



Justinian Society of Lawyers

Fall 2017 Newsletter

2017-18 OFFICERS

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President's Message

As I take over as the President of the Justinian Society of Lawyers my message to all of our members, past, present and future is simple. "Respect and Embrace". This will be the theme for my year as your President. Let's respect the traditions and people that have made this organization so great. Let's embrace the ideas that will be presented to us in the future. Doing these two things will keep this organization great for years to come.



Thank you to all of you who attended the Installation Dinner in May at Gibson's. We had another tremendous showing and a wonderful evening. As I mentioned at the time, I'm always amazed by the continued support of our longtime members and Past Presidents. It says so much about our group that people who join stay committed for so many years. The visions of those who have come before us have shaped this great organization. Thank you.

I will take this opportunity to thank a few of the people that have encouraged my involvement with this Society and have helped shape the course of my legal career. My dad, Michael F. Bonamarte III, introduced me to Leonard Amari when I was applying to law schools. We went to a Justinian Society event. My dad was a long time Lake County Justinian. He passed away too soon back in 2006, shortly after I began my legal career. I always trusted his judgment, especially when it came to people he suggested I surround myself with. Leonard Amari is a perfect example of that. Leonard encouraged me to start coming to the meetings. He got me writing for the newsletter. We would run together. We have lunch together. He introduced me to Gregg Garofalo. I had lunch with Gregg and Antonio Romanucci. Shortly afterward, Gregg selected me as the Society secretary back in 2012. Leonard, thank you for getting me involved. Gregg, thank you for taking a shot with me. Gregg, I cherish the opportunity you gave me, our professional relationship, and our friendship.

Back in law school, when I started expressing some interest in trial work, my dad suggested I reach out to Steve Levin. Steve and his partner, John Perconti, gave me my first clerking job as a law student back in 2003. I started as an associate in 2005 and am now a partner with this great firm. Levin & Perconti is the only firm I've ever worked for. Steve also encouraged me to not only be active

MICHAEL F. BONAMARTE **PRESIDENT**

Michael F. Bonamarte IV was hired as an associate attorney in August 2005 after graduating from The John Marshall Law School, where he earned a place on the Dean's List during his second and third years. Mike is well known and respected by his peers, clients and opposing lawyers for his diligent and passionate work on behalf of those who have been harmed as a result of wrongful conduct. Mike has achieved outstanding results in a number of high-profile nursing home, wrongful death, medical malpractice and personal injury lawsuits. In March 2014, he was named Partner at Levin & Perconti.



In his first jury trial, Mike, who sat second-chair to Steven Levin, achieved a \$2.9 million verdict for the family of a deceased 57-year-old nursing home resident who suffocated due to the home's negligent care of her tracheostomy tube. This was a record verdict in a Cook County nursing home case. Mike also played a crucial role in a \$7.5 million Illinois Record Jones Act Settlement recovered on behalf of a boat worker who was injured in an explosion. He has recovered a \$4.75 million medical malpractice settlement, a \$2.325 million settlement of a pressure ulcer case against a Chicago assist-

ed-living facility, a \$1.8 million medical malpractice verdict, a \$1.4 million settlement in a nursing home pressure sore lawsuit and a \$1.25 million medical malpractice settlement against a dialysis center for its staff's failure to monitor a resident's dialysis catheter.

In addition to these settlements, he achieved a record settlement of \$700,000 in a case against a Coles County, IL nursing home. Mike has also recovered a jury verdict of \$552,000 for his client for a fall and ankle fracture suffered during physical therapy at a nursing home.

Mike is a member of the Chicago Bar Association, Illinois State Bar Association, American Bar Association, Illinois Trial Lawyers Association, and Secretary of the American Association for the Nursing Home Litigation Group. An active member of the Justinian Society of Lawyers, he writes the verdicts and settlements section for the organization's newsletter. Additionally, Mike is a member of the ISBA's Young Lawyers Division Council and also served on the board of directors for the River North Business Association.

In September 2010, Michael was honored as one of the "40 Illinois Attorneys Under Forty to Watch," and he has been named an Illinois Rising Star by Super Lawyers every year since 2011. Mike was named a 2017 Leading Lawyer by his peers in the legal community. He was also honored with an award for Trial Lawyer Excellence for the High-

est Reported Illinois Verdict in a Nursing Home Malpractice Case.

Mike is president and founder of the Michael F. Bonamarte III Foundation, a nonprofit organization dedicated to raising awareness and funding research on the treatment and prevention of strokes. Mike founded the organization in memory of his late father, Michael F. Bonamarte III, who passed away in 2006. The Foundation has raised over \$60,000 since its inception.

VINCENT R. VIDMER **1ST VICE PRESIDENT**

Vincent R. Vidmer practices in Chicago, handling various legal matters, including general civil litigation, real estate transactions, estate planning and general legal drafting.



Vincent is the staff attorney with the Liquor and Allied Worker's Union, assisting in collective bargaining, fringe benefits, pension and 401(K) plan administration, grievances and arbitrations and general administration. He has been recognized multiple times by Illinois Super Lawyers as a "Rising Star," and voted as an Emerging Lawyer, a distinction earned by fewer than 2 percent of all Illinois attorneys. He is an active member of the ISBA, serving on its Real Estate Section Council, as well as the West Loop Community Organization and other groups.

NATALIE M. PETRIC **2ND VICE PRESIDENT**

Natalie M. Petric serves as Manager, Enforcement Counsel in the Legal and Market Regulation Department of CME Group. She is responsible



for litigating cases involving market participants before the exchange's disciplinary committees. Prior to joining CME Group, Natalie worked as a civil defense trial attorney and prosecutor in the Cook County State's Attorney's Office. Natalie graduated cum laude from Tufts University with a bachelor's degree in international relations. She received her Juris Doctor from DePaul University College of Law. She is married, has three young daughters, and is the proud granddaughter of past Justinian President Anthony J. Fornelli.

HONORABLE REGINA A. SCANNICCHIO **3RD VICE PRESIDENT**

Cook County Circuit Court Judge Regina A. Scannicchio sits in the Domestic Relations Division. Prior to taking the bench in 2011, her practice focused on the area of family law. She is a graduate of The John Mar-



shall Law School and DePaul University. Regina served as the President of The John Marshall Alumni Association in 2013-14 and received the Distinguished Service Award from The John Marshall Law School Alumni Association and the Spirit of John Marshall Award from The John Marshall Law School Board of Trustees. Regina is active outside of the legal community and currently serves on the Executive Council of The Shrine of Our Lady of Pompeii and received the da Vinci Award for Community Service from the Order Sons of Italy in America.

DION U. DAVI **TREASURER**

Dion U. Davi is the founding attorney of Davi Law Group, LLC, which concentrates in the areas of family law, criminal law, estate planning, and motorsports Law with offices in Wheaton, Joliet, Chicago, and Warrenville. Dion received his J.D. from The John Marshall Law School after attending DePaul University to receive his B.A. in psychology. He has served as an officer, including the President, of the DuPage Justinian Society of Lawyers. He has also served on the Board of Governors of the Illinois Statement Bar Association and the Board of Directors of the DuPage County Bar Association.



BRUNO M. MARASSO **SECRETARY**

Bruno R. Marasso is an Associate Attorney at

Romanucci & Blandin, LLC where he focuses his practice in the area of construction negligence, automobile collisions, wrongful death,



premises liability, police misconduct, sexual abuse, and institutional misconduct. Bruno serves on the Assembly of the Illinois State Bar Association and is an active member of the Illinois Trial Lawyers Association, Chicago Bar Association and American Association of Justice. He was named as an Emerging Lawyer by Law Bulletin Publishing Company for 2017. While a law student at Chicago-Kent, he was a four-time recipient of the CALI Excellence for the Future Award for receiving the highest grades in his classes and was frequently on the Dean's List.

in different bar associations, but also to pick one or two organizations and aim to be the President. The Justinian Society seemed like a perfect fit to achieve that objective. John is a well deserving recipient of the Award of Excellence. Steve and John are now my great friends, partners, and both are father figures to me. The lessons they have taught me go far beyond lessons in law, they have taught me lessons in life. Steve and John, thank you both from the bottom of my heart.

Thank you also to my other law partners, Susan Novosad and Margaret Battersby, and the rest of the team at Levin & Perconti. There are no others that I'd rather be on this journey with.

To my wife Julia, thank you for dealing with the hectic lifestyle that comes with the crazy business of being a trial lawyer and also being involved with many different legal organizations. Thank you for standing by me. Thank you for everything you do in raising our wonderful daughter, Gabriella Grace ("GG"), who just turned 2 years old a few weeks before I sat down to pen this letter.

Thank you to all of the officers and executive committee members. My past experiences with each of you make me excited to lead with you this year.

A special thank you to Nina Vidmer. Nina, does her job so diligently and so passionately. I could not do this without you.

Thank you to Len DeFranco, our editor of the Newsletter. The tran-

sition from Len Amari to Len DeFranco has been seamless.

Thank you to Judge Gloria Coco for continuing in her role as the chair of the October Installation Dinner. She does such a wonderful job every year putting together a truly magical evening.

Finally, thank you immediate Past President, Frank Sommario. I learned so much from you about the details of the job as President. Our continuous meetings throughout your year were so extremely helpful in making a smooth transition. I admire the job you did and your unparalleled commitment to the Justinian Society of Lawyers.

Opportunities present themselves all the time in life. To the young members of our Society or those thinking of getting involved who happen to be reading this, get involved in this group. We are a group of warm people and great legal minds committed to the Society and committed to helping the young members of the Society. Your opportunity of a lifetime might just be around the corner at our next event.

We are a part of the best bar association in the state. It is my honor and pleasure to serve you.

Thank you.

Very truly yours,

Michael F. Bonamarte

Michael F. Bonamarte
President - 2017-2018

DID YOU KNOW...

- Italians claim to have taught the rest of Europe how to cook. Italy is responsible for introducing the world to ice cream (via the Chinese), coffee, and fruit pies. In addition to Belgium and France, Italy also claims to have made the first French fries. The first Italian cookbook was written in 1474 by Bartolomeo Sicci.
- No other country in Europe has as many volcanoes as Italy. This is because the Italian peninsula stands on a fault line. Three major volcanoes (Etna, Stromboli, and Vesuvius) have erupted in the last hundred years.
- Two Italians in particular contributed to the eighteenth-century's Enlightenment: Cesare Beccaria (1738-1794), whose essays on Crime and Punishment led to broad reforms in the treatment of prisoners and criminals, and Giambattista Vico (1668-1774), a philosopher, rhetorician, and historian who is often thought to have ushered in a modern philosophy of history.
- Italian Michelangelo di Lodovico Buonarroti Simon (1475-1564) was once thought to have painted in somber shades, but after his frescos on the Sistine Chapel were cleaned, it was discovered that he actually painted in bright colors, such as purples, greens, and pinks. Centuries of dirt and smoke from candles had toned down the bright colors. Some art historians argued that the restorers went too far in their cleaning efforts and removed the dark shadows Michelangelo intended.

"Did You Know" submissions can be sent to the editor at editor4justians@gmail.com.

JOHN J. PERCONTI

Award of Excellence

John J. Perconti is a highly-acclaimed Illinois attorney and co-founder of Levin & Perconti, and a lifelong member of the Justinian Society of Lawyers. For over 25 years, he has devoted his practice to advocating for people and families in personal injury, elder abuse, and wrongful death cases. In 1992, he merged his practice with Steven Levin. Now the firm employs over twenty lawyers and has obtained over \$650 million in verdicts and settlements for their clients. John attended the University of Illinois Champaign-Urbana for his undergraduate degree and the John Marshall Law School.

John obtained a \$14 million record failure to diagnose cancer verdict in Illinois. He also obtained a \$7.5 million record Illinois Jones Act settlement for a boat worker who was injured in a boat explosion in Alton, IL.

In a birth injury case, John reached a \$6.5 million settlement for a young girl who suffers from cerebral palsy as a result of a physician's failure to perform a timely C-section. John also achieved a \$5.77 million Federal Tort Claims Act bench trial verdict against a Veteran's Administration Hospital and a \$5.35 million settlement against a Chicago hospital for the family of an 18-year-old woman who died when hospital staff failed to diagnose her with postpartum cardiomyopathy.

He achieved a \$10 million settlement for a 5-year-old boy who lost his leg when he was run over by a fire truck. In 2010, John obtained a \$6.5 million settlement for the family of a 32-year-old woman who was killed in a trucking accident. This settlement was a record-high settlement for a Kane County wrongful death claim. Additionally, John negotiated a \$6 million settlement for two families



who lost six children in an apartment fire. In October 2015, John secured a \$4.29 million medical malpractice settlement for a 38-year-old woman who died as a result of failures to recognize and treat a pericardial effusion, causing cardiac tamponade.

John is an active member of the Illinois Trial Lawyers Association, American Association for Justice, Illinois State Bar Association, Chicago Bar Association, Society of Trial Lawyers, The Association of Plaintiff Interstate Trucking Lawyers of America and The Justinian Society of Lawyers. He is also a member of The National Trial Lawyers, an organization composed of The Top 100 Trial Lawyers from each state, and is a Fellow of the Litigation Counsel of America.

John was selected by his peers for inclusion in The Best Lawyers in America® from 2013 to now, in the field of Personal Injury Litigation-Plaintiffs. He has received an "AV" rating from the Martindale-Hubbell American Law Directory and has also been named one of Illinois' top litigators by Leading Lawyers Network and achieved a Lead Counsel Rating in Elder Law.

From 2013 to now, John has been included in Chicago Magazine's Illinois: The Top 100 list, a listing of lawyers who topped the Illinois Super Lawyers nomination. He has been named an Illinois Super Lawyer every year since 2005.

John's law firm has donated hundreds of thousands of dollars to causes dedicated to protecting the rights of victims of nursing home negligence and abuse and medical malpractice. John's law firm also donated thousands of dollars to the Michael F. Bonamarte III Foundation, a charitable organization started by firm partner and Justinian Society President, Michael F. Bonamarte IV, in honor of Mike's father who passed away in 2006. The proceeds from these contributions benefited the Northwestern Hospital Stroke Program.

John, Justinian President Michael Bonamarte, Past President Antonio Romanucci, and Past President Frank Sommario have also formed a scholarship award given annually to a law student in the amount of \$4,000.00. The scholarship award is called the Civil Justice Preservation Scholarship.

John also makes contributions to the John Marshall Law School, Alpha Tau Omega Fraternity, University of Illinois Foundation and the Western Golf Evans Scholars as well as regular donations to his church, St. Isaac Jogues in Hinsdale. He is a Member of the Deo Gratias Society of the Catholic Ministries Annual Appeal.

John and his wife of 26 years, Toni, live in Burr Ridge. They have two wonderful daughters, Morgan, 24 years old, and Paige, 22 years old.

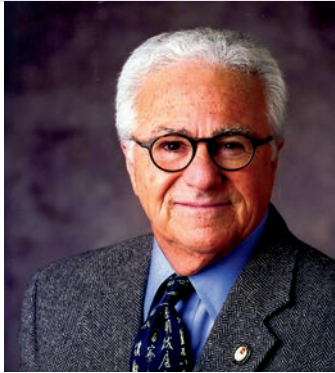
Real Estate Tax Exemptions in Illinois: A Primer

By Leonard F. Amari &
Vesna Marusic

Introduction

The subject of real estate tax exemptions has been in the news lately, particularly the property of hospitals which were not being required to pay real estate taxes. The issue, whether hospitals are truly charitable, and therefore exempt from real estate taxes, was just recently before our Illinois Supreme Court. They remanded the case for the determination of a penultimate issue, before reviewing and deciding the dispositive issue. This caused me, as a practitioner, exclusively in the ad valorem real estate field, to realize that this area of real estate taxation is not one with which most attorneys are familiar. I'm pretty sure this area, in fact real estate taxation generally, is not taught in our Illinois law schools. For that reason, we offer here a very basic primer for the Illinois State Bar Association Senior Lawyers' section council newsletter on the subject of exemptions of real estate taxes in Illinois.

In general, all real property in Illinois is taxable and subject to assessment by local assessing authorities and to taxation. Exceptions to this general principle are made for certain categories of properties which qualify for property tax exemption. Certain entities are eligible for property tax exemptions under Illinois law, such as charitable, religious, educational, and governmental entities. While these organizations initially submit exemption applications with their local County Board of Reviews ("Board of Review"), it is the Illinois Department of Revenue ("IDOR") which ultimately approves on a case-by-case basis, and monitors such exemptions. Below is a basic overview on property tax ex-



emptions, in particular, exemptions based on charitable, religious, educational, and Governmental ownership and/or use.

Charitable Ownership & Use

Pursuant to the Property Tax Code, in order for a charitable organization to qualify for a property tax exemption, it must demonstrate that the property is both (1) Owned by a charitable organization; and (2) That it is exclusively used for charitable purposes (35 ILCS 200/15-65(a)). The burden of proof is on the applicant organization and both prongs have to be met in order to succeed in an application for property tax exemption. Many organizations assume that they should be exempt from property taxes simply because of their federal tax-exempt status, and that assumption is mistaken. Charitable status granted by another governmental body, for example, 501(c)(3) status, is not in itself determinative.

Once the organization passes the charitable ownership prong, it then must demonstrate the property is exclusively used for charitable purposes and not leased or otherwise used with a view to profit. In analyzing charitable use, Illinois Courts look to six characteristics to be applied on a case-by-case basis in determining whether a property is used for a charitable purpose and eligible for real estate tax exemption based on charitable use.



These characteristics were set forth in the Illinois case *Methodist Old Peoples Home v. Korzen* (39 Ill. 2d 149 (1968)). The following 'Korzen factors' are not by themselves determinative, but they are a guide that local Boards of Review and IDOR look to when analyzing exemption applications submitted by charitable organizations:

(1) The organization bestows benefits on an indefinite number of people for their general welfare, or the benefits in some way reduce the burden on the government;

(2) The organization has no capital, capital stock or shareholders, and earns no profits or dividends;

(3) The organization derives its funds mainly from public and private charity and holds them in trust for the objects;

(4) The organization dispenses charity to all who need and apply for it;

(5) The organization does not appear to place any obstacles in the way of people seeking the charitable benefits; and

(6) The exclusive, primary use of the property is for charitable purposes.

Religious Use

The Property Tax Code provides that properties used exclusively for religious purposes will

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qualify for exemption as long as it is not used with a view to profit (35 ILCS 200/15-40(a)). In this context, the term “exclusively” refers to the primary purpose for which the property is used. This section of the Property Tax Code applies to properties owned by religious institutions and used in furtherance of the religious institutions’ functions or services, including churches, religious schools, orphanages, convents, and in applicable situations, housing facilities for religious officials and their families (35 ILCS 200/15-40(b)).

If properties used for religious purposes are determined to be operating with a view to profit, that use destroys any eligibility for property tax exemption. For example, if a property owner intends to earn a profit resulting from its religious activities, or by leasing the property, then that property is not eligible for property tax exemption, under the applicable Illinois statute.

Educational Purposes

Schools that own and use property exclusively for “educational” purposes and not leased or otherwise used with a view to profit are eligible for property tax exemption pursuant to the Property Tax Code (“Property Tax Code”) (35 ILCS 200/15-35). In looking at what defines “school,” the Illinois Supreme Court stated that two qualities are necessary to qualify a private institution for property tax exemption as a school. First, a course of study needs to exist which fits into the general scheme of education founded by the State and supported by public taxation. Second, there needs to be a course of study which substantially lessens what would otherwise be a governmental function and obligation (Coyne Electrical School v. Paschen, 12 Ill. 2d 387 (1957)).

Properties owned by schools which are incidental to the operation of the school are also considered

exempt under this statute, including but not limited to student residence halls, dormitories, and other housing facilities for students and their spouses and children. Additionally, exempt are: staff housing facilities, and school-owned and operated dormitory or residence halls occupied in part or entirely by students belonging to fraternities, sororities, or other campus organizations (35 ILCS 200/15-35(b)).

Governmental Ownership

The Property Tax Code states that “all property of the United States is exempt, except such property as the United States has permitted or may permit to be taxed” (35 ILCS 200/15-50). In other words, United States property is exempt from state and local taxation under the Supremacy Clause of Article 6 of the United States Constitution, which generally prohibits state taxation or regulation that would impair or interfere with a federal instrumentality (IICLE, Real Estate Taxation, Section IV(A)(1)(1.33) United States Property (2016)). Additionally, the Property Tax Code provides that all property belonging to the State of Illinois is exempt (35 ILCS 200/15-55).

Exemption Application Process

Once you know what type of organization you are representing and the exact category of real estate tax exemption your client is seeking, the application is filed through an administrative filing process. The application process begins with filing an application with your local County Board of Review containing all of the required materials. The application is subsequently reviewed by the Board of Review and then a recommendation is made to IDOR as to whether the property should be granted property tax exemption. IDOR does not need to follow the Board of Review’s recommendation and conducts its own analysis of the application. If

the application and accompanying documentation sufficiently establish the applicant organization’s qualification for exemption, it should be approved. However, if the application is denied by IDOR, the applicant organization then proceeds to an administrative appeal and potentially subsequent court appeals.

Once a real estate tax exemption is successfully obtained, exempt organizations must file annual affidavits with their local County Assessor’s offices by a specific deadline in order for their exemptions to carry forward from year to year, provided that the exempt ownership and use of the property remains unchanged.

Conclusion

The reader is asked to please recognize that this article is just a primer on the subject of real estate tax exemptions in Illinois. Obviously, there are very complicated issues that can arise. For example, a Church that may be exempted could lease out its parking lot for profit to a restaurant in the area for parking in the evening, or perhaps its basement for profit for after-school care, or weekend bingo. This begs the question: what happens to the exemption - should they lose it, partially, completely? Of course, other questions in all the areas of exemption from real estate taxes could arise. At the least, the goal of this article is to provide the reader with a basic understanding.

About the Authors:

Leonard F. Amari is a partner in the ad valorem real estate tax firm of Amari & Locallo and a member of the Illinois State Bar Association Senior Lawyers Section

Vesna Marusic is a Senior Associate in the ad valorem real estate tax firm of Amari & Locallo and a member of the Illinois State Bar Association

Extending Access to Justice Beyond the Courthouse

By Timothy C. Evans

Chief Judge of the Circuit Court of Cook County

When justice-system leaders talk about serving the public, we often focus on “access to justice.” It is a foundation of a court system that can be achieved many ways. In the Circuit Court of Cook County, for example, we:

- Provide space to pro bono help desks to work directly with potential clients in courthouses.
- Offer an 8 a.m. and 5 p.m. court call on Wednesdays and Thursdays in the Richard J. Daley Center so small-claims civil disputes can be resolved before and after the regular work day.
- Operate video-conferencing technology to allow prison inmates and their spouses to finalize divorces without having to bear the public expense of transporting the prisoners from a downstate Illinois facility to Chicago’s Loop.

These are just some of the ways we serve the public inside the courthouse. Our latest effort has extended our reach beyond the courthouse doors to bring access to justice to police stations.

I signed a General Administrative Order this year to help individuals in police custody gain access to a free attorney while they are held at the police station.

As we all know, our system of justice in the United States operates under the principle that all defendants are innocent until proven guilty. Everybody has the right to speak with an attorney before talk-



ing to anybody else.

In addition to aligning with Illinois law, the order protects an individual’s constitutional right to counsel under the Sixth Amendment and right to a fair trial under the Fifth and 14th Amendments. It helps ensure the fundamental protections established by the U.S. Supreme Court more than 50 years ago in *Gideon v. Wainwright*, 372 U.S. 335 (1963).

Previously, most arrestees did not have access to legal representation until their first court appearance for a bail hearing. Figures from the Chicago Police Department showed that less than 1 percent of all arrests in 2016 resulted in an attorney visit at a police station.

I am pleased to say that my order was embraced by the advocates in the justice system – the state’s attorney and the public defender. It was also welcomed by The Chicago Bar Association, First Defense Legal Aid, Chicago Appleseed Fund for Justice, and the West Side Jus-

tice Center.

My order designates the Law Office of the Cook County Public Defender to send one of its attorneys to the police station or designate a volunteer private attorney to attend in place of an assistant public defender.

As a result, arrestees can have access to assistant public defenders on Mondays through Fridays from 8 a.m. to 4 p.m. Volunteer attorneys from First Defense Legal Aid (FDLA) assist individuals during all other hours and on weekends and holidays.

It is important to note that arrestees still must ask to speak with an attorney, and signs posted in the police stations provide the number to call to reach either a public defender or FDLA.

FDLA is seeking volunteer attorneys to help cover the four-hour shifts on overnights, holidays and weekends to represent arrestees. Interested attorneys can receive more information by calling (773) 354-8581 or sending an email to volunteer@first-defense.org.

Supporters agree that this new service strengthens an individual’s constitutional rights and the public’s confidence in the system. I would say “access to justice” demands it.

Timothy C. Evans is the Chief Judge of the Circuit Court of Cook County, the largest of the 24 judicial circuits in Illinois and one of the largest unified court systems in the world. The Circuit Judges elected him to a sixth term as Chief Judge in 2016.

April Meeting

The April 20 Nomination of Officers Meeting took place at Tufano's, Chicago. Nominated were: Michael F. Bonamarte, president; Vincent R. Vidmer, 1st VP; Natalie M. Petric, 2nd VP; Hon. Regina A. Scannicchio, 3rd VP; Dion U. Davi, treasurer; Bruno Marasso, secretary.



May Meeting

The Election and Installation of Officers meeting was held on May 17 at Gibsons. Alderman Robert W. Fioretti received the Moses W. Harrison Award for this lifetime commitment and dedicaiton to the Italian-American community. Michael Castaldo Jr. received the Judge Gerald Sbarbaro Award for mentorship. Mike Grieco received the Anthony J. Fornelli Emerging Leader Award.



Golf Outing

President Mike Bonamarte had lovely day on the links under sunny skies for the annual Golf Outing, held on June 8 at Bloomingdale Golf Club. Thanks to co-chairs Sam Tornatore, Vince Vidmer, Franco Coladipietro, and Richard Caldarazzo. The committee included Lou Siracusa and Bruno Marasso.



Elder Law Update:

Approaches for Practitioners: How to pay for seniors in nursing homes, Medicaid for long-term care and Elder Law/Elder Law Care. And some news items.

As we write this article at the end of July, 2017 it is impossible to predict what the Elder Care, Elder Law or the healthcare landscape will look like a year from now. In fact, as this article is being written, the U.S. Senate is attempting to rewrite a health bill that could substantially change Obamacare and Medicaid. Nevertheless, here are some models to think about and another update.

I. Basics

1. The story of Aunt Irene

- With this metaphor we seek the stress that even if you or your loved ones do not currently need to deal with the problem of how to pay the devastating cost of long-term care, undoubtedly, a client or friend of your client's will. Thus it is helpful to be prepared to understand relevant issues or to know when to possibly refer out.

2. The Numbers Are Huge

- Some studies indicate that 66% of all Americans will need some sort of long-term care during their lives!

3. Watch Medicaid

- Of this 66%, only 7% will pay through long-term care insurance, 22% will pay out of their pocket and 62 % will need Medicaid to pay for their long-term care at some point in their lives.

Note: Make your clients aware of the potential for block granting or per capita limit approaches to Medicaid that have been proposed in the Senate and House healthcare replacement bill proposals.

4. Encourage Clients To Get a Starter Document Gathering

Checklist/Binder for the Senior Years

- Create a checklist of your own or contact our office for one that will begin to allow clients to have a good start in collecting those relevant documents that you and they will need as life goes on. For example, the estate planning binder, if you have one, may be a good start but you will have to supplement that with a lot more documents as the "Elder Care Journey" continues. Things like passports, insurance cards, birth certificates, marriage certificates, Social Security cards, financial asset inventories, digital assets (passwords), long term care insurance policies, etc. need to supplement your checklist.

II. Study and Advise Based on Life's 3 Phases:

For example, help client's break life down into: 1) maturing years, 2) senior years and 3) post-death years. What needs to be done to plan properly is very different in each of those phases. It is the consideration of these life phases, separately and then as a continuum, that allows us to be more focused in planning. For example the type of planning we do at age 35 is quite different than the type of planning we do at age 75.

III. For Seniors (55 or older) Advise in the 3 Phases of Planning:

What this means is that in our client's senior years we further break down planning into the following additional subcategories: 1) pre-planning, 2) wait-and-see planning,



and 3) crisis planning. It is important to understand the differences in these three types of planning:

1. For example in preplanning clients have many years to plan, thus we can be more creative and protect more assets.

2. In wait-and-see planning, clients may become aware of a diagnosis, but we may have many years where we will be able to help them remain in the principal residence and plan freely

3. In crisis planning, clients need help in seeking and paying for immediate long-term care either at home or in a facility, 24/7 with the attendant devastating cost of \$6000-\$10,000 per month .

IV. Help clients understand the difference between "senior estate planning" and traditional estate planning.

Not all planning is the same. Help client's understand the differences between traditional estate planning, "senior estate planning", long-term care planning, and special needs planning. Also make them aware that matters pertaining to elder law are not all one thing since there are distinct types of el-

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der law and elder care matters such as: Medicaid planning for nursing home stays, issues dealing with senior residences and admission related matters, care assessments, also matters dealing with hospital and a nursing home discharge issues, and matters pertaining to litigation regarding seniors concerning abuse, neglect and other sorts of exploitation related matters.

1. In ALL types of “planning” matters, consider serving clients with the following initial steps:

- a. revise existing powers of attorney so that they are more robust and permit transfers of assets in order to achieve asset protection
- b. contact a physician immediately if doubts exist about a client’s diminished capacity
- c. revise old traditional estate planning documents such as wills and trusts so that they are more conducive to Medicaid eligibility planning, especially for a middle-class couple
- d. consider doing a blueprint of the applicable planning strategies before actually engaging in such strategies
- e. discuss, design, and sign, the plan documents, and make sure that funding is completed

2. In crisis cases, suggest the additional following steps out of necessity:

- a. review all facility contracts, for nursing homes, independent living, alternative living and memory care facilities for provisions that are troublesome such as- mandatory “pre-dispute” arbitration clauses and waivers of liability clauses
- b. do a thorough analysis of at least 60 months of financial statements to determine whether there

have been any disqualifying transfers that cause loss of government benefits eligibility

- c. determine what strategies might be available and then implement them
- d. apply for benefits with the submission of a benefits application that is properly prepared
- e. handle any post application audit issues
- f. appeal if necessary
- g. handle periodic benefits re-determination requests from the government

V. News Items – This is a repeat of a few important topics appearing in prior newsletters because they are so important to our clients:

- Repeal and Replace – keep attuned to what “replace” will look like?
- Block Granting of Medicaid or Per Capita Limitations –This will be a major change, if enacted
- Medicare Appeals – The government is way behind- 700,000 case backlog
- When a client is in the hospital, do clients know the difference between “observation status” and “admitted status”? They had better.
- A “3 midnight stay” in a hospital is required for downstream Medicare coverage in a rehab nursing facility– but the stay must be on admitted status, not observation status
- Tell clients to look for a new notice form, issued by the hospital about admitted versus observation called “MOON”
- There has been a massive overhaul of the nursing home regulations regarding federal compliance for nursing homes that participate in the Medicare and Medicaid pro-

grams

- Mandatory Pre-dispute Arbitration Clauses – may be a problem for clients and redress
- New hospice rules issued
- Advise clients that you do not need to “improve” in order to get Medicare services, rather you only need to demonstrate that you have the need for skilled care. The “improvement standard” never existed under the federal regulations as decided in the class action settlement in the case of Jimmo v. Sibelius
- Illinois Medicaid backlog - 7000 cases
- New accounts for the disabled exist, called “ABLE accounts” and are now available for those disabled whose disability arose prior to the age of 26

FINAL NOTE: This has been an overview of some of what happening in nursing homes,” senior estate planning”, elder law, Medicaid asset protection planning, healthcare and elder care. There are still many challenges to come for our clients and ourselves. We are happy to keep you and your clients apprised of these challenges and possible solutions as we all move forward.

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Tort Notes

First District Rules on Construction Negligence in Affirming Summary Judgment

By James J. Morici, Jr.

In its first decision on construction site negligence under the Restatement of Torts Second Section 414 since the Illinois Supreme Court's recent decision in *Carney v. Union Pacific R. R. Co.*, 2016 IL 118984 the First District has, once again, bought into the notion of rewarding general contractors who take a "do nothing" approach toward safety.

In *LePretre v. Lend Lease*, 2017 Ill.App (1st) 162320, the Court upheld a grant of summary judgment in favor of a general contractor and against a construction worker injured during the construction of a downtown high-rise. The plaintiff, an ironworker, was injured during the installation of iron rebar when he slipped on accumulated dirt in an excavation.

The Court rejected the plaintiff's argument that the defendant was vicariously liable for the acts of its various subcontractors, much in keeping with the *Carney* decision. In *Carney* the Supreme Court held that a general contractor's negligence is direct rather than vicarious stating that the latter is an agency principle rather than one based on negligence. The Court there found that in analyzing whether or not the defendant retained control over the work it would look first to the contracts applicable to the work and, secondly, to the defendant's conduct on the work site in deciding whether the defendant had a duty.

LePretre quoted the language of our Supreme Court on that point, but, nonetheless, went on to find no duty based on the lack of any evidence of defendant's actions supporting control. In so doing this, it is this author's opinion, the Appel-

late Court gave insufficient weight to the contracts. Further, the Court gave too much weight to the fact that the limited evidence presented at summary judgment showed no actions demonstrating control.

The Trial Court found that there was no evidence that defendant retained control of the means and methods or operative details of the work of the plaintiff's employer. It found also that there was no evidence that the defendant retained control over the safety of the job. Analogy was drawn to *Fonseca v. Clark Construction*, 2014 Ill.App. (1st) 130308, a decision which presented a similar situation of the plaintiff being employed by a subcontractor of a subcontractor. In both cases the contracts attempted to shift responsibility to the direct subcontractor. Earlier case law suggested that the responsibilities under Section 414 were non-delegable duties, a concept that has been lost in recent discussions. Similarly in both the present case and *Fonseca*, neither defendant took any actions during the course of the job to effectuate job site safety or to stop the work for safety hazards. The Court said either action would have been evidence of defendant's control and preempted summary judgment.

The *LePretre* Court distinguished plaintiff's reliance on *Lederer v. Executive Construction, Inc.*, 2014 Ill.App.(1st) 123170, because there the general contractor had specifically prohibited a specific means or method of performing the work the Court found was sufficient subject it to liability. Further, evidence in that record showed that the workers looked to the general contractor to remedy a safety hazard and that the general contractor had a strong presence on the site



inspecting safety precautions. The *LePretre* Court went on to say that those facts were not present in the case at bar and rejected plaintiff's argument.

It would seem that where a defendant retains control by contractually promising to effectuate job safety, and is in a position to do just that, that they should not be rewarded with summary judgment because they took no actions to live up to their agreement. *LePretre*, like *Carney*, really add little to the law concerning Section 414 negligence developed over the last 20 years. Rather, it is clear that the courts will closely examine the defendant's actions on the jobsite and its direct negligence. It is suggested though that greater weight be placed upon the contractual obligations undertaken by the defendant and whether the defendant lived up to those obligations.

James J. Morici, Jr. is a partner in the firm of MORICI, FIGLIOLI & ASSOCIATES, and represents Plaintiffs in personal injury, workers' compensation, and construction site related injury suits. Read all prior issues of "Tort Notes" at www.MoriciFiglioli.com

Negotiation Tip: Vestis Virum Reddit (Clothes make the man)

By John J. Lag

If you are playing the game of negotiation to win then it is incumbent upon you to dress and act the part. Think about it as if you were auditioning for the role in a play. If one were casting the role of President in a high school play former President George W. Bush wouldn't get the part, much less a call back. His awkwardness, perceptive lack of intelligence, frat-boy style and "bring it on" attitude sabotaged his effectiveness in negotiations with Congress and World powers. Instead of consensus building, he chose, my way or the by-way as his methodology, resulting in greatly diminished effectiveness. Yes, style matters. On the other hand, and lest one thinks that this is a particularly partisan opinion, let's look at the roleplaying of our best actor President, Ronald Reagan. In what was truly his greatest role, he played the part of the President in a manner worthy of an Academy Award. For a run of eight years, every day with matinees on Saturdays, he was Presidential, by God, delivering his lines in every speech and public statement masterfully, with inflection, feeling and home spun colloquialisms to boot. You didn't need to hear "Hail to the Chief" to know when he walked into a room.

People playing the negotiation game, i.e. everyone, expect others to also act dress and play their respective roles. If you are at an airport screening station, and the TSA agent is sitting in a chair without a uniform and waives you through



while telling you to have a nice day, you wouldn't know what to do. You expect a certain demeanor and procedure from persons playing their roles and are disappointed when they don't play along as expected. You want to earn your way through the process, placing all your belongings, shoes and metal on the conveyor and have the agent view and pass your x-ray scanner screen results.

Perception becomes reality to in many peoples' eyes. They expect you to act in a certain way before they enter into purposeful interaction with you. You may be the most skilled heart surgeon on the planet, but if you show up wearing beach attire with a Mai Tai in your hand to see your patients, you may soon be the most unemployed heart surgeon on the planet.

Would you expect to pay the same price for a ticket to an opera if it was merely a walk-through, without costumes and the actors reading from scripts? The audience pays for and expects that not only will the actors be in full costumed regalia, but that the audience will likewise dress to the nines in formal attire and act accordingly. You may go to the movie theater in shorts and throw you popcorn and candy

wrappers on the floor, but when you go to the opera you dare not cough or chew on anything making a noise or face social ostracism.

One of the simplest and most valuable pieces of advice I give to my law students is to have a nice pen. Not too nice a pen however, for many a person will appropriate it and you will be too disappointed when you lose it. A lawyer's stock in trade is words, pure and simple, words. Whether in the form of advice, contracts, correspondence, pleadings, arguments, negotiations, either spoken or written, --words. Why would you expect anyone to value your written words if you are using a 19-cent throw-away pen? And why would you expect anyone to value your spoken words if you didn't dress and act in an appropriate and professional manner? Clothes make the man. (person)

JOHN J. LAG has developed The Art of Purposeful Negotiation over the course of a legal career spanning five decades which has provided him with invaluable knowledge and experience in the field of dispute resolution. In addition to practicing law, the author is an Adjunct Professor of Law at the John Marshall Law School where he teaches Negotiation Theory and Practice. He is also a Fellow of the International Academy of Dispute Resolution, promoting peacemaking and education, worldwide.

“Getting Started as a Real Estate Attorney”

By Joseph R. Fortunato

Review by Leonard F. Amari

A small, tight little book crossed my desk the other day that truly amazed me. Frankly, I didn't know how or why I found this book on my desk one morning, but I was so impressed with it I want to tell every young lawyer I know, every lawyer in transition, any one of us who wants to know about what a “real estate lawyer” is and how does he or she goes about doing it: *Getting Started as a Real Estate Attorney*, by Joseph R. Fortunato. The fact that I've known Joe for over 40 years, know the esteem in which he is held in the Illinois legal community, I am not surprised of the quality of this “manual.”

This 130 page, thin volume embodies an everything-one-could-possibly-want-to-know about practicing in the real estate transaction field. And written by a recognized authority in this substantive area – a 40+ year, highly esteemed real estate attorney.

Joe leaves little to the imagination, never is a question begged. He even covers matters one wouldn't think relevant – but are indispensable if one wants a true picture of what a “real estate attorney” is and does. To get the full flavor of the entire volume, I recite here a full paragraph (Chapter 3, of 14), “Why would I want to do this work? Why not?” to get the perspective of the author, the thoughtfulness that went into the writing of the tome, the intelligent, practical discussion:

On the plus side, transactional practice allows the attorney to practice law in a less formal setting. Court visits are rare. Casual dress is permissible (although I believe that the level of professionalism in real estate closings suffers when lawyers fail to dress for business). The lawyer often can set his or her own



schedule. Client contact is maintained primarily by telephone or via e-mail or text. Elaborate and expensive office space is unnecessary. Office space in the pricier downtown locations can be relinquished in favor of less expensive space in neighborhood or suburban locations where the majority of the residential clients and properties that the attorney will handle are located.

Many lawyers who have family responsibilities and therefore want to restrict the number of hours devoted to work each week can still maintain a transactional practice, albeit on a limited scale. This work can be seen as an alternative to abandoning the practice of law altogether, due to the extreme demands of a litigation practice on one's time and quality of life.

Much of the work required of the attorney can be standardized and compartmentalized, lessening the level of stress associated with the handling of unfamiliar matters. Communication by e-mail or facsimile can be accomplished by the lawyer without the assistance of staff... Much of the documentation and written communication is form-driven, especially with regard to standardized

correspondence, closing documents, closing statements, powers of attorney, contracts, leases, etc. How wonderfully insightful, how practical – how helpful. It was reading these definitive reasons for thinking about becoming a “real estate attorney” that the quality and practicality, almost mentoring, that I felt compelled to write this book review for the ISBA Senior Counselor's newsletter, with hopeful republication in the ISBA Young Lawyer's newsletter.

Author Fortunato, in an early chapter, suggests how to begin: Chapter 4's “Sources of Business: Where Should I Begin?” He talks about the early need for training, and where to get it (real estate committees of the various national, statewide, and local bar associations, by name.) He then, again insightfully, suggests that initial approach is also the forerunner of initial marketing in this area: the networking opportunities with other lawyers in this field, e.g., a firm with this concentration and perhaps an overflow of real estate business transactions. The opportunity for mentoring, by a seasoned real estate practitioner having met at these bar activities, inherent in the genes of us lawyers.

Along the way there are chapters dealing with “Becoming Familiar with Contracts” (5), “Listing Agreements” (6), “Significant Provisions of the residential real estate contract” (7). Of course, Joe goes deep into the chapters dealing with the closing (7), consumer issues, e.g., Financial Protection Bureau (11), the interplay of real estate law with substantive areas of law (12). Joe even provides for 6 appendixes involving, for example, CFPthree-day closing Disclosure Rule (Ap-

Continued on next page

pendix 3), ALTA Combined Settlement Statement (4), the Residential Real Property Disclosure Report and provisions of the Disclosure Act (5) among others.

Without republishing it here, Joe's chapter 13, "Mentoring and Marketing," is a must read for every lawyer, his intelligent perspectives and insightful suggestions, especially for a lawyer in transition or a new or newish lawyer

Obviously, especially as a non-real estate transactional attorney, I was most impressed with the quality and utilitarian application of this book.

I asked my career pal Joe Fortunato what was his motivation for writing the outstanding practical publication and he responded:

I hoped to be able to compile in one place all the ideas I had about handling residential transactions, and handling them correctly. I hoped to share my passion for the work, and how important it is to individuals whom we represent. I wanted to enhance the profession by suggesting to transactional practitioners that they are professionals, just as litigators are. In order to do the job correctly it is necessary to study other areas of the law, to go beyond the basics, to maintain the position as trusted advisor that many lawyers have ceded to real estate brokers. Finally, just as a certain young law student at The John Marshall Law School compiled and disseminated for the use of his peers a set of notes on Property Law as taught by the late professor Edward Brodkey, I wanted to provide useful information for my peers to use, whether they were experienced practitioners or simply freshly minted attorneys.

[Editor's Note: The ABA sells this publication at www.shopABA.org.]

JUSTINIANS IN THE NEWS

- Former Justinian President and Chair of the Property Tax Appeal Board, **Mauro Glorioso**, received the 2017 Freedom Award from the JMLS on May 18. This award commemorates distinguished service to the legal community.
- The Sicilian American Cultural Association will present our former Justinian President and former president of the ISBA, **Umberto S. Davi** with its coveted Medal of Merit. The event is September 24, 2017 at noon at Monastero's, 3935 W Devon Ave. in Chicago. Former President **Gloria Coco** currently serves as President of SACA, and will present the honor. Photo below at a prior event.



- In an effort to address the violence plaguing our city, **Romanucci & Blandin** worked with the Chicago Bar Association to bring together lawyers, judges, elected officials, reli-

gious leaders, and role models in the community for a summit this past May. Antonio M. Romanucci moderated the first panel at the event, "A Path towards Solutions: A Summit on Curbing the Violence in Chicago". Romanucci's panelists include: Kim Foxx, Cook County State's Attorney; Superintendent Eddie Johnson, CPD; Pamela Means, Former President of the National Bar Association; and City of Chicago 6th Ward Alderman, Roderick Sawyer.

- Career Justinians, **Joe Marconi**, a managing partner at Johnson & Bell, (and general counsel of the Illinois State Bar Association Mutual Insurance Company) and **Jon DeMoss** (ISBA / MIC president) in front of the "green monster" at Fenway Park in Boston, while attending an ABA conference on legal malpractice. Photo below with Joe on the left.



Continued on page 18



Exchange Advisory Committee. Romanucci is extremely involved in AAJ also serving as Chair of the Police Misconduct Litigation Group and Vice-Chair of the Traumatic Brain Injury Litigation Group.



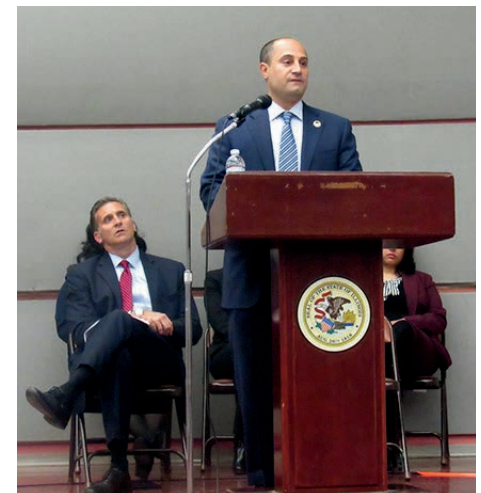
- Schostok & Pritchard PC managing equity partner **Patrick A. Salvi** (above) and his wife, **Lindy**, have been named recipients of the 2017 Leonard Da Vinci Award of Excellence by the Order Sons of Italy in American, Grand Lodge of Illinois/Wisconsin. The award recognizes Italian Americans in a variety of fields who have called attention to the Italian-American community. The Salvis were recognized in the field of Entrepreneurs for their work with Salvi Sports Enterprises LLC.
- Romanucci & Blandin Principal and Partner, **Antonio M. Romanucci** was nominated as 2nd Vice President by the Illinois Trial Lawyers Association (ITLA). Romanucci has been an ITLA board member since 2003, serving on several committees.
- Romanucci & Blandin Principal and Partner, **Antonio M. Romanucci** (above, top center) was appointed to the American Association for Justice (AAJ) PAC Task Force, National Finance Council and

- The **John Marshall Law School** held their Meatball Madness event on April 13. The annual event features a competition for the best meatballs made by student members and was well attended by the student chapter. The next generation of Justinians are poised to contribute to our Society and the legal community.
- Romanucci & Blandin Partner, **Frank A. Sommario** was sworn in as a member of the Board of Directors of the National Italian American Bar Association (NIABA) representing Illinois. Sommario participated in the spring board meeting as well as a number of networking events in Fort Lauderdale, Florida this July.
- **Katherine Amari O'Dell** gave a real estate tax presentation to members of the Senior Assistance Center for Harwood

Heights and Norridge. Katherine explained the procedure of how the senior citizens apply for senior real estate tax exemptions. Katherine is pictured with Carole Creason below, the Executive Director of the Senior Assistance Center.



- **Joseph Locallo III** was nominated to be included in the top group of lawyers under age 40 in real estate tax. Quite the honor.
- Past President **Frank Sommario** (photo below) addresses newly inducted lawyers at their swearing in, together with Dan Kotin, and Justice Mary Ann Theis.



- The JMLS 2017 Spirit Award winners included: **Joseph Michael Gagliardo**, **Nicholas C. Zagotta**, **Leonard F. Amari**, and **Karie Jane Valentino**. It is among the highest honor that the law school bestows upon loyal, respected members of its community. "This year's honorees join an impressive list of men and women who have shaped the law school we know today," said Paula Hudson Holderman, President of the John Marshall Board of Trustees.

- At the invitation of the White House, **Nina Vidmer**, executive director of the American Academy of Addiction Medicine, met with the Secretary of the Department of Health and Human Services (HHS), Dr. Tom Price on June 19 to discuss solutions to the nation's opioid epidemic. (Nina pictured right with Secretary Price below))



- **Ryan Davi** graduated with a Masters Degree in Industrial Organizational Psychology in May at Elmhurst College. He is interning in the Human Resources Department at First Midwest Bank in Itasca. Pictured below with mentor attorney, Eva Tameling.



- Justinian **Rick Felice** was recently installed as president of the ISBA Mutual (pictured below with other ISBA Mutual colleagues)



of serving the Italian American community and many Justinian referring attorneys in personal injury, workers compensation and first responder disability pension matters. We wish them congratulations.

- Congratulations to new Secretary **Bruno Marasso** and his wife, Maria, on the birth of their son, Eddie, on June 21.



TRANSITIONS

- **Anthony Casaccio** was admitted as a partner at Shain Banks
- **Evan Davi** was admitted for the Fall 2017 semester at The John Marshall Law School.

- **Carlos Vera**, nephew of Joe and John Locallo, just accepted a position with Johnson & Bell.
- After 55 years in business, the **Monastero Family** announces their Ristorante will close on November 18, 2017.
- Morici Figlioli & Associates, led by Past President **Jim Morici**, is into its 20th Anniversary year

OBITUARIES

✠ **Micheal Ficaro**, a dear friend to many Justinians.

✠ **Terri L. Rossi**, a beloved member of the Lincoln-Way Community and wife of Judge Ray Rossi, former Frankfort Mayor.

✠ **Andretta "Curly" Marconi**, mother of Justinian Joe Marconi.

✠ 3rd District Appellate Court Justice and former IJA President **Tobias "Toby" Barry** (retired). See article.

✠ **Anthony J. Fornelli**, Past Justinian President. See article.

✠ Tobias Barry

1924-2017

By Leonard Amari

The Illinois legal community lost a true giant, everyone's pal, Justice Tobias "Toby" Barry. He was a friend to so many, one of the

truly good guys, and one of the most respected lawyers and jurists over the last 50+ years.

Justice Tobias "Toby" Barry, 92, of Ladd, passed away peacefully on Tuesday, April 4, 2017, at the Illinois Valley Veterans Home in LaSalle, surrounded by loved ones. Toby was born April 12, 1924, in Chicago to Tobias Sr. and Mary (Castignari) Barry. He graduated from Ladd Grade School, St. Bede Academy, LPO Junior College, Marquette University and the University of Notre Dame Law School. He interrupted his studies at Marquette University to serve his country in the U.S. Navy during World War II, from 1943 to 1946, as a combat medic. Following his service in the Navy, he returned to Marquette University to complete his undergraduate degree in philosophy. In 1952, he earned a Juris Doctorate degree from Notre Dame's Law School, beginning his legal career which spanned more than 50 years.

While practicing law, Toby was elected to the State of Illinois House of Representatives in 1960, filling the seat previously held by his father, Tobias Barry Sr., following his



untimely death. Toby continued to serve as a state representative for 14 years. In 1974 he was elected to the Third District Appellate Court, becoming Justice Barry. He was retained by the voters in 1984 and continued to serve on that court for 20 years, until his retirement in 1994. He was subsequently reappointed by special order of the Illinois Supreme Court to serve again on the Third District Appellate Court from 2002 to 2004. He was also appointed by special order of the Illinois Supreme Court to serve on its Worker's Compensation Division for many years.

Toby was a founding member of the "Illinois Lawyers' Assistance Program," a program that assists Illinois judges and attorneys who struggle with alcohol abuse, drug dependency and mental health issues.

Toby is survived by his wife, Jan Barry, of Ladd; three sons, Mark Barry, Patrick (Mary Jo) Barry and Dan (Sue Preston) Barry; one daughter, Michele (Gilbert) Barattini; and seven grandchildren Bianca, Grazio, Bruno and Emma Barattini, Colin Barry, and Owen and Keller Barry. He also leaves behind a host of friends and colleagues who played very important roles in his life.

One of the kindest things one can say about this great man, this truly beloved individual, this greatly respected and admired lawyer and jurist is that no one ever said a bad word about Toby, ever heard a disparaging remark or comment about Toby. He was a leading lawyer in his community of Ladd, in fact throughout the state of Illinois. He was a most respected and esteemed jurist and community leader. Toby will be greatly missed.

***Editor's Note:** I had the distinct pleasure of regarding "Toby" as a friend, having twice traveled to Europe together and attending many bar functions. I truly looked up to him, not only as a great jurist and eminent lawyer, but as consummate gentleman. To know Toby was to appreciate his goodness, and one could only hope to emulate him. He was interred in Arlington National Cemetery, a reflection of the stature of this man. -Len DeFranco*

SAVE THE DATE

Justinian Society of Lawyers

Annual Installation and Awards Dinner

October 4, 2017

Palmer House Hilton State & Monroe Chicago

✠ Anthony J. Fornelli

1933- 2017

By Leonard F. Amari

Our Justinian Society, our Italian-American Chicagoland community, recently lost a great man, Tony Fornelli.



An altruist, a leader and a mentor and great role model to many, especially me – Tony died suddenly, though not surprisingly, at the age of 83, after fighting valiantly for over a decade the dreaded and debilitating Parkinson's disease. He did so much, accomplished so much, for our Society and our community, he leaves a major void in many of our lives, he will remain a legend for years.

Whether it's a scholarship fund for his beloved alma mater, St. Ignatius College Prep, a humble law practice, a payday loan empire, a new constitution for a venerable service organization, or an Italian lakefront festival for the world to enjoy, good things came into being because of Mr. Fornelli.

When our community newspaper, *Fra Noi*, was on death's door, he and a brave band of community leaders assumed its debts and liabilities, buying time to nurse it back to its present good health. When Italian Americans were gerrymandered out of power on the congressional level in the late 1980s, he and other leaders formed the Italian American Political Coalition to fight for a seat at the table.

With the Sacred Heart Semi-

nary lying fallow for decades, Tony and other community leaders forged an iron-clad commitment with the Scalabrini Fathers that transformed the property into Casa Italia for a century to come, making the beautiful 17 acres of buildings and grounds in Stone Park the home of our Italian community.

Inspired by the creation of endowed chairs in Italian American studies across the country, he threw his weight behind the creation of an equivalent at Loyola University in Chicago, leading the charge to raise funds to endow over a million dollars to this effort.

Moved by the loss of more than 2,000 World War II veterans a day, young men from our ethnic community, Tony brought into being a museum and a documentary in their honor, the World War II Italian-American Veterans Museum at Casa Italia.

At the Casa, there are book shelves in the Cultural Center library, a stage at the festival center, an annual event honoring captains of industry and a bocce tournament that enlivens the grounds because of Tony's efforts, influence and resources.

And appropriately enough, there will soon be a museum showcasing the Italian spirit of scientific innovation thanks to our beloved honoree.

Mr. Fornelli was the recipient during his distinguished career of the highest award of the Justinian Society, the Award of Excellence, and of the Illinois State Bar Association, its significant Laureate Award.

He never sought or expected credit, and he always poured his personal resources into each endeavor along with his gigantic heart and his soul. Perhaps Tony's greatest gift was his ability to rally others to the cause.

As someone who has flown with Tony on almost all of these missions for almost 50 years, I can tell you, when Tony issued a call to arms, there were few who could resist.

Fittingly, on the evening of June 8, 2017, well in excess of 400 friends, family, colleagues and admirers attended a tribute to Mr. Fornelli at the Donald E. Stephens Convention Center in Rosemont, Illinois.

That evening, honoring Mr. Fornelli was a clear indication of the high regard that he enjoyed within the Italian American community and the community at large.

There were in excess of 200 ads contained in the tribute book Paul Basile, the editor of *Fra Noi*, and a Fornelli minion, put together as a further homage to this wonderful human being.

Mr. Fornelli, by any definition, was a great man – and my life, like many of the folks in attendance that night to pay him homage, generations of Justinians, folks that knew Tony in the community, have been enriched by his being a part of it.

Being close to Mr. Fornelli for virtually fifty years, I can state, without equivocation, I never heard him say a disparaging word about another human being, never, ever, heard him use a cuss word, and significantly, I never heard a negative thing ever said about him – ever. I will miss my dear friend, my mentor and role model, as will everybody who ever knew Mr. Fornelli. Goodbye, old friend.

(The author would like to thank Paul Basile for most of the first part of this memorial, taken for the most part, from his remarks at the event of June 8, 2017.)

UNISURED ILLINOIS LAWYERS:

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