



# Justinian Society of Lawyers

## Fall 2020 Newsletter

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### HON. REGINA A. SCANNICCHIO PRESIDENT

Judge Regina A. Scannicchio currently sits in the Cook County Court Domestic Relations Division. She was appointed to the bench by the Illinois Supreme Court in 2011, and she was elected in 2012 and retained in 2018. Judge Scannicchio presides over complex domestic relations litigation encompassing issues related to minor children, child support, and the evaluation and distribution of marital estates.

Prior to her appointment to the bench, Judge Scannicchio was the principal and manager of her own firm, Scannicchio & Associates, P.C., with a practice concentrated in complex divorce litigation. During her practice, Judge Scannicchio served as a Guardian Ad Litem and Child Representative on behalf of minor children through appointments by the Court. She also briefed and argued cases in trial and appellate courts with an emphasis on family law matters.



Judge Scannicchio attended DePaul University, graduating with a B.S. in Marketing and Communications and received her Juris Doctorate from The John Marshall Law School. Regina remains active in The John Marshall Law School as a member of their Alumni Council and served as the President of The John Marshall Alumni Association. She received the Distinguished Service Award from the law school's Alumni Association and the Spirit of John Marshall Award from the law school's Board of Trustees.

Judge Scannicchio currently serves on the boards of the Illinois Judges Association and the Catholic Lawyers Guild of Chicago, and she is a member of the Phi Alpha Delta Law Fraternity. Her community involvement includes her work on the executive boards of The Shrine of Our Lady of Pompeii and the Little Italy Chicago Neighborhood Association as well as her involvement with the Joint Civic Committee of Italian Americans and the Italian American Human Relations Foundation. She received a da Vinci Award for Community Service from the Order Sons and Daughters of Italy in America and an Impresa Award from the Women's Division of the Joint Civic Committee of Italian Americans.

Judge Scannicchio has served as an adjunct professor in legal writing for The John Marshall Law School and is a presenter, speaker and faculty member on the topics of family law for the Association of Illinois Courts Education Conference, Illinois Judicial College, Chicago Bar Association, American Academy of Matrimonial Lawyers, Association of Family Law Conciliation Courts and The John Marshall Law School.

**DION U. DAVI**  
**1ST VICE PRESIDENT**

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 Naperville, Wheaton, Plainfield, Chicago and Joliet. Dion received his Juris Doctor from The John Marshall Law School after attending DePaul University, where he received his B.A. in psychology. He has served as an officer, including as President, of the DuPage Justinian Society of Lawyers. He has also served on the Board of Governors of the Illinois State Bar Association and on the Board of Directors of the DuPage County Bar Association. Dion has been recognized as an Illinois Super Lawyers Rising Star from 2010-13, an Illinois Super Lawyer from 2015-20 and a Law Bulletin Leading Lawyer from 2015-20.



**BRUNO M. MARASSO**  
**2ND VICE PRESIDENT**

Bruno R. Marasso is a Senior Associate Attorney at Romanucci & Blandin, LLC, where he focuses his practice in the areas of automobile collisions, wrongful death, premises liability, police misconduct and institutional misconduct. Bruno has served 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 and 2018, and as a Rising Star by Super Lawyers in 2018. While a law student at Chicago-Kent, he was a four-time recipient of the CALI Excellence for the Future Award.



**MICHAEL D. PISANO**  
**3RD VICE PRESIDENT**

Michael D. Pisano is an Associate in Ice Miller's Litigation Group, where he prosecutes and defends civil litigation matters with an emphasis in representing owners and construction professionals in claims for breach of contract, defective construction, construction delay, personal injury and property damage. He received his Juris Doctor, magna cum laude, from The John Marshall Law School, where he was a member of the Law Review. Among his many scholarships and awards were the Lupel & Amari Scholarship and the Justinian Society of Lawyers Scholarship. He has been an active Justinian since law school, serving on the Executive, Newsletter, Membership, Website and other committees. He has been recognized by Super Lawyers as a Rising Star from 2014-20.



## **BRIAN T. MONICO**

### **TREASURER**

Brian T. Monico is a Principal with the law firm of Hale & Monico, which focuses on wrongful death, professional malpractice, personal injury and civil



rights cases. He previously served in the Cook County State's Attorney's Office.

A graduate of Fairfield University and the Loyola University Chicago School of Law, he earned a Philip H. Corboy Fellowship and Thomas F. and Patricia A.

Bridgman Scholarship and was a member of the Corboy Trial Team while in law school. A member of the Executive Board of the Chicago Bar Association's Lawyer's Lend a Hand to Youth, he chaired the Young Lawyers section of the Center for Disability and Elder Law. Brian has been recognized as an Emerging Lawyer, Super Lawyer, Leading Lawyer and 40 under 40 Attorneys to Watch.

## **CATHERINE LOCALLO**

### **SECRETARY**

Catherine (Caifano) Locallo is a Partner with the law firm of Robbins Schwartz. Her primary areas of practice are labor and employment law. She earned her Juris Doctor, cum laude, from The John Marshall Law School in 2009. Catie was inducted into the Order of John Marshall, which was created by the school in 1929 to recognize excellence in scholarship. She was recognized as a Rising Star by Illinois Super Lawyers from 2015-18. Catie has been a mentor to law students over the years and serves as co-chair of the Justinian Society of Lawyers Endowment Fund Scholarship Committee. She also serves as a member of the Oakton Community College Paralegal Advisory Committee and on the Board of Directors for the Glenview Stars Hockey Association.



Chartered October 26, 1929

## **Installation of officers**

### **2020-2021**





# Law School Updates:

## DePaul Student Chapter Update

By Dominick Ranallo

The DePaul Justinian Society wants to congratulate former President, Dominick Ranallo, Vice President, Brittney Van Ness, and Treasurer, Ryan O'Malley on completing their time at DePaul and beginning their legal careers. We wish them luck as they begin their careers and await the results of the October Bar Exam. The chapter is looking forward to continuing its involvement with the parent chapter through its new President, Marta Prell, once we can all safely return to work, school and Justinian Dinners.

## UIC JMLS Student Chapter Update

By Ashley Messina (VP)

The John Marshall chapter has adjusted well to the changes brought with COVID-19 and the merger between UIC and JMLS. All in-person events are on hold, but we are in the process of rescheduling a virtual meeting with the parent chapter. At this event, Justinian President and Honorable Judge Regina Scannicchio will lead a panel of attorneys in having an open discussion with law students. We expect a high turnout and look forward to more closely conversing with our parent counterparts.

Aside from the upcoming virtual event, the board members have transitioned their efforts into creating a safer and more accommodating environment for John Marshall

students. In early October, Joey Amari (President) and Ashley Messina (Vice President) attended a meeting with the school's Dean, Ms. Darby Dickerson, and the Vice Dean of Academic Affairs, Ms. Julie Spanbauer, to discuss scheduling and syllabi challenges under new protocol. The outcome resulted in a general consensus that there needs to be higher transparency between Professors and students on attendance requirements and participation expectations.

With final exams around the corner, we'd like to extend our gratitude to the parent chapter for their ongoing support as we continue on our law school journey, especially in these unprecedented times. We look forward to a new beginning and smooth transition come Spring 2021.



# *Congratulations 2020 Scholarship Recipients*

This year the Justinian Society Endowment Fund awarded scholarships from both members' donations and generous benefactors. Our congratulations to all the recipients and thanks to those of you who have paid it forward in assisting law school students to realize their dreams.

Joseph Amari (UIC-JMLS)  
Jacqueline Brown (Loyola)  
Evan Davi (UIC-JMLS)  
Rebecca Day (UIC-JMLS)  
Ashley Messina (UIC-JMLS)  
Kayla Montagano (UIC-JMLS)  
Nicholas Sandowski (UIC-JMLS)

## *Follow us on social media!*



Chartered October 21, 1921



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## *Justinian Society of Lawyers'* **Endowment Fund**





# BOOK REVIEW:

**“The Chief Justices: The Seventeen Men and the Center Seat, Their Courts, and Their Times” by Daniel A Cotter**

By Leonard F. Amari

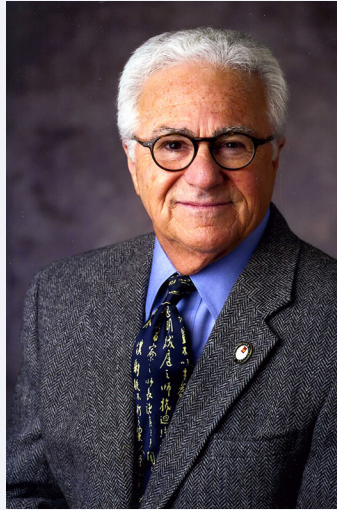
## BOOK INTRODUCTION

My good friend, past president of the Chicago State Bar Association and an adjunct instructor at the John Marshall Law School has written the most interesting book about the Chief Justices and of the United States Supreme Court. He writes this book from a historical perspective, as an obvious SCOTUS aficionado and one that will appeal to historians of American Government history. Those interested in the separation of powers and those who would enjoy seeing American history, at various eras in time, through the perspective of the United States Supreme Court, more specifically, the influence of the Chief Justice during each period, will especially enjoy this terrific treatise.

There have been eighteen Chief Justices of the United States Supreme Court including John Roberts. Author Cotter provides a historical perspective of various American eras through the prism of the Supreme Court with an emphasis on the influence and impact of the 17 Chief Justices, prior to Roberts, during their terms.

As Dan points out in his preface, “the intent of this book is designed to look at the Chiefs not through case studies or through a more legalistic approach but to put the court, its decisions, and its role in our nation in more cultural context.” He says that a major goal of this book is to provide an accessible, entertaining, interesting book that the general population will enjoy. But is one also that the law student and practitioner will find interesting and useful.

As a fifty year practicing attorney, one who has a modicum of interest in the Supreme Court of the United



States and its influence with a historical perspective, I find this book fascinating. We learn about each individual Chief Justice, his influence in his term as Chief, the presidents under which he has served (at this point anecdotally, there have been no female Chief Justices of the United States Supreme Court). The book goes into the early lives and careers, as well as the circumstances leading to their road to the Federal judiciary and time as members on the bench, and ultimately their appointment to the Supreme Court. It goes on to talk about their careers, some anecdotal observations about their personal lives, and finishes each, discussing their demise and each of their legacies. The book is not an homage to each of the Justices, but a look at them, again with a historical perspective, showing, in Dan's objectivity, their influence in their time, on the court, and the policy and culture of the United States during their term and their influences thereafter.

The book explains, historically, the beginning of the Supreme Court of the United States in 1789. For example, the first three held the position for a total of eleven years, and the next two (Marshall and Taney) held the Chief Justice

position for the next sixty-three years (the two longest chiefs in our history). As mentioned above, this book seeks to examine the position of the Chief Justice more closely, to describe the position's origins and duties, and to explore the court under each of the seventeen chiefs. The exploration includes the background and careers of the chiefs before becoming Chief Justice, discusses the cultural times and puts their rise and tenure in our nation's context, while discussing some of the key associate justices who sat with each of the seventeen. Each chapter also focuses on some key decisions of the Chief Justices' courts.

## ABOUT THE AUTHOR

Daniel A. Cotter is a lawyer who practices corporate transactional, privacy, and insurance regulatory law in Chicago. As mentioned, he is a Past President of the Chicago Bar Association and an Adjunct Professor at the John Marshall Law School, where he teaches a course, “SCOTUS Judicial Biography.” Dan is a frequent writer about the U.S. Constitution, our nation's founding, and the SCOTUS and its justices. He tweets about SCOTUS and general history daily @scotubios. This is his first book.

## BOOK STRUCTURE

By way of an introduction, the book points out that there are no precise guidelines, rules, statutes, constitutional provisions and the like of how the position is different from the others. The position was not in the U.S. Constitution, Dan points out, which simply provided:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and es-

*Continued page 7*

tablish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times receive for their services, a compensation, which shall not be diminished during their continuance in office.

Dan further points out that Congress addressed a lack of specificity relative to the Chief Justice of the United States Supreme Court when it passed the Judiciary Act of 1789, which provided: The Supreme Court of the United States shall consist of a Chief Justice and five Associate Justices, any four of whom shall be a quorum...

After these introductions, with some additional anecdotal observations and comments, the book goes on to discuss, each his own chapter, the Chief Justices. What is especially interesting, and is a compliment of the celebrality of the author in introducing each Chief Justice chronologically, Dan uses a phrase following each name in the chapter identification that is an attempt in a word or a few words to describe the justice and the times in which the justice serves, not an easy task but handled adroitly in a very entertaining manner. The amount of detail, historical perspective, accomplishments and contributions of each Chief is reported in great detail. Also, Dan provides a great detail of anecdotal observations. For example, the chapter on the first Chief Justice points out that at a point in his career he was headed to Paris where he joined John Adams and Benjamin Franklin to negotiate peace with England. Over the next year and a half these representatives would negotiate with Great Britain to end the Revolutionary War.

He points out that Justice Jay was appointed by the Confederation Congress as secretary of foreign affairs on May 7, 1784, a position Jay would retain for the next five years. The appointment was recognition for the extensive

efforts and abilities that Jay demonstrated in international relations. On September 15, 1789, President George Washington made Jay acting secretary of state, the position that replaced secretary of foreign affairs. Of course, and as Dan points out, Jay wrote five of the essays of the Federalist Papers and also advocated for ratification of the Constitution in New York. George Washington signed the Judiciary Act of 1789 on September 24, 1789 and immediately submitted his selection of five Associate Justices and Chief Justice. Washington “felt that the man to head his first court must be not only a great lawyer, but a great statesman, a great executive and a great leader as well.” Among other many significant contributions in American history John Jay was responsible for what we all commonly refer to as “the Jay Treaty.” In February, 1794, tensions were escalating between Great Britain and the United States. President George Washington appointed Chief Justice Jay as a special envoy following in March 1795, the “Jay Treaty” was submitted to the Senate which approved the treaty on July 4, 1795. It was also pointed out in the book that while overseas negotiating the “Jay Treaty,” Jay was elected as the second governor of New York and on June 29, 1795, submitted his resignation as Chief Justice of the Supreme Court. He served as governor until 1801 when he retired, and he would never serve in a public capacity again.

Succinctly, the balance of the book is divided into chapters, one for each of the Justices. Just to whet the appetite of the reader of this review, I will mention each Justice as Dan has in his book, chronologically, with Dan’s anecdotal and historic era-specific phrase to describe the tenure of that Justice:

Chapter Four – John Rutledge: Rejection

Chapter Five – Oliver Ellsworth:

Forgotten Innovator and Founding Father

Chapter Six – John Marshall: Establishment of the Supreme Court’s Supremacy

Chapter Seven – Roger B. Taney: One Decision Makes a Legacy

Chapter Eight – Salmon P. Chase: Reconstruction and Integrating the Court

Chapter Nine – Morrison Waite: Narrow Interpreter of the Thirteenth, Fourteenth, and Fifteenth Amendments

Chapter Ten – Melville W. Fuller: Equal Justice under Law, Separate but Equal

Chapter Eleven – Edward Douglass White: An Elevation from Associate Justice

Chapter Twelve – William Howard Taft: A Former President Achieves His Goal

Chapter Thirteen – Charles Evans Hughes: White House Ambitions

Chapter Fourteen – Harlan F. Stone: Playing All Positions

Chapter Fifteen – Fred M. Vinson: The Last Democratically Appointed Chief

Chapter Sixteen – Earl Warren: Brown v. Board of Education, Civil Rights, and Criminal Rights

Chapter Seventeen – Warren E. Burger: A Minnesota Twin Goes to Bat, Expanding Warren Court Rulings

Chapter Eighteen – William Rehnquist: A Clerk, An Associate Justice, a “Great Chief Justice”

If you’re interested in a great political read, a history of our Federal judiciary, with emphasis on the Chiefs, in an exceptionally well-written volume, I strongly recommend it.



Chartered October 21, 1921

# JUSTINIAN SOCIETY OF LAWYERS

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c/o Nina Albano Vidmer

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Firm, business, corporate, or government agency name

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(46)  
\_\_\_ Business Valuations (52)  
\_\_\_ Business Tort (53)  
\_\_\_ Civil Rights (5)  
\_\_\_ Class Actions (47)  
\_\_\_ Commodities (6)  
\_\_\_ Commercial Litigation (7)  
\_\_\_ Construction (8)  
\_\_\_ Corporate (9)  
\_\_\_ Criminal (10)  
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\_\_\_ Franchise (15)  
\_\_\_ General Practice (49)  
\_\_\_ Health Care (16)  
\_\_\_ Immigration (17)  
\_\_\_ Insurance (18)  
\_\_\_ Investment Banking (58)  
\_\_\_ Labor/Mgmt Relations (19)

Malpractice -  
\_\_\_ Accountant Malpractice - Plaintiff (28)  
\_\_\_ Accountant Malpractice Defendant (29)  
\_\_\_ Attorney Malpractice - Plaintiff (25)  
\_\_\_ Attorney Malpractice - Defendant (26)  
\_\_\_ Medical Malpractice - Plaintiff (22)  
\_\_\_ Medical Malpractice - Defendant (23)

\_\_\_ Municipal (30)  
\_\_\_ Patent & Trademark (31)

Personal Injury -  
\_\_\_ Plaintiff (33)  
\_\_\_ Defendant (34)  
\_\_\_ Probate (35)

Product Liability -  
\_\_\_ Plaintiff (66)  
\_\_\_ Defendant (67)

\_\_\_ Professional Disciplinary (37)  
\_\_\_ Real Estate (38)  
\_\_\_ Real Estate Tax (39)  
\_\_\_ Securities (40)  
\_\_\_ Social Security (55)  
\_\_\_ Tax (41)  
\_\_\_ Traffic (50)  
\_\_\_ Trade Secrets /  
\_\_\_ Unfair Competition Litigation (51)  
\_\_\_ Zoning (68)

Worker's Compensation -  
\_\_\_ Plaintiff (43)  
\_\_\_ Defendant (44)

# Tort Notes:

## **First District Employs Heavily Fact-Dependent Analysis in Affirming Jury Verdict Finding That Sales Representative Was an Employee, and Not an Independent Contractor, For Purposes of Vicarious Liability, Thus Imposing Liability Upon the Corporate Defendants**

By James J. Morici, Jr.

In *Blockmon v. McClellan*, 2019 IL App (1st) 180420, the Illinois Appellate Court, First District upheld a jury verdict against two corporate defendants, holding that they could be held vicariously responsible for the wrongful death caused by the negligence of their traveling sales representative. The First District reasoned that the plaintiff presented the jury with sufficient evidence at trial for it to conclude that the traveling sales representative was the employee of the two defendants, and not merely an independent contractor. In doing so, the First District reinforced the long-standing principle that juries are in the best position to determine whether a defendant can be held liable for the negligence of its agents under vicarious liability.

Citing its decision in *Lang v. Silva*, 306 Ill. App. 3d 960 (1st Dist. 1999), the *Blockmon* Court identified a variety of factors that juries must consider when determining whether an employment relationship exists. These are: the right to control the manner in which the work is performed; the right to discharge; the method of payment; whether taxes are deducted from the payment; the level of skill required to perform the work; and the furnishing of the necessary tools, materials, or equipment. Quoting *Lang*, the First District clarifies that

“[n]o single factor is determinative but the right to control the manner in which the work is performed is considered to be the predominant factor.” Reaffirming its holding in *Magnini v. Centegra Health Sys.*, 2015 IL App (1st) 133451, the First District explains in *Blockmon* that this factor is predominant because “[t]he hallmark of agency is the principal’s right to control the manner in which the agent performs the work.”

This issue appears frequently in personal injury cases, especially those involving construction and trucking accidents. General contractors and truck dispatchers will often downplay their significant involvement and control over the work performed by their agents. Defendants in these industries will typically claim that their agents are independent contractors free to choose their own means and methods of completing the work. During discovery, however, a different picture often emerges. Defendants who claim that they have no involvement in the means and methods of the work are, in many cases, found to have been deeply involved in deciding how work is completed by their agents.

The *Blockmon* defendants were in the business of manufacturing, marketing and selling Cutco knives. Their distribution model utilized the 18-year-old defendant as the trained salesperson. He was driv-



ing from one sales call to another when he struck the decedent’s car from behind. At trial, the sales representative admitted that he was using his phone’s GPS to figure out how long it would take him to drive to his next sales appointment. That distraction caused him to collide with plaintiff’s car, resulting in the plaintiff’s death.

The defendants argued that the sales representative controlled the manner of his work, his workload and schedule, and how he conducted sales presentations. The sales representative also used his own equipment; he had his own car, paid for his own gas, and used his own cellphone to conduct business. Sales representatives could choose whether to purchase or rent sample product kits to use in demonstrations. The sales representative was not required to make daily check ins or attend weekly meetings. He could choose whether or not to utilize the office space provided to him by the defendants. He also submitted his own weekly reports and was responsible for paying taxes from his business transactions. The sales agreement that dictated the terms of the agency relationship stated

*Continued page 11*

that the sales representative was not allowed to represent himself as an employee of the defendants, that he was an independent contractor, and that he had the right to control his own work.

The plaintiff provided evidence that the defendants controlled the prices he charged, the way he conducted product demonstrations, and whether he could use business cards with the names of the defendants. While the defendants did not require him to check in at periodic intervals, they did expect their sales representatives to have regular contact with their sales managers. The court also reasoned that the defendants' provision of office space, regardless of whether it was utilized, was evidence of an employment relationship. Additionally, although sales representatives could choose whether to buy sample kits or rent one, the fact that the defendants provided the sample kits weighed in favor of an employment relationship.

Taken together, the First District concluded that there was sufficient evidence for a jury to find that the defendants controlled the means and methods of their sales representative's work. This case shows that vicarious liability is a complex and nuanced inquiry that should be left to the members of the jury, since they are the ones best-positioned to view the totality of the evidence with fresh eyes and come to a just conclusion.

*James J. Morici, Jr. is a partner in the firm of MORICI, LONGO & ASSOCIATES, and represents Plaintiffs in personal injury, workers' compensation, and construction site related injury suits. Read all prior issues of "Tort Notes" at [www.MoriciLongo.com](http://www.MoriciLongo.com).*

# Illinois Senior Citizen Homestead Exemption Procedures - Updated

By Leonard F. Amari

*Printed with permission from the Illinois State Bar Association Senior Lawyers' Section Council newsletter*

The Illinois General Assembly amended the Property Tax Code (Public Act 101-0622 (effective Jan. 14, 2020)) to amend application procedures for the senior citizens homestead exemption. Prior to this amendment, in order to get this Senior Citizens' exemption, the homeowner had to apply every year. A taxpayer who resides in a county with 3 million or more inhabitants during the taxable years 2019 through 2023, now, will not be required to reapply for a senior citizen homestead exemption if previously granted the exemption. This amendment will impact elderly homeowners in large counties who have already been granted an exemption.

First, let's define the "Senior Citizens Tax Exemption" in Cook County. It provides tax relief by reducing the equalized assessed value on an eligible senior family residence. The savings is in the form of a reduction in the second installment of the property owners' real estate tax bill. This exemption is available to all Cook County home-

owners who were born prior to or in the year 1955 and use their home as their primary residence. This exemption entitles a senior to a reduction in the equalized assessed value of his or her property.

This exemption results in tax breaks ranging from as little as about \$157 for qualified homeowners last year in an upscale community such as Kenilworth, to as much over \$800 or so for seniors in not so affluent neighborhoods such as, and for example, Ford Heights. In Chicago, the average senior tax savings amounted to about \$200 (+/-) in the year 2019.

First, let's make specific what your senior citizen homeowner must be or have in order to qualify for this exemption/tax savings:

You must be 65 years of age or older during the tax year for which you are applying;

You must either own the property or have a lease or contract which makes you responsible for the real estate taxes; and

The property must be your principal residence.

Senior citizens coming of age to

*Continued on page 12*



receive this exemption will need to complete and sign a Senior Citizens Exemption Application Form. Information necessary to complete that form is easily found on your property tax bill, e.g., permanent index number and township. The application form can be acquired from any of the regional offices of the Cook County Assessor, at its downtown office at 118 N. Clark Street, 3rd floor, or it can be downloaded from the Assessor's website.

It is necessary to accompany your application with a recent real estate tax bill for the subject property and proof of age. If the recent tax bill is unavailable, the homeowner, senior citizen, must supply one or more documents that would prove the home address. A voter's registration card, voting record for the tax year(s) for which you are applying, a driver's license or an Illinois Identification Card showing the address as your address and issued prior to the earliest year for which the application is being made should be sufficient.

As for proof of age, it is necessary to submit only one official document that clearly shows the date of birth of the applicant, such as a driver's license, Illinois Identification Card, Alien Registration Card, Social Security Form 2458, Naturalization Papers, Passport, Birth or Baptismal Certificate, or the like. Of course, women who submit documents with a maiden name must provide a marriage certificate to show the connection with the current married name. The Cook County Assessor's web-

site indicates this application can be done by mail but the by-mail applicants are encouraged to send only copies, keeping the originals, because the documents are not returned to the homeowner by the Assessor. Of course, it is much easier, and more immediate, to apply in person at the Assessor's Office downtown or at any of its regional offices.

In addition to the Senior Citizens exemption there are a number of homestead exemptions that reduce your property tax bill by sheltering a portion of the assessed value of your home. In Illinois, all property tax exemptions are a flat dollar amount.

The most commonly available is the general property tax exemption. The general homestead property tax exemption is available to all Illinois homeowners, but the amount of the exemption differs if you reside in Cook County. For example, the maximum general homestead exemption is \$6,000, but if you reside in Cook County, the maximum exemption is \$7,000. According to the Illinois Department of Revenue, the exemption applies automatically in some counties and requires a one-time application in other counties. In Cook County once established, this exemption applies every year without having to reapply.

There is also an exemption for disabled people. A qualifying disabled homeowner receives an annual \$2,000 property tax exemption. To be eligible for the exemption you can't just be living in the home;

your name must also be listed on the deed. In addition, eligibility rules also require an initial application and proof of the disability. The exemption must be renewed annually by filing a renewal physician's statement.

Another available and commonly utilized option is the exemption for veterans. The standard disabled veteran's exemption is either \$2,500 or \$5,000, depending on how the Department of Veteran's Affairs certifies your disability. As an alternative, if you're a disabled veteran living in a specially adapted home purchased or constructed using federal funds, the Disabled Veteran's Exemption Specialty Housing allows you to shelter up to \$100,000 of the property's equalized assessed value. The Returning Veterans' Homestead Exemption provides a two-year, \$5,000 reduction in the equalized assessed value of your property.

As a managing partner of an almost forty-year old firm with an exclusive practice in the ad valorem real estate tax field with offices in Cook and DuPage County, we tell all our clients that when it comes to real estate taxes, a property owner must be aggressive. Aggressive in not only questioning value to determine real estate taxes but also in taking advantage of statutory "exemptions," such as those mentioned in this article.

# THE SHAPLEY VALUE:

**“All animals are equal, but some animals are more equal than others.” (1984 George Orwell)**

By John Lag

Game theory is an established field of study as applied to negotiation strategy and is basically described as having three possible final outcomes: Win/Win; Win/Lose; Lose/Lose. The parties are cooperative in the Win/Win scenario and are most likely to be satisfied with the results. The parties are adversarial in the other scenarios and risk loss to a greater degree and are more likely to obtain an unfavorable result as a result of the negotiations.

The optimum negotiation strategy to obtain a “Win/Win” resolution for both parties. In this scenario both parties obtain what they believe to be what’s best for them and they cooperate in crafting a settlement that produces the greatest level of benefit for all. As negotiation is the game that everyone wants to play, and win, this result is one that provides the most value for everyone. If the parties are committed to collaboratively pursuing a Win/Win resolution, then it is beneficial to determine the relative potential value of all the stakeholders and players involved in the negotiations.

The benefits of considering the relative value of all the parties to a cooperative negotiation are analyzed in game theory and are described as the Shapley value. Named after Lloyd Shapley and formulated in 1953, it applies a mathematical formula to determine and apply the relative values of all the



parties to achieving an optimal Win/Win resolution. The Shapley value assumes that all the players are cooperating in the attempts to obtain a Win/Win resolution and assigns a mathematical value to each which is related to their relative potential contributions and bargaining power. The Shapley value earned the author a Nobel Prize in Economics and can be studied in more detail by those interested. However, a skilled negotiator can determine the relative value that the players bring to the table and intuitively decide which tactics and techniques will satisfy the needs of those players to obtain the most beneficial resolution in exchange.

In all negotiations it is beneficial to determine the relative influence of all the stakeholders and players involved in the negotiations. There are decision influencers, such as the attorneys, negotiators, representatives, employees or other peripheral players. There are also decision makers, the boss, the board of directors, investors, the party(s). Even among these individuals there may be different levels of resources or influence among them. For example, two parties may be represented by an attorney in the negotiation for the purchase of a business. The attorney is certainly a decision influ-

encer, giving advice and leading the negotiations, but one should evaluate exactly how influential that role is. Do the parties seem to follow the attorney’s lead or is there an alpha dog party who takes charge of all decisions? The parties are decision makers but may not be equally influential in the decisions to be made in the resolution of the negotiations. One party may be the one who is providing all the funds for the purchase and is more likely to be more influential in the decisions and is also more important in providing value to the seller, i.e. money.

You should continually evaluate and re-evaluate these respective roles, influence and potential resources of your opponents and also be self-aware of you and your client’s relative roles, influence and resources. This will be useful in determining to whom and how you craft your initial and subsequent narratives, persuasive arguments, bargaining offers and counter-offers.

*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 Director of the International Academy of Dispute Resolution, promoting peace-making and education, worldwide.*

# Elder Law Update:

## **Going into a Costly Nursing Home for Long Term Care? Pick the Correct Medicaid Asset Protection Planning Strategy**

By Anthony B. Ferraro  
Partner, Di Monte & Lizak, LLC

### **What is crisis planning for Medicaid eligibility in long-term care cases?**

Crisis planning means that one is engaged in planning that will stop, as soon as legally and ethically possible, the payment of the monthly nursing home private pay fee. We call it crisis planning because the obligation of paying anywhere from \$6000 to \$14,000 per month in Illinois is usually a crisis for most middle-class taxpayers. Therefore, the goal of crisis planning is to stop this devastating financial cash outflow as soon as possible.

### **So how do you stop these very high private pay monthly nursing home costs?**

First, you must remember that Medicare will be of no help. Medicare was never designed to be a subsidy to taxpayers for custodial care. Medicare only subsidizes taxpayers for acute care and some of the skilled rehab that follows acute care, usually resulting from hospitalization.

### **So, if Medicare doesn't cover the cost, what does?**

If you don't have long-term care insurance, don't feel bad, only 6% of the population is estimated to have long-term care insurance. Therefore, you either have to continue to pay privately or participate in the Medicaid program. One exception to this is that certain vet-

erans have access to veteran long-term care facilities based on their history of service. But for most people that do not have a history of service in the military, Medicaid is the only government program that will provide relief for the devastating financial cost of long-term care.

### **How does Medicaid provide relief in long-term care crisis situations?**

First, you must become eligible for Medicaid on both a health-based standing and financial-based standing. If someone has been assessed, and it is determined they need long-term care in a nursing facility or supportive living in a supportive living facility, Medicaid may step in to pay. However, there is one more hurdle that must be met before Medicaid will step in, and that is becoming financially eligible as the Medicaid applicant. To qualify for Medicaid – LTC (long-term care), an individual must be spent down to \$2000 of assets. Further, the Medicaid applicant once approved, is allowed to keep \$30 a month of income. In the case of married couples, where only one spouse needs Medicaid for long-term care, the healthy spouse is entitled to keep the home plus \$109,560. In such a case, the healthy spouse is allowed to keep their income and get a diversion of the ill spouse's income if they don't have enough monthly income to meet the \$2,729 threshold. Thus, planning is required to



meet these very low thresholds and still preserve assets so that quality-of-life can be maintained during many years of custodial care.

### **How do we protect assets in Medicaid long-term care crisis cases?**

Again, the strategies will depend on whether the Medicaid applicant is single or married.

### **How do you handle cases where Medicaid applicants are single individuals?**

In single cases, the goal is to reposition excess countable assets into non-countable resources such as prepaid burial arrangements, transfers to qualifying individuals such as disabled children, etc. Sometimes the objective is to help a family pay through penalty time periods created by inadvertent, ill-advised prior transfers of assets from the Medicaid applicant to family members or other persons. Sometimes the goal can be that of reducing an individual's assets down to the \$2000 asset limit through a repositioning of assets through either transfer to an asset protection trust or transferring assets to a self-settled "Medicaid payback trust" authorized

*Continued page 15*



under the Medicaid laws often referred to as OBRA. As a cautionary note, some of above transfers can result in penalty periods.

### **How do you handle married cases?**

In married cases, some of the strategies that you can consider are relying on are interspousal transfers, transfers to children or other persons with disabilities, and adopting the position of refusal of the healthy spouse to contribute to the cost of care of the ill spouse (based on very technical Medicaid regulations), conversion of excess assets to spousal annuities, redeployment of assets into non-countable resources such as the principal residence, an automobile, and prepaid burial arrangements. Finally, divorce is something that may be considered, but divorces have to meet specific equitable standards-based on Medicaid's interpretation of the divorce laws.

### **How does a Medicaid applicant deal with penalty periods?**

In cases where a Medicaid applicant finds himself confronted with penalty periods, due to misguided and uncompensated transfers to family members or other third parties, funds can be repositioned in the form of the income stream to pay through penalty periods. Sometimes an income stream can be created that will not itself be considered a countable asset by converting funds into an income stream under what could be a Medicaid compliant annuity or Medicaid compliant promissory note.

### **Are there any other methods of handling assets to preserve funds in a crisis case?**

Yes, there are. If there are enough assets available to privately pay for a single individual through the cost of long-term care for a five-year period or, in the case of a married couple, if there are enough funds to privately pay for both spouses through the cost of long-term care for a five-year period, then any assets in excess of the assets necessary to privately pay for the five year period can be transferred. At the end of five years, the transferred assets could be beyond the five-year look-back imposed by Medicaid, and the transferors of the transferred assets may now be eligible for Medicaid (depending what other factors exist in their financial profile at that time).

### **When do the strategies have to be employed?**

If Medicaid asset protection strategies are going to be employed, we recommend that you consult with qualified legal counsel that has a thorough understanding of the legal and ethical usage of the Medicaid laws before embarking on anything described above. Once you have obtained the proper counsel, the above strategies must be employed before the Medicaid application is filed. Most strategies will not be effective after the Medicaid application is filed.

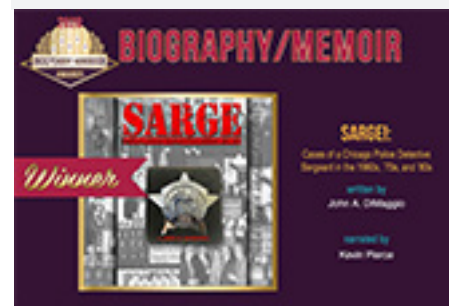
I hope this takes some of the mystery out of Medicaid asset protection planning for a long-term care cost crisis. I've described some of the asset protection strategies that we employ in our office. There are many other strategies that are too numerous to mention. Hopefully, this will explain, in a general way, how you can obtain some relief when in a long-term care crisis.

## **JUSTINIANS IN THE NEWS**

➤ Presently, Past President Hon. Gloria G. Coco can be found in the classroom as an adjunct professor at IIT-Chicago Kent College of Law, and in front of the camera as FDA Agent, Toni Tamber, on Amazon



Prime's episodic, UTOPIA, which premiered on September 25, 2020. UTOPIA is written by Gillian Flynn, author of "Gone Girl," stars Chicago's John Cusack and Rainin Wilson of "The Office." Judge Coco's character, Toni Tamber, is a reoccurring role, appearing in episodes 3, 5, and 6.



A memoir written throughout John A. DiMaggio's career and later life and brought to press by his family after his death, "Sarge" could easily be serialized into a long-running and no-doubt wildly popular TV police drama, with one important exception. While TV often reduces characters to stereotypes played by actors who look like models, DiMaggio's three-dimensional denizens populate the real, gritty world of Chicago.

➤ **SACA.** Honoring its past president, and Justinian past president, **Katherine (Amari) O'Dell** with its significant Award of Merit at in September 2019, SACA President **Sam Cannizzaro** (a career Justinian) bestows the SACA Medal of Merit to Katherine.



➤ **Marquis Who's Who**, the world's premier publisher of biographical profiles, is proud to name **Thomas Anthony Jaconetty** a Lifetime Achiever. An accomplished listee, Mr. Jaconetty celebrates many years' experience in his professional network, and has been noted for achievements, leadership qualities, and the credentials and successes he has accrued in his field. As in all **Marquis Who's Who** biographical volumes, individuals profiled are selected on the basis of current reference value. Factors such as position, noteworthy accomplishments, visibility, and prominence in a field are all taken into account during the selection process.

➤ The law firm of **Amari & Locallo** with offices in the Chicago River North area and in Bloomingdale, IL is proud to announce that firm founder and co-managing partner **Leonard F. Amari** has been voted the number three top real estate tax lawyer in Illinois. Partner **John Locallo** has been voted number nine in their field. Photos below.



## VERDICTS & SETTLEMENTS

➤ **Stephen D. Phillips** (photo below) reports that on December 14, 2019 a jury in Coles County, Illinois rendered a record verdict in the amount of 14 million dollars (\$14,000,000.00) for a man who sustained a partial spinal cord injury after he was discharged from the emergency department at Sarah Bush Lincoln Hospital in Mattoon, Illinois. The basis for the lawsuit was that after the 39 year-old patient had been to the emergency department at the hospital 3 times in a week with evolving complaints of neck pain, fever and tingling in his shoulders, the emergency department doctor should have had ordered an MRI of the spine. Thirty-six (36) hours after the Plaintiff was discharged, he was quadriplegic as a result of an undiagnosed spine infection.



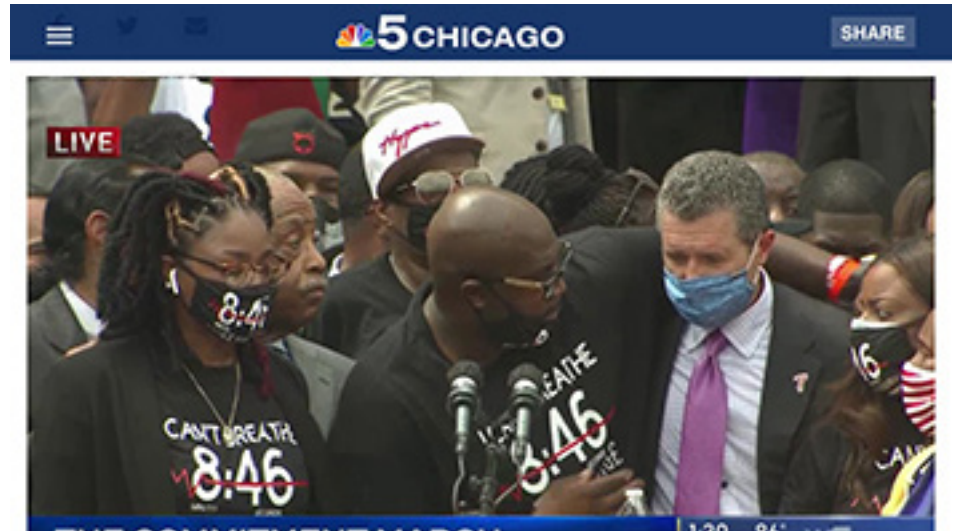


## Justinians, Continued

➤ Romanucci & Blandin - Justinian Past President **Antonio M. Romanucci** (photo right), a founding partner at Romanucci & Blandin, is proud to be fighting alongside lead counsel Attorney Ben Crump, Pintas & Mullins, Newmark Storms Dworak, and Jacob Litigation on behalf of the family of George Floyd. A civil lawsuit was filed in July against the City of Minneapolis and the four officers involved in the death of George Floyd. The lawsuit seeks damages and claims the city is responsible for its police culture of excessive force, racism and impunity.

➤ Congratulations to Justinian members **Carlos Vera** (Johnson & Bell, Ltd.) and **Matthew Thomas Dattilo** (Simpson Dattilo, LLC) who were named among the 40 Illinois attorneys under 40 to watch by Chicago Lawyer Magazine and Chicago Daily Law Bulletin!

➤ Justinian past president, and current chair of the Justinian Endowment Fund (JEF), **Frank A. Sommario** (photo right), partner at Romanucci & Blandin, is calling for justice in the stabbing death of Olga Maria Calderon who was killed while stocking shelves at a Walgreens in September. The 32-year-old mother of two from Humboldt Park was attacked on the job. Her family and community leaders are outraged, saying her death could have been prevented, but multiple warning signs were ignored. Sources say the 18-year-old suspect in this case should have been on electronic monitoring by Cook County officials but was not. Furthermore, he reportedly stole



multiple weapons from a suburban gun store in May and police say he was responsible for an earlier robbery at the same Walgreens location.

➤ Justinian member, **Stephen Blandin**, a founding partner at Romanucci & Blandin, and team is currently fighting to hold Commonwealth Edison (ComEd) accountable on two fronts – In a class action lawsuit on behalf of consumers and businesses alleging that ComEd violated the Illinois Consumer Fraud Act and unjustly enriched itself by overcharging its 4 million customers in Illinois for years. This stems from the recent \$200 million agreement ComEd made to pay the government following a federal bribery investigation, which does nothing to compensate the individuals and businesses who actually overpaid. We are also calling for accountability by ComEd in a case where our client's husband was killed because of a faulty ComEd electrical pole that was not properly maintained and caused a catastrophic electrocution of two innocent individuals who were trying to work and earn an honest living.



## *Justinians, Continued*

➤ Congratulations to Justinian member and Johnson & Bell shareholder, **Joseph R. Marconi** (photo below), who successfully completed a Tenant-In-Common (TIC) transaction which ended several years of litigation between warring stakeholders. The final sale exceeded \$85M in value. The two stakeholders originally disagreed on, among other issues, the timing and sale price of the partnership's sole real estate asset resulting in several years of litigation. Marconi proposed a solution by which through a TIC Agreement each party chose whether to sell or keep its own interest. The other party chose to sell immediately and that sale was consummated in late spring 2019 at a price that exceeded \$60M. Marconi's client retained its interest and entered into a new partnership agreement with the entity that had bought out the client's previous partner and the entire asset was sold to a third party in September 2020 for more than \$85M.



➤ Morici, Figlioli & Associates attorneys, **Kenneth Lubinski** and **Taylor Brewer**, obtained a jury verdict of \$92,839 against the City of Chicago in March. The case involved a 59-year-old woman who tripped and fell while walking on a cracked and broken public sidewalk. The plaintiff sustained injuries to her left foot, as well as an

aggravation of pre-existing arthritis in her knees and lumbar spine. The jury deliberated for 12 hours over two days before returning the verdict. It was Brewer's (Kent, 2019) first jury verdict.

➤ Morici firm names Lisa Longo in name change: **Lisa M. Longo** (photo right), was made a named partner at Morici, Longo & Associates, effective July 1, 2020. A seasoned trial lawyer Ms. Longo joined the firm in 2015 and has a wealth of experience of over 20 years trying cases in the Circuit Court of Cook County.

Ms. Longo began her career at the Cook County State's Attorney's Office, where she served as an Assistant State's Attorney for over 17 years. Upon leaving the State's Attorney's Office, Ms. Longo dedicated her life to fighting for the rights and futures of those harmed in serious personal injury incidents.

The firm has donated 5,000 face masks to area emergency rooms and other gathering places. During the pandemic, the firm contributed \$10,000 to American Red Cross and additional amounts to the food banks across the state including The Greater Chicago Food Depository and the Maine Township Food Pantry. We applaud them for their efforts

➤ **Lisa M. Longo**, of Morici & Longo, recovered \$2.25 million on behalf of an Evanston firefighter after he fell from a roof on at a training exercise. Multiple defendants were taking part in the program and were alleged to have failed to incorporate adequate safeguards for the participation of the participants. The victim suffered bilateral heel fractures requiring surgical intervention and has been unable to



return to his prior occupation.

Longo also successfully concluded the resolution of \$1.6 million settlement for a head injury sustained by a 50 -year-old construction laborer. The Plaintiff was injured while pushing a wheelbarrow of debris into a dumpster when the plank, being utilized as a make-shift ramp, moved causing him to fall. The man's operated rotator cuff needed to be readdressed at surgery two years after the incident. This result represents one in a long string of recent victories of Ms. Longo who has become one of Northern Illinois' most recognized trial lawyers in the representation of injured tradesmen.

➤ Past president, **James J. Morici, Jr.**, served as lead counsel in the prosecution of a wrongful death case against two Indiana corporations for the death of a 56-year-old Illinois woman, killed when the Defendants 18-wheel- refrigerated tractor-trailer struck her car on the interstate causing it to leave the road. The Plaintiff, a bank employee, was as survived by four adult children.

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# *Justinian Society Centennial Celebration*

*Below is "A Brief History of the Justinian Society of Lawyers" from the late Justice Anthony Scariano, who served for many years as the Society historian.*

It was a crisp autumn afternoon, over three quarters of a century ago, when all but 10 of the approximately 40 Chicago lawyers of Italian descent, who, bound by professional and ethnic ties, and conscious of their heritage, met in the "Ashland Block", where until fairly recently the Greyhound Bus station stood on Clark and Randolph Streets. Out of that meeting on October 17, 1921, the Justinian Society of Advocates (later named The Justinian Society of Lawyers) was formed. It was my good fortune to know many of the charter members of the "Justinians", as they came to be known, after I was admitted to the bar and joined the Society in 1949.

They were, in good part, leading members of the bar, as well as civic and political leaders. Some were World War I veterans; many others were also prominent in business. A large number of them were born in Italy and were brought as youngsters to the United States by their immigrant parents. Today's young lawyers have student loans to pay -- these pioneer Italian-Americans who formed our society had their

families passage to pay, owed to those who financed their voyage here. Their parents had little or no formal education and no skills. But by dint of the great sacrifices made by these parents, plus their own hard work, both in school and at the jobs most of them had, our predecessor Justinians "made it". They blazed a trail for us.

As indicated above, there were only forty Italian-American attorneys when the Justinian Society was organized in 1921; my scanning of Sullivan's Law Directory indicates that there are now approximately fifteen hundred. In 1949, when I became a Justinian, there were only five sitting judges of Italian extraction in our state and federal courts in Illinois -there are now more than four dozen. In 1949, we had only nine women members. Today, we have well over one hundred on the membership rolls of our society. We are exceedingly proud that one of them, a longtime member of our society, whose father, Sam Coco, was a very early Justinian, is the first Italian-American woman to ascend the bench.

John Gigante has been one of the most recent presidents of The Chicago Bar Association. Three of our members have been presidents of The Illinois State Bar Association -- Lawrence Pusateri, Michael Coccia (both former Appellate Court Justices) and Leonard Amari. These achievements are emblematic, the realization of the American Dream: One's individual qualities, i.e., his/her worth as an individual is of the greatest importance, not one's religion, race or national origin.

But we must always keep in mind that success is highly infectious. We share living in this beloved republic of ours with others whose ancestors were here before Columbus, and with those whose forebears came here, as author Jerome Bennet, Jr., put it, before the Mayflower. We can do no less than to ensure that the opportunities that have been extended to us are made equally available to all others, regardless of creed, color, gender, national origin or ancestry. For the yearning of equality of opportunity and for freedom from discrimination is but a refraction of our own experience.



# *The Archives*



A group of members of the Justinian Society of Advocates at the annual ball given on February 16, 1928, at the Congress Hotel. First row, left to right: F. Buoscio, F. De Bartolo, Anthony Mercurio, Judge John Lupe, Judge F. Allegretti, Joseph Orrico, Secretary, John De Grazia, President, Miss Helen Cirese, Judge F. Borrelli, ex-Judge Alberto Gualano, Rocco De Stefano. Second row, left to right: M. Constabile, Guy C. Crapple, Joseph Taglia, Vincent Chisesi, G. Zaffina, Treasurer, Chas. Arado, Frank Mirabella, Stefano Malato, Maurice Marchello, George Quilici, Orazio Tocco, Anthony Clementi, Nunzio Bonelli, John B. Meccia, William Russo.







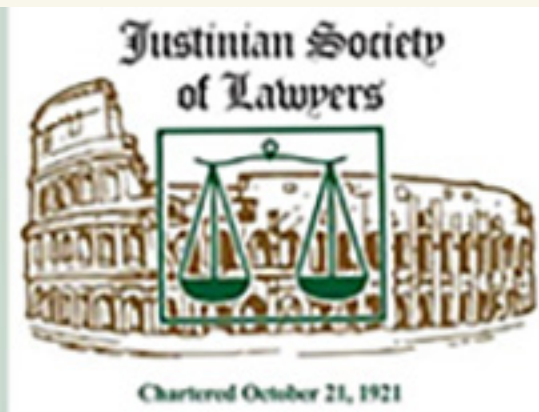












*Save the date for*  
**A CENTENNIAL CELEBRATION**  
*Justinian Society of Lawyers Celebrates 100 Years*

Thursday, October 21, 2021  
6:00 PM - 11:00 PM

Galleria Marchetti  
825 W. Erie St, Chicago

**NEWSLETTER EDITOR:  
NICOLE M. PISANO**



Anyone wishing to share  
information with their fellow Justinians  
is encouraged to  
contact Newsletter Editor  
Nicole Pisano  
at  
[editor4justinians@gmail.com](mailto:editor4justinians@gmail.com)

**NEWSLETTER  
CONTRIBUTORS:**

Leonard F. Amari  
Anthony B. Ferraro  
John J. Lag  
James J. Morici, Jr.

Nina Albano Vidmer, Layout



**JUSTINIAN SOCIETY OF LAWYERS**  
1018 W. MADISON AVE., STE. 9  
CHICAGO, IL 60607  
708-338-0760  
[justinians@navandassoc.com](mailto:justinians@navandassoc.com)

## **Justinian Society Offers Continuing Legal Ed**

The Justinian Society of Lawyers is pleased to announce the formation of a CLE Committee chaired by Past President Mike Bonamarte and Treasurer Brian Monico. We are excited to offer our members some valuable continuing legal education with an excellent lineup of topics and speakers. We are partnering with the IICLE and they will help administer the programs. We are finalizing the dates and speakers but the planned material is as follows:

- December 2020 History of the Supreme Court
- January 2021 Professional Responsibility
  - Diversity
- February 2021 Judges Panel
- March 2021 A Guide for Early Career Lawyers
- April 2021 Cybersecurity
- May 2021 Starting your own practice
  - Panel with Q & A
- June 2021 Professional Responsibility
  - Mental health/substance abuse
- July 2021 Professional Responsibility
  - Ethics
- August 2021 Courtroom Technology
- September 2021 Jury Selection

*Stay Tuned for more Details*



# President's Message

It was a September evening in 2015, the Palmer House and the Justinian Society of Lawyers' Installation dinner. I walked through the room announced as the secretary of the organization knowing that in 5 short years, I would be the president of a one of the most respected ethnic bar associations in our legal community. What I did not know that evening or could have ever imagined is that my presidency would take place during a global pandemic. Our swearing in in May of 2020 was remote via Zoom – Zoom, something we knew nothing about but have embraced as our connection to one another both personally and professionally. The September 2020 Installation Dinner an impossibility. The customary events of our society put on hold. In this unprecedented time, heading an organization I learned is quite a challenge; but I have had the support of extraordinary officers Dion Davi, Bruno Marasso, Michael Pisano, Brian Monico and Catherine Locallo. Their combined knowledge, strength and passion for the society have helped to bring us through this year with the hope a stronger more vibrant future and the promise of a centennial celebration in 2021.

We have and will continue to bring the best of our society to our membership throughout this year with virtual events and gatherings both social and educational. Over our almost 100-year history, the Justinian Society has faced many challenges: the great depression, world wars, civil unrest - we not only survived but thrived. It will not be a customary year for our society but I firmly believe that we will come through our current crisis together. It is my plan to learn from one another and work together to define our society with new innovative ideas and events that honor our history and strong traditions while looking positively into the future.

I'm inspired by Dante Alighieri's quote, "The secret to getting things done is to act." On behalf of my fellow officers and our executive board, we will continue to act and get things done this year and I look forward to the day when we will gather together again in our true Justinian style.

*Ti auguro buona salute e felicità* – Wishing you good health and happiness.



**- Honorable Regina A. Scannicchio  
President**

