

# Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

## Justice Is in the Doing

BY JUSTICE MICHAEL B. HYMAN

**JOE BOOKER WORKED IN THE** dim glow of his laptop. He had spent another long day at the Leighton Criminal Courthouse for a client who'd already lost everything but hope, and that too might be lost when the trial resumed in the morning.

Joe leaned back in his chair, worried about what the jury might be thinking. His eyes wandered to the portrait of Abraham Lincoln on the far wall, which had watched over him in quiet judgment since he started practicing 18 years ago. Tonight, though, Lincoln's penetrating gaze appeared heavier, more insistent.

"Mr. Lincoln," Joe muttered, almost

in defeat, "The quest for justice feels overwhelming. How did you keep going?"

To Joe's astonishment, like a shadow coming to life, a figure stepped out from the portrait: tall, gaunt, a face etched with deep lines, and with eyes filled with a tired wisdom of having been through so much.

"You're asking the wrong question, Joe," said Lincoln, his voice gentle. "The question isn't how I kept going. The question is what kept me going."

Joe blinked, waiting for Lincoln to say more.

"I held to the belief that right will triumph in the end," said Lincoln with a sadness in his tone. "No great cause is won

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## Notebook LM: A Powerful and Useful Tool

BY HON. MICHAEL J. CHMIEL

### AS THE IMMEDIATE PAST CHAIR

of the Technology Committee of the Conference of Chief Judges in Illinois, I endeavored to bring advances in technology to the judiciary in Illinois through the chief judges of the 25 judicial circuits of the State of Illinois. While also serving as a member of the AI Task Force of the Illinois Judicial Conference, by chance, I learned about Notebook LM, which is a "free" product offered by

Google. (There, credit goes to Judge Jeffrey Goffinet and a colleague of his in the First Judicial Circuit, for the introduction.)

*So you know*, this author has no connection to this product or Google. In fact, unlike many, this author does not use Google that much, but on occasion, Google cannot be avoided. As with any freebie, to quote an anonymous information technologist, if the product is free, you are the product or something along those lines. Users beware.

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## Justice Is in the Doing

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in a single moment, nor achieved without enduring setbacks. I resolved not to let disappointment deter me but rather to use it to embolden my determination to push forward.”

Joe paused before responding. “But the challenges are relentless. It’s like swatting a swarm of hornets. Even if I get rid of one, another appears, and then another. I can’t help wondering whether trying to attain justice is worth the sacrifices.”

“Justice is in the struggle itself,” Lincoln answered. “The law, as you know, does not always yield a just outcome. Yet justice is there, in the effort, in the commitment, in the resisting of misgivings that seek to weaken our spirit.”

“So you’re saying it’s not about the result?”

Lincoln’s eyes widened with recognition. “More than the result, it’s about showing that someone or something is worth fighting for. You’ve done it—when you stand up for a client and advocate for them. Every time you tell a judge or jury, ‘This person deserves justice,’ you’ve already altered the course.”

“Clients do not come to you because they believe in the law; they come because they believe in you. They don’t know the law. What they do know is that you’re there

for them. That’s justice, Joe. It’s not some grand, noble thing handed down from on high. Justice happens when lawyers manifest principled ideals driven by a sense of purpose.”

“Tell me—” Joe hesitated a moment. “How do I keep believing in justice?” Lincoln looked straight at Joe. “The probability that we may fail in the struggle ought not to discourage us from a cause we believe is just. Indeed, in that struggle, we become part of something bigger. And if you ever doubt it—remember, you’re not alone and that the struggle for justice calls for guiding strength. The law is just words on paper until someone like you steps in and gives it voice and meaning.”

Then, for the first time, Lincoln gave a friendly smile. “Justice is in the doing. Heed my words, justice is in the doing.”

With that, Joe Booker was alone again, staring at the portrait once more. He didn’t feel as hopeless, knowing that justice resides in pursuing what is just. That was enough for Joe. ■

*This article was originally published in CBA Record for Nov/Dec 2024. It is republished here with permission.*

*Justice Michael B. Hyman, a member of the Bench & Bar Section Counsel, sits in the First District Illinois Appellate Court.*

## Bench & Bar

This is the newsletter of the ISBA’s Bench & Bar Section. Section newsletters are free to section members and published at least four times per year. Section membership dues are \$35 per year. To join a section, visit [www.isba.org/sections](http://www.isba.org/sections) or call 217-525-1760.

### OFFICE

ILLINOIS BAR CENTER  
424 S. SECOND STREET  
SPRINGFIELD, IL 62701  
PHONES: 217-525-1760 OR 800-252-8908  
WWW.ISBA.ORG

### EDITOR

Daniel E. O’Brien

### COMMUNICATIONS MANAGER

Celeste Niemann

✉ [cniemann@isba.org](mailto:cniemann@isba.org)

### ART DIRECTOR

Ticara Turley

✉ [tturley@isba.org](mailto:tturley@isba.org)

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# Navigating the Future of Commercial Litigation: Top Five Trends to Watch in 2025

BY HON. MICHAEL J. CHMIEL

**AS WE APPROACH 2025**, the landscape of commercial litigation continues to evolve, influenced by technological advancements, shifting regulatory frameworks, and changing business practices. For attorneys practicing in the commercial banking, collections, and bankruptcy sectors, staying abreast of these trends is crucial for effective representation and strategic planning. This article explores five of the hottest topics in commercial litigation that are likely to shape the field in the coming years.

## The Rise of Alternative Dispute Resolution (ADR)

As the demand for efficient and cost-effective dispute resolution processes grows, alternative dispute resolution (ADR) methods, including mediation and arbitration, are gaining popularity. Businesses are increasingly recognizing the benefits of resolving disputes outside traditional court settings. ADR can reduce the time and costs associated with litigation, making it an attractive option for commercial disputes.

In Illinois, the courts and bar associations have been actively promoting ADR as a viable alternative. With a focus on expedited resolutions, parties are more likely to consider ADR options before resorting to litigation. Practitioners should be prepared to incorporate ADR strategies into their litigation plans and advise clients accordingly, ensuring they understand the implications of these methods on their legal rights and potential outcomes.

## The Impact of Technology and E-Discovery

The rapid advancement of technology has transformed the way commercial litigation is conducted, particularly in the area of e-discovery. With the exponential

growth of digital data, attorneys must navigate complex issues surrounding data retrieval, storage, and management. The reliance on electronic evidence has led to a need for specialized knowledge in handling e-discovery processes.

In 2025, we can expect an increase in the use of artificial intelligence (AI) and machine learning tools to streamline e-discovery efforts. These technologies can assist in identifying relevant documents, reducing the time and costs associated with traditional review processes. Attorneys should familiarize themselves with these tools and best practices in e-discovery to effectively represent clients in commercial disputes.

## The Evolving Landscape of Cybersecurity and Data Privacy Laws

As data breaches and cyber threats become more prevalent, the legal landscape surrounding cybersecurity and data privacy is rapidly evolving. Businesses are increasingly held accountable for protecting sensitive information, and failure to do so can result in significant legal and financial repercussions. In Illinois, recent legislation has enhanced privacy protections, necessitating compliance from businesses operating within the state.

Litigators must be aware of the implications of data privacy laws on commercial transactions and disputes. In 2025, we anticipate a rise in litigation related to data breaches, with plaintiffs seeking damages for unauthorized access to personal and proprietary information. Legal practitioners should stay informed about the latest developments in cybersecurity laws and prepare to advise clients on risk mitigation strategies and compliance measures.

## The Role of ESG (Environmental, Social, and Governance) Factors in Litigation

Environmental, social, and governance (ESG) considerations are increasingly influencing corporate decisions and, consequently, litigation. As stakeholders demand greater corporate accountability and transparency, businesses are facing heightened scrutiny regarding their ESG practices. This trend has led to a rise in litigation related to claims of greenwashing, diversity and inclusion failures, and inadequate governance practices.

In 2025, we expect that ESG-related litigation will continue to gain traction, with plaintiffs leveraging ESG standards to support their claims. Attorneys must be equipped to navigate this evolving area of law, advising clients on compliance with ESG regulations and potential litigation risks. Understanding the impact of ESG factors on commercial transactions and disputes will be crucial for effective legal representation.

## The Future of Bankruptcy in a Changing Economic Environment

The economic landscape is in constant flux, influenced by factors such as inflation, interest rates, and global market dynamics. As we approach 2025, the bankruptcy landscape is expected to undergo significant changes. Attorneys specializing in bankruptcy must be prepared for an increase in filings as businesses navigate economic challenges and seek relief from financial distress.

In Illinois, the impact of the COVID-19 pandemic continues to reverberate through the economy, affecting businesses' financial stability. Practitioners should stay informed about legislative changes and emerging trends in bankruptcy law, including potential reforms aimed at

streamlining the bankruptcy process. Additionally, understanding the interplay between commercial litigation and bankruptcy proceedings will be essential for effectively representing clients facing financial challenges.

## Conclusion

As we move toward 2025, the commercial litigation landscape is poised for transformation. By staying informed about these five hot topics—alternative dispute resolution, technology in e-discovery, cybersecurity and data privacy laws, ESG factors, and the evolving bankruptcy landscape—attorneys can better serve their clients and navigate the complexities of commercial disputes. Embracing these trends will not only

enhance legal practice but also contribute to a more efficient and equitable legal system.

Staying ahead of these developments will empower legal professionals to adapt their strategies, ensuring they remain effective advocates in an increasingly competitive environment. As we look to the future, the ability to anticipate and respond to these trends will be a defining characteristic of successful commercial litigators in Illinois and beyond. ■

*ChatGPT 4o was used to produce this article through the following prompt of Judge Mike Chmiel: In a publishable article format for a newsletter of the Commercial Banking, Collections, and Bankruptcy Section of the Illinois State Bar Association, in about 1000 words, what are the five hottest topics in commercial litigation as we approach 2025?*

*(Minor edits involving punctuation and style were incorporated.)*

*Judge Mike Chmiel is a long-time member of the ISBA, former Chair of what is now its Commercial Banking, Collections, and Bankruptcy Section Council, and one of its current newsletter editors. He serves as the Immediate Past Chief Judge of the 22nd Judicial Circuit of the State of Illinois, serves on the AI Task Forces of the Illinois Judicial Conference and the Illinois State Bar Association, and has devoted certain attention to AI as a coordinator, presenter, and participant in various programs on AI. He can be reached at mjchmiel@22ndcircuit.illinoiscourts.gov.*

*This article was originally published in Commercial Banking, Collections, and Bankruptcy (December 2024, Vol. 68, No. 2), the newsletter of ISBA's Section on Commercial Banking, Collections, and Bankruptcy.*

## Notebook LM

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*In sum*, Notebook LM enables users to generate things like summaries and podcasts through downloads. I was introduced to this product by listening to a podcast on the website of the First Judicial Circuit. I understand it took moments to generate the podcast with a female voice and a male voice discussing the First

Judicial Circuit for about five minutes or so. With that example, I similarly used it with the website we have been developing in the 22nd Judicial Circuit, to produce a podcast, which lasted a little over eight minutes. Through this podcast, we were able to discover three mistakes in a recently developed website, which were

highlighted through the podcast. They were based on inputs that had changed. This product enabled us to hone the details to make our website even better.

Otherwise, this product can take documents and summarize them and focus just on what you give it, to limit exposure, as far as I can tell.

This product is worth your exploration. To use an academic term, play with it and see if it might help you in your practice. ■



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# Recent Appointments and Retirements

- 1) The Circuit Judges have appointed the following to be associate judges:
  - Raymond P. McSteen, 12th Circuit, October 7, 2024
  - Vincent E. Cail, 10th Circuit, November 6, 2024
- 2) The following judges have retired:
  - Hon. Dominica Ann Osterberger, Associate Judge, 12th Circuit, October 4, 2024
  - Hon. Theodore S. Potkonjak, Associate Judge, 19th Circuit, October 4, 2024
  - Hon. James R. Carroll, Associate Judge, Cook County Circuit, October 15, 2024
  - Hon. John C. Redington, Associate Judge, 15th Circuit, October 31, 2024
  - Hon. Kenneth R. Deihl, 7th Circuit, November 30, 2024
  - Hon. Michael J. Mol, 2nd Circuit, November 30, 2024
  - Hon. Kevin S. Parker, Appointed Judge, 4th Circuit, November 30, 2024
  - Hon. Marzell L. Richardson, Jr., Appointed Judge, 12th Circuit, November 30, 2024
  - Hon. Thomas Joseph Tedeschi, 2nd Circuit, November 30, 2024
- 3) The following judges are deceased:
  - Hon. Michael J. Valentine, 2nd Circuit, November 5, 2024
  - Hon. Martin C. Kelley, Cook County Circuit, 13th Subcircuit, November 28, 2024
- 4) The following judge has resigned:
  - Hon. Shannon P. O'Malley, Cook County Circuit, 13th Subcircuit, November 30, 2024

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## ILLINOIS BAR FOUNDATION

*Champions*

### ***Dear Future Champions,***

At least twice a year at ISBA Annual and Mid-Year Meetings, we are pitched by colleagues and the Illinois Bar Foundation to become a “Champion.” But what is a Champion really, and what’s in it for us?

A **champion**, by definition, is a person who fights or argues for a cause or on behalf of someone else. As lawyers, we have the unique opportunity to make a positive impact on society by upholding justice and advocating for those in need. We have the power to shape laws, defend the innocent, and ensure fair resolution of disputes. By definition, we are champions, for our clients, our legal system and for our communities, but through the statewide reach of the Illinois Bar Foundation, we have the opportunity to increase our impact even more.

The [Champions of the Illinois Bar Foundation](#) were established more than 40 years ago and are comprised of a distinguished group of attorney and non-attorney Foundation supporters who believe in the value of justice and philanthropy. By committing to a pledge payable over ten years, Champions help create sustainable long-term funding support for more than 50,000 individuals and their families each year statewide. These funds make a direct difference for our colleagues and their families when they struggle with life-changing illness or injury through the support of the IBF’s Warren Lupel Lawyers Care Fund, or when our neighbors seek low or no-cost legal aid services to help them stay in their homes, obtain guardianship of a loved one or an order of protection from an abuser, or better understand their rights and responsibilities as workers and citizens in Illinois.

#### **Champions pledges:**

- Start as low as \$100 per year, or less than \$9 per month
- Are 100% tax deductible
- Can be paid for with your ISBA Meeting reimbursement
- Can be restricted to an appellate district of your choice to help support your neighbors in need.

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- Special recognition at ISBA Annual & Midyear Meetings
- Champions badges that can be displayed on your website or email signature
- Recognition on the IBF website, social media and publications such as the Chicago Daily Law Bulletin, Illinois Lawyer Now, and the Illinois Bar Journal.

So while you may already be a champion in your profession, join me in helping to make Illinois an even better place by becoming a Champion of the Illinois Bar Foundation today. To secure your pledge, use this QR code or contact Jessie Reeves at [jreeves@illinoisbarfoundation.org](mailto:jreeves@illinoisbarfoundation.org).

Sincerely,

Jessica Durkin  
*Champions Chair*  
Illinois Bar Foundation

