



# NEWS

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Serving the Interests of Lawyers Dedicated to Government Service

## A Message from the President



2012-13 marked another successful year for the Illinois Government Bar Association. This past year included an incredible group of CLE luncheons and speakers, headlined by Illinois Supreme Court Chief Justice Thomas Kilbride. The GBA celebrated its 25<sup>th</sup> anniversary last fall with a wonderful dinner at Erin's Pavilion in Southwind Park. Due in large part to another successful holiday party and the generosity of its members, the GBA was able to award a \$750 scholarship to Rachel Wayne. We capped off the year in June with another wine and cheese party at the Corkscrew.

As a reminder to all members, we are changing the location for our luncheons, starting this fall. The new location will be the Sangamo Club. One of the main benefits of the switch is that everyone can park in the Club's main parking lot (off 2<sup>nd</sup> Street), or the overflow lot immediately north of the main lot.

Every successful year enjoyed by the GBA is always due to its wonderful members. A special thank you, however, is in order for our outgoing president, Frank Martinez. Frank did an outstanding job in every facet of the job, leading an incredible year. He left big shoes to fill, but it is a position I am honored to take. I look forward to seeing you all at our first luncheon in the fall, and please do not hesitate to contact me if you have any suggestions for the improvement of our organization.

M. Delcomyn

### Upcoming Events:

Government Bar Association:

September – Luncheon: 12:00 – 1:00 PM, Sangamo Club

Central Illinois Women's Bar Association:

September – Luncheon: TBD

Sangamon County Bar Association:

Aug. 9 – Annual Cubs v. Cards bus trip

Aug. 12 – Police-lawyer Golf Challenge – Illini Golf Course

Sept. 7 – Unstar Softball Tournament

## GBA's New Board Gets Sworn In for FY14



The Government Bar Association moves on with a new Board of Directors that was sworn in at the Annual Wine and Cheese event on June 12, 2013. Welcome aboard Joe McMenamain as the Vice President and our new Directors: Gabe Grosboll, Scott Sievers, and Steven Rahn. Thank you for serving to our departing Board members: Renee Snow, Karen Kloppe and Arden Lang! Frank Martinez will stay active as the immediate past president.

R. Patino

## March Luncheon: The Illinois Labor Relations Board Gets Explained



At the March luncheon, a discussion on The Role of the Illinois Labor Relations Board in the Ever Changing World of Public Sector Labor was presented by Executive Director Melissa Mlynski, and Administrative Law Judge Kimberly Stevens.

Executive Director Mlynski explained the jurisdiction of the State Labor Board, which covers state public employees who are not teachers. Private sector employees fall under the jurisdiction of the NLRB, and the Illinois Local Labor Board has jurisdiction over employees of the City of Chicago and Cook County. The State Board has a staff of 20 employees, including 8 ALJs and 4 investigators, in offices in Chicago and Springfield.

The Illinois Labor Relations Act sets forth the rights of public employees to organize and engage in concerted activity, to elect bargaining representatives, to engage in collective bargaining, and to enforce their efforts through a grievance process or arbitration, in certain circumstances to engage in a strike, or to file Unfair Labor Practice (ULP) charges. Despite being in the news recently, strikes by public employees are rare; the State Board only had one strike within the last year.

The State Board has two separate divisions or programs. The Petition Management Program processes elections, de-

certification or unit clarification petitions seeking to add or remove employees from a bargaining unit. The ULP Program handles an average of 400 ULPs filed by unions or employers per year. The ILRB follows NLRB precedent and will defer a ULP matter if a resolution can be obtained through arbitration under the parties' collective bargaining agreement. The speaker acknowledged that the Board has a backlog of ULP cases waiting for decisions, but the Board has recently made the effort to become more timely by adopting internal deadlines, and as a result has issued more rulings this year than in prior years.

ALJ Stevens discussed her role as an ALJ handling challenges to elections, and the process by which both sides may agree to voluntary recognition. She discussed some recent court decisions which clarified what constitutes managerial, supervisory, or confidential employees under the Act, all of which are excluded from collective bargaining.

Some recent legislative changes to the Act allow newly organized bargaining units comprised of non-security employees to use interest arbitration rather than the strike process, to resolve negotiation impasses. SB1556 has passed the General Assembly and is on the Governor's desk; it sets forth a number of positions which will cause certain management employees currently in bargaining units to be removed from those units. Even if this bill is enacted, Illinois will still have the highest percentage of state employees represented by unions than other Midwestern states.

J. Hosteny

## April Luncheon: Updates on the Illinois Legislature



Statehouse Bureau Chief, Amanda Vinicky spoke about the largest freshman class of legislators, the Democratic super majority and the legislation that was being considered by the legislature.

Such legislation included medical marijuana, conceal and carry, pension reform, the budget and fracking. She indicated that Senator Cullerton's pension reform bill had little support in the House and that the labor unions are playing a large role in the process. Ms. Vinicky also spoke about the Affordable Care Act and the exchange program that will be available for small businesses to purchase health insurance. She anticipated that conceal and carry would pass with Representative Brandon Phelps leading the way. Ms. Vinicky indicated that gambling expansion will probably not happen again in Illinois.

F. Martinez

## May Luncheon: Chief Justice Thomas L. Kilbride Opines on Cameras in the Courtroom,

## E-Filing and Related Changes to the Supreme Court Rules



A large audience was treated to a special May luncheon when Illinois Supreme Court Chief Justice Thomas Kilbride shared not only his thoughts on world peace, but also gave a presentation on Cameras in the Courtroom, E-Filing, and Related Changes to the Supreme Court Rules.

Illinois' pilot program allowing the Circuit Courts to decide whether to allow cameras in their courtrooms has now expanded to 29 counties. While all Cook County collar counties have participated in the program, Cook County has not yet allowed the use of cameras even on a trial basis, but is considering the option. So far there have been several trials televised, with WGN doing a live stream of a murder trial, and Du Page County televising a trial which lasted 3 weeks. No problems have been reported in connection with the pilot program.

Electronic filing of court documents is also being implemented in Illinois, prompted by the need to increase efficiency and decrease cost. Each year Cook County alone spends \$1,000,000 to warehouse its court records and \$75,000 for file jackets. Each county may start allowing E-filing as of January 1, 2013, but with no uniform funding of the 102 counties in Illinois, and no legal mandate to require implementation of E-filing, the process is a work in progress. The Illinois Supreme Court started its E-filing program on March 1, 2013.

The Supreme Court has tasked an E-Business Committee comprised of lawyers, judges, Circuit Clerks, and vendors, to develop basic standards for E-filing. One goal is that there are no additional fees for E-filing over paper filing. The E-Committee is also working on making court records accessible electronically, but yet deciding which information must be kept confidential, such as juvenile records, Orders of Protection, SSN's, and a litigant's financial information.

Circuit Clerks may now send the complete record in an appeal electronically to the appellate court, which allows all the Justices and staff of that appellate panel to have simultaneous access to the record on appeal.

Chief Justice Kilbride has lobbied hard for increased funding for the Illinois judiciary, recognizing the need for more funds for probation services. In addition, he created a Strategic Planning Committee comprised of judges, lawyers, and business leaders with a goal to promote the use of technology in our courts, promote civil justice, increase access to the court system for all litigants, and obtain adequate funding. The Supreme Court Justices are concerned too many of the court system's "clients" (i.e. litigants) must by necessity represent themselves because they cannot afford a lawyer, and that more interpreters are needed to assist during court proceedings. To make the courts more accessible for everyone, the Committee is looking at developing standard legal forms which are easy for a lay person to understand,

appointing lawyers to represent indigent litigants in civil matters if funds can be obtained, and seek the input of the trial bar for ways to make the court system more accessible.

Justice Kilbride ended his presentation with the quote that may not be entirely accurate nor necessarily attributable to him, but deemed more than appropriate to include here: "The most eloquent constitution is meaningless without a strong judiciary to enforce it."

J. Hosteny

## GBA's June Annual Wine and Cheese Event



On June 12, 2013 the Government Bar Association hosted the Annual Wine and Cheese Party at the Corkscrew Wine Emporium. Many new faces appeared, as well as tried and true members. The event was free if the person was a member and the 2013-2014 membership dues were paid. Members were able to join at the event, as the classes of membership allow anyone to join. Therefore, the GBA gained some new members.

Food was contributed by Fritz Goebig, Karen Kloppe, Barbara Rowe, Kay Marie Philon and the Corkscrew. Everyone appeared to enjoy the treats and the wine.

The new board members that were present were sworn in by Judge Sue Myerscough, an effort that has been lauded and appreciated by the GBA for at least the past 5 years. Justice Myerscough has written the "official" oath for the GBA Board to take on an annual basis.



The party started at 5:00 sharp and I for one couldn't stay for the whole event. I hope everyone had a wonderful time!

B. Rowe

## GBA's Annual Ethics Program

The Government Bar Association held its Annual Ethics Program on June 19, 2013.

The first presenter was Jeanne Gunderson, Deputy General Counsel for the Illinois Executive Ethics

Commission. Her presentation addressed "Legal Ethics in the Digital Age". Technological changes require lawyers to understand the consequences of maintaining security to avoid allegations of malpractice, guard against security breaches, and prevent the unintended disclosure of strategy through metadata. It is important to remember that adverse professional consequences may attach to the use of email and social media so a little extra time may be needed to cut off unnecessary dialogue strings and double check that the recipients and attachments are appropriate for the message.

The second presenter was Katherine Erwin, Special Projects Director of the Illinois Supreme Court Commission on Professionalism. Her presentation addressed "Ethical Tools to Defuse Incivility". She shared that public perception of lawyer honesty and ethical standards of the profession is low. Recent statistics show that 95 percent of lawyers in Illinois have encountered unprofessional behavior in the past year, including reports of strategic incivility by 75 percent of the respondents, rudeness by 71 percent, and prejudice by 35 percent. A lack of public confidence harms not only the system of justice but also makes the practice of law a less satisfying profession.

Attendees proceeded to discuss the ethical and professional implications of several hypothetical scenarios that lawyers may face in their practices, such as addressing performance problems by a colleague, handling a confidential email that was sent in error, and responding to opposing counsel about an extension of time due to a family emergency. Although individual preference may play a role in making a decision, lawyers must bear in mind the duties imposed under the 2010 Illinois Rules of Professional Conduct. See <http://www.iardc.org/newrules2010.htm>.

As always, the Government Bar Association expresses its appreciation to the SIU School of Medicine for serving as the host site for the event.

Kudos also go to the organizer of this event, Rob Patino.

K. Kloppe

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