



# LegalEase

September 2020

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

## President's Page

Good day to all PCBA members! Because of the great knowledge and spirit of many active PCBA members, I can report that the state of the PCBA is good and striving for great. In a nutshell, we are ahead of many summer events and award shows that have tried to conduct their ceremonies and proceedings on digital platforms and produced a flat product. Rather than doing exactly what we did before but on a computer screen, we are planning to use digital platforms to enhance our ability to meet, interact, learn, and plan for the present and years down the road. The PCBA is able to thrive because of our hard-working committee chairs who have provided leadership on a number of fronts. For example, Katherine Legge of the United States Attorney's Office, Central District of Illinois, chairs the PCBA Communication & Technology Committee. Kate is helping the PCBA by researching and reporting on the social media platform options for the PCBA that will be discussed and implemented at the next PCBA Board meeting. The PCBA Diversity Committee Chair, Melodi Green, Peoria County State's Attorney's Office, has many plans underway for the next PCBA Diversity Luncheon Event that will provide us with exciting speakers and more opportunities to participate in discussions of pathways to an improved future. Furthermore, as area schools ring their digital or physical bells, our CLE Committee Chair William "Bill" Loeffel of the Kavanagh law firm has already held multiple planning meetings that will help the PCBA conduct its popular CLE classes in digital formats with new time spans that are increasingly preferred by our members. Bill is also exploring ways to enliven our traditional CLE topics by having members or their friends and colleagues give presentations on new topics as well. These items are just a sample of the many active steps that your PCBA is taking to evolve so that it can best serve PCBA members in methods that are most convenient and helpful to its members. Please know that all are easy to contact if you have any ideas or proposals that you would like the PCBA Board or Committee Chairs to consider. Finally, we must thank and tip our caps or glasses in honor of Kevin Elder of Goldfine & Bowles for his excellent planning and dedication that led to more members attending the PCBA Golf Outing in 2020 than in 2019, a truly remarkable feat and outcome unmatched by other bar associations. Many of us look forward to starting a combination of in-person and remote events after the pandemic is tamed. Until then, we need to look out for each other and "mask up" before we go out in the world so we all protect each other. I look forward to hearing from you.



## Court News *By Chief Judge Paul P. Gilfillan*



1. The application window for the Marshall County Resident Circuit Judge appointment is closed. An ISBA bar poll is being conducted. Justice Kilbride's Vacancy Screening Committee will be meeting thereafter. Watch the October LegalEase for the announcement or status thereof.
2. As virus cases continue to increase, maximum attention to proper precautions will be necessary to prevent any rollback in access to our courthouses. Thank you for following those safe practices now and in the months to come. Immense thanks to all members of the bar, their staffs and clients, court personnel and all connected with the 10<sup>th</sup> Circuit for your teamwork in allowing cases (and justice) to proceed in a timely fashion, whether remotely or in person at this time.
3. Practice tip for criminal law practitioners. At criminal plea hearings it is important to not only disclose the defendant's past criminal history of convictions on the record, but also the *dispositions* from those prior convictions. See, e.g., recent Supreme Court opinion originating in Tazewell County: *People v. Sophanavong*, 2020 IL 124337.

## Lawyer Referral Service

This month we would like to thank attorney **Carol Perkins** for her return of a referral fee in the amount of \$350 for an order of protection case. Attorneys who participate in the lawyer referral service agree to send back to the PCBA 10% of fees over \$1,000. The lawyer referral service, located on the PCBA website, gets searched daily by people needing attorneys in specific areas of law. If you are in need of new clients, please consider joining the lawyer referral service. You can join today by contacting Stephanie at the PCBA office.



## **Distinguished Community Service Award (DCSA)**

Nominations are open for the 2020 Distinguished Community Service Award. The recipient will be announced at the Lincoln Memorial Banquet held in February. If you know an attorney who deserves this award, please visit the PCBA website at [www.peoriabar.org](http://www.peoriabar.org) and click on DCSA under the members tab. Here, you can submit your nomination online or download the form and submit it to the PCBA office. Nomination deadline is 5:00 p.m., Wednesday, January 6, 2021.

## **Schedule of Events & Court Holidays**

### **September**

7 Labor Day, Courts and Courthouse closed

26 Strides for Justice, virtual 5k run

### **October**

12 Columbus Day (Obsvd.), Courts Closed, Courthouse Open

## **Committee Meetings**

### **September**

1 Real Property– via Zoom

2 Diversity – via Zoom

3 Pro Bono – via Zoom

8 Family Law– via Zoom

9 GPIL – via Zoom

10 YLC – via Zoom

14 Civil Practice – via Zoom

15 Board – via Zoom

16 Criminal Section – via Zoom

17 Estate Planning – via Zoom

18 Diversity – via Zoom

21 FH&W – via Zoom

22 CLE – via Zoom

23 Commercial Law – via Zoom

29 Holiday Party – via Zoom

## **Committee Reports**

### **Diversity**

Details for the 2020 Diversity Virtual Luncheon are still being worked out. Please watch your emails for information on this year's virtual event!

### **Entertainment: Golf Outing** by Kevin Elder

Thank you to everyone who participated in this year's golf event on Friday, August 28 at Mt. Hawley Country Club! Given everything going on right now, we exceeded attendance from last year and pulled off a great event. At right are Shaun Cusack, Colin Cusack and Sing Suphanavong, who were the overall winners this year (two years in a row)! Also, a special thank you to Stephanie Bitner for all of her efforts via the Bar Association.



### **Fitness, Health & Wellness** by Mike Fleming

#### **STRIDES FOR JUSTICE 2020 IS "VIRTUAL"**

Your Fitness, Health & Wellness committee tries to promote healthy living among our members, and one thing we have done now for 13 years is oversee the Strides for Justice 5K run and 1-mile walk. This year's event is a virtual one, as explained below.

Strides has two purposes—to give the PCBA members an opportunity to be out running, jogging, or walking (both at the event and leading up to it), for fitness; and to raise funds for Prairie State Legal Services. Strides is open to everyone—PCBA members, staff, family and friends, and anyone else!

Usually held on Grandview Drive on the last Saturday in September, this year's event is "virtual" instead due to COVID restrictions. You can run any 5K course you choose, anywhere, between Saturday, September 26, and October 2, 2020, or walk a mile during that time, in order to participate. Your activity can then be submitted online if you wish to be noted in the Results.

Please register now to support yourself, your Bar Association, and Prairie State! Sign-ups are online at [stridesforjustice.com](http://stridesforjustice.com), and can be done up through the evening of September 25, but sign up by September 17 to guarantee your preferred shirt size! (Shirts should be available to those signing up after that, but are not guaranteed.) The entry fee is \$30, but a family of four or more can register for \$100 flat.

### **Local Continuing Legal Education**

Don't forget that all our seminars can be purchased on DVD or Vimeo! The cost is \$100 for members and \$125 for non-members. For a complete list of available seminars, click [here](#) or click on "recorded seminars" under the CLE tab of the PCBA website ([www.peoriabar.org](http://www.peoriabar.org)).

## **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](http://www.peoriabar.org)).

## **Annual November Workers' Comp Seminar - Save-the-Date!**

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

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

Topics will include:

- Case Law Update
- Presentation from a local Doctor
- Q&A with Arbitrator Adam Hinrichs
- Presentation from Chairman Michael Brennan
- And more!

Registration will open soon!

## **Membership**

We have received an application for membership from Youssef Boudjarane. Youssef is an assistant state's attorney with the Peoria County State's Attorney's office. If there are no objections, his application will be presented to the Board in October for approval.

## **Memorials**



On August 5, 2020, a member of the Association, **Glenn E. Benckendorf**, passed away. Glenn graduated from Eureka College and attended Washington University for his law degree. Glenn founded Benckendorf & Benckendorf, P.C. in 1981 and practiced law for over 50 years, often handling pro bono cases for Prairie State Legal Services and other organizations. 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 Glenn E. Benckendorf.

On August 21, 2020, a member of the Association, **Medley A. Tornow**, passed away. Medley graduated from Southern Illinois University in 1962 and received his law degree from the University of Illinois in 1965. He practiced law in Peoria for the last 55 years. 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 Medley A. Tornow.



On August 22, 2020, a member of the Association, **Forrest D. Serblin**, passed away. Forrest graduated from the University of Illinois Law School in 1966 and served in the U.S. Army Field Artillery from 1967-1969. He began practicing law in 1969 and was with Caterpillar for 26 years. 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 Forrest D. Serblin.

*The PCBA has made a \$300 contribution to the Foundation in memory of Glenn, Medley and Forrest.*

## **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: Rodney Nordstrom of the Law Office of Rodney Nordstrom; Mitch Gilfillan of Quinn, Johnston, Henderson, Pretorius and Cerulo; Kirk Bode of Kirk W. Bode, Attorney at Law; John Cassidy, III of Cassidy & Mueller P.C.; Katherine Swise of Miller, Hall & Triggs, LLC; 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 and Yolanda Riley of Kavanagh, Scully, Sudow, White & Frederick.

### **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 5 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](mailto: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**

**A Message from the Central Illinois Paralegal Association:** If your office has an opening for a paralegal, legal assistant, or other non-attorney staff, please consider submitting the job description and your contact information to the job bank maintained by the Central Illinois Paralegal Association at [cipa@ciparalegal.org](mailto:cipa@ciparalegal.org). CIPA has members throughout Central Illinois who work in many different areas of law, as well as students of local Paralegal/Legal Studies degree and certificate programs. CIPA places a great emphasis on paralegal education and career development and would be glad to relay your job openings to our members.

### **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).

For sale: 6 four and five drawer file cabinets @ \$20 each and a 7' bookcase for \$50. Call Art Inman at 678-1173.

### **2020-21 Board of Directors**

Ambrose V. McCall – President  
Emily H. Wilburn – President-Elect & Budget  
Michael A. Fleming – Second Vice President  
Alisha 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  
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J. Logan Block – Young Lawyers  
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