higher rank than #30 (would they not be more significant than the publication of Kent's *Commentaries*?).

Any reader wishing to review the whole list is invited to view it at www.abajournal.com/news/prof_names. The list is in PDF form on the ABA news site for May 23, 2008. The paper was originally published as "Valparaiso University Legal Studies Research Paper 08-04."

L. Beneze

The Abraham Lincoln Diamond Tour



Twenty Government Bar Association members, friends and spouses had a great time on June 13, 2009 seeing places that Abraham Lincoln had practiced law in and around the Springfield Area. The program started at 8:00 with registration at the Old Federal Courthouse/Lincoln Herndon Law Office at Sixth and Adams Street. Historic Site Director Chet Rhodes was available for any questions regarding the building. At 8:30 the Honorable Don Cadagan spoke about Lincoln's practice of criminal law in the area.

We boarded the bus that was to be our home away from home for the next eight hours. Postville Courthouse at 914 5th Street in Lincoln Illinois was our next stop. There Bob Lenz spoke about the Civil Law Practice of Abraham Lincoln. Ms. Shirley Bartelmay, the facility coordinator, was on hand to offer us cookies and coffee before the tour and lecture, and to answer any questions. It was amazing to realize that Lincoln, as big as he was, could fit into the furniture of the era in which he lived.

Then on to the Mt. Pulaski Courthouse, where Rob Patino spoke about patent law. How many people know that Abraham Lincoln is the only United State's President to hold a U.S. Patent? The Courthouse Director, Wally Kautz, was available for questions about the building.

Lunch was eaten on the bus and provided by Jimmy Johns Sub Shop. A selection of sandwiches was made available to the participants as well as a variety of drinks and chips. The trains slowed us down.

At approximately 2:00 p.m., we visited the Old Macon County Courthouse at 5580 North Fork Road in Decatur, Illinois. Joe McMenamini spoke of the War Powers of the Presidents of the United States including the ones that Lincoln did and did not have. Pat McDaniel, the museum director at the Old Courthouse, was available for a tour and questions.

The Old Christian County Courthouse in Taylorville, Illinois was our last stop. Judge Ron Spears spoke to the group about Ethics Law. Officer Rebecca Steiner of the Historic Museum gave us a tour of the building, which still had a lot of original items to view.

We arrived back in Springfield at about 5:30. Each eligible participant received a total of 5 CLE credit hours including 1 professionalism/ethics hour. For myself, I thought it was a wonderful way of getting to know fellow Government Bar Association members, their spouses and friends and of course, getting to know more about Abraham Lincoln. All of the speakers were incredibly prepared, knowledgeable and interesting. It was a beautiful day and the only complaints that I heard about were the trains.

B. Rowe

September's Luncheon: Impeaching Former Gov. Rod Blagojevich



David Ellis, the attorney who presented the impeachment case against Rod Blagojevich, spoke to a group of attorneys during the GBA's September luncheon. He addressed the audience giving his own personal perspective and views of the case and highlighted some of the unique challenges he faced in balancing the credibility of the impeachment trial while making it absorbing to the legislature and media.

David stated that the House and Senate leadership decided to give Rod six days to resign after the arrest based on allegations that he tried to sell the Senate seat vacated by President Obama. Once it became clear that Rod would not resign, he was selected to structure and prosecute the case. David stated that there were no existing rules of evidence, impartial jury or judge and that the legislators who were deciding the case would only be accountable to their constituents. There was still the question, however, of what was an impeachable offense, since there were only three governors throughout the history of the United States that were ever tried for impeachment and just a handful of sitting presidents. Abuse of Power and Coercion from Office, among others, were listed as reasons for impeachment.

David had several challenges in securing evidence and witnesses from the feds since they wanted to preserve their criminal case against Rod. However, he eventually convinced the U.S. Attorney to give him four tapes and an FBI special agent to testify during the impeachment trial. During the trial, David stated that he overcame a boring affidavit read by using large boards that highlighted specific quotes. During the closing arguments, he did not know what to expect during Rod Blagojevich's return so he did not prepare a rebuttal; however, after Rod gave his closing remarks and taking about 20 minutes to discuss this with his co-counsel what to do next,

he gave an 8 ½ minute speech that was one of the most memorable moments of his career.

David was kind enough to take several questions after the talk. At the meeting David also revealed that he has written six fictional novels and is currently working on a seventh that won't be as fictional as the others. He is married with one child and one more on the way.

R. Patino

ISBA Administrative Law Section Council Ethics Resolution

As the pleas of guilty continue to be entered and the number of convictions pile up, it should be acknowledged that the General Assembly was justified in removing Governor Blagojevich from office. Those of you who had to deal with or worked for the Blagojevich administration know that there was something very wrong there. With Blagojevich's predecessor serving a prison sentence for corruption committed while holding public office, it should also be acknowledged that Illinois' political process is badly broken and in need of repair. I submit that Blagojevich's conduct is the product of Illinois' warped and corrupt politics, but that he is not an aberration (granted, he took us to a new low). Rather, he is the inevitable result of the way politics is practiced in Illinois. And the way that politics is practiced in Illinois infects the way that law is practiced in Illinois. More important, if nothing is done to reform these systems, this corruption will continue.

Both the Governor and the General Assembly have taken tentative, preliminary steps at reform. At its May and June meetings, the Illinois State Bar Association Administrative Law Section Council considered and then passed a resolution which requests the ISBA to consider whether it should ask the Supreme Court to convene a commission whose purpose would be to examine the conduct of attorneys employed by the Blagojevich administration and what role they played in the abuses which led to his impeachment and, if warranted, organize a review of the Rules of Professional Conduct to determine whether more can be done to give government lawyers additional guidance in how to respond to, and protection against political corruption and abuse of power by government officials.

Almost simultaneously with the passage of the ALSC resolution, the Supreme Court announced that it had adopted a revision of the Rules of Professional Conduct, to be effective on 1 January 2010. Our respect for the Court compels us to take the time to carefully examine these revisions and make a judgment on whether our concerns have been addressed. I believe that government lawyers need and are entitled to the guidance and protection of a set of specific ethical rules, such as those which regulate the conduct of State's Attorneys. We would welcome the GBA's participation in this review. Please send your comments to me at the address recited below. Moreover, we would welcome statements from government

lawyers who can give us examples of how Blagojevich's abuses of power affected their work.

* The views and opinions expressed here are those of the author and are not intended to represent the views and opinions of the Illinois State Bar Association or the Government Bar Association.

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Annual Wine and Cheese Party Is Another Success

This year's annual wine and cheese event was held in June at The Corkscrew. This year's event had a slightly different feel to it as the election results for the officers had not been officially counted. Thus, there was no changing of the guard despite Justice Sue Myerscough making the special effort to be available to do just that.



However, the event was a good opportunity to reflect on the year and talk about the success of the Abraham Lincoln Diamond Tour. Many thanks to Barbara Rowe who helped make sure that the event was a success and providing wonderful food items!

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