February 2021 marked the 25th Anniversary of our signature Mock Trial Invitational. It was a milestone event in that 25 years ago, now NWSBA past presidents Neil Good and Lee DeWald, looked to reinvent the way mock trials were held for high school students interested in a career in law by offering them the most authentic experience possible in a real courtroom. Our own Third District judges presided over cases in a live courtroom setting, while NWSBA members volunteered to score teams and provide valuable feedback.

This 25th annual competition was re-invented in yet another way as it was performed virtually via a custom platform developed in partnership with the NWSBA by a software company located in the Pacific Northwest.

Despite a rocky and hectic start which required moving 400 people in and out of zoom courtrooms simultaneously, the event successfully provided an opportunity for twenty teams from our area to present their case for People of the State of Illinois vs. Jordan Markson.

More than 50 NWSBA members and friends of the Bar volunteered their time, including a group of young University of Illinois Mock Trial team members, led by Joseph Lehman, an intern for past president Don Cosley. These fine young college students assisted our scoring volunteers in maneuvering the new and unfamiliar platform with their command of new technologies that are at times challenging for most of us.

And with that, we would like to announce the winners of the competition:

**Congratulations to:**

1st Place: Niles West High School  
2nd Place: Timothy Christian High School  
3rd Place: York Community High School

The Awards Ceremony was held on Friday, February 26th when a link to a YouTube video was released to all schools, coaches, students, families and NWSBA volunteers. Please take a moment to view the video at the link below.

https://youtu.be/cjCGHJQOMmk

In the past, one student was awarded a plaque for “Most Outstanding Attorney” and another for “Most Outstanding Witness”. This year, the committee decided to acknowledge each team with these honors in both rounds. The names of those students are included in the video.

Also featured in the video are comments by President Gary Newland, and 2nd Vice President and Committee-Co Chair, Ken Apicella. Their comments can also be seen in this issue starting on Page 9.

**A Very Special Thank You to our Sponsors:**  
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Drost, Gilbert, Andrew & Apicella  
Old Republic Title

**This tournament was also made possible by a Grant from the Illinois State Bar Association**
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What the Northwest Suburban Bar Association does for its members:

1. Provides education at no charge.
2. Provides a sense of community.
3. Offers an attorney room at the Rolling Meadows Court House.
4. Participates with local charities and causes to improve the community and provide outlets for members to get involved.
5. Provides for social functions like the annual Golf Outing, Annual Meeting, Judges Night, Holiday Party and Installation Dinner.
6. Has a Women and the Law Committee that has done events with the League of Woman Voters and offers CLE.
7. Has committees inclusive of most legal areas of law offering education and CLE at no charge to members.
8. We have Geo and Raj.
9. Our Annual Mock Trial Competition a great opportunity to participate and give back.
10. Mentoring and a mentorship program.
11. Access to interns through local school districts and Harper College.
12. Newsbriefs, Weekly Updates, Social Media posts and emails blasts to keep members up on monthly happenings.
13. A rich history of fantastic lawyers that are members.
14. Advocates for the interest of the legal community.
15. Provides networking opportunities
16. Provides opportunity to be a leader in the legal community.
17. Etcetera Etcetera

Looking forward to amazing 2021. Let us all work together to do amazing things.
Once our courts open again, we hope that you will consider volunteering for one or more of the services listed below.

**Court Facilitator**
The Court Facilitator program is unique to the Third Municipal District. The NWSBA provides volunteers on Thursdays from 9:00 AM until 12:00 PM to assist the Domestic Relations judges. Dates are scheduled by the Association staff through use of a Sign Up Genius web site.

**Paternity Court Facilitator**
Paternity Court Facilitators volunteer on Thursdays from 9:00 AM – 12:00 PM to assist the Paternity Call. Dates are scheduled by the Association staff through use of a Sign Up Genius website.

**Pro Bono Desk**
The Pro Bono Desk, located in Room 251 in the Rolling Meadows Courthouse, is a volunteer service provided by members of the Northwest Suburban Bar Association. It is a free service to members of our community.

Volunteers are needed at the Third District Courthouse every Friday from 1:00 PM – 3:00 PM. Volunteer dates are scheduled by the Association staff through use of a Sign Up Genius website.

**LINK TO SIGN UP GENIUS:**
A link to the volunteer sign up can be found on the Home Page of our website under the “Member Dashboard” tab. If you are a member and are not receiving volunteer emails from Sign Up Genius, please call the Association office at 847-621-2378.

Again, thank you for your service,
Pro Bono Committee Co-Chairs

Matthew Hess 847-577-1123
Lance Ziebell 847-705-7555
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Need Help?
100% Confidential - 100% Free
1-800-LAP-1233
Lawyers Assistance Program
Why This Case is Important: When a business owner advances funds to his or her business, whether the transaction is characterized as a loan or a capital contribution can have significant tax consequences, which consequences business owners should consider before choosing a legal structure.

Facts: Hohlet involved a partnership with four partners. In the years after the company was formed, one of the partners advanced over $650,000 to the company. The company and its owners treated these advances as loans to the company and filed tax returns consistent with this treatment, with a share of the debt repayment obligation being allocated to each owner on the K-1s issued every year. The company stopped operating in 2012 and filed its final tax return. The return still showed the outstanding company debt, but the K-1s issued with that return no longer allocated the obligation among the owners. The return did not report any income from the company being discharged from the debt. The IRS examined the return and determined that, because the company’s debt to the lender/owner had been cancelled, the company should have paid tax on the discharged amount. The owners argued that the money advanced to the company was actually a capital contribution, meaning the company had no obligation to repay it and there was no taxable debt cancellation. In determining whether an amount contributed by a partner to a partnership is a loan or capital contribution, the court will consider (1) the presence of a written agreement, (2) the intent of the parties at the time of the transaction, and (3) whether the company could have obtained similar loans from unrelated parties. In this case, while there was no written loan agreement, based on the fact that the parties treated the advances as loans at all times, including by not issuing additional equity to the lender/owner in exchange for his advances, as you would expect with a capital contribution, and because the company likely could not have received similar loans from unrelated parties, the Court determined that the IRS was correct to treat the advances as loans and found in favor of this IRS.

FBAR Penalties – United States v. Collins, USDC WD PA, Case No. 2:18-cv-01069, February 8, 2021

Why this Case is Important: Taxpayers with foreign bank accounts and other assets must be aware of their potential obligations to report those assets to the IRS, including by filing “Reports of Foreign Bank and Financial Accounts” (FBARs). As this case demonstrates, failure to file FBARs can result in significant penalties.

Facts: In Collins, the taxpayer had three foreign bank accounts – one in Canada, one in France, and one in Switzerland. Throughout 2007 and 2008, the accounts together held around $850,000. In both years, all three of the accounts separately had balances in excess of $10,000, meaning that the taxpayer was obligated to file FBARs for both 2007 and 2008 disclosing the existence of the accounts to the IRS. While these filings for each year are due by April 15 of following year, the taxpayer did not file the 2007 or 2008 FBARs until 2013, seemingly after one or more of the foreign banks disclosed the existence of the taxpayer’s accounts to the IRS. In 2015, the IRS sent notices to the taxpayer proposing to tax him on this unreported income and the owners filed Tax Court petitions contesting the notices.

Law and Conclusion: Under Section 61(a)(12) of the Internal Revenue Code, taxable income includes income from the discharge of indebtedness. The IRS determined that when the company stopped operating and had no assets, it became certain that the company would not repay its debt to the lender/owner. That being the case, the debt was discharged and the company (through its owners) should have paid tax on the discharged amount. The owners argued that the money advanced to the company was actually a capital contribution, meaning the company had no obligation to repay it and there was no taxable debt cancellation. In determining whether an amount contributed by a partner to a partnership is a loan or capital contribution, the court will consider (1) the presence of a written agreement, (2) the intent of the parties at the time of the transaction, and (3) whether the company could have obtained similar loans from unrelated parties. In this case, while there was no written loan agreement, based on the fact that the parties treated the advances as loans at all times, including by not issuing additional equity to the lender/owner in exchange for his advances, as you would expect with a capital contribution, and because the company likely could not have received similar loans from unrelated parties, the Court determined that the IRS was correct to treat the advances as loans and found in favor of this IRS.
Law and Analysis: Generally, any individual who has a financial interest in, or signature authority over a foreign bank account, the value of which exceeds $10,000 at any point during the year in question, must file an FBAR for that year disclosing the existence of the account to the IRS. For any year in which a taxpayer fails to file an FBAR, the IRS can assess a penalty of up to $10,000 if it determines that the failure was non-willful, or up to the greater of $100,000 or the 50% of balance of the unreported accounts if the IRS determines that the failure was willful. The taxpayer made several arguments to show that his conduct was not willful but the Court rejected all of them, focusing on the fact that he knew of his obligation to file the FBARs and failed to do so. The taxpayer also argued that, even if his conduct was willful, the penalty amount was excessive, especially in light of the balances of the foreign accounts. The Court rejected this argument as well. It noted that the IRS could have assessed double the penalty amount that it did assess, and held that the amount assessed was reasonable given the penalty calculation framework. Having rejected these arguments, the Court found in favor of the IRS.

If you would like more details about these cases, please contact me at 312-888-4113 or jnesser@lavellelaw.com
February 6, 2021

Via Electronic Mail

Julie Barth
Executive Director
Northwest Suburban Bar Association
2340 S. Arlington Heights Road, Suite 510
Arlington Heights, IL 60005
E: jbarth@nwsba.org

Re: NWSBA Nominating Committee

Dear Ms. Barth;

On behalf of the Nominating Committee for the Northwest Suburban Bar Association, it is my pleasure to report that the committee has recommended the following candidates for the following positions:

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<td>Anthony Calzaretta</td>
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<tr>
<td>Stephanie Donat</td>
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<td>Nick Richardson</td>
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<td>Kenneth Donat</td>
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<td>Patricia Jochum</td>
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<tr>
<td>Zubair Khan</td>
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</tr>
<tr>
<td>Scott Zambo</td>
<td>Board of Governors</td>
</tr>
</tbody>
</table>

It is worth noting that the competition for positions was extraordinarily strong this year and the committee had to make difficult choices between multiple high-caliber candidates. We are confident, however, that those recommended will serve as stewards to the Association’s success moving forward.
President Gary Newland and Mock Trial Committee Co-Chair, Ken Apicella, addressed the students, coaches, scoring judges and volunteers during the Mock Trial Award Ceremony which was broadcast on YouTube. The following are their remarks.

GARY NEWLAND, PRESIDENT

Having 2 high school students at home I must say it is nice addressing all of you from a different role where high school students may be interested in what I have to say.

As president of the Northwest Suburban Bar Association I want to welcome you all here today and thank you for your participation. I want to thank all those who volunteered to make Mock Trial Competition a reality and let you all know what was involved so “you students” can pay it forward. There was a committee made up of attorneys that organized the event and the committee consisted of Frank Serio, Ken Appicela, Don Cosley and Patricia Jochum along with the Bar association executive director Julie Barth and her assistant Christine Bartels. Nick Waters of Consortium Software and Connor Harris of Consortium Software developed our software for the Mock Trial program and students from the U of I Mock Trial team, especially, volunteered their time helping logistically and there were over 40 lawyers that gave their free time as well as teachers and coaches.

When you add up the lawyer time in putting this event together literally conservatively cumulative volunteer attorney time was well over $100,000.00 worth of effort.

The key word being “volunteer” because there is no way we could have actually have paid the attorneys for their time to put on this event.

Keep in mind as President of the Northwest Suburban Bar when the Board of Governors of the Northwest Bar committed to moving this Mock Trial process forward for the benefit of the students we did not look back and ever question what we believed was our mandate to bring the students some normalcy during the pandemic and continue our tradition of serving the community. The tradition of Mock Trial that has gone on for 25 years initially was started by attorneys Lee DeWald and Neil Good. I am sure if you add all the time attorneys have spent over 25 years the attorneys could have billed over a million dollars for their time working at their respective law firms rather than volunteering.

Our fundamental responsibility as an association is to educate and inform lawyers but our secondary mission is about community. In fulfilling our mandate just over the past twelve months during a pandemic we have provided over 1000 CLE hours of retraining and retooling our lawyers on technology and changes in the law at no charge through seminars.

At the Northwest Bar we offer free seminars to local police to support the men in Blue that our an instrumental part of our legal community.

Additionally, recently with the pandemic raging we had offered a judicial forum with the League of Women Voters allowing access to judicial candidates via Zoom, we provided over 130 dinners for struggling families at Thanksgiving, we provided over 100 holiday gifts for kids over the holidays, we provided hundreds of items of winter clothing to those less fortunate with the assistance of the Rolling Meadows Courthouse community and the legal community. At the helm of many of our achievements is attorney Brian Freiman, the Chair of our Community Outreach Committee. In fact the other night when we were having technological difficulties with mock trial Brian stepped up to the plate asking how he could help and he did help. I said to Brian I did not know you were so good with technology and he responded humbly I really do not know that much I just know more than you.

Continued on Page 13
Rolling Meadows Courthouse
Coats for Clients
Coat Drive

From Monday February 8th to March 12th the Community Outreach Committee of the Northwest Suburban Bar Association and Northwest Compass will be partnering to get donations for the new Coats for Clients initiative at the Rolling Meadows Courthouse.

If you want to donate you can bring your donations to Northwest Compass at 1300 West Northwest Highway, Mt. Prospect, IL 60056 between the hours of 9am to 4pm Monday through Thursday and 9am to 12pm on Fridays. We are looking for any new or gently used coats, hats, gloves and scarves along with any new socks.

Donations will go to help people who come to the courthouse and do not have warm winter clothes.

If you need someone to schedule a pickup of a donation please call Brian Freiman at 847-903-1470 or email at Freimanlaw@gmail.com
As many of you hopefully know, the Community Outreach Committee of the Northwest Suburban Bar Association has started a program called Coats for Clients. The intention of the program is to have coats available for anyone who comes into the Rolling Meadows Courthouse and does not have a warm coat for the long cold Chicago weather. The intention of the program is to allow people to get the warm clothes they need without the stigma of having people know they need help. If someone is in the courthouse and they need a warm coat, all they need to do is go to the Public Defender’s office and take one.

The Coats for Clients program is truly a collective effort from the Rolling Meadows Courthouse and the Northwest Suburban Bar Association. The program is run with our community partner Northwest Compass Inc and in conjunction with the State’s Attorney, Public Defender, Presiding Judge and Sheriff’s offices from the Rolling Meadows Courthouse. All the agencies have partnered for this program because helping people is a universal goal shared by everyone in the courthouse.

In order to accomplish the goal of getting coats to anyone who needs it, the NWSBA and Northwest Compass worked with other agencies to get the coats needed. Carolyn Litton from the non-profit, Hearts for Hope (www.hearts-for-hope.com) worked with a Divergent Alliance (www.divergentalliance.com), a veteran owned business to secure a donation of over 200 coats for the program. These coats were essential to continue the program this year and into the future. By having so many people working together to secure and distribute the coats we can help anyone who needs a warm coat for the long Chicago winter.
Candidates’ Forums: Essential Guides for Voters

This past fall, you may have attended one of our forums, maybe even the Judicial Candidates’ Forum we co-hosted with NWSBA. Hopefully, you noted a stark difference in our forum versus the debates which dominate American Politics. I hope the difference you noted was that our forums are civil and offer the public a real opportunity to hear what they want to know from candidates.

How do we accomplish this? With a lot of hard work and preparation.

Each of our forums follows a format designed to give candidates equal time to speak and allows constituents to ask the candidates questions that concern them. How do we do this?

First, all candidates are sent rules and asked to sign them before participating. Once candidates arrive at the forum (either virtually or in-person), the League moderator (a trained member who has no stake in the race) draws for speaking order. Each candidate is given equal time for opening statements, generally 1-2 minutes. For questions, League members typically prepare one or two questions of general interest for the moderator while questions from the audience are collected. Those questions are sorted, ensuring the questions can be answered by all and not directed at an individual candidate, and the moderator rotates speaking order for answering each question. Each candidate is given equal time to answer, again, generally 1-2 minutes. Each candidate has an opportunity to offer a thirty-second rebuttal to another candidate’s remarks. Each candidate is given two rebuttals. Finally, closing statements are offered to each candidate for 1-2 minutes. Timing depends on the number of candidates and to maximize the number of questions asked during the hour forum. League has timers that clearly indicate how much longer the candidates have to speak and alert them to STOP when their time is up.

Virtual forums have proven much easier to manage on several fronts, but it does not allow candidates to meet constituents in person. When we offer in-person forums, we do not allow any election material or paraphernalia in the forum room. Instead, we offer each candidate a table outside of the forum area. We ask the audience to hold their applause until the end, and audience members must also refrain from any electioneering inside the forum room.

In recent years, our League has turned towards our Emerging Leaders (anyone under the age of 26) to be our forums’ moderators and hosts. Our League is committed to offering youth a voice in the Democratic process, and giving youth these opportunities gives them greater insight into how the political systems work. Further, we find candidates and audience members behave more politely when faced with a young person. Finally, our youth moderators often find inspiration for their futures during these forums. Our moderator for the Judicial forum this past Fall told me afterward she had never thought about being a judge but hearing from the judges piqued her interest in pursuing a career as a judge.

Local elections are more critical to our daily lives than any other election, yet our voter turnout for local elections is abysmal; two years ago, our turnout was less than 10 percent. League offers forums for all contested local elections, and we are hosting many this Spring. Check out our calendar and register for a forum near you. And if this process interests you, we are always looking for moderators and volunteers. Feel free to contact me at info.lwvah@gmail.com
The Mock Trial Committee recommended Brian for an award based on his contributions to mock trial. For that reason I would like to present to Brian Freiman attorney at law the Service to Community award. Thank you Brian on behalf of the Northwest Suburban Bar.

Next the Mock Trial Committee has also asked that Judge McGuire be given an award for his support of the Mock Trial Competition. Judge McGuire you are awarded the award called the Learned Hand award after Judge Hand who is famous for saying “Right Knows No Boundries and Justice No Frontiers.”

Thank You Brian and Judge McGuire for all you have done.

Thanks also goes to Judge Jill Cerone Marisie who has kept our Court house in Rolling Meadows running during the pandemic and facilitated the administration of justice.

In conclusion, I ask you students to think about how your teachers and coaches and the lawyers involved could have spent their time doing something else but paid it forward for you! I ask each and every one of you students to pass forward in life what you have been given just as the lawyers have with respect to their contributions to this event. I charge you to seek justice and remember community. Paying things forward can mean shoveling your neighbor’s porch, volunteering time at a local charity, telling your parents you love them and just being kind to one another. Remember the golden rule and that will serve you well.

MOCK TRIAL CO-CHAIR, KEN APICELLA

I too would like to echo my thanks to those already mentioned and to everyone involved for volunteering their time. On behalf of the Association, I would like to congratulate all of the students and coaches who participated. While Gary mentioned the hours of attorney time that went into putting this together, I am sure that number pales in comparison to the cumulative hours that all of the coaches and student invested in this competition. For the families out there watching you should be very proud of what your students accomplished. I can tell you that I have heard from a number of attorneys and judges who were blown away by the level of poise maturity & intelligence displayed by the participants.

For those that participated, wherever life takes you, whether it is a career in a courtroom or not, I hope you take away some of the lesson that are uniquely part of the mock trial experience – 1) critical thinking skills – as you developed the cross examinations of the physicians you learned the questions you need to ask to test expert opinions – as you go through life use those skills to test conclusions and opinions, including your own; 2) from the rules of evidence you learned that your reputation for integrity matters - protect it, you only get one; and 3) you learned to disagree without being disagreeable. Three lessons that will serve you well throughout your lives and careers, which I am sure will be successful.
MEMBER FEEDBACK REQUESTED!
NWSBA Virtual Trivia Night

If you would be interested in participating in a NWSBA Virtual Trivia Night

send your comments to: contests@nwsba.org

Let us know if you would be interested in attending the virtual event and/or in helping to organize the event

WINNERS OF THE BEST MASK CONTEST

and a $100.00 Gift Certificate to LaTasca

“The Office”
NWSBA In Review

Annual Meeting
and Roast of Sam Amirante
May 12, 2010
President, Gary Newland, called the meeting to order at 5:15 p.m.

As you all know, with your current dues, you are entitled to all of the free CLE Seminars that we can offer. Well, it only gets better. We are working with IICLE to get the seminars posted for later viewing. We will keep you posted, but soon Lunch and Learn may not just be for lunch anymore. Thank you to our Executive Director, Julie Barth, for spearheading this potential venture.

The Mock Trial is February 24, 2021. This will be our first venture into the realm of the “virtual” mock trial. Frank Serio, Patricia Jochum and Ken Apicella have worked tirelessly to get this off the ground, and it is right around the corner. We are still seeking volunteers to be scoring judges. Do not miss this chance to witness your future competition in the court room.

The next installment for the Police Seminar series is coming up on March 23, 2021. George Sachs and Michael Rothmann did a fantastic job at the initial seminar which was attended in droves by both attorneys and police personal. Thomas Glasgow will be going over the new law at the upcoming event. This is a seminar not to be missed. Please go to the website for information regarding registration.

The Matrimonial Law Seminar will take place on March 1, 2021, and will feature, such topics as business valuations, how to deal with problem clients, case law update and a panel of some of our finest jurists.

The Employment Law Committee is scheduled for March 4, 2021, and will address bullying in the work place.

Congratulations to Attorneys: Elizabeth Tarzia, as the board of governors approved her as a new member of the NWSBA.

OFFICE SPACE FOR RENT

OFFICE SPACE NEAR THE 3rd DISTRICT COURTHOUSE:

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Walking distance to train.

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jbarth@nwsba.org
Referrals

Gary Newland is accepting referrals for federal court personal injury claims. If your case has been removed to Federal Court or you otherwise have Federal Jurisdiction We can help. 847-797-8000.

Looking to take over practice of retiring injury attorney. If retiring or looking to slow down call 847-840-8950.

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3 single offices also available for rent. Can be combined with two-office suite or rented separately. Includes use of conference room and plenty of parking. Walking distance to METRA, shops, restaurants. Call John at 847-359-6100.

OFFICE SPACE NEAR THE 3rd DISTRICT COURTHOUSE: Large furnished office overlooking a park at Northwest Highway and Euclid Ave. Includes secretarial space, library and photocopier. Contact Ernie Blomquist 847-253-8100

ARLINGTON HEIGHTS: Large office within walking distance of Rolling Meadows Courthouse. Fourteen law firm suite. 121 S. Wilke Road Suite 301, Arlington Heights, IL 60005. Anyone interested can contact Gary Newland at 847-840-8950.

Employment Opportunities*

Personal injury Firm In Arlington Heights  Looking for a legal assistant/paralegal. Pay commensurate with experience. 847-840-8950

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Sexner & Associates LLC, an established criminal/traffic defense law firm is seeking to add a full-time associate attorney to our already strong legal team. Since 1990, our attorneys have aggressively and compassionately represented those charged with offenses ranging from minor traffic tickets to serious criminal felonies. Our attorneys represent clients in Cook, DuPage, Lake, Kane and nearby counties. Backed by our experienced and supportive office staff, we offer an exciting legal environment within which to grow professionally while handling an ever-changing array of interesting and challenging cases.

Applicants should have at least one year of criminal/traffic trial experience. Prosecutors, public defenders and others who have a strong desire to pursue justice and provide exceptional client service are encouraged to apply. Those who have applied for a position in the past are encouraged to apply again. Benefits include health insurance, paid vacation/holidays and retirement plan. Email resume in absolute confidence to mitch@sexner.com. Additional firm information can be found at www.sexner.com.

Arlington Hts:Paralegal/legal assistant with experience in personal injury litigation. Pay commensurate with experience. Email resume Gary@newlandlaw.com and put Resume PI on subject line.

*You must be a member of the NWSBA (Including Law Student/Student Status) in order to place an ad in the Employment Opportunities section. All ads are subject to approval by the Editor.

March 17 – Lunch & Learn with Geo & Raj: Using Trial Pad in the Courtroom by Sean Driscoll

March 23 - Lunch & Learn with Geo & Raj: Police Seminar Part 2

March 24 – Lunch & Learn with Geo & Raj: Training for Mediators with Judge William Haddad

March 31 – Lunch & Learn with Geo & Raj: Law Office Planning with Allison Shields

April 14 – Lunch & Learn with Geo & Raj: Audit Trials in Medical Records

April 21 – Lunch & Learn with Geo & Raj: Managing Large Document cases (presented by TransPerfect)

Please check the website calendar for a complete list of CLEs & Committee Meetings.