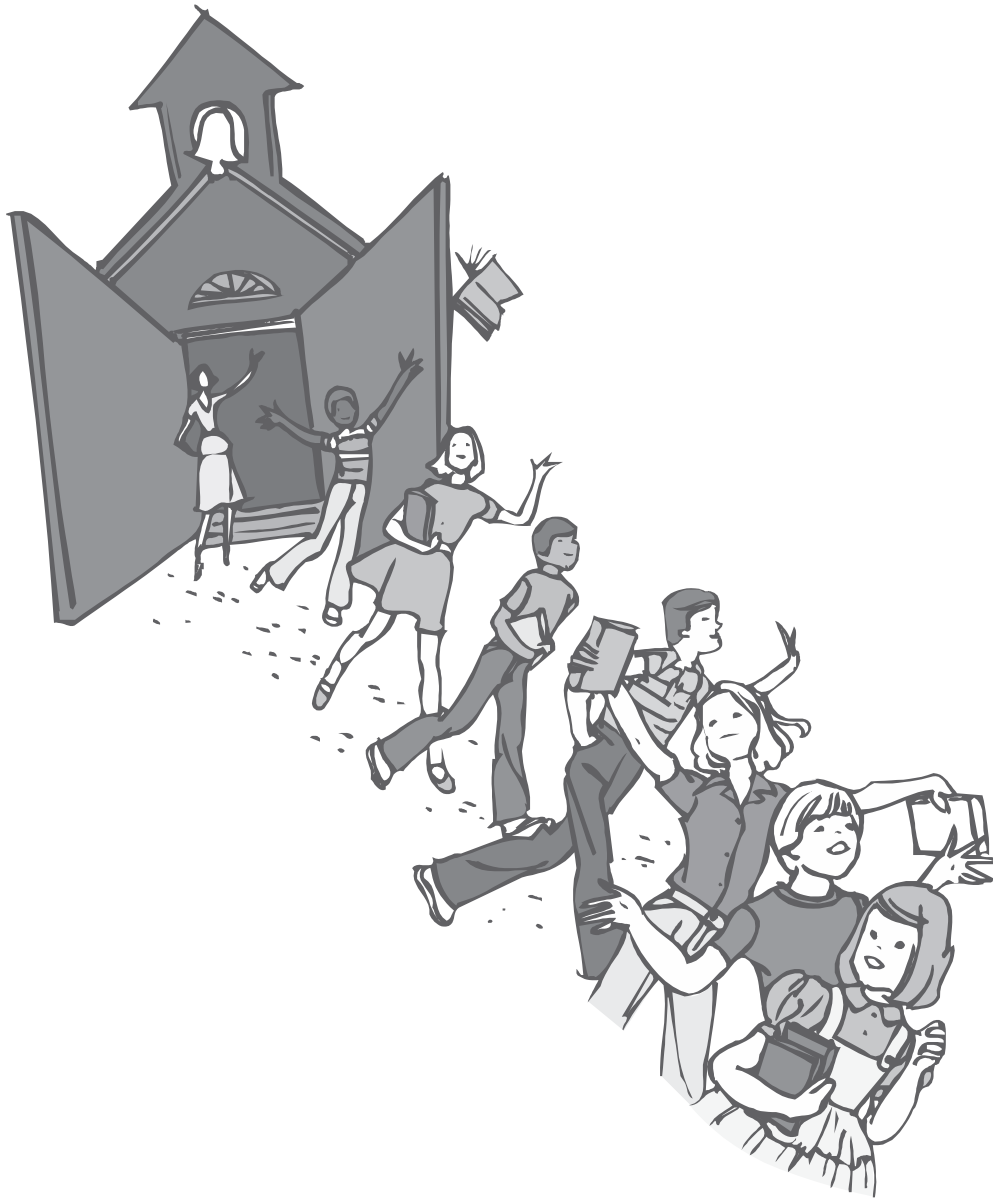


September 2007 Volume LIV Number 3



# The Lawyer

BY FRANK PERRECONE

The WCBA's board of directors recently voted to endorse an aspirational statement for the legal profession in the 17th Judicial Circuit. Some background is necessary to understand the reason the aspirational statement came before the board.

In September 2005, the Supreme Court of Illinois established the Commission on Professionalism. The need for a permanent professionalism commission was first recommended in November 2001 by then Justice, now Chief Justice Robert Thomas. In early 2007, the Supreme Court of Illinois requested the 17th Judicial Circuit partner with the Commission on Professionalism to establish a pilot professionalism project in furtherance of SCR 799(a). The rule identifies several stated purposes of the commission, including: "...to promote among lawyers and judges of Illinois principles of integrity, professionalism and civility..."

An advisory committee of judges, lawyers, and court personnel from Winnebago and Boone counties was formed. Under the leadership of then Chief Judge Kathryn Zenoff and Judge Joe Bruce the aspirational code was written. Members of the WCBA serve on the committee which is now considering the mechanism of informing the lawyer or judge of possible conduct at odds with the aspirational statement.

Prior to the board endorsing the statement, Justice Zenoff explained it to the membership at the annual bar association dinner meeting in June. The statement was published in the June addition of the *Lawyer*. Associate judges of our circuit and the Boone County Bar Association have also endorsed the statement. It is my understanding that the circuit judges will consider endorsement at their next meeting.

In my opinion, the need for the Commission on Professionalism was primarily to address the conduct of the relative few in the legal profession whose behavior was not sanctionable by a disciplinary body, but nonetheless needed improvement. Most, if not all of us, have been pitted against the "difficult" lawyer, and appeared before the "difficult" judge. In my experience, these individuals are the exception. Further, we have all heard the occasional story about a lawyer or judge whose conduct exceeded the bounds of professionalism and civility, but did not rise to the level of disciplinary consideration.

For the vast majority of lawyers and judges who already conduct themselves in line with the aspirational code, little, if anything, will change. However, if we can reign in those few members of the profession, who do not realize they should do better, then the profession, the public and the ends of justice will be better served.

*Frank Perrecone is a partner in the firm of Ferolie and Perrecone, Ltd. A graduate of Drake University Law School, he was admitted to the practice of law in Illinois in 1981. He is the 2007-2008 President of the Winnebago County Bar Association.*



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**CARPENTER'S PLACE  
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The Carpenter's Place is an organization that works with homeless men and women providing the tools for rebuilding their lives. They are located at 1149 Railroad Ave. The Community Service Committee has committed to serving lunch on the **second Thursday of each month**. On a quarterly basis we will be providing the food in addition to serving. The committee will take care of providing the food to be served on those dates. Donations to make that possible are welcome. The cost of providing the meal is approximately \$300.00. Please make checks to WCBF/Community Service.

The time commitment on serving days is from 12:15 to 1:15. Can you help? Please call the Bar Office (815)964-4992 to volunteer for one or more dates:

- September 13-Serve & Provide Meal-No Volunteers**
- October 11-Serve-No Volunteers Needed**
- November 8-1 Volunteer Needed**
- December 13-4 Volunteers Needed**

**ROCKFORD RESCUE MISSION**

The Community Service Committee has served the evening meal at the Rockford Rescue Mission on the **2nd Friday of each month** for many years. Can you help? Four volunteers are needed each month. The time commitment is from 5:50 p.m. to 6:15 p.m. Please call the bar office at (815)964-4992. Volunteers are needed for:

- September 14, 2007**
- October 12, 2007**
- November 9, 2007**
- December 14, 2007**

**CALENDAR  
SEPTEMBER 2007**

- 3 Holiday-Bar Office Closed
- 4 Editorial Board-Noon Bar Office
- 10 Judicial Liaison Committee-Noon Bar Office
- 11 Federal Section-Noon Bar Office
- 12 Commercial Law Section-Noon Bar Office
- 13 Carpenter's Place-Serve Lunch
- 19 General Membership Meeting-Noon-Forest Hills Country Club
- 20 ADR Committee-Noon Bar Office
- 20 Family Law Section-5:00 p.m. Paragon
- 25 Board of Directors-11:45 a.m. Bar Office-Pictures will be taken
- 26 Community Service Committee-Noon Bar Office

**OCTOBER 2007**

- 1 Editorial Board-Noon Bar Office
- 8 Holiday-Bar Office Closed
- 11 Community Service Serves Lunch at Carpenters Place
- 12 Pilot Project on Civility and Professionalism Meeting-Noon Courtroom 311
- 17 **SAVE THE DATE-Press, Bench and Bar Luncheon-Women's Club**

- 18 ADR Committee-Noon Bar Office
- 18 Family Law-5:00 Paragon
- 23 Board of Directors-Noon Bar Office

**Check the calendar on the website at [www.wcbarockford.org](http://www.wcbarockford.org) for meetings scheduled after publication or changes!**

**ILLINOIS PARALEGAL ASSOCIATION  
MEETING**

The next meeting of the Illinois Paralegal Association will be **September 12, 2007**, 1:00 p.m. to 2:00 p.m. at Zambura's Restaurant, 514 East Street, Rockford, IL. Lunch will be ordered off the menu and the topic will be "Paralegal Regulation-Survey Results".

**WCALS SEPTEMBER MEETING**

The Winnebago County Association of Legal Secretaries will hold its September Dinner Meeting on Thursday, September 6, 2007, at the Olive Garden, 6367 East State Street, Rockford. Business meeting at 6:00 p.m. and dinner at 6:15 p.m. Menu selections are Spaghetti and Meatballs, Lasagna Classico, Eggplant Parmigiana, Fettuccine Alfredo, or Ravioli di Portobello. Cost is \$15.50. Program speakers will be Carrie Skogsberg, Rockford Area Convention and Visitors Bureau. Reservation deadline is August 31. For more information, please contact Ninette Cooney at 815-968-7591. All members and guests are welcome.

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**CRIMINAL**

Summer catch-up of recently published cases (Part II)

13. ***Brendlin v. California*** (U.S. Sup. Ct., No. 06-8120, June 18, 2007) Denial of Motion to Suppress - Reversed and Remanded.

**ISSUE: Search and Seizure:** Is a passenger of a car detained when the police detain the driver of a car? (Yes)

B.S; ***Walter, Rodney*** (2<sup>nd</sup> Dist., No. 2-06-0104, June 29, 2007) Granting of defendants motion to quash arrest and suppress evidence - Reverse and Remanded.

**ISSUE: Search and Seizure:** Does the seizure take place when an officer asks the defendant to perform field sobriety test? (No) (Not in this case)

14. ***Buford, Brandon*** (2<sup>nd</sup> Dist., No 2-06-0261, June 18, 2007) Dismissal of Charges - Reversed and Remanded.

**ISSUE: Speedy Trial:** Did the People violate the defendant's Speedy Trial rights? (No)

15. ***Howard, Jerome*** (1<sup>st</sup> Dist., No. 1-05-0917, June 15, 2007) First - Degree Murder-Affirmed.

**ISSUES: 1.) Reasonable Doubt:** Did the People prove that the defendant did, in fact, make an unauthorized entry? (Yes)

2.) **Prosecutor Conduct:** Did the comments of the prosecutor deny this defendant a fair trial? (No)

16. ***Tabb, Triandus*** (1<sup>st</sup> Dist., No-05-1640, June 14, 2007) Attempted 1<sup>st</sup> Degree Murder; Aggravated Battery With a Firearm; Aggravated Vehicular Hijacking - Affirmed in Part and Vacated in Part.

**ISSUES: 1.) Evidence:** Was the defendant denied his right to confront witnesses when the trial court granted the People's motion in limine to exclude evidence? (No)

2.) **Trial Procedure:** Did the trial court err when it denied this defendant's motion for a directed finding of not guilty? (No)

3.) **Offenses (One Act; One Crime):** Was the defendant properly convicted of Aggravated Battery With A Firearm? (No)

4.) **Sentences:** Were the defendant's consecutive sentence constitutional? (Yes)

17. ***Sims, George*** (3<sup>rd</sup> Dist., No. 3-05-0853, June 14, 2007) Battery and Resisting a Peace Officer - Reversed and Remanded.

**ISSUE: Jury Instructions (Self-Defense):** Was the defendant entitled to have his jury instructed concerning self-defense? (Yes)

18. ***Butler, Ricky*** (1<sup>st</sup> Dist., No. 1-05-3288, June 13, 2007) Harassment of Witnesses - Affirmed.

(Continued)



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**ISSUE:** 1.) **Constitutionality of Statute:** Was the Harassment of a Witness statute overbroad and vague on its face? (No)

2.) **Reasonable Doubt:** Did the People produce sufficient evidence to sustain the defendant’s conviction? (Yes)

19. **Saustegui, Manuel** (1<sup>st</sup> Dist., No. 1-05-2420, June 13, 2007) 1<sup>st</sup> Degree Murder - Affirmed.

**ISSUES:** 1.) **Indictment:** Did the trial court err in denying this defendant’s motion to dismiss his indictment? (No)

2.) **Evidence:** Did the trial court err when it excluded the defendant’s exculpatory evidence? (No)

3.) **Reasonable Doubt:** Did the People introduce insufficient evidence to support the defendant’s conviction? (No)

4.) **Evidence (Crawford):** Was evidence admitted against the defendant that violated his confrontation rights? (No)

5.) **Evidence (Tattoos):** Were photos of the defendant’s tattoos improperly admitted into evidence? (No)

20. **Gorka, Piotr** (1<sup>st</sup> Dist., No. 1-05-2602, June 12, 2007) Aggravated Fleeing or Attempting to Elude Affirmed.

**ISSUES:** 1.) **Trial Procedure:** Did the trial court err in ordering a new trial for the defendant? (No)

2.) **Judgments:** Were the defendant’s judgments legally inconsistent? (No)

3.) **Sentences:** Did the trial court properly re-sentence the defendant to an 18-month term? (Yes)

21. **Starnes, Tywan** (2<sup>nd</sup> Dist., No. 2-05-0714, June 12, 2007) Possession of a Controlled Substance With the Intent to Deliver - Affirmed.

**ISSUES:** 1.) **Search and Seizure:** Was the attorney for the defendant ineffective for failing to pursue a motion to suppress evidence? (No)

2.) **Sentences:** Was the defendant’s sentence excessive? (No)

Compiled with the assistance of Attorney Don Hayes.

*Lawrence Bauer is deputy director of the Office of the State’s Attorney Appellate Prosecutor-Second 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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# REMARKS OF STATE'S ATTORNEY PAUL A. LOGLI TO THE WINNEBAGO COUNTY BOARD-AUGUST 9, 2007

Thank you for this recognition. I know that is going to break hearts tonight for you to know that this may be last time I will ever address the full County Board. Please don't force me to come back to get the Financial Compliance Unit budget restored.

Tomorrow at 3 o'clock as you know, I will take the oath of office for the position of Circuit Judge of the 17<sup>th</sup> Judicial Circuit in Winnebago and Boone Counties. Perhaps more by happenstance than by design, the swearing-in is going to be held in a courtroom in the new Criminal Justice Center. I will be the first public official to be installed in office in the new building. How appropriate since that building represents the faith the people had in Winnebago County government when in 2002 they voted to support the 1% Public Safety Sales Tax. That tax has allowed that building to be built, the alternative programs to be established and the system to be expanded to handle the ever-increasing criminal caseload.

I appreciate this recognition. Like most of you, however, we don't go into public service for the plaques, parades or pay. We do it to better our community. We do it to serve our neighbors. We do it to improve the quality of life and safety for all our citizens.

I have worked in this building for nearly 30 years. First as an Assistant State's Attorney under Phil Reinhard, then as an Associate Circuit Judge and now as your State's Attorney for the last nearly 21 years. I believe that I have earned the right to speak candidly and respectfully to this body.

We have just completed a process to appoint my successor. The public was given the opportunity to observe it, warts and all. The process worked just as it was established under state law. A decision was made. I have spoken to Chairman Christiansen in the last day or so. We had a pleasant visit and we both agree that it is now time to move on.

In the last several days I have also spoken with Mr. Nicolosi. I am confident that he understands and accepts the importance of the State's Attorneys office. He going to work hard and his going to give it his best. I wish him nothing but success for this administration.

He inherits or earns this office the way I inherited it or earned it and I believe the way I am now leaving it. That is, with the State's Attorneys office's integrity intact and with its independence respected and uncompromised. In this great country, the prosecutor's office must maintain its integrity and independence and any prosecutor who allows either to be compromised does not deserve to remain in that office. I believe Mr. Nicolosi is committed to both these principles.

Let me close by speaking about the people of the State's Attorneys office. Things were reported by the media that would seem to question the State's Attorneys

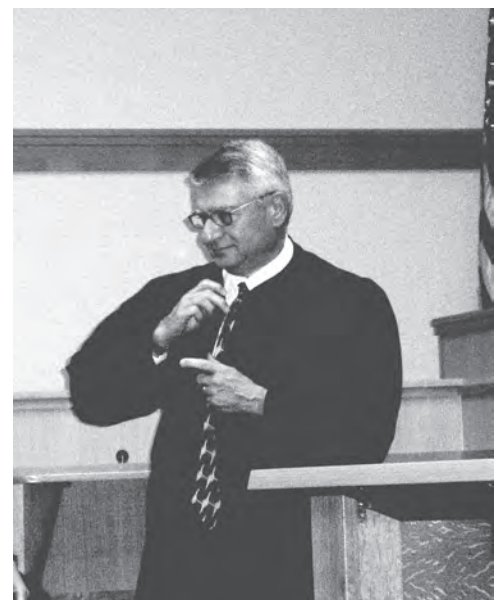
office effectiveness, organization and aggressiveness. Let me just say, every assistant in the office has a caseload. Every assistant goes to court. This week in fact, the State's Attorneys office completed four jury trials-one misdemeanor, 3 felonies. All resulted in guilty verdicts, one of which, just a few minutes ago, was a conviction on a difficult charge of first-degree murder.

The attorneys in the State's Attorneys office work hard. Many of them have been there a long time. Some have been there as long as I have been State's Attorney. People like Chuck Prorok, Bill Emmert, and Gary Kovanda. Others like Margie O'Connor, Bob Schuman, Bob Fuenty, Wendy Larson and many more too numerous to mention have made commitments as career prosecutors.

They are loyal members of Winnebago County government. That loyalty should be recognized. The people of Winnebago County are safer because of the work of the Lawyers, Investigators, Support Staff and Victim Advocates of the State's Attorneys office.

They deserve this recognition. This is their plaque. On their behalf I sincerely thank you and wish you well.

*Paul Logli was installed August 10, 2007 as a Circuit Judge. A graduate of the University of Illinois College of Law, he was admitted to the practice of law in Illinois in 1974. He is a past President of the Winnebago County Bar Association.*





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 David Vella  
 Kristy Walsh  
 Tom Wartowski  
 Randy Wilt  
 Karl Winkler

**Estate Section*****Ron Fiet\*******Barbara Huffman\*\****

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 Patrick Agnew  
 Jeffrey Beck  
 Nicole Beran  
 Maria Berger  
 Chantel Bielskis  
 Anne Brannon  
 Susan Brazas  
 Angela Bresnahan  
 Joseph Bruce  
 Roseann Cannariato  
 David Carter  
 Kaycee Chadwick  
 Anthony Coon  
 Mike Cyrs  
 David Davitt  
 Brian DeBenedetto  
 Deb Delia  
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 Steve Doepke  
 Eugene Doherty  
 Gary Ecklund  
 Stephen Ellis  
 Franklin Eubank, Jr.  
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 Mary Gaziano  
 Burkhard Geissler  
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 Pamela Gibson  
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 Jeffrey Hardyman  
 Keith Hyzer  
 Nancy Hyzer  
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 Thomas Johnson  
 Erin Kastberg  
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 Margaret Kreitlow  
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 Brian Larkin  
 Scott Laue  
 Dennis Leahy  
 Timothy Leake  
 Charlotte LeClercq  
 Ted Liebovich  
 Wesley Lindberg  
 Robert Lindvall  
 Faye Lyon  
 Jay Maddox  
 Frank Maggio  
 Lee Mayer  
 David Mayfield  
 Kathy McNeely-Johnson  
 James Meason  
 Tim Miller  
 Nancy Mindrup  
 Allyson Misevich  
 Brian Morgan  
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 Oliver Nelson  
 Lawrence Nelson  
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 James Provenza  
 Frederick Raffety  
 Lois Ramon  
 Roger Reno  
 Tony Renteria  
 Brad Riggs  
 Ken Ritz  
 Sherri Rudy  
 Mike Schappert

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 Michael Shalbrack  
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 Amy Silvestri  
 Andrew Smith  
 Michael Smith  
 Dennis Steeves  
 Arthur Swanson  
 Ann Switzer  
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 Jay Trost  
 Kelly Vecchio  
 Barbara Vella  
 Wendi Vineyard  
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 Jack Ward  
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 Kristine Youman  
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 Carol Bailey  
 Laura Baluch  
 Nicole Beran  
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 Jeff Bivens  
 Joseph Bruce  
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 Nancy Doepke  
 Idalis Edgren  
 Diane Elliott  
 Laura Epstein  
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 Dawn Hallsten  
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 Janet Holmgren  
 Erin Kastberg

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 Joe Kosek  
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 Brian Larkin  
 Dennis Leahy  
 Dan Lewandowski  
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 Robert Lindvall  
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***Roberta Holzwarth\*\****  
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 Ron Barch  
 Jerrod Barenbaum  
 Thomas Boswell  
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 Susan Brazas  
 Kim Casey  
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 Deb Delia  
 Ann Dittmar  
 Eugene Doherty

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 Tom Greenwald  
 Andrew Heinisch  
 Mathew Hevrin  
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 Rodney Kleitsch  
 Bradley Koch  
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 Andrew Roth  
 Michael Schirger  
 Bryan Selander  
 Donald L. Shriver  
 Donald P. Shriver  
 Amy Silvestri  
 Andrew Smith  
 Arthur Swanson  
 Karl Szymanski  
 Cynthia Szymanski-Koroll  
 Andrew Vella  
 Kristy Walsh  
 Dan Williams, Jr.

**Fee Dispute**

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***Clay Lindsey\*\****  
 Ron Barch  
 Renee Cook  
 James Devine  
 Carl Ecklund  
 Debra Fennell  
 Kevin Frost  
 Mary Gaziano  
 Cheri Greenlee  
 Tom Greenwald  
 Thomas Killoren Sr.  
 Margaret Kreitlow  
 Dave Kurlinkus

**Fee Dispute (cont.)**

David Mayfield  
 Kathy McNeely-Johnson  
 Tim Miller  
 Allyson Misevich  
 Brian Morgan  
 Oliver Nelson  
 Henry Repay  
 Andrew Roth  
 Pete Savitski  
 Mike Scheurich  
 Donald L. Shriver  
 Karl Szymanski  
 Cynthia Szymanski-Koroll  
 Craig Thomas  
 Jay Trost  
 Michael Williams

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***Kim MacCloskey\*\****  
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 Jerrod Barenbaum  
 Joe Bruce  
 Paul Cicero  
 James Devine  
 Robert Fredrickson  
 Dan Gilbert  
 Victoria Glidden  
 Cheri Greenlee  
 Doug Henry  
 Erin Kastberg  
 Gary Kovanda  
 Dave Kurlinkus  
 Robert Lindvall  
 Brendan Maher  
 Don Mateer  
 Joseph McGraw  
 Stacey Moore  
 Angus More  
 Michael O'Brien  
 Chuck Prorok  
 Brad Riggs  
 Brad Rightnowar  
 Gordon Ring  
 Michelle Rock  
 Sherri Rudy  
 Heather Suchobrus  
 Craig Thomas  
 James Thompson  
 Paul Vella  
 Michael Williams

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***Nick Zimmerman\*\****  
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 Nicole Fasano  
 Debra Fennell  
 Daniel Gilbert  
 Jeffrey Glazer  
 Elizabeth Gronki  
 Dawn Hallsten  
 Janet Holmgren  
 Erin Kastberg  
 Margaret Kreitlow  
 David Kurlinkus  
 Ian Linnabary  
 Christopher Logli  
 Lori McGirk  
 Jeff Orduno  
 ed Prochaska  
 Donald P. Shrive  
 Darlene Soderberg  
 Paul Vella

**Law Library**

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 Paul Carpenter  
 Pamela Gibson  
 Dawn Hallsten  
 Gary Kovanda  
 Timothy Leake  
 Robert Lindvall  
 Brian Morgan  
 Andrew Roth  
 Dennis Steeves

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 Earl Barnes, II  
 Jeremy Bergstrom  
 Kyle Carlock  
 Deb Delia  
 James Devine  
 Eugene Doherty  
 Robert Fredrickson  
 Kevin Frost  
 Shawn Fulbright  
 Jason Gesmer  
 Daniel Gilbert  
 Carol Hartline  
 Patrick Hayes  
 John Lanpher  
 Kim MacCloskey  
 Lisa Munch  
 Frank Nicolosi

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 Daniel Porter  
 Edward Prochaska  
 Andrew Roth  
 Jeffrey Salisbury  
 Amy Shappert  
 Karl Szymanski  
 Cynthia Szymanski-Koroll  
 Craig Thomas  
 Greg Tuite  
 Michael Williams

**Legal/Realtor*****Mark Johnson\****

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 Maria Berger  
 Kyle Carlock  
 Kaycee Chadwick  
 David Davitt  
 Carl Ecklund  
 Gary Ecklund  
 Idalis Edgren  
 Franklin Eubank  
 Maureen Flanagan  
 Burkhard Geissler  
 Pamela Gibson  
 Dawn Hallsten  
 Doug Henry  
 Nancy Hyzer  
 Erik Jacobs  
 Erin Kastberg  
 Ted Liebovich  
 Wesley Lindberg  
 Christopher Logli  
 James Lukas  
 David Mayfield  
 Dennis McDougall  
 Jim Meason  
 Oliver Nelson  
 Paul Nicolosi  
 Eugene Pigatti  
 Lois Ramon  
 Tony Renteria  
 Henry Repay  
 Bruce Ross-Shannon  
 Andrew Roth  
 Michael Shalbrack  
 G. Michael Scheurich  
 Charles Schlueter  
 Donald L. Shriver  
 Donald P. Shriver  
 Roxanne Sosnowski

**Legal Realtor (cont.)**

Arthur Swanson  
 Mario Tarara  
 James Thompson  
 Jay Trost  
 Wendi Vineyard  
 Tom Wartowski  
 Elisa Whitman  
 Michael Williams  
 Kristine Youman  
 Steve Zimmerman

**Membership/Social*****David Gill\*******Sherri Rudy\*\****

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 Kelly Althoff  
 Kyle Carlock  
 Sam Castree  
 Mary Gaziano  
 Mary Linn Green  
 Doug Henry  
 Michael Iasparro  
 Rodney Kleitsch  
 Margaret Kreitlow  
 Ian Linnabary  
 Lori McGirk  
 Tom Meyer  
 Angus More, Jr.  
 Kerry Partridge  
 Andrew Roth  
 Donald L. Shriver  
 Donald P. Shriver  
 Michael J. Smith  
 Ann Switzer  
 Paul Vella  
 Richard Vidal  
 Wendi Vineyard  
 Kristy Walsh  
 Randy Wilt

**Program*****Kim Casey\****

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 Samuel Castree  
 Sara Dady  
 James Devine  
 Debra Fennell  
 Tom Greenwald  
 Margaret Kreitlow  
 Edward Light  
 Ian Linnabary  
 Michael O'Brien  
 Jim Pirages

**Program (cont.)**

John Rearden, Jr.  
 Karl Szymanski  
 Cynthia Szymanski-Koroll

**Real Estate*****Russ Anderson\****

Peter Alexander  
 Jeffrey Beck  
 Chantel Bielskis  
 Jeff Bivens  
 Theresa Campbell  
 Kyle Carlock  
 Paul Carpenter  
 Kim Casey  
 Kaycee Chadwick  
 Paul Cicero  
 Anthony Coon  
 Michael Cyrs  
 David Davitt  
 Vern Davitt  
 Debra Delia  
 Ann Dempsey  
 Carl Ecklund  
 Gary Ecklund  
 Idalis Edgren  
 Franklin Eubank  
 Debra Fennell  
 Janet Fuentes  
 Gino Galluzzo  
 Mary Gaziano  
 Burkhard Geissler  
 Robert Gosdick  
 Elizabeth Gronki  
 Gwyn Gulley  
 Dawn Hallsten  
 Robert Hammes  
 Jeffrey Hardyman  
 Sherry Harlan  
 Christine Hawley  
 Patrick Hayes  
 J.F. Heckinger  
 Matthew Hevrin  
 Barbara Huffman  
 Keith Hyzer  
 Nancy Hyzer  
 Erik Jacobs  
 Thomas Jakeway  
 Mark Johnson  
 Rodney Kimes  
 Rodney Kleitsch  
 Margaret Kreitlow  
 Stephen M. Langley  
 Brian Larkin  
 Dennis Leahy

**Real Estate (cont.)**

Ted Liebovich  
 Erik Lindberg  
 Wesley Lindberg  
 Robert Lindvall  
 Christopher Logli  
 James Lukas  
 Faye Lyon  
 David Mayfield  
 James Meason  
 Tim Miller  
 Allyson Misevich  
 Jacqueline Montville  
 Stacey Moore  
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 Amy Silvestri  
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 Michael Smith  
 Roxanne Sosnowski  
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 Wendi Vineyard  
 Kelli Walker  
 Erin Walsh  
 Jack Ward  
 Tom Wartowski  
 Francine White  
 Elisa Whitman  
 Michael Williams  
 Raphael Yalden II  
 Kristine Youman

**Real Estate (cont.)**

Sherry Zack  
Steve Zimmerman

**Trial/Appellate**

*Charles Timmerwilke\**

*Jan Ohlander\*\**

Pete Alexander  
Ron Barch  
Jerrod Barenbaum  
Lawrence Bauer  
Maria Berger  
Jeremy Bergstrom  
Chantel Bielskis  
John Boreen  
Thomas Boswell  
Jana Brady  
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Renee Cook  
Anthony Coon  
Thomas Crowley  
Deb Delia  
Mike Denning  
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Mary Linn Green  
Tom Greenwald  
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Carol Hartline  
Patrick Hayes  
Janet Holmgren  
Donna Honzel  
Michael Iasparro  
Erik Jacobs  
Rodney Kimes  
Rodney Kleitsch  
Bradley Koch  
David Kurlinkus  
Stephen M Langley  
Robert Lindvall  
Faye Lyon  
Brendan Maher

**Trial/Appellate (cont.)**

Don Mateer  
Jessica Maveus  
Lori McGirk  
James Meason  
Al Mezny  
Allyson Misevich  
Timothy Muldowney  
Lisa Munch  
Lawrence Nelson  
Frank Nicolosi  
Jeff Orduno  
Frank Perrecone  
Doug Pomatto  
Daniel Porter  
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Michael Schirger  
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Jean Schroeder  
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Bryan Selander  
Donald P. Shriver  
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Andrew Smith  
Darlene Soderberg  
Roxanne Sosnowski  
Dennis Steeves  
Scott Sullivan  
Arthur Swanson  
Brent Swanson  
Karl Szymanski  
Cynthia Szymanski-  
Koroll  
Andrew Vella  
Paul Vella  
Dan Williams, Jr.  
Theresa Wybrow-Albano

**Web Site/Technology**

**Committee**

*Steve Balogh\**

Kyle Carlock  
Jeffery Glazer  
Timothy Leake  
Ian Linnabary  
Brendan Maher  
Robert May  
Brian Morgan  
John Rearden, Jr.  
Donald P. Shriver

**Website/Technology (cont.)**

James Thompson  
Paul Vella  
Tom Wartowski  
Randy Wilt  
Karl Winkler

**Worker's Compensation**

*Francine White\**

*Carol Hartline\*\**

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Brad Antonacci  
Richard Berman  
James Black  
Jana Brady  
Timothy Considine  
Thomas Crowley  
James Gesmer  
Jason Gesmer  
Gwyn Gulley  
Carol Hartline  
Megan Heeg  
Dana Johnson  
Kevin Luther  
Dennis McDougall  
Thomas O. Meyer  
Jacqueline Montville  
Thomas Nash  
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Tony Renteria  
Andrew Roth  
Jeffrey Salisbury  
Peter Savitski  
John Shepherd  
Peter Sullivan  
James Thompson  
Gregory Tuite  
Ronald Wade  
Kelli Walker  
Brian Ward  
Lynsey Welch  
Michael Williams  
Dan Williams, Jr.

*\*denotes*

*committee/section*

*chairman*

*\*\* vice-chair*

**Changes? Call 964-4992.**

**NOTES FROM  
THE WCBA  
COMMUNITY  
SERVICE  
COMMITTEE**

**Bring your used eyeglasses and sunglasses to the bar office from October 15<sup>th</sup> through the 19<sup>th</sup>. All donations will be given to the Center for the Sight and Hearing Impaired.**

**November 13, 14, 15 & 16 bring your clean usable clothing to the Bar Office.**

**WINNEBAGO COUNTY BAR ASSOCIATION  
GENERAL MEMBERSHIP MEETING  
Tuesday, September 12, 2006  
12:00 NOON  
FOREST HILLS COUNTRY CLUB**

***Judicial Candidates Forum***

**Guest Speakers:**

**Hon. Ed Prochaska and  
Gwyn Gulley  
Candidates for Circuit Judge**

WCBA MEMBERS & GUESTS \$18.00  
Reservation Deadline September 8, 2006

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General Membership Meeting 9/12/05-\$18.00

Name(s) \_\_\_\_\_

Please circle the names of those who would prefer a vegetarian meal

Amount Enclosed \$ \_\_\_\_\_

WCBA-321 W. State Street-Suite 300-Rockford, IL 61101

**Eugene G. Doherty, Circuit Court Judge**

Most of the call formerly held in Room 315 (probate, small claims, collections, forcibles) has now been assigned to me and relocated to Room 215. There are a couple of relatively minor changes in procedures, and it's been suggested to me that it might be helpful to make the bar aware of some of these matters for informational purposes.

**Attorneys fees.** Parties seeking attorney fees as part of a judgment, including a judgment in a forcible entry and detainer (FED) action, must provide the court with a copy of the document giving rise to attorney fees. With respect to the amount of fees, no attorney fee affidavit is required if the fee requested is \$150 or less. For fee requests in excess of \$150, an attorney fee affidavit giving some detail as to the time expended is required.

**Unauthorized Practice of Law.** Judges are still bound by the rules of conduct which apply to all attorneys, and Rule of Professional Conduct 5.5 commands that we are not to assist any person in conduct which constitutes the unauthorized practice of law. I have, therefore, insisted upon compliance with the clear caselaw requiring that only a licensed attorney may appear on behalf of another person or entity in court. A building manager may not appear on behalf of the landlord, nor may an individual

appear on behalf of a corporation, even if he or she is its sole owner. The sole exception is that an appropriate officer of a corporation may appear on the corporation's behalf to *defend* against a small claims suit.

This rule is still the same if the principal (or the corporation) executes a power of attorney in favor of a non-lawyer. A POA makes the agent the "attorney in fact" of the principle, but it does not make the agent an attorney *at law* vested with right to practice in our courts. The analogy would be a POA for health care, which enables the agent to make medical decisions – but not to perform unlicensed surgery.

**Small Claims Volume.** It is apparent that our small claims system has experienced a significant increase in caseload. The amount of filings increased by 17% from 2005 to 2006, presumably as a result of the increase in the jurisdictional limit from \$5,000 to \$10,000. The numbers in 2007 suggest that another significant increase in filings will be experienced. As of mid-August, there were 3,867 filings; two years ago, we did not reach that number of filings until November 9, 2005. You should be aware that the Circuit Court is aware of the growth in these cases and is working to find an appropriate way to respond to it.

(Continued on Page 16)

# SFA

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**Space Available** Five lawyer office interested in someone to share space and expenses. Some case referrals possible. Not a partnership. Need more information? Contact: Keith S. Morse at 967-5000.

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Great Locaton, across from Burpee Museum, 1800 sq. ft.. Ideal for 2-4 lawyers or other professional business. Nice size offices, large conference room separate break and copy room. On/off street parking. Contact Rich or Luci Butera (815) 962-9996.

**Storage Garages Available** Storage space for your vehicle, boat, camper or classic car. Four garages available, each \$50.00 per month. Close in. Call (815) 399-2860

**Office Space for Rent** Office space for rent in One Court Place. Closest building to the Court House entrance. Two offices in a five office suite with space for secretaries. Will share office equipment and expenses. Please call Brian K. Larkin 815-964-4601.

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**Office Space** Unique, class A office space in Loves Park. Approximate 1725 Square feet includes 2 offices, large conference room, secretarial and file area, large storage room, lobby and kitchenette area with dishwasher and refrigerator. Phone system stays and network and broadband wiring is in place. Fully furnished. Large parking lot and easy access to Riverside Blvd and North Second Street. Call Nerino at 815.636.1001 or visit [www.njpetro.com](http://www.njpetro.com).

**For Rent** Professional Office Space for Rent, Downtown Rockford. Under New Management, 500-700 Sq. Ft., Please call 815-877-2500 and ask for Rhonda.

**Office Space to Rent** Space to rent for 1 to 4 lawyers, up to 1200 square feet; floor plan allows for configuration to suit what you need for your "suite". Additional 1200 square foot meeting area also available for larger office use and/or subdivision. Ample off-street parking, within walking distance to Courthouse. Contact Donald L. Shriver at 963-4895.

**Office Space for Rent** Space available at 838 N. Main Street. Parking and utilities included. Five offices; 1,100 square feet; \$1,200 per month. Call Peter DeBruyne at 964-3810.

**Associate Attorney Employment Opportunity** Downtown Rockford Law Firm seeks attorney with at least 1-3 years litigation experience. Please mail or fax your resume to FABIANO LAW OFFICES, Attn: Thomas Fabiano, 321 W. State Street, Suite 1200, Rockford, IL 61101. Fax (815)965-6782.

**Position wanted** Local solo practitioner, 32 years of plaintiff personal injury/work comp experience, seeks position with area firm. Contact the Bar Office (815)964-4992 and make reference to this ad.

**Attention Attorneys:** Ugly houses wanted, immediate cash for beat up, run down, unwanted residential houses in Rockford area. John Girgenti @Pro-Team Realtors (815)509-9416.

**For Sale:** 1999 Chrysler LSH all amenities. 80,000 miles. Auto star. Power train warranty to December 2008. Call Dee Dee Soderberg 815-871-8313.

**FROM THE BENCH**

(Continued from Page 14)

**FED Notices.** An issue has arisen in FED cases concerning the manner of service of the landlord's notice. The statute provides that the notice may be served on the tenant by posting on the premises, but only if no one is in actual possession of premises, or if the premises are in the possession of unknown persons. 735 ILCS 5/9-104. When service is made by someone other than a process server, service of the notice should be sworn to by that person.

**Comments Welcome.** I value the input of the practicing bar, and I want all of you to feel free to let me know if you have any comments or suggestions about procedures in my courtroom.

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