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Spring 2008

Justinian Society Newsletter

734 N. Wells, Chicago, IL 60610 ■ Phone 708.338.0760 ■ Fax 708.401.0360 ■ www.justinians.org

The "Year of the Justinian" enters the all important ISBA Election Season! Locallo for 3rd VP...

Let's get right to the most important part of this edition's President's Message and talk about the upcoming Illinois State Bar Association's officer elections. The Justinian Society has always stressed the importance of participation in the ISBA for many reasons including professional development, service to our profession and the wonderful networking opportunities. We have had the great fortune of having six of our Justinian brothers and sisters serve as president of the ISBA, with brother Joseph Bisceglia currently serving as the leader of the ISBA. With Joe's term coming to a close at the June annual meeting, you will be receiving your ballots to elect the new 3rd vice president, board of directors and assembly members. How important is the election this year? We have the opportunity to elect brother **John Locallo as 3rd ISBA Vice President (1)** and the future 6th Justinian president of the ISBA – a distinction without equal (I would guess) among the ethnic bar associations. John has been touring the state from Winnebago County to Madison County (doing what all good candidates do) meeting with lawyers of our association and talking about their needs and his leadership vision. Fortunately, since we all know John and his work ethic and leadership style, we know that John will serve the ISBA with distinction and excellence. We also have the following slate of Justinians running for the Board of Governors (ballot position indicated):



President's Message

For ISBA Board of Governors, Cook County: Umberto S. Davi, (9); James J. Morici (5)

For Board of Governors, Under Age 37, Cook County: Frank A. Sommario (1)

Assembly, Cook County: Angela M. Buttitta (27), Cheryl D. Cesario (6), Peter D. Corti (46), Frank J. DiBella (42), Gina M. DiBella (50), Joseph DiBella (25), Michael J. DiBella (19) Celia G. Gamrath (12), Mark L. Karno (10), Stephen I. Lane (39), Dominick L. Lanzito (31), Lori G. Levin (7), Ronald A. Rascia (47), Steven J. Rizzi (41), George Schoenbeck (20), Lawrence A. Scordino (23), Frank A. Sommario (9)

For Assembly Law Students: Anthony A. "Tony" Bruno, John Marshall Law School

I ask that each and every one of you complete your ballot to support our candidates and encourage your friends and office mates to do the same. They need your help and well wishes aren't enough... VOTES win elections. GO JOHN!

Speaking of elections, we congratulate those Justinians that were running in the most recent primary elections for many national and local offices. I would like to specifically mention special congratulations to Larry Suffredin who ran for Cook County state's attorney. Larry is a class act who ran an outstanding campaign. Larry, thank you for your service to our community. As I said in my first message, our Justinian brothers and sisters are making tremendous inroads in all levels of our profession and in public service. What makes us most proud is that these individuals are not just Italian Americans, but proud MEMBERS of our Justinian Society of Lawyers.

I am proud to report that our society is doing exceptionally well on all fronts. We have had a wonderful and successful year of events, enthusiasm and participation is great and our future looks promising. As my presidency comes to a close, I would like to thank several people who made the goals of my year become a reality. Under the leadership of Antonio Romanucci, we have completed our long term planning goals for our

charitable arms, the Justinian Scholarship Fund (JSF) and the Children's Endowment Fund (CEF). Our society is well known in our community for our generosity to these wonderful causes and under Romanucci's guidance we have set a path to increase and sustain the corpus of JSF and CEF to ensure perpetual well being. On the membership side, our law student involvement has never been better due to the outstanding efforts of Gregg Garofalo and Dennis Beninato. Gregg and Dennis have proven why they are the future stewards of our Society with their outreach and coordination of our next generation of members and leaders.

I still feel the same pride today as I did when Antonio Romanucci honored me and appointed me to be the secretary for our venerable society. I will never be able to express in word my thanks or appreciation for having been given this honor. Since this is my final President's Message, I'd like to recognize those people who supported me through my term and express to them my most sincere thanks for their support and friendship...Leonard Amari and his wonderful newsletter staff who are the best in the business...Gloria Coco for being all things for our Installation Dinner...Sam Tornatore, Golf Outing Master...and Nina Albano Vidmer, special thanks to you for keeping the wheels on our society and for your sincere and passionate work on our behalf. And last to incoming president Mauro Glorioso and my fellow officers, I'm looking forward to being a part of the future under your leadership.

I am going to close with the exact same words as I did my previous message: "Wouldn't it be wonderful for brother John to follow brother Joe Bisceglia in the leadership of our state bar association?" Let's all get out the vote for our Justinian ISBA candidates!

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LEONARD F. AMARI

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FRANK SOMMARIO
VINCENT R. VIDMER
CARMEN FORTE JR.

Executive Assistants:

NINA ALBANO VIDMER
AMANDA SIMKINS

Ms. Amari:

I was delighted to receive the 2007 Winter Justinian Society Newsletter, you were very kind to send it to me and I would like to thank you for the thought. While I wait the next occasion to see you, please accept my warmest regards.



- **Alessandro Motta**
Consul General of Italy



Alessandro Motta (center) pictured with, from left, ISBA President Joseph Bisceglia, past Justinian presidents Richard Caifano and Joe Gagliardo, and NBC's Larry Wert.

Dear Katherine:

Thank you for your letter. It was so kind of you to mention me in your newsletter. The Amari family has been overly generous to me over the years.

- **Jerold S. Solovy**

Leonard,

I just wanted to let you know how much I enjoyed reading your article about Dick Caifano. You hit the nail on the head. The Justinian Society is better because of the hard work and dedication of Dick. As you said he did it not for the glory or accolades but for the good of the Society and because of the love of his heritage. Thank you for writing the article.

- **Anthony J. Lepore**

Hi Katherine,

Thank you for sending me a copy of your excellent newsletter. Also, thank you for the photo on page 24. More importantly, congratulations upon the birth of your child and being recognized as one of the 40 Lawyers Under 40 to Watch. Best wishes for continued success at home and in the practice of law.

- **Judge Mike McCuskey**

Letters to the Editor



Dear Katherine:

Thank you very much for your letter of January 10th, enclosing the Justinian Society Newsletter. I continue to be very impressed with the quality of your publication. May you have good health and good luck in the New Year.

- **Edward M. Burke**
Alderman, 14th Ward



From left, Alderman Burke, JMLS Professor Mark Wojcik and Supreme Court Justice Anne Burke.

Dear Katherine:

Thanks for sending me the newsletter. I do really enjoy it. It is informative and fun, just like the Amari Family!

I hope everybody is doing well! Tell the Old Man I had dinner at Fiorentino's with Decker the other night and we toasted to him.

- **Peter J. Birnbaum**

➤ Anyone wishing to share information with their fellow Justinians is encouraged to contact Newsletter Associate Editors **Katherine Amari** and **Dennis Beninato** at our Justinian headquarters address: 734 North Wells Street, Chicago, IL 60610; phone (312)255-8550; fax (312)255-8551; kaa@amari-locallo.com; djb@amari-locallo.com.

➤ Please notify **Nina Albano Vidmer** of any address changes by contacting her at P.O. Box 804; LaGrange, IL 60525-0804; fax (708) 401-0360; e-mail: ninabeana@ameritech.net.

Justinian News

JOINT MEETING

By: **Carmen P. Forte Jr.**

The January Joint Justinian Meeting was once again held at the Rosewood in Rosemont, where Jim Mandas served a wonderful Italian home-style meal to all the hungry guests. The meeting drew crowds from our local and surrounding chapters and was very well attended.

Several past presidents from all the chapters came out to celebrate unity between all our members, namely the Honorable Michael Pope, Honorable Bruno Tassone, Sam Tornatore, Richard Caldarazzo, Michael Monico, Jim Allegretti, Joe Gagliardo, Anthony Erbacci, Umberto Davi, Anthony Ferraro, Enrico Mirabelli, Michael Favia, James Morici Jr., Leonard DeFranco, John Locallo, Antonio Romanucci, Lisa Marino, Celia Gamrath, Tom Battista, and Sam Orticelli. A vibrant crowd of law students from John Marshall, DePaul, and Northern Illinois Law Schools also attended.

I had the opportunity to share a great meal with a table full of inspiring Justinians, namely former presidents Jim Allegretti, Anthony "Ace" Erbacci, and Enrico Mirabelli. Mark Hassakis was also on hand up from Mt. Vernon to share a kind word as always. Mauro President Elect Glorioso called us all to duty to support our several Justinian candidates running for ISBA positions in the coming months. Be sure to check out the names, positions and ballot numbers of all the Justinian candidates in this issue of the newsletter.

The night proved to be a success, full of lively discussion and a meal not to be missed.



President Elect Mauro Glorioso and past Justinian president and current ISBA 3rd Vice President Candidate John Locallo.



From left: Mike DeMarino (JMLS), Phil Salerno, Jim Pesoli (JMLS), and Trent Bavaro (JMLS).



The winning team: Chris Paxhia, Biagio Buccaro, Nikki Paradiso, and Dan Caldieraro.



Students Vince Vidmer, Jillian Anselmo, Mike DiMarino, and Pat Duff.

BOCCE TOURNAMENT

By: Vincent Vidmer

This year's annual bocce tournament on February 21 at the Mazzini Verdi Club was filled with laughter, friends, and old car antenna measuring sticks. The event was well attended and the tournament was complimented by a



home-style dinner. In attendance were a number of our past presidents including, Gloria Cocco, Umberto Davi, Lisa Marino and Anthony Erbacci. President Franco Coladipietro, our fearless leader, was busy downstate attending to state business and was of course missed.

Also in attendance were Hon. Frank Castiglione, Hon. Luciano Panici, Hon. Thomas Panichi and Hon. Ed Antonietti.

There was representation by DePaul, Northern Illinois and the John Marshall Law schools with over 20 students. Although student numbers were high, the parent members extended their generosity and paid for all of the students dinners. As a law student myself, I extend my personal thanks for all students in attendance.

There was enthusiasm in the air and as one participant remarked about the handsome tournament prize of bocce set "You can get a diamond ring from anybody but a bocce set from only a few special people." "Wow. The upset of the year played out in the first round with the ousting of the defending two-time champions, the Tortfeasors. Tortfeasor athlete Mike Ruffu commented "You win some and you lose some."



The second place team: From left: Carmen Forte Al Angelo, Joe Cataldo and Bill Angelo.

The Tortfeasors wouldn't be bothered the rest of the night as they drowned their sorrows away with sambuca and were entertained by some colorful bar tricks presented by Mazzini's performing bartender. Word to the wise...don't ask him for a "Polish coffee."

Ultimately there could only be one team winning the coveted bocce balls. The final "battle for the balls" was between Men's Rea and Cooley Law teams. It was nothing less than a blood bath and in the end Men's Rea didn't feel guilty to be crowned champs. The team was led by tournament MVP Niki "Pallino" Paradiso. The talent didn't stop there, with support from team captain Chris Paxhia and veteran bocce greats Biaggio "Boccino" Bucaro and Dan "the crusher" Caldieraro. Word on the international bocce scene is that Niki's ability can only be compared with that of the great Umberto Granaglia. Talk of sponsors and ESPN appearances are rumored.

The second place team was led by living bocce legend Joe "the Big Bopper" Cataldo along with Carmen "Rolling Thunder" Forte Jr. and brothers Al "Laser" and Bill "Blazer" Angelo. It was a



Judges Frank Castiglione, Thomas Panichi, Ed Antonietti, and Luciano Panici.



Allegra Cira, Marc Castiglione, and Megan Panichi and others join in the competition.



Dennis Beninato, Gregg Garofalo and Mauro Glorioso.



John Lag (center) with Gia Scatchell and Gabe Caporale (right).



Hon. Gloria Cocco, Alexia Katsaros and Lisa Marino.

tough loss for them but they assured a valiant return next year.

At the end of the night it was an enjoyable dinner and a competitive tournament. I know that everyone in attendance was thankful for the hard work and effort that went into the planning (thanks mom, Gregg and Dennis) and coordination of the dinner and tournament. We all look forward to next year's Bocce Event... especially Angelina and Sam Filippo the infamous "Baci di Bocce" duo.

Law School Update

By: Carmen P. Forte Jr.

Bocce Bocce!

This year's annual Justinian Bocce Tournament was heavily attended by law students from John Marshall, DePaul, Northern, and Cooley Law. The attorneys and judges graciously welcomed the overwhelming attendance, and we all appreciate the wonderful dinner and laughs that we all had at the Mazzini Verdi. While the law students were stronger than they have been in a long time, the JMLS "Tortfeasors" were unable to seal a "three-peat" performance this year. However, a great night was had by all, and we'll be back next year to revive the dynasty.



Young Justinians Anita DeCarlo, Phil Salerno, and Dennis Beninato shared a meal with JMLS students Mike Demarino, Jim Pesoli, Carmen Forte Jr., and Vince Vidmer at the Joint Justinian Meeting in January.



Enrico Mirabelli shared the January dinner with former law clerk and JMLS student Gina Rossi (left), current associate Angela Buttitta, and Northern Illinois law student Megan Panichi (right).

Meatball Madness. The second year of this fabulous event is upon us all. Meatball Madness is the brainchild of JMLS Justinian President Gina Rossi, and it proved to be our signature event last spring. This head-to-head tournament of meatball champions will be held at JMLS on April 3rd from 6-9pm. Expect a lot of homemade meat-a-balls, a lot of vino, and some fitting music to round out the evening. We are currently looking for parent organization members to come judge the meatball rounds. Please contact Gina at ginarossi9@gmail.com to reserve your seat on the judging panel. Mangia bene!

DePaul Chapter. Over their winter break, DePaul Justinians Sarah Gelsomino, Amanda Losquadro, Tracey Merrell, and Joe Tansino traveled to New Orleans, LA with the Student Hurricane Network. Upon their arrival in New Orleans, students were divided into legal and labor teams. The legal team worked on a pro bono project at the law firm of Adams & Reese, providing support on divorce cases. In one week the group was able to further over 100 divorces. The labor group teamed up with Catholic Charities to assist in repairing and painting houses in the Carrollton neighborhood. The team interacted with local residents, helping them get resources for repairing their homes and listening to their stories about the challenges they continue to face in trying to rebuild their neighborhoods post-Katrina.

Study Study Study. As the spring semester nears the halfway point, a lot of us are anxiously awaiting the middle of May. Some of us are gearing up to take the bar this summer, some have exciting summer clerkships

to look forward to, and some merely want to relax for a few months during the break. No matter what, we want to wish everyone good luck on their finals, graduation, and the upcoming bar. We will be sad to lose some of our student members, namely: Vince Vidmer, Gina Rossi, Angelina Filippo, Jill Anselmo, and Audrey Kucia. Your combined years of commitment to the Justinian Society have made our student chapters the impressive organizations that they are today. We look forward to your involvement in the Justinian Society as the bright young associates that we all know you will become. We wish you the best of luck in all your endeavors, and don't forget about your fellow law students (we'll be hitting you up for our dinners at all the events for sure).

A Note to the Huskies. While the day to day hustle and bustle of law school may sometimes make us forget why we are all really here, it is important to recognize our fellow law students and give them the support that we all sometimes need. The tragic events of early February will forever impact the lives of the Northern Illinois law students, and our hearts go out to all those affected. In spite of the recent events, we are grateful to see the NIU faces at all of our events, and we look forward to seeing even more in the future.

INTERNSHIPS WANTED:

We have a goodly number of resumes from law students actively involved in our Justinian Mentoring Program seeking spring and summer internships. If interested in bringing bright and energetic youth into your firm please contact the Newsletter Editor (lfa@amari-locallo.com or #312-255-8550). Hiring one of these outstanding young people, even if there is no perceived need, works on so many levels: helping a law student, mentoring a future lawyer, karma, etc. And then, the "Peter Principle" becomes operable; the more personnel available, the greater the increase in work – and that you can put in the bank.

- Leonard F. Amari, Editor

Cooley Law Students Plan New Orleans Trip

Lauren Schultz, a student at Thomas M. Cooley Law School and an active member of the Justinian Mentoring Program, advises of a trip to New Orleans that the Student Bar Association and the Disaster Relief Legal Association at Cooley are coordinating. Along with Lauren, two other Cooley students and active participants in the Mentoring Program, Nick Zagotta and Joe Zeit will be traveling to New Orleans.

The trip is from April 20 to May 2, 2008 and will give Cooley students the opportunity to provide legal assistance to people in the aftermath of Hurricane Katrina.

The Disaster Relief Legal Association (DRLA) was created to send students to communities affected by natural disasters to lend a helping hand. Since DRLA is a non-profit student organization the goal is to do enough fundraising to cover the students' expenses.

If you would like to make a donation to support these Cooley students on their trip, please send a check to the DRLA to the address below. All donations are tax deductible. If you would like to sponsor a specific student, please write their name in the memo section of your check.

All donations are greatly appreciated. Please make checks payable to Disaster Relief Legal Association and send to:

Thomas M. Cooley Law School
ATTN: SBA Office, DRLA,
Jeff Gennusa
300 South Capitol Ave.
Lansing, MI 48933

Chapter Update

By: Michael Ori

LAKE COUNTY

The Lake County Chapter hosted its annual Holiday Party on December 13 and it was a great success. As is tradition, the party was hosted by a member in their home.



This year, Danielle Pascucci hosted the party at her home in Long Grove. The party, which has become quite a legal community social event brought together over sixty colleagues for the event. The evening was topped off with the installation of the new executive board for the upcoming year. The executive board this year consists of President Michael Ori, Vice President Tony Polse, Treasurer Danielle Pascucci, and Secretary David Del Re. The food was wonderful as always and many thanks for our Italian chefs, the Honorable Victoria Rossetti, the Honorable Mary Seminara-Schostok and others.

Lake County is once again planning to host a bocce ball outing in Highwood in May, the annual Red Mass in October and this year, a wine tasting in November. Please contact Michael Ori at mjsabori@hotmail.com if you would like more information on the Lake County Chapter.



From left, President, Michael Ori, Treasurer, Danielle Pascucci, Secretary, David Del Re.



From left, Second District Appellate Court Justice Barbara Gilleran-Johnson, Judge Sarah Lessman, Judge Nancy Waites, Circuit Judge Jane D. Waller, Circuit Judge Margaret Mullen, Circuit Judge Fred Foreman, Circuit Judge Mary Seminara-Schostok, Judge Ray Collins, Circuit Judge Victoria Rossetti, Judge Terry Brady (Retired), Circuit Judge James K. Booras (kneeling), Judge Emilio Santi (Retired).

WISCONSIN-MILWAUKEE

The chapter will be involved in its fourth annual Seminar in the Sand, a general practice symposium at the Bellagio Hotel and Resort in Las Vegas, Nevada. This will take place May 1 through May 4, 2007. Participants in this seminar will receive six continuing legal education credits, three of which meet the ethics requirement. Presenters include Circuit Court Judge John DiMotto, Professor Daniel Blinka of Marquette University School of Law, Deputy District Attorney Robert Donohoo and many others.

Although geared towards Wisconsin law, their presentations can certainly be modified to include national law or comparative law to assist attorneys from other jurisdictions in obtaining CLE credits in their jurisdiction. The cost of the seminar is \$365.00 for Justinian members and \$425.00 for non-Justinian members. If you join the Justinian Society at a meager rate of \$35.00, you will qualify for the member discount. Please contact Joe Alioto at jgalioto@alioto-law.com if you are interested.

Office Space for Rent

Amari & Locallo has a nice size office with secretarial station available at our Justinian Headquarters, 734 N. Wells St. This is a state-of-the-art building, conference room, kitchen, elevator, internet access, and the like. Perfect opportunity for an injury lawyer or transactional lawyer. Contact the office manager, Charles M. Sampson at (312) 255-0101 ext. 115.

John Peter Curielli has 3 offices for rent in his law office building in Barrington. It is one block from the Barrington train station. (847)381-7555 EXT 101.

Lisa Marino has 2 renovated offices with 13-ft ceilings and approximately 145-1000 sq. ft. Available immediately in 5-lawyer office suite. Amenities include full reception, two conference rooms, and full kitchen. Fax, copier, postage, high speed Internet, phone system w/voicemail and secretarial space also available. Opportunity for referrals!. Call Lisa 773.804.9100.

The offices of **Fichera & Miller** have two modern offices for rental at 415 North La Salle Street, Suite 301, Chicago. In addition to Dominic Fichera and Howard Miller, the current staff consists of a full bilingual receptionist, two secretaries and three attorneys. For further clarification, please call (312) 673-2222.

Tracy M. Rizzo has two furnished offices immediately available to be sub-leased from a loop law firm. Suite has been newly renovated. The interior office (10 X 13) is \$800.00 per month and the window office (11 X 14) is \$1200.00 per month. Conference room and kitchen included, copy machine and other amenities are available. Call Tracy Rizzo at 312-332-7788.

ISBA Election Time

SUPPORT OUR JUSTINIAN CANDIDATES

Our Justinian Society has had a significant influence in the governance of the 32,000 member state-wide Illinois State Bar Association, presenting invaluable professional and social opportunities for our members. On April 1st ballots will be mailed from Springfield for the annual elections. Many Justinians are candidates for offices at every level. Please vote for our Justinians and help them get elected by spreading the word to your office mates and ISBA members in your network.

Franco

- **Franco A. Coladipietro**
President

Illinois State Bar Association
2008 Elections
(Ballot Position)

FOR 3RD VICE PRESIDENT:

John G. Locallo (1)

FOR BOARD OF GOVERNORS, COOK COUNTY:

Umberto S. Davi (9)

James J. Morici (5)

FOR BOARD OF GOVERNORS, UNDER AGE 37, COOK COUNTY:

Frank A. Sommario (1)

ASSEMBLY, COOK COUNTY:

Angela M. Buttitta (27)

Cheryl D. Cesario (6)

Peter D. Corti (46)

Frank J. DiBella (42)

Gina M. DiBella (50)

Joseph DiBella (25)

Michael J. DiBella (19)

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Lori G. Levin (7)

Ronald A. Rascia (47)

Steven J. Rizzi (41)

George Schoenbeck (20)

Lawrence A. Scordino (23)

Frank A. Sommario (9)

For Assembly Law Students:

Anthony A. "Tony" Bruno,

John Marshall Law School

John G. Locallo

Candidate for ISBA 3rd Vice President

ISBA Lawyers Around the State Support John's Candidacy



John G. Locallo
www.locallo.org

Moses W. Harrison, II (Caseyville) "I am proud to support the candidacy of my dear friend and colleague, John Locallo. He is a terrific practicing lawyer and a true bar leader who is in this race to help lawyers make a living and support their families."

Jerold S. Solovy (Chicago) "We need people like John Locallo to head the ISBA. A proven bar leader with practical legal experience, he has my energetic support."

Richard L. Thies (Urbana) "Through his years of service to the profession, John is well prepared to lead the lawyers of Illinois. As a practicing lawyer he has a breadth of knowledge and has demonstrated leadership qualities that are unsurpassed; he will serve us well."

Lori G. Levin (Chicago) "John is a well-respected trial attorney who will bring to the office practical skills, enthusiasm, and most importantly, the respect of his colleagues."

Stephen D. Phillips (Chicago) "A proven courtroom lawyer, John will be protecting us from the unrelenting propaganda of those who seek to deny people their day in court."

Herbert H. Franks (Marengo) "In the ten years I have known John, I find him to be a totally honest, caring and thoroughly professional lawyer. He will be a great bar president."

Tom Leahy (Chicago) "I support John because he is a careful listener, and that is a critical character trait for a bar leader."

George F. Mahoney III (Joliet) "A consensus builder, a working attorney's working attorney, John will be a great president of the ISBA."

James A. Hansen (Quincy) "In addition to John's leadership and experience, the fact that he is the only practicing attorney in this race makes him the most qualified attorney to represent our interests."

George R. Ripplinger (Belleville) "John has been a strong supporter for the practicing bar during his years of distinguished service to the ISBA and IBF."

David A. Decker (Lake County) "Based on my personal views as well as the esteem in which he is held among lawyers I know and respect in Lake County, John will be a wonderful and productive ISBA President."

Loren S. Golden (Elgin) "I have continually been impressed with John's professionalism and tireless dedication to the ISBA."

Donald C. Schiller (Chicago) "John is close to the pulse of the practicing lawyer. He lives our problems and issues."

Frederick P. Velde (Springfield) "John is a sincere person, and that is a great quality for the bar."

Denise Y. Staniec (Chicago) "I am voting for John because he is the candidate that can truly appreciate the vagaries of the practice of law."

Alfred A. Spitzzeri (Naperville) "John has demonstrated his outstanding leadership skills as President of the Kent Alumni Association as well as the Justinian Society."

Russell K. Scott (Swansea) "I have worked closely with John for years and have often commented on his superior organizational and communication skills, his willingness to volunteer and his tireless energy."

Phillip B. Lenzini (Peoria) "John's openness and availability to me, as issues of importance have come up, has been outstanding and unique."

Patrice M. Ball-Reed (Chicago) "John is an inclusive and compassionate person with a desire for diversity in the bar."

**Responding to the Needs of the Practicing Bar
Increasing Access and Diversity
Helping Lawyers be Better Lawyers**

(Please circulate to folks in your office and ISBA members in your network.)

ISBA CANDIDATES



From left, Rick Felice, Justice Moses Harrison and Justice Thomas Kilbride with ISBA 3rd Vice President candidate John G. Locallo.



left, John Sciacotta and Alderman William Banks with ISBA Board of Governors candidate James J. Morici, Jr.



From left, ISBA Board of Governors candidate Umberto Davi, Dion Davi and Justinian Secretary Gregg Garofalo.



From left, ISBA Board of Governors, Under 37 candidate Frank A. Sommario, Joe Gagliardo, Justice Kilbride and Antonio Romanucci.



From left, John Locallo, Lisa Marino, former Illinois Attorney General Jim Ryan and Jim Morici.



From left, Umberto Davi, Justice Harrison and John Locallo.



From left, Past ISBA President Cheryl Niro, Bill Quinlan, Judge Kenneth Wright and Jim Morici.



From left, Leonard DeFranco, Tom Battista and Frank Sommario.



From left: Joe Di Bella, Judge Dan Locallo, Mike Di Bella, past President Bruno Tassone, Frank Di Bella and Gina Di Bella.

INCREASED COURT FEES

Information on the fees collected by the Office of the Clerk of the Circuit Court of Cook County has been sent in to us by the Chief Deputy Clerk, and our good friend, Enza Zacchigna.

Effective March 1, 2008, pursuant to Cook County Ordinance, the following fees collected by the Office of the Clerk of the Circuit Court of Cook County, Illinois, have been set or increased:

- Filing and Appearance fees in all civil matters, increased by \$25.00.
- Court Services fee, upon plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment in certain cases. Not imposed or collected in traffic, conservation, and ordinance cases in which fines are paid without a court appearance. Increased to \$25.00.
- Court System fee for a second or subsequent violation of 625 ILCS 5/11-501 (DUI), new fee set at \$100.00.
- Court System fee upon a judgment of guilty or grant of supervision under 730 ILCS 5/5-9-1 (Unified Code of Corrections), new fees: Felony, \$50.00; Class A misdemeanor \$25.00; Class B or C Misdemeanor \$15.00; petty or business offense, \$10.00.

Joanne Panariello-Needham: Go-to-Person

By: Leonard F. Amari

I have the great pleasure of serving as president and a member of the board of trustees of my alma mater, The John Marshall Law School. I am fortunate to have been put in this position by its immediate past president, one of the more esteemed members of our community, Alfred E. Gallo, dean of the past presidents of the Justinian Society of Lawyers. In this position, I have worked with Joanne Christine Panariello Needham (fondly referred to by her many friends as Jodie). I am sure in every administration, especially in academia, there are certain people that are extraordinarily vital if things are to get done. Jodie Panariello-Needham is just such a person.

She began working at The John Marshall Law School in 1988 as the administrative assistant to an assistant dean. She was recruited by the registrar at the school, Dean Jane Oswald, to be in her department and within a year became the recorder for the school. Many of the lawyers in this community, graduates of The John Marshall Law School, who are involved on a continuing basis with the school, know that if you want something done, you call Jodie.

A graduate of the school, and a recipient of its distinguished Alumni Award, Franco Coladipietro, state legislator and president of the Justinian Society of Lawyers, says of Jodie, "I grew to love and respect Jodie when I was a student at John Marshall, especially when I needed something, a record, a letter to be written, some information, or just general institutional recollection. We all refer to her as the 'go to gal' in the Justinians."

In 2005, and continuing, Panariello-Needham was promoted to the position of Director of Academic Services at The John Marshall Law School. She has been responsible and has supervised many of the significant changes and upgrades done in the Registrar's Office, bringing it into the 21st century. She has supervised the changing of the registration system from hard copy forms to phone registration and then to the current law school on-line web registration, totally streamlining the law school registration process.

An inventive and intuitive person, Jodie was responsible for locating and applying software programs that would allow students to take final examination on their computers in a safe and secure environment. JMLS was one of the first schools as a result of Jodie's involvement, to use Examsoft, a software program now used in 36 states and in numerous law schools. This is an inventive far-thinking professional.

I have the great pleasure of working with Jodie in many of the John Marshall activities,



From left, JMLS Director Alumni Relations Sherril Berendt, Justinian Treasurer Katherine Amari and Jodie Needham.

especially as a member of the committee that is attempting to develop a picture of The John Marshall Law School five years from now, ten years from now and thereafter. Her contribution to this committee, her vision of the future, her vision of the best law school John Marshall could be, and her leadership skills, absolutely amaze me each and every meeting.

Her family immigrated to the east coast from Naples in 1912, Ferdinando Panariello coming to this country as a salesman for his family's shipping industry of coral. He married Maria Raimonda Caliendo where they both met on the boat coming over, an old story, her roots being Torre Del Greco. Jodie says: "My maternal great-grandmother (Lucia) was the point person for new-comers from her town to begin to find housing and jobs for others. My Papa was friends with my great-grandmother and fell in love with my Noni who was twelve years his junior. He waited two years until she was 18 to marry her." They lived in the north end of Boston. Her maternal grandfather served two terms in the U.S. House of Representatives, before serving as a U.S. senator from Vermont, having died in office in his second term.

One of five children, Jodie resides in Lisle with her husband Joseph, a 1999 John Marshall Law School graduate. Because of all that she brings to her responsibilities, and because of her administrative talents, her office serves as the central nervous system for the school, working in conjunction with almost every other office, including and especially the students. Often times her office serves as the link of the students with the faculty. As a member of the board of trustees, I can also say, that because of Jodie Panariello-Needham's leadership and participation, her office also serves as the link with the governance of the school, as well.

Joanne Christine Panariello-Needham, another example of the best our community has to offer.

LET'S NOT FORGET THE LESS FORTUNATE



By: Joseph G. Bisceglia

[Editor's Note: Our dear friend Joe Bisceglia had such a poignant message in his December ISBA Journal President's address we republish it, in part, here. He always makes us proud.]

Despite the ebb and flow of our personal and professional lives, most of us have much to be thankful for. If we ever have doubts about that, we need only compare ourselves to the many in our society and the world who are less fortunate. During this season of Thanksgiving we should try to be mindful of the positive things in our lives.

There is often debate about whether people's achievements are due to their own hard work, or to good fortune. It is probably a bit of both.

In one sense, bad luck is often just the result of bad judgment. But, those who have good judgment, who are willing and able to work hard, and who have the skills necessary to achieve are typically the beneficiaries of the early and sustained influence of good role models- parents, grandparents, teachers, and the like. They may also be the product of good "genetics."

As a fundamental matter, we did not "earn" those positive influences, or our gene pool. They were given to us. They were good fortune. Without such a solid foundation, we might not have accomplished much regardless of how hard we tried.

The realization that good fortune has helped us to get where we are in life leads me to believe that we have an obligation to return the favor. As is often said, we will not be judged at life's end by how much we have given back. Despite our busy schedules and the demands of our families and our profession, let us resolve during this season of Thanksgiving to give back a little-to others in need, to the profession, and to those who will follow us in our noble profession.

Alfred E. Gallo Named Laureate Of the ISBA Academy of Illinois Lawyers

By Leonard Amari

The dean of Justinian past presidents, Alfred E. Gallo, was recently named a Laureate of the prestigious ISBA Academy of Lawyers. The Academy was established in 1999 to celebrate excellence in the legal profession and to recognize lawyers throughout the state who maintain the highest of professional standards. Candidates must have practiced law primarily in Illinois for at least 25 years, must be members of the ISBA, and have demonstrated a commitment to the highest principles of the legal profession through a pervasive record of service to the law, the profession and the public. Certainly our beloved Mr. Gallo satisfies these requirements.

There are very few professionals that have made as great an impact in our community as Alfred E. Gallo: lawyer, banker, community leader, role model and friend.

A student at The John Marshall Law School in 1940, he had to interrupt his studies when war was imminent. He volunteered for the Counterintelligence Corps of the United States Army, stationed in Africa and Italy. After the war he returned to John Marshall. While in law school he worked as a clerk/typist and other jobs at the Liberty National Bank and in 1948, a year before graduation, he was elected assistant trust officer. In 1955, as the result of a merger with the Chicago National Bank, he became one of two responsible supervisors of the trust department of the LaSalle Street Bank. In 1958 he became vice president and trust officer and president in 1971 of the Cosmopolitan National Bank of Chicago. In 1975 Al became chief operating officer and chairman of the board of the United of America Bank and the O'Hare International Bank which merged with The Northern Trust Bank. He was responsible for forming the Land Trust Council of Illinois with a membership exceeding 100 banks. He was also president of the trust division of the Illinois Bankers Association. A high point of his banking career came when he was appointed director of a satellite bank of the holding company of the Northern Trust Company.

Al Gallo became president of the Justinian Society of Lawyers in 1960.

No article could be written about Alfred E. Gallo without recognizing his career involvement with the institution that gave him an



opportunity to become an attorney, The John Marshall Law School. It has always been the policy of JMLS to give as many people as possible the opportunity to become a lawyer. An important reason for this attitude has been and continues to be the involvement of Al Gallo. He has served on its governing board for over 30 years and was elected president of its prestigious Board of Trustees in 2001.



Alfred E. Gallo, circa 1959.

Of the many nomination letters sent in for Mr. Gallo for this recognition by prominent community leaders and lawyers, retired Illinois Supreme Court Justice Moses W. Harrison II said, "He has always been a lawyer who was actively trying to make his community a better place. I can think of no person in our profession more deserving of a nomination as a Laureate than Alfred E. Gallo. I have great personal admiration for this dedicated and generous man of good will, as do all who come in contact with him."

Al has a thriving law practice where he continues to distinguish himself in the legal community concentrating in the areas of banking, probate, corporate, real estate, mergers, acquisitions and environmental matters. He also serves as a mentor and resource in these areas for younger Justinians and JMLS graduates.

Al Gallo, a Sicilophile, has demonstrated his great concern that our Italian community, and more specifically, the Chicagoland Sicilian community, maintain and continue to recognize its cultural roots and traditions. For example, at Al Gallo's urging, SACA had a brunch honoring all Italian-American Appellate Court Justices active and retired, as well as honoring the first-ever Italian-American Justice of the Illinois Supreme Court, Justice Moses W. Harrison, II. No wonder Mr. Gallo is the recipient of the Star of Solidarity from the Republic of Italy for his efforts in fostering artistic and cultural relations between Italy and the United States.

Mr. Gallo aided in the creation of an Ecclesiastical Foundation with the guidance of Albert Cardinal Meyers and Monsignor Francis Dolan for the perpetuation of the Queen of All Saints Basilica, the first of its kind in the Catholic Church. He is also a former member of the Board of Directors of the Greater North Michigan Avenue Association and a former member of the Board of Trustees of the Illinois College of Podiatric Medicine.

Married, he lives with his wife Gina on the north side, where he is active in many community affairs and is a Lector and Ecumenical minister at St. Williams Church. He is a devotee of and lecturer on the Life and Art of Michelangelo and founder of the elite Oenophilists' Society of Chicago.

Very few professionals have had as much an impact on the lives of others in our community as Alfred E. Gallo.

Mr. Gallo joins another prominent Justinian past president and community leader in being named a Laureate, Anthony J. Fornelli (Laureate Class of 2005). Al and the other 2008 Laureates will be honored at a reception and lunch on April 8, 2008 at the Standard Club.



From left, past Justinian Presidents Antonio Romanucci and Al Gallo with ISBA President-Elect Jack Carey.

Mary R. Minella

Associate Judge, Cook County Circuit Court - She's Said to Have a Knack for Conciliation

[Editor's Note: This article, written by staff writer Stephanie Potter, originally appeared in an edition of the Chicago Daily Law Bulletin.]

As a personal-injury lawyer, Mary R. Minella was known as someone who could handle difficult cases without making them personal or contentious.

It's a quality that her colleagues appreciated, and one which they say continues to serve her well as a Cook County associate judge.

"She's a good person," said Rudolf G. Schade Jr., who handled several cases opposite Minella over the years. "That's what you want as a judge and that's what you want as a lawyer."

Schade, of Cassiday, Schade LLP, described Minella as well-prepared, thorough and ethical.

"Her word was her bond," Schade said. "In this business, that means a lot."

Minella has been on the bench since 2005, after a varied career that included working in medical research and as an inspector for the federal Occupational Safety and Health Administration before deciding to go to law school.

In her post in the 1st Municipal District, Minella hears all types of cases involving damages of less than \$30,000 and more than five witnesses. She hears contract and real estate matters, auto accident cases and other types of disputes.

Minella said she enjoys the variety and the interaction with litigants. She sometimes presides over one trial a day, even more in a busy week.

"There's always something new," Minella said. "You'll never know everything. But your colleagues are always there to help you."

Minella was born in Rockford and raised in the Quad Cities. Her late father, Peter, was a wholesale liquor distributor, while her mother, Jo worked in insurance. While there were no lawyers in her immediate family, she recalls being intrigued by the idea of becoming an attorney.

But when she graduated from St. Mary's College in Notre Dame, Ind., in 1970 with a biology degree, few women were attending law school. Instead, she decided to pursue her interest in science, earning a certificate in medical technology from Northwestern University Medical School.

That led to a job in the hematology laboratory at Northwestern Memorial Hospital, and later to a job conducting research projects at V.A. Lakeside Hospital.

From there, she worked for two years at OSHA, primarily doing health monitoring. She made unannounced visits to factories and work sites to check for exposure to air contaminants or excessive noise.

"I learned the difference between a punch press and a press brake," Minella said. "I wore my hard hat and my steel-toes shoes. It was interesting to see how things are made and what kinds of environments people worked in."

Among her assignments, Minella went to the demolition site of the Sherman House Hotel. She went to foundries, precious metal refineries, and even a business that made stretch limousines by cutting vehicles in half, then expanding them.



From left, Rick Carbonara, Tom Battista, Mary Minella and Fred Serpe.



From left, Jessica DePinto, past President Celia Gamrath, Mary and past President Lisa Marino at a Justinian event.

In 1980, Minella went back to school, getting her law degree from DePaul University College of Law.

While in law school, she worked as an extern for Cook County Circuit Judge James A. Geroulis and U.S. District Judge Marvin E. Aspen. She knew she wanted to put her professional experiences to use, so she considered patent law or personal-injury law.

Ultimately, she settled on the latter, and most recently she was a partner in the Chicago firm of Mullen, Minella & Kelliher.

Minella said her experiences in the medical field was a plus when it came to deciphering patients' medical records.

"As a plaintiff's lawyer you have to get the records and figure out what the issues are," Minella said. "Sometimes the records aren't that easy to read."

Minella said that the work was fulfilling, noting that she had clients that she would stay in touch with over the years. But dealing with serious injuries made her more cautious and wary, as well.

Minella said she wanted to become a judge because "there's something attractive about just being in the middle and trying to do the right thing."

"As time progressed, I thought I would see if I could become a judge and I love it," she said.

Like many judges, Minella sees a fair number of pro se litigants. She said she tries to keep the cases simple and get the litigants to focus on

why they came to court and what relief they are seeking.

"You want to make sure they understand that they are getting their day in court," Minella said.

Minella's expectations for lawyers are also simple: to be prepared, on time and courteous to each other.

Circuit Judge Nancy J. Arnold, who was assigned to be Minella's mentor judge when she was appointed to the bench, described her as thoughtful. Arnold said that while Minella handled bigger cases as a personal-injury lawyer than the matters she now hears, she takes each case seriously.

"She takes every one of those cases as if that was the only case and gives it her full attention," Arnold said.

Circuit Judge Lynn M. Egan got to know Minella in the late 1980s when Egan was a lawyer with Hinshaw & Culbertson LLP. Egan handled medical malpractice defense and occasionally found herself going up against Minella on cases.

"I think I always paid money to her," Egan quipped.

"Thinking about it in retrospect, I appreciate her calm demeanor even more," said Egan.

John K. Hughes of Hughes, Socol, Piers, Resnick & Dym Ltd. had a similar impression of Minella when he went up against her on a medical products case that ended up settling.

"She's a very nice person at all times, very calm and very professional," Hughes said. "You could always deal with her very well on any issue, rationally discuss it and usually resolve it."

Minella has been married since 1986 to attorney Gabriel J. Minc, who practices employee benefits law. The couple has a 17-year-old daughter. Minella enjoys traveling and has been to Italy, Thailand and Mexico, where the family attended a cooking school.

Minella has been active in several bar associations throughout her career, including the Illinois State Bar Association, The Chicago Bar Association and the Justinian Society of Lawyers. She is part of an effort to launch a joint project between the CBA and the ISBA to develop a self-help advice desk for landlords and tenants in eviction court.

Minella also has worked with the Women Everywhere Project, a collaborative effort of several bar groups that, among other things, sponsors programs for high-school girls to learn about the court system. Minella also volunteers in her community, having worked with the Vital Bridges food bank, which serves people infected with HIV or AIDS.

Egan said Minella is very knowledgeable about the law, but doesn't take that knowledge for granted and frequently conducts independent research about issues before her in court.

"Mary is one of those great additions to the bench in that she comes with a lot of experience," Egan said. "She would be a phenomenal asset to have in the Law Division, but she would never push to get a particular assignment."

Vincent L. DiTommaso:

Hard Work Pays Off

By: Leonard F. Amari

As a result of Vincent L. DiTommaso's talent as a lawyer, and his hard work in a particular class action lawsuit, the Chicago-Kent Law School was awarded a \$100,000 Cy Pres Award. "Cy Pres, which can be described as a form of court-sanctioned philanthropy, is often involved in class-action judgments when it's not feasible to disperse the settlement funds to the plaintiffs," DiTommaso explains. "Cy Pres really is a win-win situation, because not only is the 'bad act' that was the subject of the lawsuit rectified, but the settlement is dispersed to organizations that advance the public good and/or protect consumers."

Chicago-Kent benefited when DiTommaso and his law partner Peter Lubin filed a class-action lawsuit in state court, arguing that hotels in Oakbrook Terrace had illegally inflated the hotel occupancy tax in order to pay for a private security contract. While the court found in favor of the plaintiffs, the wronged hotel occupants didn't directly enjoy the windfall.

"In class-action settlements, it isn't always possible or economically efficient to reimburse each and every plaintiff," says DiTommaso. "In our cases, the hotels had amassed far more than \$1 million in alleged inflated fees over three years, yet the amount due each plaintiff was only in the \$2 to \$4 range. Because the associated costs would virtually exceed the settlement, the court invoked cy pres."

According to DiTommaso, cy pres has become more common in the last five years or so. While attorneys are generally invited to recommend awardees, judges are the final arbiters.

"Since the 'bad act' was committed in DuPage County, we wanted part of the settlement funds to benefit consumers there," DiTommaso says. We recommended that the \$300K available for distribution be split evenly between the DuPage Legal Assistance Foundation, the Mandel Legal Aid Clinic at the University of Chicago Law School, and the Abraham Lincoln Marovitz Public Interest Fund—a Chicago-Kent initiative that offers a stipend to recent graduates who work in public service organizations after law school. The court accepted our recommendation, and the Chicago-Kent fund received \$100,000."

We use this philanthropic litigation circumstance to introduce the readers of this column to one of the more highly respected litigators in DuPage County and, in fact, the entire Chicagoland area.

A 1979 graduate of the University of Illinois and a 1982 recipient of his Juris Doctorate degree from Illinois Institute of Technology, Kent Law School, Vincent L. DiTommaso has become a recognized force as a litigator in the federal and state courts and a highly respected colleague in the legal community.

In 1996, for example, DiTommaso was selected by the Chief Judge of DuPage County as one of the first group of attorneys to be trained, then certified, as a Court Appointed Mediator. In that role, for over eight years, he successfully mediated a substantial number of complex commercial matters. He had one of the highest settlement rates for mediated cases in that part of the state. As a result of his abilities in the mediation field, the DuPage County Chief Judge has invited DiTommaso to conduct mediation training seminars for DuPage County judges.

In 1996, because of the high esteem in which he is held, DiTommaso was appointed to the DuPage judicial evaluation committee and was instrumental in selecting and evaluating judges. In 1998, then Treasurer Judy Baar Topinka, appointed DiTommaso as Special Assistant Attorney General as Counsel for the Illinois State Treasurer. Successful litigator, mediator, evaluator and selector of judges, successful trial lawyer, would be enough for most. Not one to sit idly by, DiTommaso began teaching trial practice skills to students at the University of Chicago Law School to prepare them to work at its Mandel Legal Aid Clinic.

Umberto Davi, past president of the Justinian Society of Lawyers, and a friend of this month's subject, says of DiTommaso, "Vince is one of the more respected and hard working members in the DuPage County Bar Association who has distinguished himself as an outstanding litigator and mediator and a true activist for altruistic purposes in our legal and ethnic community."

His mother's family's roots are from the Calabria/Naples region and his father's origin was the Abruzzi area. Both of his parents are first generation Italian-Americans. He is the father of two wonderful children; Alexandra, age 20, and James, age 18.

Vincent L. DiTommaso, another example of the best our community has to offer.

Employment Law Corner

Illinois Human Rights Act Claimants Now Have Option of Going To Court

By: Margherita M. Albarello

Starting January 1, 2008, employees with job discrimination claims based on the Illinois Human Rights Act (the Act) no longer will be stuck with administrative proceedings before the Illinois Human Rights Commission. Public Act 95-0243 gives these employees the option of going to court and trying their case to a jury.



Employees with claims of race, handicap, gender, and other forms of job discrimination under the Act used to have one choice - to file a charge of discrimination with the Illinois Department of Human Rights. After receipt of the charge, the Department conducts an investigation of the charge allegations. Based upon the investigation, the Department's Director determines whether there is substantial evidence that the alleged civil rights violations occurred. If the Director finds substantial evidence of a violation of the Act, the case proceeds to a bench trial before an administrative law judge for the Illinois Human Rights Commission.

Under the new law, employment discrimination cases still have to be filed with the Illinois Department of Human Rights in the form of a "charge," the Department still conducts an investigation, and the Director still makes a substantial evidence determination. However, for charges filed with the Department after January 1, 2008, whether the Director finds substantial evidence of a violation or not, the employee can sue in circuit court after the Director's initial ruling. If the Department fails to complete its initial investigation within a year, the employee also can commence an action in state court. In both cases, the employee has only 90 days to file the circuit court lawsuit. If the employee files a complaint with the Commission, he cannot later commence a circuit court action.

The new law may result in higher costs for employers. Discovery is limited in charges filed with the Department of Human Rights. Depositions can only be taken with the administrative law judge's approval after a showing of good cause. An employee who files suit in state court will have available to him all of the discovery tools provided by the rules of civil procedure. While it remains to be seen, employees may be able to obtain larger emotional distress damage awards in circuit court. Under the Act, actual damages include compensation for emotional harm and mental suffering. However, the Illinois Appellate Court has reminded the Commission to keep awards for emotional distress "within reasonable parameters," and the presumption under the Act is that recovery of all pecuniary losses will fully compensate an aggrieved employee for his actual damages. Absent a showing that the employer's conduct was sufficiently continuous and outrageous, the majority of employees who try their cases before the Commission and win receive very little, if anything, in emotional distress damages.

ELDER LAW UPDATE

"Educate to Motivate"

By: Anthony B. Ferraro

1. WHAT THE SANDWICH GENERATION NEEDS TO KNOW ABOUT NURSING HOMES AND ASSET PROTECTION PLANNING.

An Easy to Use Family Checklist for Seniors and Those Who Love Them

a) It's Not Too Late. Planning for financial assistance for long term care (Medicaid) can begin anytime, even if your loved one is already living in a skilled care facility. But the sooner you plan, the more options you will have to protect what's important to you.

b) Keep Your Home. If you are married, and you or your spouse needs to go into a nursing home for a while, your home is exempt from Medicaid's calculation of what your contribution to the cost of care should be. If you are widowed and you plan to go into a nursing home, your house may be exempt if you follow certain procedures. But planning is key to preserving your home.

c) Don't Give Away Assets. Since major changes to laws in 2006, "gifting" away your assets creates unforeseen circumstances for years. Far from protecting yourself, you will be undermining your own security.

d) Use Those Safe Harbors. Congress has created a number of "safe harbor" provisions for protecting your assets. These exempt certain assets and allow transfers to children or siblings who meet certain eligibility requirements.

e) Know When to Apply. Applying too early can mean a longer wait for Medicaid qualification than necessary, while applying too late can mean having to pay for months of care you may not have had to.

f) Veterans: Be Sure to Look into "Hidden" VA Benefits. There are some VA benefits that will allow veterans and their spouse to remain at home longer without going into a nursing home.

g) Get the Right Help. Medicaid planning is a complex matter. You need qualified assistance to keep your assets safe. Be sure to find legal counsel who practices in this area- someone with proven capability in Medicaid law.

h) Rule of Thumb: Do not apply for Medicaid without a plan to ensure you qualify.

2. TYPES OF NURSING HOME ASSET PROTECTION PLANNING:

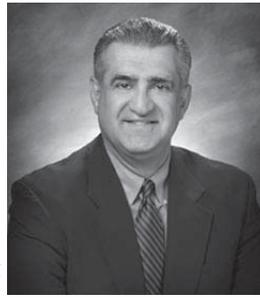
Planning to become eligible for financial assistance for long term care generally takes place in one of two circumstances:

Pre planning

First, Pre-planning is done when an individual or couple who are not in a nursing home are planning in advance for the possibility that they may need long-term care in the future and wish to preserve assets. We recommend that you plan far in advance of needing care. This is the best approach.

Crisis Planning

Second, Crisis planning is done when you or a family member is already in a nursing home or is about to enter a nursing home and are seeking to preserve assets.



3. NEXT STEP

If you or a family member is facing the high costs of long-term care, then you probably have not taken any planning steps. But whether or not you have planned ahead, generally there's a lot you can do to legally protect at least some of your savings, even at the last minute.

But in all cases, never apply for Medicaid without consulting with a qualified attorney first, as once you have applied you may have cut off planning opportunities.

4. DO YOU KNOW ANY SENIORS WHO ARE PAYING THEIR CHILDREN TO CARE FOR THEM?

These seniors can be losing years of financial assistance for nursing home care because such payments to the children will be viewed as "disqualifying gifts by the state unless properly documented. GULP!

5. FURTHER NOTES OF IMPORTANCE:

A. As explained in our prior issue, on February 6, 2006, President Bush signed the Deficit Reduction Act of 2005 (Athe DRA@). The legislation makes sweeping changes to the Medicaid laws.

We have been working on what are believed to be the most effective strategies and best responses to the new law. The State of Illinois has still not yet issued its regulations implementing the DRA in Illinois.

B. If at all possible, consider purchasing additional long term care insurance so that you have approximately \$225 per day to pay for your nursing home care.

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This document is for discussion purposes only and is not intended to be, nor should it be, considered as legal advice. You should never attempt Medicaid planning, Estate Planning, Probate, or Estate and Trust Administration without the advice of competent legal counsel.

TORT NOTES

By: James J. Morici, Jr.

FIRST DISTRICT REVERSES SUMMARY JUDGMENT AND HOLDS GENERAL CONTRACTOR TO DUTY UNDER SECTION 414 (CONSTRUCTION NEGLIGENCE) AND SECTION 343 (PREMISES LIABILITY)



On February 11, 2008, the First District handed down its decision in *Wilkerson v. Paul H. Schwndener, Inc.* 1-06-2653

(1st Dist., 2008). The Appellate Court reversed a finding of summary judgment in favor of the defendant general contractor and relying upon its earlier ruling in *Bokodi v. Foster Wheeler Robins, Inc.* 312 Ill.App3d. 1051, 728 N.E.2d 728 (1st Dist., 2000) held that a genuine issue of material fact existed relative to the Defendant's retention of control pursuant to Section 414 and pursuant to Section 343 of the Restatement of Torts 2d.

In *Wilkerson*, the plaintiff, a carpenter, fell from a height of approximately 9 ft. while standing on the floor joists for the second story of a building under construction. At the time of the incident, the plaintiff was being handed wooden joists from below by a coworker. Working without fall protection, the plaintiff was struck by one of the joists causing him to lose his balance and fall suffering serious injury.

In answer to the plaintiff's Complaint, the defendant filed a motion for summary judgment claiming that it had not retained sufficient control over the plaintiff's work to trigger liability under Section 414, and that it did not owe plaintiff a duty of care under Section 343 because it had no knowledge of the dangerous condition. The trial court granted defendant's motion finding that as a matter of law, defendant did not owe the plaintiff a duty of care under either section of the Restatement. At 1-06-2653 p. 2-3.

In reversing, the Appellate Court utilized its earlier decision in *Bokodi* as a point of reference since that case provided a comprehensive discussion of the development of construction negligence in Illinois common law. The *Wilkerson* Court stated that the facts at bar more closely resembled those in *Bokodi* than in the cases cited by the defendant. Significantly, the Court noted that "although the contract between Monarch (*Wilkerson's* employer)

and defendant left to Monarch control of the operative details of its work and the safety of its employees, defendant's actions on the jobsite showed defendant retained more than a general right of supervision." Wilkerson Id at p. 9. The Court noted several factors including a letter asserting defendant's discretionary authority to stop Monarch's work; a contractual obligation placed upon Monarch to attend safety meetings and comply with defendant's list of 21 safety procedures. Monarch was also required to submit for defendant's approval a site specific safety plan and minutes of its weekly safety meetings. The Court found that under those facts, an issue existed as to control and summary judgment was improper. Id p.10.

To this author's interpretation, the Court in Wilkerson has loosened what had, in the recent past, become an overly stringent interpretation of the factors necessary to show defendant's "retained control." Simply put, a duty exists where a subcontractor is not entirely free to do the work in its own way. That degree of retained control can be demonstrated by contract, supervision or operational aspects of the job or some mix thereof (citing Martens v. MCL Construction Corp., 347 Ill.App3d 303, 807 N.E.2d 480 (1st Dist., 2004). Id p. 5. This reference to mere retention and the multitude of ways in which that retention can be exhibited in the course of a construction project is refreshing to those of us making a practice in this area.

This interpretation of "retained control" seems to, and rightly should, signal the return to the realization by the Appellate Court that there are very few instances in which a general contractor does not retain at least some control over the work and/or safety such that the subcontractor is not entirely free to do the work in its own way. This common sense approach provided a great deal of support for the historic cases, beginning with Larsen v. Commonwealth Edison in 1964 where the Illinois Supreme Court stated that Section 414 was a statement of Illinois law and followed by cases such as Pasko v. Commonwealth Edison Company, Webber v. Northern Illinois Gas, Ryan v. Mobile Oil, and others cited in Bokodi, to name just a few.

Practitioners in this area should point to the pervasive control exerted by general contractors over subcontractors through detailed plans and specifications, work rules, the authorities to issue change orders, to effectuate construction site safety, to stop unsafe work practices or unsafe work conditions, to reject materials and work methods, reject unsafe equipment and to require that adequate safety measures be implemented.

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.

Photo Stories



Justinians attend the ISBA mid-year meeting at JMLS reception. From left, Umberto Davi, Leonard DeFranco, Judge Mary Seminara-Schostok, President-Elect Mauro Glorioso, Leonard Amari and Mike Favia.



Dominic J. Buttitta Jr. was recently awarded "Best Appellate Brief" at the final round of the 19th Annual Luther M. Swygert Memorial Moot Court Competition at Valparaiso University School of Law. Dominic received a plaque in commemoration of his excellence in appellate writing by VUSL Dean Jay Conison, as well as was recognized by Supreme Court Justice Antonin Scalia, Judge Daniel A. Manion of the U.S. Court of Appeals for the Seventh Circuit, and Judge Rebecca R. Pallmeyer of the U.S. District Court for the Northern District of Illinois, all of whom presided over the final round of the competition.

The Annual Justinian Fishing trip is scheduled again from Wednesday, June 25th to Saturday, June 28, 2008 at Birch Island Resort in Minaki, Ontario, space is limited. If interested, and this is on a first come first served basis, priority given to previous participants, contact Leonard DeFranco at ldefra0404@aol.com or (630)990-3900. To lock up an early position on the priority list send Leonard your \$500/fisherman check as a deposit.



2005 Justinian Fishing Trip



2006 Justinian Fishing Trip



2007 Justinian Fishing Trip

Miscellanea

By: Leonard F. Amari



★ **Judge Robert Bertucci** reports that he recently visited his son, **Christopher**, 4/C Midshipman Christopher Bertucci (U.S. Naval Academy Class of 2011) who boxed in the 67th annual Brigade Boxing Championship. Judge Bertucci took a weekend trip to Annapolis with fellow



Justinian Vince Petrosino and former marine veteran, Ald. James Balcer (11th Ward). Christopher was a three sport varsity athlete in high school (soccer, wrestling and rugby), but had never boxed until last July during Plebe Summer (boot camp) at the Naval Academy. Until then, he expected to play rugby at Navy. Instead, he won the end of summer Boxing Smoker and thereafter was invited to join the Brigade Boxing Team. In the semifinal fight leading to the championship bout, Christopher faced a senior who was last year's Brigade Champion and the runner-up in 2006. Christopher won the fight in a unanimous decision. In the championship bout, before a crowd of 2500, Christopher won another unanimous decision against a junior. Christopher also won his fight the following day at the Navy Invite. He remains undefeated and next heads to regionals at the University of Kentucky at the end of March.

In addition to his good fortune with boxing, Christopher has thus far had an outstanding first year at the Academy. During the first semester he was selected to be Company Commander of the 38 Plebes in his company and finished the semester ranked first among them. He is currently ranked 48th overall out of 1,158 in his class, and is ranked first in military performance.

★ Congratulations to **Joe Marconi** and **Anita DeCarlo**, being recognized by their law school, the John Marshall Law School, with its prestigious Distinguished Service Award. The award recognizes contributions to the profession and the community. They join, among others, previous recipients such as Katherine Amari, Michael Favia, Tony Romanucci, Franco Coladipietro, Leonard Amari and others. The award will be presented at its annual Freedom Award Luncheon on May 2 at Chicago's Palmer House.

★ Congratulations to **Stephen D. Phillips**, who was recently rated the #1 personal injury lawyer in the State of Illinois by Avvo.com, an independent web lawyers rating service. Mr. Phillips was also recently ranked as one of the Top 100 Trial Lawyers in the State of Illinois by the American Trial Lawyers Association. Phillips is the principal in Phillips Law Offices, a personal injury and wrongful death law firm, which has over a 60 year history of representing people who are killed or seriously injured due to the negligence of others.

Phillips has also recently finished his second semester of teaching "Illinois Civil Litigation Prior to Trial" at Loyola Law School and will likely teach a class on Preparation and Trial in a Personal Injury Lawsuit this fall at Loyola. All Justinian's at Loyola should sign up for the class!



From left, Illinois Supreme Court Chief Justice Bob Thomas, Dominic Fichera, (the late) John Phillips and Steve Phillips, during a fundraiser on John's boat, the "Illusion."

★ **Judge Tony Iosco** advises that the 20 slots for applicants for an admission ceremony to the US Supreme Court Bar are available for Monday, June 16 in Washington, DC. Any member who has been an attorney in the State of Illinois for 3 years or more is eligible. Members, spouses, friends and family are welcome to come and enjoy the fun. Please contact Judge Iosco ASAP at 847-818-2501 as paperwork needs to be completed soon.

★ **Antonio M. Romanucci**, a partner in the personal-injury firm of Romanucci & Blandin LLC, has been named chair of the Joseph Cardinal Bernardini Humanitarian of the Year Award black-tie dinner and dance. The event is hosted annually by the Joint Civic Committee of Italian Americans. It will be held on June 21, 2008 in the Grand Ballroom of the Chicago Hilton Towers, this year honoring Robert Mariano, chairman and CEO of Roundy's Supermarkets.



Past Presidents Antonio Romanucci and Enrico Mirabelli pictured with Justice Thomas Kilbride (center) at the Annual Installation and Awards Dinner.

★ **Ralph J. Gabric** (the son of our beloved late brother), a shareholder in Brinks, Hofer, Gilson & Lione, has been elected president of the Coordinated Advice and Referral Program for Legal Services.

★ **Arquilla & Fink, Ltd.** is pleased to announce that they have moved their offices to 105 West Adams Street, 39th Floor, Chicago, IL. They will continue to represent individuals in personal injury, wrongful death, and catastrophic injury matters.



Gina Arquilla pictured with, from left, Tom Cerone, President Franco Coladipietro and Dennis Beninato.

★ **Frank A. Sommario**, an associate at Romanucci & Blandin, was recently elected to the Board of Directors of the Worker's Compensation Lawyers Association, Ltd.

★ Congratulations to **Cheryl L. Taglia** who has joined Shefsky & Froelich Ltd. as an associate in their real estate practice.

★ Congratulations to **John R. Storino** upon becoming partner at Jenner & Block LLP. Storino is a member of the litigation department and the construction law, professional liability litigation,



From left, 2nd Vice President Don Storino, past President Alfred E. Gallo and John Storino at a recent Justinian event.

insurance litigation and counseling practices.

★ **John J. George**, a partner in the law firm of Daley and George Ltd., recently served as co-chair of Little City Foundation's Annual Dinner. The Little City Foundation provides education, training and housing to children and adults who have intellectual and developmental disabilities.

★ Cook County **Judge Cheryl D. Cesario** was recently featured in a 30-minute program, "How to Keep Your Home: Avoiding Mortgage Foreclosure", presented by the ISBA. The program aired on Chicago Access Network Television.



Judge Cesario (right) pictured with Judge Mary Minella and John Locallo.

★ **Peter V. Fazio, Jr.**, a partner in Schiff, Hardin LLP's corporate and securities group, has been elected to the Board of Director's of Commonwealth Edison Co.

★ **Frank C. Marino** and **John J. Simonetti**, both formerly with Pavalon, Gifford & Laatsch, have opened the Law Offices of Marino & Simonetti at 134 N. LaSalle St., Suite 1450. The firm will handle personal-injury cases.

★ Welsh & Katz Ltd. has added **James B. Conte** as a principal. He previously was a partner in the Chicago office of Barnes & Thornburg LLP.

★ Congratulations to **Gina M. DeCiani** upon assuming her new position as Senior Deputy General Counsel at the Illinois State Treasurer's office.



From left, Gina DeCiani pictured with past president Celia Gamrath.

★ Congratulations to **Christopher J. Verstrate** who was named partner in the Chicago office of McGuireWoods LLP. As a member of the international department, Verstrate focuses on corporate transactions including mergers and acquisitions, international transactions, contract drafting and review, and business formation and restructuring.

★ **Robert G. Cimo** has joined Drinker, Biddle & Reath as an associate in their health law practice group, where he will focus on transactional and regulatory matters. Before joining the firm, Cimo was an associate at McDermott Will & Emery LLP, working in the health and corporate departments.

★ Congratulations to DuPage County State's Attorney **Joseph E. Birkett** upon being elected the new president of the Illinois State's Attorneys Association. The group, formed in the 1930's, comprises prosecutors from each of Illinois' 102 counties. The association oversees the state appellate prosecutor's office, provides policy guidance to state's attorneys, proposes legislation and advocates on issues of concern to prosecutors. Birkett's term will run through Dec. 1, 2008.

★ Cassidy Schade LLP is pleased to announce **Christopher M. Daddino** and **Rachel L. Romanello** have joined the firm. Daddino will continue practicing in the areas of Professional Liability and Transportation Law with the assistance of Romanello.

★ Good news, our beloved brother, the truly revered **John Spatuzza**, (see photo below) is back on his feet and back to his 12 hour days, six days a week. Welcome back, Mr. S.!



★ **Jessica Panza**, an associate in the Chicago office of Mayer Brown LLP, was involved in a deal between Dobson Communications Corp., a provider of rural and suburban wireless communications services under the Cellular One brand, in the completion of its sale to AT&T Inc. Mayer Brown represented Dobson Communications Corp. in the all-cash transaction that is valued at about \$2.8 billion.

★ Past President **Alfred E. Gallo** will be honored by the Medinah Shriners' Legal Committee on April 27, 2008 at the Medinah Shriener Center. For tickets to attend the reception please contact Alan Pearlman at (847)205-4383.



Al Gallo (right) pictured with retired Illinois Supreme Court Justice Moses W. Harrison II.

★ Tabet, DiVito & Rothstein LLC has added three attorneys to its ranks. **Daniel L. Stanner**, formerly of Crisham & Kubes Ltd., has become counsel to the firm. **Amy C. Crawford**, formerly of Scandaglia & Ryan, and **Kathleen M. Cunniff**, a recent graduate of Loyola University Chicago School of Law, have joined the firm as associates.

★ Congratulations to **Jon R. Parrillo** who was elected to the management committee of Parrillo, Weiss & O'Halloran.

★ McDermott, Will & Emery has promoted **Philip J. Castrogiovanni** and **Sandra M. Di Varco** to partner. Castrogiovanni will advise clients on matters pertaining to executive compensation, employee benefits and corporate governance while Di Varco will focus on the representation of hospitals and health systems.

★ Congrats to our long-time-absent friend **Marco Nasca** upon his new position as Midwest Regional Director at Iris Data an eDiscovery and digital forensics provider. And welcome back, fratello!



Pictured at the Justinian Headquarters from left, Dennis Beninato, Marco Nasca and David Dwyer.

★ Congratulations to **James J. Mazza, Jr.** and **Nicholas J. Secco** upon being promoted to partnership in the Chicago office of Kirkland & Ellis. Mazza's focus will be in restructuring and Secco's in litigation.

★ Ungaretti & Harris has added **Daniel J. Cousino** as a new associate in their real estate department.

★ Congratulations to our sister and good friend **Letitia Spunar Sheats**, who joins the Dean of past Justinian presidents, Al Gallo, as a 2008 Laureate of the prestigious ISBA Academy of Lawyers.



From left, Justinian President-Elect Mauro Glorioso, our pal "Tish" and past President John Locallo.

★ **Steven Napolitano** and **Christopher Giordano** have been named partners at DLA Piper, both are in private equity.

★ Congratulations to **Christina LaRosa** on joining Anderson Kill and Olick as a new associate in insurance recovery litigation. LaRosa was previously with Holland & Knight.

★ **John D'Arco**, formerly of Lake Toback & D'Arco, joined Beermann Swerdlove LLP as a partner in its family law practice.

★ Johnson & Bell is pleased to announce that **William D. Serritella** has been named Senior Shareholder, **Victor J. Pioli** has been named to Shareholder, **Michael J. Lizzadro** has joined the firm as an Associate, and **Joann T. Angarola** has joined as of Counsel. They join many other Justinians at Johnson & Bell including (seated from left) Joseph Marconi, 3rd Vice President Cristina Mungai, Anthony M. DeVito, (standing) Victor J. Pioli, Joseph B. Carini III, Gregory D. Conforti and Joseph F. Spitzzeri. (Photo below)



★ **Chicago Bar Foundation** Annual Benefit Sets Net Proceeds Record. Always a great night of fun and excitement for young and old alike, this year was no exception at The CBF's 11th Annual Fall Benefit held last November at the Museum of Science & Industry. More than 1,600 people attended this year's Fall Benefit, including members of Chicago's legal community and their families and other friends of the CBF. Thanks to 65 generous law firm and corporate sponsors, dozens of dedicated auction bidders and the many others who came out and contributed to the night's success, this year's Benefit set a new record for net proceeds, which will go a long way towards helping the CBF build on its comprehensive efforts to ensure equal access to justice for all Chicagoans.

★ **Jim Pesoli, Jr.**, a third year student at John Marshall Law School, is involved in the charity organization Kids Fight Cancer which will hold a charitable concert on April 26, 2008 featuring Italian heartthrob singer Patrizio Buanne at the Rosemont Theatre.

Jim's father, Jim Pesoli, Sr., a four-time cancer survivor, established the charity 23 years ago. Funds raised are donated to Children's Memorial Hospital for its Oncology Activity Center, and they recently launched a \$5 million capital campaign to fund the construction of an activity center at Children's Memorial's new location in Chicago's Streeterville neighborhood.

Tickets for the concert are available at all Ticketmaster locations and by calling the Rosemont Theatre box office at (847)671-5100. For more information about Kids Fight Cancer please visit www.kidsfightcancer.org or call (847)640-8515.

★ Congratulations to **Dominique A. Buttitta** upon her engagement to Vito Salerno.

★ Congratulations to Dion Davi and his lovely wife Kelly on the announcement that they are expecting twins.



The Davi's: Umberto and Jan, and Dion and Kelly.

★ Congratulations to Cubs General Counsel **Mike Lufrano** and his wife **Liz Bodner** on the birth of their first child, Andrew Lawrence.

Verdicts & Settlements

By: **Michael F. Bonamarte**



★ A man who suffered severe shoulder and neck pain and ultimately lost his job as a result of a traffic accident in November 2003 will receive \$1.4 million to cover medical expenses, lost wages and pain and suffering, his attorneys said. **Antonio M. Romanucci** and **Stephan D. Blandin**, of Romanucci & Blandin, LLC, a Chicago personal injury firm, represented the plaintiff, Donald Balzano. Retired Circuit Court Judge, Joseph Casciato, mediated the settlement.

The case was settled today in the Circuit Court of Cook County, Donald Balzano and Michelle Balzano v. Takagi Industrial Co. USA and Kevin Polka, No. 05L11999.

Balzano was injured when the car he was driving was struck by a truck driven by Kevin Polka, who was employed by Takagi Industrial Co. The accident took place on the morning of November 4 at the intersection of Dempster Avenue and South Linneman Road in Mount Prospect. Balzano was treated on the scene by paramedics for a cervical strain, right ankle sprain and a left clavicle fracture.

Balzano subsequently underwent a physical therapy program for his injuries which met with limited success. He lost his job at R&M Trucking in March 2004 because he was unable to lift more than 20 pounds, a requirement

of his employment. He underwent surgery in August 2006 at Loyola Medical Center to repair a torn rotator cuff. To date, his injuries still have not healed, and he is unable to find gainful employment where he could earn the same amount he was making at the trucking company.

Significantly, Takagi's insurer, Tokio Marine & Nichido Fire Insurance Co., paid its policy limits of \$1.0 million and defendant Takagi, itself, paid the excess settlement of \$400,000 out of its own corporate coffers to avoid a trial.

"Mr. Balzano was the unfortunate victim of an accident that happened through no fault of his own," said Romanucci. "This settlement will enable him to provide for his family and receive the continued physical therapy he needs."

★ **Romanucci & Blandin Settle Wrongful Death Case for \$4 Million.** The family of a man who died after developing a post-surgical complication related to a routine gastric bypass surgery was awarded \$4 million in a wrongful death case, his attorneys said. Antonio M. Romanucci and Stephan D. Blandin, of Romanucci & Blandin, LLC, represented Joy Cabay, the wife of deceased, in the suit against Loyola University Medical Center in Chicago.

The case was settled in the Circuit Court of Cook County, Joy Cabay, as Special Administrator of the estate of Michael Cabay, v. Loyola University Medical Center, No. 03 L 3511.

Cabay underwent successful bariatric surgery at Loyola in March 2001. Two days later he began experiencing severe abdominal pain. The surgeon was aware of his condition and ordered at CT scan STAT which showed a partial bowel obstruction. His physician left Cabay in the hands of a first-year resident who was responsible for monitoring the results of the CT scan and his condition overnight. However, the CT scan was never reviewed by the resident or a radiologist. Subsequently, Cabay leaked, became septic and died.

Cabay and his wife Joy, a nurse, had three children, now ages 17 and 13 and 11. He worked as a truck driver and owned his own rig. The family continues to live in rural Will County and by all accounts were close-knit. Joy Cabay has since remarried.

"We are extremely pleased that this result was obtained and that Michael's children will be taken care of the rest of their lives, despite the fact that he will not be with them," said Blandin.

★ Congratulations **Steven Levin** and **Michael Bonamarte** of Levin & Perconti. Steve and Michael recently settled a case for \$532,000.00 on behalf of the family of an 83 year old nursing home resident. During the residents stay at Woodbridge Pavilion she sustained several falls. In August of 2003 the resident fell again at the facility and unfortunately the injuries she suffered, including an intracranial

hemorrhage, were too significant to overcome and ultimately led to her death on August 15, 2003 at Advocate Illinois Masonic Medical Center. Basilisa left one heir, her only child, a son Osvaldo Hernandez.

★ Congratulations to **John Perconti** and **Patricia Gifford** of Levin & Perconti who settled a lawsuit for \$6,000,000 on behalf of the families of 6 children who tragically died in a fire in Rogers Park in September of 2006. The \$6,000,000 was all of the insurance money available under the applicable policies. The lawsuit alleged that the titleholder to the property and the management company of the building failed to provide working smoke detectors.

★ A job well done by **Mark Mordini** of Mordini & Schwartz who successfully defended his client, a limousine company, against allegations that one of defendant's limousine drivers negligently rear ended a taxicab, injuring the plaintiff passenger of the taxi cab. The Defense maintained that the limo slid unexpectedly on ice, and that the impact was minor.

★ Congratulations to **Joseph Miroballi** of Miroballi, Durkin & Rudin who obtained a \$750,000.00 verdict on behalf of his client in a recent medical malpractice case. The Plaintiff underwent surgery to repair a broken ankle and humeral fracture following an auto accident. However, an AC joint separation was not diagnosed and repaired and the fracture later healed with angulation. Mr. Miroballi was able to refute claims of comparative negligence.

★ **Stephen D. Phillips** settled a medical negligence claim against a physician who injured a child's arm during the course of the child's birth. The case was filed in one of the collar counties outside of Cook County and Mr. Phillips was told by various lawyers and judges that winning a medical negligence case in that county was very difficult. Steve settled the case for \$1,250,000 which included the insurance policy limits for the defendant physician.

★ Congratulations to **Joseph Balesteri** of Power, Rogers and Smith who won a \$2,000,000 verdict for his client in a recent medical malpractice case for failure to appropriately monitor a patient who was brought to the E.R. after he fell and struck his head on the concrete. The patient was discharged but returned to the E.R. a few hours later after he vomited and lost consciousness. A repeat CT scan showed a brain bleed and he died the next day despite surgery. The Plaintiff alleged that the patient should have been monitored more closely and should not have been discharge in light of the fact that the patient was taking coumadin.

★ Way to go **Mary Jo Bonamino** who received a not guilty verdict for her client in an automobile accident case. The Defendant maintained that the Plaintiff motorcyclist was following too closely when he fell off his motorcycle in a high school parking lot as the Defendant slowed to make a turn in the lot.

★ Congratulations to **Fred A. Truglio** who won a \$475,000 settlement for his client in a Personal Injury case. The Plaintiff suffered a mild traumatic brain injury after being hit in the crosswalk when the Defendant drove through a stop sign.

Obituaries

† In Memoria: **Dominic Frinzi**
By: Richard Caifano



Past presidents Celia G. Gamrath and Richard Caifano pictured with Dominic Frinzi at a Justinian Installation Dinner.

One of the true giants in the history of distinguished Italian American legal professionals has passed.

Dominic Frinzi was 86 years of age when he passed recently at his home in Milwaukee. To the end, he used his God-given talents to put a smile on the face of those he touched.

Dominic was one of the founding members of the Wisconsin Chapter of the Justinian Society of Lawyers. For more than 50 years his distinguished legal career included a successful trial practice and service to the community as a Milwaukee County Circuit Court Commissioner. Dominic was a uniquely inspirational person who devoted much of his time to charitable endeavors as well as to improving the administration of justice. He served many terms as a member of board of directors of Unico National Foundation and of The National Italian American Bar Association. He served with distinction as the president of both Unico National and its charitable arm, The Unico National Foundation. In 2005, he was elected as president of the NIABA. For many years Dominic was proudly associated with the Harness Horseman's Association which he served as president for multiple terms.

His distinguished public career included his candidacy for governor of the State of Wisconsin

in the year 1962, a race that he sadly lost while nonetheless awakening the citizenry of that State to talents of an orator second to none!

In 2002, Dominic was awarded the Cavaliere All'Ordine al Merito della Repubblica Italiana -Knight of the Order of Merit of the Republic of Italy. He served multiple terms as president of Milwaukee's impressive Italian American Community Center; and as a board member of the Florentine Opera Company of Milwaukee.

His goodwill, talent and friendship will be missed by those he touched.

May he challenge the great philosophers to debate in the Heavens above.

† **Cerone, Antonina M.**

Antonina M. "Nina" Cerone, nee Scramuzza, beloved wife of the late James S. Cerone; loving mother to Marilyn (Robert) Passeri, James J., Thomas P. and the late Jacqueline Cerone; dearest grandmother of Gina, Robert and Christopher Passeri, Natalie and Jill Cerone and Samantha Markiewicz.



Tom Cerone pictured with his late mother, Antonina.

† **Cortesi, Kenneth J.**

Kenneth J. Cortesi, 66, of Arlington Heights, beloved husband of Lois E., nee Keller; loving father of Nicholas, Michael, Kristin (Jimmy) Andersson and Kelliann; loved grandfather of Ella Torina Andersson; dear son of Victoria and the late Bruno Cortesi; fond brother of Lola (Frank) Marlovits and Gary.

† **Elliott, Louis J.**

Louis J. Elliott, beloved husband of Helen, nee Anton; loving father of Michael (Joanne), Mark (Elke), Lisa (Tom) Bastounes, Jon (Toula) Elliott and the late infant James Elliott; devoted son of the late Chrisula and James Elliopulos; proud grandfather of Danielle, Lauren, Louis, Matthew, Lainie, Andrew, Alexis and Nicolette Elliott, Nick and Elliott Bastounes and the late Dimitri Elliott; dear brother of Connie (Angelo) Chionis; dear son-in-law of the late Beulah and Nickolas Anton; fond brother-in-law of Tom (Kathy) Anton, Bill Anton and Diane (Greg) Kacprowski; devoted cousin and uncle of many. Lou was a quiet benefactor to many, a real estate developer for over 50 yrs, a founding Father and past President of the Parish Council of St. John the Baptist Greek Orthodox Church, and a veteran of US Army, Korean War.

† **Favia, Nick**

Nick Favia, age 78, U.S. Army vet, devoted husband of Rosa, nee Signorile; loving father of our esteemed past president, Michael (Patricia) and Anna Favia and Maria (Paul) Greico; beloved son of the late Michele and Anna Favia; fond grandfather of Cristina, Nicole, Nicholas, Carina and Angelina.

† **Imbierowicz, Walerian**

We are saddened to advise that Angela Imbierowicz' father, Walerian Imbierowicz passed away.

† **Kruse, Elise P.**

Our condolences go out to our good friend Bob Kruse upon the passing of his elderly mother, Elise P. Kruse.

† **Lamendella, Carol R.**

Carol R. Lamendella, nee Schaldack, suddenly. Beloved wife of Joseph A. Lamendella; loving mother of Joe W., Julie A. (Seth Aptisa) and Michael J. (Mary Katherine Bragiel Lamendella; dear sister of Judy (Gary) Andrews; fond aunt of many nieces and nephews.

† **Molaro, Angelina**

Illinois State Rep., and our good friend, Bob Molaro's mother Angelina passed away. Please keep Rep. Molaro and his family in your thoughts and prayers.

**LAW CLERKS
AND SECRETARY
POSITIONS WANTED.**

We always have a number of resumes of law students at local law schools seeking law clerk positions.

There are also a couple people looking for secretarial/assistant positions in a law firm setting, most with previous experience in a law office.

Please contact the Editor, Leonard F. Amari, at lfa@amari-locallo.com or #312-255-8550 if you are interested.

**UPCOMING 2008
JUSTINIAN EVENTS**

March 20

Dinner Meeting
Luxbar
18 East Bellevue
Chicago

April 17

Nomination of Officers
Quartinos
626 N. State Street
Chicago

May 8

**Introduction of Officers and
Mentoring Awards Dinner**
Tufano's
1073 W. Vernon Park Place,
Chicago

June 30

Golf Outing
Oak Brook Hills Resort,
Oak Brook

All Meetings

*6 p.m. Cocktails 7 p.m. Dinner
For Reservations and online payment,
please go to www.justinians.org or
call Nina at 708.459.8628.*

NOMINATING COMMITTEE

Pursuant to the society bylaws, President Franco Coladietro has appointed the following people to the Nominating Committee for the nomination of 2008-09 Justinian Officers:

Sam Tornatore, chair
Richard Caifano
Richard Caldarazzo
Len DeFranco
Anthony C. Erbacci
Anthony Ferraro
Celia Gamrath
Lisa Marino
Antonio Romanucci



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