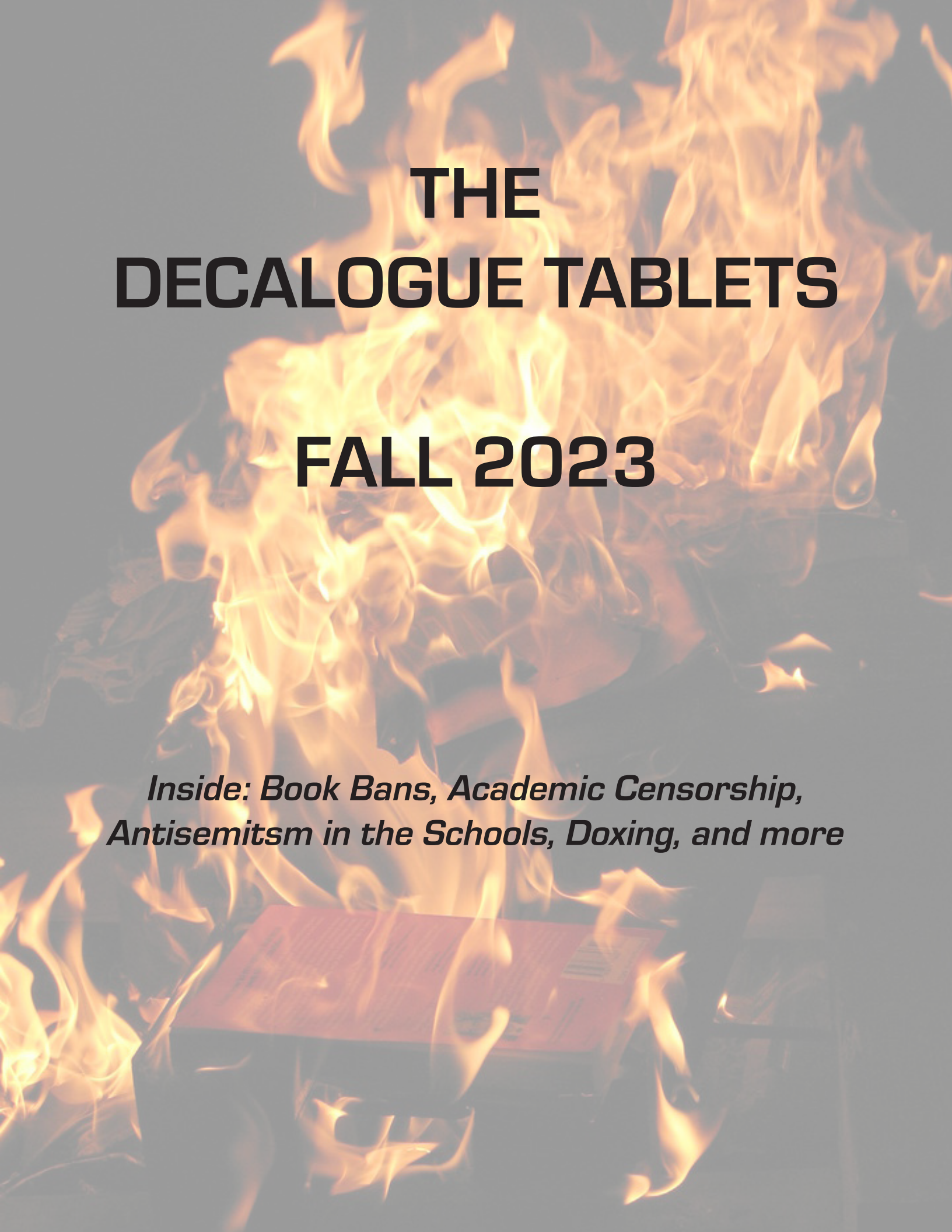

THE DECALOGUE TABLETS

FALL 2023

Inside: Book Bans, Academic Censorship, Antisemitsm in the Schools, Doxing, and more

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THE DECALOGUE SOCIETY OF LAWYERS
JUSTICE, JUSTICE SHALL YOU PURSUE

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President's Column

by Hon. Megan E. Goldish

Shalom! We are looking forward to a wonderful 89th year of Decalogue, as we continue our proud tradition of furthering our commitment to justice, community, scholarship and philanthropy.

Decalogue was founded in 1934 in response to rampant anitsemitism and the exclusion of Jewish lawyers from other organizations. It was during these tumultuous times that a group of visionaries created the Decalogue Society, embodying the principles of the Ten Commandments. Founded on the values of justice, equality, and compassion, the organization created a safe haven for Jewish lawyers, fostered solidarity and camaraderie in the face of adversity, and gave the Jewish community, "a seat at the table." Decalogue is the oldest, and remains one of the largest, Jewish lawyers' associations in the United States.

Though the world has changed significantly since 1934, the spirit of our founders remains strong and our work continues to fulfill their mission. Recently, the number of hate crimes has increased to frightening levels and the Jewish community has been targeted in the majority of these despicable acts. We are grateful for our allies and for the strength that has emerged within our own community. In the battle against racism, Jewish lawyers bring a unique perspective. They know firsthand what it feels like to be marginalized and face discrimination. They fight for justice not only for their own community, but for all those who have suffered at the hands of prejudice.

In addition, we strive to promote diversity within our profession, to practice law with compassion, and to improve the world around us, in the spirit of Tikkun Olam. In fact, all of this year's awardees have dedicated themselves to diversifying and bettering our legal profession and our society. Through our impressive CLEs, philanthropic works, and networking opportunities, we continue to create a lasting impact on the legal landscape, forging a path towards a more just and inclusive society. To illustrate, our Green Book event and our multi-bar model Seder were informative, extremely well-attended, and co-hosted by a number of other bar associations. Moreover, our Social Action Committee regularly assists homebound individuals, and our Foundation provides scholarships to all Chicago area law schools. In May, we oversaw the first of its kind event honoring veterans in the legal profession, co-hosted with 39 other bar associations. We honored our colleagues who served, and conducted a moving memorial service to remember our missing and fallen soldiers. Additionally, our fundraising efforts allowed us to make meaningful contributions to myriad veterans' organizations.

Thank you to all those who attended our installation dinner. We hope you enjoyed breaking (kosher) bread with us. Congratulations to this year's incredible honorees as well. Thank you to Joel Bruckman, Aviva Patt, Judge Lori Rosen, and the Board for their dedication. We will continue the important work and contributions of the Decalogue Society, and we hope that you will join us this year as Justice, Justice, Shall We Pursue.

Decalogue President Megan E. Goldish is a Judge in the Domestic Violence Division, Cook County Circuit Court.

Banning Book Bans: The Fight to Preserve Freedom of Speech, Empower Libraries, and Protect Librarians

by Alexi Giannoulias

The concept of banning books and limiting access to information should seem antiquated in this day and age. Unfortunately, the movement to ban books, suppress ideas, and control thought reverberates nationwide. Illinois – renowned for its progressive tendencies – has not been immune to this disturbing trend.

While running for Secretary of State, I had the opportunity to share my ideas with Illinoisans. But during my campaign, I did something else. I listened. The Secretary of State is also the State Librarian – a position I take very seriously – and librarians came to me to voice their concerns. They were worried they were being villainized and that their expertise and experiences meant little to nothing as radical groups – like the Proud Boys – harassed and intimidated them for simply doing their job.

I listened to their concerns and insight and wondered how these unsung heroes of our community could be put in such a perilous position – and then I got to work.

In my first few weeks after being sworn in as Secretary of State, one of my top priorities was introducing legislation to counter the attempts to ban books in our state. As State Librarian, I felt it was necessary to proactively and aggressively draw a line in the sand to let everyone know that in Illinois, we refuse to undermine the professional judgment of dedicated librarians who serve readers and information seekers.

I introduced House Bill 2789, and I worked with the library community, other advocates, and legislators to build support for this critical legislation.

It is important to note that prior to this legislation, Illinois law did not contain language related to book banning or eligibility for state grants for libraries that restrict access to their collections. In 2022, the Secretary of State's office awarded 1,631 grants to Illinois libraries totaling more than $62 million. Of those, 97% of the grants were awarded to public and school libraries, with public libraries receiving 877 grants and school libraries securing 712 grants.

When HB 2789 was proposed, there was enthusiasm and support from legislators, librarians, teachers, and community leaders. But there was also pushback. Some called it an assault on local control of public and school libraries. Others said my office did not have a right to withhold grant money designated explicitly for supporting libraries. Some argued that librarians should not be the ones to decide what publications and books libraries offer to customers. These arguments were based on political propaganda, not actual concern for funding libraries. Attempts to generate attention-grabbing headlines were the focus of dissenters, not to solve the crisis facing today's libraries.

The bill passed along partisan lines, which I found deeply disappointing.

On June 12, 2023, Governor JB Pritzker signed House Bill 2789 into law. This first-in-the-nation legislation is designed to support public and school libraries and librarians as they have faced unprecedented censorship of books and resources in Illinois. This legislation states that Illinois libraries would only be eligible for state-funded grants, which are issued by the Secretary of State's office, if they: 1) demonstrate that they adhere to the American Library Association's Library Bill of Rights, indicating reading materials should not be removed or restricted because of partisan or personal disapproval; or 2) issue a statement complying with the policies of the State Library or one prohibiting the practice of banning books or resources.

According to the Chicago-based American Library Association (ALA), there were 67 attempts to ban books in Illinois in 2022, increasing from 41 the previous year. Beginning in January 2024, libraries that do not adhere to HB 2789 would not qualify to receive grants from the Illinois State Library. This is an effective strategy to stop book banning in its tracks.

This new law establishes a clear path, opposite and away from the dangerous trend of banning books that a small – but loud – few disagree with. It is a way to unify our communities and restore a right that some of us have grown to take for granted: the freedom to think for ourselves.

Is it a coincidence that the objectionable books at the center of the controversy are predominately by, or about, people of color, LGBTQ+, or other ethnicities? Is it acceptable that the books that are subject to being banned contain information about history, race, gender, or social justice?

It is difficult and deeply disheartening to figure out how we arrived at that point. Regardless, it is generationally dangerous and shameful that it has gotten this far.

(continued on next page)

Banning Book Bans *(cont'd)*

In Illinois, we are doing something about it.

While our neighboring states are leaning into restricting access to information and vilifying librarians, Illinois has drawn a line in the sand that this is something we will not tolerate. Libraries serve as the cornerstone of communities – a place of safety, acceptance, and learning – and should be respected.

Our new law can inspire change relating to nationwide book bans. It establishes a precedent that empowers our libraries and protects our librarians. The reception to the passage of this bill from organizations, institutions, publications, and individuals from throughout the country has been humbling and inspiring.

To encourage others to fight against the scourge of book bans, I launched banbookbans.com – a website where people can learn about Illinois's efforts to support libraries, review our legislation, and use the site as a tool to combat book ban efforts in their areas of the country. Visitors can also share stories about their own experiences with book bans, and they can join the cause to prevent book bans from trampling the rights of Americans. Authoritarian regimes ban books, not democracies!

The fight is far from over, but I am proud to help lead the charge to defend an individual's Right to Read. Illinois is leading by example.

Alexi Giannoulias is the Illinois Secretary of State and State Librarian.

Preserving Our Freedom to Read

by Dr. Sheri B. Doniger

A not-so-funny thing happened this year during the spring elections. Our very quiet community of Lincolnwood experienced a group of people who sought to eliminate our First Amendment right to read. They wanted to dictate what every child was allowed to read. It started with a story hour at the park and devolved into a board meeting being shut down with law enforcement called to clear the boardroom. Several more meetings ensued with unruly participants who had scripted harassing diatribes, all the way up to the elections. It was not always like this. Few people had ever paid attention to the library board elections. However, this was our reality in early 2023.

The words used were fairly innocuous: they were protecting innocent children. This group of parents wanted to control what their children read and, therefore, what all children read in the library. The books were mainly LGBTQ+ based or focused on body image. These were award-winning books, lauded by educators for their discussion of many topics important to social and emotional development.

Books are not randomly selected for any library. Library materials are chosen by master's educated professional librarians who select books that reflect the diverse nature of our community. Lincolnwood residents have a variety of beliefs, including those from a variety of backgrounds. The Lincolnwood Public Library acquires and provides materials to meet a range of diverse needs.

Our general collection consists of reliable materials embracing broad areas of knowledge that reflect the diverse needs of the Lincolnwood community, as well as the library's mission to foster lifelong learning and connect the community through our materials, space, events, and expertise.

All libraries use best practices to establish a collection. These are established by the American Library Association standards. Best practices in collection development assert materials should not be excluded from a collection solely because the content or its creator may be considered offensive or controversial. Refusing to select resources due to potential controversy is considered censorship, as is withdrawing resources for that reason.

The reality is the library is not someone's mom. Each parent has the right to choose what is appropriate for their child, not for every child. If a child selects a book the parent feels is not right for them, for whatever reason, the parent has the right to decline reading the book. No one should impose their beliefs on everyone.

Again, the words used were fairly innocuous: they didn't want to ban books, they merely wanted to reshelve books. Books should not be relocated or reshelved. This is censorship. Censorship has no place in any public library. Speaking with numerous librarians, the concept of reshelving books is to give them places of prominence, not make them inaccessible. Books unite us; censorship divides us. We were not alone in attracting attention by these ultra conservative groups. Other local libraries, such as Niles-Maine, had a recent upheaval when a group of people took over their library, instituted a hiring freeze, cut budgets, and controlled the board for several years. Their library director left in protest as she did not want to be a part of the takeover. Elmwood Park also had a board elected that hired non-professionals to take over the library and control the budget and content. The visible threats to our right to read are more than evident when bullets were sent to the Downers Grove Public Library over the past year.

The necessity for libraries to maintain independence is vital to protecting our rights. No one group should decide, for everyone, what should be read or available. During our campaign, we educated our community on the need for such independence. While our opponents appeared to be a diverse group of folks, representing their love for the library, looking below the surface, their goal was to control the content and assert a non-inclusive agenda. In a world where restrictions are being placed on what to teach in schools and blurring, sometimes eradicating, history, the library is the sole place where everyone can find themselves. We need to maintain our community's right to read, access and choose content on all topics.

After this election, we came away with two very important pieces of knowledge: even though we are a democracy, our rights are more fragile than we previously thought and down ballot elections matter now more than ever. Although our candidates were involved in community volunteer work for decades, including many returning, experienced, fiscally sound board members who had worked with the library on many levels, it became a battle for the soul of the library and the Village, similar to those battles being fought on the national level. In the end, the community spoke loud and clear. We all won.

Sustaining independent public libraries is of paramount importance. Libraries are, and always will be, the cornerstone of democracy, literacy, and productivity. Everyone should feel welcome in the library. An inclusive library is essential to any community. It is essential to maintain our First Amendment rights of freedom to read, to choose, and to access content. No person should ever be censored.

Dr. Sheri B. Doniger is President of the Lincolnwood Public Library District Board. She practiced clinical dentistry in Lincolnwood, Illinois in a career that spanned fifty years. A life-long volunteer, Dr. Donziger served as a trustee for the Lincolnwood Public Library in two separate centuries (1987-1999, and 2019 to present), and Niles Township High School District (2003-2015). She was awarded the Madeline Grant Volunteer award in 2020 for her years of service to the Lincolnwood community.

Fit to Print:
An Insider's View of a Sunday New York Times Front Page Article

by Prof. Mark Berkson

A Lecturer Showed a Painting of the Prophet Muhammad. She Lost Her Job.
https://www.nytimes.com/2023/01/08/us/hamline-university-islam-prophet-muhammad.html

The email that arrived in our Hamline University faculty in-boxes on Nov. 7, 2022 marked the beginning of what would become the greatest debacle in the history of our university, resulting in significant damage to our reputation and near universal - and justified - criticism of our administration.

Written by David Everett, Hamline's Associate Vice President of Inclusive Excellence, the email referred to an incident on campus that was "undeniably inconsiderate, disrespectful and Islamophobic." The act, the email said, "was unacceptable."

I was very concerned, both as a member of the community and as someone who has been teaching Islam at Hamline for 22 years. I immediately assumed that hate speech, vandalism, or violence had been directed against students. It was with disbelief that I heard that the "unacceptable" act was the teaching of a masterpiece of Islamic art in an online art history class by a professor who had made multiple good faith efforts to ensure that any student who did not want to see it could shut down their monitors until the image was off screen. This professor was doing what numerous professors of art history and Islamic studies - including me - do in university classrooms throughout the world. Despite the content warnings that were given, the student caught a glimpse of the image and then took her complaint up the chain.

I was surprised that administrators (David Everett was later joined by others) could believe that the teaching of this work was "Islamophobic," but I assumed that once they learned the truth about these images and their place in Islamic art history, they would recognize their mistake, apologize to the faculty member, and consider this a learning experience. What I was not prepared for was the fact that leaders within the Hamline community were indifferent to the actual facts and seemingly had no interest in learning about them.

How could administrators who work at an institution of higher learning make such a grave error, labeling as "Islamophobic" the act of a vulnerable adjunct faculty member who wanted nothing more than to educate her students, then proclaiming that she was "no longer a part of the Hamline community" and taking away her spring course? While there are many factors involved, I want to focus on one that originated approximately four years ago with the decision by administrators to eliminate the Religion Department, without any review process or input from faculty committees. The fact that such a decision was made *at a church-affiliated institution* with the word "religion" emblazoned on our university seal was shocking to me, but in the years since, I have come to see that *many administrators at Hamline, and colleges across the country, have lost sight of the importance of the academic study of religion, and the humanities more broadly*. It is telling that during the numerous conversations that occurred among administrators, staff, and students after the offended student first made her complaint, not a single scholarly voice in the fields of Islamic studies or art history was involved.

In rendering a judgment of "Islamophobia," the administrators relied on two things - the intense emotional reaction of the offended students, and the guidance of Muslims on staff and in the Minnesota Chapter of CAIR (Council on American-Islamic Relations).

The resulting controversy is a stark illustration of the difference between the perspectives of religious believers who have not studied their traditions academically and scholars of religion (who may or may not be believers themselves). It should not be surprising that many, perhaps most, devout members of religious traditions who are not scholars have significant gaps in their knowledge about their own traditions. They may know a great deal about the form of the religion they grew up with, but they often know little about the tremendous diversity that exists within their own tradition. This is why I say to students in every course I teach - "*differences within religions are as great as, if not greater than, the differences among them*." It appears that nobody involved in the conversations among administrators, staff, and students knew anything about the role that images of the Prophet have played in different parts of the Muslim world throughout history to the present day. Their ignorance is understandable; their indifference to scholarly perspectives is not.

We must also recognize that a student's strong emotions and deep devotion, while important for many reasons, do not constitute sources of authority on issues that require scholarly expertise. While we can recognize and appreciate that some Muslim students believe that creating and viewing such images is "un-Islamic" (the Muslim world is divided on this point, as it is about many issues), there is no sense in which the act can be considered "Islamophobic." The administrators should have told the students that in this instance they were wrong, but this would have run counter to an aspect of what Amna Khalid and Jeffrey Snyder describe as an approach to diversity and inclusion work characterized by a "safety and security model that is highly attuned to harm and that *conflates respect for minority students with unwavering affirmation and validation*" (Khalid and Snyder, 2023; emphasis added).

If a student seeing the image was the only problem, the global controversy would not have occurred. We would have expressed regret to the student, provided her support, reaffirmed the protocols to minimize the probability of recurrence, and facilitated a conversation between the student and professor to help things move forward productively. The problem was that some students, along with some staff and activists, believed that these images must *never* be shown in a classroom, that the very showing of these images is Islamophobic, and that they are not a suitable subject for study. Dean Marcela Kostihova said that the showing of the painting was equivalent to using the N-word in class; and President Fayneese Miller said that the feelings of observant Muslim students should "supersede" academic freedom, a position that would make it impossible for faculty to teach any potentially controversial topics without knowing the religious sensibilities of all of our students and avoiding any topics that might upset them.

(continued on page 8)

Fit to Print *(cont'd from page 7)*

This is where religious cries of "blasphemy" and claims about forbidden subjects pose a direct threat to academic freedom, which is why the AAUP (American Association of University Professors) reminds us, "*Ideas that are germane to a subject under discussion in a classroom cannot be censored because a student with particular religious or political beliefs might be offended…This would create a classroom environment inimical to the free and vigorous exchange of ideas necessary for teaching and learning in higher education*." (AAUP 2007). Believing that aspects of one's own religion are so sacred that they are not suitable subjects for academic inquiry has a long history in the field of religious studies.

One of the earliest scholars of comparative religion, Max Mueller, wanted to publish a series of books containing scriptures of the world's religions, only to be told by administrators at Oxford that the Bible must not be included among the other texts. After all, they believed, it is not merely some text that can be studied academically like other texts. It is, they argued, the revealed word of God. The series was published without the inclusion of the Bible. Scholars of religious studies must be able to apply the methods of their discipline to *any* religious text, object, or phenomenon. The field of religious studies could not exist without this principle. This is what we must remind students when they come to our campus - *no area of study is off limits to academic inquiry in a secular liberal arts institution*.

Among the major mistakes that Hamline administrators made was taking sides in an internal debate within Islam, essentially making a pronouncement of what is "blasphemous" or forbidden, and what is not. I tell students that in the college classroom, I cannot and do not take a position on what is the "true" version of any religion and what is "heretical" or "blasphemous." I present each tradition in its myriad diverse forms so that students learn about the interplay of unity and diversity in religion, and they see that religious traditions are constituted not by agreed-upon interpretations, but by ongoing debates about the tradition's texts, practices and ideas. Hamline's public position that certain forms of Islam are approved of and valued while other forms are heretical and forbidden is not only completely antithetical to the role and responsibility of an academic institution, it also contradicts the very principle of diversity and inclusion that our administrators profess to support. Were not the voices of many Shia Muslims in Iran, for instance, excluded by Hamline's administrators? Our administrators did not want to tell these students that their way of practicing Islam was only one among many, that they could not impose their religious prohibitions on the rest of the community, and that they must understand the importance of academic freedom in a secular liberal arts institution like Hamline. In the name of protecting and supporting students, they did them a great disservice. The notion of "harm" (which happens when actual bigotry is involved) has been wrongly applied to the experience of intellectual discomfort, which is an essential part of education.

While the Hamline controversy was created largely by administrators' errors involving the exclusion of both the scholarly perspective and also many Muslim voices (and the unacceptable mistreatment of a faculty member), we must also recognize the significance of the offended students' previous experiences of bigotry and mistreatment based on religion, race, and other factors. Universities need thoughtful and wise people to ensure that every effort is made to make students from marginalized communities feel welcome and supported. We need good DEI (diversity, equity and inclusion) experts.

Khalid and Snyder sound important cautionary notes regarding the tensions between certain approaches to DEI work and the academic mission of the university (and the academic freedom necessary to pursue that mission). Some of these tensions can be seen clearly in the Hamline controversy beginning with David Everett's first email. But such tensions are not inevitable. One reason that religious studies courses can be so transformative is because of the way that they address issues of diversity within religious traditions. Like most of my colleagues, I make sure that my students think carefully about issues of race, gender, sexual orientation and other dimensions of human identity that intersect with religion in countless ways. The academic study of religion can help students more deeply appreciate diverse ways of being in the world, better understand the complexity of our multifaceted identities, and gain valuable skills in respectfully engaging with radically different worldviews and perspectives. Hamline's administrators learned the hard way that the academic study of religion, far from being dispensable or merely ornamental, provides essential knowledge and skills for intellectual growth as well as citizenship in a multifaith nation with diverse communities.

One of the silver linings of this entire painful event is that I have heard from many alumni of the religion department expressing their dismay at the fallout from the controversy and highlighting the value of the academic study of religion to which they had devoted their time. I had an inspiring conversation with an alumna, Maryama, an East African woman who had come to campus as a devout Muslim who had never studied her religion academically. When she took my Islam course in her first year, she recalled, there was a great deal of discomfort. I remember her pushing back on many things we read and discussed (often to the great benefit of the rest of the class). Despite the intellectual discomfort she felt, something began to awaken in her, and she continued to take religion courses. She ultimately became a religion major and is now a teacher. During our conversation, Maryama said, "Studying Islam in college, while challenging, not only opened my mind and taught me a lot about my religion I didn't know; it also made me a better Muslim." Maryama, like many other students who study religion at colleges and universities that still recognize the importance of the subject, are living examples of the truth that challenging our students is one of the best ways that we can care for them - and prepare them to flourish in a diverse and complex world.

References:
American Association of University Professors (AAUP) 2007 Report: "Freedom in the Classroom." (September-October 2007). https://www.aaup.org/file/ACASO07FreedomClassrmRpt.pdf

Khalid, A. and J. Snyder 2023 "Yes, DEI Can Erode Academic Freedom. Let's Not Pretend Otherwise." Chronicle of Higher Education (February 6). https://www.chronicle.com/article/yes-dei-can-erode-academic-freedom-lets-not-pretend-otherwise

Mark Berkson, PhD is a Professor and Chair of Department of Religion, Hamline University.

"Go Back to the Gas Chambers" and Other Phrases Thrown About in Middle School

by Jacqueline Carroll

I wish I did not need to keep writing about anitsemitism. I wish I did not have to continue sounding the alarm. For several decades, if someone made a statement about Jewish-owned space lasers or said they were going to go "death con 3 on Jewish people," one could easily assume that person wore a tinfoil hat. Not anymore. People who hold enormous amounts of power and influence are now making these statements, and they have had a disastrous effect upon the safety and well-being of Jews. Anti-Semitic verbal abuse has become so normalized that our own children cannot escape the demonization.

Throughout the nation, white supremacists have littered lawns with flyers containing anti-Semitic messages that blame the Jewish people for every possible societal ill. Kanye West's deluge of tweets containing "classic tropes deployed by Jew haters -- some dating back two thousand years" included the idea that Jews are greedy, control the economy and media, and exploit black people. His hate rhetoric spawned a movement, #KanyeIsRight, which further infected and mainstreamed vile anti-Jewish tropes to audiences in the tens of millions. This landed West as #1 on the Simon Wiesenthal Center's Top Ten Anti-Semitic Incidents list of 2022. Terrorists have violated our synagogues, bomb threats have been made to our Jewish day schools, and our cemeteries have been vandalized. The unthinkable has become commonplace. According to the Chicago Commission on Human Relations, hate crimes against Jews increased by 75% from 2021 to 2022. Our Jewish children feel the reverberation of anitsemitism as much as we do, but they are also receiving it from an unlikely source -- their peers in school. Schools should be a place where students feel safe to learn and thrive, but in the past few years, anti-Semitic incidents in K-12 schools have risen dramatically. Jewish students are victims of anitsemitism in their own classroom, often at the hands of classmates who do not comprehend the severity of the Holocaust, or are perhaps trying to be funny or gain attention but mainly do not care about the damage being done.

In 2023, the Anne Frank House in the Netherlands commissioned a study that found that 42% of secondary school teachers had witnessed anti-Semitic incidents in the classroom in the previous year. In England, the Henry Jackson Society held a large-scale Freedom of Information investigation and found that there was a 173.3% rise in reported anti-Semitic incidents over the past five years with a 29.13% increase between 2021 and 2022. 58% of those incidents involved mockery and abuse of Jewish students through references to the Holocaust and Nazis. The report also found that many of the incidents were unchecked and never shared with a public body for monitoring purposes.

In the United States, no region was safe from incidents of anitsemitism in middle school and high school during the last school year. "Jews Not Welcome" was spray-painted on the main sign in front of a high school in Bethesda, Maryland last December, and a swastika was found at a nearby middle school. Jewish students led a walkout, which was supported by the school's administration and local rabbis. Students had told one of the rabbis that it has "kind of become a thing to tell Holocaust jokes," with one freshman student noting that there had been "a huge anitsemitism buildup" prior to the walkout. In April 2023, a Massachusetts middle school investigated reports that between ten and fifty students had given Nazi salutes, intimidated Jewish students with comments about the Holocaust and gas chambers, and made threats on social media.

In February 2023, a swastika and graffiti saying "I hate Jews" and "Kanye was right" were uncovered at a high school in Kansas. In Germantown, Wisconsin, this past May, swastikas were found on the gym floor, bathroom stalls, the choir room door, desks, lockers, and on textbooks in the middle school, and a metal swastika had been imprinted on a trash bin in the high school. Students also complained about Nazi salutes and derogatory comments.

In May, in Cherry Creek, Colorado, 250 families sent a letter to their superintendent after kids pitched pennies on the floor and taunted Jewish students to pick them up. Students also jeered, "Kanye was right" and "Hitler did not do a good enough job." In the same district, Nazi symbols were found on schoolwork, Nazi salutes were given in the hallways, and one school kid told Jewish students to "go back to the gas chambers."

If enduring anitsemitism from other students was not bad enough, some of the perpetrators have been teachers and other school staff. In December 2021, an elementary school librarian in Washington, D.C., instructed 3rd graders to reenact scenes from the Holocaust including taking a train to a concentration camp, dying in a gas chamber, digging mass graves, and shooting victims.

In San Diego, for over a year, Jewish students pleaded with the school board to do something about anitsemitism at school. Swastikas had been painted in the boys' bathroom at the high school, and a 7th grade teacher put up a photo of Adolf Hitler next to photos of Dr. Martin Luther King Jr. and Mahatma Gandhi. When a Jewish student complained, the teacher responded, "Hitler may have done some bad things, but he also had strong leadership qualities." The principal's initial reaction was to excuse the Jewish boy from class. Joining with concerned Jewish parents, the Simon Wiesenthal Center demanded that the district take proactive measures, with our associate dean and director of global social action agenda, Rabbi Abraham Cooper, stating, "We need to understand that Hitler was not just another 'leader' and 'Nazism' was not just another political movement. If you want to compare Hitler's 'leadership qualities,' present him next to photographs of Stalin, Mao and Ayatollah Khamenei, not icons of liberty and human decency."

(continued on next page)

"Go Back to the Gas Chambers" *(cont'd)*

In the San Francisco East Bay area, students were required to read the book Night by Elie Wiesel. However, one teacher opposed that assignment and decided to hand out a pamphlet that claimed to expose a Jewish conspiracy to manipulate the media with a goal of world domination. He also performed a Nazi salute.

Closer to home, in late February 2022, an 8th grade teacher in Chicago Public Schools (CPS) decided to fulfill Illinois' mandate on teaching the Holocaust by reading parts of Hitler's Mein Kampf to students, and then having them create their own Nazi propaganda posters. When the sole Jewish student spoke up to say she was uncomfortable drawing swastikas and to remind the teacher that 6 million Jews were murdered in the Holocaust, the teacher responded by stating that other people died as well. Last Halloween, a principal at Jones College Prep in Chicago was removed after videos surfaced documenting a student goose-stepping in a Nazi-like uniform at the school's Halloween parade and the principal downplayed the incident. At a CPS school in Edgebrook, swastikas were found in the boys' bathroom twice, which led to another protest. During a high school soccer playoff game this past May, a fan from an opposing team said to Deerfield players, "Where is your Jewish star?" and "You should put a Jewish star on your shirt." The principal commended a player who bravely spoke up and stopped the game.

In June, the Decalogue Society's Committee against Anitsemitism and Hate, for which I serve as co-chair, became aware of similar but unreported incidents that occurred at several middle schools in the north and northwest suburbs of Chicago. We were informed that students would tell their teachers (or someone in authority at their school) that an anti-Semitic incident occurred, only to have the teachers brush it aside. Even though the Committee was not at liberty to provide specifics, it sent letters to these schools informing them of the problem and requesting their policies against discrimination and harassment. Some of the schools responded. Others did not. It appears that many schools have policies that cover anti-Semitic incidents, but those policies are not necessarily being followed. This has to change in the near future, and Decalogue should lead the charge to demand full compliance with these policies.

In May 2023, a first-of-its-kind government interagency plan was released. The U.S. National Strategy to Counter Anti-Semitism acknowledges what is happening and includes a strategic goal to reverse the normalization of anitsemitism in K-12 schools. This plan puts schools on notice that they are required to respond to discrimination and harassment against students who are or are perceived to be Jewish under Title VI of the Civil Rights Act of 1964, the law that prohibits discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. This plan involves "Dear Colleague" letters to be sent to schools reminding them of their legal obligations under Title VI, onsite visits to PreK-12 schools to address concerns, assistance on how to file discrimination complaints, engaging partners to create best practices for guiding educators on how to counter anitsemitism, and the creation of a toolkit for parents on how to talk to their children about anitsemitism.

At the Simon Wiesenthal Center, we receive urgent pleas for help from victims of anitsemitism every day, from Buenos Aires, to Paris, to Berlin, New York and, yes, Chicago. One of our most effective tools here in Illinois is the Mobile Museum of Tolerance which encourages students to use their voices to speak up against such hate. The Simon Wiesenthal Center's acclaimed Combat Hate, a digital media literacy workshop, will come to Illinois this fall to engage students to reject online hate and to speak out safely. While it is imperative that our teachers and administrators take these incidents seriously, it is more important that parents, caregivers, elected officials, and community faith leaders realize what is going on and take action. Simon Wiesenthal, who spoke before the Decalogue Society many years ago, warned: Silence is admittance.

Jacqueline Carroll is the Director of the Simon Wiesenthal Center's Mobile Museum of Tolerance. She is also a Decalogue Board member and serves as co-chair of its Committee against Anitsemitism and Hate.

Rosh Hashanah Mitzvah Project
Sunday, September 10, 9:30-10:00am

Decalogue is returning to 820 W. Belle Plaine on Chicago's north side to distribute food packages for Rosh Hashanah. Boxes will be delivered to the building so you do not need your own vehicle - just join us at the appointed time, grab some packages and help bring a Shanah Tovah to the needy of our community. Children of all ages can participate so this is a great opportunity to involve your family in our mitzvah project.

Register by noon Friday, September 8

Dox and the Illinois Courthouse

by Gail Schnitzer Eisenberg and Emilie Washer

A new Illinois law will give victims of the nonconsensual and intentionally harassing disclosure of their personally identifiable information—known colloquially as "doxing" or "doxxing"—the ability to sue their attacker and prevent further disclosures. According to the Anti-Defamation League ("ADL"), which championed the legislation, the purpose of the Civil Liability for Doxing Act is to "fill a significant gap in current Illinois law by giving victims of doxing a voice and deter bad behavior of those looking to take advantage of the evolving cyber landscape."

What is "Doxing"?

"Doxing" is a neologistic abbreviation for "dropping documents," which described a "revenge tactic" from the "hacker culture of the 1990s." The practice of intentionally disclosing private information for the purpose of harassment or violence, however, is much older. In fact, the Sons of Liberty published in their pamphlets and newspaper articles the names of tax collectors and those who would not comply with their Stamp Act boycotts. But with the internet came the ability to hack into troves of personal data and disseminate it both widely and narrowly to those with the ability to exact physical violence on a victim due to geographic proximity. The term gained wider usage with the "Gamergate" harassment campaigns waged against women and "hacktivist" disclosures by groups like Anonymous in the 2010s. Among the most salient incidents of doxing include that of abortion providers, eight of whom have been killed by anti-choice terrorists between 1993 and 2016.

"Doxing," as defined by the Act, is when an "individual intentionally publishes another person's personally identifiable information without" their consent with

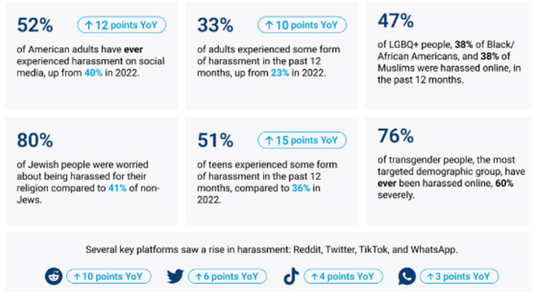
> (1) "the intent that it be used to harm or harass the person whose information is published and with knowledge or reckless disregard that the person whose information is published would be reasonably likely to suffer death, bodily injury, or stalking; and
> "(2) the publishing of the information" actually
> (i) causes the person whose information is published to suffer significant economic injury or emotional distress or to fear serious bodily injury or death of the person or a family or household member of the person; or
> (ii) causes the person whose information is published to suffer a substantial life disruption; and
> (3) the person whose information is published is identifiable from the published personally identifiable information itself."

How does the new law address doxing?

The new law will allow a person who is aggrieved by doxing to bring a civil action in any county in which an element of the offense occurred or where the victim resides against those who committed the offense or anyone who directs others to do so for their benefit. §§ 15(a), 25. Victims can "recover damages and any other appropriate relief, including attorney's fees." § 15(b). This law also allows a court to issue a temporary restraining order, emergency order of protection, or preliminary or permanent injunction to restrain and prevent the disclosure or continued disclosure of a person's personally identifiable information or sensitive personal information provided there is no "lawful or constitutional purpose for continued or further" publication. § 20(a). Defendants are also protected against frivolous or bad faith claims, in which case the court may award costs and fees. § 15(c).

What was the rationale behind the legislation and its revisions?

The ADL began working with State Representative Jennifer Gong-Gershowitz (D-17) and coalition members on this new law in 2022 as the ever-evolving cyber landscape has led to a dramatic increase in online hate in recent years. The ADL's effort is part of their Backspace Hate initiative where the goal is to support victims and targets of online hate and harassment by raising awareness and passing legislation to better hold perpetrators accountable for their actions online. According to its 2023 report: *Online Hate and Harassment: The American Experience*, online hate and harassment has increased year-over-year by nearly every measure and within almost every demographic group:



44% of Jewish people report having experienced online harassment in 2023 with 31% reporting that the harassment was "severe."

Although the term first emerged in the 1990s, there are few cases in this Circuit using the term. Two of the few examples illustrate the line legislation prohibiting doxing has been trying to draw based on the actor's intent. As alleged in one recent case, one professional gamer disclosed another professional gamer's real name, photo, date of birth, girlfriend, and home "address and encouraged his followers to threaten and harass him." *Lord v. Smith*, No. 22 C 2689, 2022 U.S. Dist. LEXIS 225098, at *6, *15 (N.D. Ill. Dec. 14, 2022). The victim received threats of violence against his physical safety, dog, and girlfriend so serious as to warrant police and FBI reports. *Id.* at *19. In another case, non-parties disclosed the plaintiff's connection to white supremacist organizations, which led to protests that plaintiffs asserted the defendants should have stopped. *Dye v. City of Bloomington*, 580 F. Supp. 3d 560, 565 (S.D. Ind. 2022) (granting summary judgment for defendants).

(continued on next page)

The ADL, for example, combats extremists and hate groups by identifying and monitoring individuals who promote dangerous ideologies through their Center on Extremism, while shedding a "light on the power of online harassment" on religious, ethnic, sexual, and racial minorities and women through their Center for Technology and Society. Accordingly, the legislation the ADL champions seeks to address the use of doxing to harass individuals rather than to expose members of hate groups. Interestingly, some of the earliest examples of doxings outside the hacker community involve the disclosure of the personal information of suspected neo-Nazis.

A coalition of organizations joined the ADL, including the Decalogue Society of Lawyers, Jewish United Fund - Jewish Federation of Chicago, SHALVA, the Chinese American Service League, Sikh American Legal Defense and Education Fund (SALDEF), Mujeres Latinas en Accion, the Chicago Urban League, Illinois Association of Chiefs of Police, Planned Parenthood Illinois Action, Mutual Ground, Illinois Coalition Against Domestic Violence, Western Illinois Regional Council-Community Action Agency, Victim Services; Cairo Women's Shelter, Family Rescue, the Quanada Domestic Violence Network, Ascend Justice, the YWCA Evanston North Shore, The Network Advocating Against Domestic Violence, and Illinois NOW.

American Civil Liberties Union ("ACLU") of Illinois raised concerns that the definitions of "publish" and "personally identifiable information" were unconstitutionally overbroad. According to their policy strategist Angela Inzano, the organization was concerned that these definitions would allow individuals to file suit even if the information is shared privately or already publicly available. The ACLU wanted to exempt private information shared with the media, by whistleblowers, and in legitimate protests. Additionally, they wanted to clarify language to protect private communication between two people where the information is not publicly posted, as well as information that is already publicly available. In seeming response, Representative Gong-Gershowitz amended the bill to clarify, among other things, that the definition of "publish" (i.e., making information available to another person) did not apply to two people texting back and forth and deleted a provision that had specified the Act was to be construed liberally.

Incredibly, the bill as amended passed both chambers without a dissenting vote in a rare showing of bipartisanship in Springfield. Governor Pritzker later signed it into law.

How was doxing addressed civilly before this bill?

Before this cause of action, creative litigators used various torts to seek redress for damages caused by doxing, each with their own drawbacks. Where the doxing caused the victim severe emotional distress, a claim could be made for intentional infliction of emotional distress ("IIED"). *Lord*, 2022 U.S. Dist. LEXIS 225098, at *19-20; *Vangheluwe v. Got News*, LLC, 365 F. Supp. 3d 850, 861 (E.D. Mich. 2019) (tweeting home address and vehicle information of plaintiff who was falsely accused of killing Heather Heyer at the 2017 Unite the Right rally). But proving that a defendant's behavior was "extreme and outrageous," as IIED requires, can be difficult. *Public Finance Corp. v. Davis*, 66 Ill. 2d 85, 89-90 (1976). That determination is made on a case-by-case basis. *Knieriem v. Izzo*, 22 Ill. 2d 73, 86 (1961). A threat in and of itself is insufficient. *Knieriem*, 22 Ill. 2d at 86; *Public Finance*, 66 Ill. 2d at 89-90.

In another case, the owner of a dog-breeding software business claimed tortious interference and civil conspiracy based on the defendant's listing the owner's "address and urg[ing] readers to harass him." *Tamburo v. Dworkin*, 601 F.3d 693, 697 (7th Cir. 2010). The trial court later dismissed the civil conspiracy claim as duplicative of the underlying torts. No. 04 C 3317, 2010 U.S. Dist. LEXIS 137817, at *28 (N.D. Ill. Dec. 29, 2010). Of course, tortious interference claims would only be viable where the victim could point to an existing contract or reasonable expectation of a business relationship with a specific third party. Because the owner failed to produce evidence of either, the court granted summary judgment. 974 F. Supp. 2d 1199, 1210-11 (N.D. Ill. 2013)

Another option would have been an invasion of privacy tort for the public disclosure of private facts. *See Trendmood, Inc. v. Rabinowitz*, No. 2:20-cv-10877-MCS-RAO, 2021 U.S. Dist. LEXIS 165933, at *10 (C.D. Cal. Aug. 31, 2021) (suggesting that doxing could give rise to the civil tort in discussing whether accusing another of doxing was defamatory). But that claim requires that the facts publicized be not only "private, and not public facts" but "highly offensive to a reasonable person." *Miller v. Motorola, Inc.*, 202 Ill. App. 3d 976, 560 N.E.2d 900, 902 (1990). Addresses, names, etc., particularly if found via public sources, may not fit the bill. *Blaise v. Transworld Systems*, No. 21-cv-05791, 2022 U.S. Dist. LEXIS 156773, at *18 (N.D. Ill. Aug. 30, 2022) ("The Court is not aware of any cases applying state law in which a plaintiff has sustained an invasion of privacy claim based upon the disclosure of a personal email address only"); *Schmidt v. Ameritech Corp.*, No. 95 C 5611, 1996 U.S. Dist. LEXIS 3998, at *6 (N.D. Ill. Mar. 29, 1996) (concluding that disclosure of a phone number insufficiently intimate of information to underly tort).

Areas for future legislation or litigation in this area?

As the ACLU's opposition noted, there are First Amendment concerns to proposed and enacted doxing legislation as more states continue to pass laws that criminalize or penalize doxing. For instance, the authors of "Thinking Outside the Dox: The First Amendment and the Right to Disclose Personal Information" concluded that most of the proposed and enacted "anti-doxing" legislation are constitutionally infirm and prohibit behaviors that should not be illegal (*e.g.*, free speech and press). The authors stated that these enactments punish the disclosure of what they think is harmless, everyday public information such as office phone numbers and email addresses of government officials. One could certainly contemplate that a citizen might disseminate a public official's contact information with the intent of petitioning them in their official capacity.

(continued on page 14)

Dox and the Illinois Courthouse *(cont'd)*

Of course, the new law disavows any intent to reach protected speech. Section 5 excludes protest or other protected conduct from the definition of "stalking." Section 10(b) exempts from the definition of "doxing' disclosures made in connection with "reporting of conduct reasonably believed to be unlawful" or constitutionally protected "speech, press, assembly, protest, and petition." Section 10(c) instructs that "[n]othing in this Act shall be construed in any manner to:…(3) prohibit any activity protected under the Constitution of the United States or the Illinois Constitution." Finally, Section 30 clarifies that "The General Assembly does not intend this Act to allow, and this Act shall not allow, actions to be brought against constitutionally protected activity." The concern is whether the Act itself would chill protected activity even if enforcement would not be found based upon it.

Moreover, Illinois already has an Anti-SLAPP ("Strategic Lawsuits Against Public Participation") statute on the books that may address some of those concerns as they relate to the "rights of petition, speech, association, or otherwise participate in government." 735 ILCS 110/15. Under Illinois's Citizen Participation Act, "Acts in furtherance of the constitutional rights to petition, speech, association, and participation in government are immune from liability, regardless of intent or purpose, except when not genuinely aimed at procuring favorable government action, result, or outcome." 735 ILCS 110/15.

But the anti-SLAPP statute will not bar meritorious claims under the new statute. It was the legislature's intent to balance "the defendants' constitutional rights of free speech and petition," and the "plaintiff's constitutional right of access to the courts." *Sandholm v. Kuecker*, 2012 IL 111443, ¶ 49, 962 N.E.2d 418; *see Prakash v. Parulekar*, 2020 IL App (1st) 191819, ¶ 35 (reversing Anti-SLAPP dismissal where plaintiff "genuinely sought relief for damages for the alleged IIED and defamation per se by defendant" where defendant, among other things, sent third parties emails containing plaintiff's private and confidential family information).

Additionally, the line separating public and private information sharing is becoming more blurred, and situations may have to be determined on a case-by-case basis as the internet has made it easier to both find and release private information to a wide audience. For example, companies such as Venmo have default settings that make one's transaction history public.

The new Illinois law is not the last we will hear about doxing legislation either. The ADL, for instance, advocates "outlawing doxing at the federal level would ensure that perpetrators of doxing are held responsible in all jurisdictions and can serve as an important deterrent for those considering doxng." A national law would ensure that individuals' protection from insidious online hate is not dependent on their zip code and is in line with how our country has addressed other kinds of discrimination and harassment under our civil rights laws including the Civil Rights, Americans with Disabilities, and the Age Discrimination and Employment Acts. Other aspects of internet communications are also dealt with on the federal level such as the Communications Decency Act given interstate commerce issues. And cyberstalking through the internet is already a federal crime. 18 U.S.C. § 2261A(2). But the numerous bills that have been introduced meant to protect particular groups from doxing attacks, including judges, do not seem to be moving through Congress at any clip. Given the surprisingly low prosecution rates for cyberstalking, Illinois's new civil law will certainly be an important new tool in the fight against doxing while we wait patiently for such federal legislation.

Gail Schnitzer Eisenberg is the head of the Employment Practice at Loftus & Eisenberg, Ltd. MyEmployeeAdvocate.com. She co-chairs the Legislative Committee of the Decalogue Society of Lawyers. Emilie Washer is a JD candidate at Lewis & Clark Law School.

Effective Oral Advocacy

by John M. Fitzgerald

Appellate oral advocacy is an art form. Needless to say, to be an effective advocate at appellate oral argument, one must have a keen understanding of the record on appeal, the arguments raised in the briefs, and the principal cases on which each side relies. But more than that is required. An effective advocate must bear a few principles in mind. They are summarized below.

- **Understand your adversary's arguments:** Lincoln famously said that he always understood his adversary's case better than his adversary did. At the risk of stating the obvious, Lincoln was a wise lawyer. You need to understand how your adversary views the case, the points that your adversary is likely to make, and your adversary's overall strategy. Study your adversary's brief carefully and ask yourself what you would do if you stood in his or her shoes.

- **Understand how a dispassionate judge might view your arguments:** This case has been a part of your daily life for months, possibly years. Consequently, your perspective is likely to be different from that of a judge who is duty-bound to decide a large number of appeals that arise out of a wide variety of factual and legal contexts. Fundamentally, the judge wants to reach an outcome that accords with his or her sense of fairness, and not just in this case, but also in the untold number of cases to come. What rule of law are you asking the appellate court to embrace? And how will that rule be applied in future cases, including in cases with similar but not quite identical fact patterns? You are concerned only with the outcome for your client in this particular case. A judge needs to reach an outcome that will set a fair and workable precedent for future cases. You need to persuade the appellate court that the outcome you want will set a fair and workable precedent and, conversely, the outcome your adversary prefers would sow chaos, confusion, and injustice in future cases. Finally, be prepared for the very real possibility that the appellate justices will view the issues in the case very differently from howthan either party does. It is not unusual for both parties' attorneys to be surprised by, and unprepared for, the questions they were asked at oral argument.

- **Don't just recap the record or the cases:** The appellate judges or justices have read the briefs and the key cases, and they are familiar with the record. Don't waste time by excessively going over facts and cases with which they are already familiar. Get to the point: Why is it fair and just that your client should win?

- **Practice, practice, and more practice:** Write your outline well in advance, and keep revising it as you get new and better ideas. It is not unusual for me to revise my outline half a dozen times or more before the argument. Moot the argument with your colleagues, friends, and willing family members. I once mooted an appellate oral argument with my daughter, who was 12 years old at the time. She gave me helpful feedback. Moot the case with people who aren't already familiar with the case. You need their fresh perspective.

- **Don't just read from your outline:** You will spend hours and hours drafting, revising, rewriting, and polishing your outline. But the goal is not to have a perfect outline. The goal is to learn something valuable from the process of creating the outline, to sharpen your thought process about the argument, and to study the facts and the law to the point of memorizing the most important points. So don't be afraid to improve in your argument. You do not need to stick to your outline.

  In fact, sticking to your outline (no matter how wonderful your outline may be) can be the worst approach to oral argument. There is a reason why Illinois Supreme Court Rule 352(c) prohibits advocates from just reading out loud. That is not argument. It is recitation. Your outline is a useful tool for organizing your thoughts. But you want the argument to be a conversation with the justices. It is difficult to have a meaningful conversation with someone who is just reading from a script.

  The justices' questions will probably force you to depart from your outline. After all, the justices will not ask their questions in precisely the same order in which you have outlined your arguments. One unfortunate lawyer learned this the hard way. That lawyer was on the first point of his outline, and suddenly he was asked a question about one of the later points on his outline. "I will get to that point later, Your Honor," he replied. (Never say that.) The indignant appellate court justice stood up, walked out of the courtroom mid-argument, and loudly asked his two colleagues to fetch him when the lawyer reached that point.

- **Keep your outline simple:** It is not your brief. It is not a law school outline. It is just a tool for organizing your thoughts. Keep it no more than a few pages long. An overly long or complex outline will defeat the purpose of keeping you on track when you are in the thick of it.

- **Listen carefully:** Your most important objective is to persuasively answer the justices' or judges' questions. So listen carefully to the questions you are asked. If you don't hear or don't fully understand a question, don't hesitate to ask for the question to be repeated or further explained. It is far better to request clarification than to answer a question that was not actually asked.

- **Keep your cool:** You will be asked difficult questions. You may be asked questions in a skeptical or confrontational tone. Don't let that bother you. The court is duty-bound to view each side's arguments with professional skepticism and to probe the weaknesses in each side's position. If necessary, take a breath. Don't take harsh questions personally. Instead, view them as an opportunity to show that you have ready and sensible answers for even the toughest questions about your client's position. And tough questions don't necessarily indicate that a particular judge is leaning in a particular direction. Also, when you are interrupted, stop talking immediately. Never, ever talk over a judge.

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Effective Oral Advocacy *(cont'd)*

- **Mind the time:** This is sometimes the biggest challenge. Rehearsing your arguments ahead of time will help with this by giving you a strong sense of how much time each argument requires. If you run out of time mid-answer, ask the Court if you may finish your answer. That request will almost certainly be granted.

- **Answer questions directly:** Few things in life are more annoying than evasive answers. Try to answer most questions with a "yes," a "no," or something equally direct and responsive, even if it's a "yes, but …"

- **Don't fight hypotheticals:** The judges are trying to figure out how a certain rule will apply in cases that are different from yours. Work with them, and help them understand why the rule your client prefers will produce fair results in future cases.

- ***If you are the appellant, reserve time for rebuttal.*** This is critically important. Listen carefully to the appellee's argument and tear it apart on rebuttal.

- ***At the end, specify the relief you are requesting.*** It's always helpful to end by reminding the Court what relief your client is requesting.

John Fitzgerald is a partner in the Chicago law firm of Tabet, DiVito & Rothstein, where he focuses his practice in commercial, constitutional, and governmental litigation; John served as the 53rd President of the Appellate Lawyers Association.

89th Annual Installation & Awards Dinner

89th Annual Installation & Awards Dinner

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Strict Foreclosure of State Tax Liens Declared Unconstitutional

by Michael H. Traison, Jennifer Hanna, and Joshua S. Kreitzer

The United States Supreme Court has ruled that "strict foreclosure" of state tax liens resulting in forfeiture to the state of all the owner's equity, even beyond the tax debt, constitutes a violation of the Takings Clause of the Fifth Amendment of the Constitution. This decision resolves a conflict between rulings of the Courts of Appeal for the Sixth and Eighth Circuits. Some may also view this unanimous decision as remarkable for the unity among the justices at a time when the political orientation of the court has been the subject of increasingly intense discussion.

The case, *Tyler v. Hennepin County*, 598 U.S. 631 (2023), involved a woman named Geraldine Tyler, now 94 years old, who had owned a condominium in Minneapolis. After she moved to a senior community, her property tax bills for the condo went unpaid, resulting in the accrual of over $15,000 in unpaid taxes, interest, and penalties. In accordance with Minnesota law, the county obtained a judgment against the property, which transferred gave the state a limited title to the condo. Tyler then had three years in which to redeem the property and regain full ownership by paying all of the back taxes and late fees, but did not do so.

Under Minnesota law, when the three-year period expired, the state acquired absolute title to the property, allowing the state to sell the condo. Any proceeds beyond the tax debt would be divided among the county, the town, and the school district where the property was located. As it turned out, Tyler's condominium was sold for $40,000, leaving a surplus of approximately $25,000 beyond her tax debt – but she was not entitled to any of the surplus.

Tyler sued the county, claiming that the county's retaining the excess value of her home above the tax debt violated both the Takings Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment. However, the District Court dismissed her claim and the Eighth Circuit Court of Appeals affirmed the dismissal, stating that no unconstitutional taking had occurred because state law did recognize a property interest in surplus proceeds from a tax foreclosure sale conducted after adequate notice to the owner, nor was the forfeiture a fine.

The Supreme Court agreed to hear the case. Recognizing the importance of this decision in not only vindicating the rights of homeowners, but in its resolution of a recently developed circuit split, the Court allowed two hours for argument. Notably, amici curiae filing briefs in support of Tyler included eight states and a variety of liberal, conservative, and libertarian organizations, ranging from the ACLU, the AARP, the National Legal Aid and Defenders Association and Public Citizen to the Cato Institute and the National Taxpayers Union Foundation. Besides Minnesota itself, only two other states filed amicus briefs in support of Hennepin County, with most of the other briefs in its support coming from organizations representing local governments.

Not only did Tyler's supporters cross ideological lines, so did the Court itself, as Chief Justice John Roberts delivered the opinion for a unanimous Court. The Court stated that while state law is an important source of law for defining what "property" is under the Takings Clause, a state cannot be allowed to "sidestep the Takings Clause by disavowing traditional property interests in assets it wishes to appropriate." Rather, the definition of property must also look to traditional property law principles, historical practice and the Court's precedents.

The Court described the principle "that a government may not take more from a taxpayer than she owes" as dating back to 1215, when the Magna Carta provided that a sheriff could take the property of a deceased person with a debt to the Crown "until the debt which is evident shall be fully paid to us; and the residue shall be left to the executors to fulfill the will of the deceased." Similar principles applied when property was sold to pay a tax debt in English statutory and common law, as well as Federal and state laws in the United States dating back to the 18th century. Supreme Court precedents also recognized the principle that a taxpayer is entitled to the surplus in excess of the debt owed, and so did the laws of 36 states.

Although the County relied upon a 1956 Supreme Court case, *Nelson v. City of New York*, 352 U.S. 103 (1956), in support of its retention of the surplus, the Court distinguished that case. In *Nelson*, New York City had foreclosed on properties for unpaid water bills and was allowed to retain the surplus; however, in that case, unlike in *Tyler*, the former property owners had been allowed a short time in which to ask for the surplus from a tax sale but had failed to do so. The Court also noted that in other contexts, such as the foreclosure of a mortgage, Minnesota already provided that a property owner is entitled to the surplus from the sale of her property. The Court commented, "A taxpayer who loses her $40,000 house to the State to fulfill a $15,000 tax debt has made a far greater contribution to the public fisc than she owed. The taxpayer must render unto Caesar what is Caesar's, but no more," and reversed the Eighth Circuit's decision.

While the Court did not rule on the Excessive Fines Clause issue, as the decision on the Takings Clause had resolved the case in Tyler's favor, Justice Gorsuch, joined by Justice Jackson, filed a concurrence suggesting that the Minnesota tax forfeiture scheme was punitive, not solely remedial, and could also constitute an excessive fine.

The decision in *Tyler* may do more than just resolve the recently created circuit split—it has the capacity to change well-established foreclosure laws across the country.

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Groff v. DeJoy: Religious Freedom Meets the Post Office

by Hon. James A. Shapiro

Gerald Groff was a rural mailman from 2012 until 2019. He is an Evangelical Protestant Christian and observes Sunday as the Sabbath. As a result, his religion requires him to rest and worship on Sundays instead of working.

In 2013, Amazon contracted to have the United States Postal Service to deliver its packages, including on Sundays. Groff told the Postal Service of his inability to work on Sundays because of religious observance. The Postal Service accommodated his religious requirements by allowing him not to work on Sunday to the extent he covered other shifts throughout the week.

But starting in May 2016, a Memorandum of Understanding (MOU) between the Postal Service and the National Rural Letter Carriers' Association only allowed an exemption for work on Sunday on two conditions: (1) the person had applied for leave on that day; and (2) the person would have exceeded the limit of 40 hours of work that week on Sunday.

The MOU did not provide Groff with a religious exemption to working on Sundays. As a result, the Postal Service again tried to accommodate him by transferring him to a smaller station that did not fulfill Amazon deliveries.

However, like the larger station, the smaller station also started Sunday Amazon deliveries in March 2017. The postmaster at the smaller station offered to allow Groff to pray on Sunday morning before returning to work later in the day, but Groff declined the offer.

During the peak season of 2017, another mail carrier volunteered to take over Groff's shifts on Sundays, but that worker fell ill, leaving the rest of the mail carriers and the postmaster to be additionally burdened to take over delivery on Sundays.

Groff continued to be absent from his scheduled work on Sundays after the 2017 peak season and the Postal Service punished him for it. He then filed a complaint asking the Postal Service to transfer him to a job that did not require him to work on Sundays. The Postal Service promptly denied his complaint, because apparently no position in the Postal Service had such an exemption.

Groff eventually resigned in 2019 and sued the Postal Service for two reasons: (1) he had received "disparate treatment" due to his religion; and (2) the Postal Service failed to accommodate his religion. He filed suit in the U.S. District Court for the Eastern District of Pennsylvania, arguing that the Postal Service discriminated against him.

Groff first argued that he had direct evidence that the Postal Service discriminated against him. However, the court found the direct evidence Groff provided against the Postal Service to be insufficient.

The district court therefore applied the burden-shifting test from *McDonnell Douglas v. Green*, 411 U.S. 792 (1973), which placed the burden on the plaintiff, Groff, to show there was a prima facie case of religious discrimination, which he did show. The burden then shifted to the Postal Service to show there was a non-discriminatory reason to treat him the way it did. The Postal Service did so by proving the importance of Amazon delivery on Sunday due to the Postal Service's notoriously poor financial situation. The burden then shifted back to the plaintiff to prove that nondiscriminatory reason was a pretext. Groff failed to prove that. Therefore, the district court rejected his first argument.

The district court also rejected his second argument (failure to accommodate), finding that the employer did not need to entirely rectify the conflict in order to accommodate him. It also found that Groff's request added an undue hardship on the Postal Service. The district court added that satisfying Groff's demands would have been more than a *de minimis* burden, as set forth in *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977).

Groff appealed to the Third Circuit, which affirmed the district court's decision by a 2–1 vote. Groff then petitioned the Supreme Court for a writ of certiorari.

Groff argued that lower courts should follow the jurisprudence under the Americans with Disabilities Act to compel companies to accommodate an employee's religious exemption from work. Conversely, the Postal Service argued that the Equal Employment Opportunity Commission's construction of *Hardison* was "basically correct."

The Supreme Court found the government's argument went "too far" and squarely rejected it. *Groff v. DeJoy*, 600 U.S. ___ (2023). The Court unanimously reversed and remanded back to the Third Circuit. Its opinion clarified that Title VII's standard of "undue hardship" does not mean de minimis. The ruling states that "undue hardship is very different from *de minimis*" and that an employer even "showing more than *de minimis* cost" in providing religious accommodation "does not suffice to establish undue hardship."

This ruling places an additional onus on the employer to prove that the burden placed on it to accommodate an employee's religious needs is "substantial in the overall context of an employer's business" to deny that employee's religious needs.

Groff obviously has implications for observant Jewish employees who are *shomer Shabbos*. Employers cannot deny Sabbath-observant Jews reasonable accommodation for their religion absent some kind of truly undue hardship that results in "substantial increased costs" for the employer.

The Honorable James A. Shapiro is a Cook County Circuit Court Judge assigned to the Domestic Relations division and is a past president of the Decalogue Society.

Israel's Judicial Reform

by Adv. A. Amos Fried

Imagine the following ludicrous scenario. Upon his inauguration, the President of the United States makes an important announcement: after reviewing the matter with great seriousness, intense deliberation and judicious exercise of executive discretion, the president has decided to appoint as his Secretary of the Treasury none other than the infamous fraudster Bernie Madoff (for the purposes of this exercise, let's assume he's still alive). No doubt, the public outrage would be deafening. Even in today's politically polarized America, the demand to retract such an outrageous decision would cross party lines and envelope all segments of society. In an unprecedented demonstration of public unity, concerned citizens, community activists, academicians and legal scholars of all sorts would join together to denounce such an outlandish effort.

Eventually the objection to this atrocity could make its way to the courts, all the way up to the Supreme Court of the United States. Appointing this convicted felon to any cabinet post, all the more so as Secretary of the Treasury, is the most deplorable executive act since the egregious internment of Japanese Americans during World War II, the petitioners would argue emphatically. It defies all reason, is an offense to the principle of decency, and simply doesn't make sense.

With grave countenance, the Supreme Court justices would listen attentively to the arguments, surprised to hear that even the solicitor general, purportedly representing the administration, wholeheartedly agreed with the petitioners. Everyone would be quite satisfied that this foolish appointment should and must be roundly defeated by the court.

But then one of the justices (the choice is yours) would quietly direct a query to both parties: "Madams, Sirs, kindly enlighten us as to one acute matter of law. Where in the Constitution are we, public servants of the United States judiciary, authorized to overturn executive decisions on the grounds of their being 'unreasonable, improper or indecent'?"

The attorneys would be utterly taken aback, baffled by the very question. They would quickly shift through their papers, frantically demanding from their clerks to bring them a copy of the Constitution, on the double! Article III would be laid before them. Hmmm. No mention of "reasonableness." Neither "decency" nor "common sense," for that matter. The minutes would pass, the justices' patience would begin to wear thin ….

A preposterous scenario indeed. But what if the justices would instruct the attorneys to halt their search: "Ladies, gentlemen, there's no use in your perusing the Constitution to find the answer to our question – because the answer will not be found there. The authority of this court to overturn a duly enacted executive order is founded upon our own personal impression that the matter in question is unreasonable, i.e. that no reasonable president would institute such an appointment, and therefore we rule that it is null and void."

Which part of the above narrative is more absurd – the president's foolhardy cabinet appointment, or the Supreme Court's ruling extracted *ex nihilo* out of thin air?

Well, in Israel, both situations are par for the course. The prime minister, chief of the executive branch, can decide to appoint a convicted felon as his finance minister, and Israel's Supreme Court can annul the appointment simply on the grounds that in their eyes, it is unreasonable. That is exactly what happened shortly after Benjamin Netanyahu was re-elected prime minister in November 2022 and decided to appoint Aryeh Deri, leader of the Shas party, as minister of finance. Barely a year prior to that, Deri had pleaded guilty to a variety of tax offenses, including failure to report income, underreporting the value of property, and tax evasion. As a result of a plea bargain, Deri received a year's suspended sentence and was ordered to pay a fine of NIS 180,000 (approx. $52,000). It should be noted that back in 2000, Deri had been convicted of taking $155,000 in bribes while serving as the interior minister, and was sentenced to three years in prison (of which he served 22 months). So too, during another stint as interior minister in 2003, Deri was again convicted of breaching the public trust for improperly arranging a NIS 400,000 grant to his brother's nonprofit association and was penalized with a three month's suspended sentence plus a fine of NIS 10,000.

With the conclusion of his most recent criminal case at the beginning of 2022, Deri resigned from the Knesset and thus the Attorney General refrained from arguing that this particular conviction carried with it the stain of "moral turpitude," which would have prevented him from serving as a cabinet minister for seven years.

But then Israel held new elections, and Deri's Shas party, which he once again led, received 11 out of 120 seats in the Knesset. Prime Minister Netanyahu cobbled together a coalition of 64 members and decided to appoint Deri as both the finance minister and the health minister. Several petitions were immediately submitted to Israel's Supreme Court, maintaining – primarily – that such an appointment was tainted with "severe unreasonableness" in light of Deri's criminal record, and therefore should be declared null and void. To no one's surprise, the current Attorney General, appointed by the previous government, thoroughly agreed with the petitioners that this executive order must be defeated on account of its "extreme unreasonableness."

Unreasonable, you say? Over 2.3 million citizens of Israel voted for Netanyahu and his coalition partners, out of which nearly 400,000 voted for Shas with Deri at its head. With all due respect, the respondents replied, who gave a panel of unelected judges the authority to negate a decision that the majority of Israelis see not only as perfectly reasonable, but as a direct expression of their democratic right to choose the country's leaders? Clearly, no such prerogative exists under statute; hence the entire issue should be considered non-adjudicable to begin with. Yet here is where the respondents were proven sorely mistaken. The court's majority ruled that it is a long-standing rule of judicial fiat, that the Supreme Court is indeed empowered to annul executive acts and decisions on the grounds of their extreme unreasonableness – as perceived by the sitting justices.

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Israel's Judicial Reform *(cont'd)*

Ostensibly adopted from common law principles during the British Mandate prior to the country's founding, Israel's Supreme Court has incrementally expanded its capacity to apply the "the rule of reason" for the purposes of judicial review. Despite the fact that Israel has no formal constitution but rather a series of "Basic Laws," the High Court of Justice is fond of declaring a vast array of laws and state actions as "unconstitutional."

Leading this effort of judicial expansion was Aharon Barak, who served on the Supreme Court from 1978 to 2006 (and was appointed Chief Justice in 1995). In a series of seminal (not to mention controversial) opinions, Barak and his associates eagerly demonstrated their self-endorsed judicial powers by overturning a variety of executive and legislative acts and decisions, including (to name but a few): the Attorney General's decision not to prosecute the banking executives responsible for the financial crisis of 1983; the defense minister's refusal to allow representatives of the Red Cross to visit terrorists held by Israel; the interior minister's denial of a visa to a BDS activist; the Tel Aviv municipality's non-recognition of an anthroposophy grade school; and the appointment of numerous government officials and cabinet ministers.

It is exactly this kind of judicial activism (or what Judge Richard Posner, formerly of the U.S. Court of Appeals for the Seventh Circuit, has referred to as "judicial piracy") that Israel's recent judicial reform is aimed at curtailing.

The latest amendment to Israel's "Basic Law: The Judiciary," adopted in July 2023, is expressly intended to abolish the grounds of "unreasonableness" as a means to overrule the government, and reads as follows: "Notwithstanding what is stated in this Basic Law, those who have judicial authority under the law, including the Supreme Court in its capacity as the High Court of Justice, shall not rule as to the reasonableness of a decision of the government, the prime minister or another minister, and shall not issue an order in such matters; in this section, 'decision' – any decision, including matters of appointments or a decision to refrain from exercising any authority."

What's so unreasonable about that? For one, opponents argue that the entire proposed judicial reform, and this first component in particular, will undermine the very foundations of Israel's democratic order. "Eliminating the standard of reasonableness would be another step towards giving the government unlimited power," decries the far-left Israel Democracy Institute. And from there things will just get worse – corruption will run rampant; human rights will be trampled; arbitrary, irrational governing will be the order of the day. Perhaps the most peculiar of these criticisms expresses the fear that denying the court the authority to rule on the grounds of "reasonableness" will subvert the system of checks and balances inherent in the proper functioning of a democracy. But this is precisely what the proponents of the reform are themselves declaring – that it is none other than the Supreme Court which has disregarded the principle of separation of powers, essentially usurping the authority to decide matters of public policy, weigh security considerations, navigate such delicate issues as dealing with terrorism, illegal immigration, army recruitment amongst ultra-Orthodox citizens, budgetary management, and much more. Indeed, under the guise of "reasonableness," the Justices have replaced the legislative and executive branches' efforts to govern with their own personal political proclivities. After all, who are they to decide that their subjective perception of "reasonable" is more reasonable than that of the country's democratically elected leaders? This is especially so when addressing non-legal issues well beyond the scope of the court's mandate – the more the justices involve themselves in patently political disputes normally relegated to public debate, the more the court is seen as just another power-hungry political player.

Furthermore, the proposed judicial reform by no means negates the courts' jurisdiction to review legislation and administrative acts. Even after the latest amendment to the "Basic Law: The Judiciary," the Court will still be authorized to annul legislation, executive orders and administrative decisions made without authority, in violation of the law, in violation of rights or out of extraneous considerations and discrimination. Section 8 of the "Basic Law: Human Dignity and Liberty," along with Section 4 of the "Basic Law: Freedom of Occupation," provide that a series of fundamental human rights shall not be violated "save by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required …." In fact, this is one of the main critiques voiced by some on the right as to the eventual ineffectiveness of merely denying the court from applying its own value-subjective standard of "reasonableness." Without too much effort, the Justices will have no problem reaching the very same obstructive conclusions simply by relying on the powers they've already appropriated for themselves by means of expansively liberal interpretations of the above two Basic Laws.

Hence, full implementation of the proposed judicial reform has only just begun, with abolition of the "reasonableness" standard serving solely as the first step. Eventually the reform is envisioned to include redesigning how judges of the Supreme Court are appointed, regulating the functions and authority of the Attorney General's office, and establishing the mechanism of judicial review on the one hand, while providing for an override clause allowing the Knesset, under specific conditions, to reject the Supreme Court's interpretation of Basic Laws, on the other.

This article is the first in a series. Future installments shall discuss these additional measures as they are enacted and challenged before the courts.

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Judges' Trip to Israel

by Justice Eileen O'Neill Burke (Ret.)

The Illinois Judges Association delegation to the State of Israel gave me an opportunity to learn from religious history, draw closer to my judicial colleagues and renew my dedication to our democratic justice system. Shalom al Yisrael. I hope to return one day.

The 20 Judges, and 15 spouses and guests landed in Tel Aviv on March 18th. Justice Mike Hyman and Judge Moshe Jacobius planned a superb trip covering all the sights. What they didn't plan was that we would be in Israel during the most challenging time for Israel's judiciary.

Even upon departure from Chicago, I knew that this trip was different. We went through an additional security screening and were separated from the rest of the airport. Upon arrival in Tel Aviv, we could see the evidence of a booming economy. Sky cranes filled the horizon, highlighting the building boom. The first day we learned how this was a land of nothing, that became something through sheer grit and determination. A world class city emerged in a short amount of time.

I knew I would see history and culture, but I wasn't prepared for the food! We did a tour of Levitsky Market, and sampled food till we were ready to burst. Each market stall better than the last.

We headed to Nazareth, our first stop, a visit to the Nazareth Courts. It was housed in a modern, airy building. We were anxious to hear how the judges were reacting to the pending legislation limiting their powers. The judges were united in their support of the Chief Judge's statement condemning the legislation. Many of their litigants are immigrants with little or no experience of a democracy. Because they do not have a constitution, the legal system is still considered "under construction." We left there being envious of their seamless electronic docket system.

Early the next day, we headed to the Syrian border and got a firsthand look at the area of the 6- Day War. In the same area, we went to the Banias Waterfall, which is the area where Jesus said to Peter, "… upon this rock I build my church," a significant milestone in Christianity. After another delicious meal, we headed to an Israeli Defense Force base and were able to visit with the soldiers. It struck me how young they are and how deeply committed they are to the defense of their nation.

The next day, most went on to Capernaum and saw the significant sites of Jesus' ministry. Some went to Zefat, the place where Kabala originated. In the evening, we were treated to a dinner at an Ethiopian restaurant. We listened to their harrowing tale of the Ethiopian Jews escaping starvation in Ethiopia, to a Sudanese refugee camp, where Mosad agents rescued them and brought them to Israel. The required dancing afterwards was not my strong suit.

We headed up to Masada via bus, and only Dan Hyman, Mike's brother, had the temerity to hike up. It was hard to believe that people lived and survived here during the Roman onslaught. We headed to the Dead Sea, and it is truly an experience that I will never forget. The Dead Sea has retreated over a mile, leaving sink holes in its wake. I'm hoping that Israeli ingenuity will solve this dilemma and this national treasure will survive for future travelers.

Judge Abbey Fishman Romanek lead us in prayer for our Shabbat dinner that evening. It was a beautiful way to end a beautiful day. I have always admired Abbey as a colleague and a friend. It was moving to see the roles her Jewish faith and identity play in her life.

There is no place in the entire world like the Old City of Jerusalem. As we stood in the courtyard of the Church of the Holy Sepulchre, the place where Christians believe Jesus was crucified, there was the sound of the Muslim call to prayers, Christians singing songs about Jesus, Jews praying at the nearby Western Wall, the Armenian pope procession led by banging brass poles on the ground, Greeks chanting prayers. This cacophony of noise made the entire experience surreal and confirmed that this is truly a special and fascinating place.

At night, we went to the tunnels under the Western Wall and placed our prayers into the wall. We walked on the original streets that were present during the time of Jesus. We were able to see and touch layers upon layers of human history.

As someone who was raised Christian, I found the entire country fascinating, but I gained an entirely new and deeper understanding of Israel after our visit to the Yad Vashem museum. The museum walks visitors through the Holocaust. The experience brought an unforgettable image of what Israel represents and what it took to come into existence.

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Judges' Trip to Israel

The highlight of the trip for many of us was our visit to the Israeli Supreme Court. At the time of our visit, the streets were filling with protesters, and the country shutting down with strikes attempting to stop the legislature from enacting laws which would curtail the court's powers in a myriad of ways. Perhaps the most significant provision stated, that the Supreme Court would be prohibited from striking down any legislation, in effect, barring legislative review.

The Supreme Court is filled with visual representations of legal concepts. Courts in biblical times were situated at the gates of the city. he court building was orientated to face the gates of old Jerusalem. The building opens into a grand staircase that is comprised of 10 steps in three groupings. The three groups represent three separate but equal branches of government. The 10 steps in each group represent the 10 commandments. At the top of the stairs is a wall of windows which frames the sky, symbolizing that justice flows from the heavens. The five courtrooms symbolize the Five Books of Moses.

There is no constitution, and the court looks to other bodies of law from around the world. We saw North Eastern Reporters front and center in the law library. Throughout the building are biblical symbols of truth and justice. Over the threshold was this quote, "You will appoint judges and officers in all your gates … and they will judge people with a just judgment." Deuteronomy 16:18.

As we left the country, the strikes and protests had their intended effect and the proposed Judicial legislation was tabled. However, the legislation has now passed.

We began our own judicial independence project through the Illinois Judges Association last year. At that time, judges were getting attacked for being progressive or conservative. Our project attempted to redirect the questioning of judges qualifications, not to how we align politically, but how we do our jobs. We asked the public to evaluate us on whether we are fair, on whether we follow the law, on whether we exercise sound judgment. If we succumb to allowing our judiciary to be painted into political corners we are at risk of collapsing the bedrock principle of our democracy, the separation of powers, the system of checks and balances.

We did not intend to be in Israel during a reckoning with their own role of their judiciary in their democracy. But we were. We came home with a better understanding of how important it is for our own country to adhere to the principle of a independent judiciary. The theme of the Illinois Judges Association this year is "Judicial Independence- The Bulwark of our Democracy. Celebrate our Past, Defend it Today." The timing could not be better.

Justice Eileen O'Neill Burke (Ret.) is Past President of the Illinois Judges Association and a Democratic Candidate for Cook County State's Attorney.

Confessions of a *Kibbitzer*

by Jamie Shapiro

Have you noticed those annoying people who talk, or *kibbitz*, in the middle of important presentations such as President Goldish's and First Vice President Bruckman's magnificently choreographed celebration of Jewish veterans that occurred a few months ago? Well, I confess I am one of those *kibbitzers*—and here is my *mea culpa* (or *al chet* as the case may be).

It's not that we *kibbitzers* are trying to be rude, or are even cognizant of being rude, by yapping during these most important events. In fact, if the rest of the *kibbitzers* are anything like me, we don't even know anyone can hear us. We are usually standing in the back of the room and at least trying to speak in hushed tones so the rest of you can't hear us. But apparently you can, because I/we've been called out on it. The irony is that this *kibbitzer* actually WANTS to hear the program. We want to have our cake and eat it too by being able to *kibbitz* AND listen to the festivities at the same time. But it's no use.

I actually felt bad about missing out on most (though not quite all) of the veterans' presentation (even Judge Wadas's apparent stemwinder). Even more recently, I missed out on virtually all the presentations at the Hellenic Bar Association's judges' night when I was in the back of the Hellenic Museum catching up with friends. And I was outside on the "kibbitzing patio" for Presiding Judge Mary Cay Marubio's extraordinarily entertaining, multi-media acceptance speech for her North Suburban Bar Association award a couple of years ago. I had to watch the video afterward, and genuinely felt bad that I felt compelled to *kibbitz* outside rather than see it live.

Maybe it's the long layoff after the three-year pandemic of only seeing people on Zoom? Perhaps we are starved to catch up with folks, both lawyers and judges? Maybe lawyers are simply trying to be obsequious to a judge? Or maybe I was just always a *kibbitzer*, *kibbitzing* away while important programs are underway.

Whatever the reason, the *kibbitzers* like me keep *kibbitzing* at these events, seemingly with impunity, until Presiding Judge Sutker-Dermer and the other judges shut us down. I think maybe the folks up at the North Suburban Bar have it right: create a separate section—perhaps an outside patio—for the *kibbitzers*, something like the kids' table at our Passover seder. After all, we really are like kids, *kibbitzing* away as we do.

In the meantime, hosts and choreographers of these bar events, please forgive us *kibbitzers* for what we must do. We really don't mean any harm, even though we unwittingly cause it. Put us where we can do no harm, far from the madding crowd, where we can be seen and not heard. Force us to choose between our beloved *kibbitzing* and paying attention—silently, save for the applause—to the program. Give us our *kibbitzing* room or patio. Give us our kids' table. But above all, let us *kibbitz*.

Sheldon Harnick Showed Us The Traditions Immigrants Bring

by Prof. Ann M. Lousin

When Sheldon Harnick died on June 23, 2023, tributes poured in. What a life he led for ninety-nine years! But the tributes emphasized only his magnificent contributions to American musical theater.

I write to highlight Sheldon's contributions as part of the creative teams that showed us the contributions immigrants have made to America. They have brought and are still bringing their traditions, especially their music, into the mosaic that is American culture.

Fiorello ostensibly described the politics of New York City decades ago, but it also showed how various ethnic groups merged into the person of Mayor Fiorello H. LaGuardia, who spoke seven languages and served immigrants all his life.

But it was *Fiddler on the Roof*, which appeared in 1964, that showed us what many of our ancestors fled, why they came to America, and what they brought with them.

Sheldon knew all about immigrants to Chicago. His forebears were Russian Jews, probably from a place like Anatevka. Sheldon was born in Chicago. His father, Dr. Joseph Harnick, had a dental practice on the northeast corner of Montrose and Milwaukee in Portage Park. The family enjoyed music, and young Sheldon played the violin.

The Harnick children attended Portage Park Elementary School, as I did. A fifth-grade teacher, Bertha Ballinger, told me that Sheldon brought glasses of water to class for show and tell. He played tunes on the glasses. She told him he had a talent for music. He said he loved music, but that Dr. Harnick thought music was wonderful, "but it's not a living."

At Carl Schurz High School, Sheldon's musical talent bloomed. In the 1950's, when I played in the Schurz orchestra, its conductor was Bernard Fischer. He told us about Sheldon, who was already known in the musical theatre. Mr. Fischer said he was not surprised that Sheldon had succeeded in the music world.

I mention Sheldon's background because I think he translated the love of music his immigrant forebears brought with them to the musical theater. It's the story of many of us. People of all ethnic groups have heard stories about the "Anatevkas" and persecution their own ancestors faced. Refugees who saw *Fiddler* told me they teared up at several lines, beginning with the opening song "Tradition."

Mrs. Ballinger said that she saw *Fiddler* in Miami in the company of many women of Eastern European Jewish descent. At the end, she realized that her former pupil had also told the story of her own German farmer family, who brought their traditions and music with them to the Midwest. The other women cried and said they were crying for members of their families. They named each of those ancestors. When one asked Mrs. Ballinger for whom she was crying, she replied, "I'm crying for Sheldon."

Fiddler on the Roof continues to tell all of us that each immigrant brings something special to America. Chicago calls itself "a welcoming city." We have welcomed immigrants, especially refugees, from all over the globe. Today the Central Americans and Afghans arriving here are following the Russian Jews of Sheldon's family we welcomed before.

All immigrants can relate to Sheldon's best-known show. As *Fiddler* opens, there is a violinist balancing himself on a roof while playing a tune. A character, Tevye, says that everyone in Anatevka is like that—a fiddler on the roof trying to manage a balancing act.

At the end of the show, the immigrants are leaving their homes to escape persecution. Most will come to America, including Chicago. They discuss what they will be able to bring with them. As Tevye leaves, he hears a tune and spies the fiddler, who is playing in Anatevka for the last time. The violinist looks longingly at Tevye, as if to say, "bring me with you." Tevye motions for him to join the caravan. The fiddler joyfully runs after the others, bringing his violin with him.

Just as the fiddler brought his violin, so the refugees brought their traditions, their music, with them as they started a new life. Sheldon showed us that the newcomers would bring something new to America. The newcomers are still bringing something new to Chicago. Thanks, Sheldon.

Ann Lousin is a Professor of Law at the University of Illinois Chicago School of Law.

Save the Date - Tuesday, December 12, 2023, 6:00pm
Decalogue Family Chanukah Party on Zoom

- Join us for a virtual party with candle-lighting, story telling, music, magic, and comedy.
- Share a Chanukah song or story.
- Show off children's Chanukah-themed art or building projects.

Please send the video of your performance or childrens' art or building projects to decaloguesociety@gmail.com

My Performance Before the Illinois Supreme Court

By David Lipschutz

For nearly a decade, I have written about many exciting and fascinating experiences with judges outside of the courtroom. Briefly, to me, judges are celebrities, and to interact with them in the world is always a true delight! I've eaten meals, I've gone to sporting events, and I've even taken a judge to see a play I directed. However, this past year, I experienced something with a judge – or rather, a group of judges (A gaggle of judges? A pride of magistrates? An ostentation of honors?) – that may be the greatest thing I've ever done, and I should probably retire from both the law and the theatre.

What did I do, you ask? Well, I performed in a play before the Illinois Supreme Court.

I'm sure upon initial viewing of this article's title, you thought I was being snarky about having oral arguments before the Court. Alas, I have not yet had that distinction. Instead, I was in a staged reading of *Black Sox on Trial*, presented by the Illinois Supreme Court Historic Preservation Commission (shoutout to Executive Director John Lupton!). Attorneys who attended the event were given CLE credits. Readings were held in Chicago and Springfield, the latter of which had members of the Illinois Supreme Court in attendance. At both performances, then-Chief Justice Anne Burke introduced me (and the rest of the cast) to the stage before the show.

In fact, our performance in Springfield happened to coincide with Justice Burke's final day in her leadership role on the bench. What's more, Justice Burke not only participated in and attended the production of *Black Sox on Trial*, but she provided me (and the rest of the cast) with a personal tour of the Illinois Supreme Courthouse. Everywhere from the courtroom to the chambers, to the boiler room,[1] to the penthouse floor dormitory.[2] Raise your hand if you had no idea there was a dormitory inside the Illinois Supreme Courthouse. On this tour, I learned that Illinois is apparently one of only two states where justices must remain sequestered while court is in session. I got to see a Supreme Court Justice's dorm room. Let me repeat that: I got to see a Supreme Court Justice's dorm room. I mean, I cannot put into words how truly magical this moment was to me.

I was fortunate enough to have another castmate take a bunch of photos of me throughout the tour of the Courthouse so that I could sufficiently nerd out at everything (big thanks to castmate John Drea!). I hope you enjoy the photos! And please note that I am happy to provide complimentary tickets to any judges to see me perform in future productions. I'm currently playing Patchy the Pirate in The SpongeBob Musical, and it is completely antithetical to what I do in a courtroom.

[1] I have a story about the boiler room, but I'll save that for another article!
[2] I am sure that another member of Decalogue can fact-check this information, but I am relying solely on what I was told on the tour.

David Lipschutz is the Managing Attorney at Trunkett & Trunkett, P.C. If you are not a judge and want to see The SpongeBob Musical, visit kokandyproductions.com for more information.

BOOZING & SHMOOZING IN THE SUKKAH

Student and Young Lawyer Social
Tuesday, October 3, 8:00-11:00pm
(all members welcome)

at Base Logan Square
of Metro Chicago Hillel
(address will be provided upon registration)

Decalogue membership is free for students and for new lawyers the first year out of law school.
So bring your friends and have them join!

Watch your email for registration information

AT THE LAW SCHOOLS

The DePaul chapter of the Decalogue Society is looking forward to beginning the school year and engaging new students! They plan on doing so by hosting social events such as a back-to-school happy hour, a Shabbat dinner, and lunches throughout the school year. DePaul's Decalogue chapter is also working on increasing student engagement nationally by partnering with organizations such as the Jewish Graduate Student Initiative and the Brandeis Center. The Jewish leaders of the Chicago law schools hope to come together and host a joint event for all the students as a way to connect everybody across the different schools.

Decalogue Co-Hosts First of Its Kind Event Honoring Veterans in the Legal Profession

by Joel Bruckman

On May 24, 2023, the Decalogue Society of Lawyers created and co-hosted a first of its kind event honoring veterans in the legal profession at Theater on the Lake in Chicago. The event was spectacular and a huge success. Decalogue brought together 39 affinity bar associations and legal organizations as its partners to pay tribute to true heroes in the legal profession who have served our country in one of the five branches of the armed services. The event also incorporated elements of Jewish and Asian culture in recognition of May as both Jewish American and Asian American Heritage Month.

The event was emceed by Judge Megan Goldish, president of the Decalogue Society, and featured presentations by Chicago Garda Pipes and Drums and the U.S. Navy Color Guard, Great Lakes. Invocation and a memorial service were performed by Rabbi Aaron Melman (Illinois Army National Guard Captain), of Congregation Beth Shalom in Northbrook. The National Anthem and "America the Beautiful" were performed by Illinois Army National Guard Captain Jennifer Kohaney.

The program also included welcoming remarks by Illinois Supreme Court Justice Joy Cunningham, Circuit Court of Cook County Presiding Judge Shelly Sutker-Dermer, retired Cook County Commissioner Larry Suffredin (Veteran – Air Force), Alderman Timmy Knudsen, and Alderman Bill Conway (Lt. Cmdr. – Navy).

Heartfelt remarks about their service were also delivered from members or veterans of each branch of the armed services, including the following:

- Marines: Judge Kenneth Wadas (Captain), and attorneys Katherine Levine (Sgt.) and Randall Tyner (Gunnery Sgt.)
- Army and National Guard: Presiding Judge Donna Cooper (Colonel), Judge John Fitzgerald Lyke (Special First Class), Judge Sheree Henry (Veteran), and law student Scout Savage (Staff Sgt. – Active)
- Navy: Elisabeth Pennix (Commander and Appellate Judge)
- Air Force: attorney Patrick Shine (Airman – First Class)
- Coast Guard: Geralun Van de Krol (Cmdr. JAG – Active) and attorney David Weiss (Chief Boatswain)

Our veterans were also honored by remarks delivered by Lisa Yee (Maj. – Army, Staff Judge Advocate), deputy director of the Midwest Region for the U.S. Department of Veterans Affairs; Anthony Vaughn (Master Sgt. USMC) on behalf of the Illinois Office of Veterans Affairs; Military Judge Rachel Trest (Commander, Navy -- Active); and Circuit Court of Cook County Judges presiding over Cook County's Veterans Court including Judge Michael Hood (Major, USMC), Judge William Hooks (Lt. Colonel, USMC), Presiding Judge Jill Cerone-Marisie, Judge Sheree Henry (US Army); and Judge Daniel Maloney.

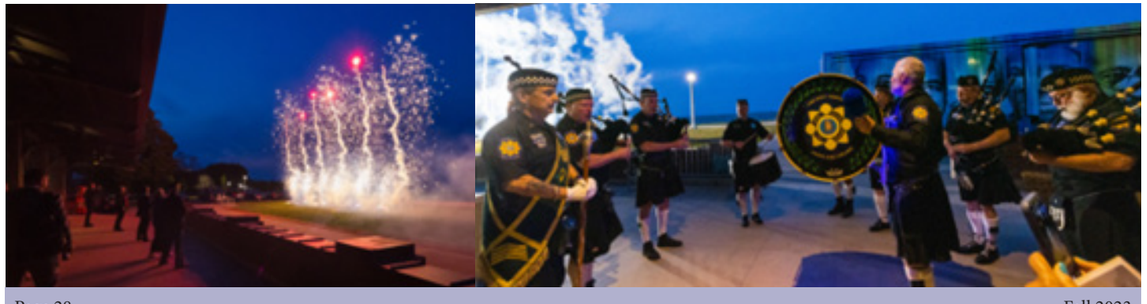
The event culminated with the presentation of a commemorative Challenge Coin to all veterans in attendance engraved with the event logo and details. Attendees were also able to tour the Simon Wiesenthal's Mobile Museum of Tolerance as a reminder of the atrocities which can occur without steadfast support and defense of our liberties and freedoms. Throughout the event, a slideshow played showing attendees' service photos. An in memoriam Table for the Fallen was also present to honor those who made the ultimate sacrifice during their service and are no longer with us.

As a final salute and sendoff to all those in attendance, the event concluded with a display of fireworks along the lakefront.

Decalogue could not have put on such a meaningful and important event without the generous support of our sponsors. Special thank you to our Platinum Sponsors: Asian American Judges Association of Illinois, Cook County Bar Association, Illinois Judicial Council, Jewish Judges Association of Illinois, North Suburban Bar Association, and Women's Bar Association of Illinois; our Challenge Coin Sponsor: Hinshaw & Culbertson and its partners Conrad Nowak and David Levitt; and our Gold Sponsors: Howard Ankin, Law Office of Daniel Calandriello, Corboy & Demetrio, Dentons, The Freeborn & Peters Practice Group of Smith, Gambrell & Russell, LLP, and Women's Bar Association of Illinois.

Proceeds from the event were donated to several charities supporting veterans. Thank you to all those who helped me plan this event, including my fellow event chairs, Judge Megan Goldish and Judge Ren Van Tine. While this event was the first of its kind, we are committed to making sure that it is not the last. We look forward to honoring our veterans again in the years to come. Thank you to all veterans for your service and sacrifice!

Joel Bruckman is the 1st Vice President of the Decalogue Society of Lawyers and a partner in the litigation practice of Smith, Gambrell & Russell, LLP.



Chai-Lites

by Sharon L. Eiseman

For each Tablets Issue, the 'CHAI-LITES' Section routinely features news about our busy members coming, going, celebrating, being recognized, speaking, writing, making new career moves, standing up for the oppressed, volunteering, acquiring more new titles and awards than seems possible, and running for office or the bench. Since the pandemic, our life of practicing law seems, more and more, to resemble what we used to do. Thus, this Chai-Lites issue reflects some of that normalcy in the nature of the activity and commitment of those featured here—notwithstanding that many practitioners continue to devote part of their practice to remote visits with clients and remote participation in meetings of the many boards and foundations to which we belong.

Although we are returning to the sense of normalcy in which we were deeply engrossed pre-pandemic, we should not forget how well so many of us, in our individual capacities and as members of a legal community, rose to the occasion. Thus, we reiterate what we posted in our Spring Chai-Lites about the remarkable and ingenious accommodations to the pandemic challenges made by those in the Judiciary and practicing in the public and private sectors: Decalogue extends a message of gratitude for your devotion to keeping the wheels of justice turning in the right direction in spite of the new challenges we all had to face and overcome.

Board member **Charles "Chuck" Krugel:**

- On 3/27/23, Chuck was interviewed, for the 5th time, by South Korean TV news network Arirang (The Korea International Broadcasting Foundation). Chuck was part of its NEWs Generation program for 20 & 30 somethings. They interviewed him for their story about "Will the U.S. Adopt 'Right to Disconnect' Laws." This subject sounds like a perfect one for a future Tablets article!
- On 4/27/23, Chuck was quoted in Case IQ's article "Ethical and Legal Workplace Monitoring."
- Chuck was recently named Co-Vice Chair for the Chicago Bar Association's Solo & Small Firm Practice Committee.
- On 4/19, 5/24, 6/21, 7/13 & 7/19, Chuck & other attorneys including Decalogue's **Helen Bloch** & **Max Barack**, presented webinars on topics including: cannabis law in the workplace, workplace investigations, separating employees & employee leaves of absence.

Alex Marks, Decalogue's Second Vice-President, is the chair of Pro Bono Committee for Burke, Warren, MacKay & Serritella, P.C. ("BWMS"). The Chicago Lawyer's Committee for Civil Rights has selected BWMS as its "Law Firm of the Year," recognizing the firm's Pro Bono work and support of the organization. The award will be presented at CLCCR's "Good Trouble: Art of Resistance Gala" this fall.

Jeffrey Schulkin left his partnership at Goldberg & Schulkin Law Offices to join Ankin Law Office as a partner in charge of all medical malpractice cases.

Michele Katz had an article published in the Women's IP World annual magazine.

Here is a link to your profile and article – https://edition.pagesuite.com/html5/reader/production/default.aspx?pubname=&edid=96565f4c-93ef-4e61-8e06-45f86b1b4141&pnum=15

Here is the link to listen to the magazine in Audio format – https://www.podomatic.com/podcasts/carlos54431/episodes/2023-03-07T10_09_25-08_00

Board member **Michael H. Traison**, a partner in the New York based Law firm of Cullen and Dykman LLP, together with the Ambassador of Israel to Poland, Yaakov Livne, presented Certificates of Recognition at the 26th annual honors ceremonies in Krakow, Poland on July 2, 2023. These annual ceremonies, initiated by Traison in 1997, have been recognizing non-Jewish citizens of Poland engaged in preservation of Jewish memory in Poland. The value and result of the critical work done by those who are granted such an honor, though challenging to calculate, are essential to the history and future of the Jewish community everywhere in the universe.

Traison's practice—which he seems to keep alive and in good health despite the time he commits to his volunteer endeavors, includes legal representation of clients with regard to commercial matters internationally, including Poland, Israel and the United States. He also seems to find time to devote to active participation on the Board of Managers which routinely includes a wealth of spectacular ideas for CLE and other kinds of programming for our membership and all practitioners-Jewish and beyond.

JUF and the Tikkun Olam Volunteer (TOV) Network honored **Nathan Lichtenstein** and Decalogue Past President **Hon. Michael Strom** at an afternoon luncheon event for their "continued involvement in the JUF Evelyn R. Greene Legal Services program providing critical pro bono legal assistance to some of the most vulnerable in our community". Kudos to both of the honorees for their dedication to the cause. Other DSL members who attended the event not only learned about the nature and invaluable impact of the work done by the two honorees, but also were privy to hearing about the connection between JUF and TOV's mission, as well as the successful outcomes of the representation offered to their clients.

And last but not least, DSL Board member **Sharon Eiseman** will assume the role of Vice Chair of the ISBA's Real Estate Law Section Council for its 2023-24 term. This Office is consistent with the process for establishing leadership positions for their committees that is followed by most legal/law related organizations, as well as many other voluntary groups. Such a system generally follows the path of Secretary to Vice-Chair to Chair.

Sharon L. Eiseman is a board member of Decalogue.

Welcome New Members!

Maria E. Barreiro
Jennifer Barron
Karyn L. Bass-Ehler
Brigitte Schmidt Bell
Miriam Berne
Sam Betar
Benjamin E. Blekhman
Shauna Louise Boliker
Eileen O'Neill Burke
Melanie Caspi
Richard M. Colombik
Jeanette T. Conrad-Ellis
Donna L. Cooper
James P. Crawley
Margaret Drake-Studstill
Alyssa Friedman
Guy D. Geleerd
Danny Goldberg
Anthony B. Gordon
Quinn Terra Feierman Gottlieb
Tania K. Harvey
Adam C. Kibort
Jennifer Lavin
David P. Leibowitz
Dana Lipson
Zoe Lis
Emilio E. Machado
Ann L. Melichar
Gloria Nusbacher
Ginger Leigh Odom
Krista S. Peterson
Gal Pissetzky
Jill Rose Quinn
Veronika Rakhlina
Bruce H. Ratain
Timothy M. Ravich
Cari Resnick
Teri Robins
Elliot A. Rose
Edward M. Rubin
Stephanie Rubin
David Saxe
Anna K. Sedelmaier
Leah D. Setzen
Kostiantyn Volodymyrovych Sheiko
Matthew Shepard
Tamara Soleymani
Jason Sposeep
Renata Stiehl
Stephen A. Swedlow
Edward J. Underhill
David Weiss
Gevorg Yeghiazaryan
Naheda Zayyad-Hussien
Adam Zebelian

Thank You to Our Members Who Gave Above and Beyond

Life Members: Howard Ankin, David Lipschutz, David Olshansky

Firm Members: Rubin & Machado Ltd., TR Law Offices LLC

Sustaining Members

Kevin B. Apter
Theodore L. Banks
Robert K. Blinick
Adam E. Bossov
Hon. Neil H. Cohen
Richard M. Colombik
Hon. Donna L. Cooper
Stephen G. Daday
Steven R. Decker
Hon. Morton Denlow
Sharon L. Eiseman
Hon. Roger G. Fein
Bernadette Garrison-Barrett
Charles P. Golbert
Hon. Richard P. Goldenhersh
Hon. Megan E. Goldish
Robert P. Groszek
Hon. Sheldon A. Harris
Patrick Charles Heery
Kenneth A. Henry
Robert W. Kaufman
Robert D. Kreisman
Clint Krislov
Charles A. Krugel
David P. Leibowitz
Hon. Mary L. Mikva
Krista S. Peterson
Hon. Jill Rose Quinn
Carmen M. Quinones
Hon. Leslie J. Rosen
Edward M. Rubin
Stephanie Rubin
David Saxe
Anna K. Sedelmaier
Hon. Leah D. Setzen
Kostiantyn Volodymyrovych Sheiko
Matthew Shepard
Tamara Soleymani
Jason Sposeep
Hon. Stephen A. Swedlow
Hon. Edward J. Underhill
David Weiss
Gevorg Yeghiazaryan
Naheda Zayyad-Hussien
Adam Zebelian

2023-2024 CLE Calendar

Unless otherwise indicated, all classes are on Zoom and earn 1 hour of general MCLE credit for Decalogue members
Registration opens 4-8 weeks prior to the class at www.decalogueSociety.org/cle-schedule

Thursday, September 7, 12:15-1:15pm
Managing Liability under the Biometric Information Privacy Act
Speaker: Bill Price, *Aronberg Goldgehn*

Thursday, September 21, 12:15-1:15pm
Cybersecurity: Preparedness & Response — Looking at today's attack vectors, ransom demands & more!
Speaker: Joel Bruckman, *Partner, Litigation Practice of Smith, Gambrell & Russell, LLP*

Thursday, October 12, 12:15-1:15pm
Imposter Syndrome
Speaker: Dr. Diana Uchiyama, *LAP*
1 hour Mental Health/Substance Abuse credits

Thursday, October 26, 12:15-1:15pm
ADR and Regulation Reform
Speaker: Jayne Reardon

Thursday, November 2, 12:15-1:15pm
Non-compete Covenants
Speaker: Sarah Marmor, *Partner, Scharf, Banks, Marmor LLC*

Sunday, November 19, time TBA
Groff v. DeJoy
Speakers: Nathan Lewin, Alyzza Lewin, others TBA
1.5 hours credit for all attorneys
Co-sponsored with Lincolnwood Jewish Congregation AG Beth Israel

Thursday, November 30, 12:15-1:15pm *(tentative)*
Implementation of Bail Reform in Illinois
Panelists TBA

Thursday, December 7, 12:15-1:15pm
Bankruptcy Law for State Court Practitioners
Speaker: Judge Deborah Thorne

Thursday, January 11, 12:15-1:15pm
Legal Implications of AI
Speaker: Alan Wernick, *Aronberg Goldgehn*

Thursday, February 1, 12:15-1:15pm
Role of the AG regarding Charitable Trusts in Illinois
Speaker: Michelle Milstein, *Asst. Attorney General, Charitable Trust Bureau*

Thursday, February 8, 12:00-1:30pm
Income Tax Update
Speaker: Cyndi Trostin, *Partner, Trostin, Kanter & Esposito LLC*

Thursday, March 7, 12:15-1:15pm
New Rules on Retainers and Client Trust Funds
Speaker: Melissa Smart, *ARDC Director of Education*

Wednesday, March 13, 12:00-1:30pm
The 2nd Amendment and Illinois Gun Laws
Panel: Stephen Elrod, Prof. Ann Lousin, Todd Vendemyde
1.5 hours credit

Thursday, April 4, 12:00-1:30pm
Assisted Reproductive Technology and the Intersection in Divorce Cases
Panelists TBA
1.5 hours credit

Thursday, May 2, 12:15-1:15pm
The Intersection of Hate Speech and the First Amendment
Speaker: David Levitt, *Partner, Hinshaw & Culbertson LLP*
Location TBA
1 hour credit for all attorneys

Thursday, May 23, 12:15-1:15pm
Professor Wendy L. Muchman Decalogue Society Professional Responsibility Lecture Series

Thursday, May 30, 12:15-1:15pm
Benefit Corporations
Speaker: Joshua Kreitzer, *Law Offices of Marc J. Lane*

More classes to be scheduled:
Immigration Video CLE: "The Courtroom" with Richard Hanus
Social Security Disability Law

SAVE THE DATE!
Sunday, January 21, 1:30-3:30
MLK Day Video CLE: Baldwin vs. Buckley Debate
Class Leader: Cliff Scott-Rudnick, speakers TBA
1 hour Diversity credit for members of Decalogue, CCBA, and BWLA

3rd Annual Solidarity Awards immediately following
Location TBA