



NEWS

*Vol. 15: No.1**Founded 1987**Serving the Interests of Lawyers Dedicated to Government Service*

A Message from the President



The Government Bar Association has kicked off the fiscal year 2011 in fine fashion. Our first luncheon included a presentation by the Attorney General's Office related to understanding and complying with the Freedom of Information Act of Illinois. Also, this past fall we have tried to complement the election season with a luncheon that included a neutral forum for candidates of a U.S. Congressional Office that was co-hosted by the Central Illinois Women's Bar Association. Furthermore, the Director for Election Training and Resource Development of the Illinois State Board of Elections talked about the rules and regulations related to running for public office in Illinois. We ended the calendar year with a warm Holiday Party hosted by Maldaner's that included not only wonderful food and beverages, but some excellent company as well.

As time continues to be our most pressing challenge as a volunteer organization, we strive to put together quality and educational luncheons and other programs. To help ensure value out of the membership, we have expanded our mission to include job announcements that may be of interest to our members. In this rough economy, government and private entities are trying to do more with less. Layoffs and downsizing add stress to our daily lives, but it may bring a slight bit of comfort to know that there is a demand for our services still out there. As this year continues to unfold, I hope that you continue to find value in the GBA as we make strides to bring you value for your investment into our organization.

R. Patino

September's Luncheon: Freedom of Information Act of Illinois

On September 16, 2010 the Government Bar Association hosted John Costello (Freedom of Information Act Officer) and Amanda Lundeen (Assistant Public Access Counselor) to present "Understanding and Complying with the Freedom of Information Act of Illinois at Maldaner's Restaurant. John briefly discussed the importance of understanding the definitions of "public body" and "public records." He also

stated that the FOIA request must be in writing, but need not be in any particular format. The current law changed the response time from 7 days to 5 business days. Within that time period, the public body must do one of three things: (1) produce the documents, (2) indicate you don't have the documents, or (3) seek an extension of time to respond. John gave a practice pointer and reminded everyone that the public body and the requester can negotiate a longer period of time to respond, as long as it is done in writing. The public body can also make the documents available for inspection to the requester instead of copying if the requester agrees. Amanda Lundeen spoke about the many exemptions to disclosure listed in FOIA. She also noted that it is important to explain the documents you are redacting and the exemption being utilized. It is important to remember that exemptions do not prohibit the disclosure of documents but rather allow for the redaction of those documents. There was also a discussion about the disclosure of personnel files and the possible changes to come.

J. Hammer

October's Luncheon: The GBA and CIWBA Present the 2010 Congressional Candidates of the 17th District



On October 19th, the Government Bar Association and the Central Illinois Women's Bar Association held a joint luncheon at Maldaner's Restaurant. The guest speakers were United States Congressman Phil Hare, Republican Challenger Bobby Schilling and Independent Roger Davis. There were approximately 70 attendees at this great forum. Each candidate was given the opportunity to respond to questions and give closing remarks. The candidates discussed issues such as unemployment, trade, social security funding, and tax cuts. The forum was covered by News Channel 20 and the State Journal Register. Both media groups produced great stories regarding the event. It turned out to be a friendly debate with a great bar association turnout.

J. Hammer

November's Luncheon: Checking Off the Boxes to Run for Office in Illinois



On November 18th, the Government Bar Association hosted a luncheon at Maldaner's Restaurant that featured Eric Donnewald, the Director of Election Training and Resource Development of the Illinois State Board of Elections. Some of Eric's duties include setting up election sites and training staff to administer the elections. Eric explained the process of getting petitions signed, some of the nuances in running with a political party versus being independent or a write-in candidate, and the general requirements for filing nominating papers. Furthermore, he discussed matters related to filing statements of economic interests and the Loyalty Oath. Eric chiefly followed the State of Illinois Candidate's Guide 2011 which can be found at the Illinois State Board of Elections website: <http://www.elections.il.gov/Downloads/ElectionInformation/PDF/2011Canguide.pdf>.

R. Patino

2010 Christmas Party

The annual Government Bar Association Christmas Party was held on December 8, 2010 at Maldaner's. Approximately 30 people attended and had a wonderful time drinking wine and beer and enjoying hot and cold appetizers. The food was outstanding!

A silent auction was once again held to help raise money for our scholarship fund. Frank Martinez once again did an outstanding job getting donations for the auction. Barbara Rowe managed to get an autographed baseball from Ryan O'Mally, a former pitcher for the Chicago Cubs and a current pitching coach for the Texas Rangers, who went to the World Series under his tutelage last Summer.

\$378 was raised for the scholarship fund. If anyone knows of a deserving law student interested in government law in Illinois, who would like to apply for the scholarship, please have them contact either Frank Martinez or Barbara Rowe for the application information. The scholarship application information will once again be sent to the law schools in Illinois.

B. Rowe

FOIA: A 2010 Recap

The changes that became effective to the Freedom of Information Act have been the talk of 2010. As we leave 2010 and begin 2011, there have only been four opinions issued by the Attorney General's Office. There have been plenty of pre-authorization request letters, but only four opinions. To review

copies of pre-authorization letters, visit:

<http://foia.ilattorneygeneral.net/preauthapprovalanddenialletters.aspx>.

The following are summaries of each opinion:

Illinois Attorney General Public Access Opinion 10-001:

- The requester requested a copy of a water meter card. The Village of Wapella informed the requester that they could view the requested documents and make copies between 9:00 am and 10:00 am on a specified date. The Village claimed it only had an obligation to make the document available for inspection or copying. The Attorney General state that "FOIA clearly requires public bodies to furnish copies of records in responses to requests therefore."
- The Village of Wapella also has attempted to refuse to furnish copies of public records, and instead inform the requester that the documents are on the Village website. The Attorney General again states that this is a violation and copies must be furnished.

Illinois Attorney General Public Access Opinion 10-002:

- The City of Kankakee charged the requester copying fees for the duplicate copies kept (and used) by the City (and that they argue were required to be kept under FOIA).
- The Attorney General stated: "The City of Kankakee should discontinue its practice of charging copying fees to a requester for copies to be retained by the City."
- Further the Attorney General's Office stated: "The General Assembly clearly recognized in Section 1 that there are costs associated with the duties imposed by FOIA, and that those costs would rest primarily on public bodies."

Illinois Attorney General Public Access Opinion 10-003:

- The requester requested (from Cook County) records and photographs surrounding two suicides.
- The "Public Access Counselor denied the County's request to withhold the autopsy reports and the accompanying documents for Mr. Kelly and Mr. Scott, as well as photographs of the physical evidence contained in the Medical Examiner's file relating to the death of Mr. Kelly but approved the County's request to withhold the post-mortem photographs depicting the bodies of Mr. Kelly and Mr. Scott."
- The County did not release the records. The requesters requested review from the PAC. The PAC sent same to the County.
- The County replied that the public's interest is not greater than the families' interest.
- The PAC reaffirmed its previous opinion as stated above.

- The Requester requested (from the Village of McCook) “[a] copy of any and all records reflecting the settlement or payment made to Margaret Foster . . . As well as a copy of any and all settlement agreements”. Margaret had previously filed an employment discrimination suit against the Village.
- The Village denied the request, claiming 7(1)(m) exemption applied.
- 7(1)(m) exempts: “Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation . . .”
- Section 2.2 of FOIA states that: “All settlement agreements entered into by or on behalf of a public body are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 7 of this Act may be redacted.”

The PAC stated that the plain language indicates that the settlement agreement should be disclosed and “a contrary result would have absurd consequences that would be inconsistent with FOIA’s purpose of promoting transparency and accountability of public bodies through access to public records.”

J Hammer

MEMBER SPOTLIGHT

CAROLYN TAFT GROSBOLL



Carolyn Taft Grosboll was recently appointed by the Supreme Court of Illinois to the position of Clerk of the Supreme Court. She was most recently at the law firm Giffin, Winning, Cohen & Bodewes, P.C., where she focused her practice on assisting clients with their estate planning, real estate, non-profit governance and general corporate needs.

Her professional experience also includes: Illinois Nature Preserves Commission (Director), Illinois Legislative Reference Bureau (staff attorney), and Illinois Secretary of State (assistant legal counsel). She is a founding member of the Government Bar Association and served as President in 1993-1994. She continues to be an active member. Her other past and present civic involvement includes: Sojourn Shelter and Services (President of the Board of Directors and Director), Illinois Audubon Society (Director and President of the Board of Directors), Prairie Rivers

Upcoming Events:

Government Bar Association:

Jan. 27 – January Luncheon @ Maldaner’s: Legal Translation Services

Feb. 24 – February Luncheon @ Maldaner’s: Property Tax Appeals

March Luncheon @ Maldaner’s: TBD

April Luncheon @ Maldaner’s: TBD

Jun. 2 – Annual Party @ The Corkscrew

Central Illinois Women’s Bar Association:

Feb. 15 - Luncheon with Trustee John Swartz re: Bankruptcy for Non-Bankruptcy Attorneys.

Feb. 24 - CIWBA Sojourn Fundraiser at the Alamo. More details to follow.

March 15 - Luncheon with Judge Cudmore re: Mediation.

April 19 - Luncheon with Judge Holmes and Mike Durr.

May – CIWBA Judicial Reception. More details to follow.

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