



*Past Presidents of the  
Winnebago County Bar Association  
In Attendance at the  
Centennial Celebration  
March 18, 2006*

**BY MICHAEL IASPARRO,  
YOUNG LAWYER PRESIDENT**

As we approach the end of our bar association's centennial year, I would like to thank you for affording me the opportunity to serve on the board of the Young Lawyers Section over the past four years, and in the role of president during this latest term. I am happy to report that the Young Lawyers Section remains strong, and that future prospects are bright, with Paul Carpenter stepping into the position of president and Kelly Vecchio assuming the role of vice president for next term. The remaining two slots will be filled at our end of the year event scheduled for Friday, May 26 after work at Kryptonite Downtown Lounge. Please join us that evening.

Since graduating from law school in 2001, I have been reminded on a regular basis why I chose the practice of law as a lifetime pursuit. Public image and late-night jokes notwithstanding, the law is an altruistic endeavor, focused on helping others and seeking justice, reasons alone to go to work everyday. I am fortunate enough to pursue those ends on behalf of the United States of America. It is a pleasure to see members of our bar association pursuing them in countless other legal disciplines day in and day out.

Two recent headlines have reminded me of the juxtaposition between the law's two great ends, helping others and seeking justice, although in very different ways. The first is the national debate over immigration reform. While a necessary debate, there is undoubtedly a happy medium between the construction of walls along our borders and the opening of those borders absent any discretion. Justice requires that immigrants who have remained in this country illegally for several years, but who are otherwise law-abiding and hardworking, and who perhaps have little family remaining from where they came, be allowed to achieve naturalization gradually rather than fear immediate deportation. The American experiment has always celebrated such successes. At the same time, crafting legislation that ensures only meritorious persons are allowed to emigrate to the U.S. in reasonable numbers, while not diminishing hope for those who desire to make a better life, will serve the goal of helping others. Only the law can achieve both ends. Fortunately, our system of government lends itself to such compromise, although nobody can expect it to happen overnight. Reasonable and rational solutions rarely do.

The second recent headline that has reminded me of the law's two great ends is the recent conviction of former Illinois governor George Ryan on public corruption charges. Admittedly, there is a bit of pride involved in that I work for the office that prosecuted Mr. Ryan successfully, although I had about as much to do with the prosecution as Al Gore did in fathering the internet. Nonetheless, the case demonstrates once again the importance of open and honest government, and shows

how corruption and breaching the public trust are cancers on the body politic. They replace helping others with self-interest. Justice requires that such breaches be uncovered and such corruption be prosecuted.

Helping others. Seeking justice. The practice of law. I look forward to pursuing these ideals alongside all of you for many years to come.

*Michael Iasparro is prosecutor in the U.S. Attorney's Office. A graduate of Marquette University Law School, he was admitted to the practice of law in Illinois in 2001.*

**BY JEFFERY MAKEEVER  
BAR FOUNDATION PRESIDENT**

As not enough of us in the Bar know, the mission of the Winnebago County Bar Foundation is to support and recognize, when deserving, efforts which further strengthen or uphold American Jurisprudence within Winnebago County, Illinois. The support comes in the form of financial scholarships and grants to individuals, groups and organizations, and the recognition comes in the form of the Seely Forbes award. Much deliberation goes into each of these selections, and I must thank my fellow board members, Judge Rosemary Collins, Nancy Doepke, Ron Fiet, James Keeling, Carol Hartline, *Ex officio* member Paul Logli, and the Winnebago County Bar Association Executive Director, Holly Nash.

While the Foundation was able to award a total of \$10,000.00 in grants this year, the Foundation actually received grant requests for over \$15,500.00. This is a significant improvement in requests over previous years due in no small measure to the efforts of the current board members to reach out to other organizations within the community and to educate them of our existence and mission. Unfortunately, the Foundation was not able to honor all of these requests due to our Foundation balance, which was a disappointment. We would hope that all of the members of the Winnebago County Bar Association would continue to contribute to the Bar Foundation so that we may be able to more fully fund some of the very worth while requests that we receive. In particular, we ask all of the members to contribute each year with your dues statement. Additionally, and while a few members and firms continue the time honored tradition of making a donation to the Winnebago County Bar Foundation to honor deceased members of the Bar, to celebrate new partners, etc., this wonderful tradition is not practiced nearly as often as in years past. For those of you who do contribute to the Bar Foundation at such times, I can say that your contributions are well utilized by very deserving individuals, groups and organizations which further strengthen and uphold our system of jurisprudence right here in Winnebago County.

The grant award recipients this year include the NIU Scholarship Fund (\$1,500.00), the WCBA Law and Government Explorer Post (\$500.00), the Winnebago Bar Foundation/Community Service Committee (\$500.00), the Boylan Mock Trial Team (\$1,000.00), Discovery Center (\$2,500.00), Prairie State Legal Services (\$2,500.00) and CASA (\$1,500.00). The winner of the Seely Forbes Award will be announced at the WCBA annual dinner.

In honor of the 100th anniversary of the Winnebago County Bar Association, the Board of Directors for the Winnebago County Bar Foundation decided to name the scholarship that is annually awarded to a student from Winnebago County at NIU to honor a distinguished lawyer from Winnebago County. While this was certainly a daunting task, the Board decided to name the scholarship after Alta M. Hulett. Ms. Hulett was born in Winnebago County in 1854, graduated from Rockford High School, studied law under Rockford's first city attorney, William Lathrop, and was denied admission to the Illinois Bar in 1872 as passing the required examination. Ms. Hulett then wrote and secured the passage of a bill through the state legislator giving all women, whether married or single, the right to practice law. This was the first anti-sex discrimination law in the country. Shortly after this law's passage, Ms. Hulett was admitted to the Bar and became the first woman lawyer in Illinois in 1873, two days after her 19th birthday. Unfortunately, Ms. Hulett died at the age of 22. The Winnebago County Bar Foundation is considering committing its efforts in the next year to establish a historic site with a bust in honor of Ms. Hulett so that others may learn of her ground breaking efforts to secure the right for women to practice law in the State of Illinois.

*Jeffery Makeever is a partner in the firm of Reinhart, Boerner & Van Deuren, S.C. A graduate of John Marshall Law School, he was admitted to the practice of law in Illinois in 1998.*



**Assistant City Attorney I  
City of Rockford**

The City of Rockford Legal Department is seeking an Assistant City Attorney I for prosecution in the Traffic Division at the Courthouse. Determine strategy to be used when prosecuting traffic offenses. Research city, state and federal laws and ordinances for court precedents in order to substantiate a case, and perform related work as required. Successful candidate shall exhibit capacity to advance and practice in all areas of municipal law.

Graduation from an accredited school of law, with good knowledge of all legal principles, theories, terminology and/or traffic and city ordinances. Skill in prosecuting and negotiating a case, preparing legal documents and in written and verbal communication, with 1-5 years of experience preferred. Applicant shall be admitted to the Illinois Bar.

Starting salary range is \$42,370 to \$46,500 depending on qualifications, plus benefits. Employees must live in Winnebago County or within 15-mile radius of Public Safety Bldg. within 6 months after completion of introductory period. Visit [www.cityofrockford.net](http://www.cityofrockford.net) or contact Jobs Hotline at (815) 987-5581 for more information. Applications will be accepted until the position is filled at Personnel Department, City Hall, 425 E. State St., Rockford, IL 61104; e-mail [personnel@cityofrockford.net](mailto:personnel@cityofrockford.net); or fax to (815) 967-6924.

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Illinois recently adopted an MCLE requirement providing that attorneys must complete 20 hours of CLE every two years. Have you begun to fulfill your requirement? The new rules specifically allow for accreditation of interactive online CLE and the Illinois MCLE Board has stated that they will allow attorneys to earn MCLE credit for appropriate courses taken since January 1, 2006.

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**SUPREME COURT  
ADMISSIONS TRIP**

The **Kane County Bar Association** has openings for their for their June 10-12, 2006 trip to Washington, D. C. The Admission Ceremony will be conducted on Monday, June 12<sup>th</sup>. Arrangements for group flights, hotel accommodations and a dinner cruise on the Potomac have been made. Interested? Need more information? Visit their website at [www.kanecountybar.org](http://www.kanecountybar.org) or call them at (630)762-1900.

**SUMMER INTERNS**

We have several resumes from law students seeking summer employment. If you are looking for a summer intern, please contact the bar office.

**MCLE BOARD ESTABLISHES  
WEBSITE**

The MCLE Board of the State of Illinois has set up a website to post information as it becomes available. The address is [www.state.us/court/MCLE/default.htm](http://www.state.us/court/MCLE/default.htm).

**SPANISH SPEAKING ATTORNEYS**

La Voz Latina has asked up to compile a list of attorneys who speak Spanish. If you are bilingual or have someone in your office that interprets and wish to be on the list La Voz will provide to it's clients, please call the Bar Office at 964-4992. Please specify the types of cases you will take.

**SEMINAR FOR LAWYERS  
REPRESENTING PRISONERS IN  
FEDERAL CIVIL RIGHTS CASES  
(AND OTHER ATTORNEYS  
INTERESTED IN SUCH CASES)**

Mr. Jim Chapman, President of the Illinois Institute for Community Law will present a seminar on May 17, 2006 at the Winnebago County Bar Association Office from 3:00 p.m. to 5:00 p.m. This detailed, intense seminar will deal specifically with the issues of discovery, trial preparation, witness selection and preparation and a winning strategy for these unusual and often difficult cases. There is no charge and refreshments will be served. Please call the Institute to make reservations at (773)548-7230.

*Save the Date!*  
*Clambake 2006*  
*July 28, 2006*  
*Macktown*

**CENTENNIAL DINNER SLIDE SHOW**

If you would like a copy of the CD of the over 400 pictures from to archives of the Winnebago County Bar Association, which were shown at the March 18, 2006 dinner, please call the bar office. The cost of each CD is \$10.00.

**CHANGES**

**Michael Hedeem** has moved to 321 W. State Street, Suite 1200. His phone is 965-8840, fax is 964-6782 and his email is [mhedeem@hedeemlaw.com](mailto:mhedeem@hedeemlaw.com).

**Stacey Gamm** has changed her name to **Stacey Moore** (congratulations!).

**Idalis Edgren** has moved to 202 W. State #200. Her phone number is 964-9770, fax is 877-2300 and email is [attyedgi@hotmail.com](mailto:attyedgi@hotmail.com).

**SAVE THE DATE****MAY 25, 2006****FAMILY LAW CLE****12:00 TO 4:30 P.M.****GIOVANNI'S****SMALL CLAIMS MEDIATION****PROJECT UPDATE****BY J. TODD KENNEDY****PRESIDING SMALL CLAIMS JUDGE**

The Small claims mediation project that started at the beginning of the year is off to a great start. The Bar Association was instrumental in getting this project launched. Twenty-four lawyers have gone through mediation training and have volunteered their time to mediate pro se small claims cases. The mediations occur on the 1<sup>st</sup> return dates and therefore, provide the litigants a no cost opportunity to settle their cases on their first return date. To date, the mediators have settled 21 of the 23 cased mediated! Further, the pro se parties in the cases are becoming more accepting of the process as we have now established a proven track record. In short, the program is thriving beyond expectations. The lawyers that have spent 33 hours in actual mediation time through the end of March deserve applause. Those volunteers are: Joseph Bruce, Jamie Cassel, Paul Gaziano, Thomas Jakeway, Jason Lawrence, Tim Miller, Joyce O'Neill-Austin, Jacob Carpenter, Elizabeth Clark, Erik Jacobs, Art Kielty, A. Mezny, Frank Nicolosi, Mike Shalbrack, Darlene Soderberg, Keith Syfert, Jim Thompson, Francine White, John Young, Art Swanson, Karl Szymanski, Walter Werderich, Kristine Youman, Donald Moore and Hon. Harris Agnew.

## CRIMINAL

***In re Jamie P.***, 836 N.E.2d 385, (2<sup>nd</sup> Dist., 2005) The juvenile was adjudicated guilty of aggravated arson, a Class X felony and filed a petition to terminate her probation after she reached the age of 21. The circuit court denied her petition. The appellate court, J.Grometer writing, affirmed the circuit court's decision.

**JUVENILE LAW: ISSUE** - Did the probation term of this juvenile end when she turned twenty-one years of age? **ANSWER** - No.

**FACTS:** The 17-year-old juvenile in this case was adjudicated guilty of aggravated arson. As a consequence of this finding, she received a term of five years' juvenile probation. Shortly after the juvenile's twenty-first birthday, she petitioned the trial court to terminate her probation. She argued that the jurisdiction of the trial court had expired when she turned 21 years of age. In response to the petition of the juvenile, the trial court ruled that her probation did not automatically terminate merely because she turned twenty-one years of age. From that ruling the defendant brought this appeal.

**ARGUMENT:** Before the appellate court, the juvenile argued that the Juvenile Court Act applied to her as long as she was under the age of 21 years. When she turned that age, the Act lost its authority over her and the trial court no longer had jurisdiction to deal with her term of juvenile probation.

**OPINION:** The appellate court rejected the argument of this defendant and ruled that the statutory language in question here (705 ILCS 405/5-715(1)) was clear and unambiguous. The trial court was correct in denying the defendant's petition.

***People v Perry***, 836 N.E.2d 387, (2<sup>nd</sup> Dist., 2005) The defendant was convicted after a jury trial of theft by deception. The appellate court, J. Kapala writing, affirmed but reduced the degree of defendant's conviction from a Class 2 felony to a Class 3 felony.

**EVIDENCE:** **ISSUE** - Did the People in this case properly prove the value of the property stolen by this defendant? **ANSWER** - No.

**STATUTORY CONSTRUCTION: ISSUE** - Did this defendant commit felony theft when he failed to pay for the hotel room? **ANSWER** - No.

**FACTS:** The defendant in this case was charged with theft by deception after he failed to pay charges that were related to a hotel room he and his wife and children used from February 8, 2000 through April 19, 2000. During that time, according to the People's witnesses, the defendant ran up a tab of \$12,025.92. These expenses included room charges, restaurant charges, laundry charges, phone calls, and a postage charge. Based upon these facts, the defendant was charged with Felony theft of over \$10,000, a Class 2 felony. Following a jury trial, the defendant was convicted as charged. This appeal followed.

**ARGUMENT:** The defendant argued that the People had failed to prove him guilty of the theft of over \$10,000. Specifically, the defendant maintained that the right to use the hotel room was not "property" with the meaning of the theft statute.

**OPINION:** After analyzing the definition of "property" as listed in subsection 15-1 of the Criminal Code, the appellate court took a narrow approach to this issue and ruled that since the value of the right to use his hotel room was not tangible personal property nor was it otherwise specifically listed in subsection 15-1, it was not property within the meaning of the theft statute and this defendant was improperly convicted of committing the theft of that property.

**Note:** The defendant's conviction was reduced from a Class 2 felony to a Class 3 felony based upon his failure to pay a restaurant tab in excess of \$300, the food did fall within the term "property" in the theft statute.

### ADDITIONAL PUBLISHED OPINIONS

1. ***People v. Tiller***, 838 N.E.2d 969, (5<sup>th</sup> Dist., 2005) Dismissal of Petition for Habeas Corpus Relief - Affirmed. **ISSUE:** Did the trial court properly summarily dismiss the defendant's petition? **ANSWER:** Yes.

2. ***People v. Youngerman***, 838 N.E.2d 103, (1<sup>st</sup> Dist., 2005) Denial of Motion for Discharge - Affirmed. **ISSUE:** Did the trial court err by denying this person's motion for discharge from involuntary committal? **ANSWER:** No.

3. ***People v. Willis***, 838 N.E.2d 130, (4<sup>th</sup> Dist., 2005) Aggravated Battery - Affirmed. **ISSUE:** Did the trial court err in considering the defendant's prison disciplinary record when it sentenced him? **ANSWER:** No.

4. ***People v. LaGrone***, 838 N.E.2d 142, (4<sup>th</sup> Dist., 2005) Order Closing Trial Proceedings - Reversed. **ISSUE:** Did the trial court err when it closed the defendant's pre-trial hearing to the public? **ANSWER:** No.

*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.*



**CIVIL**

***Mahoney v. Industrial Commission***, No. 100239 (Supreme Court of Illinois - January 20, 2006)

The Illinois Supreme Court recently affirmed a decision of the First District Court of Appeals and held that as long as an employment contract was entered into in Illinois, the employee may file a claim in Illinois under the Illinois Workers' Compensation Act, even if the employee worked outside of Illinois and no other connection exists between the injury and Illinois.

In *Mahoney*, Robert Mahoney was hired by United Airlines in 1969 to work as a ramp serviceman at O'Hare International Airport in Chicago. Mahoney worked at O'Hare until 1993 when he voluntarily transferred to Orlando International Airport in Orlando, Florida. Since 1993, Mahoney had worked in Orlando and been an Orlando resident.

In 1999 and 2001, Mahoney sustained compensable injuries in Orlando. He received temporary total disability benefits consistent with the Florida Workers' Compensation Act. Mahoney filed applications for adjustment of his claims for both injuries in Illinois. However, the arbitrator denied Mahoney's claim for lack of Illinois jurisdiction. The arbitrator found no Illinois jurisdiction because Mahoney's transfer to Orlando was voluntary, the significant length of time between his departure from Illinois and his injuries, the insignificant contacts that remained between Mahoney and Illinois, and the fact that neither Mahoney's injuries nor his treatment occurred in Illinois. The Commission and the Circuit Court confirmed the arbitrator's ruling.

The appellate court, however, reversed. The appellate court held that the "situs of the contract is the sole determinate of jurisdiction under the Act for a person whose employment is outside Illinois where the contract of hire is made within Illinois." Thus, the issue on appeal to the Illinois Supreme Court was whether the site of a contract of hire is the sole determining factor for applying the Illinois Worker's Compensation Act to an employment injury sustained by a worker outside Illinois. The Supreme Court affirmed the Appellate Court.

The Supreme Court began its discussion by quoting 820 ILCS 305/1(b). Section 1(b)(2) defines an "employee" as "every person in the service of another under any contract of hire, express or implied, oral or written, including person whose employment is outside the State of Illinois where the contract or hire is made within the State of Illinois..." Section 1(b)(3) of the provides that an employee who has a cause of action for an injury arising out of and in the course of his employment may elect to pursue his remedy in: (1) the State where injured; (2) the State where the contract of hire is made; or (3) the State where the employment is principally localized.

The Supreme Court held that the "totality of the

arrangements" may help determine if the employee is still working under his original contract of hire at the time of his injury, or whether he entered into a new contract at some point after leaving Illinois. However, if the employee is still working under his original contract of hire, the "totality of the arrangements" is irrelevant. Instead, the plain language of Section 1(b) provides a bright line test: If the employment contract was made in Illinois, a claimant injured while working in another state is covered under the Act. As long as the initial contract remains in force, the Commission retains jurisdiction, regardless of the lapse of time, the claimant's citizenship, the voluntariness of transfers, or the lack of any other significant contacts with Illinois.

***Illinois Farmers Insurance v. Kure***, No. 3-05-0262 (3<sup>rd</sup> District - April 3, 2006).

The Third District Court of Appeals recently affirmed a judgment of the Twelfth Judicial Circuit (Will County) and held that neither a homeowner's liability insurance policy's definition of "occurrence" nor the intentional act exclusion entitled Farmers Insurance to refuse to defend the parents of a minor for alleged negligence associated with allowing their son to use their vehicle and failure to control their son. At the same time, Farmers Insurance was entitled to refuse to defend the son of the insureds for intentionally injuring another person.

In *Kure*, Farmers Insurance insured Thomas and Cindy Kure, and their son Matthew Kure, under a homeowner's liability policy. During an alleged altercation, Matthew Kure body-slammed Kyle Signorelli, paralyzing him from the neck down. Kyle and his parents sued Matthew and his parents. Count II alleged that Matthew negligently injured Kyle. Count II alleged that Thomas and Cindy were negligent for providing Matthew with the vehicle he used to travel to Kyle's house and for failing to control their son. Count IV alleged willful conduct and battery against Matthew.

The Kures sought coverage for defense of the complaint and indemnity from Farmers Insurance. Farmers filed an action for declaratory judgment that it had no duty to defend or indemnify Matthew, Thomas, or Cindy Kure because Kyle's injury did not result from an "occurrence" as defined in the homeowner's policy. Farmers also alleged it had no duty to defend or indemnify based on the policy's intentional conduct exclusion. Thomas and Cindy responded that the allegations against them were based on negligence, not intentional conduct, and therefore the exclusion did not apply.

The trial court found that Farmers had a duty to defend Thomas and Cindy Kure but did not have a duty to defend Matthew Kure. Farmers appealed the trial court's decision, and the issue on appeal was whether Farmers had

a duty to defend Thomas and Cindy Kure under their homeowner's liability policy.

On appeal, Farmers made two arguments. First, Farmers argued that Kyle's injury did not result from an "occurrence" as defined in the homeowner's policy because the policy defined an "occurrence" as an accident, and the injury did not result from an accident. Thomas and Cindy argued that under the policy, the issue of whether one who *contributed* to an injury is *negligent* is independent from the question of whether another who directly *caused* the injury acted *intentionally*, pointing out that the policy contained a severability clause that stated "[t]his insurance applies separately to each insured." As a result of the severability clause, Thomas and Cindy argued that the court must determine whether an "occurrence" occurred as if Thomas and Cindy were the only insureds.

The appellate court agreed with Thomas and Cindy's position, noting that whether an occurrence has taken place is determined from the insured's standpoint. Viewing the incident from Thomas and Cindy's point of view, the court held that the complaint made allegations of an occurrence under the policy. The complaint alleged only negligence by Thomas and Cindy and made no allegation that they intended that as a result of their alleged act of negligence (failing to control Matthew and providing him with the means of traveling to Kyle's home) that Matthew would injure Kyle.

Second, Farmers argued that even if Kyle's injury was an "occurrence" under the policy, and even Matthew's parents failed to supervise Matthew, Kyle's injury resulted from an insured's (Matthew's) intentional act, and thus the intentional act exclusion applied. Thomas and Cindy argued that Farmers was seeking to impute Matthew's intentional conduct to them, and that Illinois courts refuse to impute the intentional conduct of one insured to another innocent insured.

Again, the appellate court agreed with Thomas and Cindy's position. The court noted that the policy excluded coverage for bodily injury that "results from any occurrence caused by an intentional act ... [or] where the results are reasonably foreseeable." The court found that this language placed the focus of determining whether an occurrence is an accident on whether the *injury* is expected or intended by the insured, not whether the *acts* were performed intentionally. Despite that Matthew's acts were allegedly intentional, Thomas and Cindy did not commit an intentional act and did not participate in Matthew's conduct. The complaint against Thomas and Cindy contained no allegation that Thomas and Cindy intended or even expected that as a result of their alleged negligence Matthew would injure Kyle. Nor did the complaint allege that such a result was reasonably foreseeable from Thomas and Cindy's allegedly negligent acts. As a result, the appellate court held that the intentional act exclusion did not apply to Farmers' coverage of Thomas and Cindy. The

court affirmed the trial court's decision that Farmers Insurance had a duty to defend Thomas and Cindy Kure.

*Jacob M. Carpenter is associated with the firm of Williams & McCarthy. A graduate of the Walter F. George School of Law, Mercer University, he was admitted to the practice of law in Illinois in 2002.*



*Marc C. Gravino is a partner in the law firm of Williams & McCarthy. A graduate of the University of Wisconsin-Madison School of Law, he was admitted to the practice of law in Illinois in 1988.*



## EDITORIAL BOARD

2005-2006

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*Winnebago County  
Bar Association*

*All WCBA members are invited to:*

*\*Judges/New Members Night\**

*\*Sponsored by  
Title Underwriters Agency\**

*Wednesday, May 24, 2006*

*University Club  
945 North Main Street*

*5:30 p.m. to 7:30 p.m.*

*Please make reservations by  
calling the Bar Office at 964-4992  
Reservation deadline, May 22, 2006*

# KATHRYN ZENOFF: FIRST WOMEN CHIEF JUDGE OF THE SEVENTEENTH JUDICIAL CIRCUIT

By Susan M. Brazas

A graduate of the Columbia University School of Law, also an honors graduate of Stanford University, walked into a midtown Manhattan law office seeking work. The graduate came from a family of lawyers, had spent a college year abroad in Paris and Geneva, and had graduated in the top 5% of the senior class at New Trier High School. The graduate was waved away from the law office with the words, “We aren’t prepared to hire a woman.”

Today, that graduate is the Chief Judge of the Seventeenth Judicial Circuit, at the Winnebago County Courthouse. Judge Kathryn Zenoff has made her mark in many ways despite the obstacles that have faced her from the beginning. Starting even in her law school days at Columbia, she attained many “firsts”, among which was being named the first woman law student selected to participate in the International Fellows program at Columbia. Judge Zenoff is the first woman elected as Chief Judge in the Seventeenth Judicial Circuit. Her job includes the management and administration of this Circuit, with a total of nine Circuit Judges and 14 Associate Judges. Her colleagues expressed their confidence in her skills by re-electing her for a third term as Chief Judge, commencing in January 2006. She has enjoyed the opportunity to exchange knowledge with her fellow Chief Judges through participation in the Conference of Chief Judges. She describes the learning curve for the post as “pretty steep”.

## *From Lawyer to Jurist*

Judge Zenoff began her judicial career in 1995, when she was first appointed as Associate Judge. She was then appointed Circuit Judge by the Illinois Supreme Court in 1998. She was elected to the position, without opposition, two months later, in November 1998. Just three years later she was named Presiding Judge of the Criminal Felony Division, where she has served for two years.

Judge Zenoff brings to the bench the practical perspective of several years of civil private practice, and of criminal prosecution. One New York City law firm wisely hired her, and she was their first woman attorney. There she practiced in commercial law, and real estate, tax, and trusts and estates for four years. She then returned to Chicago to practice with her father and brother Alan, at Zenoff & Zenoff, a general commercial practice, municipal and divorce division firm, for five years.

For the next fourteen years Judge Zenoff served as an Assistant State’s Attorney first in Cook County and then in Winnebago County, where she was the third woman attorney hired, and was eventually named Deputy State’s Attorney. In that period she held many key roles, including heading up the Juvenile Division and the

misdemeanor trial unit, and serving as lead prosecutor for countless significant felony trials.

## *An Agent of Change*

Throughout her legal career Judge Zenoff has been a facilitator of improvements to the local justice system which have afforded citizens greater access to services and to the courtrooms. It was Judge Zenoff’s initiative and tenacious follow-through to implementation which led to the creation of the first supervised children’s waiting room in the Circuit. “The Kids’ Place” is located in the Winnebago County Courthouse and has provided a safe and pleasant place to play for more than 18,000 children since its opening in 1998. She also participated in the plans to open a second children’s waiting room for the Circuit, which will be housed in the new Criminal Justice Center in downtown Rockford. She was the facilitator for a successful county-wide funding referendum for the Children’s Advocacy Project in 1993. She also initiated the formation of a Mental Health Court within the Circuit in June 2003, and she has been Presiding Judge of that Court since it began in February 2005.

Judge Zenoff’s current daunting task is leading the Judicial Transition Committee through the move (planned for spring 2007) of the criminal courts from the County Courthouse to the new Criminal Justice Center. She also was appointed in 2002 to the Illinois Supreme Court’s Committee on Professional Responsibility. Judge Zenoff has been given numerous awards in recognition of her accomplishments, including the Rockford YWCA Award for Community Service and awards for Outstanding Service by the Rockford College Board of Counselors.

## *Seizing Opportunity*

The most rewarding aspect of her job, though, is being in the courtroom. Judge Zenoff finds that courtroom work presents an intellectual challenge, and an awesome responsibility to ensure that each party has the opportunity to be heard and have a fair hearing. She strives to provide access to justice in a fair and efficient manner, keeping mindful that the process is perceived as fair and efficient as well. As such, she believes, judges make a broader contribution to American democracy.

Only 10% of Judge Zenoff’s graduating class at Columbia Law School were women, compared to 49% of that School’s most recent graduating class. She remarks that although many “glass ceilings” have been broken, much remains to be done in the way of opportunities for women in the legal profession. Judge Zenoff describes her mother, who was not a college graduate, as the most influential person in her life. She encouraged her to pursue her own interests, and to accomplish what she

# KATHRYN ZENOFF: FIRST WOMEN CHIEF JUDGE OF THE SEVENTEENTH JUDICIAL CIRCUIT

wanted to set out to do. "She always encouraged me to think that the hurdles were not insurmountable." These many years later, in reflecting, Judge Zenoff has no regrets about her career. She has faced the obstacles before her and chosen to see them as opportunities. Perhaps it was the closing of that first office door which inspired the young graduate to try, again and again, to open other doors, and then, to lead the way.

Reprinted with permission of the Illinois State Bar Association, which first published this article in the January 2006 newsletter, "The Challenge", of the ISBA Committee on Minority & Women Participation.

*Susan M. Brazas is an attorney with Cook & Franke S.C., and practices throughout northern Illinois and in federal court in Madison, Wisconsin.*



## NEW MEMBERS

**Pamela Suzanne Gibson** graduated from Ohio State College of Law. She is currently licensed in Wisconsin. She is employed as a professor at Rockford Business College.

**Jeremy L.A. Ramsey** graduated in 2001 from Northern Illinois University Law School. He is with the office of William Howard.

**James C. Provenza** graduated in 1980 from John Marshall Law School. He is a sole practitioner.



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**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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**CREDENZA**

I was flipping through my dictionary the other day, looking for I don't recall what, when I stumbled on the word "credenza" and stopped for a visit. I always learn new and weird stuff when I visit the dictionary. In this case, I learned the origins of the word "credenza," and I found myself laughing at an image I had forgotten from some years ago.

After my second year of law school, I interviewed for a summer job with a large firm in St. Louis. The hiring partner had a very richly appointed office complete with statuary, marble bookends, an oak barrister's bookcase, and a dark wood desk with matching credenza. The credenza had a small bar on one side, and he offered me a soda from the little refrigerator hidden down there. I did not get the position, but I was very impressed with the office.

When I started in private practice, I bought a very nice, large, gently used mahogany desk. It had three pull-out surfaces, brass hardware, and that solid, polished but functional look that (I thought) bespoke solidity, learning, reticence, and success. (What was I thinking?? Hey, I was new to private practice, so give me a break.) After the institutional metal and formica of my prior existence in government employment, it was enough for me that the desk was made of real wood, and really nice real wood at that. The desk had an equally nice matching credenza, a narrower version of the desk without the center drawer, and with a lateral file at the lower left side. I had no place to put it in my office, but I always regretted that I did not have the space (or the cash) for that credenza.

According to the Webster's Universal Encyclopedic Dictionary, the word *credenza* means "confidence" or "belief" in Italian. It is from the Latin verb *credere*, which means "to believe," and is related to "credible" and "credence." The personal form, *credo* or "I believe" is the root of our word "creed." Very interesting, you say, but how does this relate to furniture??

Well, in the time of the Holy Roman Empire of the Middle Ages, poisoning the local monarch became something of a courtly entertainment for friends, enemies, and even (or especially!) one's own family; think "Survivor" but with real outcomes. To combat the possibility of being killed by intentionally tainted food or drink, the nobility would have the victuals brought to a public side-table. There, a slave or trusted "taster" would sample the fare in plain view. If the subject did not die a horrible death on the spot, then the host could be confident that the food was safe to eat. Hence, the side table used by the test victim came to be known as the "confidence" table, or *credenza*.

So when that guy offered me a soda from his *credenza*, was he really using me to prove that the drink was not poisoned? Probably not, but knowing the history of the word gives me a chance to look back on that

moment and laugh. And I am *confident* and *believe* that I was never meant to have that *credenza*.

Mike Raridon

**CALENDAR  
MAY 2006**

- 1 Children's Advocacy-Noon Bar Office**
- 2 Editorial Board-Noon Bar Office**
- 6 Young Lawyers Habitat for Humanity Work Day**
- 17 \* Prison Litigation Workshop 3-5 p.m. Bar Office**
- 18 ADR Committee-Noon Bar Office**
- 19 \* General Membership Meeting-Noon Forest Hills Country Club-Guest Speaker-Dean Leroy Purnell**
- 22 Memorial Service-Noon-Memorial Hall**
- 23 Board of Directors-Noon-Bar Office**
- 24 \* Judges Night-University Club-Sponsored by Title Underwriters**
- 25 \* Family Law CLE-Noon Giovanni's**
- 26 Young Lawyers After Hours-5:00 p.m. Krypo Lounge**
- 29 Holiday-Bar Office Closed**

**JUNE-2006**

- 1 \* Annual Meeting of the Association-5:30 p.m.-Social Hour sponsored by Amcore Private Banking**
- 5 Editorial Board-Noon Bar Office**
- 15 ADR Committee-Noon Bar Office**

\* = advance reservation required.

**WINNEBAGO COUNTY BAR ASSOCIATION  
and  
WINNEBAGO COUNTY BAR FOUNDATION  
2005-2006 ANNUAL MEMBERSHIP MEETING**

**Thursday  
JUNE 1, 2006**

**FOREST HILLS COUNTRY CLUB  
5135 Forest Hills Road**

**SOCIAL HOUR 5:30 P.M.**

**\*Sponsored by\***

**AMCORE** *Private  
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**DINNER 6:30 P.M.  
WCBA Members \$25.00**



Winnebago County Bar Association  
321 W. State Street Suite 300, Rockford, IL 61101

Reservations are required

**Reservation deadline May 30, 2006**

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

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

Please Select:

Prime Rib      Chicken      or      Vegan

# THANKS TO YOUR REFERRALS, BRIAN HART LAW OFFICES IS EXPANDING.



Brian Hart (left) & John Carrozza

*"I am so pleased to have John Carrozza on staff. Having come from a large Chicago firm, John is used to the hectic pace of a thriving bankruptcy practice. He is definitely a welcome addition to the office and I think the future looks very bright for him."*

*Brian A. Hart*

Winnebago County Bar Association  
Memorial Service

Memorial Hall  
Monday, May 22, 2006

12:00 Noon

Honoring

Orva M. Engelsvold  
Edward J. Fahy  
Fredrick Kalivoda  
John R. Kinley  
S. Michael McGarragan  
and  
Edward R. Telling III

BY TOM LAUGHLIN

Saturday, March 18, 2006, was a day which should be remembered by this association as the first day in years that the general membership got together with spouses, significant others, friends and the like for the simple purpose of having a good time. It was long overdue.

I realize that the stated purpose of the dinner dance was to recognize the 100<sup>th</sup> anniversary of the Winnebago County Bar Association. I also know that the decision to have the dinner dance for that stated purpose was not met with universal approval by the membership. There were stated desires for more solemn means of recognizing the accomplishment of the organization lasting that long. I have a certain yearning for some such recognition myself. I don't see why there need only be one event. However, if there is to be only one event, I vote in favor of pure enjoyment and dare I say it, fun.

Lawyers perform many important societal functions. It is possible to make lengthy lists of important roles lawyers have played over time. I have no doubt that lawyers will continue in those roles and that, in spite of sometimes popular opinion, America is a better place due to the existence of and work performed by lawyers. For the most part the continued good work of lawyers will not be performed by nameless professionals performing their work locked away from view. The work will be performed by people active in the community, interacting with each other on a daily basis, sharing in the human condition and, I hope, leavened by the simple pure enjoyment of spending social time with one another.

I recall that 30 years ago, the association would have one dinner dance around Christmas so that the members could attend with spouses or friends, the Clambake, which was for the members only and a huge feast for members paid for by the Illinois National Bank. The Illinois Bank type of party will probably never happen again, but we really should have at least two major social events a year.

In the interest of inviting responses from opposing points of view, I suggest that members holding such views take me to lunch for a meaningful discussion.

*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.*



## URGENT REQUEST COURT NEEDS HELP

That's right, probably in more ways than one, but this request is pretty easy. Those of you whose years in practice are approaching or have exceeded twenty, remember the days when the Winnebago County Bar was selected by the Supreme Court to undertake the pilot Court-Annexed Arbitration program - Illinois' first bold step in the uncharted (at least here) waters of alternative dispute resolution. Since that time we have continued our pioneering role in, among other areas, major civil case mediation.

Instrumental in the development and improvement of ADR in Illinois is the Center for Analysis of Alternative Dispute Resolution Systems (CAADRS). CAADRS is undertaking a study of how cases which do not go to trial are being settled and has requested our participation in the first study of this area to be made in Illinois. Since the information obtained will be valuable to us in determining the path of ADR in the future, we have agreed to help gather data on certain classes of cases which are settled pre-trial. To make the results of this study as accurate as possible, the cooperation of the judges and counsel for the parties is necessary. Mindful of the demands already being made on your time, we have endeavored to make this as simple and quick as possible and we have succeeded beyond our wildest imagination.

In a nutshell, the process will involve the judges keeping track of certain civil cases dismissed on stipulation before trial. These will include the L, CH and MR cases as well as all AR and SC cases removed to the L category. Counsel for parties to these cases will receive in the mail or by fax a very simple form which will take no more than 30 seconds to complete. Actually, completing the form itself should take about 10 seconds, but if you read the letter before completing the form (which is recommended), you will have invested no more than 30 seconds. (If you ever think judges, upon taking the bench, cease to be lawyers, re-read the last two sentences). You may then fax it back to the ADR Center at a number conspicuous in the letter and you don't even have to do a fax cover sheet.

Your 30 seconds of time will help make this study worthwhile and will be greatly appreciated by CAADRS, Judges Pirrello, Holmgren, Kennedy and myself. You will earn the special appreciation of the ADR Center staff (very valuable in itself) if you respond within 10 days so they don't have to send you a follow up request.

Thanks.

Timothy R. Gill

Supervising Judge of ADR

Winnebago County Bar Association  
General Membership Meeting

May 19, 2006  
Forest Hills Country Club  
12:00 Noon

Guest Speaker:

Dean Leroy Purnell  
Northern Illinois University  
College of Law

Lunch and Program  
WCBA Members & Guests \$18.00  
Reservation Deadline May 17, 2006

5/19/06 General Membership Meeting-\$18.00

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

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

Please circle the names of those who would prefer a vegetarian meal  
WCBA-321 W. State Street St.-#300, Rockford, IL 61101

**Progress Being Made on MCLE****By Hon. Michael J. Chmiel**

On September 29, 2005, the Supreme Court of Illinois (the "Supreme Court") ordered Minimum Continuing Legal Education ("MCLE") under Supreme Court Rules 790 through 798. With certain exceptions set forth under Rule 791(a), MCLE is required for "every attorney admitted to practice in the State of Illinois." See Ill. S. Ct. R. 791(a). The rules cover the administration of the Program for MCLE (the "Program") (see Ill. S. Ct. R. 792), what education is actually required (see Ill. S. Ct. R. 793-794), and what programs can be accredited for such education (see Ill. S. Ct. R. 795).

On November 23, 2005, pursuant to Supreme Court Rule 792, the Supreme Court appointed nine persons to serve on the initial MCLE Board.

On December 15, 2005, the MCLE Board held its first meeting in Chicago, when and where officers were elected and committees were established. At this first meeting, the MCLE Board decided to focus on the hiring of a Director for the Program and the organization of its operations. Since then, the MCLE Board has met two additional times in person and various other times through electronic means.

On March 20, 2006, following the receipt of numerous applications and interviews, the MCLE Board met to appoint a Director for the Program; contemporaneous with the publication of this article, the MCLE Board is pursuing approval of its appointment with the Supreme Court pursuant to Rule 792(d). At its meeting, the MCLE Board also decided to locate its administrative offices in Chicago.

Now that the task of selecting a Director nears its end, the MCLE Board is turning its focus to accreditation, reciprocity, and the Rules. A committee of the MCLE Board is working to establish policies and procedures for the accreditation of continuing legal education providers and programs. Another committee is reviewing reciprocity for programs accredited by the other forty-one or so other States which require continuing legal education as well. A third committee is receiving and reviewing questions concerning the Rules.

The MCLE Board remains cognizant of the desires of attorneys who are anxious to know whether attendance at certain continuing legal education programs will cover their requirements. As well, the MCLE Board remains cognizant of the desires of continuing legal education providers to know how and when they can get their programs accredited.

As the end of March nears, the MCLE Board is targeting the beginning of the initial reporting period – July 1, 2006 – as the date by which it plans to have the administration of the Program in place. The MCLE Board is endeavoring to advance this date as much as it can, and

will issue press releases as soon as new information becomes available. Additional information can be found at [www.state.il.us/court/MCL](http://www.state.il.us/court/MCL)

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**Frank Perrecone 2<sup>nd</sup> Vice President**  
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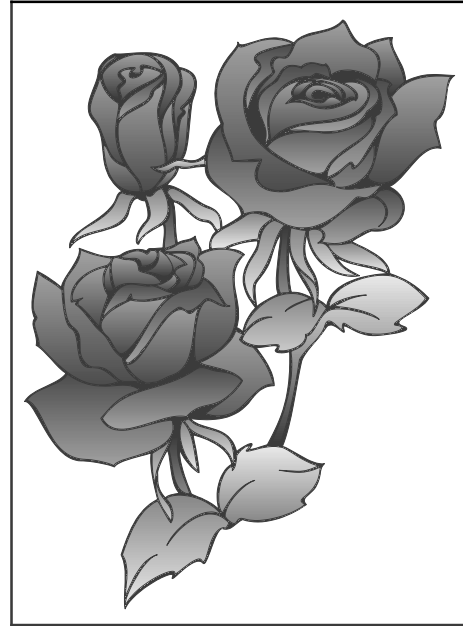
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# Mother's Day Corsages for Sheltered Women

This Mother's Day (May 14, 2006) the WCBA Community Service Committee will again be delivering corsages from Broadway Florist and cookies from Cookies By Design to mothers living in area shelters. We anticipate delivering approximately 65 corsages and cookies to women at WAVE, Women's Christian Care Center, Trinity House, and Shelter Care Ministry.



The expected cost for this project is about \$5 per corsage. If you would like to help with this effort of remembering and honoring sheltered women, please consider sending a check made payable to the WCBF with the information listed below:

-----  
**Please send or deliver to WCBA, 321 W. State St. #300, Rockford, IL 61101**

To insure deductibility of your contribution,  
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Mother's Day Corsages for Sheltered Women    \$ \_\_\_\_\_  
Amount of Contribution

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# OUT OF COUNTY CIVIL JURY REPORT

**CASE NAME:** Everly v. Harden d/b/a California Wash, 04 L 36 ST (Whiteside County).

**PLAINTIFF'S COUNSEL:** Richard Palmer of Ward, Murray, Pace & Johnson, Sterling, IL.

**DEFENDANT'S COUNSEL:** Craig Levien of Betty, Neuman & McMahon, P.L.C., Davenport, IA.

**JUDGE:** The Honorable Timothy J. Slavin

**TRIAL DATES:** February 6-8, 2006.

**FACTS:** Plaintiff alleged that the use of a hand-held high pressure water spray wand at a car wash owned by defendant resulted in injury, including eye injuries when using the wand, which plaintiff claimed was defective. Defendant claimed that the wand was not defective, and that the injury resulted from Plaintiff's contributory negligence in spraying herself in the eye with the wand. Plaintiff also alleged spoliation of evidence.

**DAMAGES ALLEGED:** Left eye vision loss and scarring around the eye.

**MEDICAL SPECIALS:** \$7,620.55.

**TESTIFYING EXPERTS:** Daniel Melcher, Registered Professional Engineer with Rimkus Consulting Group, Westmont, IL, for Defendant.

**LAST DEMAND:** \$50,000.00.

**LAST OFFER:** \$10,000.00 plus \$5,000.00 med pay (per defendant); \$13,000 (per plaintiff)

**ASKED OF JURY:** \$148,692.00.

**VERDICT:** Not guilty. Jury deliberated one hour.

**NOTE:** Please report your out of county civil jury trials for publication in *The Lawyer* to Susan Brazas at [brazas@cf-law.com](mailto:brazas@cf-law.com) or via fax at (608)251-1916.



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**Morrissey Loft Apartment Available Soon**

A two bedroom 1 and ½ bath loft apartment will be available in Spring 2006. Originally designed by Mayor Larry Morrissey, it has the best river views of any of the Morrissey lofts, including a spectacular view of Millennium Fountain. Whirlpool and skylight in the master bath, shared deck with a fish pond, huge windows and roof access. \$1,500.00 plus utilities. For more information call Bill or Joe at 815-965-5505.

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Space to rent for 1 to 6 lawyers, up to 3100 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.

**Position Available**

Small, busy firm, sub-specializing in probate-estate planning; real estate-commercial/residential; corporate-formation/counsel is seeking an associate with 2 - 4 years experience in the above referenced areas. Please send resumes and references in confidence to: P.O. Box 17146, Rockford, IL 61110-7146.

**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.

**Position Available**

Militello, Zanck & Coen, P.C., a general practice law firm in Crystal Lake, Illinois, is looking for an estate planning lawyer with approximately 3 years of experience to join the firm's estate planning team. Please send your resume to [cyndy@mzc.com](mailto:cyndy@mzc.com) with a copy to [tzanck@mzc.com](mailto:tzanck@mzc.com).

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