In Brief

May 2017

A Quarterly Publication of the McHenry County Bar Association

Law Day 2017

The Honoarable Charles P. Weech
Presiding over the

Law Day 2017 Ceremony

Jennifer L. Johnson presenting the
Distinguished Service award to

Mark S. Saladin

The 2017 Liberty Bell Award winner

Joe Canevello

2014-15 Board of Governors

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Board of Governors Meeting Highlights

February 21, 2017

LEGAL AID:
S. Greeley reported that Jessica Drahos will be filling in for Chelsea Wintersteen while she is on maternity leave from Prairie State Legal Services.

SOCIAL:
K. Vaclavek reported that there will be some new things at the golf outing this year. We will have more raffle items in lieu of no door prizes this year. We will also be selling mulligans at one of the holes instead of doing the Hire a Pro for the Young/New Lawyer fundraiser.

March 21, 2017

CIVIL PRACTICE:
J. Schwemler reported that there will be a GAL Probate and Disable Adult Guardianship training seminar on May 25, 2017. A second portion of this seminar will take place in the Fall.

LAW DAY:
R. Rosenthal reported that we received 75 essays this year for the middle school essay contest .

April 18, 2017

CLE:
R. Lee reported that the IL Supreme Court has revised the rules for CLE for attorneys. Effective July 1, of the required 6 hours of professional responsibility CLE, one hour must be on diversity and inclusion, one hour must be on mental health and substance abuse.

LEGAL AID:
S. Greeley reported that the Prairie State Legal Services Award luncheon is all set for May 23, 2017. The awardees have been determined and the contract with Loyola is being approved.

New Members
Scott Taylor
Elizabeth Ellis

President's Page

Honorable Mark R. Gerhardt

2016/17 MCBA President

Of Law Day, Wikipedia states: "Like Earth Day, Law Day is not a government holiday. To celebrate Law Day, some local bar associations hold a luncheon featuring speakers who discuss topics such as justice or the liberties provided by the United States Constitution. Also, attorneys might visit schools and talk to students about the American legal system." In McHenry County, with pageantry, essay contests, and high school programs, we celebrate Law Day much in the way described by Wikipedia.

Those familiar with Law Day can recite its story and humble beginnings with President Dwight D. Eisenhower's administration in 1958. Some even know, as mentioned by our Law Day speaker, Retired Justice Gino DiVito, that it was a reaction to May Day as celebrated in the Soviet Union. However, few know its association with a Chicago historical event.

Law Day, May 1, is also to International Workers' Day or May Day celebrated by communist countries. The day of May 1st was picked in 1889 by an international federation of socialist groups and trade unions in commemoration of the Haymarket Riot in Chicago three years earlier.[1] On May 3, 1886, Chicago police killed a striking worker.[2] The next day, a demonstration to protest the killing, organized by German-born labor radicals, drew approximately 1,500 Chicago workers.[3] The protest began well. It was attended by Chicago Mayor Carter Harrison who pronounced the gathering peaceful.[4] As the gathering ended, a contingent of police arrived and demanded that the crowd disperse, at which time a bomb was thrown by an unidentified individual.[5] Police responded with gunfire. Seven police officers were killed and sixty others wounded before the violence ended.[6] "Civilian casualties have been estimated at four to eight dead and thirty to forty injured."[7]

The riot "set off a national wave of xenophobia as hundreds of foreign-born radicals and labor leaders were rounded up in Chicago and elsewhere."[8] Eventually eight were convicted. "Judge Joseph E. Gary imposed the death sentence on seven of the men, and the eighth was sentenced to fifteen years in prison."[9] Samuel Fielden, August Spies, Adolph Fischer, and Albert Parson were executed.[10] One of the other three committed suicide on the eve of execution.[11] The remaining two had their death sentences commuted to life imprisonment by Illinois Governor Richard J. Oglesby in reaction to public questioning of their guilt.[12] Later, Governor John P. Altgeld pardoned the remaining three activists still living in 1893.[13]

Later, as the Soviet Union grew in power, May Day was co-opted to show military strength. During the height of the Cold War, following the armed conflict of Korea, and during the escalation of American involvement in Vietnam after the French defeat at Dien Bien Phu, President Eisenhower declared the first Law Day. In a roundabout way, the declaration of Law Day, which we continue to celebrate throughout the United States and McHenry County, had its genesis in Chicago over seventy years prior.

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1. Encyclopedia Britannica, www.britannica.com/topics/May-Day-international.observance.
2. Day in History, www.history.com/this-day-in-history/the-haymaker-square-riot.
3. Ibid.
4. Encyclopedia Britannica.
5. Ibid.
6. Ibid.
7. Ibid.
8. History.com.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.

Highlights of Prairie State Cases from 2016

By: Steve Greeley

As you may have heard from prior bar notices and elsewhere, Prairie State is hurting due to the stagnation in federal and state funding despite the increasing costs of doing business. Approximately 10% of the staff has been reduced, including the reduction of one attorney and one staff position in McHenry County. Despite the reduced resources, the McHenry County Prairie State office and pro bono attorneys did great work in 2016. Below are some highlights:

Prairie State successfully defends homeless client against agency fraud charge

PSLS represented a homeless client in his early 20's in a proceeding before the Illinois Department of Human Services. Our client participated in the SNAP program (food stamps). The agency charged our client with an intentional program violation (IPV) and possible fraud. They wrongly alleged that client had never informed the agency of an increase in his income, and as a result charged our client for an overpayment of more than $3,000. The attorney found proof in DHS records that the client had indeed called DHS and tried to tell them that his income had changed. When our attorney presented this information at the hearing, the hearing officer immediately conferred with the agency's legal department. The hearing officer then informed all present that the agency decided to drop the IPV charge due to insufficient evidence.

Prairie State volunteer attorney completes a guardianship for extremely disabled child

This case involves a very disabled child who had just turned 18 when her mother retained PSLS for help with a guardianship. The mom speaks only Spanish. A PSLS volunteer attorney, upon learning that the child was in the hospital for pneumonia, agreed to take this case and promptly met with the family right in the hospital to get the case going. Our volunteer completed the guardianship for the client (with the mother serving as guardian) and successfully negotiated with the GAL to drop his fee.

Prairie State successfully defends against a retaliatory eviction

The client's Landlord was not making necessary repairs to the house she was renting. The client contacted the City Inspector, who put pressure on the Landlord to make repairs that violated the local housing code. In response, the Landlord served upon our client a 30-day notice of termination of tenancy. Our staff attorney advised the client that the attempt to evict her was an unlawful retaliatory eviction. The Landlord subsequently filed suit in forcible entry and detainer, and PSLS represented the client in that action. Through our advocacy and negotiation, the plaintiff Landlord entered an Agreed Order that dismissed the case.

Prairie State obtains Order of Protection requiring supervised parenting time and ordering child support

The client was in an abusive relationship with the father of her child. To avoid further abuse, she moved out, but unfortunately, that did not stop the abuse. The boyfriend continued to harass her and used the child as a way to manipulate her into doing his bidding. During an exchange of the child for parenting time, the boyfriend jumped on her sister's car, smashing the windshield, while the client and her very frightened child were in the car. There were other instances of abuse and harassment, including threatening text messages. Our staff attorney prepared for the plenary hearing on a Petition for Order of Protection. We eventually negotiated a plenary order of protection that required supervised parenting time, and child support. The Order also contains language regarding limited communication between the parties. We subsequently appeared in court for a compliance hearing.

Prairie State helps father obtain a joint parenting agreement with liberal, unrestricted parenting time

The client is the father of an infant and the mother was denying him any parenting time. The mother had falsely accused him of abuse. The client's prior attorney was successful defending against a petition that the mother filed for an order of protection and the court denied the petition. Our staff attorney then negotiated a joint parenting agreement that granted the client liberal, unrestricted parenting time with his child, and made reasonable provisions for child support.

Thanks again to the many donors and volunteers from our bar. Please review the bar emails that identify cases in need of pro bono assistance. There are divorce cases that were emailed in November that still need someone to assist. Please contact Dori at Prairie State to help. (815) 344-9113 x 3283.

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CONTINUING LEGAL EDUCATION UPDATE

by: Chair, Rebecca Lee

On April 3, the Illinois Supreme Court announced changes to the requirements for your Professional Responsibility CLE.

Under Amended Supreme Court Rule 794(d), all Illinois lawyers will still be required to complete 6 professional responsibility hours as part of their total 30 CLE hours per reporting period; however, now 1 hour of diversity and inclusion CLE and 1 hour of mental health and substance abuse CLE must be included in your 6 professional responsibility hours.

The rule change will go into effect on July 1, 2017, and begins with attorneys with the two-year reporting period ending June 30, 2019.

Lawyers may still alternatively fulfill the required 6 hours of Professional Responsibility CLE by completing the Illinois Supreme Court Commission on Professionalism's Lawyer-to-Lawyer Mentoring Program.

In commenting on the change, Illinois Supreme Court Chief Justice Lloyd A. Karmeier said, "the Court's experience has shown that lawyers have not been seeking out or cannot find continuing legal education programs that might offer meaningful help in addressing their own substance abuse and mental health issues or those of their colleagues. We have also noted that as Illinois and the Illinois bar have become more diverse, there has been a marked lag in interest in educational programs addressed to facilitating diversity and inclusion generally and in the legal profession specifically. The Court's hope is that this amendment to Rule 794(d) will help reverse these trends and foster a profession that is both healthier and more respectful of the full range of perspectives and experiences present in our multicultural society."

This amendment puts Illinois ahead of most of the nation. This year the ABA revised the Model Rule on Minimum Continuing Legal Education this year so that it states that programming on mental health and substance use disorders, and diversity and inclusion, should be a required part of attorneys' CLE hours. But of the 45 states that have mandatory CLE, currently only 7 allow for diversity and inclusion to qualify for ethics/professionalism credit and only 3 states require it. Only 3 states require attorneys to complete some form of mental health and substance abuse education. Only California and Illinois require both diversity and inclusion and mental health and substance abuse professional responsibility education.

MCBA Member News:

Jennifer L. Johnson

Zanck, Coen, Wright and Saladin, P.C.

Takes pleasure in announcing that

Jennifer L. Johnson

and

Heather B. Kroencke

Have become partners with the Firm.

Heather B. Kroencke

Jennifer has been engaged in the practice of law for nearly 12 years and concentrates her practice in the areas of civil litigation, creditors' rights, real estate and construction disputes.

Heather's practice is focused on all aspects of estate planning and administration, from structuring personalized estate plans for families and individuals to the administration trust and probate estates. Heather also handles property tax assessment appeals and general real estate matters.

Chief Judge Michael J. Sullivan swearing in Mark R. Facchini

The Honorable Mark R. Facchini

DWP Must be Vacated for Free
By: Michael G. Cortina

On January 17, 2017, the Illinois Appellate Court, First District, issued an opinion in the case of Gassman v. The Clerk of the Circuit Court of Cook County, 2017 IL App (1st) 151738, 2017 WL 213240. The holding of Gassman is that the Cook County Circuit Clerk's (the "Clerk") office was not allowed to impose a fee for filing a petition to vacate a dismissal for want of prosecution.

The case centers around the Clerk of Courts Act, found at 705 ILCS 105/27.2a(g)(2), which authorizes the clerk in counties with a population of 3,000,000 or more to impose a fee for filing a petition to vacate or modify "any final judgment or order of court." The plaintiff in the case, Gassman, sued the Clerk seeking mandamus relief – for himself and others similarly situated - to compel the Clerk to comply with the Clerk of Courts Act which he claims did not authorize the imposition of a fee for filing a petition to vacate a case for dismissal for want of prosecution, and argued that such a dismissal is not a "final" order that allows such a fee to be charged. He also requested a return of all previously collected fees for petitions to vacate dismissals for want of prosecution, as well as for an accounting from the Clerk for all such fees collected.

The Clerk argued before the trial court that the case should be dismissed under section 2-615 of the Code of Civil Procedure claiming that the imposition of the fee was correct because subsection 27.2a(g)(2) applied to any order, not just final ones, and because the statute does not authorize a private right of action. The Clerk also sought dismissal under section 2-619 of the Code of Civil Procedure, but the trial court dismissed the case under section 2-615 without an explanation of its reasoning and did not address the section 2-619 argument.

The language in subsection 27.2a(g)(2), which gives the range and authority to the Clerk to charge fees for certain filings, states:

"(g) Petition to Vacate or Modify.

… (2) Petition to vacate or modify any final judgment or order of court, *** if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90."

In reversing the trial court, the appellate court cited to S.C. Vaughan Oil Co. v. Caldwell, Trout & Alexander, 181 Ill. 2d 489, 506 (1998) which held that a dismissal for want of prosecution does not become final until the expiration of plaintiff's one-year absolute right to refile under section 13-217 of the Code of Civil Procedure (735 ILCS 5/13-217). The appellate court disagreed with the Clerk on all of her arguments and defenses, specifically found that subsection 27.2a(g)(2) applied only to final orders, that an order dismissing a case for want of prosecution was not a final order for one year, and reversed and remanded the case to the trial court.

While section 27.2 of the Clerk of Courts Act does not apply to McHenry County, which only has a population of around 300,000, section 27.1 of the Clerk of Courts Act, which applies to counties with a population between 180,000 and 500,000, does. The language of subsection 27.1a(g)(2) , which gives the range and authority to the McHenry County Circuit Clerk to charge fees for certain filings, states:

"(g) Petition to Vacate or Modify.

… (2) Petition to vacate or modify any final judgment or order of court *** if filed later than 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $75."

The only difference in subsections 27.1a(g)(2) and 27.2a(g)(2) of the Clerk of Courts Act is the amount that the different clerks are authorized to charge. The rest of the language of each of these subsections is identical; including the provision that the fee can only be imposed for final orders.

Practitioners in McHenry County who find themselves having to deal with a case that was dismissed for want of prosecution should review Clerk of Courts Act, and the Gassman case if they are asked to pay a fee to file a petition to vacate the dismissal order. While subsection 27.1a(g)(2) only applies to

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Tips for Better Sleep – Part 2

By: Karmen Wong
(*Karmen is a writer and blogger for the Illinois Lawyers' Assistance Program*)

If your day contains a lot of stress, it can be difficult to fall asleep or stay asleep, which then might create more stress. See below for the conclusion of our tips to help reduce your daily stress and prepare you for a good night's rest.

3. Pay Attention to What Goes On and Around Your Bed

If your bed is not comfortable, then you won't sleep well. The first question is your mattress, but there are other smaller things that can affect your sleep. Think about your bedding piece by piece: Is your pillow giving you enough support? Are the covers too warm, or not warm enough? Do you need to replace anything to prevent allergies? Do you like the material or feeling of your pillowcase and sheets?

Another thing to consider are those who are sharing your bed. Pets might move around too much or trigger allergies. Significant others may pull the covers or snore. Although there is a limit to what you can do about your bed mates, sometimes there might be a simple solution. For example, for the blanket hogs, try giving each person their own covers. Finally, you should ensure that the light and noise levels are at a comfortable level. Heavy curtains can create the pitch blackness you prefer, or a white noise machine may be helpful. Pay attention to how the streetlights or the moon come in through the window – sometimes you might just need to turn the blinds the other way to create more comfortable lighting.

4. Determine Your Personal Caffeine Cut-off Time

Stress and caffeine go hand in hand, so it's worth discussing a few points on how to manage your consumption. It is generally advised that you should cut off your caffeine consumption sometime during the afternoon to prevent negative effects at bedtime. The exact time will differ from person to person, because caffeine is a drug and we all react differently depending on our body chemistry, age, weight and medications. Adults who are older and who weigh more might metabolize it at slower rate (which certainly explains why it was so much easier to fall asleep after guzzling coffee all day as an undergrad). Antidepressants, anti-psychotics, heart medications, and hormonal contraception are among the types of medications that may slow caffeine metabolism. You may need to practice some trial and error to determine when you need to stop the caffeine. If you recently started a new medication and are wondering why you can't sleep as easily, your cutoff time may be one of the reasons.

To learn more about other ways to improve your overall wellbeing as an attorney, call 312-726-6607 or email gethelp@illinoislap.org the Lawyers' Assistance Program.

CLEARLY ERRONEOUS

by: Scott Jacobson

"Applying the New IMDMA?"

The last couple of years have brought big changes to the Illinois Marriage and Dissolution of Marriage Act ("IMDMA"). Public Act 98-0961 amended maintenance guidelines effective January 1, 2015. Likewise, Public Act 99-0090 made a number of significant changes to the IMDMA—*e.g.*, the elimination of "fault" grounds and restructuring the framework for custody/visitation and child support allocations—effective January 1, 2016. With all these changes swirling about, it's been asked whether the statutes *new* rules can be applied to *old* dissolution and post-decree proceedings. The short answer is no.

Legislative enactments rarely have retroactive effect owing to our colonial experience with "bills of attainder, *ex-post-facto* laws, and laws impairing the obligation of contracts…." *The Federalist Papers* #44 (Madison); see also U.S. Const. art. I, § 9, cl. 3 & art § 10, cl. 1. In other words, there is a strong presumption against the retroactivity of legislative enactments.

Generally, procedural aspects of a new law may be applied retroactively while substantive provisions may not. *Caveney v. Bower*, 207 Ill. 2d 82, 92 (2003). A procedural change in the law prescribes a method of enforcing rights or involves pleadings, evidence, and practice, whereas a substantive change in law establishes, creates, or defines rights. Examples of amendments that have been characterized as procedural and applied retroactively include amendments to the long-arm statute (*Ores v. Kennedy*, 218 Ill. App. 3d 866 (1991)), changes to statutes of limitations (*Orlicki v. McCarthy*, 4 Ill. 2d 342 (1954)), and service-of-process changes (*Ogdon v. Gianakos*, 415 Ill. 591, 597 (1953)).

Neither the maintenance-guideline amendments nor the IMDMA rewrite contain any specific temporal language indicating the General Assembly intended to apply them retroactively. Moreover, it does not appear that any change wrought by the new IMDMA could be characterized as merely procedural.

A case in point is *In re Marriage of Cole*, 2016 IL App (5th) 150224. In *Cole*, the trial court heard the parties' dissolution matter on October 24, 2014, but the court did not enter its judgment of dissolution of marriage until February 24, 2015. After the trial court issued its decision, the husband asked the court to reconsider and to apply the amended maintenance guidelines which took effect January 1, 2015 (under which he would have paid less in monthly maintenance). The trial court declined to reconsider and the appellate court affirmed. The appellate court flatly rejected the husband's argument that the amended guidelines were mere procedural changes that should be applied retroactively, stating as follows:

> "The new maintenance guidelines are substantive in nature because they alter the method for determining a maintenance award and address the rights underlying a dissolution proceeding. Prior to January 1, 2015, courts calculated maintenance awards relying on a list of factors within section 504 of the Act (750 ILCS 5/504 (West 2012)). The new version creates a formula for calculating maintenance based on the gross income of the parties and the length of the marriage, after considering the factors of the old statute to determine whether maintenance is appropriate. The new statute requires that the same factors of the old statute are used for a different purpose, that is, to determine whether maintenance should be awarded in the first place. Awards are no longer based on the weight of the various factors. The new statute redefines an individual's right to maintenance and, therefore, is substantive. The mere fact that payments will be made in the future does not mean that a spouse's rights are not being retroactively affected.
>
> Here, the marriage, separation, and dissolution hearing all occurred in 2014, before the statute took effect. All of the events that shaped the trial court's opinion in formulating its ruling occurred in 2014. The evidence was closed, and the matter had been submitted to the court for the rendering of its decision, all in 2014. The mere fact that the matter was taken under advisement but not ruled on until 2015, after the effective date of the new statute, does not warrant retroactive application of the law. The order not being handed down until after January 2015 has nothing to do with the facts of the case, yet under [h]usband's reasoning, this delay changes the entire maintenance determination. Applying the new formula to maintenance awards entered before the effective date would attach new legal consequences to events completed before the effective date. See Brian A. Schroeder, *The New Illinois Spousal Maintenance Law: Retroactive or Prospective?*, 103 Ill. B.J. 32 (2015). We see no difference here given that the case was essentially closed before the effective date of the new maintenance statute. *The rights of the parties should be determined by the facts of the case, not by the timing of the final order*." *In re Marriage of Cole*, 2016 IL App (5th) 150224, ¶¶ 8-9 (emphasis added).

Hard to argue with that conclusion. In short, the new IMDMA is no reason to go revisiting old judgments.

Scott Jacobson is a judicial clerk for the Honorable Susan F. Hutchinson of the Illinois Appellate Court, Second District. He was formerly an assistant state's attorney with the Illinois State's Attorneys Appellate Prosecutor and of counsel to the Illinois State's Attorneys Association. He lives in Woodstock, Illinois.

LAW DAY ACTIVITIES 2017

By Rhonda L. Rosenthal

Law Day is officially May 1st of every year, and the American Bar Association selects an annual theme relating to an important issue of the law or legal system. This year, the ABA chose to highlight the 14th amendment, as it will soon celebrate its 150th anniversary. The 14th Amendment was adopted on July 9, 1868 to address the unresolved issues following the American Civil War. The first section of the amendment includes several clauses: the Citizen Clause, Privileges or Immunities Clause, Due Process Clause and Equal Protection Clause.

As part of the McHenry County Bar Association's celebration of Law Day, we had an essay contest open to all middle school children. The topic was taken from the ABA theme and this year, the Law Day Committee posed the question: Which of the four clauses in the 14th Amendment is most important and why?

Letters were sent to schools, a press release was placed in the local newspaper and an email was sent to all members of the MCBA inviting middle school age children to submit their essays. We received 75 essays, which is more than we usually receive. Additionally, these essays were of better quality than have in years past. (I give some credit for this to Steve Greeley, who went and spoke at Hannah Beardsley School about how to write an essay.) The committee picked the top three, in no particular order.

Rather than have the students read their entire essay at the courtroom ceremony, or even a summary, this year we asked them to read a chosen excerpt. This will kept the ceremony shorter, and it also helped keep the children's nervousness to a minimum. However, their hard work should be celebrated, so, the entire articles will be posted in this edition of In Brief.

Please take time to read and appreciate them. They were a great reminder to me of the importance of the 14th Amendment, as well as the importance of our legal system and the part we, as lawyers, play in furthering justice under the law.

Law Day Essay Contest Winner Essays

Lucas Kim—Hannah Beardsley Middle School

Equal opportunity and our fundamental rights are the foundation of our country. Without it, we as a society would fall into anarchy, with only the "strong" or "superior" receiving the benefits of living in the United States of America. Our rights are what make us human; they are the tools that give us the power to craft and sculpt our life into the masterpieces we strive to create. One hundred and fifty years ago, a revolutionary law was passed in Congress, but this rule was so much more than just some ink on a faded sheet of parchment. It marked the start of a nationwide evolution that allowed immigrants to be welcomed with open arms. It gave us rights that are constant for every citizen, regardless of race, sexuality, or gender, and is the fundamental foundation that makes our country so great. It showed that we as a country were taking the steps needed that would pave the road to equal opportunity and due process. From famous cases regarding race and discrimination, to ones that change the very way that we think and feel, this one amendment altered the course of history.

Hundreds of cases have been decided based off of the fourteenth amendment's jurisdiction in the time that it's been ratified, with instances regarding violations of equality, racism, and segregation. One of the most prominent and impactful of these was the Brown v Board of Education that took place in the May of 1954. This influential case regarded the discrimination against African Americans that denied them the ability to attend schools, at that time justified by the idea that both of the schools provided an "equal level of education," This case found that the segregation of schools in the South was against the equal protection clause depicted by the fourteenth amendment. As a result, schools became integrated, and discrimination and segregation against African Americans was finally destroyed. This single case showed us as Americans the power of equal rights, and the pivotal role that it has played in our society since its ratification.

Prior to the Brown v Board of Education, African Americans were largely considered to be inferior, with segregation not only in schools, but also in drinking fountains, restaurants, and bathrooms. African Americans were treated differently, not because of something they did, but simply because of the color of their skin. They were stripped of their fundamental rights that were promised by the country they called home, similar to the way that those who are seen as "inferior" today. Even now, people who "don't belong" face discrimination, be it harsh judgements or the question of if they should even be allowed inside of our country. Not because of something they did, but because of a long standing stigma branding them "inferior". A country deemed the land of the free has now begun to shut its doors, and the equal rights promised to those inside have been robbed. But there is still time for change. Brown v Board of Education was a three month case that has impacted our country for decades; breaking down the racial and social barriers between whites and blacks. Our guaranteed rights and promise of an equal opportunity for all configure the most crucial and necessary foundation for a change. A change not only for a country, but for our homes, our families, and our lives.

Today, equal rights is a highly disputed concept that seems to be more abstract than the all inclusive umbrella that it once was perceived to be. Some believe that only those who fit into their ideal criteria (ie. those who obey the molded rules on gender, sexuality, religion, or social class) deserve equal rights. With a political climate that only adds fuel to the fire of hate and discrimination, we must stand strong as a country in these times of indecision. We must not forget that our constitutional rights make us who we are and give us the opportunity to become the people that we strive to be. We simply cannot denounce what we know to be fundamentally right just to agreeable, instead find ways to preserve the sacred laws of our country to become the best people that we can be, people who can truly make a difference in this world filled with so much hate and discrimination. All throughout our history, equal rights have been one of the most solid foundations for our country, whether it be defeating hate and unfairness or breaking down the rigid societal barrier between blacks and whites, our rights are the linchpin of our country, the vital part that keeps us together, even in a time such as this. They are what makes the United States of America truly the land of the free and the home of the brave.

David Lyon—Heineman Middle School

Does the 14th Amendment's Equal Protection Clause help guarantee that everyone is treated the same and has equal protection under the laws? According to many cases such as Brown vs. Board of Education it does. In some cases it may not, such as when the KKK rebelled against the clause by killing blacks but, in most cases everyone is treated the same and is protected by our laws regardless of their color or race. That is why the Equal Protection Clause is the most important clause of the 14th Amendment.

One case in which the 14th Amendment's Equal Protection Clause was needed to rule a statement was the Brown vs. Board of Education court case. In 1951 one concerned parent, Oliver Brown, said that the segregated white and black schools were different and that they would never be the same unless someone did something about it. Oliver Brown then took the case to court and after some time made it to the Supreme Court where he made a strong case and eventually won. According to billofrightinstitute.org the Supreme Court, "ruled unanimously in Brown v. Board of Education that "separate but equal" was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment." The 14th Amendment's Equal Protection Clause helped win this case and bring more equality to schools.

Another case that the 14th Amendment's Equal Protection Clause helped win was the Regents of the University of California v. Bakke case. This case started when Allan Bakke got denied to the University of California Medical School on two separate occasions even though his MCAT scores, GPA, and benchmark scores were higher than other applicants scores. This was because the University set aside 16 out of the 100 spots in the class for minorities such as Blacks or American Indians. Bakke then sued the University and brought it to the Supreme Court where according to pbs.org they stated, "no applicant may be rejected because of his race, in favor of another who is less qualified, as measured by standards applied without regard to race." The Supreme Court ruled that it violated the 14th Amendment's Equal Protection Clause. Later, in 1978 the University shut down it's quota system to make sure they couldn't get sued.

The 14th Amendment's Equal Protection Clause also helped win was the Loving v. Virginia case. Mildred Jeter and Richard Loving were different races but they loved each other. After marrying in Washington D.C they returned to Virginia where they got charged with unlawful cohabitation and jailed. The judge then suspended the ruling on account that they left Virginia. Later, the Supreme Court reviewed the case and reversed the court's ruling and according to law.cornell.edu said, "held that the Equal Protection Clause required strict scrutiny to apply all race based classifications." They also said the ruling was rooted in racial discrimination. The Loving case it still a huge milestone in the Civil Rights Movement and still inspires people.

The 14th Amendment's Equal Protection Clause does help guarantee that everyone is treated the same and has equal protection under the laws. This is shown in cases such as Brown v. Board of Education, University of California v. Bakke, and Loving v. Virginia. That is why the Equal Protection Clause is the most important clause of the 14th Amendment.

Judges listening to the Essay Contest winners

read excerpts from their essays.

Jordyn St. John—Hannah Beardsley Middle School

Equal protection is a privilege that should be preserved at all costs. In the year 1958, Mildred Jeter and Richard Loving joined in marriage, but Mildred was African American and Richard was white. The couple violated Virginia's miscegenation law, a law that banned interracial marriage, and were later put on trial. The Loving's were found guilty and were later sentenced to jail for a year. This was a substantial violation of the 14th amendment's equal protection clause. The Lovings wrote to the Attorney General, and he brought this case to the Supreme Court. The Court agreed interracial bans were unconstitutional and the law was eradicated. Love should know no limits, and this is one of the main reasons why the equal protection clause is so significant.

The 14th amendment states that no state can administer a law that impedes the rights of a citizen of America. Virginia wasn't authorized to make a law that deprived a citizen of their constitutional rights. Therefore, the Lovings shouldn't have been found guilty. The court ruled this case correctly because you should be able to marry whomever you desire no matter you or your spouse's race or religion. The Lovings had every right to marry each other out of love even if Mildred was African American. The 14th amendment is very important, not only because of the interracial marriage law, but because it protects all citizens of America as well as their everyday rights.

Another court case that conveys the importance of the 14th amendment is Brown vs. Board of Education. In this case, African American students were denied access to specific public schools based on laws that stated schools should be separated by race. They asserted that this was against the Equal Protection Clause stated in the 14th amendment. In a unanimous vote, the court found this law to go against the 14th amendment and ruled the law unconstitutional. African Americans were then allowed to register for "white schools." I completely agree with the court's ruling because students lack social diversity and miss out on opportunities to break the racial barrier that still commonly exists throughout the world in segregated schools.

The 14th amendment had a much bigger impact on America than most people would think. Back when equal protection wasn't valued, America was a divided nation. People were constantly divided by their race. African Americans, especially, didn't have equal rights compared to people of other races. They were forced to use separate bathrooms, go to separate schools, use separate water fountains, and their rights were truly unfair. If it weren't for Loving vs.Virginia, Brown vs. Board of Education, and many others cases like them, America wouldn't be known for one of the main things that makes our country beautiful, its diversity. Diversity is a wonderful thing because from it, comes new ideas, new cultures, and new relationships that help us gain new perspectives and grow closer as a nation. Without equal protection, America wouldn't be the country it is today.

Steven J. Greeley presenting the

Essay Contest winners

Trial Call

Case Number: 16AR22
Plaintiff: Jessica Gajewski
Defendant: Troy Thomas
Plaintiff's Attorney: Fiorentino Law Offices
Defendant's Attorney: Law Office of Steven A. Lihosit
Trial Date: February 21, 2017
Judge: Michael J. Chmiel
Verdict: Plaintiff
Medical: $11,260.35
Pain & Suffering: $2,500
Lost Wages: $154
Loss of normal life: $2,500
Gross Verdict: $16,414.35
Plaintiff's last demand: $20,000
Defendant's last offer: $17,000

Case Number: 13LA78
Plaintiff: Robert Frenz
Defendant: McHenry Area Chamber of Commerce
Plaintiff's Attorney: Steve Greeley, Franks Gerkin & McKenna
Defendant's Attorney: George E. Riseborough
Trial Date: March 17, 2017
Judge: Michael T. Caldwell
Verdict: Defendant

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MCBA Calendar of Meetings & Events

Date	Event	Location	Time
May 9, 2017	Family Law Section Meeting	MCBA Office	Noon
May 11, 2017	Civil Practice Seminar	Home State Bank Woodstock	12:45—5:00
May 16, 2017	Board of Governors Meeting	MCBA Office	Noon
May 23, 2017	PSLS Award Luncheon	Loyola University Retreat & Ecology Center	Noon
June 20, 2017	Board of Governors Meeting	MCBA Office	Noon
June 27, 2017	Annual Meeting	Woodstock Country Club	Noon
July 18, 2017	Board of Governors Meeting	MCBA Office	Noon
July 25, 2017	General Meeting	Woodstock Country Club	Noon
August 4, 2017	41st Annual Golf Outing	Turnberry Golf club	11am Shotgun Start

McHenry County Bar Association

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