



LegalEase

October 2020

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

President's Message

The Peoria County Bar Association members and volunteers made Strides for Justice a successful event again in 2020. Please congratulate Fitness, Health, and Wellness Committee Chair Robert Everett, Vice Chair James VanRheeden, and their committee colleagues Paige Blumenshine, Kyle Tompkins, Mitch Gilfillan, and running "guru" Michael Fleming. Even for those of us who may favor a cookie or waffle cone over jogging, the simple joys of supporting Prairie State Legal Services in a fun environment has many positive side-effects. The great folks who sponsor this event include many PCBA members who also deserve our congratulations so give a shout out to all of the sponsoring law firms and attorneys. Because of our different times now, registration extends through October 2, 2020 so take a look.



One of the many reasons for seeking camaraderie and fellowship with your fellow PCBA members is to maintain and improve your mental health. The COVID-19 pandemic spares no one. Publicly reported census bureau statistics indicate that a third of all Americans are displaying signs of clinical anxiety or depression. In addition, web sites of bar associations across the country report grim news on the mental health of attorneys as deteriorating combined with increasing rates of addiction and self-harming behaviors.

You may consider reaching out to your fellow PCBA members, colleagues, family, and friends to talk about anything or everything to help you through these times. Another helpful resource is the comedic wisdom acted out by Bill Murray in the movie classic "Groundhog Day." And yes, there is a book on this topic titled "The Wisdom of Groundhog Day" authored by Paul Hannam in addition to many articles by mental health professionals on the same topic. In an article published in The Guardian, Hannam states the three principles he took from the movie. After Bill Murray's weatherman character, Phil Connors, degenerates into a series of self-destructive behaviors and feels no better, he starts to think about what he can think, say, and do differently each day. The second factor comes from the time when Phil Connors realizes that improving his inner life does not rely on what power, wealth, or status he may possess or lack. Third, Connors learns to appreciate that he has everything he needs to be happy now. In sum, how we feel about ourselves and our situations is more about our attitude and mindset than we might think. While one may view Hannam's analysis and conclusions as typical pop psychology found in the self-improvement sections of any physical or digital library, seeing the movie again is a worthy experience.

Final word, the last part of this month's message is to check the PCBA website for our upcoming Diversity, CLE, and other upcoming events. Let's meet and talk to each other again soon.

Court News *By Chief Judge Paul P. Gilfillan*



1. One final hearty congratulations to the Honorable Michael P. McCuskey on his retirement, effective at close of business, Monday, October 19th. He will be deeply missed on the bench. See our website, www.10thcircuitcourtil.org, for more information on Judge McCuskey and his judicial successor, when it becomes available.

2. 2021 Tenth Circuit judicial assignments are now posted in printable format on our website, under 'NEWS.'

3. October is Celebrate Pro Bono Month. A virtual event in the 10th Circuit will be held at noon on Monday, October 26th. More information can be found online by visiting www.pili.org. Look for the announcement of award recipients and opportunities to assist. Thanks also to Prairie State Legal Services (www.pslegal.org) and the 10th Circuit Pro

Bono Committee for all your hard work!

4. The 2021 Courts Holiday schedule is now posted on our website.

5. NOTE TO VOTE: On this upcoming election day, November 3rd, the courts are open for business in the 10th, but we encourage everyone to exercise your right.

6. Congratulations are in (the) order: To Judge Sean Donahue for his appointment by Supreme Court Justice Thomas Kilbride to the Supreme Court Justice and Mental Health Planning Committee.

7. Adult Redeploy Illinois Plays in Peoria. Check out the terms of this unique form of Probation grant on our website, under NEWS, that provides diversionary programs, community services, alternatives to incarceration, cost savings, and enhances social justice simultaneously.

Schedule of Events & Court Holidays

October

- 12 **Columbus Day (Obsvd.), Courts Closed, Courthouse Open**
16 **2020 Fall Professional Responsibility Seminar – via Zoom**
19 **Workers’ Compensation Seminar, Part I – via Zoom**

November

- 4 **Workers’ Compensation Seminar, Par II – via Zoom**
26 **Thanksgiving, Courts & Courthouse closed**
27 **Courts & Courthouse closed**

Committee Meetings

October

- | | | | | | |
|---|--------------------------------|----|-----------------------------|----|----------------------------|
| 5 | Lincoln Memorial – via Zoom | 12 | Civil Practice – via Zoom | 20 | Foundation – via Zoom |
| 6 | Real Property– via Zoom | 13 | GPIL– via Zoom | 22 | Meet the Judges – via Zoom |
| 8 | YLC – via Zoom | 14 | Public Relations – via Zoom | | |
| 9 | Diversity Committee – via Zoom | 20 | Board – via Zoom | | |

Committee Reports

Diversity

Save-the-Date! The Annual Diversity Luncheon will be taking place virtually on **Tuesday, November 10 from Noon – 1:00 p.m.** through Zoom. 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. More information to come.

Fitness, Health & Wellness

VIRTUAL STRIDES FOR JUSTICE 2020

Thank you to everyone who signed up for the Virtual Strides for Justice race! This year has been full of challenges and we are very appreciative of everyone who registered and sponsored this year’s event. A huge thank you to the race committee as well for all their hard work planning and promoting the event. Final accounting will be released next month.

Local Continuing Legal Education

2020 Fall Professional Responsibility Seminar

Friday, October 16 from Noon – 2:00 p.m. via zoom. Topics include:

Recognizing Impairment Issues During Times of COVID by Dr. Diane Uchiyama, JD, PsyD. Director, IL Lawyers’ Assistance Program
How are we Doing? Judges observations on professionalism in remote hearings

Pitfalls and Practice Points in Taking Remote Depositions and Testimony by William Loeffel

This seminar will be submitted for approval for 2 hours of professional responsibility credit (including 1 hr. of mental health/substance abuse). Cost is \$65 for members, \$80 for McLean County members and \$95 for non-members. Registration is now open and can be done online by clicking [here](#), or visiting the event calendar on our website (www.peoriabar.org).

Annual November Workers’ Comp Seminar

Part I: Monday, October 19 from Noon – 2:00 p.m. via zoom

Topics include:

- Arbitrator Hinrichs – Introduction and Q&A
- Dr. John Kiley – COVID-19: The End of the Beginning
- Occupational disease Act’s COVID Presumption – J. Kevin Wolfe

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 – Save-the-Date! All seminars will be via Zoom only.

Saturday, January 9, 8:30 – 11:30 – Family Law – 8:30 a.m. to 11:30 a.m.

Friday, January 15, 1:00 - 4:00 – To Be Decided – 1:00 p.m. to 4:00 p.m.

Saturday, January 23, 8:30 – 11:30 – Estate Planning & Probate – 8:30 a.m. to 11:30 a.m.

Friday, January 29, 1:00 – 4:00 – GPIL & Landlord/Tenant – 1:00 p.m. to 4:00 p.m.

Saturday, February 6, 8:30 – 11:30 – Civil Practice – 8:30 a.m. to 11:30 a.m.

Registration for the 2020 Winter Series will open in October!

Membership

We have received an application for student membership from Susan Donohue. Susan is a student at Mitchell Hamline School of Law and is expected to graduate in 2023. If there are no objections, her application will be presented to the Board in November for approval.

Memorials

On September 22, 2020, a member of the Association, Aaron T. Wickenhauser, passed away. Aaron graduated from the University of Notre Dame in 1997 and received his J.D. from DePaul University College of Law in 2014. Contributions to the Peoria County Bar Association Foundation may be made online by clicking [here](#) or by sending a check to the Peoria County Bar Association Foundation in memory of Aaron T. Wickenhauser.



Substantive Law

Appellate Practice Section by: Appellate Section

APPELLATE COURT CONUNDRUM #1 – LYING EYES

FACTS: Plaintiff obtained a judgment and had a Citation served on Defendant corporation. Defendant was ordered to file a sworn statement of assets and sent plaintiff a false affidavit signed by its president. Plaintiff filed a Rule 137 Motion for Sanctions with the false affidavit attached.

QUESTION: Sanctions are in order, RIGHT?

(SEE ANSWER BELOW IN RED)

Federal Practice Section

The Central District of Illinois issued a second amended order concerning COVID-19 which authorizes teleconferencing in many criminal proceedings, provides procedures for public access, and may limit in person attendance for some hearings. The Order can be found [here](#).

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: Abigail Fleming of the Fleming Law Office; Tyler Eathington of Quinn, Johnston, Henderson, Pretorius and Cerulo; Michael Brandt of Michael E Brandt, Attorney at Law; and Donald Driscoll. 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.

Prairie State currently has 2 Peoria County client on our waiting list for divorce. Please consider making a generous gift of your precious time and accept a pro bono case so that these clients can feel that they and their families are remember by those who truly care. 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.

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 LYING EYES: WRONG! Rule 137 only applies if the false statement is filed by the party making the statement.

Nolan v. Hearthside Homebuilders, Inc., 2020 IL App (1st) 182492.

2020-21 Board of Directors

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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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