



LegalEase

November 2020

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

President's Message

First things first. Please remember to look at our multiple events in November. On November 4, 2020 we have Part II of a great Workers' Compensation seminar series. For Part II, our very capable committee members have recruited Chairman Michael Brennan of the Illinois Workers Compensation Commission to speak. Furthermore, PCBA members Kevin Elder (Goldfine & Bowles, P.C.) and Jessica Bell (Heyl Royster) will provide a content filled case law update. Anyone who ever files or defends workers' compensation claims would be remiss in not attending this CLE event, especially with the recent changes in the law made during 2020.

The next major event we have in November is our 17th Annual Diversity Luncheon. While a virtual event this year, our list of guests is very impressive. We will hear from Lt. Governor Juliana Stratton who has earned a reputation for giving effective, motivational, and thoughtful speeches and talks. Another real coup is the appearance of Wesley Bell, St. Louis County Prosecutor. You may look up Mr. Bell on a number of websites and find many earmarks of a profile in courage. Finally, Chief Demario Boone will bring the event home. Mr. Boone will share his perspective with us as the Safety Administrator of Peoria Public Schools. I strongly encourage you to attend this event, even if you have to prop up your screen with a sandwich from your local favorite take-out diner. You will regret missing this event.

Now for Gratitude. That is not a word that is easily said or heard by many, not just because of the COVID-19 Pandemic but also due to the 2020 election rancor, and the social progress and unrest happening before all our eyes. In addition, many of our members are experiencing their children having to change their lives and feel much angst. As the adults, we must remind ourselves that we need to encourage our young people and each other so that everyone may safely learn and enjoy life these days. At a minimum, we are all making minor to major painful adjustments in order to proceed with our personal and business lives. So, in this Thanksgiving season, how does gratitude play a role?

The famous Roman philosopher, statesman, and lawyer, Marcus Tullius Cicero said the following: "Gratitude is not only the greatest of virtues, but the parent of all others." Cicero framed the issue well and still advises us thousands of years later. More recently Voltaire gave us possibly an easier way to motivate ourselves to achieve the same goal. "Appreciation is a wonderful thing. It makes what is excellent in others belong to us as well." Think of your personal hero, give cheers, and have a Happy Thanksgiving!

Court News *By Chief Judge Paul P. Gilfillan*



1. Current Marshall County State's Attorney Paul Bauer has been appointed by the Supreme Court, per recommendation of Justice Thomas Kilbride, to fill the Marshall County Resident Circuit judgeship vacancy created by the retirement of long time Judge Michael McCuskey. Judge Bauer will start November 19th and will fill out the CR 214 'L' docket in Peoria County before beginning his assignment in Tazewell County CR 202 civil court as of January 1, 2021. See more information about this appointment and the limited attendance swearing in ceremony on our website – www.10thcircuitcourtil.org.

2. 20-year court staff member Mary Taylor recently completed her second decade of service with the County and Circuit on the Illinois Family Violence Coordinating Council. The IFVCC is a multi-faceted approach to address child abuse, domestic violence and elder abuse. Education, awareness, training and protocol development among numerous stakeholders serves to improve our circuit's response to these important issues. Find out more on our website under NEWS.

3. Peoria County's DUI Court is one of four problem solving courts in Peoria. DUI PSC addresses the root of repeat driving offenses caused by alcohol addiction. Ours was the first statewide certified DUI Court in Illinois thanks to the efforts of Judges Lisa Wilson and Kim Kelley (ret.). Judge Donahue is the current judicial caretaker of this important courtroom which involves multiple stakeholders, including probation, state's attorney, public defender and treatment providers. In this fiscal year there have been 10 graduates from DUI PSC and only 1 unsuccessful discharge. Without this program incarceration would have been the only viable legal option. Learn more on our website under NEWS.

4. NOTE: per prior A.O. 2017 – 08, no jury trials are to be conducted in the Peoria Courthouse the weeks of November 23 and December 21, 2020.

5. Finally, with the spike in Covid cases, everyone is instructed to exercise appropriate precautions while in the Peoria County Courthouse. Various A.O.'s spell out the details and must be followed. Take care of yourselves and others.



Schedule of Events & Court Holidays

November

- 4 Workers' Compensation Seminar, Par II – via Zoom
- 5&6 YLC Fall Suite Drive Drop Off at the PCBA Office
- 10 17th Annual Virtual Diversity Luncheon
- 26 Thanksgiving, Courts & Courthouse closed
- 27 Courts & Courthouse closed

December

- 24 Christmas Eve, Courts & Courthouse closed
- 25 Christmas Day, Courts & Courthouse closed

Committee Meetings

All meetings are through Zoom unless otherwise noted

November

2	PCBA Officers' Meeting	13	Nominating	20	CLE
3	Real Property	16	Fitness, Health & Wellness	24	GPIL
5	Lincoln Memorial Banquet	17	Board		
9	Family Law Section	18	Pro Bono		
12	Public Relations	19	YLC		

Committee Reports

Diversity



The **17th Annual Diversity Luncheon** will be taking place virtually on **Tuesday, November 10 from Noon – 1:00 p.m.** through Zoom. Keynote speakers are **Chief Demario Boone**, School Safety Administrator for Peoria Public Schools, **Wesley Bell**, St. Louis County Prosecutor and **Juliana Stratton**, Illinois Lieutenant Governor. Cost is a minimum of \$25 per person and registration can be done online by clicking [here](#), or visiting our website www.peoriabar.org and clicking on the event calendar. If you would like to donate more than the \$25 registration fee, please send a check to the PCBA Office made out to the Peoria County Bar Association

Foundation. Even though we are unable to have this event in person, we do hope you will continue to support the Diversity Committee and the Robert H. Jennetten Diversity Scholarship by attending this virtual event.

Holiday Party

The Holiday Party Committee met in October to discuss the 2020 Holiday Party. The membership survey conducted in early October showed that most people would prefer a virtual event, or no event at all. Between the increase of COVID-19 cases and the consensus that comedy is best done in person and not virtually, it was decided to cancel the Holiday Party this year. It is very unfortunate, but we hope everyone stays safe and healthy through the holiday season.

Lincoln Memorial Banquet

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

Local Continuing Legal Education

Annual November Workers' Comp Seminar

Part I: Recording now available!

Part II: Wednesday, November 4 from Noon – 2:00 p.m. via zoom

Topics will include:

- Presentation from Chairman Michael Brennan
- Case Law Update

Registration is open and can be done online by clicking, [here](#).

Cost: PCBA Members - \$35 per seminar, or \$65 for both | Non-Members - \$50 per seminar or \$95 for both

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

Friday, January 15, 1:00 - 4:15 – The New Digital Courtroom

Saturday, January 23, 8:30 – 11:45 – Estate Planning & Probate

Friday, January 29, 1:00 – 4:15 – GPIL & Landlord/Tenant

Saturday, February 6, 8:30 – 11:45 – Civil Practice

Membership

We have received applications for membership from McKensie Villarreal, Helen White and Laith Alkafaji and an application for membership renewal from John Lesaganich. McKensie is a law clerk for 3rd District Appellate Judge, Mary McDade, Helen is employed with OSF Healthcare and Laith is an Assistant State's Attorney in Tazewell County. John has his own practice here in Peoria. If there are no objections, their applications will be presented to the Board in January for approval.

Public Relations

The PCBA is pleased to announce that four of our members were named in the 2020 Class of 40 Leaders Under 40. Congratulations to (left to right): **Abigail Fleming**, *Fleming Law Office*, **Nina Gougis**, *Law Office of Nina Gougis*, **Noah Menold**, *Howard & Howard Attorneys* and **Sharbel Rantisi**, *Rantisi Law, LLC*.

Substantive Law

Appellate Practice Section by: David Radley, Appellate Section Chair

CONUNDRUM – A KNOTTY PROBLEM

FACTS: Plaintiff sued contractor alleging he stole knotty pine from the job site. Defendant responded it was all a mistake and insurer sued for a declaration of no duty to defend. Mistakes were covered, not theft.

QUESTION: Does the insurer have to defend? **(SEE ANSWER BELOW IN RED)**

Young Lawyers Committee

The YLC is hosting a Fall Suit Drive with donations going to the Neighborhood House here in Peoria. Donations can be dropped off at the PCBA office on Thursday, November 5 and Friday, November 6 between 8:00 a.m. – 4:00 p.m., or by contacting Suit Drive Chairs Kevin Sheahan at ksheahan@hgsuw.com or Nick Rochford at nrochford@rochfordlaw.com. If you would like a receipt after you have made your donation, please email Stephanie at pcbaasst@mtco.com a list of items donated, along with your contact information. We will then forward your information to the Neighborhood House and a receipt will be sent to you.

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: Kyle Worby of Gullberg, Box, Worby & Rogers LLC; Sharbel Rantisi of Rantisi Law LLC; Donald Knuckey Jr. of Donald Knuckey Jr. Attorney at Law; Andrew Johnson of Johnson & Johnson, P.C.; and J. Kevin Wolfe of Harvey & Stuckey Chtd. 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; and Stacy Crabtree of Caterpillar, Inc.

OPPORTUNITIES TO VOLUNTEER

Although we have cancelled the past sealing/expungement clinics scheduled for April, May, July, and August, and may have to cancel future clinics, there is still 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.

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

The Tenth Judicial Circuit Celebrates Pro Bono Week!



On Monday, October 26th, the Tenth Judicial Circuit Pro Bono Committee took part in the national celebration of Pro Bono Week. The committee has organized a reception in past years during Pro Bono Week, but due to COVID-19, it held a virtual event this year. As part of the celebration, the committee premiered a video featuring the chair of the committee, Judge Lisa Wilson, and Illinois Supreme Court Justice Thomas Kilbride thanking all of the pro bono volunteers who have helped those in need over the past year in the Tenth Circuit. Additionally, several awards were presented by Chief Judge Paul Gilfillan, including the Tenth Judicial Circuit Pro Bono Service Award to Mike Fleming, the Peoria County Bar Association Young Lawyer of the Year to Kate Carter, the Peoria County Bar Association Pro Bono Attorney of the Year to Spencer Daniels and the Peoria County Bar Association Law Firm of the Year to RLI Legal. [Check out the video 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: NO! Only the facts alleged in the Complaint determine whether there is policy coverage. There was no duty to defend. Pekin Insurance Co. v. McKeown, 2020 IL App (2d) 190631.

2020-21 Board of Directors

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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
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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
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

Topics to be determined

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 Heyl Royster
Employer Liabilities by Mike Lied
Business Interruption by TBD
Tort Liens by J. Kevin Wolfe
More topics TBD...

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.