

# In Brief

## LAW DAY 2018

### SEPARATION OF POWERS: FRAMEWORK FOR FREEDOM



Law Day 2018 Award Winners with the Law Day Ceremony Presiding Judge Michael J. Chmiel:

Thomas Vaclavek, Jr.—Distinguished Service Award, Fred Roediger and Paul Madsen of Heritage Title—Liberty Bell Award

# Upcoming Events

## Board of Governors

2017/18

### Executive Committee

Rhonda L. Rosenthal  
*President*

Steven Greeley  
*1st Vice President*

Jennifer L. Johnson  
*2nd Vice President*

Jenette Schwemler  
*Secretary/Treasurer*

### Committee Chairs

Michelle Gehris  
*ADR/Mediation*

Keith Sloan

*Bylaws*

Jenette Schwemler  
*Civil Practice*

Peter Carroll

*Commission on Professionalism*

Patrick Kenneally

*Continuing Legal Ed.*

Robert Deters

*Criminal Law Section*

Dawn Roth

*Family Law Section*

Hon. Mark Fachinni

*Judiciary/Court Rules*

Steven Greeley

*Law Day*

Steven Greeley

*Legal Aid*

Scott Jacobson

*Legislative*

Hon. Robert Baderstadt  
(Ret.)

*Membership/Directory*

Hon. Mary H. Nader

*Newsletter*

T.J. Clifton

*Outreach*

Doreen T. Paluch

*Real Estate*

Vonda Vaughn

*Social*

Michael Wurster

*Technology*

Amber Bishop

*Young/New Lawyers*

Hon. Mark R. Gerhardt

*Past President*

## Board Meeting Minutes

[January Meeting Minutes](#)

[February Meeting Minutes](#)

[March Meeting Minutes](#)



## New Members

Scott Kent

Ilana Forbes

Date	Event	Location	Time
May 8	Family Law Section Annual Meeting	MCBA Office	Noon
May 15	Board of Governors Meeting	MCBA Office	Noon
May 18	Bags Tournament	Kingston Lanes	5:30 pm
May 22	PSLS Award Luncheon	Loyola	Noon
June 1	Insults, Narcotics, Aliens & the Disordered Seminar	Home State Bank, Crystal Lake	Noon—4:15
June 12	Board of Governors Meeting	MCBA Office	Noon
June 19	Annual Meeting	Flores Banquets, Woodstock	Noon
July 17	Board of Governors Meeting	MCBA Office	Noon
July 24	General Meeting	TBD	Noon
August 3	Annual Golf Outing	Turnberry Country Club	10:30

## Inside this issue:

Presidents Page	3
Drug Induced Homicide Cases	4-5
Trial Call	6
Member News	8
Civil Justice Improvement Project	9
Judge Gervais Swearing In	10
Law Day 2018 Essay winners	12-15

# President's Page

By Rhonda L. Rosenthal

2017/18 MCBA President



So, this final article as President came about the same as my first. I had a topic in mind and then something else came up.

I am always amazed at how much we can learn from children. Recently, I did a Guardian ad Litem home visit with a nine-year old girl, whom I will call Mable. It was a surprise visit, and the first time that she met me, but she was aware of my name and that I was a lawyer. At the end of our visit, she confessed that I did not look like she thought I would. She thought that I would have long hair and I would not wear glasses, but if I did, they would be colored. She also thought I would wear high heels, a skirt and red lipstick. Lastly, Mable thought I would look younger. Not be younger, just look younger.

At first, I did not understand Mable's thoughts. They seemed so oddly specific, yet she obviously did not get them from her parents, who had met me already. When I noted them to a friend, she mentioned that the description fit a television lawyer. My friend was right. Mable had formed a picture of what an attorney looked like by watching television. (Knowing that, I am thankful that she did not also say that I should be taller and thinner.) Mable used her only experience of lawyers and assumed that it was true. It is probably most people's only experience and like Mable, they do not always separate fantasy from reality.

This is one of the reasons why I like the Law Day celebrations so much. Law Day gives the public the opportunity to see what real lawyers look like. It shows our diversity in age, genealogy, shape, size, gender, and hair styles. It gives us the opportunity to showcase our professional best and hopefully to counter-act the negative or unrealistic expectations.

The grade-school classroom visits give children an hour connecting with a lawyer and learning something about the law. The seniors who attend the High School Program at McHenry County College get a glimpse of attorneys and perhaps an understanding that we also do community service.

The essay contest winners get to see the inside of a courtroom, lawyers and even judges. Plus, they get honored by a profession that honors the law rather than Hollywood sensational dramatic courtroom tactics.

As Law Day can reach those who have no experience with lawyers, we should be mindful of the same opportunities in our ordinary work life. Every consultation with a client, appearance in court, or professional meeting is a representation of our profession, not just of you personally. We all want to make a good personal impression, but it should go beyond that. We are all ambassadors for our profession. How we act, dress and conduct ourselves matters. It may not be fair to put that much pressure on one meeting, but that is reality. One bad experience, especially if that is the only experience, and that person makes an assumption on our whole profession.

I have surprised people when they find out that I am a lawyer and blurt out something like, "I would never guess that you are a lawyer. I mean that as a compliment." They then go on to explain that I am too nice/polite/opposite of whatever negative determination they have made. For the record, I do not find that to be a personal compliment, but an insult on my chosen profession. I believe that we all have a duty to correct that. We all have a responsibility to keep the legal profession diverse and professional.

As this is my last President's Article, I would be remiss if I did not reflect on my tenure. My goal as MCBA president was to make all feel included in our organization, to celebrate our diversity on all levels, and to provide CLE for multiple areas. I enjoyed serving my legal community and in truth, more than I anticipated that I would. I appreciate the trust and support of the Board of Governors, especially the Executive Board, and the Executive Director, Erin Frommes. And thank you all for the opportunity. I look forward to serving my profession in other ways in the community at large.

## Drug Induced Homicide Cases

**By: Patrick Kenneally, McHenry County State's Attorney**

At a recent bar association meeting, a presenter suggested that prosecuting drug-induced homicide cases was counterproductive. The customary logic being two-fold:

1. Many selling drugs that cause death are afflicted with the "disease" of substance abuse, and it would be more humane, constructive, and cost-effective to cure these people through treatment as opposed to incarcerating them.
2. The enhanced criminal penalties associated with drug-induced homicide create a perverse incentive for those involved in drug distribution not to call for medical assistance after they become aware that another is experiencing an overdose event.

"Treatment," as traditionally accessed through the court system, mostly fails. Statistics on the effectiveness of approved treatment providers in Illinois, whether inpatient or outpatient, range from 3% to 21% over a five year horizon. Of the 11 drug-induced homicide cases currently pending in McHenry County, 7 of the defendants reported suffering from a drug abuse disorder. Of these, 6 had previously been mandated as part of a prior criminal sentence to undergo and complete drug abuse treatment. As such, even if the State were to forfeit its interest in retribution and the wishes of the decedent's family by prosecuting drug dealers that cause death in some watered-down way where all roads lead to compelled treatment, whether welcomed or not, this approach would mostly fail to achieve rehabilitation or promote public safety. Rather and in most cases, defendants will emerge from this adjudication process without having achieved long-term sobriety and similarly incentivized to sell deadly drugs to subsidize their own drug habit.

What then? If selling an illegal drug that causes a single death is insufficient grounds to seek incarceration over community-based treatment, how many deaths should be deemed sufficient? How many chances in treatment should be afforded a person whose addiction demonstrably presents a lethal threat to others?

Secondly, though the moral reflex of many has been dulled by the long and sordid experience of drug use in the U.S., it is important to reaffirm that distributing dangerous drugs like heroin within a community is a contemptible and cruel act. It is no secret to heroin users that use results in suffering and death. One would be hard-pressed to find a heroin user that did not personally know someone who had died from an overdose or would want heroin addiction for someone they loved, like a sibling or child. As a user, to deal heroin then is a coldblooded, elective choice of one's own high over the life and well-being of another. More specifically, it's not just one's high that is being elevated, but the ease of attaining one's high by selling drugs as opposed to pursuing any number of other, perhaps less expedient ways of funding or sourcing a drug habit (e.g. a job, seeking a prescription for methadone, petty theft, and borrowing money) that do not threaten others. Drug addiction and the diminished capacity to control one's intake, therefore, do no relieve a user from the enhanced accountability attendant to selling a lethal batch of drugs any more than an alcoholic drunk driver with two working feet or a bicycle is relieved of enhanced accountability for killing another on a drive to the liquor store.

Contrary to conjecture that passes as insider knowledge about the drug trade, there is not an infinite supply of drug dealers in McHenry County waiting to take the place of those who are shut down by law enforcement. This is because there is not a reliable or organized distribution network in McHenry County. Most heroin, for example, is transported from places like Chicago, Rockford, or Waukegan into

McHenry in modest amounts by a small number of individual dealers with a car and a drug connection, who will then supply known associates. Incapacitating these dealers, who are often identified during overdose investigations, significantly and consistently reduces supply, use, and mortality.

The logic that drug-induced homicide laws would prevent a person from calling for medical assistance in response to another experiencing an overdose cannot credibly be maintained. Drug induced homicide is merely a drug delivery, usually a Class 1 or 2 felony, that results in a death. In order to believe that the drug-induced homicide statute prevents life-saving 911 calls, one have to believe that a drug dealer would reason: "I won't call the for help because, while I'd otherwise be willing to face 4-15 on delivery charges, I won't risk 6-30 on drug-induced charges." Not surprisingly, there is no evidence that a single overdose death in McHenry County could have been prevented if not for the drug-induced homicide statute.

On a related point, we are not targeting drug users who pool money or resources to buy drugs and then distribute the drugs amongst themselves and use together. We are primarily seeking to prosecute those who "deliver" drugs in the sense that they are selling them to derive a financial profit, whether to fund their own habit or not.

The drug-induced homicide statute comes to us from our elected representatives. I believe that refusing to prosecute criminal statutes that the legislature has seen fit to enact and maintain, however troubling they appear to some in practice, is a misuse of power and dereliction of a state's attorney's obligation to uphold the law. For the foregoing reasons and others, the State's Attorney's Office will continue to rigorously pursue drug-induced homicide cases and regard this charge as an indispensable part of our multipronged response to the opioid epidemic.



Exclusive Offer for Bar Association Members  
Join Us for Lunch ANY Wed. thru Fri. in April 2018  
Buy One Lunch Entrée ~ Get One 50% OFF  
**PLUS**  
Law Firm Corporate Social Membership  
\$360 per Year ~ No Minimums  
Contact Eileen 815-345-4617 or [eileen@bullvalleygolfclub.com](http://eileen@bullvalleygolfclub.com)

*You're invited!*

PLAY 18 IN 2018  
#18IN18

[www.bullvalleygolfclub.com](http://www.bullvalleygolfclub.com)

# Trial Call

**Case Number: 17LM663**

Plaintiff: Hillcrest Apartments  
Defendant: Mary and Darrin Gilligan  
Plaintiff's Attorney: Larry Brady  
Defendant's Attorney: Self Represented  
Trial Dates: February 13—14, 2018  
Judge: Kevin G. Costello  
Verdict: Forcible detainer, granted possession to plaintiff

**Case Number: 15LA273**

Plaintiff: Nello Luchelessi  
Defendant: Jeffrey Battaglia  
Plaintiff's Attorney: Steven Sigmond  
Defendant's Attorney: Greg Gaz  
Trial Dates: March 12—14, 2018  
Judge: Kevin G. Costello  
Verdict: Defendant

**Case Number: 15LA364**

Plaintiff: Tari Kaiser  
Defendant: Lori Czarnecki  
Plaintiff's Attorney: Brent A. Smith  
Defendant's Attorney: Michael Handley  
Trial Date: April 2, 2018  
Judge: Thomas A. Meyer  
Verdict: Defendant  
Last offer: \$5000

**Case Number: 15LA248**

Plaintiff: Michael Polanzi  
Defendant: Estate of Thomas King  
Plaintiff's Attorney: Kevin Justen  
Defendant's Attorney: James Devine  
Trial Dates: April 16—April 18, 2018  
Judge: Thomas A. Meyer  
Verdict: Defendant

**Case Number: 16LA26**

Plaintiff: Rodney & Pleas Brewer  
Defendant: Marcus Huemann  
Plaintiff's Attorney: Kevin Justen  
Defendant's Attorney: Shoshan Reddington  
Trial Dates: April 30—May 2, 2018  
Judge: Kevin G. Costello  
Verdict: Plaintiff  
Medical: Rodney—\$71,000/ Pleas—\$23,877.13  
Pain & Suffering: Rodney—\$10,000/Pleas—\$5000  
Lost Wages: Rodney—\$2000  
Loss of normal life: Rodney—\$6000/Pleas—\$4,500  
Gross Verdict: Rodney—\$89,000/Pleas—\$33,377.13  
Last Demand: \$300,000  
Last Offer: \$75,000



## Social Security Disability



Mary Taradash

Taradash Law Office  
908 S. Route 31  
McHenry, IL 60050

We have helped hundreds of families recover the Social Security Disability benefits they deserve, including past benefits.

Our team provides your referrals personal attention as well as clear and constant communication.

Call Mary Taradash to find out more.

815-385-1177  
taradashlaw.com



# Your time is money. Are your closings taking too long?

Our goal is to complete closings in one hour or less, and we meet that goal the majority of the time. Ask around. Then call or email Fred Roediger (815) 479-8400, [froediger@htc24x7.com](mailto:froediger@htc24x7.com)



**HERITAGE TITLE COMPANY**

4405 Three Oaks Road · Crystal Lake  
[htc24x7.com](http://htc24x7.com)



RESIDENTIAL · COMMERCIAL · REFINANCING · CONSTRUCTION ESCROW

# Member News

## New Member—Ilana M. Forbes

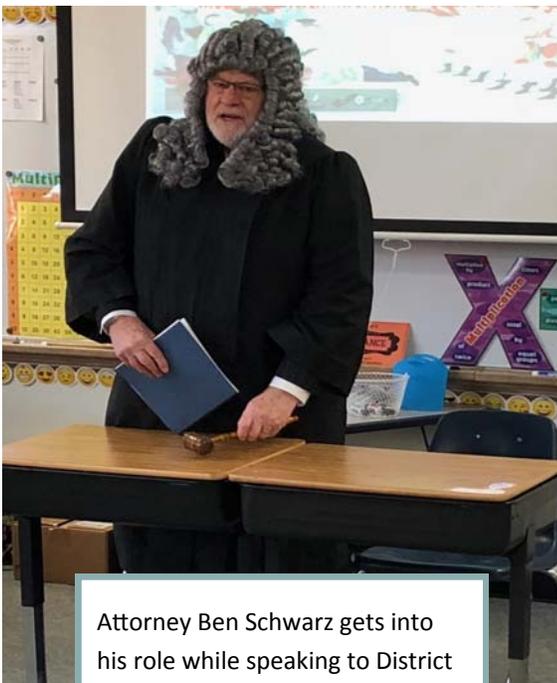
Thank you for welcoming me into the McHenry County Bar Association! I grew up in Milwaukee and graduated with a B.A. in Public Policy Studies and Adolescent Psychology from Duke University in 2002. I graduated from DePaul University College of Law in 2006 with a Certificate in Family Law from the newly founded Schiller DuCanto and Fleck Family Law Center. Upon graduation, I became an associate for a complex commercial litigation firm, Torshen, Slobig, Genden, Dragutinovich & Axel, Ltd.



After working as a litigator for a few years, I accepted a position as a Legislative Analyst for the American Veterinary Medical Association (AVMA) where I was able to use my public policy background to track, analyze and lobby for legislation affecting the practice of veterinary medicine and animal welfare. I founded AVMA's Legal Outreach Program which connected veterinarians with attorneys and law schools across the country in order to open a dialogue about the availability of punitive damages in veterinary malpractice cases.

I left AVMA in 2011 to start my family. I have three girls, 6 year-old twins and a 3 year old. During my time at home I took on pro bono cases, and became active in both our preschool and elementary school PTOs. When I was ready to start practicing again, I obtained my certificates in Mediation Skills Training and Divorce Mediation Training from Northwestern University's School of Professional Studies. I opened my mediation firm, Forbes Dispute Resolution, LLC, in 2016. Forbes Dispute Resolution, LLC specializes in mediation for families, elder care mediation, mediation for small businesses, and mediation for the veterinary profession.

Dennis R. Favaro and Patricia L. Jochum of the employment law firm of Favaro & Gorman, Ltd. presented a workshop about sexual harassment and gender discrimination on April 24, 2018. The workshop, entitled "It's a New Day" was sponsored by Prairie State College in collaboration with Favaro & Gorman, Ltd."



Attorney Ben Schwarz gets into his role while speaking to District 47 South Elementary School students for Law Day, 2018.

## THANK YOU!

By Judge Mary Nader

As the chair of Elementary School Law Day Visits, I am thankful for the time and effort expended by our volunteers. The feedback has been fantastic! Thank you to: Jenette Schwemler, Ben Schwarz, Jean Butler, Mary Sump, Marty Coonen, Bridget Salvi, Dawn Roth, Jim Bishop, Steve Greeley, Scott Jacobson, Jamie Wombacher, John Parisi, Denise Kuzniewski, Karen Lavin, and Jennifer Chiapetta.

# The Civil Justice Improvement Project

BY: KATHERINE Z. BIRCHFIELD, CIVIL CASE MANAGER, 22ND JUDICIAL CIRCUIT

“Okay, you’re just showing off now.” This is what I heard during a recent visit with the Miami/Dade Court Administration. This type of comment is not new. I also heard similar statements at the Arizona CJIP Implementation Workshop in January.

Miami/Dade, like the 22<sup>nd</sup> Judicial Circuit, has undertaken *The Civil Justice Improvement Project (CJIP)*. I was fortunate to meet with them to exchange ideas and design information regarding our Case Management System.

The Arizona Implementation Workshop introduced CJIP to judges and court administrators from a dozen different states. The focus was on developing civil justice reform projects that were specifically directed to the needs of the attending judicial circuits. Dan Wallis presented our pilot project, as well as the use of technology in case management.

During this first year of the CJIP project, I have learned many things. The most encouraging of which include that:

1. We are extremely lucky that the Judges, Court Administration, the Circuit Clerk’s Office, and Court Security share a strong, healthy working relationship. This allows each department to be successful and to pursue and implement cutting-edge concepts and practices. This results in each department being an asset to the other departments, melding the 22<sup>nd</sup> Judicial Circuit into an effective judicial team.
2. Basic procedures that we take for granted (such as each open case having a next court date) allow us to avoid many issues faced by other circuits, including litigation being filed but never scheduled before a judge, cases where service is never perfected, motions being filed but never noticed up, and cases being settled but never closed. This is the experience of circuits who find themselves clogged with open cases that they cannot find and effectively manage.

3. In addition, although we are not experiencing many of the staffing issues, procedural and technological issues, and caseload backlogs that other circuits may be facing, we labor in an environment where recognition that there is always a need for self-evaluation and there are always areas in which we can pursue reform is the prevailing mindset. This attitude, in turn, breeds additional opportunities for the continued quest of efficient and unambiguous procedures, state-of-the-art technology, and methods to effect cost and time reduction for litigants in pursuit of fair and prompt resolution to their case.

I want to take time to thank Judge Chmiel’s and Judge Mangiamele’s CJIP teams for their continued support, the sharing of their collective legal experience, and all the time and input they have devoted to this ongoing project. The best part of *The Civil Justice Improvement Project (CJIP)* is being a part of the open exchange of ideas, viewpoints, concerns, and ultimately reform among 22<sup>nd</sup> Circuit court staff, the local legal community, and with circuits across the country.



**TARADASH**  
Workers' Compensation Lawyers

**Workers' Compensation**



Randy Taradash

Taradash Law Office  
908 S. Route 31  
McHenry, IL 60050

Our practice is limited to Workers' Compensation, Injury and Social Security Disability claims.

We provide your referrals personal attention as well as clear and constant communication.

Call Randy Taradash to find out more.

815-385-1177  
taradashlaw.com

# Judge David R. Gervais Swearing In Ceremony



Chief Judge Michael J. Sullivan and David R. Gervais

---



Judge David R. Gervais

---



The Honorable David R. Gervais with wife Susan

---

## UNINSURED ILLINOIS LAWYERS:

# How is Your Firm Affected by Supreme Court Rule 756(e)?

The recently amended rule requires uninsured lawyers to complete an online self-assessment. Contact Andrew at [andrew.murray@isbamutual.com](mailto:andrew.murray@isbamutual.com) or visit [isbamutual.com/rule-756](http://isbamutual.com/rule-756) to learn more.

No one serves small and solo firms like ISBA Mutual... we're the #1 legal malpractice insurance company in Illinois.



**Andrew Murray**  
*Director of Sales*



**312 379-2000** [isbamutual.com](http://isbamutual.com)

# Law Day Essay Contest Winner

## Abby Fry—Hannah Beardsley Middle School

The United States of America is known as “The Land of the Free.” Our freedom comes from the bills that are voted on and passed by Congress, and many other things that they do. The House of Representatives and the Senate are the starting point of every law in our Constitution, and Congress as a whole affects my life in many positive ways.

Bills are created and written by Congress, and any ideas or thoughts for laws are also passed onto them to look over. This makes Congress extremely important to us because there are laws on almost everything we do. Congress consists of two different sections, the Senate and the House of Representatives. They work together to create the bills, and make decisions on many things. Some laws only pertain to certain groups of people, like adults or other figures, but they can also be important to children and teens. There are laws on child labor, the driving age, and so many others that all are very important to the safety and well-being of young adults. Teen driving laws are especially important. Without driving age laws there would be people of any age on the road without proper training who would be putting my life, and my family's life at stake every time we left our home. If there wasn't a law on the drinking age, anybody could be openly consuming alcohol and potentially hurting themselves in many ways. These people could be getting into a vehicle and putting anyone else driving in a horrible position. I am so grateful that there are people who are working to keep me safe, and out of any situation that could negatively impact me. Every time a bill is passed, it is helping to make our country a better place and keeping people safe, and without Congress to write and scrutinize them we wouldn't have the country we have now.

Another power Congress holds is the ability to impeach a president. If our president were to be convicted of bribery, treason or a felony, Congress may decide to impeach them. This is extremely important because if there wasn't anybody who had this capability, we could have a horrible president who is a felon and abusing his power while also running our country. Impeachment is a big deal and we wouldn't have the opportunity to use it without Congress.

In 1789, Congress created the United States Military which would give America protection and peace between other nations. Now, there are over one and a half million people in the army who still give us safety. They also are in charge of paying the soldiers as well as the appropriation of funds to support the branches of military. In other words, Congress is in charge of deciding how much money to give to various military services like Veterans Affairs. I find this important because many members of my family have served in the Armed Forces, and are greatly affected by the decisions that Congress makes regarding their funding.

Unlike other political branches, Congressmen and Senators are local to our states and communities which gives us the ability to directly influence their decision making on any concerns or problems. If there is anything that you think needs to be done or fixed, there are local Congressmen who you can express your concerns to within your state. This makes having a voice within our country much simpler.

Congress may also declare a war if necessary. Wars aren't something that happen often, and when they do they are destructive and cause the countries engaging in it to be in a great amount of danger. Since Congress has many people within it, many different brains are being used to make the decision. A war couldn't be started just because one person thought it was a good idea, it would need a vast number of people's opinions to be declared. This is significant because during war, lives of anybody could be changed for the worse, including me. Soldiers are very commonly injured

or killed, food supplies become strained over time, places anywhere can be destroyed, and overall no one can ever feel safe no matter where they are or what they do. With Congress in charge of this duty, we know that if our country were to be brought into war, they will know when or if we need to be brought into the war, and their importance to the military will help us be protected.

Congress affects not only me, but so many others. They create important laws that keep the country running smoothly, and have the overall power to make America a safe and quality environment for everyone in it. Without Congress, my voice and many others would not be heard.



**STRONG & RELIABLE.**  
Like our Trust and Wealth Management Services.

Call Mark Weber at 815-788-3404 today.



**HS BANK TRUST & WEALTH MANAGEMENT**

611 S. Main Street, Crystal Lake, Illinois 60014

Investment Products and Services are:  
Not FDIC Insured | May lose value | No bank guarantee

In a sea of change, we are your rock – a solid foundation strategically guiding you toward your financial goals. From estate planning to retirement success, you can count on Home State Bank – the only bank in McHenry County with an on-site Trust department – to provide steadfast advice and expertise to plan your financial future.

**Wealth Management and Trust Services**

Investment Management for Individuals, Families and Institutions

- Expert research and analysis
- Portfolio evaluation and focus

Certified Financial Planning

- Comprehensive plans for life, college and retirement

Trust and Estate Administration

- Locally directed and determined

Court Supervised Guardianship

- Minors
- Disabled adults

# Law Day Essay Contest Winner

Kate Garton—Hannah Beardsley Middle School

"Life, liberty, and the pursuit of happiness." These unalienable rights are protected and defended by our United States government, each branch working to better the lives of the American people. The series of checks and balances is so critical to our society, as it is part of the formula for the strong democratic system that we have today. It's hard to pick anyone branch that does more to help our country than the others, as each holds a great responsibility to the country. However, in my experience, I believe that the judicial branch, specifically the Supreme Court, has done a great deal to not only better my life, but our country's.

The duty of the Supreme Court is to interpret the Constitution. Appointed by the President, the judges on the Supreme Court take cases that have gone through the lower courts and rule on them, ultimately making their decision on the case the law of the land. Over time, the Supreme Court has made landmark rulings that have set the precedent for what justice is in our country. *Obergefell v. Hodges* defined social standards for what marriage can be, stating a simple and clear message: that love is love. This case in particular has affected my family personally, as a member of my family is gay and was finally able to marry his partner of many years. This was an emotional time for us, with so much love in the air that you could practically reach out and touch it. The fact that it took so long for homosexuals to be able to do such a simple and human thing like get married was a disappointment for us, but we were happy that something was eventually done.

*Brown v. the Board of Education*, *Loving v. Virginia*, *Miranda v. Arizona*, and *Roe v. Wade* all scored points for social justice as well. These cases dealt with rights for women, African Americans, and immigrants, groups of people that have been oppressed for so long.

These cases stood for the protection of the unalienable rights of "life, liberty, and the pursuit of happiness," as written in the Declaration of Independence. These cases prove that if something doesn't feel right or just, that you should never take no for an answer, that you should go to court and keep appealing your case to higher courts, until you reach the court that does something about it.

That's not to say, however, that all cases seen by the Supreme Court have been ruled on fairly. Depending on when the case was presented, who was President, and what people were chosen to be on the Court, the rulings of the Court may not have been totally ethical or constitutional, as in the cases *Dred Scott v. Sandford* and *Plessy v. Ferguson*, to name a couple. Those cases may have seemed at the time to be fair rulings to some, but now we have no place for that kind of racist ideology. Since then, we have evolved as a nation and now we no longer regard those rulings as the law of the land, as they were eventually superseded by other rulings. Now, those early rulings stand as a reminder that we are still on the long and bumpy road to equality, and are remembered, so we can insure we never commit those same injustices going forward.

By no means am I saying, however, that the Supreme Court is more important or better than either of the two other branches. I think whatever branch someone chooses for this assignment can be very personal. For me, I will never forget the day my uncle told us that he and his partner were getting married. There was not a dry eye at their wedding and that is all thanks to the decision made by Justice Kennedy and the four liberal court justices that voted to make gay marriage legal. Without one branch of government, however, the other two couldn't really function. Now, one could argue that there is almost a fourth branch of government—that the practice of journalism and a free press ultimately keeps checks on all the branches, and that without it, our democracy wouldn't be nearly as strong. But as I am competitive, and I want to win this contest, I'll stick to the prompt.

# Law Day Essay Contest Winner

## Lucas Nielsen—Lundahl Middle School

Imagine you're living in a small house in Montana. The Federal Government passes a law that states that all small houses in Montana will be destroyed and the owners will be left homeless. The president has a deal with Congress who all approve the law and the law is passed. Luckily the judicial branch is there to save you! Before the executive branch is able to enforce the law, they swoop in and get rid of it. As a result, the president is impeached and the Congress is voted out of office. "Phew! That was close," you say to yourself. "Thank you, judicial branch!" The judicial branch is like every citizen's superhero. If an unfair law is passed, the Supreme Court is there to get rid of it. Without the judicial branch, one of the branches would have major power over the rest of the government. They keep everyone in check and make sure no one has power over anyone else. Overall, the judicial branch affects my life in many ways, keeping me safe and protecting my rights.

The judicial branch keeps me physically safe with their ability to change laws for my safety and send dangerous people to trial. The judge would also be part of the judicial branch. They are also taking care of the school shootings that are currently affecting us. They may not have made a definite decision about gun regulations, but I am very thankful that the judicial branch is there to make students, like myself, safe. With the judicial branch working for the common good of the country anything is possible.

The judicial branch protects my rights using the constitution. If I am treated unfairly, they can check the constitution to see what amendment was broken and pardon me from my punishment. The judicial branch always has your back even if you're a criminal. You are always innocent until proven guilty. Even if all the evidence stacks against you there has to be definite proof that you are guilty. Having your rights protected by this branch is very helpful when living out your life.

Some may argue that the executive branch is more important to the government because it contains the president and controls the military. While the judicial branch protects your rights the executive branch protects your country and its freedom. They enforce laws which is very important because otherwise there would be riots and many violent crimes. The executive branch is very necessary to our government, but the judicial branch has a bigger impact on the citizens of our country.

Although, the executive branch has some important aspects. The judicial branch has more important jobs. They have to keep our rights safe and always think of the greater good. They make sure we always have power over the government and the constitution is always what our country is run by.

Overall, the judicial branch is the most crucial part of the government. They keep you and your rights safe with the power they have. They also keep you safe from dangerous people while being fair to them at the same time. There are some people who disagree with some of the decisions they make, but I'm not sure what we would do without the judicial branch.

# “A Profession in Crisis – Stepping up to the Plate for our Colleagues Recognizing, Understanding, and Referring a Colleague in Need”

By: Chelsy A. Castro, JD, MA, MSW, LCSW  
Director of Outreach and Clinical Programming  
Illinois Lawyers’ Assistance Program

As lawyers, we are a vulnerable population. Recent studies have confirmed that the overwhelming stress that is commonplace in our legal profession disproportionately results in attorneys suffering levels of depression, anxiety, addiction, and other serious issues at rates much higher than those seen in the general population<sup>1</sup>.

## What to look out for: Substance Abuse

The inherent role of stress both in human nature and the legal profession requires that attorneys develop coping mechanisms. Unfortunately, as recent studies and IL LAP statistics both reveal, **substance abuse** is often used as a coping mechanism for this stress. So what signs should tip you off that you or a colleague might be relying on a substance as an unhealthy coping mechanism?

Keep a look out for:

- Increase in tolerance
- Pattern of consumption
- Decrease in inhibition
- Not being able to stop after one or two drinks
- Wanting a substance to relax vs Needing a substance to relax

To help you remember, you can follow the MAP, a mnemonic device developed by IL LAP (Pacione & Belleau, ABA Solo Practice Journal, May 2015).

- M: Mood or attitudinal disturbances
- A: Appearance or physical changes
- P: Productivity and quality of work

## What to look out for: Anxiety

Symptoms:	In the office:
<ul style="list-style-type: none"><li>Irritability</li><li>Fatigue</li><li>Unexplained trembling</li><li>Increased worry</li><li>Headaches</li><li>Digestive problems</li><li>Perfectionism</li><li>Unexplained pains</li><li>Decrease in productivity</li><li>Rumination</li></ul>	<ul style="list-style-type: none"><li>“I can’t cope.”</li><li>Increased arguing</li><li>Increased sick days taken</li><li>Work tasks taking longer to complete</li><li>Increased fear of potential consequences</li><li>Missed deadlines</li><li>Office door closed more frequently</li></ul>

<sup>1</sup>Buchanan, Bree et. al. *The Path to Lawyer Well-Being Practical Recommendations for Positive Change*. The Report of the National Task Force on Lawyer Well-Being. American Bar Association, <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

## What to look out for: Depression

Symptoms:	In the office:
<ul style="list-style-type: none"><li>• Changes in appetite</li><li>• Changes in sleep</li><li>• Fatigue</li><li>• Feelings of worthlessness or guilt</li><li>• Difficulty thinking, concentrating, and/or making decisions</li><li>• Loss of interest in previously enjoyable activities</li><li>• Thoughts, plans, and/or attempts of suicide</li></ul>	<ul style="list-style-type: none"><li>• “I just don’t feel right.”</li><li>• Obvious changes in mood</li><li>• Inability to enjoy things</li><li>• Work tasks taking longer to complete</li><li>• Noticeable rework</li><li>• Absenteeism, tardiness, withdrawal</li><li>• Indifference – apathy to self and/or others</li></ul>

## What to do: Referring a friend to LAP

What do you do if you notice some of these symptoms in a colleague? You have options. Some would argue that you should not do anything because “it’s none of your business,” or because you might face repercussions from that individual. That is an option, but it is one that is more likely to result in hurting that individual and, potentially, causing harm to his or her clients and/or employer. It is not the responsible choice. That’s why LAP exists.

Through LAP you have a few choices: 1) You can tell your colleague about LAP and its cost-free and confidential services, encouraging him or her to contact us; 2) You can express your concern to your colleague and then call LAP with him; or 3) You can call LAP without your colleague and express your concern to a LAP clinician, with the option to remain anonymous. This last option eliminates the concern of repercussions.

## What happens after a referral?

Once initial contact is made with LAP, the individual will meet with a LAP clinician for an assessment. **Assessments** last approximately 30-45 minutes and take place in person at one of LAP’s statewide offices (accommodations can be made). During the assessment, the individual and the clinician will discuss the individual’s personal, medical, and family history, what precipitated the meeting, and his or her current goals. The meeting will conclude with an **action plan** for the individual’s treatment. That plan might include one or more of the following: short-term individual counseling at LAP; a referral to a long-term therapist; attendance at one of LAP’s weekly support groups; a pairing with one of LAP’s trained Peer Support Volunteers; a referral to a higher level of care; or other. Regardless of the options or combination thereof, the individual will receive continued confidential support from LAP at no cost and for as long as necessary.

**For more information**, visit the LAP website at [www.illinoislap.org](http://www.illinoislap.org), or contact the Chicago LAP office at 20 South Clark St, Suite 450, call to visit any of our office state-wide 312-726-6607. You may also send a 100% confidential email to [gethelp@illinoislap.org](mailto:gethelp@illinoislap.org). The only wrong thing to do is to do nothing. LAP is here to help.

**Great Lakes Professional Investigations, LLC**  
(844) 457-4669  
Professional Process Servers & Private Investigators  
Quick Service at Reasonable Rates  
Superior Customer Service  
Industry-Leading Technology  
info@greatlakespi.com      www.greatlakespi.com

Illinois Detective Agency License #117.001571

