



LegalEase

January 2021

Newsletter of the Peoria County Bar Association, an Accredited Provider of Continuing Legal Education.

President's Message

Yes, 2021 is upon us and your Peoria County Bar Association has five CLE Winter Series seminars ready for you! They start right away in January and continue through the first week of February. Check out the PCBA website today, register to attend, and download your calendar reminders. Our refreshed and updated list on the big board includes the following seminars starting on January 9th, Family Law; January 15th, The New Digital Courtroom; January 23rd, Estate Planning, Probate & Elder Law; January 29th, Government & Public Interest and Real Property; and February 6th, Civil Practice. Please note that you can sign up for all five classes and pay the price of just four classes! The Winter Series PCBA seminars will be conducted over Zoom so you can attend from the coldest or warmest location that you find convenient in January and February. Anyone familiar with the PCBA knows that these seminars are the crown jewels of our bar association. You have a great opportunity to tune up your law practice at the start of 2021! When you attend these seminars you will find that you will learn a lot of information from a broad spectrum of PCBA attorneys who each strive to ensure that you are learning something practical to immediately apply in your law practice in central Illinois. No other bar association can provide you with that value for an adjusted 2020 budget. Not one.



You know the need to start off on the right foot at the beginning of 2021 and not let opportunities and time slip away. The ancient Greek philosopher Plato instructed his students many years ago about the importance of a good start. "The beginning is the most important part of the work." The new year of 2021 will certainly have its own challenges, even with the general COVID-19 vaccine distribution on the horizon. When experiencing more challenging and severe personal and social circumstances, the South African President Nelson Mandela told his colleagues and friends the following – "It always seems impossible until it's done." Still unconvinced? Ok, if by nature you are a skeptic who is still unconvinced of the broader possibilities of opportunities in 2021, and the helpful education you will obtain by the PCBA Winter Series, the comedienne and stage philosopher Joan Rivers admonishes you. "Listen. I wish I could tell you that it gets better. But, it doesn't get better. You get better." So what we do is up to each one of us. If you feel alone or unconnected please remember to contact one or more of your fellow PCBA members to share your unique perspectives and general notes on your legal practice before and after a PCBA seminar. If you do so, you will find out that you obtain many benefits while also helping someone else. That is a winning combination.

So, while we each hoist our respectfully distanced containers of coffee or something stronger on both New Year's Eve and New Year's Day, let us hope for the better of all in 2021. To finding more ways that we can work together, learn more from each other, and increase our billable and pro bono efforts so that we adapt and thrive in 2021! Cheers!

Court News *By Chief Judge Paul P. Giffillan*



1. Congratulations to Judge Katherine Gorman, who has been elected by her peers to be the Tenth Circuit's new Chief Judge effective January 4, 2021. Judge Gorman will do a great job for the Circuit and all who come into contact with the courts. She will return to Peoria County and preside in CR 210. Read more on our website: www.10thcircuitcourtil.org. **A message from incoming Chief Judge, Katherine S. Gorman:** It is an honor and I look forward to working with the PCBA and continuing the long-standing tradition of the collegial relationship between the Bench and Bar in the Tenth Judicial Circuit.

2. The Tenth Circuit is pleased to report that Robert McBride has been appointed by the Circuit Judges to serve as Public Defender of Marshall County, effective January 4, 2021. Bob will replace Patrick Murphy who has been appointed to the office of State's Attorney in Marshall County by its County Board, effective the same date. See more on our website.

3. The Illinois Lawyer's Assistance Program is pleased to announce that the following attorneys and judges, after training, have been named Peer Support Volunteers for the Tenth Circuit: Judge Christopher Doscotch, Judge Lisa Wilson, John Nicoara, Greg Cerulo, Abigail Fleming, Tami Meister and Megan Yentes. Many thanks to these PSV's for their service. If you or a lawyer you know are struggling, please feel free to reach out. See, Admin. Order 2020 – 23 on our website.

4. The courthouses remain open for remote business and limited in person hearings. See Admin. Order 2020 – 21.

5. Here's to a happier and healthier new year!

Schedule of Events & Court Holidays

January

- 1 New Year's Day – Courts & Courthouse closed/PCBA Office closed
- 9 Family Law Webinar, 8:30 – 11:45 a.m. via Zoom
- 15 The New Digital Courtroom Webinar, 1:00 – 4:15 p.m. via Zoom
- 18 Martin Luther King Jr. Day – Courts & Courthouse closed/PCBA Office closed
- 23 Estate Planning & Probate Webinar, 8:30 – 11:45 a.m. via Zoom
- 29 GPIL & Real Property Webinar, 1:00 – 4:15 p.m. via Zoom

Committee Meetings

All meetings are through Zoom unless otherwise noted

January

| | | | | | |
|---|--------------------------|----|-----------|----|----------------------------|
| 4 | Lincoln Memorial Banquet | 8 | GPIL | 19 | Board |
| 5 | Real Property | 12 | Diversity | 19 | Foundation Trustees |
| 6 | Public Relations | 13 | Pro Bono | 20 | Fitness, Health & Wellness |
| 7 | CLE | 14 | YLC | 21 | Family Law |

Committee Reports

Communications & Technology

The 2021 Attorneys' Directories are now available! Please contact the PCBA office at pcbaasst@mtco.com to coordinate pick-up for your office.

Lincoln Memorial Banquet & Pillars of the Bar

The Lincoln Memorial Banquet Committee has decided to postpone the Lincoln Memorial Banquet & Pillars of the Bar until late spring. The event is now scheduled for **Thursday, May 27** at the **Par-A-Dice Hotel & Casino in East Peoria**. Mark your calendars now!

Local Continuing Legal Education

2021 Winter Series

All seminars will take place through Zoom. See the attached flyer for topics & speakers. Cost is \$65 per seminar for PCBA members. As always, we will have our PCBA Member only deal, all 5 seminars for the price of 4...only \$260! Registration is now open!

Saturday, January 9, 8:30 – 11:45 – Family Law *Registration price increases by \$15 on 1/4/21*

Friday, January 15, 1:00 - 4:15 – The New Digital Courtroom *Registration price increases by \$15 on 1/11/21*

Saturday, January 23, 8:30 – 11:45 – Estate Planning & Probate *Registration price increases by \$15 on 1/18/21*

Friday, January 29, 1:00 – 4:15 – GPIL & Landlord/Tenant *Registration price increases by \$15 on 1/25/21*

Saturday, February 6, 8:30 – 11:45 – Civil Practice *Registration price increases by \$15 on 2/1/21*

Membership

We have received an application for membership from Brandon Evans. Brandon is an attorney at Athena Herman Law. If there are no objections, his application will be presented to the Board in February for approval.

Substantive Law

Appellate Practice Section by: David Radley, Appellate Section Chair

CONUNDRUM – IS LYING TO A COP ALWAYS “OBSTRUCTION”?

DEFENDANT WAS ARRESTED AND GAVE COPS A FALSE NAME. ONE COP KNEW HIS REAL NAME, SO HE WAS CONVICTED OF OBSTRUCTING JUSTICE. END OF CASE, RIGHT?

Young Lawyers Committee

Thank you to everyone who donated to Project Santa! Not only did we receive gifts (which took up the entire Board room table and some chairs!), but we collected \$2,600 in gift cards and monetary donations! The Southside Mission was very appreciative of everyone's generosity this year. A big thank you to YLC members JD VanRheeden, Tyler Eathington and Logan Block of Quinn Johnston for all their work on this project.



Prairie State Legal Services by: Lydia Wagenbach

RECENTLY CLOSED PRO BONO CASES

Prairie State Legal Services would like to thank the following attorneys who have provided free legal assistance to low income persons through our Pro Bono Program and recently closed their pro bono cases: J. Scott Kriegsman of Elliff, Dancey & Bosich, P.C.; Troy Roberts of the Law Office of Troy I. Roberts, P.C.; Derek Schroen of Attorney Derek A. Schroen, LLC; Seth Uphoff of Uphoff Law, LLC; Elizabeth Arcot of Kavanagh, Scully, Sudow, White & Frederick, P.C.; Blaise Rogers of Gullberg, Box, Worby & Rogers, LLC; Michael Brandt of Michael E Brandt, Attorney-at-Law; Carol Perkins of the Law Office of Carol Perkins; Jesse Placher of Hinshaw & Culbertson, LLP; and Keti Mebuke of Hinshaw & Culbertson, LLP. We would also like to give a special thanks to the following attorneys who provided legal advice over the phone to the sealing/expungement clients who were scheduled for the cancelled 2020 clinics: Donald Driscoll; Yolanda Riley of Kavanagh, Scully, Sudow, White & Frederick, P.C.; and Wes Blumenshine of Caterpillar, Inc.

OPPORTUNITIES TO VOLUNTEER

In lieu of the cancelled in-person sealing/expungement clinics, there is a pro bono opportunity to advise sealing/expungement clients on their record over the phone. The client's documents will be emailed to you well before you plan to call the client, and we will answer any questions you may have before you call the client. Once you've advised the client over the phone, the client's file will transfer back to our office and Prairie State will then file the client's Request on a limited scope or send to the client pro se documents to file on their own. Prairie State hopes to begin hosting virtual sealing/expungements via Zoom in Spring 2021.

If you would like to volunteer services, please call me at (309) 621-4015 or email me at lwagenbach@pslegal.org. Your pro bono service will help PSLs provide legal assistance to individuals within our community who may not otherwise be able to afford legal representation.

Other News

To read the Lawyers' Assistance Program's latest publication "Some Days are Better Than Others: Self-Care Tips for Lawyers During a Pandemic," click [here](#).

Job Openings | Office Space Available | Misc.

Job openings and office space available can be found on the homepage of our website or by clicking the following links:

[Job Openings](#) and [Office Space](#) (office space section includes property for sale).

ANSWER TO CONUNDRUM

WRONG! OUR SUPREMES REVERSED BECAUSE THE COPS WERE NOT FOOLED. NO "MATERIAL IMPEDIMENT" TO THEIR INVESTIGATION WAS PROVED. REMANDED FOR NEW TRIAL IN PEOPLE v. CASLER, 2020 IL 125117.

2020-21 Board of Directors

Ambrose V. McCall – President
Emily H. Wilburn – President-Elect & Budget
Michael A. Fleming – Second Vice President
Aliasha N. Graves – Secretary-Treasurer
Michael D. Gifford – Past President & Nominating Chair
Anne Mergen – By-Laws
Katherine Legge – Communications & Technology
Melodi Green -- Diversity
Kevin Elder – Entertainment (Golf)
Dennis Merkley – Entertainment (Holiday Party)
Robert Everett – Fitness, Health & Wellness
Joshua Herman – Government & Public Interest Law
Carol Perkins – Lawyer Referral Service
Mitch Gilfillan – Lincoln Memorial Banquet

William Loeffel – Local Continuing Legal Education
Seth TeBeest & David B. Mueller –
Membership & Memorials
Kerriane Waters – Pro Bono
Kevin Day – Public Relations
Joe Gilfillan – Real Property
Thomas McConnaughay – Substantive Law
J. Logan Block – Young Lawyers
Katherine Swise – Director at Large
Syed Ahmad – Director at Large
Charles Schierer– Director at Large
B. Kip Shelby – Director at Large
Christopher Oswald – Director at Large



2021 Winter Series

Friday afternoons & Saturday mornings in January & February

SATURDAY, January 9 - Family Law – 8:30 a.m. – 11:45 a.m. via Zoom

Child Hearsay by Joseph Borsberry
Case Law Update by Retired Judge Jerelyn Maher
GAL's Involvement in Settling Cases by Ann Pieper
Stock Options by Chuck Urban & G. Edward Murphy
Attorneys' Fees by Angela Evans
Dissipation by Robert Parker
View from the Bench – Judges from the 10th Judicial Circuit Family Law Courts

FRIDAY, January 15 – The New Digital Courtroom – 1:00 – 4:15 p.m. via Zoom

Digital Voir Dire Selection by Judge Michael Risinger, William Loeffel, Scott Umland and Matt Smith
Digital Technology in Federal Court by Katherine Legge
Changes to Federal Rules Regarding Remote Court Proceedings by William Loeffel
How to Protect Yourself from Potential Client-Caused Federal Criminal/Civil Penalties by Howard Stone

SATURDAY, January 23 – Estate Planning, Probate & Elder Law – 8:30 a.m. – 11:45 a.m. via Zoom

Qualified Leverage Strategy: Minimizing Tax Impacts on Qualified Assets by Jim Hackett & Matt Waugh
From Trust Officer to Attorney: May We Talk? by Mary Etrick
Medicaid Update by Dawn Weekly
Estate Planning in a Brave New (Remote) World by Kyle Tompkins
Illinois Trust Code Update: Implementation and Forms by Jim Kane
Elder Abuse Panel with Anne Bartolo, PCSA Jodi Hoos and Brian Fengel

FRIDAY, January 29 – Government & Public Interest Law – 1:00 – 4:15 p.m. via Zoom

1st Amendment Issues Affecting Employee Use of Social Media by Josh Herman
Validity of Governmental Actions During COVID by Katherine Swise
Remote Advocacy: Trials & Hearings Online by Nathaniel Strickler
Landlord & Tenant Issues during COVID by David Wentworth and Prairie State Legal Services
More topics TBD...

SATURDAY, February 6 – Civil Practice – 8:30 a.m. – 11:45 a.m. via Zoom

Tort Law Update by Robert Tenney
Employer Liability Issues Surrounding COVID by Mike Lied
Business Interruption or Professional Liability Issues surrounding COVID by Pearl Insurance
Tort Liens by J. Kevin Wolfe
UM/UIM Arbitration by Jennifer Bonesteel and Josh Smith
Zoom Depositions by Lea Cohen, Sivertsen Reporting

Early Registration price: \$65 for PCBA Members|\$80 for McLean County Bar Members|\$95 for Non-Members

PCBA MEMBERS ONLY DEAL – All 5 seminars for the price of 4, only \$260!

Registration can be done online at www.peoriabar.org and clicking on the event calendar.

Registrations increase by \$15 the Monday before each seminar

Reminders:

- Please include your ARDC number in your registration. We **must** have your number when we submit our attendance to the MCLE Board or you will not receive credit.
- You will receive materials & Zoom links by email the week of the seminar.
- Attendance certificates will be emailed after the seminar.