



NEWS

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Serving the Interests of Lawyers Dedicated to Government Service

Member Spotlight – Judge Sue E. Myerscough



Judge Sue E. Myerscough received her B.A. in 1973 from Southern Illinois University and her J.D. in 1980 from Southern Illinois University School of Law. Following law school, she clerked for the Honorable Harold A. Baker of the United States District Court for the Central District of Illinois. Beginning in 1981, Judge Myerscough was in

private practice with Giffin, Winning and then Hinshaw & Culbertson until her appointment in 1987 as an Associate Judge of the Circuit Court for the Seventh Judicial Circuit. In 1990, Judge Myerscough was elected as a Circuit Judge for the Seventh Judicial Circuit. In 1998, Judge Myerscough won election to the Fourth District Appellate Court, where she served as Presiding Judge in 2002 and 2009. In March 2011, Judge Myerscough was confirmed as a United States District Judge for the Central District of Illinois.

J. Walsh Hammer

GBA's 1st Achievement Recognition Event



Illinois Government Bar Association hosted a fantastic Achievement Recognition Event at Maldaner's Upstairs on Tuesday, May 3rd from 5:00 – 7:00 PM.

The GBA was honored to have Lt. Governor Sheila Simon give a brief keynote on the importance of public service. Her current elected office is not the first foray in public service for the Lt. Governor as she has previously served on the Carbondale City Council and has long been employed at the Southern Illinois University School of Law as a professor. Moreover, she took note of her family's long years of public

service by both her father, a former United States Senator, and her mother.

Honorees:

Judge Sue Myerscough, who had recently been confirmed and sworn in as Judge, U.S. District Court for the Central District of Illinois, responded by remarking how wonderful it was since Sheila Simon's father, U.S. Senator Paul Simon, had submitted her name 17 years earlier for that position.

U.S. Attorney Jim Lewis, also responded as he received his certificate of achievement for his promotion from Assistant U.S. Attorney.

Circuit Court Judge Tom Appleton, who had been sitting by assignment on the appellate court had been elected to the appellate court.

Carolyn Grosboll, a former president of the GBA, had recently become Clerk of the Illinois Supreme Court. She had earlier spent time there while her father was Clerk of the Illinois Supreme Court.

Former States Attorney John Schmidt was promoted to Circuit Court Judge.

Former Public Defender Brian Otwell, had also recently been promoted to be an Associate Circuit Court Judge.

We were all very proud of these government attorneys for their recent promotions to their new positions.

Hon. E. Schoenbaum

Upcoming Events:

Government Bar Association:

Jun. 23 – 2.0 hr CLE Professionalism Course @ SIU
School of Medicine from 3:00 – 5:00 PM
RSVP to robpatino@gmail.com

Sangamon County Bar Association:

Jul. 29 – Play Day @ Rail and Island Bay Yacht Club

Central Illinois Women's Bar Association:

Next Luncheon in October

February's Luncheon: Understanding Your Property Taxes



GBA members Steven M. Waggoner and Carol Kirbach, both Hearing Officers of the Illinois Property Tax Appeal Board (PTAB), provided a presentation to help decipher the property assessment and property tax bill cycle. With a focus on residential property, Carol began by explaining that a parcel's property tax bill is based on the value of property (land and improvements) and that in Illinois, other than in Cook County, property is assessed at 1/3 of its fair market or cash value on January 1 of each year. She further explained that property taxes fund local taxing districts, with about 6,900 local government units throughout Illinois, with the largest share of property taxes going to fund school districts.

Carol next focused on how property owners are notified of changes in assessed values – either by publication in a newspaper or direct mail notice. Given the presentation in Sangamon County, she noted that 'notice of an equalization factor' would likely be issued to many county property owners in the near future. While a taxpayer or property owner can appeal that notice directly to the PTAB, the Board's jurisdiction is limited in that case to only removing the increase in assessment caused by the equalization factor. Therefore, Carol urged those in attendance to always pursue with their local assessing officials their rights to appeal an assessment before their county board of review and then, if dissatisfied with that decision, to further pursue their rights before PTAB.

After touching on some of the exemptions available under law, the presentation was turned over to Steve who addressed the appeal process at PTAB including what types of evidence is appropriate to challenge an assessment. He also enlightened the group as to the number of appeals pending for a Hearing Officer staff of eight full-time employees who draft decisions for the Board's consideration covering all 102 counties. Steve noted each appeal stands on its own merits based on equity and the weight of the evidence presented by the appellant, the responsive evidence presented by the county board of review, and the appellant's or taxpayer's rebuttal evidence, if any. Appeals can be decided on the written record or either party can request a hearing. If a hearing is held, however, Steve strongly advised that appraisers be brought to testify if the appellant was relying on an appraisal as the basis for the appeal, otherwise rules of hearsay apply and the conclusion of value cannot be relied upon.

Lastly, both Steve and Carol answered some audience questions about the appeal process and farmland assessments in particular which differ from the assessment process for other types of properties.

C. Kirbach

March's Luncheon: Springfield Mayoral Candidates

Mike Houston (R) and Sheila Stocks-Smith (D) came to Maldaner's during the March 24, 2011 luncheon as two of the four finalists in the Springfield mayoral elections. The event was open to the public and attorneys and non-attorneys attended the event. Both candidates gave opening and closing remarks about why they felt they should be elected mayor of Springfield. Robert Patino asked both candidates questions that touched on a variety of topics. Some questions sought their input on ways to balance the city's projected budget deficit, how they intended to increase diversity in the City of Springfield's work force, and how they intended to work with the legal community in Springfield.

As an aside, the Government Bar Association maintains a neutral stance on political matters; however, as many of our members work for government offices and are in general, citizens or interested members of the community, we strive to put forth programs that would be educational and of interest to them. Having said that, the organization does strive to promote and advance the interests of government lawyers and reserves the right to advocate positions that the Board feels would be favorable to government lawyers.

R. Patino

April's Luncheon: The GBA and SCBA co-Host a Roundtable of Judges

The GBA shared the spotlight with the Sangamon County Bar Association in hosting a table (actually two tables) of distinguished local judges on April 7, 2011 at Catie Girls. Catie Girls provided an alternative venue for the GBA which proved to be efficient and effective for hosting the 120+ attorneys that came to the event. One hour of CLE was provided to the attendees and the topic focused on the new Rules of Evidence. In all, seven judges showed up and explained the new Illinois rules of evidence and how those rules mirrored, in many respects, those of the federal rules of evidence.

In summary, each judge addressed a short piece of the modified rules. Judge Childress focused on Rule 406 and how it applied to the habits or general practice of an organization or person. Judge Madonia and Judge Troemper spoke about Rule 801 and hearsay. Judge Perrin spoke about regular business activities and introducing evidence of summary documents. Judge Nardulli talked about using children as a witness. Judge Otwell discussed character evidence and Judge Belz talked about calling and interrogating witnesses. Questions and answers followed. The GBA was very grateful for the time the judges volunteered for this event and the courtesy of the Sangamon County Bar Association in working with us to make this event a success.

R. Patino

May's Luncheon: Perspectives on Aging



1776: Every 50th American was 65 or older
1900: Every 25th American was 65 or older
1982: Every 9th American was 65 or older
2025: Every 5th American will be 65 or older

In honor of Older Americans Month in May, Lee Beneze and Karen Kloppe gave a presentation entitled, "Aging – Consider the Alternatives". Both of these attorneys work at the Illinois Department on Aging in Springfield, Illinois.

Elder law is a growing area of interest because it impacts the lives of older Americans and their families. The goal of service is to provide integrated solutions to interrelated problems associated with changes in one's financial, health, and personal care needs due to aging. All of us will be impacted by the "graying" of our country!

Consider some recent statistics: The first of the Baby Boomer Generation, individuals born between 1946 and 1964, became senior citizens in 2011. Now, a boomer turns 50 every 7.5 seconds! Moreover, a person at age 50 still has approximately half of his or her adult life ahead given modern standards of living.

Rather than waiting to make some of the most difficult care and financial decisions at times of crisis or great personal loss, the speakers addressed the need for advance preparation. A good starting point is to consider "Five Wishes" available from Aging With Dignity, a national non-profit organization with a mission to promote better care for those near the end of life. This document may help you open a dialogue with loved ones regarding all aspects of personal care needs.

For attorneys working with the elderly, it is important to be patient and carefully listen because age can alter one's ability to hear, see, and think clearly; also, some people may be intimidated or have fears of losing independence and misgivings about giving up some degree of privacy. Take the time to speak one-on-one to determine if there is any issue as to capacity to understand the significance of any proposed actions. Ultimately, in each situation, you will need to manage expectations and correct misconceptions about your services, especially if you are trying to assist family members to avoid inadvertently violating the Illinois Rules of Professional Conduct with respect to duties owed to clients (see Rule 1.2, Scope of Representation; Rule 1.4, Communication; Rule 1.6, Confidentiality of Information;

Rule 1.14, Client Under a Disability; Rule 1.7, Conflict of Interest: General Rule; Rule 1.8, Conflict of Interest: Prohibited Transactions; and Rule 2.1, Advisor). No one needs the hardship of finding out after the fact that a personal decision made in important legal documents such as a power of attorney or will cannot be honored.

Today is the best time to start taking some small and easy steps to prepare for the future: explore eligibility issues for public benefits, including Medicare, Medicaid, and Social Security; organize or prepare an inventory for your financial and medical information; prepare and distribute advance directives so someone will be able to handle your business for you in the case of incapacity; review and update beneficiary designations on your insurance and retirement accounts; fall-proof your residence; share your thoughts, concerns, and choices with loved ones or other professionals who might be involved in affairs.

Warning Signs of Elder Abuse

While one sign does not necessarily indicate abuse, some tell-tale signs that there could be a problem include:

- Bruises, pressure marks, broken bones, abrasions, and burns may be an indication of physical abuse, neglect, or mistreatment.
- Unexplained withdrawal from normal activities, a sudden change in alertness, and unusual depression may be indicators of emotional abuse.
- Bruises around the breasts or genital area can occur from sexual abuse.
- Sudden changes in financial situations may be the result of financial exploitation.
- Bedsores, unattended medical needs, poor hygiene, and unusual weight loss are indicators of possible neglect.
- Behavior such as belittling, threats and other uses of power and control by individuals are indicators of verbal or emotional abuse.
- Strained or tense relationships, frequent arguments between the caregiver and elderly person are also signs of emotional abuse. Read our section on Family Caregivers for more information about how caregivers can prevent elder abuse.

Most important is to be alert. The suffering is often in silence. If you notice changes in personality or behavior, you should start to question what is going on.

To report elder abuse:

- Call the police or 9-1-1 immediately if someone you know is in life-threatening danger.
- If the danger is not immediate, but you suspect that abuse has occurred or is occurring, please call 1-800-252-8966 (Voice and TTY) or 1-800-279-0400 (After-hours toll free number) to reach

the Elder Abuse Hotline at the Illinois Department on Aging or relay your concerns to the long-term care ombudsman for nursing homes.

K. Kloppe

Newsletter Trivia

(Find answers at the end of the newsletter)

- 1) Pluto was reclassified as a “dwarf” planet in what year? 2006, 2008, 2009 or 2010
- 2) What is the largest city in the US by area (excluding water)?
- 3) What is the US debt ceiling that was hit on May 16, 2011? (you may round to the nearest trillion)
- 4) Texas state legislators make \$7,200/yr. How much is the base salary of an Illinois state legislator? (within \$5,000)

2 more Scholarships Awarded in 2011!

Abigail Cahak



Abigail Cahak is the recipient of the \$750.00 scholarship. She is beginning her second year of law school at the University of Illinois College of Law. She is a member and Secretary of the Public Interest Law Foundation. She earned her undergraduate degree in Politics with Honors from the University of York, England. She attended law school because she wanted a career in government with a specific focus on civil rights.

Ms. Cahak worked for the Iowa Civil Rights Commission in August 2009 to August 2010. She highlighted, published, and distributed best practices of ending discrimination, promoting diversity, and raising the profile of civil rights, with a particular focus on addressing poverty. Specifically, she worked directly with low-income and minority populations of Dubuque, Iowa and helped organize a series of discussions on race relations.

Ms. Cahak also was a legislative intern for U.S. Representative Dave Loebsack in Washington, D.C. She attended committee hearings and presentations. She wrote memos and summaries of hearings and presentations for legislative assistants and conducted legislative research. She also informed constituents about government programs and

organizations and worked with federal agencies on behalf of constituents.

She is currently doing an internship for the U.S. Department of Health and Human Services, Office for Civil Rights, in Chicago, Illinois.

Jordan Sartell



Jordan Sartell is beginning his third year of law at DePaul University College of Law and is in the top 5% of his law class. He received a \$400 scholarship. Mr. Sartell is on the staff of the DePaul Law Review and is a DePaul Public Interest Honors Scholar. He is an Equal Justice Works AmeriCorps Recipient, is a member of the Center for Public Interest Law Committee and Board Member of the Public Interest Law Association Auction Committee.

Mr. Sartell is currently working this summer as a Legal Clerk for the Illinois Attorney General Office in the Consumer Fraud Bureau, where he performs legal research, drafts memoranda, litigation proposals and complaints and investigates potential breaches of Illinois consumer protection statutes and compiles and analyzes consumer complaints.

Mr. Sartell has also worked for the Center for Disability and Elder Law as a Summer Associate and Adult Guardianship Pro Se Helpdesk Volunteer. Mr. Sartell worked with individuals over sixty years of age and those with a permanent physical, mental or developmental disability. Some of his job duties included client intakes, legal research, drafting client letters, complaints and notices of motion and guiding pro se petitioners as they filed for guardianship of disabled adults. Mr. Sartell helped clients facing a wide range of consumer issues including debt collection, deceptive business practices, probate fraud and predatory lending.

F. Martinez

Annual Wine and Cheese

The Annual Wine and Cheese Party was held on June 2, 2011 at the Corkscrew Emporium, Ltd. Food and five different wines were available for testing. Approximately 20-30 people attended the event which was scheduled from 5:00 to 7:00 p.m. (Some came early and some stayed late which is a GREAT compliment because it means they either wanted to have a good time or were having a good time.)



Justice Myerscough swore in the new GBA board members that were in attendance. The two scholarship winners, Abigail Cahak and Jordan Sartell came to the party as well, and appeared pleased with their reception and money.

B. Rowe

New Legal Citation Form

Effective July 1, 2011, a new legal citation form will be used for opinions issued by the Illinois Appellate Courts and the Illinois Supreme Court. This change results from amendments to Supreme Court Rule 6 (Citations), Supreme Court Rule 23 (Disposition of Case in the Appellate Court), and an administrative order relating to Rule 23. (See <http://www.state.il.us/court/SupremeCourt/Rules/>.) It is part of a greater movement within the judiciary to better integrate electronic technology in daily business operations.

At present, citation of cases must be made to the Official Reports (Illinois Reports and Illinois Appellate Reports), but a parallel reference may also be added for the appropriate West regional reporter (North Eastern Reporter and/or the Illinois Decisions). However, with new State fiscal year, Illinois reviewing courts will start assigning at the time of filing both a public-domain case designator number and internal paragraph numbers to opinions which will then be posted at www.state.il.us/court.

The public domain or medium/vendor neutral citation system was first recommended by the American Association of Law Librarians in 1994. It was subsequently endorsed by the American Bar Association in 1995. Approximately a dozen state use this system. For more information about this topic, visit:

http://www.aallnet.org/main-menu/Publications/spectrum/Archives/Vol-2/pub_sp9807/pub-sp9807-mb.pdf

http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1069&context=lsrp_papers&sei-redir=1#search=%22AALL+citation+refrom%22

Examples:

People v. Doe, 2011 IL 12345

People v. Doe, 2011 IL App (4th) 101234
People v. Doe, 2012 IL App (4th) 101234-B
People v. Doe, 2011 IL App (4th) 101234-U
People v. Doe, 2011 IL App (4th) 101234, ¶ 15

In the first two examples, the case name is *People v. Doe*; the year of the opinions is 2011; the Illinois Supreme Court is the court of decision in the former while the Fourth District Appellate Court is the court of decision in the latter; and the unique case designation number of 101234 is the Supreme Court Docket Number and that of 101234 is the last six digits of the Appellate Court Docket Number (No. 4-10-1234).

The third example shows that a subsequent opinion has been filed in a case because the two docket numbers are the same and a sequential capital letter has been added.

The fourth example shows that an order has been filed under Supreme Court Rule 23 because the appended capital letter that was added is a “U”.

The last example shows that the citation is pinpointed to paragraph 15 in the opinion.

K. Kloppe

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Newsletter Trivia Answers

- 1) 2006
- 2) Sitka, Alaska
- 3) \$14.3 trillion
- 4) \$67,836