



SENIOR LAWYERS

The newsletter of the Illinois State Bar Association's Senior Lawyers Section

Chair's column

By Barbara Slanker

As the 2014-2015 bar year comes to an end, this is the last time I can speak to you from the Chair. It has been an honor to be the Chair of the Section Council whose members are dedicated to the needs and interests of senior lawyers.

I can look back at the Council's accomplishments in the past year and forward to its plans for the coming year. During 2014-2015, the Council focused attention on developing programs that addressed senior lawyers' special needs and interests. The activities included a workshop on computer basics and a seminar on making a smooth transition from full time practice to retirement.

The Council is preparing an encore of the earlier presentation on computer basics. That program was so well received that there was a standing room only audience. The workshop also advanced mentoring, another Council goal, by having younger attorneys mentor senior attorneys in developing computer skills.

The Council also has plans to present a program on the different aspects of making the transition from practice to retirement. Careful planning can make the transition more efficient and less painful.

In departing, I wish the Council all the best for the coming year. ■

Retirement from the law practice

By Curtis R. Tobin II

Upon graduation from the University of Illinois College of Law in 1965, I became associated with a senior practitioner who had a general practice with a heavy emphasis on probate and real estate work. The office was located in Belvidere, Illinois, the county seat of Boone County.

Over the next 49 years, our office make up and practice group expanded into other areas of law, but always maintained the heavy emphasis on estate planning, estate administration and real estate.

The law practice was a busy one, taking from 50 to 60 hours a week. We also raised a family and participated in a number of community organizations, not unlike many other practitioners.

Seven years into my practice, I began an association with a new partner that was an excellent one and lasted 42 years.

During our partnership, we hired a number of

other associates with a view toward expanding the practice and structuring a succession plan.

All of our associates were great people and we maintain a good relationship with them to this day. However, all of them left the practice after a short time to pursue other interests. One went into law-enforcement, one became a college professor, and my son, who had become a partner, ran successfully for Circuit Judge in 2010.

So much for the succession plan!

Then I began to look seriously at succession planning, as I wished to cut back my time and energy from the full-time practice of law.

I found that the so-called "part-time" practice really did not work very well for me.

Cutting back hours in the office or taking additional vacations in this age of phones, faxes and e-mail doesn't allow one to get very far away

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Retirement from the law practice

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from the client problems or the office.

In a small firm, clients typically go to lawyers and not to the firm, and in my situation that made retirement even more difficult. Over five decades, my clients and their families became good friends. I wasn't replaceable; it was just "inconvenient."

My partner and I hired John Olmstead of Olmstead & Associates (who has worked with the Bar Association extensively) and we examined, with his counsel, a number of concepts and possibilities for our then two-person firm.

Among the options was the possibility of adding additional attorneys with areas of expertise that the firm did not have, together with decreasing practice time that existing partners would be required to devote to the business.

We looked extensively at the possibility of mergers with larger firms, even engaged in substantial negotiations, but nothing seemed to be a good fit.

Ultimately, we hired another young lawyer with great experience and credentials, with a view toward that lawyer becoming a full partner in one year, upon my planned retirement date.

Next came the difficulty of negotiating an agreement with my long time partner with

whom I had a valued professional relationship.

The agreement has to be fair to both parties, but must allow the firm to reasonably grow and compensate its attorneys.

Valuing goodwill is the most difficult, particularly in a small practice where clients tend to go to individual lawyers and not the law firm.

Valuation models such as average net income over the last five years times 1.5 were discussed, but all seemed too high for the law firm to manage.

Ultimately, the buyout agreement valued the buyout at a percentage of accounts receivable and work in process on the firm's books as of the date of my retirement.

This payment is to be made on a monthly basis, with the entire balance, if not sooner paid, payable in five years.

I also agreed as "of counsel" not to practice law unless requested as a consultant by the firm. I have an hourly stipend if the firm so requests.

The firm agreed to continue to pay malpractice insurance, bar association and continuing education costs on my behalf.

We also agreed that the firm could continue to use my name as long as it met professional responsibility standards.

We also agreed to follow the professional responsibility standards with regard to client notification.

Five months into retirement, I can report that I am exceedingly happy with the decision. I have much more time with my wife, children, grandchildren and friends, as well as for community activities.

I do get into the office every couple of weeks to consult with a law firm partner and a longtime client.

Otherwise, I find my days are filled with family activities, friends and community and charitable organizations.

I have tried not to get into any long-term non-legal projects for the first six months. I am sure my wife and I will identify some projects as we go along.

I was extremely fortunate to practice law at a time when law was practiced "in the grand manner," and when lawyers respected each other as practicing attorneys and judges on the bench.

I am excited for the next portion of my life when I hope I can continue to give back to the community, and continue to pursue current and new activities with wife, family and community. ■

Asset allocation

By John J. Horeled, Esq.

A key to successful investing is an appropriate asset allocation. Upon retirement, a proper asset allocation is even more important.

There are some standard formulas and I will review three of them.

The first is the classical standard endowment formula, which is 60% in equities and 40% in bonds. It was hoped that an average return of 10% could be achieved with an annual payout of 5%. Current endowment investing is more sophisticated and, in any event, a 5% payout may be too aggressive. This percentage strategy can be simply duplicated by purchasing the Vanguard Balanced Index Fund.

The second formula was developed by

John Bogle, who oversaw the tremendous growth of the Vanguard Index Funds. His formula is that you should own your age in bonds, i.e. if you are 65 years old, you should own 65% in bonds and 35% in equities.

The third formula is a variation of the age-based allocation, which is promoted by Charles Schwab. His formula is that you should own bonds at your age less 20%, i.e. if you are 65 years old, you should own 45% in bonds and 55% in equities.

There are also three alternative methods that I would like to present.

The first one is what I call the Davis Theory, which is promoted by Shelby Davis of the Davis Funds family. He believes that most negative market cycles last at most three

years. Therefore, an investor should keep assets equal to three years' expenses in short term bonds and the balance in equities.

The second approach is advocated by William Bernstein, who believes that you should take the money off the table. The number needed to spend in your retirement should be placed in safe short term investments with the balance in other investments. This protects you from a bear market early in retirement. See *Money Magazine*, September 2012.

The final approach states that the old well-known formulas are wrong and that allocations should take into account a severe market correction early in retirement that will be hard to recover from. Michael Kites

believes that your equity portion should be small at retirement and grow over time because, as you age, you actually have less risk because of your life expectancy. He calls his approach counter intuitive from traditional perspectives. He is concerned that a period of poor returns in the beginning of retirement is a threat that you cannot recover from. See *Money Magazine*, March 2014.

This article is only meant to be a starting

point. Read the magazine articles that I have referred to and any information that you have received from your financial planner, if you use one. Vanguard and T. Rowe Price have a wealth of information. If you use a financial planner, ask about the American Funds as a core component. Remember, you are no longer looking for home runs, but singles, doubles and, hopefully, few strikeouts. ■

How and why you should join the Senior Lawyers Discussion Group

By Don Mateer, Past Chair - Senior Lawyers Section Council

I have been asked by several senior lawyers to again provide a step-by-step guide for signing up to the Senior Lawyers Discussion Group. To sign up for the Senior Lawyers Discussion Group, you must first go to the ISBA Web site. In order to do this, you type ISBA.org into your browser's (Explorer, Google Chrome, Firefox, etc.) search space. With your mouse, you click on ISBA.org which will open the ISBA Web site. Once at the website, take a look at the red bar near the top of the page. Scroll with your cursor to "member groups" and click on that. In the drop-down menu, click on Senior Lawyers. On the next page, you will see "resources"; click on senior lawyers discussion group sign up under resources. On the next page, type in your ISBA username and password. You should now be able to join the Senior Lawyers Discussion Group. Welcome to the world of chatting with or asking questions of over 300 fellow senior lawyers.

Now that you know how to join the Senior Lawyers Discussion Group, these are some of the reasons you will find joining a wise decision. Many times an issue will come up in your practice that has been seen and dealt with by many senior lawyers. If this issue is new to you, a simple query on the senior lawyers discussion list will help answer any questions you might have. It is like having a senior lawyer consultant at your fingertips at all times. Not only are substantive issues of law dealt with in the discussion group, but also issues unique to senior lawyers. There have been discussions concerning Social Security, Medicare, and even where one can find senior discounts at restaurants and stores. Useful and helpful tips have been given by fellow

senior lawyers. Once you are signed up for the discussion group, you are able to access the prior discussions that have taken place in the forum.

If you have difficulty typing, but are still able to speak clearly, I would recommend the use of Dragon Naturally Speaking. This article was dictated directly to Dragon Naturally Speaking with no typing on my part. If you can speak, you can participate in the Senior Lawyers Discussion Group.

If you are having any trouble signing up for the discussion list, or have any questions concerning the discussion list, do not hesitate to e-mail me at mateerdon@gmail.com. If a simple e-mail will not answer your question, I will call you directly. ■



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Book review: *The Forgotten 500*

By Gary T. Rafool, Peoria, Illinois, g.rafool@comcast.net

2015 marks the 70th anniversary of the end of World War II (WW II) in Europe during the spring of 1945, and in the Pacific during the late summer of 1945.

There have been many books, movies and television series over these 70 years depicting certain phases or aspects of WW II. A few that immediately come to mind include the recent movie titled "Unbreakable," and older accounts in "The Greatest Generation," "Patton," "Midway," "The Longest Day," "Saving Private Ryan," "Band Of Brothers," "The Pacific" and Ken Burns' "The War."

Perhaps for political reasons, a story that was only recently told involved the daring and almost impossible rescue of over 500 Allied airmen behind German lines in Yugoslavia in 1944.

I have chosen *The Forgotten 500* by Gregory A. Freeman, as this Newsletter's book review. This book was published in 2007, and it is available in both paperback (280 or so pages) and electronic format.

It deals with the Allies' constant bombing of German oil refineries in Romania, starting in 1942. B-17s (because of their better radar) were used as lead planes, followed by B-24s in these bombing missions.

These Romanian refineries were producing a million tons of oil per month for the German military. This was approximately one-third of the petroleum products being used in the German war effort.

The strategy was to strike these refineries at low altitude for better accuracy. That, obviously, resulted in heavy damage to and losses of these bombers.

While Italy, after its liberation, was the primary home base for these bombers, the damage inflicted on those not lost completely to anti-aircraft guns and German aircraft was too great for many airplanes to make it to their base.

Many of the heavily damaged planes were forced to ditch over German held Yugoslavia, with survivors bailing out over the homes of poor Serbian peasants.

The leader of the Serbs in Yugoslavia at that time was Draza Mihailovich, who was also a leader of one of the underground forces fighting the Germans there. He was also an arch rival and enemy of Josip Tito, who led other Yugoslavians fighting the Germans.

Great Britain and the United States considered Mihailovich a Communist, with stronger ties to Russia than Tito. Therefore, the Allies, perhaps to placate Tito, turned their backs on Mihailovich and the Serbian people in Yugoslavia during WW II.

As a side note, it is said that Winston Churchill admitted sometime after the war that this shunning of Mihailovich was one of the biggest blunders of WW II. Also after the war, Mihailovich was tried and executed by followers of Tito. Of course this ethnic strife among the factions in Yugoslavia started years before WW II and continued years after WW II, culminating somewhat in The Dayton Accords of 1995.

In spite of the political situation in 1942, Mihailovich and the Serbian people took these downed airmen into their homes, all behind German lines. At great risk to all of their lives, they fed and clothed them, sharing what little they had, including goat's milk and bread baked with hay to make it more filling. They did not understand each others' language, and they could only communicate by hand gestures and facial expressions.

In my opinion, the most amazing story in this book is that these airmen and these Serbian peasants built an airfield by hand, without adequate tools or equipment. This had to be done almost under the Germans' noses, who were occupying land extremely close to the mountainous site chosen for this crude airfield.

As if all of this was not enough, the airfield had to be long and flat enough to accommodate C-47s, which were to be used in this mission to rescue over 500 airmen, primarily at night without any lights on the field or on the airplanes.

The brain behind this impossible mission was George Vujnovich, who was the United States control agent with the Office of Strategic Services (OSS), predecessor to our present CIA. It was actually his wife, Mirjana, who first heard about these stranded airmen at a party in Washington, D. C. in May of 1944.

Vujnovich (who just recently died) worked from his OSS office in Italy on this rescue mission, which was known as "Operation Hal-yard." The mission was secretly coordinated through Mihailovich and his Serbian guerrillas. The rescue planes first started flying in

August of 1944.

The book also discusses the personal lives of several of the downed airmen, and their individual take on their lives among the Serbian people.

One such airman profiled in the book was Lieutenant Robert Wilson of Peoria. He was the navigator on one of the B-17s mentioned earlier. After 20 missions, his plane went down in Yugoslavia in July of 1944. It had a crew of 10, who all parachuted to safety into the hands of these Serbian peasants.

I had the pleasure of meeting Mr. Wilson a few years ago at a friend's home during a discussion of this book. He had nothing but praise for the Serbs who took him in, fed, clothed and protected him during the months before his rescue. He brought some of the clothes he was given by them, and he autographed a picture of himself in the book for me. ■

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Medicare primer, part II

By Janet Morgan

Part 1 of this article appeared in the February 2015 issue of the Senior Lawyers newsletter. Part 1 discussed Medicare basics, Part A and Part B. This article addresses supplemental insurance, Part D and Part C.

What is a Medigap policy or supplement?

These two terms are used interchangeably. A Medicare supplement is a specific type of health insurance available to people who have Medicare Parts A & B. It is private insurance designed to pay the major benefit gaps in Medicare, like deductibles and co-payments.

There are 10 standardized supplements that are sold through licensed insurance agents based on the benefits they cover. When you decide which benefits you want, it would be wise to shop around for the best premium price because a Plan F means the same thing, with every insurance company. It's a real apples to apples comparison.

When should I sign up for a supplement?

If you enroll in a supplement plan within the first 6 months of your Medicare Part B enrollment, the insurance company cannot turn you down, regardless of your health status, claims experience, or medical condition. You are considered "guaranteed issue" although there could be a waiting period for pre-existing conditions. All standardized plans must also be guaranteed renewable, meaning the policy cannot be cancelled by the insurer because of frequency of claims, deteriorating health or increased age.

What can I expect to pay for a supplement?

Your premium depends on your gender, city in which you live and, of course, which of the 10 benefit plans you choose. There are also high deductible and Medicare Select options where the insurer requires you to use specific hospitals and doctors.

Insurance companies use different methods to determine premium prices. Most companies sell supplements that will increase in price as you get older. Another method is "issue age" where your premium will always be based on your age at the time you purchased the plan. Your costs may still increase from

year to year due to higher medical costs, but not just because you grew older. Another methodology is "no age" rating which means everyone over age 65 pays the same amount, regardless of their age.

In Illinois, disabled people who are under 65 and on Medicare have the same open enrollment rights as people 65 and older. When a disabled person turns 65, they have an additional six-month open enrollment period due to age. They may purchase a policy based on age 65, which may significantly reduce their premium.

Where can I get unbiased help in selecting a Medigap plan?

You can contact your local Area Agency on Aging, your state's local SHIP (Senior Health Insurance Program) office, or call 1 800- MEDICARE for advice.

What is Part D?

Medicare Part D is prescription drug insurance offered by private insurance companies that are approved by Medicare. Part D plans are necessary because the Medigap policies that are currently sold are not allowed to cover prescription medicines. If you purchased a supplement prior to 2006 that includes drug coverage, you may keep that policy.

Who is eligible for a Medicare Part D prescription plan?

Anyone who has Medicare Part A and/or Medicare Part B can enroll in a prescription drug plan, but there are rules regarding when you may apply.

When may I apply for Medicare Part D?

If you are new to Medicare, you have a seven-month window to enroll: three months prior to your 65th birthday—the month of your birthday—and up to three months after your birthday. Your prescription coverage would be effective the month of your birthday or the month after you enroll.

If you miss this initial enrollment opportunity, you may apply during the open enrollment period: October 15th - December 7th of each year. Your coverage would begin January 1st of the new year.

If you are awarded Medicare due to disability, you can join a Part D plan three

months prior to the month of, and up to three months after, your 25th month of disability.

How do I enroll in a Part D plan?

You have several options. You may enroll with a licensed insurance agent or a state SHIP counselor; you can sign up yourself on Medicare.gov; enroll over the phone with the insurance company of your choice; or you can call 1-800-MEDICARE.

It is very important to choose a plan based on the medicines you take, not just the cost of the monthly premium. The best way to pick a plan is to ask your agent or SHIP counselor to do a plan comparison. Also, you do not have to have a drug plan from the same company that insures you for your supplement.

What costs will I have with a Medicare Part D plan?

Most plans have a monthly premium; some plans have yearly deductibles (as high as \$320 in 2015). Usually you will have co-pays for your medicine depending on whether your medicines are in the company's formulary and if they are generic or brand name.

You may incur additional costs for your prescriptions if the cost of your medicine exceeds the initial coverage limit (donut hole). In 2015, you will pay 45% for brand name and 65% for generics once you and your insurance company have paid \$2,960 for your medicine.

Why should I enroll in a Part D plan? I don't take any medicine.

Individuals who are eligible for Part D but do not enroll when they first become eligible will incur a penalty if they enroll in a Part D plan anytime in the future. The late enrollment penalty is 1% of the annual national base premium for every month you did not have coverage but were eligible. For example, if you delayed enrollment seven months and the average premium was \$32.00, you would have to pay an additional \$2.24. The \$2.24 would be added on to your monthly premium for as long as you keep a drug insurance plan.

The exception to this is an individual who has creditable prescription coverage (at least

Medicare primer, part II

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as good as Medicare's standard coverage) through an employer, union, VA, TRICARE, etc.

What is Part C, Medicare Advantage?

A Medicare Advantage plan is a different way to have hospitalization, medical benefits, and drug coverage all in the same insurance policy. Although you still have Medicare, it is the private insurance company that is covering you, not Medicare. These companies must follow rules set by Medicare; however, they can charge different out-of-pocket costs and have their own rules regarding networks of providers, and referrals.

Who is eligible to enroll in a part C plan?

You must have Part A and Part B of Medicare and you must live within the plan's service area. Generally, you cannot have End Stage Renal Disease. There are some exceptions.

When may I apply for Part C?

When you first become eligible for Medicare, you can join three months before your 65th birthday—the month of your birthday—and up to three months after your birthday. Your effective date would be the month of your birthday or the month after you enroll.

You may also apply or change plans during the open enrollment period: October 15th through December 7th. Your coverage would begin on January 1st of the new year.

If you are awarded Medicare due to disability, you can join a Medicare Advantage plan three months prior to the month of and up to three months after your 25th month of disability.

How do I enroll in a Medicare Advantage plan (Part C)?

You have several options. You may enroll with a licensed insurance agent or a state SHIP counselor; you can sign up yourself on Medicare.gov; enroll over the phone with the insurance company of your choice; or you can call 1 800-MEDICARE.

Because these plans include drug coverage, it is very important to select a plan based on your prescription needs as well as your medical needs and not just the cost of the monthly premium.

It is also imperative that you are aware of which preferred pharmacies, network hospitals and network providers you are allowed to use.

What costs will I have with a Medicare Advantage Plan?

You will still have to pay for your Medicare Part B premiums because Medicare

pays a fixed amount to the Advantage plan for your coverage. Some plans have their own monthly premiums, deductibles, and co-pays for prescription medicine and co-pays or co-insurance for medical services provided.

You might incur additional costs for your prescriptions if the cost of your medicine exceeds the initial coverage limit (donut hole). In 2015, you will pay 45% for brand name and 65% for generics once you and your insurance company have paid \$2,960 for your medicine.

Where can I get unbiased help in selecting a Medicare Part D or Medicare Advantage plan?

You can contact your local Area Agency on Aging, your state's local SHIP (Senior Health Insurance Program) office, or call 1 800- MEDICARE for advice. ■

This article was prepared by Janet Morgan. Janet became a SHIP (Senior Health Insurance Program) counselor in 2006 and currently works for the Boone County Council on Aging as the Information and Assistance Supervisor.

The information contained in this article is a compilation acquired from three major sources; the Senior Health Insurance Program Counselor's Manual 2014 edition, the Medicare & You 2015 Handbook, and the 2013-2014 Medicare Supplement Premium Comparison Guide.

Technology terms for senior lawyers

Continued from page 8

face. No keyboards and minimum of connectors.

Whois—Allows you to learn who is registered owner of a Web site. (<http://www.betterwhois.com>)

Wi-Fi—Short for wireless fidelity; describes wireless network connection within 30-100 feet of transmitter.

Wi-Max—Cellular phone-like, roaming, wireless network connections up to 1 Gbps (gigabit per second) with a range up to 31 miles. ■



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Technology terms for senior lawyers

By *The Honorable Edward J. Schoenbaum*

App—Originally software applications for smartphones and tablets but now applications that run on desktops, laptops or mobile devices.

Bluetooth—Technology standard that uses radio waves to allow electronic devices to connect and share information over distances of 30 feet.

Chrome—Google's Web browser (<http://www.google.com/chrome>) and operating system that runs its laptop computers (<http://www.google.com/chromebook>).

Cloud—Material you wish to access is stored at a location other than your own computer so you can access it remotely, usually through the Internet. Every Web page lives in the Cloud.

Cookies—Hold small pieces of information that a Web site places on a visiting user's

hard drive to expedite a return visit and to recommend products to purchase based on prior buying history.

Firewall—An impediment that blocks invasion of a computer by outside forces. Hardware or software firewalls are available.

Interface—How you interact with or use or access a machine.

Java—A high-level programming language used in developing Web sites.

Operating System—Software that runs a desktop, laptop or tablet computer or a smartphone.

Phishing—Sending fraudulent e-mail disguised as messages from banks or online merchants. Those who take the bait are fooled into providing important information about their online accounts. Victims

frequently give away their username, password, social security number, bank account or credit card account numbers or fall victim to a larger scale fraud.

Pharming—Phishing on steroids.

Social Media—Creating relationships with people with similar personal or professional interests.

Spam—Unsolicited commercial e-mail messages trying to sell you something you do not need or want. Electronic junk mail.

Spyware—Malicious software designed to take partial control of a computer's operation. Subverts operation for third party's benefit.

Tablet—One-piece device designed to be used via an intuitive touchscreen inter-

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