



BY PAUL LOGLI

As I approach the June 1st annual meeting of our association, I also approach the end of my year as president of the WCBA. Although I may not be the 100th president of the association, seeing that two of my predecessors served 2-year terms, I nonetheless have had the distinct honor of serving as the centennial president.

I am pleased to report that during the last year the association has conducted some outstanding CLE courses that have been well-attended. We have celebrated our centennial with a dinner and dance that was also well-attended and marked the occasion appropriately. We are currently putting the finishing touches on the centennial history of our association written by Steve Ellis, with the research assistance of Robert Lindvall. The beautiful layout done by Diane Cain will make this volume a "must have".

I cannot let this opportunity pass without recognizing the chair of the Centennial Committee, Nancy Hyzer. From riding herd on the dinner dance committee, to weeding through the divergent ideas on how best to recognize this milestone, to selecting the photos included in the history, she did it all and made this Centennial year most memorable.

It appears we will end our fiscal year in the black and perhaps will have added some money to our reserve fund. Steve Balogh our next president will hopefully devote his literary talents to presidential letters and will take a break from making contributions to the op-ed page of the Rockford Register Star.

As I write this letter, I have just concluded presiding over the annual memorial service for those members of our association who passed away during the last year. This year we remembered deceased members Orva M. Engelsvold, Edward J. Fahy, Fredrick Kalivoda, John R. Kinley, S. Michael McGarragan and Edward R. Telling III. All of these persons made unique and lasting contributions not only to our profession, but also to their communities and families. Along with family members about 50 of our colleagues attended the event. Now that the service has been moved to Memorial Hall, we certainly could accommodate more of our members who, by their mere presence, show an abiding respect for those who have passed on before us.

By the time this letter is read, we will likely have concluded our annual dinner on June 1st. At that dinner we will have had a social hour sponsored by our friends at AMCORE Private Banking. We will also have ended the practice of providing a free meal. This was done in view of the challenging financial condition of the WCBA. However, we are grateful to our social hour sponsor as well as to several members who made contributions so that we could support those younger members of our association who otherwise might not be able to attend the event.

The social hour will be followed by a dinner and business meeting during which we will salute two counselors who have completed 50 years of practice, as well as other individuals who will be recognized for community service and achievement in the profession. We will recognize the board members who have completed their terms, Jamie Cassel, Shawn Fulbright and Randy Wilt, and the officers, Jeremy Bergstrom, Secretary and Doug Henry Treasurer. Finally, the gavel will pass from this administration to the next and our association will enter into its second century.

The strength of our association is certainly its membership. Although it sounds trite, it is nonetheless true that as a professional association we justifiably lay claim to the brightest, most dedicated and articulate individuals this community possesses. It is those same talents that have made being WCBA president both stimulating and fulfilling. Our Executive Director Holly Nash and her Administrative Assistant Barb Engelkes make the job easy and for that I am grateful. It has been my honor to serve as president and I leave knowing that this association has a great future in service to our profession and our community as it enters its second century.

Paul Logli is the Winnebago County State's Attorney. A graduate of the University of Illinois College of Law, he was admitted to the practice of law in Illinois in 1974. He is the 100th President of the Winnebago County Bar Association.



NEW MEMBERS

DAVID W. OKEY is a 2000 graduate of John Marshall College of Law. He is with Reinhart, Boerner & VanDeuren. He is sponsored by Jeff Makeever.

JAMES PROVENZA graduated from John Marshall College of Law in 1980. He is a sole practitioner, in Rockford.

JEREMY L. A. RAMSEY graduated from Northern Illinois University College of Law. He is practicing law with the Law Firm of William Howard. He is being sponsored by William Howard. He is currently in the Army Reserves.



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CHANGES

Carol A. Hartline has become associated with the firm of **Williams & McCarthy**. Her phone number is 987-8900.

Shriver, O'Neill & Thompson have moved to 515 North Court Street, Rockford, IL 61103-6807. Their phone number, 963-4895 and fax 963-4904 will remain the same. This affects **Donald L. Shriver, James C. Thompson, Donald P. Shriver** and **Joyce O'Neill Austin**.

Joseph A. Dailing is now the Executive Director of the Illinois Coalition for Equal Justice. His Rockford Office is at 319 W. State Street, Rockford, IL. Phone is 815-962-9980 and his fax is 815-962-9984. His Chicago office is c/o Chicago Bar Foundation 321 South Plymouth Court, Suite 3B, Chicago, IL 60604., Phone is 312-554-2000, ext. 2011.

John Gilbert's fax number was listed incorrectly. It should be 877-2300.

Idalis Edgren has moved to 202 W. State #200, 61101. Her phone number is 964-9770, fax is 877-2300 and her email is attyedgi@hotmail.com.

MOTHER'S DAY

CORSAGES FOR MOMS

The Community Service Committee collected funds to provide cookies from Cookies by Design and corsages for local mothers who are housed in shelters. Contributors this year include:

- Peter Alexander**
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John Boreen, as he has done in the past chaired this project. Thank you John!

CONTRIBUTORS TO THE ANNUAL MEETING-DINNER FUND

The following members contributed to the fund to defray the cost of the annual meeting dinner for members who have been in practice for less then five years:

- Francis Martinez**
- Peter Savitski**

Thank You!

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CRIMINAL

People v Douglas, 839 N.E.2d 1039 (1st Dist., 2005)

The defendant was convicted of home invasion and first-degree murder, and received an extended term sentence of 70 years for the murder and a consecutive 30 year term for the home invasion. The appellate court, P.J. Gallagher writing, affirmed the defendant's convictions and sentences.

COUNSEL (Effectiveness): ISSUE - Was this defendant denied effective assistance of counsel? **ANSWER:** No.

REASONABLE DOUBT: ISSUE - Was sufficient evidence introduced to support the jury's finding that the defendant's conduct was brutal and heinous? **ANSWER** - Yes.

FACTS: Michael Carter and Donna Lindo began dating in the early 1990's. Eventually, they lived together. In February of 1999, Carter moved to Maryland. However, Carter and Lindo maintained a "long-distance" dating relationship. Later that year, Lindo met the defendant in this case, Otis Douglas, at a club. They too began dating. In November of 1999, the defendant informed Lindo that he wished to move in with her. Lindo refused and informed him that her boyfriend was "coming home." This, not too surprisingly, upset the defendant. The next day Carter came to visit Lindo. He entered Lindo's townhouse around noon. Around 12:30 that day Carter called Lindo and told her that he was home and that he was receiving strange telephone calls. Someone was calling and then hanging up without speaking. Sometime during a later call, Carter's phone became disconnected. Repeated telephone calls by Lindo went unanswered. Eventually, when Lindo returned home, she discovered blood on the basement floor and walls and Carter's clothing found strewn about the basement. A handwritten note left on Lindo's bed upstairs stated: "Bitch (sic) when I come back I'm going to kill you." Two witnesses informed the police that on the day in question, the defendant borrowed their car and that he had an ax in his possession at that time. Blood stains were later found in the trunk of their car. Witnesses testified to seeing the defendant's car parked in front of Lindo's townhouse on the day in question and the defendant was later seen washing out the trunk of his car with a garden hose. A pair of jeans with Carter's blood on them was found at the defendant's residence. Further, on the day in question, the defendant's phone records proved that numerous calls had been made to Lindo's number on that day. Finally, expert witnesses testified that Carter's body, which was later discovered, had been attacked with an ax while he was still alive. At the defendant's trial for first-degree murder, the jury was instructed to determine whether the defendant's conduct constituted brutal or heinous behavior indicative of wanton cruelty. Not too surprisingly, they did. From his conviction and sentence of 70 years in prison for first-degree murder consecutive to a

30 year sentence for home invasion, the defendant brought this appeal.

ARGUMENT: The defendant here argued that his trial counsel was ineffective for two reasons. First, his counsel was ineffective because he failed to object to the introduction of testimony concerning his telephone calls to the victim's house. Additionally, the defendant's counsel failed to request jury instructions on the offense of the Illegal Concealment of a Homicidal Death.

OPINION: The defendant's first argument was rejected because the trial court declared that the telephone calls were not introduced in order to prove the truth of the matters discussed within those calls. (This was the basis of a hearsay objection) Rather, they were offered to prove that the calls, themselves were made. This evidence directly tied the defendant to this offense.

Concerning the defendant's jury instruction issue, the appellate court responded that the offense of concealing a homicidal death was not a lesser included offense of first-degree murder. Therefore, since that offense was not charged by the People, the jury did not need to be so instructed.

ARGUMENT: Alternatively, the defendant argued that he was improperly sentenced to an extended term of 70 years in prison based upon the fact that this offense was committed by exceptionally brutal or heinous behavior indicative of wanton cruelty. Specifically, the defendant complained that the trial court erred by refusing to define for his jury the words, "brutal," "heinous," and "wanton cruelty," and his counsel was ineffective in failing to demand such instructions. Additionally, the defendant argued that in this case the People had failed to provide sufficient evidence to support the jury's finding that his conduct did constitute brutal or heinous behavior indicative of wanton cruelty.

OPINION: The appellate court first ruled that, in this case, due to the graphic detail of the evidence introduced which did show the nature of the victim's death, that counsel for the defendant did not render ineffective assistance by declining to have jury specifically instructed on those issues and the trial court did not err in doing so on its own.

People v Hamilton, 838 N.E.2d 160 (1st Dist., 2005)

The defendant was convicted after a bench trial of aggravated battery of a child, aggravated domestic battery, and aggravated battery. The appellate court, J. Greiman writing, affirmed the defendant's conviction and sentence.

COUNSEL: ISSUE - Did the defendant receive ineffective assistance of counsel in this case? **ANSWER** - No.

JUDICIAL CONDUCT: ISSUE - Did the trial judge improperly rely upon evidence outside of the trial record? **ANSWER** - No.

SENTENCING: ISSUE - Was the defendant's 25-year sentence excessive? **ANSWER** - No.

REASONABLE DOUBT: ISSUE - Was the expert evidence introduced by the People sufficient to sustain this defendant's conviction? **ANSWER** - Yes.

FACTS: On February 9, 2002, the defendant picked up his daughter from the home of her mother. The plan was that the defendant and his daughter were to spend the weekend at his mother's apartment. On February 11, 2002, the daughter was admitted to a local hospital. She had dark marks on her face, a black eye, and severely blistered feet. According to her treating doctor, these injuries were the result of child abuse. According to the defendant, he had drawn bath water for himself and his daughter had mistakenly jumped into the tub and burned herself. She had then screamed and fell out of the tub, thereby causing her other injuries. It seems that only the defendant himself believed his story.

The police were called and the defendant was charged with and convicted of aggravated battery to a child, aggravated domestic battery, and aggravated battery. He received a sentence of 25 years in prison. From these convictions and this sentence, the defendant brought this appeal.

ARGUMENT: The defendant initially argued that he was improperly convicted of his offenses because the testimony of the People's star witness was contrary to common sense and it failed to account for essential foundational information. Specifically, the defendant argued that because the People's expert witness failed to consider the dimensions of the bathtub in question, his testimony was simply unbelievable.

OPINION: The appellate court rejected the defendant's argument by noting that the expert personally examined the victim soon after she received her injuries and he based his diagnosis on his own experience and training. This was good enough for the appellate court.

ARGUMENT: Second, the defendant argued that his 25-year sentence was excessive.

OPINION: The defendant was convicted of a Class X felony and was sentenced accordingly. While the defendant's sentence was at the higher range of the 6 to 30 year range for those types of offenses, this appellate court ruled that the trial court considered all of the appropriate factors raised in this case and no evidence was introduced to indicate that any improper factors were considered. Therefore, the trial court did not abuse its discretion here.

ARGUMENT: Further, the defendant argued that his counsel provided ineffective assistance. He argued that he

was denied due process when his counsel failed to present evidence concerning the dimensions of the bathtub, the temperature of the hot water in question, the length of the victims legs, or the testimony of another expert to rebut the People's expert witness.

OPINION: After reviewing the conduct of the defendant's attorney in this case, the appellate court ruled that most of the items complained of by the defendant fell within the sound trial strategy of the attorney. Therefore, the appellate court ruled that the defendant did not receive ineffective assistance.

ARGUMENT: Lastly, the defendant argued that the trial judge erred by considering evidence outside of the trial record in this case. Specifically, according to the defendant, the trial judge improperly considered recollections of the conduct of his own children and of the defendant's conduct in prior cases that judge heard.

OPINION: After studying the conduct of the trial judge here, the appellate court ruled that sufficient facts were introduced by the People to support the defendant's conviction. Any items the trial judge might have considered that were outside of the trial record did not prejudice this defendant.

(Continued)



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ADDITIONAL PUBLISHED OPINIONS

1. *People v. Jones*, 839 N.E.2d 539, (1st Dist., 2005)
Dismissal of Petition for Post-Conviction Relief - Affirmed. **ISSUE:** Did the trial court err by dismissing the defendant’s post-conviction petition wherein he alleged ineffective assistance of trial counsel and judicial bias? **ANSWER:** No.

2. *People v. Phyfiher* 838 N.E.2d 181, (1st Dist., 2005)
Dismissal of Petition for Post-Conviction Relief-Affirmed. **ISSUE:** Did the trial court err when it dismissed the defendant’s post-conviction petition wherein the defendant alleged ineffective assistance of counsel; failure to prove his guilt beyond a reasonable doubt; and the improper denial of his motion for a directed finding? **ANSWER:** No.

3. *In re Louis S.*, 838 N.E.2d 218 (1st Dist., 2005)
Grant of Petition for involuntary Admission - Reversed. **ISSUE:** Was this respondent denied due when he was order committed against his will? **ANSWER:** Yes.

4. *In re Louis S.*, 838 N.E.2d 226, (1st Dist., 2005)
Grant of Petition for the Administration of Involuntary Treatment - Reversed. **ISSUE:** Were the respondent’s procedural due process rights violated during his hearing for the administration of involuntary treatment? **ANSWER:** Yes.

Lawrence Bauer is deputy director of the Office of the State’s Attorney Appellate Prosecutor-Third District. He is a graduate of the Valparaiso University School of Law. Mr. Bauer was admitted to the practice of law in Illinois in 1976.



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CASE NAME: William K. Burke v. Daniel W. Koester, 04 L 6 (Jo Daviess County).

PLAINTIFF'S COUNSEL: Chadwyn D. Cox of Reynolds & Kenline, LLP, Dubuque, IA.

DEFENDANT'S COUNSEL: Thomas J. Potter of Ludens, Potter, Burch, & Melton, Morrison, IL.

JUDGE: The Honorable William E. Kelly

TRIAL DATES: February 6-7, 2006

FACTS: Accident occurred on Main Street (Hwy 20) in Elizabeth, IL, in April 2002. Plaintiff, age 63, was previously a mobile home toter driver and is also the owner and **CASE NAME:** William K. Burke v. Daniel W. Koester, 04 L 6 (Jo Daviess County).

PLAINTIFF'S COUNSEL: Chadwyn D. Cox of Reynolds & Kenline, LLP, Dubuque, IA.

DEFENDANT'S COUNSEL: Thomas J. Potter of Ludens, Potter, Burch, & Melton, Morrison, IL.

JUDGE: The Honorable William E. Kelly

TRIAL DATES: February 6-7, 2006

FACTS: Accident occurred on Main Street (Hwy 20) in Elizabeth, IL, in April 2002. Plaintiff, age 63, was previously a mobile home toter driver and is also the owner and manager of a mobile home park. At the time of the accident, plaintiff was driving an escort pickup truck in front of a wide load. Defendant pulled his pickup truck from a parallel parking space and was side-swiped by plaintiff, who testified that he did not see defendant until impact. Defendant contended that plaintiff was not paying attention and that his condition was to have been expected with or without trauma, in that plaintiff already had three fused neck segments and a fourth spontaneously fusing.

DAMAGES ALLEGED: Whiplash with residual pain and stiffness resulting in inability to drive mobile home transporter. Medical bills \$1,205; and lost income of \$80,000 for past and future lost wages as a mobile home toter driver.

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LAST DEMAND: \$18,000

ASKED OF JURY: \$98,000

LAST OFFER: \$12,000

VERDICT: Not guilty. Jury deliberated thirty minutes.

manager of a mobile home park. At the time of the accident, plaintiff was driving an escort pickup truck in front of a wide load. Defendant pulled his pickup truck from a parallel parking space and was side-swiped by plaintiff, who testified that he did not see defendant until impact. Defendant contended that plaintiff was not paying attention and that his condition was to have been expected with or without trauma, in that plaintiff already had three fused neck segments and a fourth spontaneously fusing.

DAMAGES ALLEGED: Whiplash with residual pain and stiffness resulting in inability to drive mobile home transporter. Medical bills \$1,205; and lost income of \$80,000 for past and future lost wages as a mobile home toter driver.

LAST DEMAND: \$18,000

ASKED OF JURY: \$98,000

LAST OFFER: \$12,000

VERDICT: Not guilty. Jury deliberated thirty minutes.

CASE NAME: Home Loan Corp. v. Carteret Mortgage Corp., 04 L 3 (Jo Daviess County).

PLAINTIFF'S COUNSEL: Jonathan Nusgart of Noonan & Lieberman, Chicago, IL.

DEFENDANT'S COUNSEL: John McCabe and Ken Shaw of Kropik, Papuga & Shaw, Chicago, IL.

JUDGE: The Honorable William Kelly.

TRIAL DATES: January 18-19, 2006.

FACTS: Home Loan Corporation, a residential mortgage lender, and Carteret Mortgage Corporation, a mortgage broker, had a brokers agreement which contained warranties given by Carteret concerning the loans submitted by Carteret, for funding by Home Loan. Generally, Carteret warranted that the information submitted in a loan package was accurate. The agreement also provided for attorney fees to the prevailing party in a dispute concerning the agreement. Home Loan funded a mortgage loan brokered by Carteret to Laura Conte. Shortly after origination the loan went into default and Home Loan liquidated the loan through a short sale.

Home Loan then brought this action claiming a breach of warranty based upon misstatements in the loan application of Laura Conte concerning income, assets and liabilities. Carteret counter-claimed for attorney fees. Carteret presented evidence that in Home Loan's underwriting of the loan Home Loan did not rely on the information submitted in the loan package; rather they relied on their own credit report on the borrower. Additionally, Carteret raised the affirmative defense of failing to mitigate damages through the liquidation of the loan through a short sale.

DAMAGES ALLEGED: \$48,448.37 plus a per diem of \$53.00 from August 14, 2003 plus attorney fees.

LAST DEMAND: \$75,000 (including attorney fees).

ASKED OF JURY: \$51,929.49

VERDICT: The jury deliberated for approximately 2 hours and found in favor of Carteret. Subsequently, the court awarded Carteret \$23,250.60 in attorney fees.

FEDERAL CIVIL JURY REPORT

CASE NAME: Wynn L. Smith and Barbara Mason v. Ronald M. Kuntzelman, 04 C 50457 (N.D. Ill., Western Div.).

PLAINTIFF'S COUNSEL: Robert H. Clark, Clark, Justen & Zucchi, Ltd., Rockford.

DEFENDANT'S COUNSEL: Donna Honzel, Mateer & Associates, Rockford.

JUDGE: The Honorable Philip J. Reinhard

TRIAL DATES: April 3-4, 2006.

FACTS: On October 10, 2003, Plaintiff Smith was driving his pickup truck southbound on West Main St. in Warren, IL, when Defendant, eastbound on Bellevue, failed to stop at the stop sign at the intersection and collided with Plaintiff. Stop sign controlled Defendant's direction. Plaintiff's direction was a through street with no stop sign or other traffic control device. Defendant's vehicle struck Plaintiff's vehicle on the front corner and door of passenger side. Plaintiff's vehicle was spun around and up into a yard. Defendant admitted liability.

(Continued)

DAMAGES ALLEGED: Wedge compression fracture at L1, head injury, and contusions of right forearm.

MEDICAL SPECIALS: Not submitted at trial.

LOST INCOME: Not submitted at trial.

LAST DEMAND: \$50,000.00.

LAST OFFER: \$17,500.00 (With indication of substantially more if negotiations were to continue).

ASKED OF JURY: \$191,000.00. Defense recommended \$12,500.00 to jury.

VERDICT: \$50,500.00. Bill of costs pending. Itemization of Verdict: Plaintiff Smith loss of normal life: \$23,250.00
Plaintiff Smith pain and suffering: \$17,250.00

Plaintiff Mason loss of services: \$7,500.00

Plaintiff Mason loss of society: \$2,500.00



**STAFF
MANAGEMENT, Inc.**
Innovations in Human Resource Management

5919 Spring Creek Road
Rockford, IL 61114
(815) 282-3900

Presents HR Trends
by Samuel J. Castree, Jr.
Vice President & General Counsel



Summer Employment Reminders

Summer is just around the corner. Now is the time for employers to remind themselves of the restrictions on employing certain teenagers.

Age. There are exceptions for certain occupations including a child working for a parent, but generally a child must be 14 years or older to work.

Hours. When school is in session, children aged 14-15 may work: outside school hours; no more than 3 hours on a school day or 8 hours on a non-school day; and no more than 18 hours a week. When school is not in session, they may work: no more than 40 hours a week and 8 hours a day. They may work between 7 a.m. and 7 p.m., except between June 1 through Labor Day when they may work until 9 p.m. There are no hour restrictions for children age 16 or more.

Occupations. Department of Labor regulations prohibit 16-17 year olds from working in certain "hazardous occupations." Those same restrictions, plus others, apply to 14-15 year olds.

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BY MIKE RARIDON

WHAT ARE THE ODDS????

“Of all the gin joints in all the towns in all the world, she walks into mine.”

Rick Blaine (Humphrey Bogart)

I was attending the ISBA Family Law Section Council meeting in St. Louis on April 28th, and found myself with a free evening to enjoy. Since I was alone and therefore had only myself to consult, I chose my usual poison: live Irish music, if I could find it. After a brief skirmish with the hotel directory and a few encouraging words from the front desk, I was on my way to McGurk’s Irish Pub in the Soulard district. Live music from a group called “The Irish Brigade” started at 7:00 and I was warned that the crowd would be large on a Saturday.

The Irish in the Midwest often came through New Orleans and up the river to the heartland, rather than across from New York or Boston, and the Irish influence in St. Louis is nearly as old as the city. Following my personal muse earlier that day, I had purchased a CD at the museum beneath the famous Gateway Arch, and from it I discovered that the fiddlers on Lewis and Clark’s cross-continent journey entertained the company, and the Indians, with Irish tunes that are still played by traditional musicians today. I was hoping to hear some of that music live that night. I did.

McGurk’s is a dark, cozy looking place, in an old but revitalized historic section of southeastern St. Louis. The Soulard open air market has been in existence for over one hundred fifty years, and the area has enjoyed a recent spurt of rehabbing into lofts and townhouses in the converted warehouses and older homes. McGurk’s boasts a wide array of draft beers and hearty Irish pub fare. The bar was already pretty full, but I found a table for one just left of the stage and proceeded to order an appetizer and pint of Guinness. It was then that I heard the voices.... “Mike. Hey, Mike!!”

Now Mike is still one of the most common names around, so I figured it had to be someone else that was being hailed so persistently. I was in a town I had not visited in years, alone, and in a bar I had not even known the existence of a few short hours ago. So you can imagine my surprise when, after more shouting of the name, I finally looked up.....to see newlyweds and fellow Rockford attorneys Stacy Gamm and Tyler Moore sitting not ten feet away!!! Turns out Stacy is from the St. Louis area and was visiting her mother and sister, who were also at the table, and they graciously allowed me to join them.

Also turns out that Mike O’Brien, newly amalgamated with Martenson, Blair, and Raridon, P.C., is a big fan of McGurk’s. Mike swears that their Irish stew is the best in the world, a fact known to Tyler Moore because Mike worked with Tyler at Barrick, Switzer a few years back. (What happened to six degrees of separation??

This world seems to shrink more every minute.) Soon we were all singing, rather loudly, along with the band. I did not know Stacy could sing *The Wild Colonial Boy*, or the one about the Irish car bomb either.

Five hours and unknown pints later, the band quit and so did we. The music was good, the crowd was friendly and loud, and a good time was had by all, as is usually the case with Irish music crowds.* Unlike Rick Blaine, I was glad that Stacy and Tyler were in McGurk’s that night. But what are the odds????

*My favorite Irish music tour group motto: “*Have a good time, or get out!*” by The Fenians.

Michael Raridon is a partner in the firm of Martenson, Blair & Raridon. A graduate of Washington University College of Law, he was admitted to the practice of law in Illinois in 1981. He is the 2005-2006 Editor of “The Lawyer”.



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BY RANDY WILT

I turned 50 this year. To be exact, I turned 50 on February 28th. So, of course, my friends wanted to share in the festivities. How it happened is not important but in the end a group of 11 jetted our way to sunny Mexico for a 5 day/4 night vacation.

First, NEVER EVER go on a trip to Mexico for 5 days/4 nights. The vacation is too short. You spend a day traveling each way which shortens even more your play time.

Second, look to Rockford. Because we were going to be gone less than 1 week we had to fly out of O'Hare. A secretary in my office went 1 month later. Because she was able to go for a full 7 days she was able to book her trip out of Rockford. She stayed at a resort just down the road from my resort. It was similar in amenities and she spent \$400 less per person for 3 more nights! She still takes great pleasure in reminding me of this fact.

Third, go "all inclusive." Such resorts include all food and drinks. This is especially important if you, like me, have a 17 year old son. Was I ever able to eat that much and not gain weight? Seriously, such a plan is great as long as your resort has enough eating and drinking options.

Fourth, it seems as if everyone speaks English. It is we gringos who are too stupid to learn a second language. In short, do not worry about communication. However, never act like you know how to speak Spanish unless you really do. The moment you hit them with a full sentence in Spanish, they torture/punish you by speaking only Spanish in return. It is better to look and act ignorant from the start and rely upon their mercy. The staff at every resort I have ever been to are very friendly. Besides, in a pinch, all you need to know is "mas cerveza" and "banos?" With more beer and a bathroom what more could you need? *My spell check does not have an option for these words so I am not sure of the spelling.*

Fifth, do not worry about the hurricane damage. Yes, you can still see areas where damage has not been repaired. Even at my resort, The Grand Occidental Flaminco Xcaret (eesh-ca-ret), there was an area still under repair. With 3 buffets, 5 bars, 4 pools and a beach, our experience was not diminished in the least.

Sixth, if you are not a scuba diver but have snorkeled, try SNUBA. You are attached by a 20 foot hose to a pressurized air tank floating on the surface. You can dive and swim at a depth of about 20 feet. You see more than by merely snorkeling and you can learn whether becoming certified in SCUBA might be right for you.

Seventh, see the sights. We stayed in the Riviera Maya area. There are Mayan ruins nearby. There is a National Park called Xel-Ha (Shell-Ha) at which you can snorkel and even swim with dolphins. Remember to go to these locations on days when the cruise ships are not in port. The best times are usually Saturday or Sunday. These

are usually the days that cruise ships lose one set of passengers and get new ones. Consequently, they are not in port for trips or tours.

Finally, if a beautiful waitress or handsome bartender, depending upon your preference, asks you if you want "Sex on the Beach," control yourself. It is a drink!

WCBA

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By John Rearden, Jr.

The Cold War by John Lewis Gaddis, 2005

Professor Gaddis wrote this book to provide a shorter treatment of the subject than his previous scholarly tomes, and to provide understanding to those for whom the cold war is ancient history. Since he covers about 50 years of world history in 250 pages or so, the book moves right along, sometimes leaving the reader breathless.

Gaddis gives some context to developments of the 1980s, which seemed unbelievable at the time, such as the Soviet Union allowing its Eastern European satellites to escape its grasp and the fall of the Berlin wall. He includes information that was then classified, showing that the United States and the Soviets, locked in their own ideologies, often misunderstood the other's actions and intentions, even when they had good intelligence to the contrary. He also clearly points out how the awesome power of nuclear weapons convinced generations of leaders that such weapons could not be rationally used. Instead, the superpowers, often against their will, fought minor wars to assist governments they didn't much care for.

This is a book that will reward both a reader who lived through the cold war and one who didn't.

John Rearden has a J.D. from Emory University School of Law. He is a partner in the law firm of Oliver, Close, Worden, Winkler & Greenwald. He was admitted to the practice of law in Illinois in 1985. John is a member of the WCBA Editorial Board.



SCAPEGOAT ANYONE?

By Tom Laughlin

The Editorial Board has requested its members to submit brief articles on any books which are currently reading. I am reading a book titled *How to Read the Bible* by Marc Zvi Brettler. It is a study of the Jewish Bible, which he points out, is not to be confused with the Christian Old Testament. I am also a member of a discussion group which is discussing that book.

One week the reading included discussions of various laws and rituals. I particularly liked the one about the scapegoat. I have heard the word used for years but was not aware of its origin. In the popular usage with which I was familiar, a scapegoat was someone who was wrongfully blamed for sins not his own and the person who used a scapegoat was trying to avoid personal responsibility. A person relying on a scapegoat was a bad person.

At the risk of over simplification, the ritual as described in the book included the selection of a goat which was delivered to the priest. The priest would place both hands on the goat's head and that, along with whatever ritual language was used, would transfer the sins of the populace to the goat. The goat would then be put out in the wild to die, taking the sins of the populace with it.

Without getting into a discussion of the efficacy of the ritual, I find the concept behind it to be interesting and useful. It appears to have provided the members of that populace a chance to start over. The ritual of the scapegoat seems to have allowed for future personal and societal growth. We could use such a ritual today. Perhaps what we need is a national scapegoat, in the original sense.

The book is very interesting.

Thomas E. Laughlin is a partner in the firm of Ritz & Laughlin. A graduate of University of Illinois College of Law, he was admitted to the practice of law in Illinois in 1972. Tom is a member of the WCBA Editorial Board.





Doctors vs. Lawyers Game

July 24th 2006

4:05pm Charity Game

7:05pm RiverHawks vs. Kalamazoo

Location: NEW STADIUM AT I-90

- Each team will be managed by an ex-major league star.
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- All players will receive a jersey top with their number on it.

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Type of Ticket	# of Tickets	Price	Total
___ Infield Box	_____ (minimum 20)	\$10 .00	_____
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___ I will pick up my tickets (FREE)	___ Mail me our tickets (\$5.00 Fee)		_____

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Orders should be faxed to **885-2204**. Please make check payable to **Rockford Riverhawks**, or you may charge your order to your Visa, MasterCard or Discover over the phone by calling **964-2255**. Tickets will be available to be picked up at the Riverhawks' office – 4503 Interstate Blvd. In Loves Park– or mailed registered mail for a \$5.00 Shipping and Handling Fee. **Sorry – no refunds or exchanges.**

Signature _____ Date _____

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*An overview of the law about copyrights, patents, trademarks, and related areas
for business executives and general practice attorneys.*

Presented by Aaron W. Brooks of Holmstrom & Kennedy, P.C.

WHERE: EIGERlab - 605 Fulton Avenue, Rockford, IL

WHEN: **Tuesday, June 13th** - Two programs available: **7:30-9:00am** or **12:00pm-1:30pm**

PROGRAM TOPICS:

Introduction/Overview of Intellectual Property Law -- What is intellectual property? Why should you care about it? What are common situations in which executives and attorneys may (knowingly and unknowingly) run into IP issues?

The Basics of Copyright Law -- What is a copyright and what kinds of things are copyrightable? Notice and registration requirements. Ownership and independent contractors. Dealing with copyrights as part of a business transaction.

The Basics of Trademark Law -- What is a trademark? What to do if you receive a cease and desist letter. How to decide if you should send a cease and desist letter. Trademark priority basics. How and why to register trademarks. Differences between state and federal trademarks.

The Basics of Patent Law -- What is a patent? What should executives and attorneys know to preserve patent rights?

Domain Names and "Cybersquatting" -- Trademarks on the Internet. Anticybersquatting Consumer Protection Act. Uniform Domain Name Dispute Resolution Procedures.

Software Licensing -- The basic issues one should consider in drafting and negotiating a software license. Indemnification and third party rights. Source code. Scope of license. Defects and warranty.

COST: \$50.00 per person (donation to the American Cancer Society)

*For more information, please call Attorney Aaron Brooks or Lisa Jacobson at 962-7071.
Seating is limited to 40 people per session, so sign up today!*

RESERVATION

Deadline - June 9, 2006

Name/Address _____
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Yes, I would like to attend the 7:30 a.m. Session (*Continental Breakfast Provided*)

Yes, I would like to attend the 12:00 p.m. Session (*Sandwich Lunch Provided*)

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Please include me on periodic e-mails from Holmstrom & Kennedy

Please make checks payable to: *American Cancer Society (Relay for Life)*

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Position Available

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