



7TH ANNUAL MINORITY BAR CLE CONFERENCE

Thursday, June 27, 2019 -
Friday, June 28, 2019

HOSTED BY THE ISBA

ISBA Regional Office
20 S. Clark Street, Suite 900
Chicago, IL

Presented By:





7TH ANNUAL MINORITY BAR CLE CONFERENCE

Thank You To Our Planning Committee

AABA

Frank Gao
Gary Zhao

BWLA

Chastidy Burns
Kalia Coleman

CABA

Yankun Guo
Rachel Kao

CCBA

Cordelia Brown
Cannon Lambert
Jerrod Williams

EALA

Kristy Gonowon

HLAI

Janneth Lanini
Ernesto Palomo

ISBA

Jeanne Heaton
Athena Taite
Cory White

KABA

Jinwon Jung
Jaz Park

LAGBAC

Skip Harsch

PRBA

Claudia Badillo

SABA

Chirag Patel
Bharthai Pillai

WBAI

Stephanie Cueman



2019 MINORITY BAR CLE CONFERENCE

Special Thanks to our Financial Contributors



K&L GATES

**Locke
Lord^{LLP}**

7th Annual Minority Bar CLE Conference

Presented by the Illinois State Bar Association, Asian American Bar Association, Black Women Lawyers' Association, Chinese American Bar Association, Cook County Bar Association, Filipino American Lawyers Association of Chicago, Hispanic Lawyers Association of Illinois, Korean American Bar Association, The Lesbian and Gay Bar Association of Chicago, Puerto Rican Bar Association, South Asian Bar Association, and the Women's Bar Association of Illinois

Chicago

Thursday, June 27 – Friday, June 28, 2019

ISBA Regional Office

20 S. Clark Street, Suite 900

Thursday: 11:45 a.m. – 4:55 p.m. (*lunch served at 11:15 a.m. for pre-registrants*)

Thursday Reception: 5:00 – 6:30 p.m.

Friday: 9:00 a.m. – 1:15 p.m. (*complimentary breakfast served at 8:30 a.m.*)

Springfield (*Interactive Simulcast Site with Streaming Video*)

Thursday, June 27 – Friday, June 28, 2019

Illinois Bar Center

424 S. Second Street

Thursday: 11:45 a.m. – 4:55 p.m. (*lunch served at 11:15 a.m. for pre-registrants*)

Friday: 9:00 a.m. – 1:15 p.m. (*complimentary breakfast served at 8:30 a.m.*)

8.5 hours MCLE credit, including 3.5* hours Professional Responsibility MCLE credit in the following categories:

- *2.50 hours Diversity/Inclusion MCLE credit*
- *1.0 hour Professionalism, Civility, or Legal Ethics MCLE credit*

Back by popular demand! Don't miss the 7th Annual Minority Bar CLE Conference that offers you guidance and information in a number of practice areas. Enhance your knowledge on an array of key issues, including:

- Diversity in the judiciary
- Thriving as a solo practitioner
- Advancement of minority female litigators
- Voting rights and recent legal developments
- Technology and the law
- The challenges of protecting intellectual property in China
- Immigration law hot topics, and
- *Much more!*

Program Moderators:

Jaz Park, *Law Offices of Chicago-Kent, Chicago*

Ernesto R. Palomo, *Locke Lord LLP, Chicago*

THURSDAY, JUNE 27, 2019

11:15 – 11:45 a.m. Networking Luncheon Available for Pre-Registrants
Sponsored by the *Diversity Scholarship Foundation*

11:45 a.m. – 12:00 p.m. Welcome and Introduction

Hon. Jesse G. Reyes, Illinois Appellate Court First District, Chicago

12:00 – 1:30 p.m. Diversity in the Judiciary*

Cook County Bar Association, Black Women Lawyers Association, Hispanic Lawyers Association of Illinois

You will be inspired by this diverse panel of judges speaking about the particular hurdles they faced in seeking the bench due to their race, ethnicity, gender, and sexual orientation and how they overcame them. Panelists will also share with attendees their perspective on their role in the judiciary as a member of an underrepresented group and how they fulfill their responsibility to others, like them, who aspire to serve on the bench.

Moderator: *Hon. Marian E. Perkins, Circuit Court of Cook County, Chicago*

Hon. Israel A. Desierto, Circuit Court of Cook County, Chicago

Hon. Nathaniel R. Howse, Jr., First District Appellate Court, Chicago

Hon. Judith Rice, Circuit Court of Cook County, Chicago

Hon. Neera Walsh, Circuit Court of Cook County, Chicago

1:30 – 1:35 p.m. Break *(beverages provided)*

1:35 – 2:35 p.m. Nuts and Bolts of Thriving as a Solo Practitioner*

Coordinated by the Black Women Lawyers Association, Puerto Rican Bar Association, and Lesbian and Gay Bar Association of Chicago

Discover how to succeed as a solo practitioner, from how to start a firm to client acquisition and networking. You will learn tips on managing your firm, including case management, running the business of the firm, and marketing.

Moderator: *Skip Harsch, American Bar Association, Chicago*

Claudia Badillo, Badillo Law Group, Chicago

Eileen Letts, Zuber Lawler & Del Duca LLP, Chicago

Federico Rodriguez, Rodriguez Legal Group, LLC, Chicago

2:35 – 2:45 p.m. Break *(refreshments provided)*

2:45 – 3:45 p.m. Driver in Despair: The Decline of Chicago's Taxi Industry

Coordinated by the South Asian Bar Association

Chicago's taxi industry is on the verge of collapse. Due to regulations and competition from less-regulated transportation network companies (TNCs) like Uber and Lyft, taxi medallion values have plummeted to less than 1/12th of their pre-TNC value (\$360,000 to \$25,000). These plummeting values have left a large number of families (the majority of whom are immigrants) deep underwater on their loans. Eight drivers in New York have committed suicide in recent months due to these issues. Come and learn about legal efforts being used to defend the taxi industry.

Bryant Greening, Legalrideshare, LLC, Chicago

Furqan Mohammad, Mohammned, Shamaileh, Tabahi, LLC, Elmwood Park

Lynn Preshad, Dreyfus Law Group, Chicago

3:45 – 3:55 p.m. Break

3:55 – 4:55 p.m. Voting Rights: A Discussion of the Disenfranchisement Among Minorities

Coordinated by the Hispanic Lawyers Association of Illinois

Over the past term, the Supreme Court has considered cases that will shape the future of partisan gerrymandering and redistricting under the 2020 Census while Congress and Illinois have struggled to deal with the fallout of *Shelby County v. Holder* and election laws that result in minority disenfranchisement. Panelists will discuss these developments as well as how lawyers are working to protect voting rights in Illinois and throughout the country.

Moderator: Ryan Cortazar, *Korein Tillery, Chicago*

Ami Gandhi, *Chicago Lawyers Committee for Civil Rights, Chicago*

Stephen Stern, *Law Office of Stephen Stern*

Prof. Nicholas Stephanopoulos, *University of Chicago Law School, Chicago*

Griselda Vega-Samuel, *Mexican American Legal Defense and Educational Fund, Chicago*

Diversity Reception

5:00 – 6:30 p.m.

Reception registration is included for all program attendees.

The reception is also open for stand-alone registration for others. Send an RSVP with your name and company to MinorityBarReception@gmail.com

FRIDAY, JUNE 28, 2019

8:30 – 9:00 a.m. Complimentary Continental Breakfast

9:00 – 10:00 a.m. Protecting Intellectual Property in China

Coordinated by the Asian American Bar Association, Chinese American Bar Association, Korean American Bar Association, and Women's Bar Association of Illinois

This session will help you understand the basic steps to take to protect intellectual properties with particular emphasis on cross-border strategies in patent enforcement, multi-jurisdictional patent prosecution and trademark rights and strategies in enforcement. The speakers will also highlight new developments on intellectual properties in China as well as the impact of various international and cultural perspectives on intellectual properties.

Moderator: Jinwon Jung, Ph.D., *Allstate, Northbrook*

Frank Gao, *ABC Patent Service, LLC, Chicago*

Daniel Hwang, *Global IP Counselors, LLP, Washington D.C.*

Jian Jiang, Ph.D., *K&L Gates LLP, Chicago*

10:00 – 10:05 a.m. Break *(beverages provided)*

10:05 – 11:05 a.m. Technology and the Law*

Coordinated by the Asian American Bar Association and the Chinese American Bar Association

Gain a new understanding of how data collection, big data and blockchain are transforming the practice of law. Traditional legal practices such as family law, trust and estate, and commercial litigation all need to keep new technology issues in mind. Panelists will provide an overview of the common technology terms and will highlight current issues faced by both law firm and in-house counsels. The session also includes a discussion of how other areas of the law are impacted.

Moderator: Yankun Guo, *Law Office of Yankun Guo, Chicago*

Reena Bajowala, *Ice Miller LLP, Chicago*

Richard Lee, *Civis Analytics, Chicago*

11:05 – 11:15 a.m. Break *(beverages provided)*

11:15 a.m. – 12:15 p.m. Immigration: Seeking Asylum and Hot Topics

Coordinated by the Chinese American Bar Association, Hispanic Lawyers Association of Illinois and Korean American Bar Association

Through various role playing scenarios the panel will provide an opportunity to observe a simulated asylum interview, attorney/client meeting describing the asylum process to client and client's partner, and asylum interview with an asylum officer. Discussion and questions will follow.

Moderator: Rachel Kao, *Law Office of Rachel Huan Kao, Glenview*

Lia Hyunji Kim Yi, *North Suburban Legal Aid Clinic, Highland Park*

Emily Love, *Law Office of Emily Love, P.C., Evanston*

KiKi Mosley, *Law Office of KiKi M. Mosley, Chicago*

Lindsay Fullerton, *Jarecki Law Group, LLC, Chicago*

Edyta Salata, *Neil A. Weinrib & Associates, New York, New York*

Nancy Vizer, *Nancy M. Vizer, PC, Chicago*

12:15 – 1:15 p.m. Minority Female Litigators: The Road to First-Chairing and Other Successes*

Coordinated by the Filipino American Lawyers Association of Chicago, Hispanic Lawyers Association of Illinois, Korean American Bar Association, and Women's Bar Association of Illinois

In the spirit of championing the strides made by seasoned minority female litigators, our panelists share their insights on the legal profession, including experiences first chairing trials and arguing substantive motions in federal and state court. They will discuss strategic career decisions made to gain those opportunities, the role of sponsors, their role in developing the pipeline for others, and the effects of national federal court initiatives.

Moderator: Jaz Park, *Law Offices of Chicago-Kent, Chicago*

Olivia Luk Bedi, *Neal Gerber, Chicago*

Tiffany Fordyce, *Greenberg Traurig, Chicago*

Peggy Rhiew, *Dykema, Chicago*

Rosa Tumialán, *Dykema, Chicago*

**Professional Responsibility MCLE credit subject to approval*

Biographies



Claudia Badillo

Claudia Farfan Badillo is an attorney concentrating in consumer bankruptcy and is the owner of her firm: Badillo Law Group, P.C. She was born and raised in Chicago and is of Mexican/Colombian descent and is a native Spanish speaker. She has been an attorney for over 10 years and is a graduate of Chicago Kent College of Law where she clerked for the Cook County Public Defender's office in the Felony Trial Unit. She attended Northwestern University for undergraduate studies, majoring in Communication Studies and minoring in history. She also hosted a Spanish rock radio show while at Northwestern on WNUR 89.3 FM, called "Sabor Latino". Mrs. Badillo has many years of experience helping clients file for bankruptcy protection under federal laws. Her main focus is representing consumers in all aspects of their bankruptcy cases. Other fields of law she practices include: debt negotiations, tax settlements, and offers in compromise with the IRS. She currently serves as a Hearing Officer with the City of Chicago's Board of Elections for city elections. She is also an Adjunct Professor in the Paralegal Studies section at Wright College and a CASA (Court Appointed Special Advocate) for Cook County, representing children dealing with abuse and neglect issues. Claudia is the current president of the Puerto Rican Bar Association of Illinois, an active member of HLAI, HNBA, NACBA, ISBA and a contributor to the Chicago Daily Law Bulletin, writing about fitness.



Reena Bajowala

Reena R. Bajowala is a partner in Ice Miller's Litigation Group and a member of the Firm's Data Security & Privacy and Benefit Disputes groups. With a broad-based background in complex dispute resolution, Reena represents clients in technology matters involving Information Technology (IT) disputes and data security and privacy issues. Reena is a Certified Information Privacy Technologist (CIPT). Reena defends buyers and sellers of IT services in disputes involving contract, tort and copyright. She also regularly advises clients on data privacy and security issues, including developing privacy and security programs, proactive planning to avoid or mitigate data security risks and defending data breach litigation. Reena also helps navigate clients through issues relating to emerging technologies, including blockchain, Internet of Things and artificial intelligence. Reena has extensive litigation and trial experience from filing of complaint to settlement or verdict, including over 100 days of first-chair trial experience. Reena defends employers and service providers in employment disputes, including FLSA and ERISA matters. She is adept at dealing with the intricacies of class, collective and plan-wide litigation in the employment and consumer fraud spaces. Reena regularly speaks and writes on topics relevant to her practice. She is a member of the CBA Financial and Emerging Technologies Committee, the Chicago Electronic Crimes Task Force and the International Association of Privacy Professionals. She is also an advisory board member for Hub88, a technology incubator in the Chicagoland area. She also serves on the Firm's Ideation Committee.



Olivia Luk Bedi

Olivia Luk Bedi is a trusted advisor on civil litigation matters, especially regarding intellectual property. She has represented individuals and corporations across the country in complex technological matters. She helps clients protect, enforce, and defend intellectual property rights, including patents, trade secrets, copyrights and trademarks. An experienced trial lawyer, Olivia has litigated and tried significant cases before the U.S. District Court for the Northern District of Illinois and other federal courts around the country, and has also briefed and argued patent appeals before the Federal Circuit. Before practicing law, Olivia spent five years as a patent examiner for the U.S. Patent and Trademark Office, gaining extensive experience regarding the use of procedures available before the USPTO. Olivia devotes a substantial amount of her time to pro bono service. In 2018, she won the Excellence in Pro Bono Service award, presented by The United States District Court for the Northern District of Illinois and The Chicago Chapter of the Federal Bar Association. Her dedication began when she represented a Chicago high school student charged with first-degree felony murder in *People v. Shannon*, which received national attention after a videotape of the incident went viral. Olivia remains dedicated to her pro bono clients and continues to fight for their cause through petitions and appeals. She received the Sandra Day O'Connor Award for Professional Service in 2011 for that representation.



Ryan Cortazar

Ryan Cortazar is an attorney at Korein Tillery. His practice focuses on consumer rights, antitrust, and financial litigation. Prior to joining Korein Tillery he clerked for Judge David F. Hamilton of the U.S. Court of Appeals for the Seventh Circuit and was a Redstone Fellow at the Chicago Lawyers' Committee for Civil Rights where he advocated for voting rights and police accountability. He is a graduate of Harvard College and Harvard Law School where he was an articles and book reviews editor of the Harvard Law Review.



**Hon. Israel A.
Desierto**

Hon. Israel A. Desierto was sworn in as an associate judge of the Circuit Court of Cook County, State of Illinois on June 1, 2005. Judge Desierto currently presides over civil matters at the Daley Center having previously presided over criminal matters at 26th and California. He is a past president of the Illinois Judges Association and is a member of the Illinois Judicial Council. He is also active with the Illinois Judge's Foundation where he coordinated a program involving students at the Cook County Jail Counsuela York Alternative High School. He is a member of the Asian American Bar Association, the Filipino American Lawyers Association, the Hispanic Lawyers Association of Illinois and the Women's Bar Association of Illinois. He continues to serve as an adjunct professor at IIT/Chicago-Kent College of Law where he teaches Trial Advocacy. After graduating from Kent, he worked for the Cook County State's Attorney's Office. He practiced in both the Civil and Criminal areas of the law. As a civil litigator he practiced in the area of Medical Malpractice defense. As a criminal prosecutor, he tried primarily gang-related murder cases. He tried over seventy juries to verdict and hundreds of bench trials.



Tiffany Fordyce

Tiffany Fordyce is a Shareholder at Greenberg Traurig in Chicago, Illinois. She is the Co-Chair of the firm's Labor & Employment Practice's Workforce Compliance & Regulatory Enforcement group. She concentrates her practice on commercial litigation, with an emphasis on labor and employment. Her employment litigation practice includes virtually all types of discrimination and retaliation claims, wage and hour claims, trade secret misappropriation claims, whistleblower claims, restrictive covenants, Fair Credit Reporting Act claims, and WARN Act claims. Tiffany defends both single plaintiff and class action employment cases. Tiffany represents employers in federal, state and administrative courts, as well as before administrative agencies. In addition to litigation, Tiffany also presents group and one-on-one employment training seminars. She advises clients on how to avoid litigation by counseling on employment related matters such as managing leave policies, national and local reductions in force, handbooks, drug testing policies, employment and consulting agreements, severance packages, social media policies, proper employee classification, and non-competition and separation agreements.



Lindsay Fullerton

Lindsay Fullerton is an immigration attorney with the Jarecki Law Group in Chicago. She represents clients in all immigration matters, including employment-based, family-based, naturalization, asylum, and court representation. She has extensive experience with the impact of criminal convictions on immigration matters. Lindsay previously served as an Asylum Officer with U.S. Citizenship and Immigration Services. Lindsay conducted trauma-sensitive interviews and adjudicated asylum applications, providing her with a strong background in complex asylum law. Lindsay was awarded a U.S. Department of Justice, Honors Attorney clerkship at the Chicago Immigration Court. Lindsay advised Immigration Judges on complex immigration matters, including removability and the immigration consequences of criminal convictions. She also advised Immigration Judges regarding asylum, withholding of removal, protection under the Convention Against Torture, and other relief from removal. Lindsay received her J.D. from American University, Washington College of Law, in the District of Columbia. In law school, she worked at the Immigrant Justice Clinic, where she served on detained individuals that are in removal proceedings. She received her Bachelor of Arts in Hispanic Studies from The College of William and Mary, located in Virginia. Virginia. She is fluent in Spanish.



Ami Gandhi

Ami Gandhi is the Director of Voting Rights and Civic Empowerment at Chicago Lawyers' Committee for Civil Rights, working to reduce barriers to voting and improve civic participation, especially in communities of color and low-income communities. Ami's experience includes leading statewide voter protection for the 2016 and 2018 elections, partnering with community members in the criminal justice system to expand voter access, advocating for communities of color during Illinois redistricting, and advising local election boards as they implemented the first Hindi ballots in the country. She previously worked as the Executive Director of South Asian American Policy & Research Institute (SAAPRI), where she led initiatives in voting rights, immigrants' rights, and other civil rights and racial justice issues. Prior to her work at SAAPRI, Ami worked as the Legal Director of Asian Americans Advancing Justice Chicago and as a commercial litigation attorney at Freeborn & Peters LLP. Ami serves on the boards of Common Cause Illinois and American Civil Liberties Union of Illinois. She participates in the Law and Politics Think Tank with incarcerated community members at Stateville Correctional Center. She also serves on the Language Access Committee of the Illinois Supreme Court Access to Justice Commission and the Stakeholder Advisory Board of the South Asian Healthy Lifestyle Initiative Study at Northwestern University.



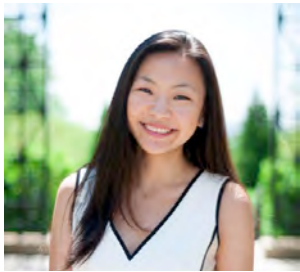
Frank Gao

Frank Gao is a registered patent attorney and chemist. Mr. Gao has counseled corporate clients and individual inventors, since 2009, in a wide variety of patent matters, securing patents in chemical, mechanical, material science, medical technologies, and litigating patents and trademark matters all around the U.S. His specialty is patent drafting and litigating, prosecution and strategic development of high-value patent portfolios. Prior to starting own law firm, Mr. Gao worked for another prominent Chicago patent law firm and he was in-house patent counsel at Sandvik. Before Sandvik, he was a patent agent/attorney at a law firm in California. Before entering law school, Mr. Gao worked at Chemical Abstracts Service (CAS) editorial division, where he analyzed and built database entries for patents in fields of pharmaceuticals, polymer, and material science, as well as supervised associates on building databases projects, and reengineering entry input system. Mr. Gao also worked at Princeton Biomolecules where he synthesized customized peptides via solid-state synthesis.



Bryant Greening

Bryant Greening is a co-founder of LegalRideshare, LLC. Founded in 2015, LegalRideshare is the first law firm dedicated to Uber, Lyft and rideshare accident and injury claims. The firm represents Uber and Lyft drivers, passengers and victims seeking recovery for medical bills, lost wages and pain/suffering. Greening is uniquely familiar with the rideshare companies' policies and procedures, given his regular engagement with Uber, Lyft and their respective insurance carriers. Bryant has dedicated his career to plaintiff's personal injury work. Before founding LegalRideshare, Greening worked for the law firms Aleksy Belcher and Goldberg Weisman and Cairo. Bryant is a 2011 graduate of DePaul University College of Law (JD) and 2008 graduate of Ohio University (BA).



Yankun Guo

Yankun Guo is Principal Attorney at the Law Office of Yankun Guo, where she advises financial services and technology (FinTech) clients on corporate, securities, and regulatory issues. She also advises businesses involved in distributed ledger technologies and blockchain. Previously, she was Regulatory Counsel at Opportunity Financial, LLC. Ms. Guo also worked at CME Group's Transactions and Commercial Relations Group and Corporate Compliance team. Ms. Guo received a B.S. in Actuarial Science and a B.A. in Philosophy at the University of Illinois at Urbana-Champaign and her J.D. from The John Marshall Law School. She is on the board of the Asian American Bar Association.



Skip Harsch

Skip Harsch is the Director of the American Bar Association's Commission on Sexual Orientation and Gender Identity. As director of the Commission, Skip oversees and is involved in the planning and implementation of many of the ABA's LGBT+ initiatives including; LGBT advocacy, ABA policy work, and legal educational programming. In his role at the ABA Skip helped created and implement the ABA's 'How to Be an Ally' Toolkit and has presented both nationally and internationally on LGBT Allyship in the workplace. Skip is also a contributor to the publication, *Out and About: The LGBT Experience in the Workplace*. Skip is a native of Illinois with strong ties to the Midwest. He received his bachelor of science from the University of Iowa and his JD from DePaul University College of law. While at DePaul, Skip began his association and non-profit crusade as a summer intern for lambda Legal. Skip is currently the Chair of the Chicago Bar Association (CBA) LGBT Committee and sits on the board of the Lesbian and Gay Bar Association of Chicago (LAGBAC).



**Hon. Nathaniel R.
Howse, Jr.**

Hon. Nathaniel R. Howse, Jr. received his undergraduate and law degrees from Loyola University of Chicago. He was in private practice for 22 years before becoming a judge. He represented clients before the Illinois Circuit Court, the Illinois Appellate Court, the Illinois Supreme Court, the Federal District Court and the Seventh Circuit Court of Appeals. In November 1998, Justice Howse was elected to a six-year term to the Office of Judge of the Circuit Court of Cook County. In November 2004, he was retained by the voters of Cook County for another six-year term. In August 2009, Justice Howse was assigned to serve as an Appellate Court Justice for the Illinois Appellate Court, First District, by the Illinois Supreme Court. In November 2012, Justice Howse was elected as a Justice of the Illinois Appellate Court, First District, where he currently serves.



Daniel Hwang

Daniel Hwang earned his B.S. in Chemical Engineering at Washington University and his Juris Doctor at the University of Illinois College of Law. He is admitted to practice in Illinois and before the U.S. District Court for the Northern District of Illinois and the U.S. Patent and Trademark Office. Mr. Hwang concentrates his practice on both patent and trademark litigation and prosecution. He has experience with IP matters in several industries including consumer retail goods, IT, medical devices, energy, and construction equipment. Mr. Hwang practices the full scope of IP law, including issues related to patent, trademark, copyright, trade secret, trade dress, unfair competition, and false advertising matters. He has managed domestic and international trademark portfolios for global corporations and counseled clients on their international brand portfolio development and protection strategies. Mr. Hwang has participated in hundreds of IP enforcement matters including counterfeit and gray-market/parallel import matters both in the U.S. and in foreign jurisdictions. He has handled intellectual property proceedings before both state and federal courts, the Trademark Trial and Appeal Board and the Patent Trial and Appeal Board.



Jian Jiang

Jian Jiang earned her B.S. in Polymer Materials & Engineering at Fudan University in China in 2002, her Ph.D. in Materials Science at the University of North Carolina in 2007, and her J.D. at Northwestern University Pritzker School of Law in 2011. She is admitted to practice in Illinois and California, and before the State Intellectual Property Office of the People's Republic of China and the U.S. Patent and Trademark Office. Prior to joining K&L Gates, Ms. Jiang was an associate at the Chicago Office of Ladas & Parry, where she primarily focused on international patent portfolio procurement and management. During law school, she interned at the Boston Office of Fish & Richardson, where she worked on various patent prosecution and litigation projects in a variety of technical areas such as Biotechnology, Electrical Engineering, Computer Science, and Polymer/Materials Science & Engineering; and she also externed in the legal department of Chicago Transit Authority working on a wide range of transactional and litigation cases, including criminal matters. She worked on projects related to all phases of litigation, including case management, compiling standard discovery packages and motions, and conducting depositions and arbitrations.



Jinwon Jung

Jinwon Jung recently joined Allstate in Northbrook, Illinois. He is the Vice-President of the Korean American Bar Association of Chicago.



Rachel Kao

Rachel Huan Kao is an attorney licensed to practice in Illinois, with a solo practice dedicated to immigration law. She serves AILA Chicago Chapter on various committees. She also serves Chinese American Bar Association - Chicago on the Board of Directors. She is a past board member and Treasurer of the Chinese Mutual Aid Association, past Treasurer of Chinese American Bar Association – Chicago, and past board member of Asian American Bar Association – Chicago. Rachel is actively involved in the ISBA Minority Bar Association CLE program, and AILA committee on enforcement of the Unauthorized Practice of Law, and has often spoken on immigration issues to the community. Rachel is a graduate of Washington University in St. Louis School of Law (JD), the University of Illinois School of Public Health (MPH), and Washington University in St. Louis College of Arts and Sciences (AB).



Richard Lee

Richard Lee is General Counsel at Civis Analytics, a data science technology company born out of President Barack Obama's 2012 re-election campaign and one of the fastest-growing companies in Chicago. In his role, Rich leads legal, cybersecurity, data privacy, ethics, and compliance functions and has helped lead the company through over 400% growth and \$30M+ in funding. Having a passion for building and growing technology businesses, prior to Civis, Rich was SVP, General Counsel and Corporate Secretary of Livevol, a financial technology company. He helped lead Livevol through rapid growth, ultimately leading to an acquisition by CBOE Holdings (NASDAQ: CBOE). Prior to that, he led market and business development in Asia for two intellectual property consulting companies. Rich earned a B.S. in Bioengineering from the University of Illinois at Urbana-Champaign and a J.D. from Loyola University Chicago. He is a member of the Economic Club of Chicago, serving on its technology and innovation membership subcommittee, and he's a founding member of the Chicago Bar Association's Financial and Emerging Technologies Committee. Civically active, Rich serves as a board member of Illinois Legal Aid Online, one of the country's leading legal aid technology non-profit, and as a coach and mentor with Social Venture Partners. In 2018, Rich was appointed to the national Leader's Council of the Legal Services Corporation, a U.S. Senate-funded 501(c)(3) that is the nation's largest funder of civil legal aid.



Eileen Letts

Eileen Letts is a Partner at Zuber, Lawler & Del Duca LLP. She is Chair of the Litigation Department. She is a Premier Civil Trial Attorney, with dozens of jury trials and over 100 bench trials, often to Fortune 500 Companies and iconic government entities. Ms. Letts has won high-stakes trials in a wide variety of subject matters areas. Areas of focus include product liability, complex tort, and commercial disputes. She received her Law Degree from Chicago-Kent College Of Law and her Undergraduate Degree from Ohio State University. She is a member of the House of Delegates of the American Bar Association, a member of the National Bar Association, the Chicago Bar Association, Cook County Bar Association and the Black Women Lawyers Association. Ms. Letts is a frequent presenter at Continuing Legal Education seminars and panel discussions of the American Bar Association, the Chicago Bar Association, and the Illinois Institute of Continuing Legal Education.



Emily Love

Emily Love has practiced exclusively in the areas of immigration and nationality law since 1993. After graduating from Loyola Law School-Chicago and being admitted to practice law in Illinois and the U.S. District Court for the Northern District of Illinois, Emily was an associate with a Chicago-based immigration law firm. In July 1997, she opened the Law Office of Emily Love, P.C., located since 1999 in Evanston, Illinois. Throughout her career, Emily has collaborated with various local and national non-profit immigrant and refugee legal services agencies, including ICIRR, Centro Romero, Chicago Volunteer Legal Services and the CARA Family Detention Pro Bono Project. During her most recent trip to Dilley Texas in November 2018, when she worked with women and children who had been subject to the family separation policy, among other Central American and other asylum seekers.



**Furqan
Mohammad**

Furqan Mohammed is one of the founding attorneys at Mohammed, Shamaileh & Tabahi, LLC, a boutique transactional law firm in Elmwood Park. Furqan's legal experiences cover a broad range of practice areas and industry groups. Specifically as it relates to the taxi industry, Furqan has modified or settled medallion loans on behalf of over 100 taxi drivers, and he also represents drivers in foreclosure proceedings, in administrative claims brought by the Department of Business Affairs and Consumer Protection (BACP), and in taxi medallion closings. Furqan's legal work in the taxi industry has been featured on ABC News, WGN News, NPR Radio, and In These Times. Furqan has also been featured in the Alumni Spotlight by his alma mater law school, Loyola University Chicago. Furqan has been distinguished as a "Rising Star" by Super Lawyers Magazine for four consecutive years (2016-2019) and identified on the Lawyer of Color's Second Annual "Hot List" as an up-and-coming diverse attorney in the Midwest Region. Furqan graduated summa cum laude from Loyola University Chicago in 2008 and magna cum laude from Loyola University Chicago School of Law in 2011. Prior to founding MST Law, Furqan worked as a Commercial Litigator in the Chicago office of Perkins Coie LLP, an international law firm.



KiKi Mosley

KiKi Mosley is a solo practitioner at the Law Offices of KiKi M. Mosley in Chicago, Illinois. She practices regularly before U.S. Citizenship and Immigration Services (USCIS), the U.S. Department of State, and the Executive Office of Immigration Review (Immigration Court). She has served as the Asylum Office Liaison Co-Chair for the Chicago chapter of the American Immigration Lawyers Association (AILA) for four (4) years. KiKi is a graduate of the Chicago-Kent College of Law with certificates in International and Comparative Law and Public Interest Law.



Ernesto R. Palomo

Ernesto Palomo is a Partner in Locke Lord's Business Litigation and Arbitration group. Ernesto has extensive experience representing large multinational companies in court and commercial arbitration proceedings around the country. He represents both plaintiffs and defendants in a wide variety of complex business disputes, including cases involving civil RICO, antitrust, fraud, copyright infringement, interference with contractual relations, unfair competition, cases alleging theft of trade secrets and cases involving emergency equitable remedies such as temporary restraining orders and preliminary injunctions. Ernesto also has substantial experience counseling clients on issues of insurance and reinsurance coverage and has represented domestic and overseas insurers and reinsurers in coverage disputes. Ernesto serves as a key strategic advisor for insurers and their national coordinating counsel regarding personal-injury asbestos and environmental pollution litigation throughout the United States. He has handled disputes in both the life reinsurance and property and casualty reinsurance and direct insurance markets. Ernesto devotes considerable time to pro bono matters through the National Immigrant Justice Center, the Center for Disability and Elder Law, and the Chicago Volunteer Legal Services. He also is a co-chair for the firm's Diversity & Inclusion Committee.



Jaz Park

Jaz Park is an associate attorney with the Law Offices of Chicago-Kent College of Law, and concentrates her practice in employment law, representing employees and small businesses. Jaz received a JD from the Chicago-Kent College of Law, with a certificate in Labor and Employment Law, and her BA from Brown University. She served as Research Editor on the Fifth Edition 2nd Supplement of Lindemann and Grossman's Employment Discrimination Law (BNA 2015). She is a board member of the Korean American Bar Association (KABA) and a member of the National Employment Lawyers Association (NELA). She is licensed in Illinois and admitted to the Northern District Court of Illinois. She has been actively involved in ethnic and racial affairs in Chicago, including serving as Chair of the Advisory Council on Equity for the City of Chicago Commission on Human Relations, Advisory Council Member of the Office of New Americans in the Mayor's Office, and Vice President of the Korean American Association of Chicago.



Hon. Marian E. Perkins

Hon. Marian E. Perkins was appointed by the Illinois Supreme Court to serve as a Circuit Court Judge of the Circuit Court of Cook County in the state of Illinois, and sworn in at the Illinois Supreme Court on July 13, 2017. She was elected in the November 6, 2018 Illinois general election. Initially assigned to the First Municipal District of the Circuit Court of Cook County, Judge Perkins has presided over DUI and other major and minor traffic cases in Traffic Court, landlord-tenant matters, and breach of contract and torts cases in the Civil, Non-Jury Section. Currently, she is assigned to the Chancery Division/ Mortgage Foreclosure & Mechanics Liens Section where she presides over mortgage foreclosure and related cases on her court call in the Richard J. Daley Center. Before her ascension to the bench, Judge Perkins was an Assistant Appellate Defender of Illinois, Cook County prosecutor, and Staff Attorney for the Illinois Department of Professional Regulation. As a lawyer in private practice, she represented adults and juveniles in criminal court, litigated criminal and civil cases, argued pre-trial motions, and conducted bench and jury trials in the Circuit Court of Cook County, DuPage County, and Kendall County in Illinois, and Shelby County in Memphis, Tennessee. Judge Perkins was also a Trial Adviser at The University of Chicago School of Law in the “Intensive Trial Techniques” course and guest lecturer at De Paul University of Chicago - College of Law in the “Advanced Trial Advocacy” course. As a professor at Chicago State University, a member-school of the Thurgood Marshall College Fund, she taught hundreds of students majoring in criminal justice and political science, and helped to establish the John Marshall Law School of Chicago / Chicago State University “3+ 3” Law School Admissions Program for the pre-law students. Active in the legal profession and community, Judge Perkins has served as president of the Cook County Bar Association, panelist at the Black Women Lawyer’s Association of Greater Chicago National Summit, member of the Illinois Supreme Court Committee on Character & Fitness – First Judicial District, and volunteer attorney with the Constitutional Rights Foundation of Chicago “Lawyers in the Classroom” Program.



Lynn Preshad

Lynn Preshad practices civil litigation, foreclosure defense, immigration law, DUI Defense, Landlord-Tenant Disputes, and defends ordinance violation cases at Dreyfus Law Group. She earned her Juris Doctor degree from Thomas M. Cooley Law School in May 2009 and was admitted to the Illinois State Bar in November 2009. While attending law school, Ms. Preshad concentrated in litigation, immigration law, criminal law, and constitutional law, and dedicated her extracurricular time to externing at the Cook County Public Defender’s Office, the ABA mentor-mentee program, Mock Trial Board, Amnesty International, American Civil Liberties Union, and participated in client counseling competitions, Moot Court, and Mock Trial competitions. During and after law school, she volunteered for, CARPLS, CVLS, and SABA Chicago’s “Cyriac Kappil” Indo-American Center Pro bono Clinic, where she continues to volunteer. In 2014, Ms. Preshad received an award from CVLS in recognition of her commitment to pro bono and her efforts to further Chicago Volunteer Legal Services’ mission to provide equal access to justice. Ms. Preshad is currently a member of the South Asian Bar Association and a board member on the South Asian Bar Association Chicago Foundation, for which she serves as an officer in the position of Secretary. Ms. Preshad is also an actively involved member of the Chicago Bar Association and Illinois State Bar Association, and a member of the American Immigration Lawyers’ Association. She is fluent in Hindi/Urdu and understands some Punjabi, Gujarati, and Spanish.



Hon. Jesse G. Reyes

Hon. Jesse G. Reyes is currently a Justice on the Illinois Appellate Court, First District, serving as a member of the court's Executive Committee. He previously served as the Presiding Justice of the Fifth Division and as the former chair of the First District's Settlement Conference Committee. He has been a member of the judiciary since December, 1997, having previously served as both an associate judge and elected judge of the Circuit Court of Cook County. His previous judicial assignments have included the Chancery Division's Mortgage Foreclosure/Mechanics Lien Section, Domestic Violence court and the Sixth Municipal District. Justice Reyes, while assigned to the First Municipal Division, assisted in the production of the Circuit Court's educational DUI Video "Que Precio Tiene La Vida." He also served on a number of Circuit Court committees during his tenure on the trial court. Before his election to the bench, Justice Reyes was employed with the Law Department of the Chicago Board of Education and represented the Board in litigation matters, and was responsible for the development and implementation of policies and procedures pertaining to school reform. Prior to joining the Board of Education, he was a Senior Supervising Attorney with the Corporation Counsel's Office representing the City of Chicago in complex civil litigation matters in state and federal court. Justice Reyes is the current President of the Diversity Scholarship Foundation. He is the past President of the Illinois Judges Association, Illinois Judges Foundation, John Marshall Law School Alumni Association, and the Latin American Bar Association, past Regional President of the Hispanic National Bar Association and former Judicial Chair to the Hispanic National Bar Association Convention. He served as Secretary of the Chicago Bar Association and is a former member of the Assembly of the Illinois State Bar Association. He was also named as an honorary member of the DuPage County Bar Association and an honorary board member of the Asian American Bar Association and the Filipino American Bar Association.



Peggy Rhiew

Peggy Rhiew focuses her practice on consumer financial services litigation and class action defense involving financial services laws and regulations. She has significant experience handling complex litigation representing financial institutions and servicers in residential mortgage foreclosure, defensive litigation and commercial foreclosures. She regularly defends servicers and banks against issues related to consumer fraud, misrepresentation, breach of contract, loan modifications, loan workouts, the Truth in Lending Act, the Real Estate Settlement Procedures Act, the Fair Debt Collection Practices Act and the Fair Credit Reporting Act. In law school, she received the CALI Award for highest achievement in her Trial Advocacy course. As a member of the Kent Trial Team, Ms. Rhiew participated in the Thomas Tang Moot Court Competition as well as the ATLA Competition where her team placed as a quarterfinalist. During law school, Ms. Rhiew externed at the EEOC and she was a student editor of the Employee Rights and Employment Law Policy Journal. She earned her B.A. at the University of Michigan and her J.D. at Chicago-Kent College of Law. Ms. Rhiew is a member of the Illinois State Bar Association, Chicago Bar Association, Korean American Bar Association of Chicago, and the Women's Bar Association of Illinois.



Hon. Judith Rice

Hon. Judith C. Rice was appointed to the position of Cook County Circuit Court Judge by the Illinois Supreme Court on October 4, 2014, after having been elected that same year in the 7th Judicial Sub-Circuit of Cook County. She began her judicial career in traffic court handling minor traffic violations as well as criminal DUI cases. She was then transferred to the forcible entry and detainer court where she heard suits involving condominium disputes and eviction cases. She is currently assigned to the Domestic Violence Court where she hears cases involving domestic and elder abuse. Prior to becoming a Judge, Ms. Rice held the position of Senior Vice President and Head of Community Affairs & Economic Development for BMO Harris Bank. She also served as Community Reinvestment Act (CRA) officer for BMO Harris, accountable for the bank's compliance with regulatory requirements related to lending in underserved communities. Previously, Judge Rice served as Vice President and Director of Government Relations for Harris. In 1988, Rice began her legal career as a prosecutor with the Cook County State's Attorney's Office. As an Assistant State's Attorney she handled appellate cases, narcotics prosecutions and abuse and neglect cases in juvenile court. After leaving the SAO she began an extensive career in city government. Her tenure with the City started with being appointed Assistant Corporation Counsel, and she subsequently served as Director of the Department of Revenue from 1993 until 1995. Rice was also elected as Chicago City Treasurer after serving as the first female commissioner of two of Chicago's key infrastructure agencies. She led the Department of Water from 1996 until 1999, and the Department of Transportation from 1999 until 2000. Judge Rice currently serves on the advisory boards of the Uhlich Children's Advantage Network (UCAN) and the Chicago Children's Advocacy Center. Additionally, she serves on the Lynn Sage Cancer Research Foundation Board and is a member of the Chicago Network and the United Negro College Fund. She has been recognized for her leadership and work supporting financial literacy by numerous organizations, including the Federal Reserve Board, the Illinois Council of Economic Education, and the City Colleges of Chicago.



Federico Rodriguez

Federico M. Rodriguez received his B.A. from DePaul University in 1995 and his J.D. from the University of Illinois College of Law in 1998. While at U of I, he was active in different organizations, including serving on the boards of the Latina/o Law Student Association, Poetic Justice, and the International Law Society. Upon graduating from law school, Federico worked as an associate with Lawrence H. Hyman & Associates, in Chicago, a firm focusing on personal injury litigation and nationwide high profile criminal cases. Since opening his first small/solo firm in 2005, Federico has obtained nearly 50 million dollars in judgments and settlements for his clients. Besides civil cases, Federico also engages in criminal defense. Federico has handled a number of high profile cases, including two lawsuits against La Ley radio station (for their failure to award prizes to contestants arising out of their immigration status) and defamations claims against WGN News and another major Spanish-language television station (subject to non-disclosure agreement). Some of these cases were featured in the New York Times, The Chicago Sun Times (front page), and in the Law Bulletin. Federico served as Executive Co-Chair for the Alliance of Bar Associations for Judicial Screening from 2013-15 and, as of January 2015, has served in the Illinois Supreme Court's Character and Fitness Committee by appointment. Federico is member of numerous bar associations, including the American Bar Association, the Chicago Bar Association, the Illinois State Bar Association, the West Suburban Bar Association, the Hispanic National Bar Association, the Puerto Rican Bar Association, and the Hispanic Lawyers Association of Illinois.



Edyta Salata

Edyta Salata has practiced immigration and nationality law since 2007. She has been named a “Super Lawyer®-Rising Star” by Super Lawyers Magazine and earned the highest Peer Review Rating of AV®-Preeminent™ from the Martindale-Hubbell Legal Directory attesting to her legal ability and professional ethical standards. Ms. Salata received her Juris Doctor from the University of Illinois College of Law in May 2002 and Bachelor of Arts magna cum laude from Loyola University Chicago in January 1999. Ms. Salata is an active member of the American Immigration Lawyers Association (AILA); she has also served as chairperson of the Immigration Law Committee of the DuPage County Bar Association.



Prof. Nicholas Stephanopoulos

Prof. Nicholas Stephanopoulos researches and teaches election law, constitutional law, legislation, administrative law, comparative law, and local government law. His academic work has appeared in, among others, the Columbia Law Review, Harvard Law Review, Northwestern University Law Review, NYU Law Review, Stanford Law Review, University of Chicago Law Review, University of Pennsylvania Law Review, Virginia Law Review, and Yale Law Journal. He has also written for popular publications including The New York Times, the Los Angeles Times, the Chicago Tribune, the Atlantic, the New Republic, Slate, and Vox. He has been involved in several litigation efforts as well, including the first successful partisan gerrymandering lawsuit in more than thirty years. Before joining the Law School faculty, he was an Associate-in-Law at Columbia Law School. He previously worked in the Washington, DC office of Jenner & Block LLP, where his practice focused on complex federal litigation, appellate advocacy (including ten Supreme Court briefs), and election law (particularly redistricting and campaign finance). Before entering private practice, he clerked for Judge Raymond C. Fisher of the Ninth Circuit Court of Appeals. A 2006 graduate of Yale Law School, Stephanopoulos also holds an MPhil in European Studies from Cambridge University and an AB in government from Harvard College, graduating summa cum laude in 2001. While at Yale, he served as Editor-in-Chief of the Yale Journal of International Law, received the Jewell Prize for best second-year student contribution to a law journal, and was a finalist in both the moot court and mock trial competitions.



Stephen Stern

Stephen Stern has been a Civil Rights attorney for over 40 years. For 20 of those years, he held supervisory positions as Director of the Race Relations Project of Legal Assistance Foundation of Chicago, Chief of the Civil Rights Division of the Illinois Attorney General’s Office, and Litigation Director for the Leadership Council for Metropolitan Open Communities. He has litigated various types of civil rights (including voting rights) cases. He has represented candidates in election contest cases since 2009. He has also reviewed drafted, supported or opposed legislation in this area of the law for more than half of his career. He has volunteered for many candidates running for various political offices on the municipal, state and national level over the course of his career and he has twice run for political office himself. He served on numerous boards in leadership positions including being President of the Cook County Bar Association, President of the CCBA Community Law Project, State Board Chair of the Independent Voters of Illinois-Independent Precinct Organization (2016 to present), and director and/or officer of the Center for Conflict Resolution, the Legal Assistance Foundation of Chicago and the Fifth City Reformulation Corporation. He attended Washington University School of Law in St. Louis and was admitted to the Illinois bar and began practicing law in 1977.



Rosa Tumialan

Rosa M. Tumialán is a member of Dykema Gossett, PLLC's Chicago Litigation group and an appellate practitioner resident in the firm's Chicago office. Ms. Tumialán has been with Dykema for sixteen years. She attended Loyola University of Chicago School of Law, graduating in 1994. Ms. Tumialán focuses her practice on complex commercial disputes and insurance coverage litigation involving both personal and commercial lines. Ms. Tumialán has also developed an expertise in defending both insurers and individual defendants in class actions alleging violations of the Telephone Consumer Protection Act and the Biometric Information Privacy Act. Ms. Tumialán's experience in representing clients in numerous these cases has made her a lead defense attorney in this area who develops and employs unique and aggressive strategies.



Griselda Vega-Samuel

Griselda Vega Samuel is the Regional Counsel, Midwest for the Chicago office of Mexican American Legal & Educational Fund (MALDEF). As Regional Counsel, she is responsible for the daily operations and overall management of the regional office which covers the 6th, 7th, and 8th appellate circuits which includes the following states: Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri Minnesota, Michigan Nebraska, North Dakota, South Dakota, Tennessee, Ohio, and Wisconsin. Within MALDEF's designated program areas – voting rights, employment, education, and immigrant rights - she works with the President and General Counsel, Director of Litigation, staff attorneys, and other Regional Counsels to determine the litigation and public policy advocacy priorities for the Midwest regional office. Most recently, she was the Senior Director of Anti-Trafficking Program (ATP) at Safe Horizon in Brooklyn, NY; and she is also an attorney with over 17 years of experience in working with low-income clients in the areas of litigation, policy-advocacy and education. Ms. Vega Samuel's advocacy work extends to both U.S. and international fronts, where she has worked on human trafficking legislation, as well as, policy issues related to migrant labor rights, both within the U.S. and Mexican legal frameworks. She has presented at numerous conferences, including being a Rapporteur at the Global Forum on Migration and Development Conference for the United Nations. Ms. Vega Samuel graduated from the University of Iowa-College of Law, and is licensed in both Illinois and Washington State.



Nancy Vizer

Nancy M. Vizer (D.L.) is the Principal of Nancy M. Vizer, P.C. She concentrates exclusively in immigration law. Her clients include employers and foreign nationals in many fields, including universities, research facilities, high tech, hospitality, and manufacturing. She also devotes a portion of her practice to family-based immigration, DACA and VAWA and frequently provides pro bono assistance to asylum applicants and other victims of persecution and violence. She has served on a number of AILA committees, including Asylum, Ethics and CLE. Ms. Vizer is a member of the Virginia and Illinois State Bar Associations. She is Past President of the North Suburban Bar Association, where she received the President's Award in both 2003 and 2004 in recognition of her outstanding service to NSBA. Ms. Vizer has spoken at a number of AILA, Decalogue and NSBA CLE's, and frequently speaks at community outreach programs concerning immigration matters. She received a B.A. magna cum laude in English from Iona College, an M.B.A. cum laude from Georgetown University, and a J.D. from George Mason University.



Hon. Neera Walsh is an Associate Judge for the Circuit Court of Cook County Criminal Division.

Hon. Neera Walsh



Lia Kim-Yi the Director of the Immigration Law Practice at the North Suburban Legal Aid Clinic located in Highland Park, Illinois. Lia is an attorney who has practiced solely immigration and nationality litigation for over 10 years. She has successfully represented clients before the Executive Office for Immigration Review, U.S. Citizenship and Immigration Services, and the Northern District Court of Illinois. In addition, Lia has argued before a panel at the Seventh Circuit Court of Appeals. She is an active member of the Korean American Bar Association, serving as President from 2016 to 2018, and a member of the American Immigration Lawyers Association. Lia received her J.D. from The John Marshall Law School and her B.S. in Political Science from University of Illinois at Chicago.

Lia Hyunji Kim Yi

Table of Contents

Diversity in the Judiciary	1
Moderator: Hon. Marian E. Perkins	
Hon. Israel A. Desierto	
Hon. Nathaniel R. Howse, Jr.	
Hon. Judith Rice	
Hon. Neera Walsh	
Nuts and Bolts of Thriving as a Solo Practitioner	2
Moderator: Skip Harsch	
Claudia Badillo	
Eileen Letts	
Federico Rodriguez	
Driver in Despair: The Decline of Chicago’s Taxi Industry	3
Bryant Greening	
Furqan Mohammad	
Lynn Preshad	
Voting Rights: A Discussion of the Disenfranchisement Among Minorities	4
Moderator: Ryan Cortazar	
Ami Gandhi	
Stephen Stern	
Prof. Nicholas Stephanopoulos	
Griselda Vega-Samuel	
Protecting Intellectual Property in China	5
Moderator: Jinwon Jung	
Frank Gao	
Daniel Hwang	
Jian Jiang	
Technology in the Law	6
Moderator: Yankun Guo	
Reena Bajowala	
Richard Lee	

Immigration: Seeking Asylum and Hot Topics	7
Moderator: Rachel Kao	
Lia Hyunji Kim Yi	
Emily Love	
KiKi Mosley	
Lindsay Fullerton	
Edyta Salata	
Nancy Vizer	
Minority Female Litigators: The Road to First-Chairing and Other Successes.....	8
Moderator: Jaz Park	
Olivia Luk Bedi	
Tiffany Fordyce	
Peggy Rhiew	
Rosa Tumialan	
Member Benefits.....	9

Statements or expressions of opinion made by continuing legal education presenters are those of the presenters and not necessarily those of the Illinois State Bar Association or program coordinators. Likewise, materials are provided by the presenters and do not necessarily reflect the opinion of the Association. Legal opinions and analyses provided by presenters, during programs, or in materials are not reviewed by the Association, and are not a substitute for independent legal research.

Diversity in the Judiciary

Moderator: *Hon. Marian E. Perkins, Circuit Court of Cook County, Chicago*

- *Hon. Israel A. Desierto, Circuit Court of Cook County, Chicago*
- *Hon. Nathaniel R. Howse, Jr., First District Appellate Court, Chicago*
- *Hon. Judith Rice, Circuit Court of Cook County, Chicago*
- *Hon. Neera Walsh, Circuit Court of Cook County, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

[GET INVOLVED](#)[DONATE](#)

Search...



Judicial Diversity

Diversity is an essential component of a fair and impartial judiciary. Diversity encompasses both demographic characteristics — including gender, race, ethnicity, national origin, religion, sexual orientation, gender identity, socio-economic background, and physical ability — and professional background. Bringing diverse experiences and perspectives to bear allows judges to make better informed decisions and increases public confidence in their rulings. Despite these important benefits, neither state nor federal courts reflect the diversity of the communities they serve or the legal profession. Below are selected resources from the Brennan Center, other organizations, scholars, and the government that describe the current composition of our courts, identify best practices for promoting diversity, and shed light on the current obstacles to achieving a diverse bench.

September 12, 2017



Judicial Diversity Data

Data on the current composition of the judiciary is crucial to understanding the scope of the problem, proposing effective solutions, and evaluating the success of reform measures. While the [Federal Judicial Center](#) maintains a database of gender, race, and ethnicity information for the federal courts, states do not systematically collect or release this data for state courts. Below are links to data on diversity on the federal courts, as well as the limited publicly available resources for diversity data from state courts and a report recommending ways to increase the availability of such data.

- Available Data – Federal Courts
 - [Federal Judicial Center](#)

- [Judicial Selection Snapshot](#), Alliance for Justice
- Available Data – State Courts
 - [American Bar Association: National Database on Judicial Diversity in State Courts](#)
 - [The Gavel Gap](#), Tracey E. George and Albert H. Yoon, American Constitution Society
 - [National Association of Women Judges: Statistics](#)
 - [National Center for State Courts: State Court Organization](#)
- Data Collection Best Practices
 - [Diversity Counts](#), Yuvraj Joshi, Lambda Legal and American Constitution Society

Promoting Judicial Diversity

Diversity on courts reaps important benefits. By focusing on these benefits, the values diversity furthers, and the concrete steps necessary to strengthen our systems of selection and build pathways for future candidates, we can promote diversity on both our state and federal courts. The following works by both academics and advocates highlight the benefits of diversity and the steps jurisdictions can take to prioritize it.

- [Building a Diverse Bench: A Guide for Judicial Nominating Commissioners](#), Kate Berry, Brennan Center for Justice
- [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), Kate Berry, Brennan Center for Justice and American Bar Association Judicial Division
- [Building a Diverse Court: A Guide to Recruitment and Retention](#), Sheryl J. Willert, Washington State Minority and Justice Commission
- [Improving Diversity on the State Courts: A Report from the Bench](#), Lawyers' Committee for Civil Rights Under Law, Justice at Stake, and the Center for Justice, Law and Society at George Mason University
- [Improving Judicial Diversity](#), Ciara Torres-Spelliscy, Monique Chase, Emma Greenman, and Susan M. Liss, Brennan Center for Justice
- [The Judiciary, Diversity, and Justice for All](#), Edward M. Chen, California Law Review
- [Race and the Judiciary](#), Harry T. Edwards, Yale Law & Policy Review
- [Racial Diversity on the Bench: Beyond Role Models and Public Confidence](#), Sherrilyn A. Ifill, Washington and Lee Law Review
- [Why Federal Courts Matter to the LGBT Community](#), Lambda Legal

Diversity and Judicial Selection

Judicial selection systems vary widely in the state and federal courts, so it is important to understand how different structures may impact the composition of the judiciary. Shedding light on how judicial selection functions in practice helps illuminate the obstacles to increasing judicial diversity and identify policy solutions.

- [Answering the Call for a More Diverse Judiciary: A Review of State Judicial Selection Models and Their Impact on Diversity](#), Lawyers' Committee for Civil Rights Under Law
- [Behind the Curtain of Federal Judicial Nominations](#), Colorado Ethics Watch and Courts Matter Colorado
- [Broadening the Bench: Professional Diversity and Judicial Nominations](#), Alliance for Justice
- [Examining Diversity on State Courts: How Does the Judicial Selection Environment Advance—and Inhibit—Judicial Diversity?](#), Malia Reddick, Michael J. Nelson, and Rachel Paine Caufield, American Judicature Society
- [How Judicial Elections Impact Criminal Cases](#), Kate Berry, Brennan Center for Justice
- [How Judicial Qualification Ratings May Disadvantage Minority and Female Candidates](#), Maya Sen, Journal of Law and Courts
- [Judicial Selection: An Interactive Map](#), Brennan Center for Justice
- [Justice Out of Balance: How the Election of Judges and the Stunning Lack of Diversity on State Courts Threaten LGBT Rights](#), Eric Lesh, Lambda Legal
- [Merit Selection and Judicial Diversity Revisited](#), K.O. Myers, American Judicature Society
- [More Money, More Problems: Fleeting Victories for Diversity on the Bench](#), Michele L. Jawando and Billy Corriher, Center for American Progress
- [State Supreme Courts Are Overwhelmingly White and Male](#), Laila Robbins, Brennan Center for Justice
- [Two Women of Color Won State Supreme Court Races — and Sadly, That's Progress](#), Alicia Bannon and Laila Robbins, Brennan Center for Justice

RELATED ISSUES: [Government & Court Reform](#), [Fair Courts](#)

TAB 2

Nuts and Bolts of Thriving as a Solo Practitioner

Moderator: *Skip Harsch, American Bar Association, Chicago*

- *Claudia Badillo, Badillo Law Group, Chicago*
- *Eileen Letts, Zuber Lawler & Del Duca LLP, Chicago*
- *Federico Rodriguez, Rodriguez Legal Group, LLC, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

NUTS AND BOLTS OF THRIVING AS A SOLO PRACTITIONER

Coordinated by the Black Women Lawyers Association, The Puerto Rican
Bar Association and Lesbian and Gay Bar Association of Chicago



Moderator: Skip Harsch, American Bar Association

Presenters:

- Claudia Badillo, Badillo Law Group, P.C.
- Eileen Letts, Zuber Lawler & Del Duca LLP, Chicago
- Federico Rodriguez, Rodriguez Legal Group, LLC, Chicago

Steps in starting your own firm:



Specialize in type of law

Create Business Plan and Succession plan

Logo, Letterhead, Retainers, Intakes, Forms, business cards

Software for case management, finances, taxes

Open bank account, get EIN, tax preparation

Obtain malpractice insurance

Client acquisition

Client acquisition

Networking

- Bar association events, alumni events, social events, community outreach, churches, media
- Social media: FB, twitter, website, blogging, LinkedIn, Yelp, AVVO- create online presence!
- Create email lists for newsletters
- Don't be shy and talk to everyone!



Paid advertising



- Website design, google, SEO, avvo, legal zoom, yelp, facebook ads, yellow pages, yodel, radio, tv
- Set a budget
- Don't overspend or enter into long term contracts
- Sponsorship of events
- Pay for a kiosk at a community event

REFERRALS ARE KEY- BECOME AN EXPERT IN YOUR FIELD

Reputation

Professionalism

Personalization

Kindness

Expertise

Free vs. paid consultations



Develop a reputation for professionalism, kindness, and personalized service.

As a solo attorney, your reputation is of the utmost importance.

Taking the time to listen to clients and give free initial consultations will increase your chances of acquiring new clients.

COST EFFICIENCY

Consider a virtual office at first

Use USPS home postage software to save \$

Buy office supplies in bulk

Get a credit card to pay court fees and acquire points and rewards

Use your business for shopping discounts

Hire interns from law school

Go paperless

Hire legal assistant/paralegal

Decide when to hire an associate



Technology in the law

- Software to streamline case filings/motion preparation
- CRM software and calendar management
- Financial software to prepare you for tax season
- Invest in a good scanner- go paperless!
- Communicate via email- reduce postage
- Use smartphone apps!



Sole proprietorship vs. Corporation



- Start out as a sole proprietor for the first year or two.
 - *BUT monitor your income. If you start earning \$, PAY quarterly taxes to the IRS/State and/or set aside tax \$*
 - *Use your Finance software to track ALL expenses and maximize deductions*
 - *Balance your books monthly- don't wait until the end of the year!*
- Consider incorporating if you are generating income and need to pay quarterly taxes, for asset protection, to hire new employees, to maximize tax benefits
 - *To form Corp: 1. File articles of incorporation, 2. EIN, 3. IDOR docs, 4. Banking, 5. File annual reports, 6. File taxes, 7. Insurance, 8. Payroll 9. Supreme Court registration*
 - *You will need to pay yourself a paycheck, pay quarterly taxes to the IRS and state, file Supreme Court Application, consider funding a 401k, hire employees, hire a good accountant!*

Learn about IOLTA ACCOUNTS

What is IOLTA?

“IOLTA” stands for Interest on Lawyer Trust Accounts. An IOLTA account is a pooled, interest- or dividend-bearing business checking account (such as a NOW account) for the deposit of client funds which pays all interest earned to the Lawyers Trust Fund. Under Rule of Professional Conduct 1.15(f), Illinois lawyers are required to deposit short-term or nominal funds of clients and third persons into IOLTA accounts.

<http://ltf.org/lawyers/iolta-basics/>

Become
an expert
in your
field



Stay relevant in your specialty

- Read new case law
- Subscribe to your local court newsletter
- Become an expert in your field
- Volunteer at community events
- Write blog articles
- Give free advice when you can
- Find opportunities to be in the media
- Give interviews
- Take complex cases, learn new law, write briefs



Transitioning to solo practice from a firm



Mindfulness, Mental health and Wellness as a Solo practitioner



- Integrate mindful practice into your life
- Balance is key
- Set limits
- Avoid distractions
- Compassion fatigue
- Depression- ask for help
- Resources
- Exercise/Yoga/Hobbies

Claudia F. Badillo



Badillo Law Group, P.C.
8745 W. Higgins Rd.,
Suite 110
Chicago, IL 60631
Ph: 773-716-7736
Fax: 312-631-2899

badillolawyer@gmail.com
www.badillolawyer.com



Claudia Farfan Badillo is an attorney concentrating in consumer bankruptcy and is the owner of her firm: Badillo Law Group, P.C. She was born and raised in Chicago and is of Mexican/Colombian descent and is a native Spanish speaker. She has been an attorney for over 10 years and is a graduate of Chicago Kent College of Law where she clerked for the Cook County Public Defender's office in the Felony Trial Unit. She attended Northwestern University for undergraduate studies, majoring in Communication Studies and minoring in history. She also hosted a Spanish rock radio show while at Northwestern on WNUR 89.3 FM, called "Sabor Latino".

She attended Chicago Kent College of Law where she clerked under the supervision of the Criminal Defense Legal Clinic and was as a 711 law student in the Felony Trial Division at the Courthouse at 26th and California.

Mrs. Badillo has many years of experience helping clients file for bankruptcy protection under federal laws. Her main focus is representing consumers in all aspects of their bankruptcy cases. Other fields of law she practices include: debt negotiations, tax settlements, and offers in compromise with the IRS.

In 2018/2019 she served as a Hearing Officer with the City of Chicago's Board of Elections for the upcoming 2019 city elections. Claudia is the current president of the Puerto Rican Bar Association of Illinois, an active member of HLAI, HNBA, NACBA, ISBA and a contributor to the Chicago Daily Law Bulletin, writing about fitness. In her spare time she likes to run, play volleyball and take ballet classes. She is also a proud life-long Chicagoan and is active in her children's PTA and LSC groups.

Recently Claudia was honored by Negocios Now as a recipient of their 2018 40 under 40 award. For more information: <https://negociosnow.com/meet-claudia-badillo-latinos-40-under-40-class-of-2018/>



Federico Rodriguez

Rodriguez Legal Group LLC

954 W Washington Blvd Suite
625, Chicago, IL 60607

312-243-6200

Federico M. Rodriguez was born and raised in Mexico City, coming to Chicago as a teenager. While working full-time during the day as Spanish-language interpreter for the Circuit Court of Cook County, Federico attended college full-time at night and weekends, receiving a B.A. from *DePaul University's School for New Learning* in 1995. He attended the *University of Illinois College of Law* in 1995, receiving a J.D. in 1998. While at U of I, he was active in different organizations, including serving on the boards of the Latina/o Law Student Association, Poetic Justice, and the International Law Society.

Federico was the recipient of numerous scholarships during law school, including the *National Hispanic Scholarship Fund*; *Illinois Senate Community Service Scholarship*, and the *Mexican American Legal Defense and Educational Fund Law Scholarship*.

Upon graduating from U of I, Federico worked as an associate with Lawrence H. Hyman & Associates, in Chicago, a firm focusing on personal injury litigation and nationwide high profile criminal cases. In his last two years with that firm, Federico brought in and handled personal injury cases that grossed over 11 million dollars combined.

He is currently the principal of Rodriguez Legal Group, LLC. Since opening his first firm in 2005, he has obtained approximately 50 million dollars in judgments and settlements for his clients. Besides civil cases, Federico also engages in criminal defense.

Eileen Letts is a premier civil trial attorney, with dozens of jury trials and over 100 bench trials, often to Fortune 500 companies and iconic government entities. Ms. Letts has won high-stakes trials in a wide variety of subject matters areas. Areas of focus include product liability, complex tort, insurance coverage and commercial disputes. She has achieved favorable outcomes in over 88% of her trials.

Ms. Letts is a frequent presenter at continuing legal education seminars and panel discussions of the American Bar Association, the Chicago Bar Association, and the Illinois Institute of Continuing Legal Education.

Ms. Letts possesses deep roots in the Chicago political community. As an example, she served on the transition team of Chicago Mayor-Elect Harold Washington.

Ms. Letts began her career clerking for the Honorable Glenn T. Johnson, Justice of the Illinois Appellate Court from 1978 to 1980.

Honors & Achievements

- **John Paul Stevens Award**, Chicago Bar Association and Chicago Bar Foundation, 2016.
- **Earl B. Dickerson Award**, Chicago Bar Association, 2008.
- **Pro Bono Initiative Award**, Public Interest Law Initiative, 2008.
- **Selectee**, *Who's Who in Black Chicago*, inaugural edition, 2006.
- **Distinguished Service Award**, Chicago Bar Association,



Eileen M. Letts
Partner

ZUBER LAWLER

Global Legal Solutions for Visionary Clients

Chicago, IL
55 West Monroe Street, Suite
600
Chicago, IL 60603
Phone: +1 (312) 346-1100



ARDC Online CLE

PMBR Self-Assessment Series

Eight recorded modules on law practice management systems between 15 to 45 minutes in length.

[Click Here to Access PMBR](#)

Entire On-Demand CLE Library

View the entire ARDC CLE on-demand recorded webcasts.

[Click Here for On-Demand Library](#)

[Click Here to Browse by Type of MCLE Credit](#)

All ARDC webcasts are free and accredited for professional responsibility credit in Illinois.

[To Obtain Your Certificate of Attendance, click here for instructions.](#)

On-Demand Webcasts by Type of MCLE Credit

On-Demand Programs		Approved CLE Credit in Illinois			
All ARDC recorded webcasts are accredited for CLE credit in Illinois.					
		Total General MCLE Hours	Professional Responsibility MCLE	Diversity and Inclusion MCLE credit	Mental Health and Substance Abuse MCLE credit
<u>Red Flags Are Waiving: Anti-Money Laundering Issues and Solutions</u>		1.00	1.00		
<u>Current Developments and Trends in Lawyer Regulation</u>		1.25	1.25		
<u>Disciplinary Procedures From A to Z</u>		0.50	0.50		
<u>Attorney Well-Being: The Intersection of Physical, Spiritual and Emotional Wellness</u>		1.00	1.00		1.00
<u>Diversity and Inclusion: A Blueprint for 2017 and Beyond</u>		1.00	1.00	1.00	
<u>Succession Planning: Contingency Planning for Sole Practitioners</u>		1.00	1.00		
<u>Succession Planning: Preparing Your Firm for a Smooth Transition</u>		1.00	1.00		
<u>2016 Changes to the Rules Governing Lawyers in Illinois</u>		1.00	1.00		
<u>The Ethical Requirements of Handling Trust Funds under IRPC 1.15</u>		1.00	1.00		
<u>How to Maintain a Trustworthy Trust Account: The Accounting Requirements</u>		0.50	0.50		
<u>Conflicts of Interest</u>		1.00	1.00		
<u>Client Communication Issues</u>		1.00	1.00		
<u>Fees and Billing</u>		1.00	1.00		
<u>PMBR Module 1: Intersection of Technology & Ethics</u>		0.75	0.75		
<u>PMBR Module 2: Conflicts of Interest</u>		0.75	0.75		
<u>PMBR Module 3: Fees, Costs & Billing Practices</u>		0.75	0.75		
<u>PMBR Module 4: Attorney-Client Relationships</u>		0.50	0.50		
<u>PMBR Module 5: Client Trust Accounts</u>		0.50	0.50		
<u>PMBR Module 6: Attorney Wellness</u>		0.25	0.25		0.25
<u>PMBR Module 7: Civility & Professionalism</u>		0.25	0.25		
<u>PMBR Module 8: Diversity & Inclusion</u>		0.25	0.25	0.25	

A photograph of a desk with a wooden surface. On the desk, there is a silver laptop, a white mouse, a silver pen, and a small white notepad. The background is a dark teal color.

Viewing Instructions

How to Obtain Your Certificate of Attendance: To obtain a copy of your certificate of attendance, please go to the ARDC On-Learning Portal and, under My Account, go to Login to go into your account. Once logged in, under "Manage Credit", click on "Click Here to Submit CLE or to Retrieve Completion Certificates." If you need further assistance, please contact Customer Support (Abila) by clicking the "Help" button or call 1-866-702-3278.

Viewing: These recorded webcasts are available 24/7. Once you have registered, you will be able to access the program and accompanying materials as many times as you wish but you may claim CLE credit for only one viewing.

MCLE Requirements: The certificate of attendance issued at the completion of the webcast evidences your attendance and is to be maintained by you in your CLE records. Do not send certificates of attendance to the MCLE Board, the ARDC, or a CLE provider. Providers **do not** report individual attorney attendance hours to the MCLE Board and the MCLE Board **does not** track the CLE activity of individual attorneys.

Nuts and Bolts of Thriving as a Solo Practitioner

Coordinated by the Black Women Lawyers Association, The Puerto Rican Bar Association and Lesbian and Gay Bar Association of Chicago

Moderator: Skip Harsch, American Bar Association

Presenters:

- Claudia Badillo, Badillo Law Group, P.C.
- Eileen Letts, Zuber Lawler & Del Duca LLP, Chicago
- Federico Rodriguez, Rodriguez Legal Group, LLC, Chicago

-Steps in starting your own firm: specialize, business plan, documents, software, bank accounts, malpractice insurance, client acquisition

-Networking and advertising- Join bar associations

-Referrals, professional, expertise, kindness, free consultations

-Cost efficiency- virtual office, go paperless, hire help

-Technology and the law- use it to your advantage, CRM software, scanner, apps

-Sole proprietorship v. corporation: use financial software, hire accountant and bookkeeper, steps in incorporation, set aside taxes!

-IOLTA accounts- IL Rule of Professional Conduct requirements

-Become an expert in your field and stay relevant

-Transitioning to solo practice from a firm

-Mindfulness, mental health and wellness as a solo- use resources



RULE 1.15: SAFEKEEPING PROPERTY

(a) * * * Complete records of client trust account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after termination of the representation.

Maintenance of complete records of client trust accounts shall require that a lawyer:

(1) prepare and maintain receipt and disbursement journals for all client trust accounts required by this Rule containing a record of deposits and withdrawals from client trust accounts specifically identifying the date, source, and description of each item deposited, and the date, payee and purpose of each disbursement;

(2) prepare and maintain contemporaneous ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the date of each deposit, the names of all persons for whom the funds are or were held, the amount of such funds, the dates, descriptions and amounts of charges or withdrawals, and the names of all persons to whom such funds were disbursed;

(3) maintain copies of all accountings to clients or third persons showing the disbursement of funds to them or on their behalf, along with copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them;

(4) maintain all client trust account checkbook registers, check stubs, bank statements, records of deposit, and checks or other records of debits;

(5) maintain copies of all retainer and compensation agreements with clients;

(6) maintain copies of all bills rendered to clients for legal fees and expenses;

(7) prepare and maintain reconciliation reports of all client trust accounts, on at least a quarterly basis, including reconciliations of ledger balances with client trust account balances;

(8) make appropriate arrangements for the maintenance of the records in the event of the closing, sale, dissolution, or merger of a law practice.

Records required by this Rule may be maintained by electronic, photographic, or other media provided that printed copies can be produced, and the records are readily accessible to the lawyer.

Reconciliation Report

Rule 1.15(a)(7)

(Done at least quarterly)

Balance in the Trust Account Journals:
Receipts Journal – Disbursement Journal

Balance in Client Ledger Pages:
Amount of all client ledger pages

Balance in Checkbook Register

- All three balances should be the same and equal to the bank statement (less for outstanding checks & net interest for IOLTA accounts, plus in-transit deposits)

TRUST ACCOUNT RECONCILIATION REPORT

TRUST ACCOUNT NO. _____

PERIOD OF _____ to _____

CLIENT LEDGER BALANCES

Amount

Client _____ \$ _____

Client _____ \$ _____

Client _____ \$ _____

Client _____ \$ _____

Client _____ \$ _____

Client _____ \$ _____

Client _____ \$ _____

Attorney Funds for Bank Charges, if any \$ _____

Total Client Ledger Balances \$ _____ *

Trust Account Journals Balance
(Receipts minus Disbursements) \$ _____ *

Trust Account Checkbook Balance \$ _____ *

BANK STATEMENT BALANCE

\$ _____

Less Outstanding Checks - _____

Less net interest accrued - _____

Plus In-Transit Deposits + _____

Adjusted Bank Statement Balance \$ _____ *

* These amounts must be identical to each other.

TAB 3

Driver in Despair: The Decline of Chicago's Taxi Industry

- *Bryant Greening, Legalrideshare, LLC, Chicago*
- *Furqan Mohammad, Mohammed, Shamaileh, Tabahi, LLC, Elmwood Park*
- *Lynn Preshad, Dreyfus Law Group, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

DRIVERS IN DESPAIR: THE DECLINE OF CHICAGO'S TAXI INDUSTRY AND CHALLENGES OF RIDESHARE DRIVERS

Presented for: 7th Annual Minority Bar CLE Conference

Presented by: South Asian Bar Association, Chicago

Speakers:

Furqan Mohammed, Partner, Mohammed, Shamaileh & Tabahi, LLC

Bryant Greening, Partner, Legal Rideshare LLC

Lynn Preshad, Attorney, Dreyfus Law Group



MOHAMMED. SHAMAILEH
- & TABAHI, LLC -



The Formalities

- Who we are
- What we do
- Why we do what we do
- How we do what we do

Roadmap

- Taxi 101
- TNP 101
- The Driver Crisis
- Protecting the Drivers
- What does the Future Hold for TNPs and Taxis?

Taxi Industry 101

- What is a Taxi Medallion?
- Owner/Operator, Owner/Manager, Lease Drivers
- Affiliations

Costs/Mandates to Operate a Taxi in Chicago

- Annual Renewal Fee: \$500
- Annual Ground Transportation Tax: \$1,176 (monthly \$98)
- Annual WAV Fees: \$264 (monthly \$22)
- Annual Affiliation Fees + Commercial Insurance: \$8,000
- Annual Semi-Annual Vehicle Inspections at Chicago facility (very tough to pass)
- Background check + fingerprinting
- Drug test
- No felonies/recent misdemeanors
- Training Course + Licensing Examination
- Public chauffeur license
- Commercial License Plates: \$98
- Extensive equipment/notice requirements

Becoming a TNP Driver

Minimum Vehicle Requirements

- 15-year-old vehicle or newer (new rules for older models)
- 4-door vehicle
- Good condition with no cosmetic damage
- No commercial branding
- Pass a vehicle inspection
- The vehicle does not need to be registered in the drivers name to qualify
- Insurance (minimum state limits)
- All drivers must maintain their own insurance policy in accordance with state and local laws. Uber and Lyft maintain automobile liability insurance during certain periods of operation

Becoming a TNP Driver

Minimum Driver Requirements

- Meet the minimum age to drive in your city
- At least one year of licensed driving experience in the US (3 years if you are under 23 years old)
- A valid US driver's license
- A valid US driver's license
- Proof of residency in your city, state, or province
- A driver profile photo
- Background check, including driving record and criminal history

Rise of TNPs In Chicago

2014

- The City of Chicago passed an ordinance in April 2014 putting permanent regulation and structure to Chicago rideshare
 - Chapter 9-115 of the Municipal Code of Chicago
 - The City of Chicago TNP Ordinance focuses on
 - Safe rides by requiring TNP companies to get licensed, conduct background checks and train affiliated drivers, inspect affiliated vehicles and obtain insurance
 - Protecting consumers by regulating surge pricing, requiring that 311 information be included on ride share apps, and directing ride shares to clearly identify affiliated vehicles and drivers

2016

- On June 22, 2016, the City passed new rules for ridesharing platforms
 - Drivers must acquire a special chauffeur's license, which can be attained through an online course and must be renewed yearly.
 - Drivers may not use a vehicle that is more than 6 years old, unless they submit to semi-annual vehicle testing.
 - Drivers must display a sign that lets passengers know they can call 311 to report complaints.
 - Removes drug-testing and physical-exam requirements for rideshare drivers, taxi drivers, horse-drawn carriage operators and pedicab operators seeking licensure.
 - No fingerprinting requirement

Plunging Medallion Prices

Fast forward to the present...

Date	PV Number	Sale Price	Seller Company Nm	Company Nm
1/25/13	2686			
1/30/13	6624			
1/31/13	3701			
1/31/13	2309			
2/4/13	1731			
2/4/13	4088			
2/4/13	6187			
2/4/13	4608			
2/6/13	2998			
2/6/13	1637			
2/11/13	3856			
2/13/13	4604			
2/25/13	151			
2/25/13	3627			
2/27/13	5516			
2/27/13	993			
2/27/13	4113			
2/28/13	1014			
2/28/13	2800			
2/28/13	5164			
2/28/13	2492			
2/28/13	2493			
5/31/19	1154	\$25,000	BLUE GARDEN CAB CORPORATION	MM & SS TAXI INC
5/31/19	3466	\$25,000	BLUE GARDEN CAB CORPORATION	KARACHI COLOR CORP
5/31/19	4107	\$23,000	RH TAXI CORP.	LEAK & N ENTERPRISES INC.
5/30/19	3464	\$25,000	800 TRANS INC	IDRIS TRANSPORTATION INC
5/30/19	3734	\$25,000	800 TRANS INC	LAKAB INC.
5/22/19	1363	\$25,000	LMN 5TH AVENUE CORP.	1363 CAB INC
5/22/19	595	\$25,000	COLLINS HACKING CORP.	SHIIL TRANSPORTATION CORP.
5/22/19	5639	\$20,000	PIERRE TAXI INC	ANK CAB INC
5/21/19	205	\$25,000	E & R CAB CORP	RF 1, INC.
5/21/19	116	\$25,000	KOSHECHKA TAXI INC	CCO CHICAGO CORP.
5/21/19	5416	\$25,000	E & R CAB CORP	KABHER, CORP.
5/21/19	6098	\$28,000	YOHANA INC	NUMIDIA CO.
5/16/19	2030	\$55,000	M AND L OCEANIA HOLDING CORP.	CHICAGO CAB CORP.
5/16/19	2079	\$55,000	SOUTH VIRGINIA HACKING CORP.	CHICAGO CAB CORP.
5/16/19	5550	\$25,000	HARRIS & HIRRAH INC	AAF MANAGEMENT, INC.
5/15/19	993	\$25,000	EXPRESS CAB CORP	CHITOWN CAB INC #1
5/15/19	4113	\$25,000	EXPRESS CAB CORP	CHITOWN CAB INC #1
5/15/19	4211	\$25,000	EXPRESS CAB CORP	CHITOWN CAB INC #1
5/15/19	5516	\$25,000	EXPRESS CAB CORP	CHITOWN CAB INC #1
5/15/19	5712	\$25,000	MIKHALIA CABS ONE INC.	MULTAN EXPRESS INC
5/15/19	4244	\$25,000	MIKHALIA CABS ONE INC.	AFAXI TAXI INC
5/15/19	5281	\$25,000	NATASHA HACKING TWO CORP.	BAHAYLAY INC
5/15/19	4003	\$25,000	NATASHA HACKING TWO CORP.	GURU 1313 INC

C.
2.
INC.
P
STAR INC
VC
P
RP
XI CORP
BILEE CORP

Taxi Association Lawsuit Against City of Chicago

- *Illinois Transportation Trade Association v. City of Chicago*, 2014 CV 827 (ND IL)

Further, none of the supposed differences are rational differences in treatment under the Ordinance. As our background, the City regulates taxis and TNPs differently in several areas, among others: background checks, drug tests, maintenance and inspection, insurance, annual fees, fares. The Court notes each of these areas of regulation, at least in part, on safety concerns. In all these areas the burdens on taxis are far more onerous than for TNPs. The City has a legitimate interest in increasing the availability and accessibility of transportation as well as fostering diversity and competition in the "for-hire" market. While the Court does not doubt the City's legitimate interests for the City to hold, there is simply no rational basis for the differences in the Ordinance. This Court fails to see how the purported differences relate to the stated rational basis of maintaining substantially heavier burdens on taxis for their qualifications, drug testing, vehicle condition, insurance, and the purported differences between taxis and TNPs are not the stated rational appear utterly arbitrary to this

for fai

Case: 1:14-cv-00827 Document #: 66 Filed: 09/22/15 Page 10 of 10 PageID #: 1426

Even a cursory examination of these purported differences demonstrates that these are not material differences justifying disparate treatment of taxis and TNPs. First, with respect to the manner of obtaining a ride, this Court sees no material difference between raising your arm to hail a cab on a street corner and putting your location in an app with a request for immediate transport. Similarly, rides can be prearranged in taxis as well as TNPs. The pre-existing contractual relationship is also an illusory difference since the taxi passenger is immediately bound by a contract of adhesion upon entering the taxi. The driver of a TNP, whether there is a photograph and description on the app is not necessarily any more "known" to the consumer than a taxi driver whose photograph and name must appear inside the vehicle and who is traceable by medallion number. Additionally, consumers can provide comments to the taxi affiliation through the 3-1-1 number. Lastly, the fact that fares for taxis are set by the City is an artificial difference created by defendant. This Court finds that taxis and TNPs are similarly situated, at least at the present stage. Each provides for-hire transportation within the City of Chicago, rides can be pre-arranged for a set time, hailed, or virtually-hailed through an app, consumers are contractually bound to pay for the services and may do so by credit card.

Seventh Circuit Reverses

- Plaintiff's arguments are anti-competitive. "The proper question ... is whether the regulatory differences between Chicago taxicabs and Chicago TNPs are arbitrary or defensible."
- There are enough differences between taxi service and (ride-sharing) service to justify different regulatory schemes"
 - Passengers sign up ahead of time
 - Uber assumes responsibility for screening
 - Passengers receive more information about driver when hailing a cab (name, picture, rating)
 - Less wear-and-tear on Ubers than cabs because it is primarily composed of part-timers
- Dogs and Cats analogy

Medallion Status (as of 5/28/19)

- **Revoked – 69**
- **Inactive – 86**
- **Foreclosure – 851**
- **Surrender—242**
- **Violation—2317**

Total: 3565 (out of a total of 6999 medallions)

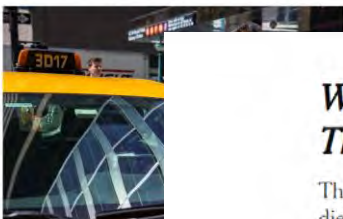
Foreclosure Lawsuits

Lender	Lawsuits Filed
Actors	33
Bethpage	169
Capital One	43
Lomto	125
Medallion Bank	89
Melrose	170
Northstar	15
Progressive	59
Signature Financial	115
Transit Funding	6

Total Lawsuits: 824

The Decimation of the Industry

Taxi Medallions, Once a Safe Investment, Now Drag Owners Into Debt



Chicago Taxi Industry Releases Startling Figures Of Decline, Takes Aim At City Council

BY STEPHEN GOSSETT IN NEWS ON JUN 5, 2017 9:33 AM

Why Are Taxi Drivers in New York Killing Themselves?

Three taxi owners and five other professional drivers have died by suicide over the last year. It has prompted a flurry of legislation to improve working conditions for drivers.

How Bad Is Chicago's Cab Market? Plunging Taxi Medallion Prices Tell The Tale

By Mike Pizzinielli April 13, 2017 at 10:00 pm Filed Under: Mike Pizzinielli, Taxi Medallion, Uber Lyft

Chicago cabbies say industry is teetering toward collapse

Aamer Madhani, USA TODAY Published 4:47 p.m. ET June 5, 2017 | Updated 8:54 a.m. ET June 6, 2017

Sixth New York City cab driver dies of suicide after struggling financially

A Yemeni immigrant is the sixth driver to die of suicide in the past eight months, according to the New York Taxi Workers Alliance.

By PHIL KURTZ/ALBANY Jun 16, 2018 / 3:09 PM ET / Updated Jun 16, 2018 / 3:09 PM ET

Foreclosures – Legal Description

- **Lender's Claims**
 - Preliminary Injunction
 - Injunction
 - Conversion
 - Unjust Enrichment
 - Breach of Loan
 - Breach of Personal Guaranty
- **Borrower's Defenses**
 - Standing
 - Failure to Mitigate Damages
 - Unclean Hands
 - Fraud/Fraud in the Inducement
 - Payment or Misapplication of Payments
 - Unconscionability
 - *Violation of Unfair and Deceptive Trade Practices Act?*

Taxi Foreclosures – Possible Outcomes

- Solutions differ by lender and by circumstance
 - Discounted Pay-off
 - Cash + Surrender
 - Loan Modification (A-B Note)
 - Loan Modification (w/principal forgiveness)
 - Liens on Real Property (discouraged)
 - Chapter 7 Bankruptcy
 - Chapter 13 Bankruptcy (cram down secured debt, pay over five years and keep your assets)

Challenges of Driving for TNPs

- Atomization of the Workforce
- Too Many Drivers
- Uncertain Wages
- Deactivations
- Lack of Regulation Versus Too Much Regulation
- Driver Support, or Lack Thereof

What does the Future Hold for TNPs

- City of Chicago Looking at New Ways to Help Drivers
- IPO Effects on Drivers/Passengers – wages, fares, safety
- Employee Versus Independent Contractor – status quo, collective bargaining, unionization
- Protests – effective or destructive?

What does the Future Hold for Taxis

- Resilience of Taxi Drivers
- Leveling playing field
 - Deregulation of Taxi Industry
 - Increasing regulations on TNPs
- Questions about profitability of TNP business model
- Some Hedge Funds are purchasing taxi medallions in NY
- NY Times Expose Exposing Taxi Medallion Lender Predatory Lending Schemes
 - Chuck Schumer calls for investigation into National Credit Union Administration for failure to supervise credit unions issuing risky loans
 - NY Mayor's Office Opens Investigation
 - NY Attorney General's Office Opens Investigation
- Do new airport pick-up rules violate Equal Protection Clause?

Questions? Contact Us!

Bryant Greening
Legal Rideshare, LLC
312.767.7950

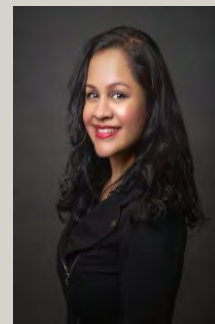
bryant@legalrideshare.com

Furqan Mohammed
Mohammed, Shamaileh & Tabahi, LLC
847.916.7802

fmohammed@mstlawfirm.com

Lynn Preshad
Dreyfus Law Group
773.327.3474

lpreshad@dreyfuslawgroup.com



TAB 4

Voting Rights: A Discussion of the Disenfranchisement Among Minorities

Moderator: *Ryan Cortazar, Korein Tillery, Chicago*

- *Ami Gandhi, Chicago Lawyers Committee for Civil Rights, Chicago*
- *Stephen Stern, Law Office of Stephen Stern*
- *Prof. Nicholas Stephanopoulos, University of Chicago Law School, Chicago*
- *Griselda Vega-Samuel, Mexican American Legal Defense and Educational Fund, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

General Requirements and Barriers to Getting on the Ballot

By Stephen Stern

1. That the Candidate Resides within the geographical area designated for the office sought. To meet this requirement the Candidate must prove two elements: "... (1) physical presence, and (2) an intent to remain in that place as a permanent home." *Maksym v Board of Election Commissioners of the City of Chicago* 242 ILL 2nd 303, 319 (ILL 2011)(citing *Hughes v. Illinois Public Aid Comm'n*, 2 Ill. 2d 374, 380, 118 N.E. 2d 14 (1954)).

Note: The length of time one must be a resident may vary depending on the office involved but at a minimum the person must be a resident at the time of circulations of "Nominating Petitions" but once residency is established if the person is no longer physically present the issue then becomes whether the person intended to abandon their residency at that location *Maksym* 242 ILL 2nd at 319-320 (Emanuel Case).

2. That the Candidate is a registered voter. This is generally an accepted implied requirement because the nomination papers that must be filed must contain such candidate certifications. See 10 ILCS 5/1-3(12), 5/3-1.2, 5/7-10, 5/10-3.1, 5/10-5 of the Election Code (hereinafter "Code")

3. That the Candidate is a US Citizen. A prerequisite to becoming a registered voter is that a person must be "a citizen of the United States." 10 ILCS 5/3-1, 5/4-8, 5/5-7, 5/6-27, 5/7-43 of the Code. See U.S.CONST. amend. XXVI.

4. Minimum Age Requirements Every office has them and generally they increase with the magnitude of office sought and must be met by the date the person assumes office based upon various Federal and State Constitutional provisions as well as State statutory provisions.

5. Licenses or Certificates for Certain Offices. Some Offices require either the possession of specific professional licenses or a particular status of the officeholder. (e.g. a judge ILL.CONST. Art. VI, §11 or County State's Attorney ILL.CONST.Art. VI, §19; 10 ILCS 5/7-10 of the Code must be a licensed attorney and a regional superintendent of schools must have various certificates and experiences under the School Code 105 ILCS 5/3-1).

6. Party Affiliation in partisan elections. During a partisan election cycle (where there is a party primary then a general election between various parties or independent candidates) a person may not switch parties during the cycle (e.g. vote as a democrat in the primary and then run as an independent in the general) *Hossfeld v. Illinois State Board of Elections*, 238 Ill.2d 418, 39 N.E.2d 368, 374-75 (2010)

7. Conviction of Felony or Infamous Crimes. Article XIII, §1 of the Illinois Constitution provides that "[a] person convicted of a felony, bribery, perjury or other infamous crime shall be

ineligible to hold an office” created by the Constitution unless restored by law. See also 10 ILCS 5/29-15 of the Code.

Note: These are not the only barriers and requirements but the ones I consider to be the major and clearest ones other than the ones that I will discuss below related to problems with the documents that must be filed to qualify to get on the ballot.

Essential Documents that Must be Filed to Get on the Ballot

1 Statement of Candidacy Each set of nomination papers must include a statement of candidacy for each candidate 10 ILCS 5/7-10, 5/8-8, 5/10-4, 5/10-5 of the Code. The statement must be in substantially the form as set forth by the Code. The candidate must personally swear to certain facts in his/her individual statement, including the following:

- a the candidate’s name;
- b the candidate’s complete residence address;
- c. whether the candidate seeks nomination at a party primary (and if so, a proper designation of that party) or election to a nonpartisan public office that, by law, does not have primaries;
- d. that the candidate is a qualified voter in the district in which they are running (*i.e.*, registered at both the time of the signing and the filing of the statement of candidacy) and is a qualified primary voter of his or her respective party (for a party primary);
- e. that he or she is “legally qualified” (including being the holder of any license that may be an eligibility requirement for the office [he or she] seek[s] the nomination for) to hold such office;
- f. that the candidate “has filed or will file a statement of economic interests” before the close of the petition filing period for any public office;
- g. that the candidate’s name is to be placed on the official ballot for a particular, specifically and properly described public or party office.

The statement “shall be sworn to before some officer authorized to administer oaths in this State,” and the candidate must be “personally known” by that officer’

Note: The Illinois Supreme Court in *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443, 447 (1976) noted that the purpose of the requirement that a statement of candidacy be included as a part of a candidate’s nominating papers is to obtain a sworn statement from

¹ Attached is a suggested Statement of Candidacy created by the Illinois State Board of Elections (hereinafter “ISBE”) for a Partisan Municipal election that contains all these elements.

the candidate establishing his qualifications to enter the primary election for the office. Courts have interpreted *Lewis* as allowing “substantial compliance” with 10 ILCS 5/7-10 of the Code when there is “no conflict between the two documents (the Statement of Candidacy and Nomination Petitions) and no basis for confusion.” see e.g. *Panarese v. Hosty*, 104 Ill.App.3d 627, 432 N.E.2d 1333, 1336(1st Dist. 1982).

2 Voter Petition Sheets The formalities of voter signature sheets are set forth in §§7-10, 8-8, and 10-4 of the Code. This sheet must include the following under the Code:

- a Heading that contains the petition by the registered voters that the name of the candidate and his/her political party (when the election is partisan or for a political party office) appear on the ballot for the office specified at the particular election and on the date as set forth by law.
- b The Candidate’s name and address as they will appear on the Ballot.
- c Signatures of registered voters in the district involved and their residence addresses follow the candidate identification. Only the signature must be written in the hand of the voter or, as the Code requires, “in their own proper persons only.” 10 ILCS 5/7-10, 5/10-4.
- d At the bottom of each sheet must contain a circulator’s affidavit consisting of a statement signed by a person 18 years or older that is a citizen of the United States. The affidavit must also set forth, inter alia, that the signatures were signed by the voters in the presence of the circulator and that, to the best of the circulator’s knowledge and belief, these voters were at the time of signing qualified voters who correctly stated their residences. Additionally, it must include a certification indicating (1) the actual dates of circulation, (2) the first and last dates of circulation (which must have been within the 90 days below), or (3) the fact that none of the signatures were obtained more than 90 days preceding the last day for the filing of the nomination petition. Finally, the statement must be sworn to before some officer authorized to administer oaths in Illinois. 10 ILCS 5/7-10, 5/8-8, 5/10-4, 5/28-3 of the Code.²

3 Receipt of Filing of Statement of Economic Interests Article XIII, §2 of the Illinois Constitution and the Illinois Governmental Ethics Act (hereinafter “Act”) require that candidates for public office must file a statement of economic interests on or before the last day for the filing of nomination papers. See 5 ILCS 420/4A-103, 420/4A-105(a) of the Act and nomination papers are not valid unless there has been compliance with the Governmental Ethics Act 10 ILCS 5/7-10, 5/7-12(8), 5/10-5 of the Code. As a practical matter, election

²Attached is a suggested Voter Petition Sheet created by the ISBE for a Nonpartisan Municipal election that contains all these elements.

authorities have consistently required that a copy of the receipt must be filed. While it need not accompany the other nomination papers, the candidate must file the receipt no later than the deadline for filing the nomination papers.

Note: The governmental office where the statement of economic interests is filed is usually the Illinois Secretary of State, the local county clerk or local election official depending on the type of office sought whereas the nomination papers are filed in a different office (e.g. Illinois State Board of Elections or the county or municipal board of elections). Failure to timely file the statement of economic interests and/or receipt in the right office can be fatal.

4 Loyalty Oath The Code requires an oath affirming that a candidate is “not affiliated directly or indirectly with any communist organization or any communist front organization” nor with any foreign power advocating “the overthrow of constitutional government by force” and that he or she does not “directly or indirectly teach or advocate” such activities 10 ILCS 5/7-10.1 of the Code. It is also required under §10-5 of the Code. This form was declared vague and over broad under the First and Fourteenth Amendments of the U.S. Constitution in *Communist Party of Illinois v. Ogilvie*, 357 F.Supp. 105 (N.D.Ill. 1972). Thus the decision whether or not to file one is essentially a political decision.

Note: The nomination papers that are filed (including their physical form e.g. whether they are all originals and the manner of their binding), the legal status of the candidate, the conduct and legal status of the parties involved in creating the documents, and the constitutionality of some of the provisions of the Code are vigorously tested in administrative proceedings creating a large body of cases on various subjects testing whether the candidate can be placed on the ballot for possible selection on election day.

Requirements Related to the Filing of Nomination Papers

1 Times and Locations for Filing Nomination Papers The location and timing for the filing of all nomination papers are strictly governed by 10 ILCS 5/7-12, 5/8-9, and 5/10-6 of the Code. Generally speaking, there is a one-week “window” for filing nomination papers established by law as being a certain number of days counted backwards from the date of the election. For purposes of the Code, “the office in which petitions must be filed shall remain open for the receipt of such petitions until 5:00 P.M. on the last day of the filing period.” 10 ILCS 5/1-4 of the Code. Also, as noted above the locations are either the Illinois State Board of Elections, the local county clerk or local election official.

2 Fastening and Pagination of the Nomination Papers The Code requires that the sheets containing voter signatures be numbered consecutively and neatly fastened in book form, fastening them together at one edge in a secure and suitable manner. 10 ILCS 5/7-10, 5/10-4 of the Code. These requirement has spawned a number of decisions where the courts for the

most part have not found numbering errors to be fatal where they don't create confusion and where there is some kind of reasonable compliance with the fastening retirement.

- 3 Photocopies of Nomination Papers The Election Code also requires that all Voter Petition Sheets filed must be the original sheets signed by the voters and the circulator and not photocopies or duplicates of these sheets 10 ILCS 5/7-10, 5/8-8, 5/10-4 of the Code. The Cook County Board of Elections invalidated a candidacy where most of the sheets were photocopied in *Lyngaas v. Boozer*, No. 91-COEBMWRD-03 (Cook Cty. Electoral Board 1992) and the Chicago Board of Elections invalidated a photocopied Statement of Candidacy as well as photocopied Voter Petition Sheets in *Morrow v. Wilson*, No. 00-EB-RGA-015 (Chicago Electoral Board 2000).

Procedural Requirements for Challenges/Objections to the Nomination Papers

The Election Code lays down the basic procedures for the handling of objections to nominating papers:

- 1 Filing Objection to the Nomination Papers Section 10 ILCS 5/10-8 of the Code permits "any legal voter of the political subdivision or district" to file an "objector's petition together with 2 copies thereof" to challenge the validity of any nomination papers "within 5 business days after the last day for filing the certificate of nomination or nomination papers." The objector's petition is expected to reveal the identity of the objector, "the nature of the objections to the...nomination papers...in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board".
- 2 Notice of First Hearing on Objections Pursuant to Section 10-10 of the Code, within 24 hours after receiving the nomination papers and the objector's petition the Board of Election Commissioners is required to "send a call by registered mail" to the objector and candidate, with a copy of the call also served by the sheriff upon them. The call must state the day, hour, and place of the hearing on the objections, and the hearing must not be less than three nor more than five days after the receipt of the nomination papers and the objections. On the first day of the hearing, the Board is required to "adopt rules of procedure for the introduction of evidence and the presentation of arguments".
- 3 Service of Objections Pursuant to Section 10-10 of the Code no later than 12pm on the second business day after receipt of the objector's petition, the proper election authority must transmit by registered mail or receipted personal delivery the copy of the objector's petition to the candidate whose nomination is challenged.
- 4 Evidence and Procedural Rules The Code of Civil Procedure is inapplicable to administrative proceedings. *Caldwell v. Nolan*, 167 Ill.App.3d 1057, 522 N.E.2d 175 (1988), (First Dist. 1984). And, as noted above Section 10-10 of the Code requires the electoral

board to adopt rules of procedure for the introduction of evidence. In connection with the Chicago and Cook County Boards of Election in the past: 1) the Chicago Board of Election Commissioners has adopted rules which provide that for matters not covered by its rules of procedure, the rules of practice which prevail in the Circuit Court in Cook County, Illinois, including the Code of Civil Procedure and the Rules of the Illinois Supreme Court, will be followed but because of the nature of these types of proceedings, the Board is not bound by such rules in all particulars Rule 10(a); and similarly, the Cook County Board of Elections Rule 8 provides that the Board or Hearing Officer will not be bound rules of procedure or rules of evidence which obtain in courts of law, although they will take guidance by such rules.

- 5 Judicial Review Pursuant to Section 10-10.1 of the Code a party seeking judicial review of the election board's decision must file a petition in the appropriate county circuit court within 5 days after service of the Board's decision and must serve by registered or certified mail the electoral board and other parties within the same time period.

Note The last date for filing nomination papers are around three to four months before the date of the election (which for "general elections" the primary is held in even numbered years on the third Tuesday in March and the general election is held on the first Tuesday after the first Monday of November 10 ILCS 5/2A-1.1(a) and, for "consolidated elections" the primary is held in odd numbered years on the last Tuesday in February and the election is held in the first Tuesday in April 10 ILCS 5/2A-1.1(b)). For example: the "general election" of federal and some state offices in the most recent even numbered year was held 3/20/18 and the last date for filing nomination papers under 10-6 of the Code was 12/4/17; and, the "consolidated" election of municipal and certain other offices in the most recent odd numbered year was held 2/26/19 and the last date for filing nomination papers under 7-12 of the Code was 11/26/18. Moreover, pursuant to Section 10 ILCS 5/19A-15(a) of the Code early voting by "personal appearance" begins on the 40th day before an election and under 5/19A-15(b) a polling place for early voting must open beginning the 15th day before an election. Therefore, in the 2018 general election the ballots had to be finalized for voting purposes by February 7, 2018 and, as noted above, the nomination papers-not the objections-had to be filed by 12/4/17. Thus, given the tightness of the schedule set by the Code related to the objection process (including appeals to trial and appellate courts) and when the final ballots must be given to the voters, counsel would be well advised to be prepared for engaging in a "**rocket docket**".³

³ As provided in Rule 9(a) of the rules of Procedure of the Chicago Board of Elections "Expedited proceedings." "Due to impending statutory deadlines for the certification of candidates and the preparation and printing of ballots, proceedings before the Electoral Board must be conducted expeditiously."

Litigation of Election Cases Before Election Boards⁴

On the first date of hearing before a Hearing Officer of the Chicago Board of Elections (hereinafter "Board") a case management conference is conducted. Under Rule 5(b) the Candidate is notified that he/she has until 5pm the next day to file and serve any Motion to Dismiss the Objection Petition (in whole or in part) and the Objector is given until 5pm the next day to file a response. Amendments to the Objection Petition raising additional objections are not allowed under Rule 9(b) and the case law interpreting Section 10-8 of the Code's requirement that objections to nomination papers be filed within 5 days business days of the filing of the nomination papers *Stein v. Cook County Officers Electoral Board*, 264 Ill.App.3d 447, 201 Ill.Dec. 628, 636 N.E.2d 1060(1st Dist. 1994). The Hearing Officer then places the objections raised related to the Voter Petition Sheets⁵ on call for an examination of the Board's records to test the validity of the objections and sets a status date for hearing Motions related to the Objection Petition as well as any other proper Motions.

If the matter can be resolved completely by the Motion to Dismiss than it may be resolved that way. However, if the results of the Records Examination indicate that the candidate does not have the minimum number of valid signatures then the Objection Petition will fail on that basis. Even when the results of the records examination reveals that the Candidate has less than the minimum number of signatures to get on the ballot, either party can move for a evidentiary hearing under Rule 8 of the Board's rules challenging the results of the Record Examination as well as on any other objections or Motions which if sustained by the evidence or arguments presented may cause the Candidate to be ineligible to be placed on the ballot.

A motion challenging the results of the records examination has to comply with the detailed requirements under subparagraph (d) of Rule 8 and must be filed with the Board and served on the opposing party no later than 5pm on the next business day following the completion of the records examination under Rule 8(c). Many of these objections under Rule 8 of the Board's rules and other objections contained in the Objection Petition relate to other requirements concerning the Nomination Papers as well as other requirement highlighted in this paper and litigated in the hundreds of cases that comprise the judicial interpretations of those other requirements under the Code and also any constitutional issues raised. In the next part of this paper I will highlight a few constitutional issues that have been raised and litigated in federal courts challenging various provisions in the Code that show how they have been handled.

⁴ For purposes of description of how a case will be litigated before an Election Board I utilize the progress on objections before the Chicago Board of Elections which has the most developed rules and election decisions base.

⁵ These Objections are usually raised by incorporating by reference in the Objection Petition Appendix Recap Sheets (such as the one attached) that track the Voter Petition Sheets.

Claims of Unconstitutional Barriers to Ballot Access In Federal Courts

Two ballot access requirements that have been frequently challenged as violating rights guaranteed by the First and Fourteenth Amendments are the various minimum signature requirements as well as the time candidates are allowed to circulate and required to file nominations petitions in the Code. These requirements are sometimes combined along with other ballot access requirements in the Code to raise constitutional violation claims. In describing the standards applied in these types of cases in various settings, I will refer to four cases involving four levels of elected offices and elections under the Code: 1) a statewide office in a “[non]established political party” primary; 2) a state legislative office in a “[non]established political party” primary; 3) a municipal office in a primary election; and 4) a primary election for a party committeeman (not in that order). The decision in *Stone v. Bd. Of Election Comm'rs for the City of Chicago* 750 F 3d 678 (7th Cir. 2014) involving what is essentially a Chicago Mayoral primary race⁶ is the best place to start because it is a recent case with a comprehensive discussion of the various factors to consider in a case involving First and Fourteenth Amendments ballot access violation claims.

In *Stone* various candidates who were running for Chicago Mayor claimed that the requirements that they must: 1) collect 12,500 signatures from legal voters in the city (pursuant to 65 ILCS 20/21–28(b)); 2) within 90 days prior to the time for filing their nomination papers (see above); and 3) not include any voter who has signed a petition for another candidate in the primary (pursuant to 10 ILCS 5/7-10) individually and collectively violate their constitutional rights under the First and Fourteenth Amendments. The Court began by noting that “[t]he impact of candidate eligibility requirements on voters implicates basic constitutional rights” to associate politically with like-minded voters and to cast a meaningful vote [but that]...“States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election-and campaign-related disorder.” 750 F 3d at 681. The Court then laid out the considerations in determining whether constitutional violations had been established:

“The Supreme Court has often stated that in this area there is no “litmus-paper test” to “separate valid from invalid restrictions.” *Anderson*, 460 U.S. at 789, 103 S.Ct. 1564 (quoting *Storer v. Brown*, 415 U.S. 724, 730, 94 S.Ct. 1274, 39 L.Ed.2d 714 (1974)). Rather, a court must make a practical assessment of the challenged scheme's justifications and effects:

[A] court ... must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State

⁶ Because it is a nonpartisan race where if no candidate gets more than 50% of the vote the two candidates with the top votes square off in a general elections.

as justifications for the burden imposed by its rule. In passing judgment, the [c]ourt must not only determine the legitimacy and strength of each of those interests; it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional. *Id.*; see also *Navarro*, 716 F.3d at 430; *Lee v. Keith*, 463 F.3d 763, 768 (7th Cir.2006).

Practically speaking, much of the action takes place at the first stage of *Anderson*'s balancing inquiry. If the burden on the plaintiffs' constitutional rights is "severe," a state's regulation must be narrowly drawn to advance a compelling state interest. *Burdick v. Takushi*, 504 U.S. 428, 434, 112 S.Ct. 2059, 119 L.Ed.2d 245 (1992). If the burden is merely "reasonable" and "nondiscriminatory," by contrast, the government's legitimate regulatory interests will generally carry the day. *Id.* Even this rule can only take us so far, though, for there is no "litmus test for measuring the severity of a burden that a state law imposes," either. *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191, 128 S.Ct. 1610, 170 L.Ed.2d 574 (2008)." *Id.*

In applying these standards the Court first considered the burden on the candidate's ballot access placed by the 12,500 signature requirement within 90 days considering the candidates arguments that: 1) the average outsider candidate cannot draw on an existing political infrastructure or afford to hire persons to collect signatures on their behalf; and 2). Chicago's requirements are much more onerous than those in other large cities such as Los Angeles where mayoral candidates have to collect no more than 1000 signature within 25 days; and voters are allowed to sign more than one nomination petition in a given election 750 F 3d at 681-82. In response to these arguments the court stated "What is ultimately important is not the absolute or relative number of signatures required but whether a "reasonably diligent candidate could be expected to be able to meet the requirements and gain a place on the ballot. *Bowe v. Bd. of Election Comm'rs of City of Chi.*, 614 F.2d 1147, 1152 (7th Cir.1980) (citing *Storer*, 415 U.S. at 742, 94 S.Ct. 1274). Like the district court, we find that the answer to that question is yes." 750 F 3d at 682.

In support of this conclusion the Court noted "...that since 2005, a good number of candidates have been able to satisfy Chicago's ballot requirements. In fact, nine mayoral candidates successfully obtained 12,500 valid signatures for the February 2011 election, although three of them dropped out before election day....[and] Chicagoans had not had so many choices at the polls since at least 1975." The Court also noted that one of the nine mayoral candidates appeared on the ballot, is a plaintiff in the case before it and stated "...like the Supreme Court in *American Party of Texas v. White*, we are skeptical of claims that ballot access laws "are too onerous ... where [one] of the original party plaintiffs" himself "satisfied these requirements." 415 U.S. 767, 787, 94 S.Ct. 1296, 39 L.Ed.2d 744 (1974)." 750 F 3d at 682-83. The court also stated as support for its decision that the Chicago's mayoral signature

requirement was not “a severe burden under traditional framework”, that “...12,500 signatures is about 1% of the total number of registered voters in Chicago or (depending on turnout) about 2.5% of the votes cast in the last mayoral election. The Supreme Court has approved of signature requirements as high as 5% of the eligible voting base. *See Jenness v. Fortson*, 403 U.S. 431, 442, 91 S.Ct. 1970, 29 L.Ed.2d 554 (1971).” 750 F 3d at 683.

The Court then gave only minimal consideration to the two other challenged features of Chicago's ballot access scheme, the 90 day collection period and the one-voter, one-signature rule and held that they do not transform an otherwise reasonable signature requirement into a severe one. In support of its ruling the Court stated “Ninety days does not strike us as an excessively short time to collect 12,500 signatures, particularly when this schedule applies equally to every candidate. We previously saw no problem with a ninety-day window to collect 25,000 signatures. *Nader v. Keith*, 385 F.3d 729, 736 (7th Cir.2004). Also, the Supreme Court has approved a shorter period to collect a similar number. *White*, 415 U.S. at 786–87, 94 S.Ct. 1296 (fifty-five days and 22,000 signatures). The law the Court upheld in *Jenness* gave candidates twice as long to circulate petitions (180 days) as Chicago does here, but the signature requirement (5% of eligible voters) was proportionally about five times greater than Chicago's. 403 U.S. at 433–434, 91 S.Ct. 1970. 750 F 3d at 684. Then the Court summarily stated “Nor do we believe that the one-voter, one-signature rule acts as a “suffocating restriction[] ... upon the free circulation of nominating petitions.”*Id.* Finally, the Court stated that “There is no question that the 12,500–signature requirement and accompanying rules “serve the important, interrelated goals of preventing voter confusion, blocking frivolous candidates from the ballot, and otherwise protecting the integrity of elections.” *Navarro*, 716 F.3d at 431; *see also Anderson*, 460 U.S. at 788 n. 9, 103 S.Ct. 1564 (“The State has the undoubted right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot.”)” 750 F 3d at 685.

Bowe v Board of Election Com'rs of the City of Chicago 614 F 2d 1147 (7th Cir 1980) involved a primary election of two Chicago Democratic Ward Committeemen. The appeal was briefed on an emergency basis, due to the time constraints faced by the defendants, the Chicago Board of Election Commissioners in arranging for ballots to be printed for the primary election to be held on March 18, 1980. The Court decided the appeal without oral argument under Rule 34 of the Federal Rules of Appellate Procedure and due to the emergency nature of the appeal dispensed with the notice generally provided under Circuit Rule 14(f). The plaintiffs request for a preliminary injunction requiring the defendants to accept their petitions and include their names on the ballot for election was denied by the district court. 614 F 2d at 1148-1149. The appellate court granted limited injunctive relief in an order of February 1, 1980 see 614 F 2d at 1153 and the case was decided February 13, 1980⁷.

⁷ I have included this procedural history to give an example of the speed in which the evidence and legal arguments must be presented and because, as will be seen later, it is relevant to the ultimate outcome of this appeal.

The sole ballot access requirement that the plaintiffs challenged as unconstitutional was the minimum signature requirement in Ill.Rev.Stat. Ch. 46, § 7-10(i) (now contained in 10 ILCS 5/7-10(i)) for the office they were seeking in the 13th and 28th wards of Chicago. The Court began its analysis by noting that section 7-10 to the Code set minimum signature requirements for most offices and that some were set in terms of percentages of primary electors from the political subdivision (including the requirement for ward committeeman). 614 F 2d at 1149. Then the court pointed out that “The complaint of the plaintiffs calls into question the 10% minimum signature requirement applied to Ward Committeemen as compared to minimum requirements applied to other offices. In particular, the plaintiffs have placed some emphasis on the contrast between the offices of Ward Committeeman and State Central Committeeman. A Ward Committeeman serves only a single ward in the City of Chicago. As a result of the 10% minimum requirement, Democratic candidates must collect hundreds of valid signatures to qualify. The minimum ranges from a low of 834 in the 28th Ward to a high of 2,280 in the 13th Ward. By contrast, a State Central Committeeman serves an entire Congressional District, which allegedly contains “a population several times larger” than a ward in the City of Chicago. However, only 100 signatures are needed to qualify for the ballot” 614 F 2d at 1150.

The Court in *Bowe* rejected the plaintiffs’ argument that a state may never impose a higher signature requirement for an office of a smaller subdivision than the requirement imposed for any office of a larger subdivision 614 F 2d 1151. The court then stated that “it is established that the state’s interests in preserving the integrity of its electoral process and regulating the number of candidates on the ballot are compelling. *American Party of Texas v. White*, 415 U.S. 767, 782 n. 14, 94 S.Ct. 1296, 1307, 39 L.Ed.2d 744 (1974), and cases cited. Thus substantial minimum signature requirements serve compelling state interests, and the only question is whether the specific percentage chosen serves the state’s compelling interests in a reasonable manner” 614 F 2d at 1152. The Court next noted that the Supreme Court has consistently taken an “intensely practical and fact orient approach in deciding... election cases” (citations omitted) and that the clearest example of the approach we have in mind is found in *Storer v. Brown*, 415 U.S. 724, 94 S.Ct. 1274, 39 L.Ed.2d 714 (1974)... [where]The ultimate question was said to be whether in the context of California politics, a reasonably diligent candidate could be expected to be able to meet the requirements and gain a place on the ballot. *Id.* at 742, 94 S.Ct. at 1285.” *Id.* The Court then pointed to the fact that the plaintiffs sought injunctive relief from it and the district court without the development of a factual record as to the circumstances, background and operation of the statute in question [other than its arguments based upon the differences noted above between the two types of offices]” and held that “It is precisely because of the lack of a fully developed record that we find no abuse of discretion in denying a preliminary injunction.” 614 F 2d at 1152-1143.

Nader v Keith, 385 F 3d 729 (7th Cir. 2004) challenged as violations of the First and Fourteenth Amendments three provisions of the Code that have in combination prevented Nader from qualifying for a place on the ballot. Nader was running as a candidate for President of the

United States in a “[non]established political party” (neither in a Democratic nor Republican primary). Therefore, several provisions under the Code for gaining access to the ballot were different. The three provisions challenged were: “The first provision requires any candidate who has not been nominated by a party that received at least 5 percent of the votes in the most recent statewide election to obtain nominating petitions signed by at least 25,000 qualified voters. 10 ILCS 5/10-3. The second provision requires that the address on each petition be the address at which the petitioner is registered to vote. *Id.*, 5/3-1.2. And the third requires that the petitions be submitted to the state board of elections at least 134 days before the election. *Id.*, 5/10-6. The deadline this year was thus June 21.” 385 F 3d at 731. On June 21st Nader turned in 32,437 petition signatures, 19,000 of which were objected to and 12,327 of those objections were sustained (leaving him with 20,110) *Id.* “Nader argues that the three rules that in combination ruled him off the ballot impose an unreasonable burden on third-party and independent (nonparty) candidacy (though the Libertarian Party's candidate was able to qualify), and if this is so the rules are unconstitutional.” 385 F 3d at 732.

First, concerning the signature requirement for third party candidates, the Court first alluded to the fact that the Libertarian party was able to meet the requirement and stated that “... there have to be hurdles to getting on the ballot and the requirement of submitting a minimum number of nominating petitions is a standard one. In a state the size of Illinois — the population exceeds 12 million, of whom more than 7 million are registered voters — requiring a third-party candidate to obtain 25,000 signed nominating petitions cannot be thought excessive. *Jenness v. Fortson*, 403 U.S. 431, 91 S.Ct. 1970, 29 L.Ed.2d 554 (1971), upheld a Georgia law that required petitions from 5 percent of the registered voters — in Illinois that would mean 350,000 petitions! Equally stringent requirements have been upheld in other cases.” (string citations omitted) 385 F 3d at 733. Second, concerning the address requirement, the Court stated “...the fact that the nominating petitions that a candidate submits have actually been signed by registered voters has to be verified. If the petition were not required to contain any identifying information (such as ...the address at which the petitioner is registered to vote), there would be no practical impediment to a person's signing the name of anyone he knew to be a registered voter. 385 F 3d at 734.

Third, concerning the requirement that the petitions be submitted to the state board of elections at least 134 days before the election, the Court first pointed out that “The problem is that time has to be allowed between the deadline for petitions and the election to enable challenges to the validity of the petitions to be made and adjudicated and then to enable a ballot to be printed and distributed that will contain the names of all the candidates.... But how much time? One hundred thirty-four days — almost four and a half months — seems awfully long. Too long, seems to be the judgment of 47 of the other 49 states. A 120-day deadline was upheld in *American Party of Texas v. White*, *supra*, 415 U.S. at 787 n. 18, 94 S.Ct. 1296,...” *Id.* Finally, the court concluded that “...even given the expanded procedure, is 134 days *really* a reasonable period for resolving challenges and printing and distributing ballots? Couldn't that be done

quicker? Maybe so, but Nader has not presented evidence that would enable a court to prescribe a shorter period. We cannot micromanage the regulation of the electoral process to the degree he seeks” . [and] “Even if he has a better case on the merits than we think, he has not made a persuasive case for the extraordinary remedy of a preliminary injunction against a state agency.” 385 F 3d at 735.

In *Tripp v. Scholtz* 872 F 3d. 857 (7th Cir. 2017) two green party candidates were running for election to the office of state representative in the 118th and 115th representative districts in 2014. “Because the Illinois Election Code deemed the Green Party a “new” political party in both districts, both ...[candidates] were required to obtain nomination petition signatures equaling 5% of the number of voters in the prior regular election for state representative in their district. The Election Code further required that such signatures be collected in the ninety days preceding the nomination petition deadline and that each petition signature sheet be notarized. Neither... [of the candidates] collected a sufficient number of notarized signatures during the ninety-day collection period. As a result, the Illinois State Board of Elections (“ISBE”), which supervises the administration of Illinois's election laws, ruled that neither candidate would appear on the general election ballot.” 872 F.3d at 859-860. Following their disqualification the two candidates filed suit arguing these three new party ballot restrictions violated the First and Fourteenth Amendments of the United States Constitution.

The Court began by noting that: in contrast to the 5% signature requirement for new parties under the Code, the Code required only 500 signatures under section 5/8-8 for candidates to the general assembly to appear on the primary ballot of an established “political party”⁸; and, the ninety-day petitioning window as well as the notarization requirement apply to candidates of both new and established political parties, compare sections 5/10-4 with 5/8-8. 872 F.3d at 860. Next, the Court noted the following relevant facts that; 1) the 11th representative district (in which Tripp sought to appear in the general election) covers approximately 2,808 square miles; 2) the 115th representative district (in which Sheperd sought to appear in the general election) covers approximately 1,810 square miles; 3) whereas 16 other representative districts extend less than 10 square miles, while 100 cover less than 100; 4) under the signature requirement for new political parties in their respective representative districts Trip needed to obtain at least 2,399 petition signatures and Sherperd needed to obtain at least 2,407 by the filing petition deadline; and 5) Tripp had amassed only approximately 1,700 signatures, gathered by 34 circulators on 199 notarized petition sheets and. Shepherd's 30 circulators fared only slightly better, obtaining approximately 1,800 signatures on 205 notarized sheets. 872 F.3d at 861.

The court then laid out the relevant constitutional considerations in the following sequence: First, that “it is well-settled that “[t]he impact of candidate eligibility requirements on voters implicates basic constitutional rights’ to associate politically with like-minded voters and

⁸ Which is defined under 5/8-2 of the Code as “a political party which, at the next preceding election for governor polled at least five percent of the entire vote cast in the State”

to cast a meaningful vote (citing *Stone* and other cases"); Second, "*Nader v. Keith*, 385 F.3d 729, 737 (7th Cir. 2004) ("[T]he right to stand for office is to some extent derivative from the right of the people to express their opinions by voting."). These rights apply equally to third parties, which have played a "significant role ... in the political development of the Nation.(citations omitted)" . 872 F.3d at 863; Third, that "Such rights, however, "are not absolute,(citation omitted)" [and],...the Constitution also confers upon the states "broad authority to regulate the conduct of elections."Id; Fourth, "States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder."). "[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes (citations omitted)" Id; and, Fifth, the Court cited to the language and approach detailed in the *Stone* case above to analyze whether the ballot access restrictions raised in the case before it violated the constitutional rights of the aggrieved parties in the races involved. 872 F.3d at 863-864.

First, the Court held that the Code's 5% signature requirement standing alone did not impose a severe burden on plaintiffs' constitutional rights stating that " On multiple occasions, the Supreme Court has upheld signature requirements equaling 5% of the eligible voting base (citations and examples omitted)" and citing *Stone*'s quotation of *Bowe* reiterated that "What is ultimately important is not the absolute or relative number of signatures required but whether a 'reasonably diligent candidate could be expected to be able to meet the requirements and gain a place on the ballot.' ". Then the Court noted that "...third party political candidates have successfully petitioned at least 5% of the vote in multiple districts across multiple elections" (citing as examples the successes by the Green Party in 2002 for the 115th representative district, in 2012 in both the 5th and 12th congressional districts and as an independent candidate in the 13th congressional district) 872 F.3d at 864-865. The Court also noted that "Unlike an established party ... a new party has not yet demonstrated a significant modicum of support. The established party has already jumped the hurdle of demonstrating its public support by receiving 5% of the vote in the last [relevant] election. Thus, it is neither irrational nor unfair to require a candidate from a new party to obtain a greater percentage of petition signatures to appear on the general election ballot than a candidate from an established party for the primary election ballot. The two petitioning requirements contain different percentages because they are used at two different times for two different purposes" (citing to this language in *Libertarian Party of Ill. v. Rednour*, 108 F.3d 768, 776 (7th Cir. 1997)) 872 F.3d at 865-866. Finally, in response to defendants argument that there was no showing of ballot clutter the court stated "...the Supreme Court, however, has "never required a State to make a particularized showing of the existence of voter confusion, ballot overcrowding, or the presence of frivolous candidacies prior to the imposition of reasonable restrictions on ballot access. (citation omitted)" 872 F.3d at 866.

Second, the Court held that the Code's notarization requirement standing alone did not impose a severe burden on plaintiffs' constitutional rights. The Court began its analysis by

pointing out that: 1) the ISBE's standardized petition form provides for 10 signatures per page⁹; 2) the Code does not explicitly limit the number of signatures per petition form (only the practicalities of being able to read the voter info does); 3) plaintiffs concede that each petition form can reasonably allow for as many as 20 signatures per notarized petition form; and, 4) "Applied here, Tripp and Shepherd each required as few as 120 and 121 notarized petition sheets, respectively". 872 F.3d at 868-869. Based upon these facts the Court determined that "Although the district court acknowledged that this presents "a closer question" than the 5% signature requirement, it correctly deemed that the notarization requirement was supported by a "legitimate need" to protect the integrity of the electoral process (citations omitted) as "Notarization ensures that circulators can be easily identified, questioned, and potentially prosecuted for perjury" 872 F.3d at 869.

Third, the Court held that the Code's signature and notarization requirements, even when considered in conjunction with the ninety-day petitioning window and geographic layouts of the 118th and 115th districts, do not violate the First or Fourteenth Amendment. In support of its holding that these three provisions of the Code together were not so severe as to violate these constitutional amendments the Court pointed to the following: 1) Tripp was required to obtain 2,399 petition signatures in order to appear on the ballot; Shepherd, 2,407 signatures. Spread over the ninety-day petitioning window, each candidate needed to obtain only twenty-seven signatures a day. In her attempt to reach the signature goal, Tripp employed thirty-four separate circulators; Shepherd utilized thirty. If one divides the signature requirement for each candidate evenly across circulators, then each of Tripp's circulators was responsible for obtaining only seventy-one signatures during the mandated time period; Shepherd's circulators each required eighty-one. This means that, spread across the ninety-day petitioning window, Tripp and Shepherd's circulators each needed to average less than one signature per day in order to meet their required thresholds; 2) Although each circulator must notarize each of their petition signature sheets, nothing prevents a circulator from notarizing all of their sheets at the same time, before the same notary within the scope of Illinois's notarial regulatory scheme; 3) The 118th and 115th districts are not even the largest in Illinois (they rank fifth and twelfth, respectively); and, 4) both the 118th and 115th districts boast population centers that far exceed the number of required. 872 F.3d at 870-872.

⁹ The one attached allows for 15

STATEMENT OF CANDIDACY

NAME	ADDRESS-ZIP CODE	OFFICE	DISTRICT	PARTY

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
County of _____) SS.

I, _____ (Name of Candidate) being first duly sworn (or affirmed), say that I reside at _____, in the City, Village, Unincorporated Area (circle one) of _____ (if unincorporated, list municipality that provides postal service) Zip Code _____, in the County of _____, State of Illinois; that I am a qualified voter therein and am a qualified Primary voter of the _____ Party; that I am a candidate for Nomination/Election to the office of _____ in the _____ District, to be voted upon at the primary election to be held on _____ (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official _____ (Name of Party) Primary ballot for Nomination/Election for such office.

(Signature of Candidate)

Signed and sworn to (or affirmed) by _____ before me, on _____
(Name of Candidate) (insert month, day, year)

(SEAL)

(Notary Public's Signature)

CONSOLIDATED PRIMARY PETITION (NONPARTISAN – MUNICIPALITY OTHER THAN COMMISSION FORM)

We, the undersigned, qualified voters in the _____ of _____ in the County of _____ and State of Illinois, and residing at the places set opposite our respective names, do hereby petition that the name of _____, who resides at _____ in the City, Town or Village of _____ Zip Code _____ County of _____ State of Illinois, be placed upon the ballot as a candidate for nomination for the office of _____ full term or vacancy (circle one) at the Consolidated Primary election to be held on _____ (date of primary election); provided that if no primary election is required, the candidate's name will appear on the ballot at the Consolidated Election for election to said office and term.

If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
(List all names during last 3 years) (List date of each name change)

NAME (VOTER'S SIGNATURE)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1		IL	
2		IL	
3		IL	
4		IL	
5		IL	
6		IL	
7		IL	
8		IL	
9		IL	
10		IL	
11		IL	
12		IL	
13		IL	
14		IL	
15		IL	

State of _____)
County of _____) SS.

I, _____ do hereby certify that I reside at _____
(Circulator's Name) (Street Address)

in the _____ of _____
(City/Village/Unincorporated Area) (if unincorporated, list municipality that provides postal service) (Zip Code)

County of _____ State of _____ that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and that their respective residences are correctly stated, as above set forth.

(Circulator's Signature)

Signed and sworn to (or affirmed) by _____ before me, on _____
(Name of Circulator) (insert month, day, year)

(Notary Public's Signature)

(SEAL)

SHEET NO. _____

Appendix-Recapitulation

Candidate	Office	Sheet Number

An "X" indicates that the signature on the designated sheet and line is objected to for the reasons set forth above the column in which the "X" appears, in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

OBJECTION -	A Signer's Signature Not Genuine	B Signer Not Registered At Address Shown	C Signer Resides Outside District	D Signer's Address Missing or Incomplete	E Signer Signed Petition More Than Once At Sheet/Line Indicated	F Signer's Signature Printed And Not Written	G Other
LINE							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

An "X" to the left of an objection below indicates that each and every signature on the designated sheet is objected to for the reason stated by the Objection, in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

- ___ Circulator Did Not Sign Petition Sheet
- ___ Circulator Did Not Appear Before
- ___ Notary Sheet Not Notarized
- ___ Circulator's Address Is Incomplete
- ___ Page Not Numbered

- Purported Circulator Did Not Circulate Sheet
- Circulator's Affidavit Not Properly Notarized
- Circulator's Signature Not Genuine
- ___ Purported Notary Did Not Notarize Sheet

Protecting Intellectual Property in China

Moderator: *Jinwon Jung, Ph.D., Allstate, Northbrook*



- *Frank Gao, ABC Patent Service, LLC, Chicago*
- *Daniel Hwang, Global IP Counselors, LLP, Washington D.C.*
- *Jian Jiang, Ph.D., K&L Gates LLP, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.




グローバル アイピー
カウンセラーズ
**Global IP
Counselors**

1233 20th Street, N.W., Suite 600 Telephone: +1-202-293-0444
Washington, D.C. 20036 Facsimile: +1-202-293-0445
Web: www.giplaw.com E-mail: maildc@giplaw.com





Global IP Trademark Practice

- Trademark Clearance
- Application Review and Filing
- Trademark Office Prosecution
- Brand Review
- Brand Enforcement
- Litigation




2



US TM Clearance Searches and Reports

- Word Marks
- Design Marks
- Use in Industry
- Review of Competitor marks
- Online review
- Report and Recommendations



3



US Trademark Application Filing Review

- Review Mark and Description
- Review Translation of Goods/Services
- Review Mark Strategy
- Review International Strategy




4



US Trademark Application Prosecution

- Review TM Office Actions
- Report and Discuss Options
- Conduct TM Examining Attorney Interviews
- Recommend Trademark Trial Appeal Board Actions and Strategy
 - Oppositions
 - Cancellations



5



US Trademark Brand Strategy Review

- Review Brand Portfolio
- Recommend updates to TM portfolio based on current strategy
 - Geography
 - Online sales
 - Product Expansion
- Competitor Actions Review



6






Differences in US and China TM Filing

- US is First to Use – China is First to File
- Use is not required for registration in China
 - Non-use cancellation can be filed against bogus registrations
- Renewals in China do not require use evidence
- The goods and services descriptions are treated differently and subclasses are given more weight
- Need good Chinese TM counsel




7

Chinese TM Laws – 2019 Amendments

- Bad Faith –
 - CTMO will refuse bad faith TM apps
 - Chinese TM Agency cannot represent clients they know or should know are acting in bad faith
 - Increased statutory penalties for bad faith apps



8



US Trademark Office Update

- Fraud from bad actors – China
 - Should make sure to check brands if US is a potential market
- TM5 – streamlining International rights
- Auditing registrations



Technology and the Law

Moderator: *Yankun Guo, Law Office of Yankun Guo, Chicago*

- *Reena Bajowala, Ice Miller LLP, Chicago*
- *Richard Lee, Civis Analytics, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

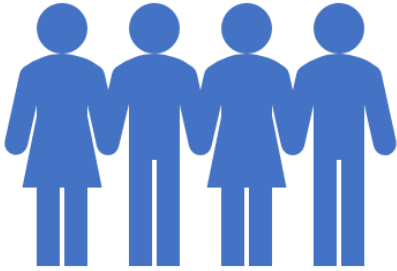
TAB 7

Immigration: Seeking Asylum and Hot Topics

Moderator: *Rachel Kao, Law Office of Rachel Huan Kao, Glenview*

- *Lia Hyunji Kim Yi, North Suburban Legal Aid Clinic, Highland Park*
- *Emily Love, Law Office of Emily Love, P.C., Evanston*
- *KiKi Mosley, Law Office of KiKi M. Mosley, Chicago*
- *Lindsay Fullerton, Jarecki Law Group, LLC, Chicago*
- *Edyta Salata, Neil A. Weinrib & Associates, New York, New York*
- *Nancy Vizer, Nancy M. Vizer, PC, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.



Immigration: Seeking Asylum and Hot topics

- ▶ 7th Annual Minority Bar CLE Conference
- ▶ June 28, 2019 11:15 a.m. – 12:15 p.m.
- ▶ 20 S. Clark St. , Suite 900, Chicago, Illinois 60603

Important Acronyms/Jargon

- INA – Immigration and Nationality Act
- DHS – U.S. Dept. of Homeland Security
- USCIS – U.S. Citizen Citizenship and Immigration Services ("Immigration")
- AO – Asylum Office
- I-589 – Form number for Application for Asylum and for Withholding of Removal and Protection under the Convention Against Torture
- G-28 – Attorney appearance form
- CBP – U.S. Customs and Border Protection
- EOIR – Executive Office of Immigration Review ("Immigration Court")
- NTA – Notice to Appear
- MCH – Master Calendar Hearing (court status call)
- Merits or Individual Hearing - Final hearing in removal proceedings
- FOIA – Freedom of Information Act

Asylum in the news

- The “caravan(s)”
- Previous southern border surges
- Most common types of claims



Types of asylum applications

Affirmative

- Client is in the United States
- Client is not in Removal Proceedings
 - No NTA has been **issued**

Defensive

- Client is apprehended
 - Port of entry
 - Internally

Procedural Process for affirmative application


- Application (form I-589) is filed with the service center of corresponding jurisdiction
- Client interviewed at the asylum office ("AO")
- Application is granted or referred to EOIR
- If referred a Notice to Appear is issued and client is scheduled for Master Calendar Hearing ("MCH")

Procedural process for a defensive application

- Client is apprehended
 - Port of entry
 - Internally
- Credible fear interview
- Notice to Appear ("NTA") issued
- Application (form I-589) is filed on the record at the Master Calendar Hearing
- Applicant is scheduled for their Merits Hearing

Definition of Asylum

- **INA § 208(b)(1)(A):** An individual is eligible for asylum if they meet the definition of a refugee.
- **Refugee:** A refugee is any person who is outside any country of such person's nationality . . . And who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a Particular Social Group, or political opinion.



Asylum Elements

1. "Well founded fear"
2. Of "Persecution"
3. By the government ("state actor") or an entity that the government cannot/will not control ("non-state actor")
4. "On account of"
 - Race
 - Religion
 - Nationality
 - Political opinion
 - Membership in a Particular Social Group



General practice tips

- FOIA records
- Country conditions research
- Corroborating evidence
- Time commitment expectations
 - Interpreters
 - Backlog history
 - Procedural changes
- Consult practice advisories published by non-profit organizations

Additional Resources

Practice Advisories

- ▶ National Immigrant Justice Center ("NIJC") www.immigrantjustice.org
- ▶ Immigrant Legal Resource Center ("ILRC") www.ilrc.org/asylum
- ▶ American Immigration Counsel ("AIC") <https://www.americanimmigrationcouncil.org/practice-advisories>

Country Conditions

- ▶ U.S. Dept. of State Country Reports on Human Rights Practices
www.state.gov
- ▶ Amnesty International country summaries and reports
<https://www.amnesty.org/en/>
- ▶ EOIR Country Conditions Research
<https://www.justice.gov/eoir/country-conditions-research>

Important Contact Information

Chicago Asylum Office

181 W. Madison St.

Suite 3000

Chicago, Illinois 60602

(p): 312-849-5200

(f): 312-849-5201

Email:

Chicago.asylum@uscis.dhs.gov (must have G-28 on file and registration on record to receive response by email)

Immigration Court

U.S. Dept. of Justice – Executive Office of Immigration Review

Chicago Immigration Court

525 W. Van Buren

Suite 500

Chicago, Illinois 60607

(p): 312-697- 5800

Lead Applicant: 35-year-old female Guatemalan national
Rider/Dependent Applicant: 15-year-old daughter

Female Guatemalan national and her 15-year-old minor daughter entered the United States without inspection at or near Eagle Pass, Texas in August 2018. They were not apprehended by Customs and Border Protection. Adult applicant is a journalist who now identifies as member of LGBTQ community and has written extensively on persecution and systemic harassment of LGBTQ Guatemalans by the Guatemalan Government and actors on their behalf. Applicant and daughter applied for B-2 tourist visas to the United States two (2) times at the U.S. Embassy in Guatemala City and both were denied. Applicant was attacked and illegally detained by corrupt police to try to silence her coverage on LGBTQ issues in January 2018. In June 2018 she and her daughter moved to a different part of Guatemala to try to escape danger. In August 2018 her new residence was firebombed and they fled immediately. She is currently married to her United States citizen wife whom she met online prior to fleeing Guatemala.



U.S. Citizenship and Immigration Services

Affirmative Asylum Interview Scheduling

Starting January 29, 2018, the Asylum Division will give priority to the most recently filed affirmative asylum applications when scheduling asylum interviews.

USCIS' predecessor, the Immigration and Naturalization Service, first established this interview scheduling approach as part of asylum reforms implemented in January 1995. This approach was in place until December 2014. The aim is to deter individuals from using asylum backlogs solely to obtain employment authorization by filing frivolous, fraudulent or otherwise non-meritorious asylum applications.

Giving priority to recent filings allows USCIS to promptly place such individuals into removal proceedings, which reduces the incentive to file for asylum solely to obtain employment authorization. This approach also allows USCIS to decide qualified applications in a more efficient manner.

USCIS will now schedule asylum interviews in the following order of priority:

- **First priority:** Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS.
- **Second priority:** Applications that have been pending 21 days or less.
- **Third priority:** All other pending affirmative asylum applications will be scheduled for interviews starting with newer filings and working back towards older filings.

Workload priorities related to border enforcement may affect our ability to schedule all new applications for an interview within 21 days.

Asylum office directors may consider, on a case-by-case basis, an urgent request to be scheduled for an interview outside of the priority order listed above. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your case. Go to the [USCIS Service and Office Locator](#) page for contact information.

For asylum applicants who live far from an asylum office or an asylum sub-office, asylum offices schedule asylum interviews at USCIS field offices ("circuit ride" locations) as resources permit. Please contact the asylum office with jurisdiction over your case for more detailed information.

Last Reviewed/Updated: 01/26/2018



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) am not am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. I am associated with

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

2.a. U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

▶

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

- Applicant Petitioner Requestor
 Beneficiary/Derivative Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

7.a. Name of Entity (if applicable)

7.b. Title of Authorized Signatory for Entity (if applicable)

8. Client's USCIS Online Account Number (if any)
▶

9. Client's Alien Registration Number (A-Number) (if any)
▶ A-

Client's Contact Information

10. Daytime Telephone Number

11. Mobile Telephone Number (if any)

12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name

13.b. Apt. Ste. Flr.

13.c. City or Town

13.d. State 13.e. ZIP Code

13.f. Province

13.g. Postal Code

13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.

- 1.b. I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity
➔

- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)

Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a Family Name (Last Name)
1.b Given Name (First Name)
1.c Middle Name

2.a Page Number 2.b Part Number 2.c Item Number

2.d _____

3.a Page Number 3.b Part Number 3.c Item Number

3.d _____

4.a Page Number 4.b Part Number 4.c Item Number

4.d _____

5.a Page Number 5.b Part Number 5.c Item Number

5.d _____

6.a Page Number 6.b Part Number 6.c Item Number

6.d _____

I-589, Application for Asylum and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any)		2. U.S. Social Security Number (if any)	
3. USCIS Online Account Number (if any)			
4. Complete Last Name		5. First Name	6. Middle Name
7. What other names have you used (include maiden name and aliases)?			
8. Residence in the U.S. (where you physically reside)			
Street Number and Name			Apt. Number
City	State	Zip Code	Telephone Number ()
9. Mailing Address in the U.S. (if different than the address in Item Number 8)			
In Care Of (if applicable):			Telephone Number ()
Street Number and Name			Apt. Number
City	State	Zip Code	
10. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		11. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
12. Date of Birth (mm/dd/yyyy)		13. City and Country of Birth	
14. Present Nationality (Citizenship)		15. Nationality at Birth	16. Race, Ethnic, or Tribal Group
			17. Religion
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
19. Complete 19 a through c.			
a. When did you last leave your country? (mmm/dd/yyyy) _____		b. What is your current I-94 Number, if any? _____	
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date _____	Place _____	Status _____	Date Status Expires _____
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
20. What country issued your last passport or travel document?		21. Passport Number	22. Expiration Date (mm/dd/yyyy)
		Travel Document Number	
23. What is your native language (include dialect, if applicable)?		24. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No	25. What other languages do you speak fluently?
For EOIR use only.		For USCIS use only.	Action: Interview Date: _____ Asylum Officer ID No.: _____
			Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____

Part A.II. Information About Your Spouse and Children

Your spouse I am not married. (Skip to **Your Children** below.)

1. Alien Registration Number (A-Number) <i>(if any)</i>		2. Passport/ID Card Number <i>(if any)</i>		3. Date of Birth <i>(mm/dd/yyyy)</i>		4. U.S. Social Security Number <i>(if any)</i>	
5. Complete Last Name		6. First Name		7. Middle Name		8. Other names used <i>(include maiden name and aliases)</i>	
9. Date of Marriage <i>(mm/dd/yyyy)</i>		10. Place of Marriage			11. City and Country of Birth		
12. Nationality <i>(Citizenship)</i>			13. Race, Ethnic, or Tribal Group			14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 16 to 24.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____							
16. Place of last entry into the U.S.		17. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>		18. I-94 Number <i>(if any)</i>		19. Status when last admitted <i>(Visa type, if any)</i>	
20. What is your spouse's current status?		21. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		23. If previously in the U.S., date of previous arrival <i>(mm/dd/yyyy)</i>	
24. If in the U.S., is your spouse to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No							

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. *(Skip to Part A.III., Information about your background.)*

I have children. Total number of children: _____

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) <i>(if any)</i>		2. Passport/ID Card Number <i>(if any)</i>		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>		4. U.S. Social Security Number <i>(if any)</i>	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth <i>(mm/dd/yyyy)</i>	
9. City and Country of Birth		10. Nationality <i>(Citizenship)</i>		11. Race, Ethnic, or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S. ? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____							
14. Place of last entry into the U.S.		15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 Number <i>(If any)</i>		17. Status when last admitted <i>(Visa type, if any)</i>	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No							

Part A.II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
---------------------------------------	--	---------------------------------	--

18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
---------------------------------------	--	---------------------------------	--

18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
---------------------------------------	--	---------------------------------	--

18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. *(List Address, City/Town, Department, Province, or State and Country.)*
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street <i>(Provide if available)</i>	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)

2. Provide the following information about your residences during the past 5 years. List your present address first.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)

3. Provide the following information about your education, beginning with the most recent school that you attended.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)

4. Provide the following information about your employment during the past 5 years. List your present employment first.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother		<input type="checkbox"/> Deceased
Father		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased

Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Political opinion |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Torture Convention |

-
- A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

- No Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

-
- B. Do you fear harm or mistreatment if you return to your home country?

- No Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No Yes

- 2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

- No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

- No Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

- No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.	Write your name in your native alphabet.
---------------------------	--

Did your spouse, parent, or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

_____	_____	_____	_____
(Name)	(Relationship)	(Name)	(Relationship)

Did someone other than your spouse, parent, or child(ren) prepare this application? No Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? No Yes

Signature of Applicant (The person in Part A.I.)

➔ [_____]
Sign your name so it all appears within the brackets

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer		Print Complete Name of Preparer	
Daytime Telephone Number ()		Address of Preparer: Street Number and Name	
Apt. Number	City	State	Zip Code
To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) _____	Attorney or Accredited Representative USCIS Online Account Number (if any) _____

Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge

Supplement A, Form I-589

A-Number <i>(If available)</i>	Date
Applicant's Name	Applicant's Signature

List All of Your Children, Regardless of Age or Marital Status

(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No			

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No			

Additional Information About Your Claim to Asylum

A-Number <i>(if available)</i>	Date
Applicant's Name	Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part _____

Question _____

TAB 8

Minority Female Litigators: The Road to First-Chairing and Other Successes

Moderator: *Jaz Park, Law Offices of Chicago-Kent, Chicago*

- *Olivia Luk Bedi, Neal Gerber, Chicago*
- *Tiffany Fordyce, Greenberg Traurig, Chicago*
- *Peggy Rhiew, Dykema, Chicago*
- *Rosa Tumialán, Dykema, Chicago*

This segment includes all materials received by the course book publication deadline.
Please contact the speaker for any other materials used at the program.

Background Materials¹

*** Overview of Female Litigators – NYSBA Case Study**

ABA House of Delegates recently passed Resolution #10A to redress unequal opportunities for women to gain trial and courtroom experience. (included materials)

From Summary of IF NOT NOW, WHEN? Achieving Equality for Women Attorneys in the Courtroom and in ADR NYSBA Commercial and Federal Litigation Section (house of delegates 2017) Commercial and Federal Litigation Section’s Task Force on Women’s Initiatives (included materials)

558 civil cases surveyed, “[W]omen are consistently underrepresented in lead counsel positions and in the role of trial attorney.” A “substantial gender gap”

- 68% of all lawyers were male – the distribution of men and women appearing generally in the federal cases
- 76% of the lead counsel were male, in other words, women were in lead counsel roles only about 25 percent of the time.
- More significant disparity in the class action context, in which 87% of lead class counsel were men, in other words, 13% women.

ABA Commission on Women in the Profession, *First Chairs at Trial: More Women Need Seats at the Table—A Research Report on the Participation of Women Lawyers as Lead Counsel and Trial Counsel in Litigation*. Stephanie A. Scharf & Roberta D. Liebenberg, at p 25, 2015.

[T]he number of women who litigate “bet-the-company cases”—in which millions or even billions of dollars are at stake and a corporation’s ability to survive absent a win at trial is in doubt—is “abysmally low.” Beth Wilkinson

Bazelon, Lara. “What It Takes to Be a Trial Lawyer If You’re Not a Man,” *The Atlantic*, September 2018.

*** Interruptions in Litigation**

Study by two Northwestern Pritzker School of Law Professors analyzed the frequency of female justice interruptions by men—and how this behavior reveals their general unwillingness to let the women on their Court make their case. Oral arguments reviewed from 1990, 2002, and 2015, with one, two, and three women on the court, respectively. In 1990, when Sandra Day O'Connor was the only

¹ Prepared by Jaz Park, Attorney and Lecturer of Law, Law Offices of Chicago-Kent.

female justice, 35.7 percent of interruptions occurred when she was speaking. In 2002, with O'Connor and Ruth Bader Ginsburg on the court, 45.3 of interruptions were directed at the two women on the court. And in 2015, when Ginsburg was joined by Sonia Sotomayor and Elena Kagan, 65.9 of interruptions happened as the three women made their oral arguments."

Jacobi, Tonja and Schweers, Dylan, Northwestern Pritzker School of Law. Justice, Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments, *103 Virginia Law Review*, 1379, 2017.

* **Biases in the Legal Profession**

In April 2016, the ABA's Commission on Women in the Profession, the Minority Corporate Counsel Association (MCCA), and the Center for WorkLife Law at the University of California, Hastings College of the Law conducted a survey of in-house and law firm lawyers' experiences of bias in the workplace: 2,827 respondents with 525 including comments.

Prove-It-Again. (PIA) Women of color, white women, and men of color reported that they have to go "above and beyond" to get the same recognition and respect as their colleagues.

- Women of color reported PIA bias at highest level—35 percentage points higher than white men.
- White women and men of color also reported high levels of PIA bias, 25 percentage points higher than white men.
- Women of color reported that they are held to higher standards than their colleagues at a level 32 percentage points higher than white men.

Female lawyers of color were 8 times more likely to be mistaken for custodial /admin staff, or court personnel, with 57% reporting mistaken identity. Over 50% of white women had also experienced this type of bias, versus only 7% of white male lawyers were mistaken for non-lawyers.

You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession (Executive Summary), American Bar Association's Commission on Women in the Profession, the Minority Corporate Counsel Association, and Williams, Joan C. , Multhaup, Marina, Li, Su and Korn, Rachel, The Center for WorkLife Law at the University of California, Hastings College of the Law, June 2018.

A recent McKinsey & Co. and LeanIn.Org study provides statistics of the number of minority women make it to equity partnership in Big Law (2.81 percent) or the C-suite of major corporations (3.9 percent).

- Overall reflection of lower levels of advancement despite higher levels of interest - Minority women (76 percent or more, depending on ethnicity) are more likely than white women (68 percent) to seek advancement.

Vivia Chen, “Minority Women Are More Ambitious. Why Aren't They Getting Ahead?,” *ALM*, January 29, 2019.

* **Nationwide Federal Court Initiatives**

“Next Generation Lawyers,” an initiative to promote more opportunities for junior lawyers in the courtroom, at least 29 district court judges have standing orders in place that encourage law firms to let junior lawyers handle oral argument opportunities.

Example in Illinois, Hon. Amy St. Eve in the Northern District of Illinois Issues “Next Gen” Order (prior to becoming a Judge for the 7th Circuit Court of Appeals).

“The Court strongly encourages all attorneys and their clients to provide substantive speaking opportunities to less experienced attorneys. The Court recognizes that newer attorneys do not have as many opportunities to appear and argue in court. Although oral argument is not necessary for the Court to rule on the majority of motions filed before it, the Court will consider scheduling oral argument if a party requests it and commits to entrust the argument to an attorney who has been out of law school for fewer than six years.”

Another example, Hon. Christopher J. Burke’s Standing Order Regarding Courtroom Opportunities for Newer Attorneys provides that, if a party alerts the court “it intends to have a newer attorney argue the motion (or a portion of the motion), the court will “grant the request for oral argument on the motion, if it is at all practicable to do so.”

* **Strategic Factors on Litigation Practice**

- Venue Considerations- Demographics
- Technical Considerations ie Frequency of Settlements/MSJs/Substantive Motions
- Newer Practice Areas
- Other Considerations

Minority Female Litigators Panel - June 28, 2019
7th Annual Minority Bar Conference – Chicago IL June 27 and 28, 2019

* **Additional Resources**

“Issues for Women at Depositions.” Lorna G. Schofield (ABA 2010).
“Effective Depositions” 2nd ed., Henry L. Hecht (ABA 2010).

ADOPTED

AMERICAN BAR ASSOCIATION

NEW YORK STATE BAR ASSOCIATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association encourages law firms to develop
2 initiatives to provide women lawyers with opportunities to gain trial and courtroom
3 experience;

4
5 FURTHER RESOLVED, That the American Bar Association encourages members of
6 the judiciary to take steps to ensure that women lawyers have equal opportunities to
7 participate in the courtroom;

8
9 FURTHER RESOLVED, That the American Bar Association encourages corporate
10 clients to work with outside counsel to ensure that women lawyers have equal
11 opportunities to participate in all aspects of litigation’

12
13 FURTHER RESOLVED, That the American Bar Association encourages corporate
14 counsel, together with outside counsel, to work with alternative dispute resolution
15 providers and professionals to encourage the selection of women lawyers as neutrals.

REPORT

I. Introduction¹

During the last two decades, much has been written and discussed about whether women attorneys appear in court with the frequency expected given their numbers in the legal profession. The Commercial and Federal Litigation Section of the New York State Bar Association is a preeminent bar group focused on complex commercial state and federal litigation. The Section counts among its former chairs a substantial number of prominent women litigators from both upstate and downstate, prosecutor and an attorney in private practice, a former President of the New York State Bar Association who is recognized as one of New York's top female commercial litigators and also serves as a mediator and arbitrator of commercial disputes, a former federal and state prosecutor who now is a partner in a large global law firm, an in-house counsel at a large non-profit corporation, and senior partners in large and mid-size private law firms located both upstate and downstate. With the full support and commitment of the Section's leadership, these women alumnae Section chairs met and formed an *ad hoc* task force devoted to the issue of women of the apparent dearth of women who serve as arbitrators and mediators in complex commercial and international arbitrations and mediations (collectively referred to herein as Alternative Dispute Resolution ("ADR")).

The task force sought to ascertain whether there was, in fact, a disparity in the number of women attorneys versus male attorneys who appear in speaking roles in federal and state courts throughout New York. Toward that end, the task force devised and distributed a survey to state and federal judges throughout the State and then compiled the survey results. As discussed below, based on the survey results, the task force found continued disparity and gender imbalance in the courtroom. This report first details recent studies and research on the issue of gender disparity in the legal profession, then discusses how the court survey was conducted, including methodology and findings, and concludes with recommendations for addressing the disparity and ensuring that women attorneys obtain their rightful equal place in the courtroom. This report further details the task force's findings with respect to the gender gap in the ADR context.

Even before the Report was adopted by the New York State Bar Association on November 4, 2017, it received resounding approval and support from both Bench and Bar nationwide.² Articles praising the Report and discussing its findings have appeared in

¹ This report is a summary of the full report approved by the New York State Bar Association. The Report can be accessed in its entirety at <http://www.nysba.org/WomensTaskForceReport/>. The report was prepared by the Task Force on Women's Initiatives of the NYSBA Commercial and Federal Litigation Section: Hon. Shira Scheindlin (ret.), Carrie H. Cohen, Tracee E. Davis, Bernice K. Leber, Sharon M. Porcellio, Lesley F. Rosenthal, and Lauren J. Wachtler.

² For example Judge Jack Weinstein of the Eastern District Federal Court has issued a Court rule urging a more substantive role for women attorneys on cases he is hearing. "A Judge Wants A Bigger Role for Female Lawyers. So He Made a Rule," New York Times, August 23, 2017; Chief Judge Dora L. Irizarry of the Eastern District is in the process of amending her rules in a similar fashion, and Judge Henry J. Nowak of the Erie County Supreme Court implemented rules in his courtroom designed to allow multiple attorneys to argue different points in cases he hears. "Rule Changes Underway in Eastern District to Support

10A

the New York Law Journal, the New York Times, and Forbes Magazine, among others.

II. Survey: Methodology and Finding

The task force's survey began with the creation of two questionnaires drafted by the task force.³ The first questionnaire was directed to federal and state judges throughout New York. This questionnaire was designed to be an observational study that asked judges to record the presence of speaking counsel by gender in all matters in their courtrooms occurring between approximately September 1, 2016 and December 31, 2016. The second questionnaire was directed to various ADR providers asking them to record by gender both the appearance of counsel in each proceeding and the gender of the neutral conducting the proceeding.

The study surveyed proceedings in New York State at each level of court—trial, intermediate, and court of last resort—in both state and federal courts. Approximately 2,800 questionnaires were completed and returned and included New York's Court of Appeals, all four Appellate Divisions, and Commercial Divisions in Supreme Courts in counties from Suffolk, Onondaga and Erie. The United States Court of Appeals for the Second Circuit compiled publicly available statistics, and survey responses were provided by nine Southern District Judges (including the Chief Judge) and Magistrate Judges and District and Magistrate Judges from the Western and Northern Districts of New York.

The results of the survey are striking:⁴

- Women attorneys represented just 25.2% of the attorneys appearing in commercial and criminal cases in courtrooms across New York.
- Women attorneys accounted for 24.9% of lead counsel roles and 27.6% of additional counsel roles.
- The most striking disparity in women's participation appeared in complex commercial cases: women's representation as lead counsel shrank from 31.6% in one-party cases to 26.4% in two-party cases to 24.8% in three-to-four-party cases and to 19.5% in cases involving five or more parties. In short, the more complex the case, the less likely that a woman appeared as lead counsel.
- The percentage of women attorneys appearing in court was nearly identical at the trial level (24.7%) and at the appellate level (25.2%).

Diversity" New York Law Journal, August 23, 2017.

³ Each questionnaire is included in [Appendix A](http://www.nysba.org/WomensTaskForceReport/) of the full report, available at <http://www.nysba.org/WomensTaskForceReport/>.

⁴ Survey results in chart format broken down by Court are included in [Appendix B](http://www.nysba.org/WomensTaskForceReport/) of the full report, available at <http://www.nysba.org/WomensTaskForceReport/>.

The statistics are slightly worse downstate (24.8%) than upstate (26.2%).⁵

- In New York federal courts, women attorneys made up 24.4% of all attorneys who appeared in court, with 23.1% holding the position of lead counsel. In New York State courts, women made up 26.9% of attorneys appearing in court and 26.8% of attorneys in the position of lead counsel.
- One bright spot is public interest law (including criminal matters), where women lawyers accounted for 38.2% of lead counsel and 30.9% of attorneys overall.
- However, in private practice (including both civil and criminal matters), women lawyers only accounted for 19.4% of lead counsel.

In sum, the low percentage of women attorneys appearing in a speaking role in courts was found at every level and in every type of court: upstate and downstate, federal and state, trial and appellate, criminal and civil, *ex parte* applications and multi-party matters. Set forth below is the breakout in all courtrooms—state, federal, regional, and civil/criminal:

A. Women Litigators in New York State Courts

The view from the New York Court of Appeals is particularly interesting. The statistics collected from that Court showed real progress—perhaps as a result of female leadership of that court, now headed by Chief Judge Janet DiFiore and past Chief Judge Judith S. Kaye, as well as the fact that the Court has had a majority of women judges for more than ten years. Of a total of 137 attorneys appearing in that Court, female attorneys made up 39.4%. This percentage held whether the women were lead or second chair counsels. In cases in which at least one party was represented by a public sector office, women attorneys were in the majority at 51.3%. Of the appearances in civil cases, 30% were by women attorneys. The figure in criminal cases was even higher—women attorneys made up 46.8% of all attorneys appearing in those cases.

Similarly, women attorneys in the public sector were well represented in the Appellate Divisions, approaching the 50% mark in the Second Department. The picture was not as strong in the upstate Appellate Divisions, where, even in cases involving a public entity, women were less well represented (32.6% in the Third Department and 35.3% in the Fourth Department). Women in the private sector in Third Department

⁵ The task force recognizes that the statistics reported herein may have been affected by which Judges agreed to participate in the survey and other selection bias inherent in any such type of survey. Thus, it is possible that there is a wider gap between the numbers of women versus men who have speaking roles in courtrooms throughout New York State than the gap demonstrated by the task force's study.

10A

cases fared worst of all, where they represented 18% of attorneys in the lead and only 12.5% of attorneys in any capacity versus 36.18% of private sector attorneys in the First Department (for civil cases).

While not studied in every court, the First Department further broke down its statistics for commercial cases and the results are not encouraging. Of the 148 civil cases heard by the First Department during the survey period for which a woman argued or was lead counsel, only 22 of those cases were commercial disputes, which means that women attorneys argued or were lead counsel in only 5.37% of commercial appeals compared to 36.18% for all civil appeals. Such disparity suggests that women are not appearing as lead counsel for commercial cases, which often involve high stakes business-related issues and large dollar amounts.

B. Women Litigators in Federal Courts in New York

Women are not as well represented in the United States Court of Appeals for the Second Circuit as they are in the New York Court of Appeals. Of the 568 attorneys appearing before the Second Circuit during the survey period, 20.6% were female—again, this number held regardless of whether the women were in the lead or in supporting roles.

The Southern District of New York's percentages largely mirrored the sample overall, with women representing 26.1% of the 1627 attorneys appearing in the courtrooms of judges who participated in the survey—24.7% in the role of lead counsel.

The figures from the Western District of New York fell somewhat below those from the Southern District of New York, again mirroring the slightly lower percentages of women attorneys' participation upstate in state courts as well: 22.9% of the attorneys appearing in the participating Western District of New York cases were women, and 20.8% of the lead attorneys were women.

C. Women Litigators: Criminal & Civil; Private and Public

As has been noted in other areas, women attorneys are better represented among lawyers in criminal cases (30.9%) than in civil cases (23.2%), regardless of trial or appellate court or state or federal court. Similarly, women made up 39.6% of the attorneys representing public entities—such as the state or federal government but just 18.5% of lawyers representing private parties in civil litigation.

All these survey findings point to the same conclusion: women attorneys in speaking roles in court account for just about a quarter of counsel who appear in state and federal courts in New York. The lack of women attorneys with speaking roles in court is widespread across different types of cases, varying locations, and at all levels of courts.⁶

⁶ The survey did not include family or housing courts. Accordingly, the percentage of women in speaking

D. Women in Alternative Dispute Resolution

The view from the world of ADR is slightly more favorable to women, although more progress is needed. Two leading ADR providers gathered statistics on the proceedings conducted by their neutrals. In a sample size of 589 cases, women were selected as arbitrators 26.8% of the time and selected as mediators about half the time (50.2%). In a small sample size of two cases, women provided 50% of the neutral analyses but they were not chosen as court referees in either of those two cases.⁷

III. Going Forward: Suggested Solutions

The first step in correcting a problem is to identify it. To do so, as noted by this report and the ALM Intelligence study referenced above in its “Gender Diversity Best Practices Checklist”—the metrics component—firms need data.⁸ Suggesting solutions, such as insisting within law firms that women have significant roles on trial teams or empowering women attorneys to seek out advancement opportunities for themselves, is easy to do. Implementing these solutions is more challenging.⁹

A. Women’s Initiatives

Many law firms have started Women’s Initiatives designed to provide women attorneys with the tools they need to cultivate and obtain opportunities for themselves and to place themselves in a position within their firms to gain trial and courtroom experience.

One suggestion is that leaders in law firms—whether male or female—take on two different roles. The first is to mentor women attorneys with an emphasis on the mentor discussing various ways in which the woman attorney can gain courtroom experience and eventually become a leader in the firm. The second is to provide “hands on”

roles who appear in those courts may be higher, especially in family court as that area of the law tends to have a greater percentage of women practitioners. See Vivia Chen, *Do Women Really Choose the Pink Ghetto?; Are women opting for those lower-paying practices or is there an invisible hand that steers them there?*, *The American Lawyer* (Apr. 26, 2017) <http://www.americanlawyer.com/id=1202784558726>.

⁷ A 2014 Study indicated that for cases with between one and 10 million dollars at issue, 82% of neutrals and 89% of arbitrators were men. “*Gender Difference in Dispute Resolution Practice Report or the ABA Section of Dispute Resolution Practice Snapshot Survey* (Jan. 2014) . A 2017 article examining gender difference in dispute resolution practice put it “the more high-stakes the case, the lower the odds that a woman would be involved.” Noah J. Hanft, *Making Diversity Happen in ADR: No More Lip Service*. 257 *N.Y.L.J.* 56 (Mar. 20, 2017)

⁸ Daniella Isaacson, ALM Intelligence, *Where Do We Go From Here?: BigLaw’s Struggle With Recruiting and Retaining Female Talent* (Apr. 2017) at 12; see also Meghan Tribe, *Study Shows Gender Diversity Varies Widely Across Practice Areas*. *The Am Law Daily* (Apr. 17, 2017) <http://www.americanlawyer.com/id=1202783889472/Study-Shows-Gender-Diversity-Varies-Widely-Across-Practice-Areas>.

⁹ A summary of the suggestions contained in the report are attached hereto as [Appendix C](#). Many of the suggestions for law firms contained in this report may be more applicable to large firms than small or mid-size firms but hopefully are sufficiently broad based to provide guidance for all law firms.

10A

experience to the women attorneys at the firm by assigning them to work with a partner who will not only see that they go to court, but that they also participate in the courtroom proceedings. Women attorneys should have the opportunity early in their careers to conduct a deposition—not just prepare the outline for a partner. The same is true of defending a deposition.

It is important that more experienced attorneys help women attorneys learn how to put themselves in a position to obtain courtroom opportunities. This can be accomplished, at least in part, in two ways. *First*, women attorneys from within and outside the firm should be recruited to speak to female attorneys and explain how the woman attorney should put herself in a position to obtain opportunities to appear in court. *Second*, women from the business world should also be invited to speak at Women's Initiative meetings and explain how they have achieved success in their worlds and how they obtained opportunities.

B. Formal Programs Focused on Lead Roles in Court and Discovery

Another suggestion is that law firms establish a formal program through which management or heads of litigation departments seek out junior women associates on a quarterly or semi-annual basis and provide them with the opportunity to participate in a program that enables them to obtain the courtroom and pre-trial experiences outlined above. The establishment of a formal program sends an important signal within a firm that management is committed to providing women with substantive courtroom experience early in their careers.

Management and firm leaders should be encouraged to identify, hire, and retain women attorneys within their firms. Needless to say, promoting women to department heads and firm management is one way to achieve these goals. Women are now significantly underrepresented in both capacities.¹⁰

C. Efforts to Provide Other Speaking Opportunities for Women

In addition to law firms assigning women litigators to internal and external speaking opportunities, such as educational programs in the litigation department or speaking at a client continuing legal education program, firms should encourage involvement with bar associations and other civic or industry groups that regularly provide speaking opportunities.¹¹

¹⁰ Lauren Stiller Rikleen, *Women Lawyers Continue To Lag Behind Male Colleagues*, Report of the Ninth Annual National Association Of Women Lawyers National Survey on Retention and Promotion of Women in Law Firms (2015).

¹¹ It is noteworthy that, as of January 1, 2017, women comprise nearly 36% of the New York State Bar Association's membership but comprise only 24% of the Commercial and Federal Litigation Section's membership.

D. Sponsorship

Although law firms talk a lot about the importance of mentoring and how to make busy partners better at it, they spend very little time discussing the importance of, and need for, sponsors:

Mentors are counselors who give career advice and provide suggestions on how to navigate certain situations. Sponsors can do everything that mentors do but also have the stature and gravitas to affect whether associates make partner. They wield their influence to further junior lawyers' careers by calling in favors, bring attention to the associates' successes and help them cultivate important relationships with other influential lawyers and clients—all of which are absolutely essential in law firms. Every sponsor can be a mentor, but not every mentor can be a sponsor.

As Sylvia Ann Hewlett, founding president of the Center for Talent Innovation (formerly Center for Work-Life Policy), explained in a 2011 *Harvard Business Review* article “sponsors may advise or steer [their sponsorees] but their chief role is to develop [them] as leader[s]”¹² and “use[] chips on behalf of protégés’ and ‘advocate for promotions.”¹³

E. Efforts by the Judiciary

Members of the judiciary also must be committed to ensuring that women attorneys have equal opportunities to participate in the courtroom. When a judge notices that a woman lawyer who has prepared the papers and is most familiar with the case is not arguing the motion, that judge should consider addressing questions to the woman.

All judges, regardless of gender, should be encouraged to appoint more women as lead counsel in class actions, and as special masters, referees, receivers, or mediators. Some judges have insisted that they will not appoint a firm to a plaintiffs' management committee unless there is at least one woman on the team. Other judges have issued orders, referred to earlier in this report, that if a woman, minority, or junior associate is likely to argue a motion, the court may be more likely to grant a request for oral argument of that motion. Judges should be encouraged to amend their individual rules to encourage attorneys to take advantage of these courtroom opportunities. *All* judges should be encouraged to promote and support women in obtaining speaking and leadership roles in the courtroom.

¹² Sylvia Ann Hewlett, *The Right Way to Find a Career Sponsor*, Harv. Bus. Rev. (Sept. 11, 2013) <https://hbr.org/2013/09/the-right-way-to-find-a-career-sponsor>.

¹³ Kenneth O.C. Imo, *Mentors Are Good, Sponsors Are Better*, American Bar Association Law Practice Magazine (Jan./Feb. 2013) (http://www.americanbar.org/publications/law_practice_magazine/2013/january-february/mentors-are-good-sponsors-are-better.html).

10A

F. Efforts by Clients

Clients also can combat the gender disparity in courtrooms. Insistence on diverse litigation teams is a growing trend across corporate America. Why should corporate clients push for diverse trial teams? Because it is to their advantage to do so. After all, their employees and their customers are likely to be half female.

Additionally, the context surrounding a trial—including the venue, case type, and courtroom environment—can affect how jurors perceive attorneys and ultimately influence the jury’s verdict.¹⁴ Consciously or not, jurors assess attorney “[p]ersonality, attractiveness, emotionality, and presentation style” when deciding whether they like the attorney, will take him or her seriously, or can relate to his or her persona and arguments.¹⁵ Because women stereotypically convey different attributes than men, a woman attorney actively involved in a trial may win over a juror who was unable to connect with male attorneys on the same litigation team.¹⁶ Many corporate clients often directly state that they expect their matters will be handled by both men and women.

For example, in 2017, the General Counsel for HP, Inc. implemented a policy requiring “at least one diverse firm relationship partner, regularly engaged with HP on billing and staffing issues” or “at least one woman and one racially/ethnically diverse attorney, each performing or managing at least 10% of the billable hours worked on HP matters.”¹⁷ The policy reserves for HP the right to withhold up to ten percent of all amounts invoiced to firms failing to meet these diverse staffing requirements.¹⁸

G. Alternative Dispute Resolution Context

The dialogue that has begun amongst ADR providers and professionals involved in the ADR process is encouraging. One important step that has been undertaken is the Equal Representation in Arbitration pledge—attested to by a broad group of ADR stakeholders, including counsel, arbitrators, corporate representatives, academics, and others—to encourage the development and selection of qualified female arbitrators.¹⁹ This pledge outlines simple measures including having a fair representation of women on lists of potential arbitrators and tribunal chairs.²⁰

¹⁴ Ann T. Greeley & Karen L. Hirschman, “*Trial Teams and the Power of Diversity*,” at 3 (2012).

¹⁵ *Id.* at 5.

¹⁶ *Id.*

¹⁷ Jennifer Williams-Alvarez, *HP, Mandating Diversity, Will Withhold Fees From Some Firm*, Corporate Counsel (Feb. 13, 2017) <http://www.corpcounsel.com/id=1202779113475/HP-Mandating-Diversity-Will-Withhold-Fees-From-Some-Firms>.

¹⁸ *Id.*

¹⁹ See *Take the Pledge*, Equal Representation in Arbitration, <http://www.arbitrationpledge.com/pledge> (last visited Mar. 31, 2017).

²⁰ *Id.*

IV. Conclusion

Unfortunately, the gender gap in the courtroom and in ADR has persisted even decades after women comprised half of law school graduates. The federal and state courts in New York are not exempt from this phenomenon. There is much more that law firms, corporate counsel, and judges can do to help close the gap.

The active dialogue that continues today is a promising step in the right direction. It is the task force's hope that this dialogue—and the efforts of all stakeholders in the legal process—will help change the quantitative *and* qualitative role of women lawyers.

Respectfully submitted,

Sharon Stern Gerstman
President, New York State Bar Association
February 2018

10A

GENERAL INFORMATION FORM

Submitting Entity: New York State Bar Association
Submitted By: Sharon Stern Gerstman, President

1. Summary of Resolution.

The resolution encourages law firms, members of the judiciary, corporate clients, and alternative dispute resolution providers to provide women lawyers with opportunities to gain trial experience, participate in the courtroom and all aspects of litigation, and be selected as neutrals.

2. Approval by Submitting Entity.

This report was approved by the New York State Bar Association House of Delegates on November 4, 2017.

3. Has this or a similar Resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

February 1995: Oppose bias and discrimination based on race and gender that prevent multicultural women from gaining full and fair participation in the legal profession, and actively support efforts to eradicate such bias and discrimination.

88A121: Recognize that persistence of overt and subtle barriers denies women the opportunity to achieve full integration and equal participation in the work, responsibilities and rewards of the legal profession; affirm the fundamental principle that there is no place in the profession for barriers that prevent the full integration and equal participation of women in all aspects of the legal profession; and call upon members of the legal profession to eliminate such barriers.

Neither policy would be affected by adoption of this proposal.

5. If this is a late Report, what urgency exists which requires action at this meeting of the House?

N/A.

6. Status of Legislation. (If applicable.)

N/A

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates:

It is anticipated that the report would be disseminated widely and promoted to law firms, the judiciary, corporate counsel, and ADR providers.

8. Cost to the Association. (Both indirect and direct costs.)

None.

9. Disclosure of Interest.

N/A

10. Referrals.

Business Law Section
Commission on Women in the Profession
Conference of Chief Justices
Judicial Division
Law Student Division
National Association of Bar Executives
National Conference of Bar Presidents
National Judicial Conference
Section of Dispute Resolution
Section of Litigation
Solo, Small Firm and General Practice Division
Young Lawyers Division

11. Contact Name and Address Information. (Prior to the meeting.)

Sharon Stern Gerstman, Esq.
President, New York State Bar Association
Magavern, Magavern & Grimm LLP
1100 Rand Building
14 Lafayette Square
Buffalo, NY 14203
((716) 856-3500 x227 (Phone) | ((716) 856-3390 (Fax)
sgerstman@magavern.com

10A

12. Contact Name and Address Information. (Who will present the report to the House.)

Sharon Stern Gerstman, Esq.
President, New York State Bar Association
Magavern, Magavern & Grimm LLP
1100 Rand Building
14 Lafayette Square
Buffalo, NY 14203
(716) 856-3500 x227 (Phone) | ((716) 856-3390 (Fax)
sgerstman@magavern.com

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The resolution encourages law firms, members of the judiciary, corporate clients, and alternative dispute resolution providers to provide women lawyers with opportunities to gain trial experience, participate in the courtroom and all aspects of litigation, and be selected as neutrals.

2. Summary of the issue which the Resolution addresses.

Even after several decades in which women comprise approximately 50% of law school graduates, there is a serious gender gap among lawyers in the courtroom and in ADR settings.

3. Explanation of how the proposed policy position will address the issue.

This policy is needed for the ABA to undertake efforts to encourage law firms, the judiciary, clients, and ADR providers to address gender disparity in the courtroom and in ADR settings.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority or opposing views have been identified.



Bias Interrupters Worksheet

Prove-It-Again! (PIA)	
Pattern	Bias Interrupters
<ul style="list-style-type: none"> • Women, people of color, individuals with disabilities (“PIA Groups”) often need to provide more evidence of competence than others to be judged equally competent •PIA groups’ mistakes noticed more, remembered longer •PIA groups’ successes attributed to luck or circumstance, men’s to skill •Objective requirements applied rigorously to PIA groups, leniently to others •PIA groups judged on their performance, others on their potential 	<ul style="list-style-type: none"> •If you are in the meeting, say “I think we have now realized what we are looking for: someone with A, B, and C. Let’s go back to the top of the pile and make sure we’ve picked up everyone who has those qualifications.” • If you are running the meeting: <ul style="list-style-type: none"> -pre-commit to a specific set of criteria -require people to explain why if they diverge from those criteria
<ul style="list-style-type: none"> • Stolen idea: a woman makes a suggestion in a meeting that a man gets credit for. 	<ul style="list-style-type: none"> • “I’ve been pondering that ever since Pam first said it.”
Tightrope	
Pattern	Bias Interrupters
<ul style="list-style-type: none"> • “He’s assertive, she’s aggressive” (or a prima donna, outspoken, a b*tch, has sharp elbows, etc.) 	<ul style="list-style-type: none"> • “Would we be saying the same thing about a man?” • Developmental feedback for men tends to focus on skill sets; for women, on personality traits
<ul style="list-style-type: none"> • Anger: Understandable from men, unacceptable from women 	<ul style="list-style-type: none"> • Put appropriate limits on public displays of anger in the office: don’t tolerate “screamers”.
<ul style="list-style-type: none"> • Self-promotion: Are women expected to be the selfless “team players”? 	<ul style="list-style-type: none"> • Limit self-promotion to formal contexts • Provide alternatives for self-promotion, such as a company email once a month sharing everyone’s accomplishments.
<p>Office Housework:</p> <ul style="list-style-type: none"> • Literal housework (planning parties) • Notetaking/Billing • Emotion Work (“She’s so upset; can you help?”) 	<ul style="list-style-type: none"> • Assign an admin to do it, or establish a rotation • Everyone do their own, or establish a rotation • Handling difficult conversations is part of good citizenship

<ul style="list-style-type: none"> • Undervalued work: diversity/women’s initiatives • Undervalued work vs. career-enhancing work (Managing the paralegals vs. arguing motions; doing the document list vs. running the closing) 	<ul style="list-style-type: none"> • Don’t assign only people of color and/or women to these initiatives: if an organization lacks diversity, it’s an organizational problem (not a woman’s problem) • Figure out who is doing the undervalued work and who gets the glamour assignments, adjust if this division aligns with gender, race, etc..
--	---

Maternal Wall

Pattern	Bias Interrupters
<ul style="list-style-type: none"> • “She’s only part time” 	<ul style="list-style-type: none"> • “Yes, but for matters she is in charge of she takes full responsibility.”
<ul style="list-style-type: none"> • “She’s a mother” (on a performance evaluation); “She has other priorities.” 	<ul style="list-style-type: none"> • “What’s relevant is her performance, not her parental status.”
<ul style="list-style-type: none"> • “I didn’t consider you for that assignment because I know it’s not a good time for you, with the two young kids.” 	<ul style="list-style-type: none"> • “I have a stretch assignment that you would be perfect for. If this is not a good time, don’t hesitate to say so. These things come around from time to time.”
<ul style="list-style-type: none"> • “I worry about her kids” 	<ul style="list-style-type: none"> • “Based on the care and attention she gives her work, I think her kids are just fine.”

Tug of War

Pattern	Bias Interrupters
<ul style="list-style-type: none"> • Tokenism 	<ul style="list-style-type: none"> • Make sure there is not a culture of “only one woman” per plum committee/team etc.
<ul style="list-style-type: none"> • Prove-It-Again! Pass-through (“I don’t want to work with women, they give me a much harder time than the men.”) 	<ul style="list-style-type: none"> • Find out if there is a problem with female admins and their female bosses, if there is it may be time to meet with support staff to figure out a solution.
<ul style="list-style-type: none"> • Tightrope bias pass-through She’s too feminine (e.g. “With that little girl voice, no wonder she doesn’t get ahead”) She’s too masculine (e.g. “I wouldn’t want to make partner here. The partners just turned into men.”) 	<ul style="list-style-type: none"> • “There are lots of different ways to be a man and to be a woman. Everyone has their own way.”
<ul style="list-style-type: none"> • Maternal wall pass-through She’s too focused on family (“I worked full time my whole career and my kids are fine.”) She’s too focused on work (“I want to raise my own kids—unlike you.”) 	<ul style="list-style-type: none"> • “Younger women have different expectations of balancing work and family. We need to keep up.” • “There’s no one ‘right’ way to balance work and family. Happy families are not all alike.”

Additional resources:

Joan C. Williams & Rachel Dempsey, *What Works for Women at Work* (2014)
 Women’s Leadership Edge, Webinar on Bias Interrupters for Male Allies.
 Contact dolkasj@uchastings.edu for information.

Guidelines for Professional Conduct

These Guidelines for Professional Conduct are adopted to apply to all lawyers who practice in the United States District Court for the Northern District of California. Lawyers owe a duty of professionalism to their clients, opposing parties and their counsel, the courts, and the public as a whole. Those duties include, among others: civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, cooperation and competence.

These Guidelines are structured to provide a general guiding principle in each area addressed followed by specific examples which are not intended to be all-encompassing.

Every attorney who enters an appearance in this matter shall be deemed to have pledged to adhere to the Guidelines. Counsel are encouraged to comply with both the spirit and letter of these Guidelines. Nothing in these Guidelines, however, shall be interpreted to contradict or supersede any Order of the Court or agreement between the parties. The Court does not anticipate that these Guidelines will be relied upon as the basis for a motion; rather, it is the Court's expectation that they will be followed as Guidelines.

These Guidelines should be read in the context of the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Northern District of California (including, specifically, Civil Local Rule 11-4), the standards of professional conduct required of members of the State Bar of California, and all attorneys' underlying duty to zealously represent their clients. Nothing in these Guidelines should be read to denigrate counsel's duty of zealous representation. However, counsel are encouraged to zealously represent their clients within highest bounds of professionalism. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance the service to justice.

1. **Responsibilities to the Public**

A lawyer should always be mindful that the law is a learned profession and that among its goals are devotion to public service, improvement of the administration of justice, and the contribution of uncompensated time and civic influence on behalf of persons who cannot afford adequate legal assistance.

2. **Responsibilities to the Client**

A lawyer should work to achieve his or her client's lawful and meritorious objectives expeditiously and as economically as possible in a civil and professional manner.

For example:

- a. A lawyer should be committed to his or her client's cause, but should not permit that loyalty to interfere with giving the client objective and independent advice.
- b. A lawyer should advise his or her client against pursuing positions in litigation (or any other course of action) that do not have merit.

3. **Scheduling**

A lawyer should understand and advise his or her client that civility and courtesy in scheduling meetings, hearings, and discovery are expected as professional conduct.

For example:

- a. A lawyer should make reasonable efforts to schedule meetings, hearings, and discovery by agreement whenever possible and should consider the scheduling interests of opposing counsel, the parties, witnesses, and the court. Misunderstandings should be avoided by sending formal notice after agreement is reached.
- b. A lawyer should not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations.
- c. A lawyer should not engage in delay tactics in scheduling meetings, hearings, or discovery.
- d. A lawyer should try to verify the availability of key participants and witnesses before a meeting, hearing, or trial date is set. If that is not feasible, a lawyer should try to do so immediately after the meeting, hearing, or trial date is set so that he or she can promptly notify the court and opposing counsel of any likely problems.
- e. A lawyer should (i) notify opposing counsel and, if appropriate, the court as early as possible when scheduled meetings, hearings, or depositions must be cancelled or rescheduled, and (ii) provide alternate dates for such meetings, hearings, or depositions when possible.

4. **Continuances and Extensions of Time**

Consistent with existing law and court orders, a lawyer should agree to reasonable requests for extensions of time when the legitimate interests of his or her client will not be adversely affected.

For example:

- a.** A lawyer should agree to reasonable requests for extensions of time or continuances without requiring motions or other formalities.
- b.** Unless time is of the essence, a lawyer should agree as a matter of courtesy to first requests for reasonable extensions of time, even if the requesting counsel previously refused to grant an extension.
- c.** After agreeing to a first extension of time, a lawyer should consider any additional requests for extensions of time by balancing the need for prompt resolution of matters against (i) the consideration that should be extended to an opponent's professional and personal schedule, (ii) the opponent's willingness to grant reciprocal extensions, (iii) the time actually needed for the task, and (iv) whether it is likely that a court would grant the extension if asked to do so.
- d.** A lawyer should be committed to the notion that the strategy of refusing reasonable requests for extensions of time is inappropriate, and should advise clients of the same.
- e.** A lawyer should not seek extensions or continuances for the purpose of harassment or extending litigation.
- f.** A lawyer should not condition an agreement to an extension of time on unfair or extraneous terms, except those a lawyer is entitled to impose, such as (i) preserving rights that could be jeopardized by an extension of time or (ii) seeking reciprocal scheduling concessions.
- g.** By agreeing to extensions, a lawyer should not seek to cut off an opponent's substantive rights, such as his or her right to move against a complaint.
- h.** A lawyer should agree to reasonable requests for extensions of time when new counsel is substituted for prior counsel.

5. Service of Papers

The timing and manner of service of papers should not be calculated to disadvantage or embarrass the party receiving the papers.

For example:

- a.** A lawyer should not serve documents, pleadings, or motions on the opposing party or counsel at a time or in a way that would unfairly limit the other party's opportunity to respond.
- b.** A lawyer should not serve papers so soon before a court appearance that it inhibits the ability of opposing counsel to prepare for that appearance or to respond to the papers if permitted by law.
- c.** A lawyer should not serve papers (i) simply to take advantage of an opponent's known absence from the office, or (ii) at a time or in a manner designed to inconvenience an opponent.
- d.** A lawyer should serve papers by personal delivery, facsimile transmission, or email when it is likely that service by mail, even when allowed, will prejudice the opposing party.
- e.** A lawyer should serve papers on the individual lawyer known to be responsible for the matter at issue and should do so at his or her principal place of business.
- f.** A lawyer should never use the mode, timing, or place of serving papers primarily to embarrass a party or witness.

6. Punctuality

A lawyer should be punctual in communications with others and in honoring scheduled appearances.

For example:

- a.** A lawyer should arrive sufficiently in advance of trials, hearings, meetings, depositions, or other scheduled events so that preliminary matters can be resolved.
- b.** A lawyer should promptly notify all other participants when the lawyer will be unavoidably late.
- c.** A lawyer should promptly notify the other participants when he or she is aware that a participant will be late for a scheduled event.

7. Writings Submitted to the Court

Written materials submitted to the court should always be factual and concise, accurately state current law, and fairly represent the parties' positions without unfairly attacking the opposing party or opposing counsel.

For example:

- a.** Facts that are not properly introduced as part of the record in the case should not be used in written briefs or memoranda of points and authorities.
- b.** A lawyer should avoid denigrating the intelligence, ethics, morals, integrity, or personal behavior of the opposing party, counsel, or witness, unless such matters are at issue in the proceeding.

8. Communications with Opponents or Adversaries

A lawyer should at all times be civil, courteous, and accurate in communicating with opponents or adversaries, whether in writing or orally.

For example:

- a.** A lawyer should not draft letters (i) assigning a position to an opposing party that the opposing party has not taken, or (ii) to create a “record” of events that have not occurred.
- b.** A lawyer should not copy the court on any letter between counsel unless permitted or invited by the court.

9. Discovery

A lawyer should conduct discovery in a manner designed to ensure the timely, efficient, cost effective and just resolution of a dispute.

When propounding or responding to written discovery or when scheduling or completing depositions, a lawyer should be mindful of geographic or related timing limitations of parties and non-parties, as well as any relevant language barriers, and should not seek to use such limitations or language barriers for an unfair advantage.

A lawyer should promptly and completely comply with all discovery requirements of the Federal Rules of Civil Procedure.

For example:

As to Depositions:

- a.** A lawyer should take depositions only (a) where actually needed to learn facts or information, or (b) to preserve testimony.
- b.** In scheduling depositions, a lawyer shall follow the requirements of Civil Local Rule 30-1, should be cooperative in noticing depositions at mutually agreeable times and locations and shall accommodate the schedules and geographic limitations of opposing counsel and the deponent where it is possible to do so, while also considering the scheduling requirements in the litigation.
- c.** A lawyer representing a deponent that requires translator services or other special requirements shall promptly advise the noticing party of such requirements sufficiently in advance of a scheduled deposition so that counsel may seek to reasonably accommodate the deponent. A lawyer should be respectful of any translation or other special requirements that a particular deponent might have and should not seek to take unfair advantage of such requirements during a deposition.
- d.** When a deposition is scheduled and noticed by another party for the reasonably near future, a lawyer should ordinarily not schedule another deposition for an earlier date without the agreement of opposing counsel.
- e.** A lawyer should only delay a deposition if necessary to address legitimate scheduling conflicts. A lawyer should not delay a deposition for bad faith purposes.
- f.** A lawyer should not ask questions about a deponent’s personal affairs or question a deponent’s integrity where such questions are irrelevant to the subject matter of the deposition.
- g.** A lawyer should avoid repetitive or argumentative questions or those asked solely for purposes of harassment.
- h.** A lawyer representing a deponent or another party should limit objections to those that are well founded and necessary for the protection of his or her client’s interest. A lawyer should remember that most objections are preserved and need be made only when the form of a question is defective or privileged information is sought.
- i.** Once a question is asked, a lawyer should not coach the deponent or suggest answers, whether through objections or other means.
- j.** A lawyer should not direct a deponent to refuse to answer a question unless the question seeks privileged information, is manifestly irrelevant, or is calculated to harass.
- k.** A lawyer should refrain from self-serving speeches during depositions.
- l.** A lawyer should not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.

As to Requests for Production of Documents:

- a.** A lawyer should limit requests for production of documents to cover only those documents that are actually and reasonably believed to be needed for the prosecution or defense of an action. Requests for production of documents should not be made to harass or embarrass a party or witness, or to impose an inordinate burden or expense on the responding party.
- b.** A lawyer should not draft requests for production of documents so broadly that they encompass documents that are clearly not relevant to the subject matter of the case.
- c.** In responding to requests for production of documents, a lawyer should not interpret the requests in an artificially restrictive manner in an attempt to avoid disclosure.
- d.** A lawyer responding to requests for production of documents should withhold documents on the grounds of privilege only where appropriate.
- e.** A lawyer should not produce documents in a disorganized or unintelligible fashion, or in a manner calculated to hide or obscure the existence of particular documents.

f. A lawyer should not delay producing documents to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

As to Interrogatories:

- a.** A lawyer should use interrogatories sparingly and never use interrogatories to harass or impose undue burden or expense on the responding party.
- b.** A lawyer should not read or respond to interrogatories in a manner designed to ensure that responses are not truly responsive.
- c.** A lawyer should not object to interrogatories unless he or she has a good faith belief in the merit of the objection. Objections should not be made for the purpose of withholding relevant information. If an interrogatory is objectionable only in part, a lawyer should answer the unobjectionable portion.

10. Motion Practice

Motions should be filed or opposed only in good faith and when the issue cannot be otherwise resolved.

For example:

- a.** Before filing a motion, a lawyer should engage in a good faith effort to resolve the issue. In particular, civil discovery motions should be filed sparingly.
- b.** A lawyer should not engage in conduct that forces opposing counsel to file a motion that he or she does not intend to oppose.
- c.** In complying with any meet and confer requirement in the Federal Rules of Civil Procedure or other applicable rules, a lawyer should speak personally with opposing counsel or a self-represented party and engage in a good faith effort to resolve or informally limit all applicable issues.
- d.** Where rules permit an *ex parte* application or communication to the court in an emergency situation, a lawyer should make such an application or communication only where there is a bona fide emergency—i.e., when the lawyer's client will be seriously prejudiced if the application or communication were made with regular notice. This applies, *inter alia*, to applications to shorten an otherwise applicable time period.

11. Dealing with Nonparty Witnesses

It is important to promote high regard for the legal profession and the judicial system among those who are neither lawyers nor litigants. A lawyer's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility and be designed to leave the witness with an appropriately good impression of the legal profession and the judicial system.

For example:

- a.** A lawyer should be courteous and respectful in communications with nonparty witnesses.
- b.** Upon request, a lawyer should extend professional courtesies and grant reasonable accommodations, unless doing so would materially prejudice his or her client's lawful objectives.
- c.** A lawyer should take special care to protect a witness from undue harassment or embarrassment and to state questions in a form that is appropriate to the witness's age and development.
- d.** A lawyer should not issue a subpoena to a nonparty witness for inappropriate tactical or strategic purposes, such as to intimidate or harass the nonparty.
- e.** As soon as a lawyer knows that a previously scheduled deposition will or will not go forward as scheduled, the lawyer should notify all applicable counsel.
- f.** A lawyer who obtains a document pursuant to a deposition subpoena should, upon request, make copies of the document available to all other counsel at their expense even if the deposition is canceled or adjourned.

12. Ex Parte Communications with the Court

A lawyer should not communicate *ex parte* with a judicial officer or his or her staff on a case pending before the court, unless permitted by law or Local Court Rule.

For example:

- a.** Even where applicable laws or rules permit an *ex parte* application or communication to the court, a lawyer should make diligent efforts to notify the opposing party or a lawyer known to represent or likely to represent the opposing party before making such an application or communication. A lawyer should make reasonable efforts to accommodate the schedule of an opposing party or his or her counsel to permit them to participate in the *ex parte* proceedings.

13. Settlement and Alternative Dispute Resolution

A lawyer should raise and explore the issue of settlement and alternative dispute resolution in every case as soon as the case can be evaluated.

For example:

- a. A lawyer should always attempt to de-escalate any controversy and bring the parties together.
- b. A lawyer should not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial. In every case, a lawyer should consider whether his or her client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation, or other form of alternative dispute resolution.
- c. A lawyer should advise his or her client at the outset of the availability of alternative dispute resolution.
- d. A lawyer involved in an alternative dispute resolution process should participate in good faith, and should not use the process for purposes of delay or other improper purposes.

14. Trial and Hearings

A lawyer should conduct himself or herself in trial and hearings in a manner that promotes a positive image of the legal profession, assists the court in properly reviewing the case, and displays appropriate respect for the judicial system.

For example:

- a. A lawyer should be punctual and prepared for all court appearances.
- b. A lawyer should always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel, and the judge with courtesy and civility.
- c. A lawyer should only make objections during a trial or hearing for legitimate and good faith reasons. A lawyer should not make such objections only for the purpose of harassment or delay.
- d. A lawyer should honor requests made by opposing counsel during trial that do not prejudice his or her client's rights or sacrifice a tactical advantage.
- e. While appearing before the court, a lawyer should address all arguments, objections, and requests to the court, rather than addressing them directly to opposing counsel.
- f. While appearing in court, a lawyer should demonstrate sensitivity to any party, witness, or other lawyer who has requested, or may need, accommodation as a person with physical or mental impairment. This will help foster full and fair access to the court for all persons.

15. Default

A lawyer should not seek an opposing party's default to obtain a judgment or substantive order without giving that opposing party sufficient advance written warning to allow the opposing party to cure the default.

16. Social Relationships with Judicial Officers or Court-Appointed Experts

A lawyer should avoid even the appearance of impropriety or bias in relationships with judicial officers, arbitrators, mediators, and independent court-appointed experts.

For example:

- a. When a lawyer is assigned to appear before a judicial officer with whom the lawyer has a social relationship or friendship beyond normal professional association, the lawyer should notify opposing counsel (or a self-represented party) of the relationship.
- b. A lawyer should disclose to opposing counsel (or a self-represented opposing party) any social relationship or friendship between the lawyer and an arbitrator, mediator, or any independent court appointed expert taking a role in the case, so that the opposing counselor party has the opportunity to object to such arbitrator, mediator, or expert receiving the assignment parties.

17. Privacy

All matters should be handled with due respect for the privacy rights of parties and non-parties.

For example:

- a. A lawyer should not inquire into, nor attempt to use, nor threaten to use, facts about the private lives of any party or other individuals for the purpose of gaining an unfair advantage in a case. This rule does not preclude inquiry into sensitive matters that are relevant to a legitimate issue, as long as the inquiry is pursued as narrowly as is reasonably possible and with due respect for the fact that an invasion into private matters is a necessary evil.
- b. If it is necessary for a lawyer to inquire into such matters, the lawyer should cooperate in arranging for protective measures designed to ensure that the private information is disclosed only to those persons who need to present it as relevant evidence to the court.

18. Communication About the Legal System and With Participants

Lawyers should conduct themselves with clients, opposing counsel, parties and the public in a manner consistent with the high respect and esteem which lawyers should have for the courts, the civil and criminal justice systems, the legal profession and other lawyers.

For example:

- a.** A lawyer's public communications should at all times and under all circumstances reflect appropriate civility, professional integrity, personal dignity, and respect for the legal system. This rule does not prohibit good faith, factually based expressions of dissent or criticism made by a lawyer in public or private discussions having a purpose to motivate improvements in our legal system or profession.
- b.** A lawyer should not make statements which are false, misleading, or which exaggerate, for example, the amount of damages sought in a lawsuit, actual or potential recoveries in settlement or the lawyer's qualifications, experience or fees.
- c.** A lawyer should not create a false or misleading record of events or attribute to an opposing counsel a position not taken.
- d.** A lawyer should not fail or refuse without justification to respond promptly by returning phone calls or otherwise responding to calls and letters of his or her clients, opposing counsel and/or self-represented parties.
- e.** A lawyer who is serving as a prosecutor or defense counsel should conduct himself or herself publicly and within the context of a particular case in a manner that shows respect for the important functions that each plays within the criminal justice system, keeping in mind that the defense of an accused is important and valuable to society as is the prosecution.
- f.** A lawyer should refrain from engaging in conduct that exhibits or is intended to appeal or engender bias against a person on account of that person's race, color, religion, sex, national origin, sexual orientation, or disability, whether that bias is directed to other counsel, court personnel, witnesses, parties, jurors, judges, judicial officers or any other participants.

19. Redlining

A lawyer should clearly identify for other counsel or parties all changes that a lawyer makes in documents.

The Court gratefully acknowledges its reliance on the Santa Clara County Bar Association's Code of Professionalism.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STANDING ORDER REGARDING COURTROOM OPPORTUNITIES FOR
RELATIVELY INEXPERIENCED ATTORNEYS

May 3, 2017

MASTROIANNI, U.S.D.J.

Judges F. Dennis Saylor, Denise Casper, Timothy Hillman, Indira Talwani, and Leo Sorokin have adopted standing orders strongly encouraging the participation of relatively inexperienced and young attorneys in all court proceedings. Judge Casper noted that the “decline in courtroom opportunities for newer lawyers is widely recognized and is one of concern to both the bench and bar.”

Recognizing the importance of the development of future generations of practitioners through courtroom opportunities, the undersigned judge, as a matter of policy, strongly encourages the participation of relatively inexperienced attorneys in all court proceedings including but not limited to initial scheduling conferences, status conferences, hearings on discovery motions and dispositive motions, and examination of witnesses at trial.

The following admonitions regarding professionalism, authority, and supervision apply:

First, all attorneys appearing in this court, including those who are relatively inexperienced, will be held to the highest professional standards. These attorneys must be prepared and knowledgeable about the case and applicable law.

Second, all attorneys appearing in court should have a degree of authority commensurate with the proceeding. For example, an attorney appearing at a scheduling conference ordinarily should have the authority to propose and agree to a discovery schedule and any other matters reasonably likely to arise at the conference.

Third, relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity, such as examining a witness at trial, should be accompanied and supervised by a more experienced attorney unless the court gives leave to do otherwise.

The undersigned judge hopes that counsel join the court in effectuating this important policy. Counsel may seek additional guidance from the court in particular cases concerning the scope and application of this policy.

It is So Ordered.

/s/ Mark G. Mastroianni
MARK G. MASTROIANNI
United States District Judge

123 F.Supp.3d 276

**Eliezer CRUZ–APONTE, et al.,
Plaintiffs,**

v.

**CARIBBEAN PETROLEUM
CORPORATION, et al., Defendants.**

Civil No. 09–2092 (FAB).

**United States District Court, D. Puerto
Rico.**

Signed Aug. 17, 2015.

[123 F.Supp.3d 277]

John F. Nevares, John F. Nevares & Assoc. PSC, San Juan, PR, Camilo K. Salas, Salas & Co. LC, New Orleans, LA, Matthew S. Schoen, Michael A. London, Nicholas E. Warywoda, Douglas and London, P.C., New York, NY, Phv Peter J. Cambs, Parker Waichman Alonso LLP, Port Washington, NY, Daniel E. Becnel, Jr., Becnel Law Firm, L.L.C., Reserve, LA, for Plaintiffs.

Eric Perez–Ochoa, Francisco M. Viejo–Lopez, Adsuar Muniz Goyco Seda & Perez Ochoa Psc, Fernando J. Fornaris–Fernandez, Cancio, Nadal, Rivera & Diaz, Francisco J. Colon–Pagan, Colon & Colon PSC, Nestor Mendez–Gomez, Jason R. Aguilo–Suro, Oreste Ricardo Ramos–Pruetzel, Pietrantonio Mendez & Alvarez, LLC, Sara L. Velez–Santiago, Pietrantonio Mendez & Alvarez, Jose Ramon Rivera–Morales, Jimenez, Graffam & Lausell, Diego A. Ramos, Fiddler Gonzalez & Rodriguez, P.S.C., Dora L. Monserrate, Monserrate & Monserrate, San Juan, PR, Mark Phv Blumstein, The Blumstein Law Firm, Aventura, FL, William A. Escobar, Ana Y. Correa, Jonathan Cooperman, Kelley Drye & Warren, LLP, Kevin M. Haas, Cozen O'Connor, Jules R. Cattie, III, Marc Aaron Melzer, Helene R. Hechtkopf, Caitlin N. Bush, Hoguet, Newman, Regal & Kenney, LLP, John J. Kenney, Simpson, Thacher & Bartlett, William F. Knowles, Thomas M. Jones, Cozen

O'Connor, Seattle, WA, Ricardo Lozada–Franco, Monserrate, Simonet & Gierbolini, Guaynabo, PR, for Defendants.

MEMORANDUM AND ORDER

BESOSA, District Judge.

Before the Court is attorney Dora Monserrate–Peñagaricano's motion for sanctions against attorney Camilo Salas for an improper and personally offensive comment that Mr. Salas made to Ms. Monserrate during a deposition. (Docket No. 1283.) Mr. Salas responded to Ms. Monserrate's motion, acknowledging that he made the comment and that it was improper, but imploring that sanctions are not warranted because he did not intend to

[123 F.Supp.3d 278]

harm or embarrass Ms. Monserrate. (Docket No. 1302.) After carefully considering the attorneys' arguments and listening to an audio recording of the deposition, the Court finds that Mr. Salas committed professional misconduct and that sanctions are warranted.

I. BACKGROUND

Ms. Monserrate is counsel for co-defendant Intertek USA, Inc. ("Intertek") and Mr. Salas is *pro hac vice* counsel for plaintiffs in this class action litigation. On March 19, 2015, Mr. Salas deposed former Intertek employee Orlando A. Díaz–Díaz, who Ms. Monserrate represented for purposes of the deposition. *See* Docket No. 1286–1 at pp. 6, 19. Present at the deposition were sixteen attorneys: Mr. Salas was one of twelve male attorneys, and Ms. Monserrate was one of four female attorneys. *Id.* at pp. 8–10.

About halfway through the day-long deposition, Mr. Salas asked the deponent a question that required him to make some calculations. While the deponent was doing

so, the following exchange took place between Mr. Salas and Ms. Monserrate:

MR. NEVARES: The air conditioner works.

MS. MONSERRATE: I don't know, but it's hot in here.

MR. SALAS: *¿Tienes calor todavía?*¹ You're not getting menopause, I hope.

MS. MONSERRATE: That's on the record.

MR. SALAS: No, no, no, no.

MS. MONSERRATE: You know that a lawyer here got in big trouble for a comment just like that.

MR. SALAS: Really.

(Docket No. 1283-1 at p. 121.)² The deponent then answered the question, and the deposition continued.

At the end of the deposition, after the deponent left the room, Intertek attorney Juan Skirrow made the following statement:

The note for the record I'd like to make is that I asked the court reporter to preserve the audio that was recorded today. The court reporter agreed that she would review the audio and transcribe a relevant portion of the audio related to a comment that I heard Mr. Salas make to my co-counsel, Dora Monserrate, during the deposition today. That comment, in substance, was in response to Ms. Monserrate's statement that the room was very hot. Mr. Salas responded

that maybe that was because she was going through menopause.

(Docket No. 1286-1 at pp. 227-28.)

Mr. Salas responded to Mr. Skirrow's comment by stating the following, again on the record:

Let the record reflect that a comment of that nature was, in fact, made by me. It was not made with any bad intent. As soon as we took a break and I saw that counsel had been hurt or took the comment improperly, I tried to apologize to her. She told me that she didn't want to talk to me. So that's what happened. And let me state for the record that it was an improper comment. I didn't mean to harm her in any way. I've

[123 F.Supp.3d 279]

tried to apologize to her. I do apologize to her right now, and that's all I can do.

Id. at pp. 228-29.

II. DISCUSSION

Ms. Monserrate contends that Mr. Salas's comment, "You're not getting menopause, I hope," was disparaging and discriminatory, and that it "humiliated, embarrassed, and demeaned" her. (Docket No. 1283 at pp. 3-4.) She urges the Court to sanction Mr. Salas by revoking his *pro hac vice* admission. *Id.* at pp. 9-10.

"In order to maintain the effective administration of justice and the integrity of the Court," Local Rule 83E(a) requires that attorneys practicing before the Court³ comply with the Model Rules of Professional Conduct

("Model Rules"), adopted by the American Bar Association ("ABA"). Loc. R. 83E(a). Misconduct by an attorney in any matter pending before the Court "may be dealt with directly by the judge in charge of the matter." Loc. R. 83E(d). An order imposing discipline may include suspension, public or private reprimand, monetary penalties, continuing legal education, counseling, or "any other condition [that] the Court deems appropriate." Loc. R. 83E(c).

The Model Rules instruct attorneys to "demonstrate respect for the legal system and for those who serve it, including ... other lawyers" and to "maintain[] a professional, courteous and civil attitude toward all persons involved in the legal system." Model Rules of Prof'l Conduct pmb. ¶¶ 5, 9. Model Rule 4.4 provides that an attorney "shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person." *Id.* r. 4.4(a). Model Rule 8.4(d) provides that it is professional misconduct for an attorney to "engage in conduct that is prejudicial to the administration of justice." *Id.* r. 8.4(d).

The Court first discusses whether Mr. Salas's comment "You're not getting menopause, I hope," violated Model Rule 4.4. Menopause is "the period in a woman's life when [permanent cessation of menstruation] occurs, usually between the ages of 40 and 50." *Oxford English Dictionary* (3d ed.2001), available at <http://www.oed.com/view/Entry/116476>. Menopause is often a personal and private subject for a woman, especially because it implicates issues relating to a woman's age, fertility, psychological state, sexuality, and physical condition.

Mr. Salas insists that he made the comment "out of concern about Ms. Monserrate's medical condition." (Docket No. 1302 at p. 22.) He explains that future depositions were scheduled to take place in the same room and that he knows "that a hot room is a trigger for

hot flashes in women who are going through menopause." *Id.* at pp. 22–23.

The Court unequivocally rejects Mr. Salas's *post hoc* explanation. If Mr. Salas was genuinely concerned that Ms. Monserrate had a "medical condition" triggered by the room's temperature, then he would have asked Ms. Monserrate in a more private setting and in a more respectful way whether there was anything he could do to alleviate her symptoms. Mr. Salas instead chose to tell Ms. Monserrate in the presence of fourteen other attorneys, eleven of whom were male, that he hopes that she is not menopausal.

The public nature of Mr. Salas's comment combined with the personal and private nature of menopause leads the Court

[123 F.Supp.3d 280]

to conclude that the comment was made to embarrass Ms. Monserrate and was not intended to serve any other purpose. This is a clear violation of Model Rule 4.4.

The impropriety of Ms. Salas's remark is aggravated by the remark's discriminatory nature. Because menopause occurs only in women, and predominantly in middle-aged women, see *Oxford English Dictionary* (3d ed.2001), available at <http://www.oed.com/view/Entry/116476>, a comment suggesting that a woman may be menopausal singles her out on the basis of gender and age.

Discriminatory comments like this undoubtedly occur on a daily basis in the legal profession and are routinely swept under the rug. But the concealment does not diminish the effect. An ABA report published this year, for example, identified "inappropriate or stereotypical comments" directed at female attorneys by opposing counsel as one of the causes of the marked underrepresentation of women in lead trial attorney roles.⁴ Discriminatory conduct on the part of an

attorney is "palpably adverse to the goals of justice and the legal profession." *Principe v. Assay Partners*, 154 Misc.2d 702, 586 N.Y.S.2d 182, 185 (Sup.Ct.1992). When an attorney engages in discriminatory behavior, it reflects not only on the attorney's lack of professionalism, but also tarnishes the image of the entire legal profession and disgraces our system of justice.

Ms. Monserrate chose to expose to light Mr. Salas's discriminatory behavior. Her request for sanctions is "not a display of an inability to overlook obnoxious conduct, but an indication of a commitment to basic concepts of justice and respect for the mores of the profession of law." *See id.* at 186. She has turned to the Court "to give force to a basic professional tenet." *Id.*

Having determined that Mr. Salas committed professional misconduct in a proceeding pending before the Court, the Court now discusses whether sanctions are warranted, and if so, whether revocation of Mr. Salas's *pro hac vice* admission, as requested by Ms. Monserrate, is appropriate.

The Court first considers whether Mr. Salas's comment was an isolated incident or part of repeated disrespectful and discriminatory behavior. Ms. Monserrate asserts in her motion that Mr. Salas harassed the deponent, mocked the deponent's answers, and demonstrated a hostile attitude towards Ms. Monserrate during the deposition. (Docket No. 1283 at pp. 2–3.) The Court listened to the audio recording of the deposition—paying close attention to the instances mentioned by Ms. Monserrate in her motion—and did not observe the behavior that Ms. Monserrate describes. Mr. Salas was always courteous with the deponent. Although Mr. Salas and Ms. Monserrate briefly argued on a few occasions during the deposition, each raising their voices to make a point, neither displayed a hostile attitude or tone. Thus, Mr. Salas did not exhibit repeated disrespectful conduct.

The fact that Mr. Salas's improper comment was an isolated incident mitigates his misconduct. In other cases, including those cited in Ms. Monserrate's motion, where male attorneys were sanctioned for discriminatory comments made to female attorneys, the courts found repeated misconduct that cumulatively warranted sanctions. *See Mullaney v. Aude*, 126 Md.App. 639, 644–45, 659, 730 A.2d 759 (1999) (affirming protective order and attorney's fees sanction where male attorney made

[123 F.Supp.3d 281]

sexist remark to female deponent, addressed female attorney as "babe," and said calling her "babe" was better than calling her a "bimbo" during deposition); *In re Valcarcel Mulero I*, 142 D.P.R. 41 (1996) (suspending male attorney from practice for period of three months for referring to female attorney as a "crazy chicken" and "girl," repeatedly raising his voice, and constantly interrupting the judge during a court hearing); *Principe*, 586 N.Y.S.2d at 184–88, 191 (sanctioning male attorney in the form of attorney's fees for calling female attorney "little lady," "little mouse," and "little girl" repeatedly during deposition); *cf. Laddcap Value Partners, LP v. Lowenstein Sandler P.C.*, 18 Misc.3d 1130(A), No. 600973–2007, 2007 WL 4901555, at *2–7 (N.Y.Sup.Ct. Dec. 5, 2007) (ordering referee supervision of future depositions after male attorney addressed female attorney as "dear," "hon," and a "sorry girl," said she had a "cute little thing going on," and asked why she was not wearing her wedding ring during deposition).

Further mitigating the misconduct are Mr. Salas's immediate and subsequent apologies. Mr. Salas attempted to apologize to Ms. Monserrate during a break in the deposition. (Docket No. 1283 at p. 4.) At the conclusion of the deposition, Mr. Salas apologized to Ms. Monserrate on the record and acknowledged that his comment was improper. (Docket No. 1283–1 at pp. 228–29.) He also apologized to

the Court when he responded to Ms. Monserrate's motion. (Docket No. 1302 at p. 2.)

Given these mitigating circumstances, the Court finds that the harsh sanction of revocation of Mr. Salas's *pro hac vice* admission is not warranted. Nonetheless, Mr. Salas's comment intended to humiliate Ms. Monserrate on the basis of her age and gender. This conduct is adverse to the goals of justice and cannot be permitted to find a safe haven in the practice of law. The Court therefore finds that the following sanctions are warranted. First, to ensure that he bears some of the burden of the costs of bringing his discriminatory conduct to light, Mr. Salas should pay Ms. Monserrate reasonable attorney's fees for bringing the motion. Second, Mr. Salas should complete a continuing legal education course on attorney professionalism and professional conduct.

III. CONCLUSION

For the foregoing reasons, the Court **GRANTS IN PART** and **DENIES IN PART** Ms. Monserrate's motion for sanctions (Docket No. 1283). The Court rejects Ms. Monserrate's request for revocation of Mr. Salas's *pro hac vice* admission, but finds that sanctions against Mr. Salas are warranted.

The Court **ORDERS** Mr. Salas to pay Ms. Monserrate \$1,000 as reasonable attorney's fees, based upon the Court's observation and experience, for bringing the motion. If Mr. Salas objects to the amount fixed for attorney's fees, he may file a motion on or before **August 31, 2015**. The Court further **ORDERS** Mr. Salas to complete a continuing legal education course on attorney professionalism and professional conduct on or before **February 1, 2016**. Mr. Salas shall inform the Court when he has complied with this Order.

IT IS SO ORDERED.

Notes:

¹ *You're still warm?*

² In the official stenographic record, these comments appear as "Discussion off the record." See Docket No. 1286-1 at p. 146. The stenographer kept a backup audio recording of the deposition, which she later used to transcribe this conversation. See Docket No. 1302-1. The audio recording was provided to the Court. After listening to the recording, the Court added the phrase "*Tienes calor todavía?*," which was omitted from the stenographer's transcript.

³ Attorneys admitted *pro hac vice* for a particular proceeding are deemed to have conferred disciplinary jurisdiction upon the Court for any alleged misconduct arising in the course of or in preparation for that proceeding. Loc. R. 83A(g).

⁴ Stephanie A. Scharf & Roberta D. Liebenberg, *First Chairs at Trial: More Women Need Seats at the Table* 14-15 (2015), available at http://www.americanbar.org/content/dam/aba/marketing/women/first_chairs2015.authcheckdam.pdf.

ILLINOIS STATE BAR ASSOCIATION

[ISBA.ORG/FREECLE](https://www.isba.org/freecle)

ISBA LAW ED
CLE FOR ILLINOIS LAWYERS



FREE ON-DEMAND CLE

MAKE THE MOST OF YOUR MEMBERSHIP
15 HOURS PER BAR YEAR—AVAILABLE ONLINE 24/7

SPONSORED BY  **ISBA Mutual**
Lawyers' Malpractice Insurance

FREE ON-DEMAND CLE

15 Hours Per Bar Year—Available Online 24/7

MORE OPTIONS, MORE PROGRAMMING!

Choose from over 400 hours of archived programming – in audio podcast or video streaming formats!



“I LOVE THE ISBA’S FREE ON-DEMAND CLE. I CAN LISTEN TO THE PROGRAMS WHILE OUT ON A RUN, PREPPING DINNER, OR EVEN LYING IN BED. THE **QUALITY** AND **CONVENIENCE** ALLOW ME TO LEARN A LOT IN THE LITTLE MINUTES BETWEEN WORK AND EVERYTHING ELSE!”

Nicole M. Soltanzadeh
MEMBER SINCE 2009



FREE ON-DEMAND CLE, INCLUDED WITH MEMBERSHIP. (\$450 VALUE)

All eligible ISBA members can **earn up to 15 MCLE credit hours**, including Professional Responsibility MCLE credit hours, per bar year; enough to **meet the 30 hour MCLE requirement over a 2 year period.**

Visit our Free On-Demand CLE webpage at ISBA.ORG/FREECLE to check on benefit eligibility and review “How To Videos” and FAQs to get started.

ILLINOIS STATE BAR ASSOCIATION

ISBA.ORG/FASTCASE



FASTCASE

**MAKE THE MOST OF YOUR MEMBERSHIP
FREE ONLINE LEGAL RESEARCH**

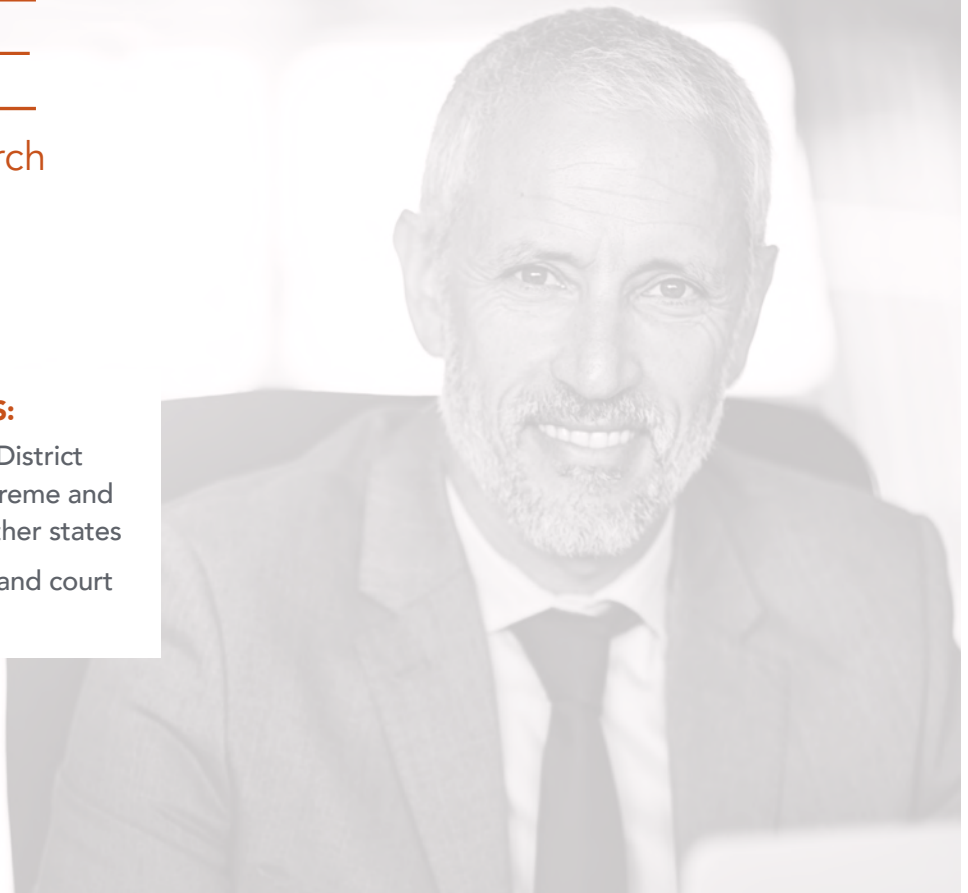
SPONSORED BY  **ISBA Mutual**
Lawyers' Malpractice Insurance

FASTCASE

Free Online Legal Research

THE ISBA FASTCASE PLAN INCLUDES:

- US Supreme Court, Federal Circuit, District and Bankruptcy Courts, and the supreme and appellate courts for Illinois and all other states
- Statutes, regulations, constitutions, and court rules for Illinois and all other states



“OPPOSING COUNSEL MISSTATES THE HOLDING IN AN UNCITED CASE.
I WHIP OUT **FASTCASE** ON MY IPHONE AND WIN THE MOTION.”
#SUPERLAWYER

Amy Lynn Strege
MEMBER SINCE 2007

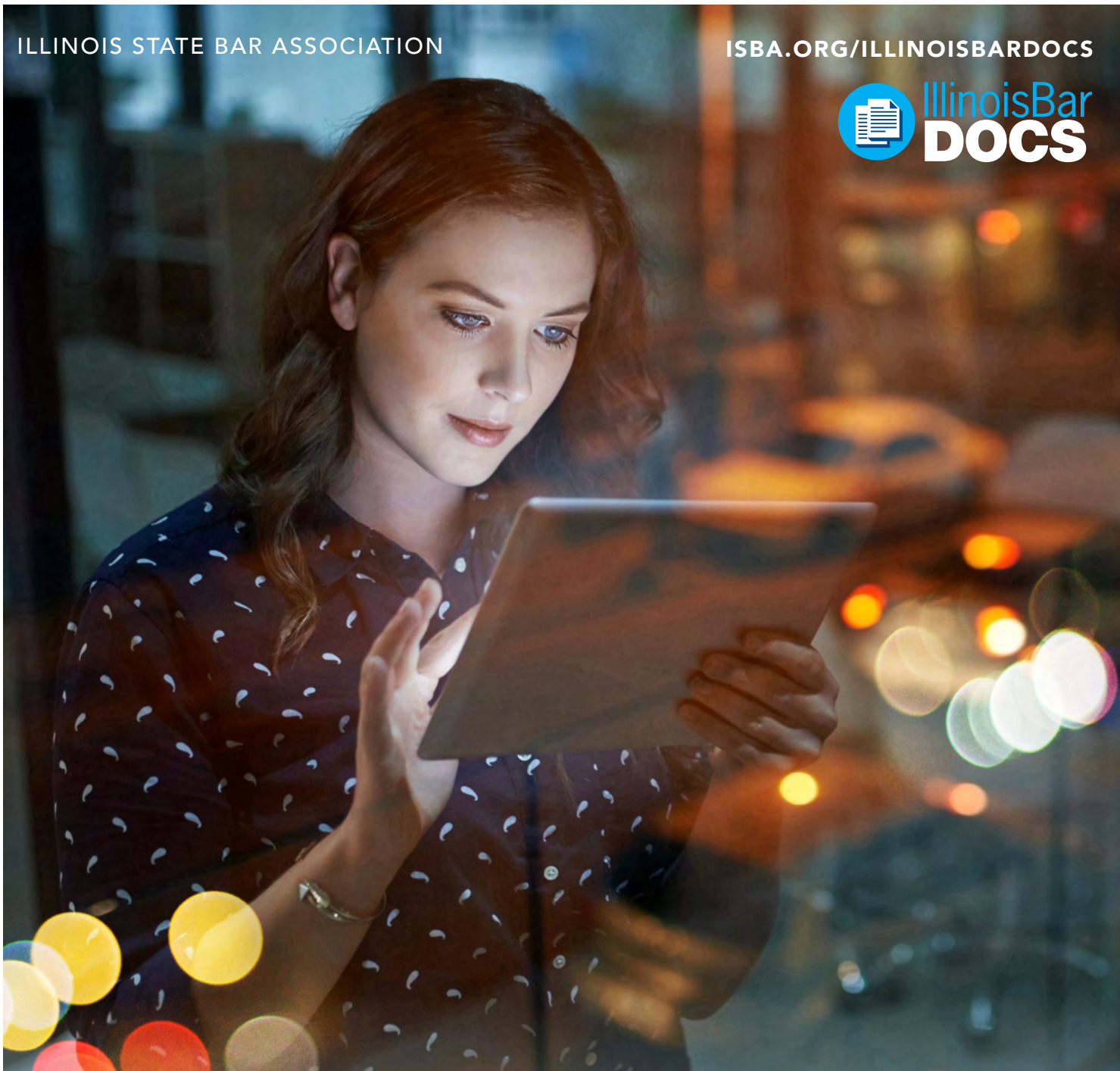


With the **Fastcase Premium-Plan Library**, you can enjoy unlimited free access to a comprehensive 50-state and federal caselaw database, including bankruptcy cases and Illinois cases dating back to the 1800's.

Get started by visiting the ISBA website to sign up for a **Free CLE training webinar** (held monthly) or review the online user-guides and FAQs. Be sure to **download the Fastcase app** and **sync your ISBA Fastcase account** to access your browser history “on the go.”

ILLINOIS STATE BAR ASSOCIATION

ISBA.ORG/ILLINOISBARDOCS



ILLINOIS BAR DOCS

**MAKE THE MOST OF YOUR MEMBERSHIP
ISBA FORMS FOR ISBA MEMBERS**

ILLINOIS BAR DOCS

ISBA Forms for ISBA Members

NOW INCLUDING A COMPLETE ESTATE PLAN DRAFTING SYSTEM that allows you to produce both will-based and trust-based estate plans. With IllinoisBarDocs' low subscription price, you can now more confidently provide flat-fee estate plans and compete with consumer DIY options.

"ILLINOISBARDOCS IS INCREDIBLY EASY TO USE, ALLOWING ME AND MY STAFF TO WORK MORE EFFICIENTLY. WHEN YOU CONSIDER THE AFFORDABLE COST, ADDING IT TO MY ARSENAL WAS A NO-BRAINER!"

Maria Berger
MEMBER SINCE 2004



CLOUD-BASED DOCUMENT ASSEMBLY SYSTEM WITH ILLINOIS-SPECIFIC FORMS

Always wanted to try a document assembly system but never had the time or money to invest in it? The ISBA is happy to offer IllinoisBarDocs, a cloud-based document assembly system powered by HotDocs, with member-drafted, Illinois-specific legal forms. For a low monthly (\$20) or yearly (\$199) subscription fee, ISBA members get unlimited access to IllinoisBarDocs and all of its forms.

ILLINOIS STATE BAR ASSOCIATION

CENTRAL.ISBA.ORG

ISBA **CENTRAL**
ONLINE COMMUNITIES



ISBA CENTRAL

**MAKE THE MOST OF YOUR MEMBERSHIP
ASK. ANSWER. SHARE.**

ISBA CENTRAL

Ask. Answer. Share.

HAVE A QUESTION AND NEED EXPERT-LEVEL ADVICE? Need a referral? ISBA Central is the best way to get fast, reliable answers and referrals. Who else will have the best advice, other than Illinois attorneys?

I HAVE LEARNED SO MUCH FROM EVERYONE IN THIS COMMUNITY
AND HAVE MADE SOME NICE FRIENDS ALONG THE WAY!

Zisl Edelson
MEMBER SINCE 1995



ISBA Central is our new online community platform where members (only) can ask and answer questions, **ask for and receive referrals**, share documents, and connect with other members.

Section members are automatically added to their section's community, and a handful of communities are open to all members.

You'll receive a daily email digest on days when messages are sent. Change your settings to get messages in real time or to get no messages by adjusting your preferences in your ISBA Central account.

Visit ISBA Central at central.isba.org.

ILLINOIS STATE BAR ASSOCIATION

[ISBA.ORG/MEMBERSHIP](https://www.isba.org/membership)



MEMBERSHIP

MEET YOUR MCLE REQUIREMENT. DO YOUR RESEARCH.
CONNECT WITH COLLEAGUES. ALL AT NO EXTRA COST.

ISBA BENEFITS



ILLINOIS STATE
BAR ASSOCIATION™

ISBA MEMBER BENEFITS – ISBA.ORG/MEMBERSHIP/BENEFITS

5 FEATURED BENEFITS

- ▶ **Fastcase**
Free legal research
- ▶ **Free On-Demand CLE**
Up to 15 hours of MCLE per year
- ▶ **Illinois Lawyer Finder**
Get found in our public member directory
- ▶ **IllinoisBarDocs**
Automated legal forms
- ▶ **ISBA Central Communities**
Discussions and connect with other members

E-Clips

Daily legal news and case digests

Illinois Bar Journal

Award winning monthly magazine

Practice HQ

Practice management and technology resources

Section Membership

Access to substantive law information via newsletters & ISBA Central

ISBA Publications

ISBA books and periodicals

Illinois Lawyer Now

Legal news, practice news, photo galleries & more

ISBA Career Center

Post your resume for free and find or post a job

ISBA Member Mark

Use the Member Mark on your website and materials to denote ISBA membership

Ethics Infoline

Need ethics help? ISBA members can call the ISBA Ethics Infoline

Legislative Initiatives

Advocacy on issues important to the profession & public

UPL Investigation

Investigations and actions to terminate the unauthorized practice of law

QUESTIONS?

Contact Ann Boucher

aboucher@isba.org | 800-252-8908

ISBA MEMBER DISCOUNTS – ISBA.ORG/MEMBERMARKETPLACE

For Your Practice

Affinity Consulting Group
CCH® Tax and Accounting Publications
Clio Practice Management System
Corel® WordPerfect® Office
CosmoLex
EsqSites.com
InterCall
Lenovo
MetaJure
MyCase Practice Management Software
Office Depot
Page Vault
Rocket Matter
Ruby Receptionists
UPS
Zola Creative
Zola Suite

Financial Services

ABA Retirement Funds
LawPay: Credit Card Processing for Attorneys
SoFi Student Loan Refinancing

Insurance Programs

GEICO Auto Insurance
ISBA Mutual
Mercer Health & Benefits

Travel & Entertainment

Go Next
Hotel Reservations
InterPark Garage (Chicago only)
Orlando Employee Discounts
TicketsAtWork

Personal Services

Brooks Brothers
Jos. A. Bank
Smart Savings Shopping Mall

Car Rentals

Avis – Discount #A632500
Budget – Discount #Z528200
Hertz – CDP#151964
National – Contract ID #6100497

Fastcase & Free On-Demand CLE Sponsored By



ISBAMutual
Lawyers' Malpractice Insurance

WORKERS' TRUSTS & ESTATES
 COMPENSATION
 FAMILY LAW
 ELDER LAW LAW
 HUMAN RIGHTS CRIMINAL JUSTICE
 ADMINISTRATIVE LAW
 BENCH AND BAR



Section & Committee

NEWSLETTERS

to keep you current!

Four Great Reasons to Subscribe to ISBA Newsletters

1. ISBA newsletters help you **stay current on the specific areas in which you practice or have an interest.** It's timely information in a short format, written by your knowledgeable peers—case summaries and analysis, updates on legislation, opinion and much more. Professionally edited and published by ISBA's sections and committees, ISBA's broad selection of newsletters are issued between four and 12 times per year.
2. You receive access to the ISBA Central community where section members can connect, pose questions to and share information with fellow section members from around the state and the country.
3. The benefit of subscribing to a section newsletter is that you automatically become a member of the issuing section. As such, you receive a **\$10 discount on any Law Ed CLE** program sponsored by that section.
4. Section membership can be a stepping stone for **appointment to its governing council.** Section councils meet to evaluate legislation, develop CLE programs, and of course, publish the newsletter. New members are appointed in the spring. Appointment process begins in September.

Subscription/Enrollment Options

- **ONLINE:** www.isba.org/sections
- **MAIL:** Membership, Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701
- **PHONE:** Call Membership at 800-252-8908

Newsletter Subscription/Section Enrollment Form

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

E-mail _____
 (Required to receive newsletter)

____ Visa ____ MasterCard ____ Discover ____ AMEX

____ Check in the amount of _____

Credit Card # _____ Exp. Date _____

Signature _____

Newsletters

from ISBA Sections and Committees

- Administrative Law
- Agricultural Law
- Alternative Dispute Resolution
- Animal Law
- Bench & Bar
- Business Advice & Financial Planning
- Business & Securities Law
- Child Law
- Civil Practice & Procedure
- Commercial Banking, Collections & Bankruptcy
- Construction Law
- Corporate Law Departments
- Criminal Justice
- Education Law
- Elder Law
- Employee Benefits
- Energy, Utilities, Telecommunications & Transportation
- Environmental Law
- Family Law
- Federal Civil Practice
- Federal Taxation
- General Practice, Solo & Small Firm
- Health Care Law
- Human Rights
- Insurance Law
- Intellectual Property
- International & Immigration Law
- Labor and Employment Law
- Law Office Management & Economics
- Legal Technology
- Local Government Law
- Mental Health Law
- Mineral Law
- Privacy and Information Security Law
- Real Estate Law
- State and Local Taxation
- Tort Law
- Traffic Laws and Courts
- Trusts & Estates
- Workers' Compensation Law

TOTAL ANNUAL BILLING

@ \$30 per year _____