It was an evening straight out of a late night talk show monologue. Whether it was the “Master” of Masters of Ceremonies Allen Gabe, or the thespian wit of Anthony Calzaretta, the annual holiday party was a night to remember, not just for the merriment of the evening but for the entertaining acceptance speeches of honorees Hon. Joseph Cataldo and Hon. Sam L. Amirante (Ret.). Their speeches were interrupted several times with hearty laughter and applause, followed by standing ovations.

150 guests enjoyed the company of their fellow colleagues at Maggiano’s Schaumburg who came together for the first time in almost two years. The excitement was palpable as everyone celebrated the season and fellow honorees of the evening. President Moe Ahmad was joined at the podium by members of the NWSBA Awards Committee: Tja Chiapelli, Debbie Cohen, and Matt Fakhoury as they awarded Judge Joseph Cataldo with the NWSBA “Scales of Justice” Award, and Judge Sam Amirante (Ret.), who was honored with the NWSBA “Lifetime Achievement Award.”

Over $2,100 was raised benefitting the Hon. Timothy C. Evans Scholarship Fund through a 50/50 raffle and a live auction of memorabilia donated by NWSBA’s immediate past president, Gary Newland.

Music was provided by Mitch Marcus and the Windy City Rev Ups. Mitch, whose day job is with FindLaw, (a sponsor for the evening), donated the live music during the cocktail hour.

Sam took a moment to remember our friend and colleague, Joe Etchingham, who passed away on December 6th. Joe was beloved by all in the room and throughout the Association. Joe was a long time prosecutor for the villages of Norridge and Palatine before going into private practice and is the brother of the Hon. James Etchingham (Ret.) who served the Third District for many years.

Sponsors for the evening were: Attorneys Title Guaranty Fund, Inc., Andrew Erickson/Edward Jones, FindLaw, Landtrust Title Services, Lexitas, Liberty Title & Escrow and Old Republic Title.

Thank you to our Holiday Party co-chairs Anthony Calzaretta, Marie Sarantakis and Christine Svenson.

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President’s Page
By: Mohammad Ahmad

Happy New Year! As we embark into a new year, I remain optimistic and hopeful about what lies ahead for both the NWSBA community and the world. Although Covid-19 is still dominating the headlines, the legal community continues to adapt, finding more creative ways to continue our work as legal professionals amidst an ever-changing world. Pre-pandemic, attorneys used to show up to court even though they were not feeling well in order to fulfill their commitment to their clients. With the adoption of Zoom, virtual court appearances have helped to keep everyone safe and provided a more convenient way for both lawyers and clients to show up. Additionally, the virtual landscape has allowed CLE and legal seminars to become more accessible than ever before.

A special shoutout to attorney George Bellas who has been in the forefront of technology and innovation for our legal profession. Mr. Bellas’ Lunch and Learn seminars have been helpful to our members and legal community. Additionally, Attorney Sami Azhari and Attorney Michael Leonard have done an incredible job kickstarting the federal law committee. I am extremely proud of the work that they have done within the bar association and the excellent programs that they bring to our legal community. I am grateful to all of our active members for continuing to actively work to strengthen our association and build upon our success thus far.

Finally, I want to take a moment to remember Attorney Joseph Etchingham who passed away in December of 2021. My deepest sympathy to the Etchingham family. Joe was a legend who will always be remembered for his kindness, sincerity, humbleness, and honesty. I personally had the privilege of officing and working with Joe for years. He made me a better person and always guided me in the right direction. He will be missed, but will never forgotten.

Peace and Good Health to All,
President Moe Ahmad
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 web site.

**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.

Attorneys serving at the pro bono desk are available to answer legal questions members of the general public may have. While the attorneys serving at the pro bono desk will try to answer your questions to the best of their ability, understand the attorney(s) serving that day may not have expertise in the legal area for which you have a question. The attorney(s) serving the pro bono desk are there to provide legal advise, but are not there to represent the general public on a pro bono basis (free of charge) and therefore do not represent you in any way in the matter for which you may be seeking advice. However, since you are seeking legal advice, your communications with the attorney(s) are subject to attorney-client privilege. Those visiting the pro bono desk are limited to 5-15 minutes in length, depending on the number of others waiting.

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
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Over the years I represented people in mass torts and class actions from the start of my career. I have been asked the difference between the two types of actions on many occasions by members of the Bar as well as the general public. Although my practice is limited to injury related claims at this time such as mass torts I will provide a series of articles explaining mass torts in NewsBriefs. I will also present what is going on with certain mass torts such as the CPAP MDL and the baby formula food poisoning claims the death of premature babies, both of which I will address in the Civil Litigation Committees’ annual seminar January 27, 2022.

We have all heard of class actions and mass torts as methods of obtaining compensation for clients that have been damaged financially and or physically. In both mass tort and class action cases the plaintiffs are made up of a large group and sometimes sub-groups of people who share the same or similar grievance. In both types of claims a financial recovery is sought for the harm caused.

With both class action and mass torts, claims can be consolidated avoiding separate lawsuits for judicial economy. Such proceedings are designed to reduce the number of court cases that arise when many are harmed.

The main difference between mass torts and class actions is how the large group of plaintiffs is treated and the fact that every tort victims harm is felt differently and impacts a persons life differently as opposed to class action claims where the harm is uniform.

Mass torts and class actions often involve a group of individuals sometimes from the same geographic area and sometimes throughout the country. Therefore, mass tort cases can also consist of a small group or large group of injured plaintiffs.

Although plaintiffs in a mass tort action can be a piece of a large group, each member can be treated as an individual as their harm is unique to them and the consequences can vary.

Class action suits have similar attributes to mass torts. In class actions the large group of plaintiffs is considered a class and is represented by an individual called a class representative. The class representative stands in for the rest of the class and all members are treated as one plaintiff as generally the harm caused the class representative is the same as the members.

A class action lawsuit must meet certain criteria.

Generally individuals that may fall into a class must be notified of the suit and given the choice to either opt out or find their own counsel. To establish a class action, a motion must be filed in court for a class representative to act as a plaintiff on behalf of the class of people similarly situated.

Generally the criteria to establish a class action requires the following elements:

1. The class is so numerous that joinder of all members is impracticable;
2. There are questions of law or fact common to the class;
3. The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
4. The representative parties will fairly and adequately protect the interests of the class.

In a mass tort one or more of the above criteria of a class action is not met.

For instance, a mass tort action generally occurs when we are talking about physical injury because a physical injury can impact each person differently. With mass torts circumstances can be different and outweigh the common issues necessary for a class action. Basically if everyone is charged an illegal fee by a bank it is easy to determine a class as everyone is charged a sum certain. Personal injury claims are all unique to the individual.

In many cases mass tort claims are filed when consumers are injured on a large scale by defective products under product liability and negligence theories. Since each person’s condition caused by the defective product is different from individual to individual these cases rarely fit into a single classification.

Another factor is mass tort lawsuits are generally much more complicated than class action lawsuits.

A mass tort can be resolved in a similar way as a class action. Sometimes with a mass tort we will acquire a pot of money for a group of injured parties and hire a special master to divide up compensation equitably based on the individual circumstances. Sometimes bellwether cases are determined to help classify cases. We will discuss the special master issue in later articles as well as bellwether claims.

I hope this is helpful in beginning to understand the differences between mass tort and class action.
Corporate Transparency Act—A Legal & Ethical Overview
Presented by: Michael J. Lightfoot

Effective on January 1, 2022 a NEW Federal law REQUIRES:
… any corporation, limited liability company or “similar entity” that was created by filing a document with a Secretary of State or similar office.
… has filed Federal Income Tax returns demonstrating less than $5,000,000 in gross receipts or sales in the aggregate; and
… has less than 20 people MUST obtain, verify, and record information that identifies each beneficial owners of their business, and FILE that form with the Federal government, through an agency of the United States Department of the Treasury known as Financial Crimes Enforcement Network (FinCEN).

This Program provides an overview of the CTA Act and the legal and ethical implications to state legal practitioners.

Representing the Seller in an Asset Sale Agreement
Presented by: Scott Friedman

An in depth look at Seller’s obligations in an Asset Sale of a Business

Michael Lightfoot is an attorney with the Law Offices of Michael J. Lightfoot P.C. He concentrates his practice as a Corporate Transparency Act Advisor, Business & Technology Lawyer, with a focus on the CTA’s Implications to Small and Medium Sized Business Clients, Intellectual Property, Software & Technology Licensing Matters. Mr. Lightfoot has 25+ years of business technology law experience and 100’s of successful client outcomes. He is a former Assistant State’s Attorney in DuPage County, In-house counsel for Allstate Insurance, Motorola and currently practices in Lake County, Illinois and over the Internet.

Scott Friedman is an attorney with the Law Offices of Scott B. Friedman. He concentrates his practice in the Corporate, Residential / Commercial Real Estate, Estate Planning and Probate disciplines. Scott is currently the Co-Chairman of the Business Law & Intellectual Property Committee for the Northwest Suburban Bar Association. Previously, he served as the Committee Chairman of the Real Estate Law Committee for the Northwest Suburban Bar Association.

Participants will receive 1 hour MCLE General Credit and 1 hour Legal Ethics Professional Credit, pending approval from The MCLE Board of the Supreme Court of Illinois and The Illinois Supreme Court Commission on Professionalism and Civility.

Please register in advance for this meeting:
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After registering, you will receive a confirmation email containing information about joining the meeting.
Holiday Party Photo Recap
Civil Litigation CLE
Co-Chairs: Gary Newland, Ken Apicella, Raj Jutla, & Zubair Khan
January 27, 2021
5:15 PM - 8:00 PM
ZOOM

Free
to members in good standing.

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Seminar will begin promptly at 5:30 PM and will include digital materials.

To receive full credit, attendees MUST be checked in by 5:15 pm.

This program is appropriate for
Beginners & Intermediate

Mohammad Ahmad,
President of the NWSBA

Introduction to Mass Tort
Gary Newland, Newland & Newland, LLP

Trade Secret Litigation
Zubair Khan, Trivedi & Khan, LLP

Municipal Liability
The Honorable Russel Hartigan, (Ret.)

Federal Court How-To
Erin Adamski, Newland & Newland, LLP

Participants will receive 2.5 General Credits as approved by the Illinois Supreme Court’s Commission on Professionalism.

Please register in advance for this meeting:
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By attending this Zoom event, you consent to video recording, photography and audio recording you and waive all rights you may have to any claims for payment or royalties in connection with any use, exhibition, streaming, webcasting, televising, or other publication, and you release the NWSBA and the presenter(s) and each and all persons involved in the event, from any liability connected with the taking, using, recording, digitizing, or publication and of photographs, videos, and/or audio recordings of this event.

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Email: cbarret@nwsba.org
Website: www.nwsba.org
Rolling Meadows Courthouse
Coats for Clients

Attention: All Courthouse Departments

The Northwest Suburban Bar Association is partnering with Northwest Compass Inc to help all the clients who are cold this winter.

There are coats, hats, gloves and hats free and available for anyone who needs one to keep warm.

If you have anyone who comes to the Rolling Meadows Courthouse and they need a warm coat please send them to the Public Defender’s Office to get one of the available coats, hats, gloves and other warm clothes for free.

If you know anyone who needs additional help please ask them to call Northwest Compass at 847-392-2344 or at info@northwestcompass.org
NOW ACCEPTING RESUMES AND LETTERS OF INTENT FOR THE NWSBA BOARD OF GOVERNORS

If you would like to be more involved with the NWSBA in a leadership role, please consider a spot on the NWSBA Board of Governors. We are now accepting Resumes and Letters of Intent for the current open board positions. Qualifications as state in the current NWSBA Bylaws can be found on our website under the Member Dashboard Tab > Corporate Documents > NWSBA Bylaws: 7.3 Qualification to Hold Office or Directorship of the NWSBA.

Resumes and Letters of Intent should be submitted to

Julie Barth, Executive Director

by Friday, January 21, 2022

jbarth@nwsba.org
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*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.
CALENDAR

DECEMBER 8 - NWSBA ANNUAL HOLIDAY PARTY

FEBRUARY 23 - 26TH ANNUAL MOCK TRIAL

JANUARY 25 - BUSINESS & INTELLECTUAL PROPERTY LAW CLE

PLEASE CHECK THE WEBSITE CALENDAR FOR A COMPLETE LIST OF CLEs & COMMITTEE MEETINGS.