



Justinian Society of Lawyers

Spring 2021 Newsletter

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Association Management
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changes at: 400 E. Randolph
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60601;

justinians@corpevent.com

Visit our Website
www.justinians.org

President's Message

As I started my year as President, I had no idea of how our society would manage and grow during such unprecedented times. I did believe that the society had the strength and innovation of its leadership and the dedication of the membership to move forward honoring the traditions of the past with new ideas for the future. During a year which has been a challenge for everyone in our personal and professional lives, the Justinian Society of Lawyers managed to stay in touch, fund raise and launch CLE programs, all for the benefit of the membership. When we could not meet in person and enjoy a meal together to celebrate our scholarship recipients there was a virtual wine tasting. Members and scholarship recipients received a delivery of Sicilian wines, meat and cheeses to enjoy and toast each other on Zoom (the virtual platform that has become our meeting place). Through the hard work of the scholarship committee and the generosity of the membership the society gave a total of over \$20,000 to 7 well deserving law school students.

The holidays were celebrated with our mix and mingle complete with our own mixologist crafting cocktails and proceeds of the evening going to the Justinian Society Endowment Fund. Into the new year 2021, we continued to meet virtually but maintain our connections and conversations via Zoom and in March presented our annual grant from the Children's Endowment Fund to Maryville Academy. Once again, the generosity of the membership allowed the grant to increase from \$5,000 to \$7,325 by donations made during the meeting. Our April meeting, still, virtual featured a guest chef teaching us how to make fresh ricotta – which I personally accomplished and enjoyed with my family.

In addition to the social gatherings, we accomplished two very important tasks for the society. The CLE program was initiated and will continue for the benefit of our membership and the legal community. And the officers and executive committee worked through the transition from NAV and Nina Vidmer's loyal service to the society to CAM and their capable staff. For 29 years Nina supported each President, the Officers and Executive Committee with unparalleled devotion. I personally benefitted from Nina's knowledge and creativity in a challenging year. I am grateful for her support and friendship and smooth transition into the centennial year with CAM's staff. I've enjoyed getting to know and working with all of the members of CAM.

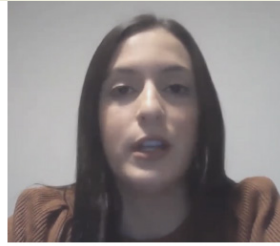
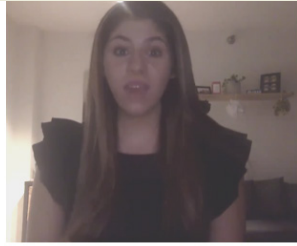
In closing, thank you to the members who continued to Zoom with us throughout the year and support the society socially and financially. Thank you to the officers, Dion Davi, Bruno Marasso, Michael Pisano, Brian Monico, and Catherine Locallo without your ideas, dedication and commitment the society could not have accomplished all that it has in the past year. I look forward to their leadership, with addition of Michael Bertucci in the coming year, and gathering together for the centennial celebration.

Until then, *Ti auguro buona salute e felicità* – wishing you good health and happiness.

- Hon. Regina A. Scannicchio
President 2020-2021

NOVEMBER 2020

Past Presidents and Scholarship Awards



Thank you all who joined us for a fantastic virtual celebration of the Justinian Society of Lawyers Past Presidents and Scholarship Awards event!

We thank the Justinian Officers, Past Presidents, Scholarship Selection Committee, and all those who helped make this event possible. Congratulations to the 2020 Justinian Society of Lawyers Endowment Scholarship recipients!

The 2020 Justinian Society of Lawyers Endowment Scholarship recipients:

Evan Davi (UIC-JMLS)
Kayla Montagano (UIC-JMLS)
Jacqueline Brown (Loyola)

The Louis and Gloria Cairo Scholarship

Rebecca Day (UIC-JMLS)

The Civil Justice Preservation Scholarship

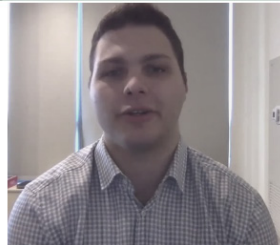
Ashley Messina (UIC-JMLS)

Justinian Society/Rosinia Memorial Scholarship

Joseph Amari (UIC-JMLS)

John G. Phillips Memorial Scholarship

Nicholas Sandowski (UIC-JMLS)



UIC-JMLS Dean Darby Dickerson shared warm remarks and Loyola University School of Law Dean Maya Crim was with us in spirit.

Special guests in attendance included Anna P. Krolikowska, President-Elect ISBA, and Perry Browder, candidate for ISBA third

vice president. Also, thank you to Appellate Court Justice Margaret McBride, Justice Aurelia Pucinski, and Judge Diann Marsalek for supporting our event.



**JOHN BUTERA
PAOLO CERRUTI
ACHILLE ALESSI**

Terre di Giurfo Winery of Sicily
www.terredigiurfo.it

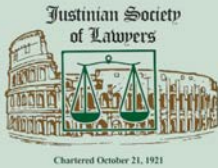


Scholarship Selection Committee:

Catherine R. Locallo (Co-Chair), Anthony M. Farace (Co-Chair), Honorable Regina A. Scannicchio (Justinian Society President), Salvatore J. Tornatore (Justinian Endowment Fund Trustee), Richard B. Caifano (Chair Emeritus), Christina Ranallo Andreacchi, Thomas M. Battista, Franco A. Coladipietro, Umberto S. Davi, Mauro Glorioso, Honorable Lisa A. Marino, and Vincent Vidmer.

DECEMBER 2020

CLE-The Supreme Court and Holiday Mixer

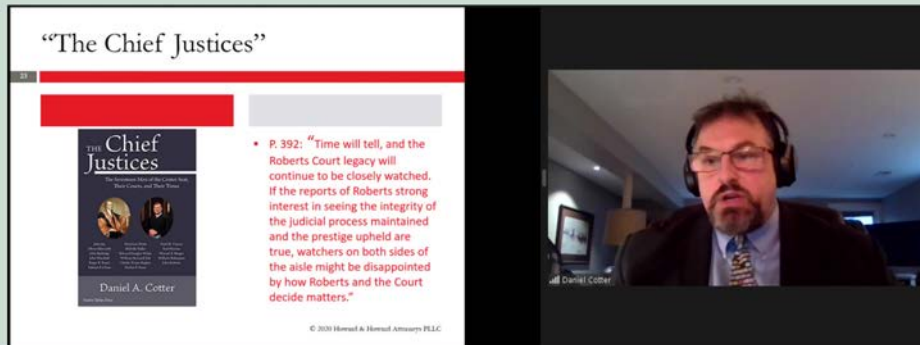


December 2020 CLE

The Supreme Court:
The Changing Court and
Self-Evident Truths,
a look back and forward
Daniel A. Cotter

We had a fantastic turn out for this Justinian Society CLE event.

Attorney and author, Daniel Cotter, led us through an engaging exploration of the Supreme Court. We thank Dan, for his insight and expertise.



The Society brought 2020 to an exciting close with a fun Holiday Mixer where Mixologist Kevin Rotsch demonstrated several cocktails that left us oooing and ahhhing!

We were mixing and mingling for a good cause too! Thank you to all who supported whether you were able to attend or not. All proceeds benefited the Justinian Society of Lawyers Endowment Fund.

SHARE THE HOLIDAY SEASON
2020 STYLE!

HOLIDAY MIXER

THURSDAY, DECEMBER 17, 2020





Mixologist-
Kevin Rotsch



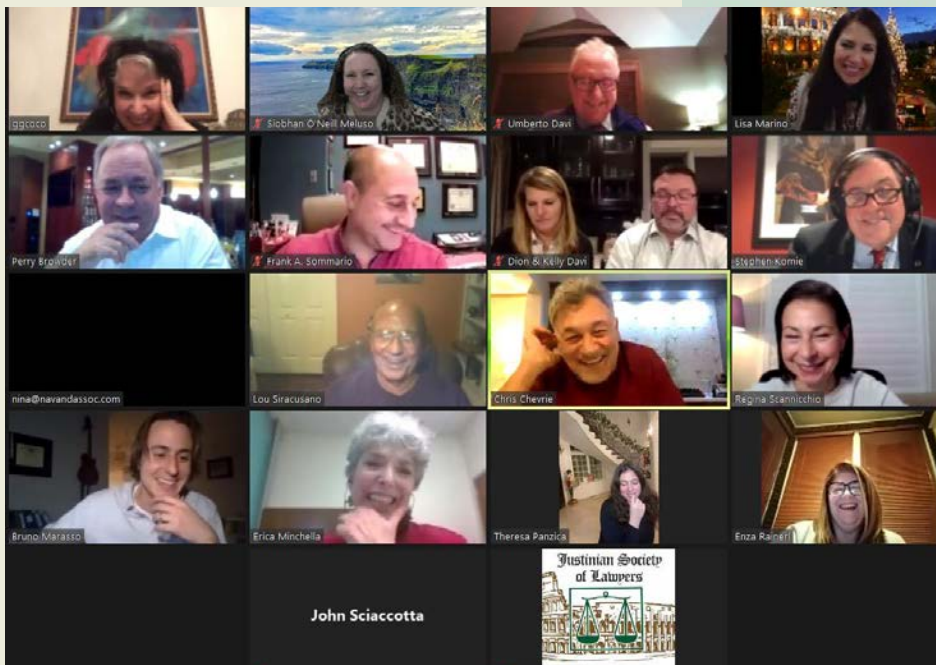
Grasshopper





Irish Coffee

All proceeds benefit the Justinian Society of Lawyers Endowment Fund, a 501(c)(3) Non-Profit Organization. Your contribution is tax-deductible to the extent allowed by law.



FEBRUARY 2021

Diversity CLE and Bring a Friend Mixer

At the February 17th CLE, “Diversity, Equity, and Inclusion”, Dr. Mary L. Milano presented a very timely topic for us as we seek to diversify our practices and remain inclusive.



Justinians who logged on to our “Bring a Friend Mixer” networking event on Feb. 18th heard Justinian stories of the past from Judge Gloria Coco whose father was a member of the society in the 60s, as well as plans for the 100th Centennial Celebration from incoming President Dion Davi. Frank Sommario announced the 2021 Justinian Children’s Endowment Fund grant recipient: Maryville Academy. President Judge Regina Scannicchio, who hosted the mixer, shared the Justinian CLE to be held in March and welcomed ISBA candidates to speak a few words.

MARCH 2021

CLE- Judges Panel and Discussion



WEBINAR

JUDGES PANEL AND DISCUSSION

Wednesday,
March 17, 2021
12:00 PM (CST)



Hon. Timothy C. Evans
Chief Judge of the
Circuit Court of Cook County



Hon. Celia L. Gamrath



Hon. Daniel B. Malone



Hon. Patricia O'Brien
Sheahan

What an incredible conversation with Chief Judge Timothy C. Evans, Judge Patricia O'Brien Sheahan, Judge Daniel B. Malone, and Judge Celia L. Gamrath at the the Justinian CLE held on March 17th. Chief Judge Evans reiterated that the “access to justice was unabated” despite the global Covid-19 pandemic. Judge Sheahan reminded us of the parallels of St. Patrick’s story of survival to our own ability to “pivot” during the pandemic. Referencing pop-culture cases and Netflix movies, Judge Malone reminded us that although great drama, these are examples of what a lawyer shouldn’t be. Finally, Judge Gamrath reiterated the gratitude of all of the Judges for all of the lawyers who have shown great leadership and flexibility during this difficult year. Justice for all is happening through patience, technology, and efficiency.




Hon. Patricia O'Brien Sheahan



Hon. Timothy C. Evans
Chief Judge of the
Circuit Court of Cook County




Michael F. Bonamarte, IV
CLE-Co-Chair



Hon. Daniel B. Malone



Hon. Celia L. Gamrath

Thank you for joining us for our
March 17, 2021 CLE!



MARCH 2021

Children's Endowment Fund Mixer

Congratulations Maryville Academy!

The Justinian Society of Lawyers held its Children's Endowment Fund Mixer on March 18, 2021, via Zoom. Justinian President Hon. Regina A. Scannicchio, Justinian Past President and Chairman of the Justinian Society Endowment Fund, Frank A. Sommario, and Justinian Past President and Founder of the Children's Endowment Fund, Antonio M. Romanucci, awarded Daniela Krivak of Maryville Academy a \$5,000.00 check for the annual CEF Grant. At the mixer, other generous Justinians and guests spontaneously raised \$2,325 for a grand total of \$7,325 for Maryville. Thank you! Special thanks to the Past Presidents in attendance, Hon. Gloria Coco, Joseph G. Bisceglia, and Michael F. Bonamarte, IV, and to the entire Justinian Society for their generosity this year. Jonny Caron, Cocktail Nerd with unMuddled, presented 3 specialty cocktails for us to enjoy: Gavel Gimlet, Maryville Mule, and Old Fashioned. What a great night!

Congratulations!



Frank A. Sommario-Endowment Fund Chairman
Children's Endowment Fund
2021 Grant Virtual Mixer with CEF Grant Recipient



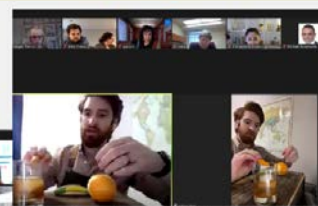
Daniela Krivak-Grants Manager, Maryville Academy
Maryville Academy
Caring for Children. Strengthening Families.

Justinian Society of Lawyers' Children's Endowment Fund presented a \$5,000 grant check to Maryville Academy and spontaneously raised an additional \$2,325 for a grand total of \$7,325.

Thank you to all of our generous donors!



Children's Endowment Fund
2021 Grant Virtual Mixer with CEF Grant Recipient
Maryville Academy
Caring for Children. Strengthening Families.



Jonny Caron, Cocktail Nerd with unMuddled

Mixin' up specialty drinks-
Gavel Gimlet
Maryville Mule
Old Fashioned



Children's Endowment Fund
2021 Grant Virtual Mixer with CEF Grant Recipient
Maryville Academy
Caring for Children. Strengthening Families.



Children's Endowment Fund
2021 Grant Virtual Mixer with CEF Grant Recipient



Maryville Academy
Caring for Children. Strengthening Families.



Justinian Society of Lawyers' Endowment Fund
Children's Endowment Fund
2021 Grant Virtual Mixer
with CEF Grant Recipient
Maryville Academy
Caring for Children. Strengthening Families.
March 18, 2021, 5:30 p.m.

All proceeds benefit The Justinian Society of Lawyers' Endowment Fund, a 501(c)(3) Non-Profit Organization. Contributions are tax-deductible to the extent of the law.

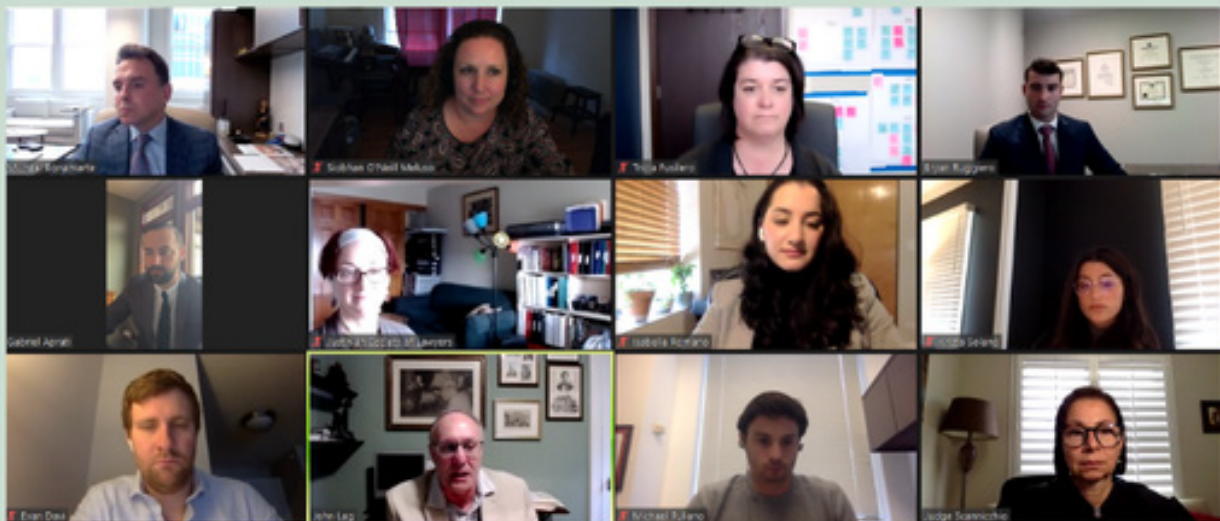


APRIL 2021

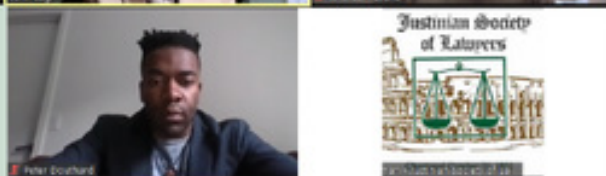
A Guide for Young Lawyers CLE



Thank you for joining us at our CLE held April 21, 2021



Thank you!



Join us next month
on May 19th!

Past President and Chair of the Justinian CLE Program, Michael F. Bonamarte IV, Managing Partner of Levin and Perconti, hosted the April 21st CLE: "A Guide for Young Lawyers: Starting Your Career", with Associates of Levin & Perconti, Gabriel Aprati; and Bryan Ruggiero. The conversation was candid and constructive while providing important takeaways from choosing the right firm and practice area to focusing on a career rather than simply "a job." Keeping these 5 Ps in mind: personality, preparation, persistence, passion, and persuasion, gave the participants a lot to remember when making these decisions. Thank you to our hosts and to our young lawyers who joined us!

Women Presidents of the Justinian Society of Lawyers



Hon. Gloria G. Coco (Ret.)

In 1991, Judge Coco was the first Italian American woman to ascend to the bench of the Circuit Court of Cook County. In 1993, she was installed as the first woman president of the Justinian Society of Lawyers. Judge Coco held the position of Supervising Judge of Domestic Violence Section from 1997-2007 overseeing five domestic violence courts for the City of Chicago. While still on the bench, she earned a degree from Northwestern University, School of Communications, majoring in Radio/TV/ Film. Presently Judge Coco can be found in the classroom as an Adjunct Professor at IIT-Chicago Kent College of Law, and in front of the camera on Amazon Prime's UTOPIA.

Hon. Lisa A. Marino

Judge Marino was installed as the second woman president of the Justinian Society of Lawyers in 2005. She created the Helen M. Cirese Outstanding Leadership Award (first Italian American woman admitted to the Illinois Bar) and honored Judge Gloria Coco (Ret.) (the first Italian American woman to ascend to the bench in Cook County) as the inaugural recipient.



In 2012, Judge Marino was elected Judge in the Circuit Court of Cook County and was retained by the voters in 2018. She is currently assigned to both First Municipal and Chancery Divisions.



Hon. Celia L. Gamrath

In 2006, Judge Gamrath was installed as the third woman president of the Justinian Society of Lawyers with *"Celebrating Justinian Woman"* as her presidency theme for 2006-07.

In 2010, the Illinois Supreme Court appointed Judge Celia Gamrath to the Circuit Court of Cook County. She was elected by voters in 2012 and retained in 2018. Judge Gamrath is assigned to the General Chancery Division.

Christina Mungai



In 2010, Ms. Mungai was installed as the fourth woman president of the Justinian Society of Lawyers.

“Celebrating and Remembering our Justinian Heritage” as her presidential theme, Ms. Mungai also created a Past Presidents’ Counsel to act as a moral compass for the Executive Committee ensuring the Society remains true to the Society’s core values into the future.



Katherine Amari O'Dell

In 2011, Katherine Amari O'Dell was installed as the fifth woman president of the Justinian Society of Lawyers.

During her tenure, Ms. Amari O'Dell implemented the newly formed Mentoring Committee with IL Supreme Court approved CLE credits for the lawyer-to-lawyer mentoring program. Additionally, an innovative website was launched in the fall of 2011 allowing the Society to advance to the 21st Century.

Anita M. DeCarlo



In 2014, Anita M. DeCarlo was installed as the sixth woman president of the Justinian Society of Lawyers.

With the theme of “gratitude,” President DeCarlo shared “within our Society no gratitude is expected. However, true gratitude expressed without expectation is the most heart-felt.”

Additionally, DeCarlo remembered her late father and Past President Vito D. DeCarlo throughout her tenure.



Jessica DePinto

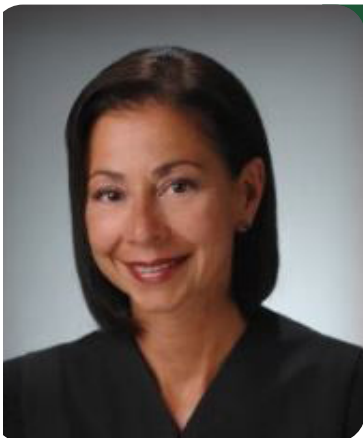
In 2015, Jessica DePinto was installed as the seventh woman president of the Justinian Society of Lawyers.

The theme of DePinto's presidency was *“Engage, Educate and Enjoy.”* During her presidency, DePinto circulated a society survey and began developing a strategic plan in advance of the Society's 100th anniversary. Additionally, a new Will County Justinian Society chapter was welcomed and the next generation of Justinian leaders was recognized with the first Anthony J. Fornelli Emerging Leader Award.

Natalie M. Petric

In 2019, Natalie M. Petric was installed as the eighth woman president of the Justinian Society of Lawyers.

Guided by the legacy of her late grandfather, past-president, Anthony Fornelli, President Petric's goal to focus on the next generation and create a bridge between the Society's glorious past and bright future was fulfilled through increased membership leading up to the Centennial Celebration.



Hon. Regina A. Scannicchio

In 2020, Judge Scannicchio was installed via Zoom as the ninth woman president of the Justinian Society of Lawyers. Despite our many months of separation, President Scannicchio has continued to keep the Society going through virtual social and educational events. We are grateful!

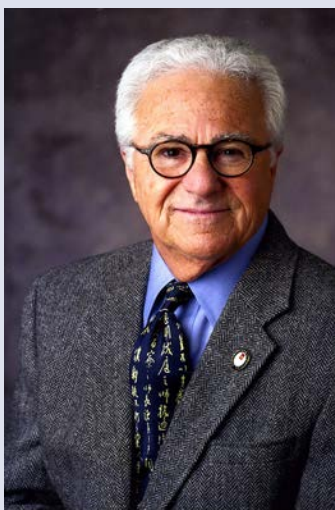
Judge Scannicchio currently sits in the Cook County Court Domestic Relations Division. Appointed to the bench by the Illinois Supreme Court in 2011, 2012 she was elected, and retained in 2018.

Tax Increment Financing (“TIF”) in Illinois, a Primer

By Leonard F. Amari

Counties, municipalities and towns all over America have been challenged with numerous economic dilemmas, now compounded by Covid-19 in 2020. One of their greatest challenges is the encouragement of economic growth and especially in blighted, decaying and underperforming areas in need of new and improving development. To improve these areas in need of economic growth of development, public investment has become necessary to eliminate or at least minimize the cost and risk to private developers.

Promotion of private development is not new simply because of the impact of Covid-19. Cities, counties and towns for decades have attempted to create statutes, ordinances, resolutions and incentives to promote these needed developments. For example, as far back as the early 1980’s in Cook County, then Assessor Thomas C. Hynes, adopted what are known as Classes 6, 7, 8 and 9 to encourage revitalization and development of commercial, industrial and multi-residential properties. These will be topics for future articles in these pages. Recognizing that Federal and state governments have greatly reduced economic support for local development, Tax Increment Financing has become a useful vehicle to help local governments at-



tract private development and new business using local resources that do not depend upon an increase in taxes, thus the adoption of TIFs.

“TIF” stands for “Tax Increment Financing,” a special tool that an Illinois municipality, such as Chicago, can use to generate money for economic development in a specific geographic area. TIFs allow a town to re-invest all new property tax dollars in the neighborhood from which they came for a 23-year period. These “new” revenues arise if new development takes place in the TIF district, or if the value of existing properties rise, resulting in higher tax bills – the “increment”. These funds can be spent on public works projects or given as subsidies to encourage private development. But TIFs can also make it easier for a municipality to acquire private property and demolish buildings to make way for new construction.

Theoretically, TIFs can be a tool to implement a community-based

revitalization plan through encouraging affordable housing development, improving parks and schools, fixing basic infrastructure, putting vacant land to productive use, creating well-paying jobs and meeting other local needs. Since the creation of the Illinois Tax Increment Allocation Redevelopment Act of 1997, more than 250 municipalities across the state have created over 1,000 TIF districts. (65 ILCS 5/11-74.4-1, etc.).

The state law that allows Illinois cities and towns to create TIFs requires that they are only established in areas that are “blighted,” or in danger of becoming blighted (often called a “conservation area” TIF). To determine if an area is eligible, the municipality hires a consultant to conduct an “eligibility study” of the proposed TIF. If the area meets the State standards, then the City (actually a consultant the City hires) conducts a study of the area and writes a “redevelopment plan” and a “project budget” – an overview of the development priorities for the area and how TIF dollars will be spent during the TIF’s 23-year life. The redevelopment plan must be approved by the City Council, but the TIF district may make changes to its TIF project budget at any time.

TIFs are politically appealing tools because they do not require

Continued page 12

the City to raise your tax rate. Instead, TIFs generate money for redevelopment by raising the value of the property that is taxed. It works like this:

When the TIF is established, the County looks at the value of all the property in the TIF. (The County uses the term “EAV,” or “Equalized Assessed Value,” to describe property value.) This is the “Base EAV.”

Remember, TIFs capture money by devoting all new property taxes to redevelopment. That means that once a TIF is established, taxing bodies (e.g., the City of Chicago’s general treasury, the Chicago Public Schools, the Chicago Park District, etc.) get no new revenue from the TIF. Their share of the property taxes is “frozen” at the level it was at just before the TIF was approved. The taxes on all the new property value in the TIF go into the TIF fund and are reinvested in that area.

Where does this new property value come from? It can happen in one of three ways. First, there could be new development on vacant land that, before the new project was built, paid little or no taxes. Second, there could be improvements to existing properties, such as an addition to a house, a factory or a store. Third, the taxes on existing properties could go up, either because of inflation (sometimes called “natural growth” in property values) or because of gentrification in the neighborhood. In any of these cases, the new tax dollars go to the project fund controlled by the TIF

district, not to the City, the schools or any other taxing body. Money can be transferred between TIFs, but only between adjacent TIFs.

TIFs are politically appealing tools because they do not require the municipality to raise your tax rate. Instead, TIFs generate money for redevelopment by raising the value of the property that is taxed. It works like this: TIF money can be used for:

Planning expenses, such as studies and surveys, legal and consulting fees, accounting and engineering.

Acquiring land and preparing it for redevelopment, including the costs of environmental cleanup and building demolition. Especially in older areas, where making a site ready for a developer reduces costs and eliminates a major barrier to redevelopment. To aid this process, the TIF law gives the municipality expanded powers to acquire private property through its power of “eminent domain.” If the City can show it is acting for a “public purpose” – a very loosely defined idea – it can force property owners to sell their land to the City at “fair market value.” The City then resells the land to a private developer, often at a deep discount, or uses it for a public building.

Job training and day care expenses for companies located within the TIF, or for companies that are planning to locate within the TIF. There are also proposals on the table that advocate establishing job-training centers that would serve the job-training needs of all the companies

within a TIF district, regardless of whether or not they have received a direct TIF subsidy.

Renovation and rehabilitation of existing buildings.

Financing and interest subsidies for the loans a developed takes out to pay for a project.

TIFs, over the last 50 years, have become a vehicle to aid development, eliminate blight and perhaps add to gentrification offer alternatives, tangential relationships. Just be conscious of the consequences, the risk of vicarious liability, and the potential effect or impact on one’s tail/ERP coverage.

Originally included in the Illinois State Bar Association Senior Lawyers’ Section Council Newsletter.

Thinking about retiring? Better know about “Tail” coverage

By: Loren Golden and Leonard F. Amari

All legal malpractice insurance policies are “claims-made” policies. That is, an attorney is provided lawyer malpractice coverage for claims made and reported to the insurance carrier only while the policy is in force. Further, the alleged act or omission of malpractice upon which a claim is based had to occur only after the policy is written – the inception date of the first claims-made policy purchased, providing there has not been a gap in coverage. Lawyer malpractice policies provide coverage year-to-year and, therefore, in order for an attorney to have coverage in force at all times, a policy must be purchased (or renewed) every year – without a gap in coverage. Also, an attorney can only purchase or renew a malpractice insurance policy while actively engaged in the practice of law. Of course, this presents a problem for an attorney who is planning on going into retirement as the attorney can no longer purchase coverage because he or she will no longer actively practice law. This is where tail coverage comes into play, a/k/a Extended Reporting Period (“ERP”).



Simply put, the word “tail” is a synonymous term for the concept of an extended reporting period. A retiring lawyer buying tail coverage adds an extended reporting endorsement (ERE) to an existing policy that extends the time in which a claim may be reported to the insurance carrier. In short, the purchased endorsement (tail coverage) provides an attorney the right to report claims to the insurer after a policy has expired or been cancelled. Under most insurance industry lawyer malpractice policies, ERP provisions, the purchase of the endorsement is not one of additional coverage or of a separate and distinct policy. This means to the retired attorney that no coverage will be available for a wrongful act that takes place after the retirement, during the time the ERP tail is in effect.

Traditionally, for a retiring solo practitioner, lawyer malpractice companies provide tail coverage at no additional cost to the insured if the attorney has been continuously insured with the same insurer for a stated number of years.

The situation for an attorney retiring from a multi-member, continuing-to-practice, firm is quite different as a number of insurance companies will not provide an opportunity for this retiring attorney to purchase a Tail / ERP, arguably, because the firm’s existing policy is not expiring or about to be canceled and the retired lawyer is still covered. The firm will continue to remain insured and therefore the retiring firm attorney remains insured so long as the firm continues, and continues to exist.

Be cautious in that if the firm eventually does dissolve, the retired attorney may not have the option of purchasing an ERP at that time. However, because this language varies among insurers, review this issue with your firm’s insurance representative well in advance of a planned retirement and consider the options.

The period in which one can purchase tail coverage is not infinite. Many policies allow a 30-day window that starts to run on the effective date of the expiration or cancellation of the existing policy. A few very restrictive policies require the insured to exercise the option to purchase an ERP on the date of cancellation or non-renewal.

It is imperative to review relevant policy language at the time of policy purchase as the opportunity to purchase an ERP comes just once and no attorney can afford to miss it.

Continued page 13

The duration of the tail coverage or more accurately the length of time under which a claim may be reported commonly varies from a fixed one, two and three year reporting periods to unlimited reporting periods. The unlimited reporting period would be the most desirable, of course, if available, particularly for practitioners who have written wills during their later years of practice.

Given the above, if the ERP provisions outlined in your firm's present malpractice policy language were not reviewed prior to policy purchase, review these provisions now, especially when retirement is on the horizon. Contact your insurance representative in order to understand how to obtain an ERP, should it be available. At the ISBA/MIC, the person to speak with is Underwriting Vice President, Janet Raap, janet.raap@isbamutual.com, 312-379-2046.

Finally, should the unexpected happen such as the sudden and unexpected death of an attorney still in practice, know that tail coverage can, under some policies, be obtained on behalf of the deceased attorney if timely pursued in accordance with policy provisions.

Additional food for thought:

If any of the limits of liability have been used during the policy period note that it will reduce the limits of liability available for the ERP.

Example:

Insured Bob has an active \$500,000 / \$500,000 limit of liability policy and he has a \$250,000 claim payment – the limit of liability available for the ERP is only \$250,000.

All lawyers, at some point, especially senior, graying lawyers, have to be aware of malpractice exigencies when contemplating the ending of the practice of law, e.g., retirement, disability, etc.

Here are some tips from the Vice President of Underwriting for our Illinois State Bar Association / Mutual Insurance Company, Janet Raap:

Extending Reporting Periods:

Can be purchased at the expiration or cancellation of a policy for a set amount of premium at different lengths up to an unlimited time – per policy provisions. The limit of the purchased ERP will be the same as the policy limit. You cannot secure a higher limit for the purchased ERP.

Can be secured for free if a lawyer becomes disabled, passes or retires during the policy period (Death, Disability, Retirement-DDR) – if qualified under policy provisions. ISBA/MIC DDR ERP endorsement is free if insured by ISBAMIC for 12 consecutive months and otherwise qualifies.

A free DDR ERP endorsement can be secured for a lawyer who is part of a multi-lawyer firm upon retirement, death or disability if qualifies per policy provisions – even if during the policy period. The firm will maintain their current policy and the endorsement will be issued as part of that policy. ISBAMIC policy provisions provides up to \$1M in limit for the free DDR ERP endorsement.

A lawyer or law firm has 60 days after the expiration of a policy to purchase an ERP endorsement. A lawyer has up to 60 days after DDR in order to secure a DDR ERP endorsement.

So, if you are thinking about retirement, and want peace of mind thereafter, best attention be paid to “Tail/ERP” coverage, and protect your family and your estate.

The authors wish to thank Janet Raap, VP of Underwriting at the ISBAMIC, for contributing to this article.

Tort Notes

Caution Needed in Resolving Public Aid Liens in Light of In Re Estate of Lois K. Ries

By James J. Morici, Jr.

The resolution, whether by settlement or adjudication of liens in personal injury cases is something that frequently occurs in the representation of plaintiffs in personal injury actions. At some point in a Plaintiff's attorney's career, they will have to deal with Public Aid Liens in a personal injury case. Included within the category of Public Aid Liens are Medicaid payments for medical benefits. Public aid was always seen as a benefit to Plaintiffs since it allows them to have their medical bills paid for by insurance at a fraction of the total charges. However, in the Second District Appellate Court's recent decision, *In Re Estate of Lois K. Ries* 2021 IL App (2d) 191027, that favorable landscape is quickly changing. In *Ries* the Illinois Appellate Court 2nd District ruled in January 2021 that the state could recover payments made not only in relation to the injury that is the subject of the suit, but for all medical benefits paid including pre-injury payments.

In *Re Estate of Lois K. Ries* 2021 IL App (2d) 191027, Mrs. Ries was a public aid recipient from 2005 until her death in 2016. In November of 2011, Lois was injured during an epidural procedure, rendering her paralyzed. The Department of Healthcare and Family Services, paid medical bills in relation to her injuries, totaling \$124,679.63. In total, including prior medical benefits not related

to the personal injury case, the Department paid \$212,567.94. During the litigation the Department asserted a lien based on Sections 11-22 and 11-22b of the Illinois Public Aid Code (305 ILCS 5/5-13 (West 2018)) against any potential personal injury recovery for all benefits paid to the recipient.

In 2018, during settlement negotiations of the personal injury matter, the Department agreed to reduce the medical charges related to the personal injury to \$20,000 pursuant to section 11-22 and 11-22b. Thereafter, the Department sought to exercise a claim against the decedent's estate, of which the assets were limited to the proceeds of the lawsuit. This recovery was sought pursuant to the general lien provisions contained in 5-13 and sought recovery for all amounts ever paid for Mrs. Ries medical attention, even those unrelated to the personal injury matter. Mrs. Ries' estate argued that the code did not provide for the Department to recover twice from the same pool of money. The Department argued that it only agreed to settle its personal injury claim relating to the epidural injection injury, and that recovery that did not extinguish its claim for all unrelated medical benefits provided to Mrs. Ries during her lifetime. The Trial Court agreed with Mrs. Ries' estate and the Department appealed.

The Appellate Court found that there was no support in the Code nor case law, that prevented the



Department from pursuing a claim against Mrs. Ries' estate for expenses paid on her behalf before her injury, and thus the Department did not waive its entire lien when it accepted the offer to reduce the medically related personal injury aspect of the lien. In reaching this decision, the Court relied upon a letter from the Department that stated in relevant part "...\$20,000 in settlement for the injuries related to the accident of November 23, 2011. If my understanding is incorrect, please contact me." The Court reasoned that the Department's settlement of the personal injury portion of the lien was clear and unambiguous, and the Estate did not challenge the document as inaccurate. The Court reversed the Trial Court's decision and remanded it for further proceedings.

As a practice tip moving forward, Plaintiff's attorneys need to be acutely aware of what the Department of Health and Family Services is asserting as a public aid lien under sections 11-22, 11-22b, 5-13, or any other provisions of the Public Aid Act that the Department may have against the proceeds of the suit and or the estate of the de

Continued page 16

cedent. This issue would be even more pronounced when there is a client that has been on public aid for a long time prior to the injury. Any negotiations to reduce the lien should specify that this is an agreement that encompasses any and all possible liens that the Department may have against the individual.

James J. Morici, Jr. is a partner in the firm of MORICI, LONGO & ASSOCIATES, and represents Plaintiffs in personal injury, workers' compensation, and construction site related injury suits. Research & writing assistance provided by Tomas Cabrera, Associate in the firm of MORICI LONGO & ASSOCIATES. Read all prior issues of "Tort Notes" at www.MoriciLongo.com.

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LSAT or GRE: Which Exam Should a Law School Applicant Take?

By Leonard F. Amari
TREND

Law schools are required by the various accreditation bodies to admit students that have demonstrated a probability of success of completing their law school education. Standardized tests have been used as a predictor for these purposes, applying the idea that a student with a certain score will likely be successful and graduate from law school. There is a growing trend in law school academia today to accept the Graduate Record Examination ("GRE") in lieu of the Law School Aptitude Test ("LSAT"). When quality law schools such as Harvard, Columbia, Cornell, Georgetown, New York University, and in all, 44 accredited law schools across the country are accepting the GRE in lieu of the LSAT, it certainly is a trend, and one that is expecting to grow throughout the country, including many other law schools.

Of the nine law schools in the state of Illinois today, four are accepting the GRE in lieu of the LSAT, two of the more forward-thinking law schools in the state, The University of Illinois Chicago John Marshall Law School, Chicago-Kent College of Law, The University of Chicago Law School, and Northwestern University Pritzker School of Law.

The LSAT is the traditional standard admissions exam that aspiring law students take and all law



schools in the United States that are approved by the American Bar Association accept the LSAT for admission. The GRE is a general standardized test that most graduate programs either require or accept for admission. The GRE is an exam usually administered via computer, while the LSAT is a paper product. This certainly affects the availability of each test: the GRE is generally offered continuously throughout the year, while the LSAT is only offered six times per year. The more often the ability to take the exam, certainly, provides more often of an opportunity for law school admission.

DIFFERENCES

The GRE is an aptitude test with six sections, including two "quantitative reasoning" and two "analytical writing" sections. It also contains two verbal reasoning sections. Traditionally, the test, all three sections, requires about four hours for completion. These three sections are created to supposedly test the ability of the applicant to understand and conceptually recognize information, solve problems in

Continued on page 17

mathematics, perhaps with a bent towards science, to defend and evaluate a position. As mentioned, the GRE is administered via the computer and the final score on the GRE weighs on the difficulty of the questions that the examiner chose to administer.

As to the LSAT, four out of five multiple choice sections make up the score that the applicant will receive. These sections are comprised of one reading comprehension section, one analytical reasoning section, and two sections that involved application of logic. There are unscored sections on the test which test potential questions for future tests as well as potential test forms. The applicant will only know which section was unscored when he or she receives the actual LSAT results.

WHICH EXAM SHOULD A LAW SCHOOL APPLICANT TAKE/THE LSAT OR THE GRE?

There are many considerations for a law school applicant to decide which exam to take, which would provide a better aptitude score for the applicant, is the applicant more fluent in dealing with concepts or with math and science?

It would appear that more career options are available with the GRE since the LSAT only applies to law programs. Almost every graduate program uses the GRE as the standardized test to measure the abilities for purposes of admission.

Further, all LSAT scores are reported, which means the student taking the exam for the first time, who does poorly or not as well as necessary to be admitted to law school, can retake the LSAT a num-

ber of times but all attempts are reported to the law schools and, historically, the law school admissions office takes into consideration the average of the scores of the applicant.

The GRE, on the other hand, provides the applicant an opportunity to cancel less favorable scores.

Also, and as mentioned above, the GRE provides more opportunity because it is given more frequently. The LSAT is only offered six times per year and on specific publicized dates. The GRE is offered almost every day of the year.

While both aptitude tests have sections that test the applicant's reading comprehension, only the LSAT has questions dealing with logical ability and thinking processes of the applicants, called "logic games," found in the analytical reading section. These logic games provide a set of objects in no particular order with a number of rules and the applicant must logically determine valid orders or patterns from the information given. Supposedly these logic games test the ability of the applicant to analyze and infer information from a given scenario. One having difficulty with this type of logical thinking should consider taking the GRE instead.

The GRE has math questions on geometry and algebra. If the applicant is an individual who is adverse to math, similar to arguably half of the United States population, the verbal section of the LSAT should be preferable. Though one may prefer taking the GRE instead of the heavily verbal LSAT because of a capacity for mathematical analysis.

In sum, which test is best for

any particular applicant is the key question in this article. Like most lawyers, at least the lawyers that I know, they have wanted to be a lawyer their entire life. Applicants who fit this description should probably take the LSAT. With that in mind, there certainly is no reason to avoid taking the LSAT, unless you have a proclivity, comfort, and facility with mathematics. Or if law school is just an option being considered, perhaps the GRE is the preferable exam because it offers more options. It allows the applicant to switch fields and transfer to another graduate level program without aggravation, extra work, or difficulties if law school isn't the chosen career path.

The author wishes to thank Ms. Madeleine Tick, a recent John Marshall Law School graduate for her valuable contributions to this article.

JUSTINIANS IN THE NEWS

➤ Phillips Law Offices is proud to announce that its Managing Partner,

Stephen D. Phillips, has been named as a Fellow of the International Society of



Barristers. Mr. Phillips was recognized by the Society for his exceptional talent in the court room as well as his integrity, honor, and collegiality that embody the spirit of a true professional.

The ISOB was founded in 1965 on the belief that trial by jury should never be taken away from the people. They also provide training in trial advocacy that encourages civility in the court system. Through these measures, they have been able to support and improve the justice system for many generations.

Mr. Phillips and his son Stephen J. Phillips also published a Letter to the Editor in the Chicago Law Bulletin in response to a column advocating that injured people did not have a right to counsel at a Psychology examination by a physician hired by the defendant. Mr. Phillips letter took strong exception to the position that the right to counsel for injured people did not extend to examinations by a defense expert. The Letter was entitled "Lawyers There to Protect Legal Rights During Psych Exams."

➤ Associate Attorney Tomas Cabrera at Morici, Longo & Associates has been selected to the 2021 Illinois Rising Stars list. Each year, no more than 2.5% of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor. Mr. Cabrera was also recently awarded the AVVO Client Choice Award for 2021, holding a perfect 10 AVVO rating. Those at MLA are proud of Mr. Cabrera's achievements and look forward to many more years of continued success representing our injured clients.

➤ Morici, Longo & Associates partner, Lisa M. Longo, recovered \$275,000.00 in a nursing home action for an 85-year-old resident who was dropped by a caretaker causing a fractured hand and a laceration to the head. Lisa has masked quite a reputation in the representation of injured construction workers and nursing home residents over the past decade.

➤ Andrew J. Mazzuca joined Morici, Longo & Associates as a Senior Trial Attorney in January 2021. Mr. Mazzuca is a seasoned litigator with over 15 years of experience representing plaintiffs in the Chicago area. His practice is focused on cases involving serious personal injury, wrongful death, truck accidents, premises liability and construction negligence.



➤ Past President Michael F. Bonamarte was elected to the governing board of the National Consumer Voice for Quality Long-Term Care.



Chartered October 21, 1921

**Have Justinian newsworthy items to share?
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Newsletter Editor

Nicole Pisano

at

editor4justinians@gmail.com

Justinians, Continued

➤ UIC John Marshall's Professor Mark E. Wojcik was awarded the 2021 Civil Justice Scholarship Award from the prestigious Pound Civil Justice Institute.



➤ Fourteen attorneys from Romanucci & Blandin were named to the 2021 Illinois Super Lawyers and Illinois Rising Stars list by Super Lawyers Magazine. Founding Partner Antonio M. Romanucci along with Partner Frank A. Sommario, were named 2020 Illinois Super Lawyers. Furthermore, Romanucci was named to the prestigious Top 100 Lawyers in Illinois list. Senior Associate, Bruno R. Marasso and Attorneys Vincent J. Arrigo and Michael R. Grieco were also named 2021 Illinois Rising Stars.



➤ On February 3rd, Romanucci & Blandin Founding Partner, Antonio M. Romanucci was honored to (virtually) return to his alma mater, UIC John Marshall Law School, to participate in a conversation with Dean Darby Dickerson about Developments in the George Floyd Murder Case.

➤ In March, Romanucci & Blandin Founding Partner Antonio M. Romanucci, civil rights attorneys Ben Crump, L. Chris Stewart, Jeff Storms and other co-counsel on behalf of the family of George Floyd together with officials from the City of Minneapolis announced the settlement of a civil lawsuit against the City of Minneapolis and the four officers involved in Mr. Floyd's death. The \$27 million settlement is the largest pre-trial settlement in a civil rights wrongful death case in U.S. history and includes \$500,000 to be directed to enhance the 38th St. & Chicago Ave. business district where George Floyd died.

➤ Romanucci & Blandin announced a record breaking \$50 million settlement of a lawsuit involving a workplace injury in the Chicago area in 2016. The settlement was mediated by the Honorable William E. Gomolinski of ADR Systems for the wife of a worker who died, represented by the team at R&B which included Attorneys Michael R. Grieco and Vincent J. Arrigo.

➤ Romanucci & Blandin was highlighted in Chicago Lawyer Magazine's 2020 JVR Settlement Report as one of the top ten law firms in the state of Illinois, for cases settled between July 2019 and June 2020, settling cases totaling \$38,850,000. The firm also secured one of the top three settlements for an auto collision case at \$19,250,000.



➤ Illinois Judges Foundation Scholarship Opportunity for Law Students

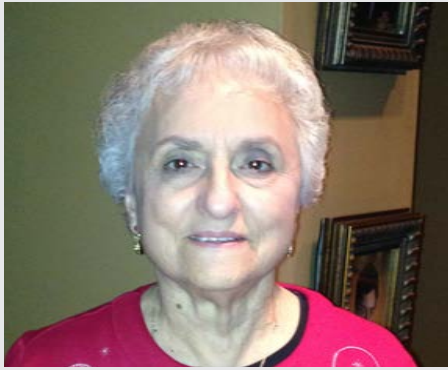
Applications are now being accepted for the 2021 Illinois Judges Foundation's Harold Sullivan Scholarship. Each recipient will receive a \$5,000.00 scholarship to cover law school tuition and related costs. (Law schools may agree to award matching funds to their winning students, potentially increasing the value of the scholarship.)

To be eligible, the applicant must meet the following criteria:

- Does not have a close relative who is a judge
- Currently enrolled in an Illinois law school, with at least one academic year of law school left to complete (incoming 1Ls not eligible)
- Has community service or pro bono experience
- Has financial need

The application form is available on the IJF website <https://ijafoundation.org/Scholarship> and due no later than June 21, 2021 at 3:00 p.m. Central Time.

Please direct any questions to Judge Brosnahan at scholarship.ijf@gmail.com.



OBITS

† Vivian J. Morici, mother of past-president, Jim Morici, was born June 27, 1931 in Chicago to Adolph and Mayme (nee Graziano) LoBello. She passed away January 29, 2021 at Northwest Community Hospital in Arlington Heights. Vivian has been a supporter of the Justinian Society of Lawyers through the Morici-LoBello Family Memorial Scholarship which was originally founded in 1999 when Jim became President in honor of her deceased parents and brother.

Vivian, for most of her life, was a resident of the Chicago's Northside, growing up in the Old Town neighborhood, where she graduated from Waller High School in 1948. She was a longtime employee of Illinois Bell Telephone, she returned to employment following a 15-year hiatus to raise her family. Since 1998, she has been a resident of Arlington Heights. Vivian was a very active member of the St. Mary's Parish Women's Club and St. Lydia's Guild; these groups brought her much joy and many friendships.

Vivian is survived by her children, James J. (Patti) Morici Jr., and Joanne (Michael) Buechel and John A. (Valentina) Morici; her grandchildren Jenna T. (Mark) Moder, Andrea M. (Chris

Paoli) Buechel, Nicholas (Brittany), Louis, Olivia, James, III, and Matthew P. Morici; and her great grandchildren Isabella, Angelina and Sophia Kay. She was the dear godmother of Victoria Bonfidini, Sandy Curry-Havanssek and the late Susan Ignoffo. She is also survived by her loving sister-in-law, Angie (Bill) Hanhardt.

Vivian was preceded in death by her parents, former husband James J. Morici, Sr. and her brother, Joseph S. LoBello. She was fortunate to grow up with a large extended family most of whom have predeceased her but continue with many nieces and nephews among the LoBello, Graziano, Hanhardt, Havanssek, Purpora and Ignoffo families.

† Robert M. Cusumano, of Sugar Grove, passed away March 18, 2021 at his home. He was born August 28, 1937 in Chicago, IL, the son of the late Mario and Francesca (Siracusa) Cusumano.

After serving in the Army at the rank of Sergeant, Robert spent over 20 years with the City of Chicago, retiring as First Deputy Commissioner of Aviation. He also founded and served as president of a ground transportation company. He was decorated with the title of Cavaliere Ufficiale by the President of the Republic of Italy for his meritorious acts.

Robert is survived by wife, Lois Cusumano; his children, Mario Cusumano and Francesca (Frank) Montalbano; his six grandchildren, Alexandria Montalbano, Nicolas Montalbano, Sam Cusumano, Sophia Cusumano, Cole Cusumano and Calvin Cusumano.

† With greatest of sadness, the family and friends of Joseph F. Locallo, Sr. (Joe) announce his passing on March 30, 2021 at the age of 96. He is survived by his wife Elizabeth J. Locallo (Bidlo) and his loving children, Diana Vera, (Arturo) Joseph Jr., (Kristine), John, and Beth Allegretti, (Ed); his devoted grandchildren, Joseph Locallo III (Catie), Jenna Kay (Michael), Art Vera (Josephine), Carlos Vera (Natalia) and Eddie Allegretti; his loving great grandchildren Jack, Tom, Jubilee, Victor, Esther, Lucy, Ezekiel, Mackenzie and Vincenzo, and many loving nieces and nephews who knew him as Uncle Joe.

He was born to parents Frank Locallo and Victoria Locallo (Guzzardo), on May 2, 1924, the third son of four children, Victor, Sam, Joe & Gus. Joe attended Waller High School, Chicago, IL, where he met the love of his life, Elizabeth. He was captain and star left-handed pitcher for the Waller baseball team, often answering to the name "Lefty" by his teammates. After high school, Lefty Locallo played baseball for the Chicago Cubs farm team in the Carolina leagues from 1943-1945 and even tried out for the Chicago Bears, but alas, he was destined to do other things. He married his high school sweetheart, Elizabeth, in 1945 and started his family.

In 1952 he joined the Chicago Police Department and retired in 1985. He rose through the ranks to become a Lieutenant of police, proudly wearing star number 289. Along with his brother, Gus, star number 290, they were the first two Sicilian brothers to become lieutenants in the Chicago Police Department. Joe retired as a Lieu

Obits, Continued

tenant and Gus as a Captain.

Gus and Joe were very close in proudly wearing star number 289. Along with his brother, Gus, star number 290, they were the first two Sicilian brothers to become lieutenants in the Chicago Police Department. Joe retired as a Lieutenant and Gus as a Captain.

Gus and Joe were very close in surviving the passing of their brothers, Sam and Vic. Gus, age 95, was the last to speak to his older brother Joe just moments before his passing. Family members in attendance will often remember the tenderness of those moments and the bonds these two brothers shared so many years.

Joe was proud of his Sicilian heritage and passionate about cooking. He loved making his own homemade sausage and sharing a secret of the recipe, moistening the meat with white wine and adding grated Parmigiano-Reggiano to the mixture. His favorite spaghetti was pasta con fava (pasta with fresh fava beans) or pasta con sardi (pasta with sardines) a family treat in celebration of St. Joseph's feast day. If cooking was music, he was a conductor of a symphony.

Most of all, Joe was a devoted family man who lovingly cared for his wife, Elizabeth, married 75 years, and enjoyed watching his grandchildren grow. We will miss him deeply, but he has joined family members of ours who have passed before him that we hold dearly in our hearts. And that's a good thing and something to celebrate.

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