

# Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

## Duty or Not...That Is the Question

BY ALBERT E. DURKIN, FLORINA BANDULA, & LEE SMITH III

The First District Appellate Court's recent decision in *Slanger v. Advanced Urgent Care, et. al.*, 2022 IL App (1st) (211579) is a reminder that "duty of care" is not as cut and dried as tort law professors teach students in law school. Generally, whether a "duty of care" exists is a question of law for the court, not for the jury. However, in *Slanger*, in the context of physician-patient relationship, the court found that under the facts of the case, duty

was a question for the trier of fact.

Illinois courts have consistently held that a physician-patient relationship is based on a consensual relationship in which the patient "knowingly seeks the physician's assistance and in which the physician knowingly accepts the person as a patient." *Bovara v. St. Francis Hospital*, 298 Ill. App. 3d 1025, 1030 (1st Dist. 1998). The concept of a physician-patient

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## Illinois Supreme Court History: Women and Juries

BY JOHN A. LUPTON

Illinois passed a limited women's suffrage law in 1913, which was then rendered moot by the passage of the 19<sup>th</sup> amendment to the U.S. Constitution in 1920, giving women the right to vote in all elections. In Illinois, the right to vote, which is one of several requirements for jury service, did not necessarily mean women could serve on juries.

In 1924, Hannah Fyfe was called for jury duty in Cook County, but her name was eliminated because she did not "possess the necessary legal qualifications for jury duty, in that she was a woman." Fyfe claimed that

because she was a legal voter in addition to all other qualifications, she had the right to serve on a jury. She petitioned for a writ of mandamus against the Cook County jury commissioners, and the Cook County Circuit Court agreed with Fyfe. The commissioners appealed to the Illinois Supreme Court, and Fyfe was represented by Elizabeth Perry, a Chicago attorney. The Supreme Court reversed the decision because the laws that governed jury pools comprised of electors referred only to men, and Illinois has passed no laws to update

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## Duty or Not...That Is the Question

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relationship, however, can be problematic in today's healthcare structure. *Slanger* is a case on point.

Plaintiff, Robert Slanger, as the Independent Administrator of Janet Slanger's estate, brought suit against a physician, a nurse practitioner, a hospital, and other entities for medical malpractice. Plaintiff's claims stemmed from Janet Slanger's emergency visit at Silver Cross Hospital on December 11, 2016. Specifically, in the early morning of December 11, 2016, plaintiff's decedent, Janet Slanger (Janet) arrived at the emergency department complaining of a sore throat and difficulty breathing. Upon arrival, Janet signed a consent form stating, in relevant parts:

"I consent to \*\*\* hospital services including nursing care rendered me under general and special instructions of the attending, consulting, or emergency department physicians. I am under control of the attending physicians, their assistants or designated on-call or covering physicians, who are in charge of my care and treatment.

I further acknowledge that my admission and discharge are arranged by the attending physician. The undersigned further acknowledges that physician services for doctor care related to the preceding sentence will be billed separately by the physician or physician group providing the physician's services and that such charges are separate and in addition to the charges and billing for Silver Cross."

*Slanger*, 2022 IL App (1st) 211579, ¶ 6. Terry Kennedy ("Kennedy"), a nurse practitioner, examined Janet. She documented the patient's complaints, made a diagnosis of pharyngitis, left cervical lymphadenopathy, and stomatitis. Kennedy prescribed her medication and made a recommendation for the patient to be discharged with instructions to follow up with primary care physician. Unfortunately, within two hours from the discharge, Janet called 911 for emergency medical assistance. The paramedics found her unresponsive in the driveway, with no heartbeat. Two days

later, Janet died.

Kennedy, as a nurse practitioner practicing in Illinois, did not have the freedom to practice independently and she was required to work under a collaborative agreement with a physician—here, Dr. Collins. Dr. Collins was employed by EM Strategies, an independent physician group retained by Silver Cross Hospital. According to the doctor, his role at the hospital was to provide mid-level practitioners, like Kennedy, with assistance. In his deposition, Dr. Collins expressed:

"I'm there to provide any help if she needs it — he or she—, whoever the mid-level would be. If they want me to come see the patient, examine the patient, talk to the patient, and help them make a disposition on the patient. I'm there to do that."

Dr. Collins was the assigned supervising emergency room physician during Janet's visit to the hospital. The doctor never had actual contact with Janet. In other words, he never treated, consulted, or evaluated the patient face-to-face. Nonetheless, he signed off on Janet's medical chart during that visit. Dr. Collins also went on to add an addendum to the medical chart stating, "I was the supervising physician for this patient and agree w/ plan." Dr. Collins' addendum was his adoption of Kennedy's suggested diagnosis and treatment. Thus creating the physician-patient relationship.

At the end of discovery, Dr. Collins moved for summary judgment arguing that in the absence of a physician-patient relationship, he did not owe a duty of care to Janet.<sup>1</sup> The trial court granted summary judgment in Dr. Collins' favor finding that, as a matter of law, because there was no special relationship between Dr. Collins and Janet, there was no duty of care. An appeal followed.

On appeal, Plaintiff argued that Dr. Collins and Janet formed a physician-patient relationship, and therefore, there was a genuine issue of material fact regarding Dr. Collins' duty of care to Janet that precludes a summary judgment finding. The appellate court agreed. Reversing and

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### OFFICE

ILLINOIS BAR CENTER  
424 S. SECOND STREET  
SPRINGFIELD, IL 62701  
PHONES: 217-525-1760 OR 800-252-8908  
WWW.ISBA.ORG

### EDITORS

Evan Bruno  
Hon. Barbara L. Crowder

### PUBLICATIONS MANAGER

Sara Anderson  
✉ [sanderson@isba.org](mailto:sanderson@isba.org)

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remanding the trial court's decision, the appellate court found that a genuine issue of material fact existed as to whether the doctor owed a duty of care to the decedent.

The cumulative evidence, in this case, justifies the appellate court's decision. First, Janet specifically signed a consent form which stated that she was "under control of the attending physician"—Dr. Collins. Dr. Collins' employer, EM Strategies, also charged Janet for the doctor's services. In fact, for billing purposes, the patient could not have been discharged without the supervising physician's approval.

Further, in his deposition, Dr. Collins described his role as being available to respond to the nurse practitioner's request for assistance. Even though Dr. Collins never personally met the patient, he signed off on Janet's medical chart. The fact that he signed off on Janet's medical chart, can be interpreted as him accepting responsibility for patient's diagnosis and treatment.

In analyzing the fact in this case, the

appellate court reasoned that a physician-patient relationship *can* exist even in the absence of an actual contact between the treating physician and the patient. (emphasis added). Illinois courts have repeatedly found that some affirmative acts on part of a physician to care, treat, diagnose, and evaluate a specific patient are sufficiently indicative of a physician-patient relationship. See, e.g., *Bovara v. St. Francis Hospital*, 298 Ill. App. 3d 1025, 1030 (1st Dist. 1998); *Lenahan v. University of Chicago*, 348 Ill. App. 3d 155, 163, (1st Dist. 2004) (the appellate court cited both cases). At trial, the jury may find that Dr. Collins' assessment and involvement in reviewing Janet's medical chart, and also approving her plan of care, impacted Janet's diagnosis and treatment that ultimately resulted in her death. Therefore, for all these reasons, the appellate court found that a genuine issue of material fact existed as to whether the doctor owed a duty of care to the decedent, and reversed the trial court's decision.

The "physician-patient" relationship is still a developing area in the law. This case may be a helpful tool to deal with defendant physicians who question the formation of a physician-patient relationship. As a reminder, cases with unique facts—as *Slanger*—require a case-by-case determination and analysis of the contractual agreement signed by the patient, an analysis of the extent of the physician's involvement in providing care and treatment to a patient, but also on whether the physician billed for his services. Generally, a patient-physician relationship exists when a physician affirmatively acts and participates in a patient's treatment, care, diagnosis, evaluation, or agreeing to do so, even in the absence of actual contact. ■

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1. Dr. Collins employer, EM Strategies, also moved for summary judgment. The argument and ruling of that particular motion is not discussed in this article.

## Illinois Supreme Court History: Women and Juries

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the definition of "elector" (*People ex rel. Fyfe v. Barnett et al.*, 319 Ill. 403 (1926)).

It took the General Assembly 11 years to pass a new law to allow women to serve on juries in 1937. Cook County refused to implement it, arguing that the Illinois Constitution prohibited women from serving on juries and that only a Constitutional amendment could provide women that right. The Constitution of 1870 specifically noted that only men could serve on juries. Clara Denny challenged Cook County's interpretation in an original mandamus suit in the Illinois Supreme Court (*People ex rel. Denny v. Traeger et al.*, 372 Ill. 11 (1939)). The Supreme Court granted the writ allowing women to serve on juries because many statutes and other state Constitutions while referring only to "men," intended to include "women."

While the right for women to serve on petit juries was finally accepted, a defendant in a 1941 criminal case in McDonough County decided to test whether that right

included service on grand juries. Clifford Thurman was indicted for mayhem and assault but made a motion to quash the indictment because five women served on the grand jury. Since women were not allowed to serve on grand juries, he claimed, their votes to indict did not count, resulting in an insufficient grand jury vote total to indict. The McDonough County Circuit Court agreed with Thurman and quashed the indictment. The state appealed the case to the Illinois Supreme Court (*People v. Thurman*, 377 Ill. 453 (1941)). In a *per curiam* decision, the Court ruled that the McDonough County Circuit Court erred in quashing the indictment because "we are unable to escape the conclusion that the General Assembly intended" that the qualifications for jury service, "neither prohibit or require the inclusion of women" to grand or petit juries. Therefore, women were allowed to serve on grand juries because there was no law that prevented them from doing so.

The battle for women to serve on juries was a long process in the 1920s, 30s, and 40s. It took at least three test cases that hinged on a narrow, then broad, definition of "men" before women were accorded equal access to the jury box. ■

# Access to Justice Subcommittee Update

BY KAYLAN HUBER

The Access to Justice subcommittee met on January 23 to discuss issues related to encouraging pro bono work, self-represented litigants, and general access to our court system. The subcommittee is researching and preparing a comprehensive resource guide for county resources as they relate to self-represented litigants, as well as pro bono availability.

The subcommittee discussed how counties have created websites with links to their local self-help groups, as well as links to the Illinois Supreme Court Commission on Access to Justice. There was a discussion regarding how accessible we have made the

court system. A brief chat was held on the newly implemented Illinois Supreme Court Rule 45 regarding Remote Appearances in Circuit Court Proceedings, which became effective on January 1, 2023.

1. The subcommittee wants to reach out to fellow members of Bench and Bar Section regarding the following:
2. What resources, in your home county/circuit, are available to self-represented litigants? These could be forms, self-help desks, etc.
3. Does your home county/circuit have a pro bono program?

Regarding the newly implemented Illinois

Supreme Court Rule 45, are your local courts facilitating Zoom (or similar) access for litigants? If so, how is that information made accessible for members of the public. If not, what do you think is the number one barrier is in the implementation?

If you feel so inclined, please think about the questions and send a response or two to Judge Patrice Ball-Reed or Kaylan Huber, the co-chairs of the Access to Justice subcommittee. ■

# The Investiture of Justice Elizabeth M. Rochford

BY DANIEL E. O'BRIEN

I had the unexpected and rare honor to attend the Investiture of Judge Elizabeth M. Rochford last month. The investiture was attended by numerous dignitaries from Judges to Commissioners to our longest serving Secretary of State. This was of interest but what struck me most was the passion and sincerity of each of the speakers. The event was moderated by Judge Smith, a person that clearly has a great deal of admiration for Justice Rochford as you revealed in his remarks. Justice Mary Kay Rochford of the First District and Mary Schostok of the Second District both delivered heartfelt and personal remarks that were poetic, elegant and moving. The speeches were full of extremely moving anecdotes about Justice Rochford that confirms what is obvious to people when they meet her. She is humble, graceful, empathetic, incredibly thoughtful and intelligent. When I say that the comments were moving, I must guess that most of the people there, your author

included, had a perpetual lump in their throats as they listened to the comments regarding this amazing person.

I thought of doing this article as a result of seeing bits and pieces in the media from comments of Chief Justice Theis and small quotes from all the Justices that were sworn in. I concluded that the media was really missing the flavor of the remarks of all of these impressive people because they were not able to share the entirety of the comments. As such, sharing made sense. The most important remarks of the day were those of Justice Rochford herself. When I contacted to obtain Justice Rochford's permission to do publish her remarks, in a perfect statement of humility she said "sure, but I don't know why anyone would be interested." Her remarks are, in my opinion, important for all of us. They embody who our new Supreme Court Justice is, where she came from and how she views her role. As important, I think her remarks set out

what is important in the law and how we are all integral parts of a vast system that is designed to provide justice to all. Reading her comments gives you a flavor of all of this, but I also invite you to listen to the entire Investiture. I could not help but think as I was writing this that when you hear all the speakers, their passion and sincerity was front and center. The link is <https://www.illinoiscourts.gov/courts/supreme-court/judicial-events>. I hope you all enjoy this as much as I did. Happy New Year!

## Remarks By Justice Elizabeth M. Rochford

"Well, this is certainly an exceptional moment for me, for my family, really beyond my imagination, and I'm brimming with gratitude. When I was small, we lived in a two flat on the west side of Chicago and down Melvina Avenue. The house is lined in varying rhythm, except ours, which was distinguished by a catalpa tree at the front curb. It had grown to its tall stature from

humble seeds that my mother had planted four decades before. My grandfather, Rupert Fallon, lived in the flat above us, and that's where I preferred to spend all of my time. He and I fit neatly in his worn red leather rocking chair with a perfect view of that coveted tree outside his window, just beyond the Venetian lines. Through the seasons, he would tell the stories that brought that tree and its inhabitants to full technicolor reality for me.

The significance of that tree, it's mighty, solid and reliable trunk, the grace and shade it brought to our street the shelter and protection it provided to the community of leaping squirrels and nesting birds and insects that made their home there. And he would especially stimulate my imagination when he would tell about the vast root system, the network that is the source of its strength, yet operates exclusively beneath the earth in the black dirt, unseen and uncelebrated. Those stories were wise and funny, heartbreaking, and joyful, and they were apparently tucked away in my archives, but when I began to study and work in law, they were restored. My grandfather's lessons about struggle and stability and misfortune and compassion all translated very naturally into the practice of law. The courthouse, after all, is like the tree's trunk, a centerpiece of community both in its physical presence and by the nature of its function and purpose.

It's reliably trusted as the forum to ensure fair resolution of legal disputes and to protect against arbitrary and improper use of power. It's the immutable independence and integrity of judges as the protector of the rule of law, that is like that trunk, and a breach of that is the threat to our democracy. And then there's the web of tree branches, not unlike the immense court system across the full reach of our state and over which this Supreme Court has the authority, and finding proper balance and scale in the complexity of that operation while recognizing and responding to the differences and needs and the disparity in resources that are available. And that tree's inhabitants, are like the very communities that our courts are committed to serve, the dangers they encounter, the conflicts and competitions

in which they embroil and the joyful events too. And it's in that community, focused work that the Supreme Court may have the greatest impact, establishing lofty policies on access to justice for all people, but especially the poor and the vulnerable.

We're committing to promoting strategies to advance positive mental health, to avert more serious legal entanglements from civil and criminal and a promise to be both effective and efficient in the administration of justice. And like that tree, the court has roots of its own. It's the vast network of people on whom we rely to keep the courts functioning. You may rarely see them. They are typically not recognized, but they are essential. In the 19th judicial circuit, we have people like Winnie and Francis Maraya, Unique, Charlie and Brian to name, but a few. From technology to self-represented litigant services to clerks, admin, security and maintenance and keep the Court humming. And today, I begin with a new team. I'm not certain if I'm adopting the Second District's Supreme Court staff or perhaps, they are adopting me, but what is certain is that they will be the engine behind the work product that bears my name but is truly the result of our collaboration.

They will be my roots. I cannot sit here today without acknowledging that I'm recently at the conclusion of an 18-month rigorous political campaign. Contested in both primary and general, the journey that often seemed incongruous with what we do. I was at times discomfiting to have our important and broad scoped work distilled down to a thirty second sound bite, but it's an inevitable part of the process to this important end and therefore I will not wash it off or wish it away. But the wonderful bright spot of the campaign trail was in being offered the opportunity to talk to Illinois residents across the state. To inform and reassure them about a judge's work and a Court's process. And it was a high privilege. I'm determined to continue those conversations. There is so much important work ahead and as I prepare to face it, I will follow the lead of my esteemed colleagues, but I also have two powerful symbols that are immediately on hand.

First, that which is in the unobstructed

view of every justice who sits here on this Court. And it's behind you on the back wall and it says *Avi Alteram Partem* It's a reminder to us every day to hear the other side. And looking over us from just behind the Seal of the Illinois Courts. Lady Justice, as Justice Mary Schostok mentioned, and she's sitting there resting on a rock representing the solid foundation of the law. As Mary also said, she holds the scales of justice, affirming the equity and fair measure that will always be applied and a sword to demonstrate the swift and final nature of the Court's authority. My favorite part, she's surrounded by a ring of bees to show the Court working in harmony.

I had a front row seat at Justice Cunningham's investiture on Thursday. And when Justice Theis noted there would soon be a historic five women on the Illinois Supreme Court, I was watching Lady Justice. And while it's true that she maintained that same placid expression that she has worn since she took that seat in 1818, I could swear she gave a little wink too. Lady Justice, you have been oh, so patient. I want to especially thank Chuck Smith for shepherding us through today's program for being such a trusted resource personally and professionally to our beloved Monsignor Velo, spiritual guide and dear friend, to every member of the Rochford family. Oh how my parents loved you. To Officer Kenya Gaines for her beautiful rendition of the National Anthem and for so proudly representing Chicago's Finest and my family's history and legacy with the Chicago Police Department. Jesse White. A politician, head and shoulders above the rest. Our model in public service. Thank you for being here today. Thank you for your service and leading us in the pledge. You are a model I aspire to.

Justice Mary Schostok. So grateful to you. You have been seeing things in me that I did not recognize in myself. Your confidence and your encouragement has made all of the difference, and I'm so grateful for your friendship. Justice Mary Kay Rochford. Well, where could I begin? As she noted, we were here once before. She administered my oath when I was sworn as a Judge the first time almost precisely ten years ago. And again, I can't help but



think today that our mothers have found a kitchen table and heaven are sharing a cup of tea and having a slice of Brighty's famous Irish soda bread. And although neither of them ever uttered a boastful word on any subject and especially about their children, I can't help but think they must be pleased to see us standing together today. Thank you so very much.

To all of my girlfriends. Many of them are here in the room and some who are watching on livestream, the young ones, the old ones, and the in between ones. You have been pushing me up the hill all along and it is with you in mind that I will use this new power to create opportunities and to provide encouragement to the next generation of women, of course, but also men of every race and religion and origin, the way that you have generously done for

me.

Mary Kay, beautifully referenced my sister, Joan. And I have too also. She's the unsung hero of our family, my lifelong defender and protector. And I love you and I'm so grateful to you.

My husband, Michael Streedle, of all the good things in my life and there are of so many, you are the best of the best. Our beautiful, bright and fun daughters who keep us up all the time. And finally, in conclusion to my father-in-law, the other Michael Streedle, he isn't here today, but he'll be celebrating his 91st birthday next week. And Dad, I know how worried you have been about me, but I've landed safely. I'm okay. And I love you so very much.

It has certainly been an unlikely journey from my grandfather's red leather rocking chair to the sixth seat on the Illinois

Supreme Court. But from both places I've enjoyed the same optimistic and grateful view, and I sincerely thank each and every one of you for sharing this most exceptional moment with me and for entrusting to me this extraordinary opportunity to serve. Personal thanks."■

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*Daniel E. O'Brien has been practicing law since 1992 and is a member of the Law firm Winters Salzetta O'Brien & Richardson, LLC. Dan concentrates in representing catastrophically injured clients who are injured through personal injury including but not limited to medical negligence, construction negligence, products liability, trucking negligence. Dan is currently the chair of the Torts Section Council and acting editor of Tort Trends.*

# Update on the ISBA's Diversity, Equity, Inclusion, and Accessibility Initiatives Regarding Disability and Disabled People

BY PATTI CHANG

The Illinois State Bar Association (ISBA) strives to increase diversity, equity, inclusion, and accessibility (DEIA) in many ways and is making DEIA a top priority going forward. This article provides an update on the ISBA's DEIA initiatives with respect to disability and disabled people. But before moving on, a quick note regarding the verbiage used in this article is in order. We use identity first language intentionally because the author of this article prefers it, while at the same time, we acknowledge that not all people with disabilities have the same preference. So, we speak in terms of "disabled people" as opposed to "a person who is disabled."

We at the ISBA also believe that efforts around DEIA are helpful to all. Take curb cuts as an example; though originally developed to increase accessibility for people using wheelchairs, they are also helpful

to those pushing baby strollers or pulling rolling suitcases too. Scanners and optical character recognition are also widely used technologies that were originally invented to aid the blind in reading printed materials which could then be translated from text to speech. The key takeaway here is that making changes to our world to make it more accessible to disabled people yields dividends for everyone.

## The ISBA's Disability Law Committee

There is an axiom in the disability community—"nothing about us without us." As the ISBA is no exception, our DEIA efforts around disability begin with our Disability Law Committee. The Committee's charges include promoting fair and equal treatment of disabled people and providing a forum for education and advocacy as it

relates to disabled people generally; as well as to further the professional development and inclusion of attorneys and law students with disabilities, and practitioners who serve disabled clients, by creating programming and other resources to support their professional needs. Additionally, the Disability Law Committee actively supports inclusivity within the ISBA through outreach to various stakeholders in the legal community.

The Committee also brings accessibility barriers to the attention of ISBA leadership and staff. For example, the Committee presses the ISBA to commit to using only accessible event venues that are welcoming to people using wheelchairs (see more on this below). The Committee also points out issues within the ISBA's web presence that would be inaccessible to blind people using

screen reader software.

Another important role of the Committee is to provide perspective and feedback about problematic language to ISBA staff. A good example was when the Committee was helping to shape the ISBA Accessibility Statement, which originally stated that we “encourage the visually impaired to bring along an additional individual [to events] at no additional charge to take notes or assist.” This suggestion, though well-intentioned, sounds custodial and has since been replaced by simply asking members if there are reasonable accommodations that would allow them to participate more fully.

More recently, the Committee has begun to engage with ISBA staff through regular meetings on DEIA within the Association. Meetings take place every couple of months and create an ongoing dialogue which is helpful in keeping the idea that disability is part of diversity at the forefront.

This journey has not always been smooth, but for the most part it has been moving forward and has led to positive change. The ISBA has come a long way from the author’s first Midyear Meeting where she was unfortunately asked, “honey this is a meeting for lawyers. Where are you trying to go?”

## Working Together in Many Areas

Through our regular meetings with ISBA staff, we are now sharing ideas and solutions. Because every disability is different and every disabled person is unique, DEIA around disability is especially complex. That said, we have been working on some key areas that I will touch upon below.

### Meeting and Event Venues, Location, and Accessibility

The accessibility-related challenges inherent in meeting and event venues is best exemplified by considering the Abbey Resort in Wisconsin, where the ISBA Annual Meeting has been held many times in the past. Most attendees would attest that this venue is an accessibility nightmare with several different levels that are not easily accessed via elevators. While the ISBA did continue to return to the Abbey

after accessibility barriers were pointed out by the Disability Law Committee, staff has assured us that it will no longer be a future venue for the ISBA.

As the above demonstrates, meeting venues typically pose significant challenges in relation to accessibility. Not only do we want facilities that can be easily maneuvered by all, but we also need venues that are accessible via public transit. Not everyone drives a car, and not everyone can afford to drive a car to a venue. When selecting venues, we should be asking whether the venue has proper signage and if it is friendly to those with mental health issues. Accessibility-related issues should be top of mind when venues are sought out for ISBA meetings and events.

One way to be inclusive for disabled members and guests is to make clear that reasonable accommodations are possible and clearly state where such requests should be directed. This has been included in the ISBA Accessibility Statement, but the committee urges the ISBA to include a similar statement on all communications about virtual and in-person events that informs potential participants about the reasonable accommodation process.

### Continuing Legal Education

The ISBA is thankfully encouraging CLE planners to seek out diverse speakers including disabled people. If lawyers do not see their disabled colleagues as experts in their own right, they will be less likely to have high expectations for disabled people, which impacts everything from socialization to hiring decisions. Moreover, CLE materials that are distributed to attendees should be readable by all. As such, speakers are discouraged from simply handing in scans of their materials that are images, and are encouraged to submit materials in text-based formats like Word, RTF, and text-based PDFs that allow blind people using screen readers to access those materials easily. By the way, text-based materials are searchable by all, which is a great example of how accessibility benefits everyone.

### ISBA Website

The ISBA has worked hard to improve our accessibility on the web. Our

accessibility statement page says it well in listing the following measures being taken to improve accessibility:

- Regular review of design and coding of website for accessibility improvements;
- Providing accessibility training for ISBA staff;
- Integrating accessibility into our procurement practices;
- Automated closed captioning available for all On-Demand CLE programs created after September 2021;
- All live CLE webcasts now offer closed captioning and transcripts via Zoom; and
- Reviewing PDFs, Word documents, and other files to prioritize documents to make accessible and to develop accessible templates for future documents.

One recent improvement the ISBA can be especially proud of is providing its judicial evaluations on the web in a more accessible format than the PDFs that had been previously used. Those statewide evaluations are available to the public and are used by almost a hundred thousand people in the November 2022 election. One grateful voter said “This is the first time I have found enough accessible information on the web in Illinois to make informed decisions in judicial races. I used to just not vote for them at all.” This change also made the judicial evaluations mobile friendly and more user friendly generally, as another example of how making something accessible benefits everyone.

### Future Efforts

Is there more to do? Of course, there is more to do. Twenty to twenty-five percent of the population has a disability, yet the ISBA membership includes few disabled people and is lacking disabled people in leadership positions. ISBA staff members with disabilities are also few. Sometimes it seems that our DEIA efforts leave out those with disabilities entirely, and staff and members likely exhibit hidden, implicit biases that unintentionally exclude people.

So, the ISBA should work on future DEIA initiatives, which might include:

- Actively recruiting law students, lawyers, and employees with disabilities and creating a pipeline to leadership through networking and mentorship;
- Hiring someone on ISBA staff who has expertise in diversity, equity, inclusion, and accessibility;
- Adopting a robust plan to ensure accessibility of future venues; and
- Providing more helpful information around the law in accessible formats to the general public.

If you want to help with these efforts or know someone we should recruit to help with these initiatives and others, please reach out to the author ([PChang@nfb.org](mailto:PChang@nfb.org)) and she'll relay the information to our Disability Law Committee. ■

## Recent Appointments and Retirements

1. Pursuant to its constitutional authority, the supreme court has appointed the following to the supreme court:

- Hon. Joy V. Cunningham, 1st Dist., December , 2022

2. Pursuant to its constitutional authority, the supreme court has appointed the following to the appellate court:

- Hon. Linda E. Davenport. 3rd Dist., December 21, 2022

3. Pursuant to its constitutional authority, the supreme court has appointed the following to be circuit judge:

Hon. Frank W. Ierulli, 10th Circuit, December 1, 2022

Hon. Kevin S. Parker, 4th Circuit, December 12, 2022

Hon. Chantelle A. Porter, 18th Circuit, December 12, 2022

Robert E. McIntire, 5th Circuit, January 6, 2023

4. Pursuant to its constitutional authority, the supreme court has reinstated the following judges:

- Hon. Adrienne W. Albrecht, retired circuit judge, Reinstated, Appellate Court, 3rd Dist., December 12, 2022
- Hon. Michael Reidy, Associate Judge, 18th Circuit, December 22, 2022
- Hon. Marzel L. Richardson., Jr. 12th Circuit, 2nd Subcircuit, January 30, 2023

5. Pursuant to its constitutional authority, the supreme court has recalled the following judge:

Hon. John W. Turner, Appellate Court, 4th Dist., December 5, 2022

6. The following judges have been elected:

- Maria M. Barlow, Cook County Circuit, 1st Subcircuit, December 5, 2022
- Hon. Carla E. Barnes, 11th Circuit, December 5, 2022
- Bernadette Barrett, Cook County Circuit, 15th Subcircuit, December 5, 2022
- Hon. Paul E. Bauer, 10th Circuit, December 5, 2022
- Hon. Charles S. Beach, II, Cook County Circuit, 6th Subcircuit, December 5, 2022
- Chad S. Beckett, 6th Circuit, December 5, 2022
- Timothy D. Berkley, 3rd Circuit, 1st Subcircuit, December 5, 2022
- Aileen Bhandari, Cook County Circuit, 11th Subcircuit, December 5, 2022
- Hon. Ralph R. Bloodworth, III, 1st Circuit, December 5, 2022
- Hon. Steven M. J. Bost, 1st Circuit, December 5, 2022
- Hon. Brian L. Bower, 5th Circuit, December 5, 2022
- Hon. Liam C. Brennan, Appellate Court, 3rd Dist., December 5, 2022
- Hon. Marcy L. Buick, 23rd Circuit, December 5, 2022
- Hon. Bianca Camargo, 16th Circuit, 1st Subcircuit, December 5, 2022

Iris Chavira, Cook County Circuit, 14th Subcircuit, December 5, 2022

- Jayson M. Clark, 1st Circuit, December 5, 2022
- Hon. Jessica Colon-Sayre, 12th Circuit, December 5, 2022
- John Connor, 12th Circuit, December 5, 2022
- Hon. Araceli R. De La Cruz, Cook County Circuit, December 5, 2022
- Hon. Timothy D. Denny, 1st Circuit, December 5, 2022
- Robert C. Ditto, 19th Circuit, 1st Subcircuit, December 5, 2022
- Hon. Thomas M. Donnelly, Cook County circuit, December 5, 2022
- Hon. Benjamin W. Dyer, 6th Circuit, December 5, 2022
- Hon. Patrick Foley, 20th Circuit, December 5, 2022
- Barry S. Goldberg, Cook County Circuit 9th Subcircuit, December 5, 2022
- Hon. Ruth I. Gudino, Cook County Circuit, December 5, 2022
- Colby G. Hathaway, 14th Circuit, December 5, 2022
- Jason Helland, 13th Circuit, December 5, 2022
- Hon. Kevin T. Hoemer, 20th Circuit, December 5, 2022
- Kenneth J. Hogan, 9th Circuit, December 5, 2022
- Hon. Mark Isaf, 5th Circuit, December 5, 2022
- John L. Joanem, 19th Circuit, 4th



- Subcircuit, December 5, 2022
  - Nicholas Kantas, Cook County Circuit, 4th Subcircuit, December 5, 2022
  - Hon. Norma Kauzlarick, 14th Circuit, December 5, 2022
  - Hon. David L. Kelly, Cook County Circuit, 5th Subcircuit, December 5, 2022
  - Hon. Christopher M. Kennedy, Appellate Court, 2nd Dist., December 5, 2022
  - Hon. Bryan M. Kibler, 4th Circuit, December 5, 2022
  - Hon. Donald W. Knapp, Jr., 11th Circuit, December 5, 2022
  - Hon. Amy C. Lannerd, 8th Circuit, 4th Subcircuit, December 5, 2022
  - Hon. Clayton L. Lindsey, 15th Circuit, December 5, 2022
  - Hon. Diana E. Lopez, Cook County Circuit, December 5, 2022
  - Hon. Kerrie Maloney Laytin, Cook County Circuit, 6th Subcircuit, December 5, 2022
  - Sharmila Manak, 19th Circuit, 2nd Subcircuit, December 5, 2022
  - Viviana Martinez, Cook County Circuit, 14th Subcircuit, December 5, 2022
  - Hon. Reginald C. Mathews, 19th Circuit, 3rd Subcircuit, December 5, 2022
  - Peter McClanathan, 15th Circuit, December 5, 2022
  - Hon. Michael D. McHaney, Appellate Court, 5th Dist., December 5, 2022
  - Hon. Mia S. McPherson, 18th Circuit, December 5, 2022
  - Shane M. Mendenhall, 6th Circuit, December 5, 2022
  - Hon. Chad Miller, 4th Circuit, December 5, 2022
  - Hon. Raymond W. Mitchell, Appellate Court, 1st Dist., December 5, 2022
  - Hon. Phillip G. Montgomery, 23rd Circuit, December 5, 2022
  - Joshua Morrison, 4th Circuit, December 5, 2022
  - Hon. Michael G. Nerheim, 19th Circuit, 12th Subcircuit, December 5, 2022
  - Thomas E. Nowinski, Cook County Circuit, December 5, 2022
  - Hon. Mary K. O'Brien, Supreme Court, 3rd Dist., December 5, 2022
  - Marcia O'Brien Conway, Cook County Circuit, 7th Subcircuit, December 5, 2022
  - Jill Otte, 18th Circuit, December 5, 2022
  - Hon. Joseph C. Pedersen, 23rd Circuit, December 5, 2022
  - Hon. Tracie Porter, Cook County Circuit, December 5, 2022
  - Shawnte Raines-Welch, Cook County Circuit, 4th subcircuit, December 5, 2022
  - Hon. Elizabeth M. Rochford, Suprem Curt 2nd Dist., December 5, 2022
  - Elizabeth C. Ryan, Cook County Circuit, December 5, 2022
  - Hon. Robin L. Schmidt, 7th Circuit, December 5, 2022
  - Hon. Amy Sholar, 3rd Circuit, 1st Subcircuit, December 5, 2022
  - Hon. Scott Śliwiński, 21st Circuit, December 5, 2022
  - Michael Strange, 2nd Circuit, December 5, 2022
  - Stephen Swedlow, Cook County Circuit, 8th Subcircuit, December 5, 2022
  - Hon. Sanjay T. Tailor, Cook County Circuit, 9th Subcircuit, assigned to Appellate Court, 1st Dist., December 5, 2022
  - Lisa M. Taylor, Cook County Circuit, December 5, 2022
  - Hon. Roger B. Thomson, 8th Circuit, December 5, 2022
  - Hon. Christopher P. Threlkeld, 3rd Circuit, 1st Subcircuit, December 5, 2022
  - Bradley Trowbridge, Cook County Circuit, 8th Subcircuit, December 5, 2022
  - Jeffrey Tuminello, 12th Circuit, 5th Subcircuit, December 5, 2022
  - Hon. Stewart J. Umholtz, 10th Circuit, December 5, 2022
  - Hon. Rena M. Van Tine, Cook County Circuit, December 5, 2022
  - Mark L. Vincent, 8th Circuit, December 5, 2022
  - Hon. Debra B. Walker, Appellate Court, 1st Dist., December 5, 2022
  - Jeremy R. Walker, 24th Circuit, December 5, 2022
  - Michael W. Weaver, Cook County Circuit, December 5, 2022
  - Timothy W. Wright, III, Cook County Circuit, 3rd Subcircuit, December 5, 2022
7. The Circuit Judges have appointed the following to be Associate Judge:
- Michael H. Burton, 18th Circuit, December 15, 2022
  - Emily J. Nielsen, 3rd Circuit, January 23, 2023
  - George T. Pappas, 19th Circuit, January 23, 2023
  - Justin Zimmerman, 3rd Circuit, January 23, 2023
8. The following judges have retired:
- Hon. Robert M. Hopkins, 2nd Circuit, December 1, 2022
  - Hon. Albert L. Purham, Jr., Associate Judge, 10th Circuit, December 2, 2022
  - Hon. Dinah J. Archambeault, 12th Circuit, December 4, 2022
  - Hon. Richard A. Brown, 20th Circuit, December 4, 2022
  - Hon. Michael J. Burke, Supreme Court, 2nd Dist., December 4, 2022
  - Hon. Robert L. Carter, Supreme Court, 3rd Dist. December 4, 2022
  - Hon. James R. Glenn, 5th Circuit, December 4, 2022
  - Hon. Dana McReynolds, 14th Circuit, December 4, 2022
  - Hon. Walden E. Morris, 1st Circuit, December 4, 2022
  - Hon. William A. Mudge, 3rd Circuit, December 4, 2022
  - Hon. Timothy P. Murphy, Cook County Circuit, December 4, 2022
  - Hon. Carol Pentuic, 14th Circuit, December 4, 2022
  - Hon. William E. Poncin, 9th Circuit, December 4, 2022
  - Hon. M. Don Sheafor, 4th Circuit, December 4, 2022
  - Hon. Alan D. Tucker, 8th Circuit, December 4, 2022
  - Hon. Samuel J. Betar, III, Cook County Circuit, 13th Subcircuit, December 31, 2022

- Hon. James Jeffrey Allen, 12, Circuit, 2nd Subcircuit, December 31, 2022
  - Hon. Laura M. Sullivan Cook County Circuit, December 31, 2022
  - Hon. Michael P. Toomin, Cook County Circuit, December 31, 2022
  - Hon. David Brodsky, Associate Judge, 19th Circuit, January 16, 2023
  - Hon. Maureen E. Connors, Appellate Court, 1st Dist., January 17, 2023
  - Hon. James N. O'Hara, Cook County Circuit, 14th Subcircuit, January 23, 2023
  - Hon. James E. Snyder, Associate Judge, Cook County Circuit, January 24, 2023
  - Hon. John J. Kinsella, 18th Circuit, January 27, 2023
  - Hon. Lorna E. Propes, Cook County Circuit, January 27, 2023
  - Hon. Joseph M. Claps, Associate Judge, Cook County Circuit, January 30, 2023
  - Hon. Ann Finley Collins, Cook County Circuit, 11th Subcircuit, January 30, 2023
  - Hon. Catherine M. Haberkorn, Cook County Circuit, January 30, 2023
  - Hon. Gregory J Wojkowski, Cook County Circuit, 10th Subcircuit, January 30, 2023
9. The terms of the following judges have expired:
- Hon. George Bridges, Appellate Court, 4th Dist. December 1, 2022
  - Hon. Christina M. Cantlin-Van Wiggeren, 11th Circuit, December 4, 2022
  - Hon. Paul M. Daleo, Cook County Circuit, 11th Subcircuit, December 4, 2022
  - Hon. Eugene P. Daugherty, Appellate court, 3rd Dist., December 4, 2022
  - Hon. Richard H. Gambrell, 9th Circuit, December 4, 2022
  - Hon. Vincent M. Gaughan, Cook County Circuit, December 4, 2022
  - Hon. Robert E. Gordon, Appellate Court, 1st Dist., December 4, 2022
  - Hon. John L. Hauptman, Appellate Court, 3rd Dist., December 4, 2022
  - Hon. Arnette R. Hubbard, Cook County Circuit, December 4, 2022
  - Hon. Edward J. King, Cook County Circuit, 4th Subcircuit, December 4, 2022
  - Hon. L. Dominic Kujawa, 20th Circuit, December 4, 2022
  - Hon. Sam A. Limentato, 6th Circuit, December 4, 2022
  - Hon. Irwin J. Solganick, Cook County Circuit, December 4, 2022
  - Hon. William D. Stiehl, 20th Circuit, December 4, 2022
  - Hon. Joseph R. Waldeck Associate Judge recalled, 19th Circuit, December 4, 2022
  - Hon. Milton S. Wharton, Appellate Court Judge recalled, 5th Dist., December 4, 2022
  - Hon. John W. Wilson, Cook County Circuit, 1st Subcircuit, December 4, 2022 ■