



NEWS

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Administrative Review Amendments Clarified

It its recent decision *Ultsch v. Illinois Municipal Retirement Fund*, 226 Ill. 2d 169 (2007), the Illinois Supreme Court addressed the requirements of section 3-103(2) of the Administrative Review Law. (735 ILCS 5/3-102(2).) Because administrative review is granted by statute, strict compliance with the statutory procedures is required. Prior to the enactment of Public Act 89-685, joinder of all parties to the administrative proceeding was mandatory and jurisdictional. Public Act 89-685, however, allowed amendment to include certain specified parties such as employees, agents, or members of an already named agencies. These exceptions to the statutory bar allow individuals to be added when the agency has been named or the agency if its director or agency head was named in his official capacity. For purposes of administrative review, an agency is defined as a person or group having the power to make administrative decisions. (735 ILCS 5/3-101.) When a Board is empowered to make administrative decisions, the court found that it can be the administrative agency for purposes of amendment. If a plaintiff fails to properly name the administrative body rendering the decision within the 35-day window, the complaint must be dismissed. So what's the bottom line? Pay close attention to what administrative body is named in the complaint. It must match the body issuing the decision. If it doesn't, it's case dismissed.

H. Hester

Scholarship Application Available

The Illinois Government Bar Association is once again offering a \$500 scholarship to a deserving 1st, 2nd or 3rd year law student who is interested in government law. Eligible students must be enrolled at an accredited law school and planning a career in government. A job or internship in the public sector is also required prior to disbursement of funds.

Applicants will be judged on Education/Experience; Motivation/Focus; Academic reference/Character; Community Member Reference/Character and Aptitude. Applications must be postmarked by April 1 and the winner will be notified by May 1. For more information, contact Barbara Rowe, (217) 787-7076 or (217) 836-1830; email BSRowe@SBCGlobal.net; or Frank Martinez, (217) 789-2393, email Frank.martinez@cwlp.com

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.

Registration Form Online

An electronic version of our registration form is available on our website. Make sure to let your colleagues know it's now even easier to join us!

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:

- March 26 – Board meeting & planning workshop
- March 27 – Hon. Donald Cadagin, Ret. Circuit Judge
- April 17 – Hon. Roger Heaton, US Attorney
- May 15 – Dr. Walter Milton, Supt. Springfield Sch.

Chicago Bar Association:

- March 8 – Barrister's Big Band Benefit Ball
- March 17 – Liberty Bell Award Nomination Forms Due
- April 3-10 – CLE in South Africa

Sangamon County Bar Association:

- March 13 – Smoker, Stella Blue

Central Illinois Women's Bar Association:

- No events posted as of printing.

February Luncheon: Dominic Saebeler (CMS)

After a last minute change in speaker, Dominic Saebeler made a presentation on navigating the sourcing and use of technology in Illinois government. He spoke about negotiating technology contracts with vendors and emphasized that the most crucial factor in successful negotiations is time. He urged those who are responsible for technology procurement to contact his office as soon as possible to ensure they have adequate time to negotiate favorable terms.

He also discussed recent changes in federal discovery rules which now require a pre-trial conference at which discovery is specifically outlined. In doing so, he stressed the magnitude of effort required for seemingly simple discovery requests and noted that when setting timelines attorneys must be cognizant that it still takes time to gather information. He noted that e-mails are one of the hottest topics for discovery requests, reminding us that as government employees they are public records. (5 ILCS 160.)

In response to audience questions, he also opined that confidentiality disclaimers in e-mails are of limited use when consistently included. He ended his discussion by recommending that agencies ensure that their policies are both in place and implemented.



Upcoming Luncheons

The Hon. Donald Cadigan, retired Sangamon County Circuit Judge and former State's Attorney, will be speaking at the luncheon on March 27. We will return to Maldaner's for the event. Watch your e-mail for further details and to RSVP.

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.

Member Spotlight: Michele Jochner

Michele Jochner, GBA's Recording Secretary, serves as a judicial law clerk to Supreme Court Justice Charles Freeman. She has also worked for Justice Mary Ann McMorrow as well as the Office of the Chief Judge of the Cook County Circuit Court. A graduate of DePaul's J.D. and L.L.M. programs, Michele is an active member of various bar associations. She is serving her sixth year as an elected member of the ISBA Board of Governors and is currently running for ISBA Third Vice President. If elected, she would be the first government attorney to serve in that position.

She has been a member of several committees for the ISBA, planning numerous CLE programs, conferences, as well as editing ISBA's *Bench & Bar* newsletter. She has also received ISBA's Lincoln Award for Legal Writing an unprecedented seven times and is a fellow of the Illinois Bar Foundation. Michele currently serves as Recording Secretary for the Women's Bar Association of Illinois and works with several community service organizations throughout Chicago.

She has served as an adjunct professor at both John Marshall and DePaul and has authored a wide array of legal articles appearing in publications nationwide. She has also appeared on various cable television programs to discuss law-related issues and has been recognized by the *Chicago Daily Law Bulletin's* "40 Illinois Attorneys Under 40 to Watch".

The Lighter Side

Did you hear about the dyslexic lawyer who studied all year for the bra exam?

Did you hear about the new sushi bar that caters exclusively to lawyers? It's called, "Sosumi."

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

The fine print: This product is meant for educational purposes only. Any resemblance to real persons, living or dead is purely coincidental. Void where prohibited. Some assembly required. List each check separately by bank number. Batteries not included. Contents may settle during shipment. Use only as directed. No other warranty express or implied. Do not use while operating a motor vehicle or heavy equipment. Postage will be paid by addressee. Subject to approval. This is not an offer to sell securities. Apply only to affected area. May be too intense for some viewers. Hand cancel. Use other side for additional listings. Do not disturb. All models over 18 years of age. If condition persists, consult your physician. No user-serviceable parts inside. Freshest if eaten before date on carton. Subject to change without notice. Times approximate. This supersedes all previous notices.

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