



Justinian Society of Lawyers

Fall 2016 Newsletter

2016-17 OFFICERS

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www.justinians.org

President's Message

I am both honored and humbled to be the 2016-17 President of the Justinian Society of Lawyers. I would like to thank everyone who attended the Installation of Officer's Dinner Meeting on May 18, 2016 at Gibson's, 1028 N. Rush Street, Chicago, IL. If you attended, you witnessed a wonderful and well attended event. Knowing all of the great leaders that have held this position over the years before me, I know that I have some big shoes to fill but I am confident that, with the help of my fellow officers, WE can guide and lead this great organization to the best of our abilities. I am thankful for all of the guidance and wisdom offered by our Past Presidents, the hard work and time commitments offered by our current Officers and the members of the Executive Committee, as well as all of the other contributions our members generously give to make our Society what it is today!



First, I would like to thank the immediate Past President Jessica DePinto for making such a smooth transition for me and for leading this organization over the past year. She has done a wonderful job in organizing a task force that is being implemented to strategically plan where our organization is going over the next 5 years, as well as agreeing to co-chair our CLE Committee, and she had undertaken many other items that will benefit our organization in the coming years.

I would also like to thank another Past President, my friend, my mentor, and my partner, Antonio M. Romanucci for giving me the many opportunities in my legal career as well as within this organization and for always pushing me to excel at whatever I do. Also I would like to thank Past President Katherine Amari-Odell for nominating me to be Secretary in 2011. Time really does fly when you are having fun and that is what my experience has been working up the ranks ... I would also like to thank two other Past presidents: First, Leonard Amari for his years of service in handling the newsletter ...and now Len DeFranco for agreeing to take over this enormous task.

I also want to thank the co-Chairs of the Golf outing committee, namely Sam Tornatore, Rich Caldarazzo, Vince Vidmer and Franco Coladipietro, as well as the

other members of the Golf Outing Committee, Lou Siracusano, Bruno Marasso and Michael Grieco, for producing such a wonderful golf outing. The Golf outing was held at Bloomingdale Golf Course on June 8, 2016 and was a huge success. We had amazing weather and great participation of our membership in golfing as well as in obtaining sponsorships, which ultimately benefit the Justinian Society Endowment Fund.

I look forward to the upcoming Annual Installation and Awards Dinner at the Palmer House on September 15, 2016, which I invite all to attend. I want to specially thank Judge Gloria Goco for her help in planning that event, as well as the other members of the Arrangements Committee, James Allegretti, Richard Caifano, Anthony Erbacci, Jr., Bruno Marasso, Nicole Pisano, Michael Pisano, Tina Schilaci, Jacklyn Truppa, and Sam Tornatore.

My goals for the year will be to continue to increase our membership, maintain fiscal responsibility, and find ways to offer more benefits to our members. We have raised the dues this year, which is the first time in as long as I can remember, but this increase was necessary to offset the costs of some items such as now being able to offer an Ethics CLE seminar to our members and having a website that allows for real-time updates to membership profile data. This increase only affects full members so we did not change the rate for students or retired members.

I always thought it was cheezy to have a different theme for each president's year ...However, in keeping with the tradition, I will say that the theme for my year will be "Generosity and Humility". The Merriam-Webster Dictionary defines "Generosity" as "the quality of being kind, understanding, and not selfish: the quality of being generous; especially : willingness to give money and other valuable things to others." "Humility" is defined as "the quality or state of not thinking you are better than other people : the quality or state of being humble."

When I started coming to the Justinian Society of Lawyers dinner events when I was a first year law student at DePaul University College of Law in 1997, I recall the generosity that was shown to me by the older members of the Society by making the law students and new members feel right home at each of the monthly meetings. In those days, the law students would show up and a group of the members would offer to pay for the dinners of those law students in attendance. I always felt welcome to be there and I also felt that those distinguished leaders of this organization truly went out of their way to get to know those that were in attendance.

Over the years, the generosity continued as members gave of themselves to do the work on a committee such as the Ad Book Committee, the Scholarship Committee, the Children's Endowment Fund Committee, the Installation Dinner Committee, etc. Those that did that work, usually contin-

ued on into becoming an Officer or an Executive Committee Member (or in some cases, Past Presidents would continue to work in those committees well after their presidency was over), and their generosity continued by the giving of their time and money for the benefit of the Society.

At the same time, those people were doing this not for name recognition and accolades and not because they thought they were better than others but rather because they were trying to help others.

Past President Enrico Mirabelli gave a speech to some of the New IL Lawyers who were being sworn in by IL Supreme Court Justice, Mary Jane Thies, on May 5, 2016 at the State of Illinois Building. I was in attendance as an Officer of the Justinian Society of Lawyers, and I was reminded by him that when we take the oath to become lawyers, we do that ultimately to help others ...not for name recognition and /or earning huge sums of money. We are subject to the IL Rules of Professional Conduct, where we must conduct ourselves ethically and with professional responsibility. Our clients look to us for legal advice because they need our help, and thus we represent them to the best of our legal abilities, knowing that we must do so ethically and professionally because we have fiduciary duties to our clients. As one continues to represent their clients successfully, recognitions and greater pay come as well but most important is the fundamental thing that we are doing, we are helping others who can't help themselves. In addition to the work we do as a lawyer, we work in

organizations such as the Justinian Society of Lawyers, to help others such as by giving scholarships to needy law students, giving grants to entities that aid disadvantaged or disabled children, and mentoring young lawyers, as we once were those young lawyers who needed that very same help and mentoring. This to me is what we as the Justinian Society of Lawyers are and should be. We “practice” law in our areas of law throughout our career and we always can better ourselves and continue to learn more through CLEs, research, and experience ... Throughout our Society we have many examples of those who are generous in their giving of money and time and as well as by being humble. From Leonard Amari and now Leonard DeFranco producing the newsletters, from members such as Richard Caifano and Rich Pellegrino mentoring young lawyers, from members such as Sam Tornatore providing scholarships to our young lawyers, from members such as Antonio Romanucci providing grants to disadvantaged children, and on and on...

For those that were at the May 18, 2016 Installation of Officer's Dinner meeting, there was another example of generosity and humility displayed that very night. I wanted to recognize my friend, Joseph Feinberg for his very significant and generous financial contributions made over the last several years to the Children's Endowment Fund. These financial contributions made by The Joseph and Bessie Feinberg Foundation have been used to allow the corpus of the CEF to grow, while still being able to give annual grants to entities that assist

and aid disadvantaged or disabled children. Being humble, Joe did not want any recognition for his generous donations but I felt the need to recognize his Foundation's philanthropy and thus we provided him with a Plaque in Recognition of his generosity. As he came up, he handed me another check as a donation to the Children's Endowment Fund and gave a short speech thanking members of the Society for doing what we as a Society do. What an amazing display of generosity and humility.

Finally, I want to mention that I look forward to working with my fellow Officers and Executive Committee Members, and I also want to specially thank our Executive Director, Nina Vidmer for everything she does for this organization on a daily basis.

Thank you for being a member, and I would ask you to encourage those who, although should be a member, may have not renewed their membership for whatever reason as of yet, to please do so as soon as possible. Let's continue our display of generosity and humility throughout the year, and if there is anything that you think I can do to better the organization, please let me know. I look forward to a wonderful year!



Frank A. Sommario
2016-17 President
Justinian Society of Lawyers



VINCE GERASOLE *Communications Award*



Vince serves as the feature reporter for CBS 2 Chicago covering arts, culture and entertainment. He joined the station in April 2001, and since that time he has anchored and reported for various station newscasts.

Vince has been honored for excellence in broadcast journalism throughout his career. He was named the Best Broadcast Reporter in the state by the Associated Press of Illinois in 2002 and Best Newswriter in 2006 and 2007. He has received 14 Emmy Awards for his work at CBS 2 Chicago, including three for outstanding individual (2003, 2004, 2005), two for outstanding writing (2006 and 2007) and one for "Illinois Getaway Guide (2007)." In 2012, he received an Emmy for Best Spot News Coverage.

Vince was honored by the Associated Press of Pennsylvania for Best Spot News Coverage. He received the Leonardo da Vinci Award for Excellence in Communications from Order Sons of Italy in American Grand Lodge of Illinois and Wisconsin, and a David Award from the Italo American National Union. Both awards honored his commitment to the community. Gerasole is also the 2006 recipient of the Dante Award from the Joint Civic Committee of Italian Americans. He is a three-time James Beard Award nominee for Excellence in Broadcast Reporting.

FRANK A. SOMMARIO 2016 PRESIDENT

Frank is a Partner at Romanucci & Blandin, LLC in Chicago, where he practices as a petition-



er's workers' compensation lawyer. He has obtained several large settlements and favorable trial awards for his clients over the years.

Frank was admitted to the Bar in Illinois (2000), Minnesota (2001), and District of Columbia (2001). He received his Juris Doctorate from DePaul University College of Law in 2000. He is a Certified Public Accountant (1998), who received his Bachelor's degree in Commerce/Accounting from DePaul University in 1997. He became a Registered Investment Advisor in 2003.

In addition to practicing law, Frank is active in several professional organizations. He has served two three-year terms on the Board of Governors of the Illinois State Bar Association (ISBA). He acted as the Board Liaison to the Workers' Compensation Law Section Council, the Federal Taxation Section Council, and the Standing Committee on Law Office Management & Economics. He is a Silver Fellow of the Illinois Bar Foundation, the charitable arm of the ISBA.

Frank began his membership

with the Justinian Society in 1997 as a first year law student. Frank's academic achievements in law school earned him several Justinian scholarships. He has served on the Executive Committee since 2009, was elected Secretary in 2011, and has been very active in the society by co-chairing various committees such as the Golf Committee and the Ad Book Committee for the Annual Installation Dinner, both of which helped to raise funds for the Scholarship and Children's Endowment Funds. In addition, he has served as the Treasurer of the Justinian Society Endowment Fund since 2012.

Frank is a past President of the Workers' Compensation Lawyers Association (WCLA), where he currently acts as the Comptroller. He is also a member of the national and state trial lawyers' associations (AAJ and ITLA, respectively). He is a member of the alumni associations of DePaul University, DePaul University College of Law, and Fenwick High School.

For his successes representing injury victims, Frank was named an Illinois' Super Lawyer by Super Lawyers ® for the year 2016. He was previously named an Illinois' Rising Star by Super Lawyers ® for the years 2010-2015. He also was also named an Emerging Lawyer by Law Bulletin Publishing Company's Leading Lawyers Division for the years 2015-2016.

In addition, in 2012, Frank was named one of 40 Illinois Attorneys Under Forty to Watch by Law

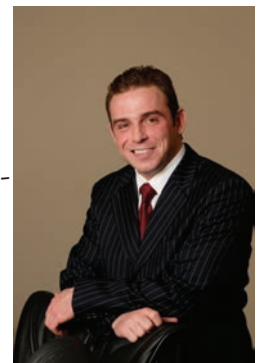
Bulletin Publishing Company. In 2015, Frank was appointed to the Illinois Workers' Compensation Commission (IWCC) Rules Committee by Chairman Joann Frattanni.

Frank also sits on the Board of Directors of the Synapse House, which works with individuals who have suffered from traumatic brain injuries and strokes.

Born in Melrose Park, Illinois, Frank was raised by his parents, Frank and Mary Jo (nee Abruzzini). He has two younger sisters, Deanna and Lisa. Frank currently resides in Elmhurst with his wife, Gina, and children, Angelina, Isabella, Sophia, and Frank, Jr.

MICHAEL F. BONAMARTE 1ST VICE PRESIDENT

Michael is a Partner and trial attorney at Levin & Perconti in Chicago.



A 2005 graduate of The John Marshall Law School, at age 31 he was the youngest recipient in 2010 of The Law Bulletin's 40 Under 40 Award. In 2011, he received the William F. Harte Amicus Volunteer Award presented by the Illinois Trial Lawyers Association. Michael has been named a Super Lawyers Rising Star from 2011 through 2016. His areas of practice include plaintiff's personal injury, nursing home neglect and abuse, and medical malpractice.

VINCENT R. VIDMER 2ND VICE PRESIDENT

Vincent practices in Chicago, handling various legal matters, including general civil litigation, real estate transactions, estate planning and general legal drafting.



A major component of Vincent's practice resides with the Liquor and Allied Worker's Union, assisting in collective bargaining, fringe benefits, pension and 401(K) plan administration, grievances and arbitrations, and general administration. Vincent has been recognized multiple times by Illinois Super Lawyers as a "Rising Star," and voted as an Emerging Lawyer, a distinction earned by fewer than 2 percent of all Illinois attorneys. He is an active member of the ISBA and West Loop Community Organization among other groups.

NATALIE M. PETRIC 3RD VICE PRESIDENT

Natalie serves as Manager, Enforcement Counsel in the Legal and Market Regulation Department of CME Group. She is responsible for litigating cases involving market participants before the



exchange's disciplinary committees. Prior to joining CME Group, Natalie worked as a civil defense trial attorney and prosecutor in the Cook County State's Attorney's Office.

Natalie graduated cum laude from Tufts University with a bachelor's degree in international relations. She received her Juris Doctor from DePaul University College of Law. She is married, has two young daughters, and is the proud granddaughter of past Justinian President Anthony J. Fornelli.

HONORABLE REGINA A. SCANNICCHIO TREASURER

Cook County Circuit Court Judge Scannicchio sits in the Domestic Relations Division.



Prior to taking the bench in 2011, her practice focused in on the area of family law. She is a graduate of The John Marshall Law School and DePaul University. Regina served as the President of The John Marshall Alumni Association in 2013-14 and is currently the Chairperson of the Board of Directors of The Shrine of Our Lady of Pompeii. Regina received the Distinguished Service Award from The John Marshall Law School Alumni Association, the Spirit of John Marshall Award from the Board of Trustees and the DaVinci Award for Community Service from the Order Sons of Italy.

DION U. DAVI SECRETARY

Dion U. Davi is the principal and founding attorney at the Davi Law Group, LLC, which



concentrates in the areas of Family Law, Criminal Law, Estate Planning, and Motorsports Law. Mr. Davi opened the Davi Law Group, LLC in August 2012 and has expanded the firm to five attorneys and four support staff working out of four offices located in Wheaton, Joliet, Chicago, and Warrenville.

Mr. Davi received his J.D. from The John Marshall Law School in 2003 after attending DePaul University to receive his B.A. in psychology. Mr. Davi has been on the Board of Governors for the Illinois Statement Bar Association and a Board member for the DuPage County Bar Association. He has also served as an officer, including the Presidency, for the DuPage Justinian Society and has been recently elected as an officer serving as Secretary for the Justinian Society parent chapter in Cook County. In addition, Mr. Davi is currently a member of the Standing Committee on Law Office Management & Economics and Bench & Bar Section Council for the ISBA and the Judicial Evaluation Committee for the DCBA. Finally, Mr. Davi is an active member of the Robert E. Jones Inns of Court, the Kane County Bar Association, and the Kendall County Bar Association.



ANTONIO M. ROMANUCCI

Award of Excellence

Antonio M. Romanucci is a principal and partner in the Chicago based law firm of Romanucci & Blandin, LLC, where he focuses his practice on catastrophic personal injuries arising from medical malpractice, construction and other workplace accidents, nursing home negligence, aviation disasters and police misconduct cases, including civil rights actions. His passion for fighting on behalf of injured victims and their families was sparked when his best friend from high school suffered a fatal brain injury playing football. That personal tragedy has cemented Mr. Romanucci's commitment to fight for the rights of those hurt by accidents, and for people seeking justice.

Within his firm, Mr. Romanucci strives to serve clients with passion and preparedness. That approach has helped the firm obtain more than \$400 million in verdicts and settlements on behalf of their clients - dozens in excess of \$1 million, including a \$30 million settlement on behalf of a brain injured child, \$22.3 million award in a medical malpractice case and \$18 million award in a police misconduct case.

Mr. Romanucci has been widely recognized for his insight and experience in litigating cases specifically involving traumatic brain injuries, police misconduct and related legal issues. For his work, he has been named a 'Top 100 Super Lawyer' for 10 straight years in Illinois, a 'Leading Lawyer' since 2004, and was named a 'Best Lawyer' for 2013 through 2016 by U.S. News and World Report.



He maintains a perfect Martindale-Hubble AV rating and an AVVO rating of 10/10. He was recently selected by his peers for inclusion in the 2016 edition of The Best Lawyers in America®.

Mr. Romanucci's vast experience has earned him the admiration of his colleagues who have supported his rise to leadership positions, such as his recent appointment as the Chair of the Police Misconduct Litigation Group and Chair of the Traumatic Brain Injury Litigation Group for the American Association for Justice (AAJ), the world's largest trial bar dedicated to victim's rights and civil justice.

Outside the courtroom, Mr. Romanucci participates in many professional and charitable organizations. He was chairman of the Midwest Brain Injury Clubhouse, which is devoted to optimizing the lives and recovery of people affected by brain injuries or strokes. He serves as a member of the American Association for Justice PAC Trustee and the Illinois Supreme Court Rules Committee. Mr. Romanucci is also

proudly a founder of the Justinian Society of Lawyers Charitable Endowment Fund, where thousands of dollars annually are granted to organizations where disabled or disadvantaged children have specific needs.

Mr. Romanucci's Italian heritage has encouraged him and served him well in building personal and professional relationships with important Italian American civic, social and legal organizations, such as the National Italian-American Foundation, the National Italian-American Bar Association. Mr. Romanucci also formerly served as President of the Justinian Society of Lawyers and the Joint Civic Committee of Italian Americans.

The son of two Italian immigrants, Mr. Romanucci takes tremendous pride and interest in his family heritage. He has traveled to Italy well over 50 times, extending from the north to south visiting his extensive family in Lake Como, Padua and Ascoli Piceno.

Mr. Romanucci earned his Bachelor of Arts in psychology from the University of Wisconsin in 1982 and earned his law degree from John Marshall Law School in 1985. He is licensed to practice law in Illinois and before the U.S. District Court for the Northern District of Illinois along with numerous other pro hac vice admissions throughout the country.

THE HEAT OF OUT-OF-STATE TRIAL

By Antonio M. Romanucci

Never mind the months of preparation required to try a case out of state because, for all intents and purposes, the trial preparation part is the same for a case tried in state court versus out of state. It's really about the pressure knowing you will be away from home turf, being in unfamiliar territory and not knowing the local players and "rules". The words you speak as a trial lawyer should sound the same in Chicago as they would in Ocala, Florida. Or so you would think.

Back in May of 2014, the case of *Salvato v. Marion County Sheriff's Office* was set for trial. All reasonable efforts of trying to settle the case failed. The defendants were convinced that they were justified in shooting and killing a 21 year old young man, on a dark, humid, hot rural road in central Florida because he was not wearing a shirt; was acting erratically and resisted his unlawful arrest and detention. Indeed, when the one fatal bullet struck Joshua Salvato he was moving away and retreating from the officer. Sound familiar Chicagoans?

We shipped crates of files to Ocala, Florida. Everything you can think of went down there from case files to printers to gummy bears and vodka to highlighters and post-it notes and peanut M&M's. Our conference room at the Holiday Inn Express was an awesome office. Looking back, I have a sense of nostalgia for it. We were fully operational there with a team of lawyers and paralegals that numbered five, not considering our tech support.

The first morning of trial was hot; I mean central Florida hot — where the windows on everything



inside air-conditioned buildings were dense with moisture and drips of its sweat hitting the ground. My co-counsel, Ted Leopold, and I filled his car with whatever was not at the courthouse and, we too, were dripping with sweat.

The 10 minute ride to the courthouse was quiet. Rehearsal requires concentration. Voir dire and opening statements were literally minutes away. Walk into the courtroom and there's a 30 degree drop in temperature. Don't even think about asking the judge to adjust the controls on the thermostat, so says the courtroom clerk. He likes HIS courtroom at 65 degrees. Yikes. I hate it when it's too cold. I just hope no one sees me when I sit on my hands to warm them up.

Voir dire is very non-traditional in this courtroom. I request time to question prospective jurors. The judge replies "I ask the questions". I request permission to submit written questions and the judge grants my request but adds he's only granting my request to ask questions—he is not suggesting that he will ask my questions. He did ask two of my questions. At the time I felt oddly victorious.

We have our panel of eight with no alternates. Opening statements begin and I give a "B" opening. Cer-

tainly, I conveyed every meaningful point I need but I just wasn't my best—at least how I felt it should have gone. The evidentiary part was different. Our experts crushed it, my cross-examination of the defendant officer was nearly perfect, and I even famously subjected myself to a physical take-down and handcuffing demonstration technique in open court.

The judge suggested the defense attorneys get up from counsel table and watch this. The point was well noted by the jury.

After two long weeks of trial and living out of a hotel room, and having your office be a windowless conference room, supplies were growing thin and everything we ate tasted awful. It was finally time for closing arguments. This time there was no doubt. It was an A performance. There was no doubt that I nailed it. Now it just depends whether one of the most conservative counties in the country will believe a dead man's tale over that of uniformed police deputies who claim they were fearful of death during this unarmed attack.

The jury returns a verdict of \$2.4 million. It was a victory for certain. Vindication for Joshua's family that he was innocent and doing nothing wrong when he was having an off night. Validation that our police officers who vow to serve and protect should be acting as peace officers and not public agitators who then must justify their unconstitutional actions. And certainly a victory for our trial team knowing that we delivered justice.

There remains no doubt I would do it all over again in a heartbeat. I love the smell of thick humidity first thing in the morning.

Leonard F. Amari

One of a Kind

By Leonard S. DeFranco

As the torch carried by the editor of our Justinian Newsletter passes to another Leonard, it is right and proper to devote some of our ink, electronic or otherwise, to a true icon in both the Justinian Society and the Illinois Bar. While acknowledging there is no shortage of articles on Leonard's biography, this is our homage to our hero.

Leonard F. Amari was born in the Chicago housing project known as Mother Cabrini Homes. It is difficult to believe that any particular neighborhood would form the character of a kid, but many of the Italian American kids from these inner city areas would develop a resoluteness and perhaps toughness that they would carry with them in their vocation. This was true in Len's case, but it must be said that his family, as is true in many Italian families, nurtured him in adopt-



ing the moral fiber and values that he has deployed in his professional life.

Len got through undergraduate school and went on to John Marshall Law School, but the glide path was not that smooth, as was true for many second generation immigrants. But given a chance, Len seized each and every opportunity and made the most of it. Ultimate-

ly, he graduated third in his class at Marshall in 1968.

As a young lawyer, he worked on the Thomas C Hynes state senate race and subsequent campaigns, Len developed some connections that would serve him well. Ultimately he became general counsel when Hynes became Cook County assessor.

Leaving government work, he founded the firm of Amari & Locallo, which specializes in real estate tax reduction and brought into the prominence it now enjoys.

A former president of the Justinian Society, Len also served as the ISBA president in 1979. In addition to being a rabid Cubs fan, bar politics seem to be of great interest to him. He has assisted in the campaigns of many ISBA presidents. But his ultimate passion is presidency of the Trustees of JMLS. He succeeded another icon, Al Gallo, who groomed Len for the position. It is the perfect platform to do the greatest good for the greatest number of aspiring attorneys.

Perhaps the seminal event in Len's adult life was marrying Donna, a wonderful human being in her own

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Amari, continued



right. Introduced by our own Chief Judge Timothy Evans, the Amari union produced two wonderful children, Katherine and Laura .

Len, out of his own altruistic urge to pay forward, has been helping a multitude of prospective young lawyers. He takes great joy in mentoring, and his proudest accomplishments are the individual young attorneys that, with a little help, became credits to their families and to the profession. Many Justinians know Len as a great newsletter editor, but most others in the legal community recognize him as a champion of their individual cause to become lawyers, via entry into the freshmen class at JMLS. "To whom much is given, much is expected" goes the old saw. There is no doubt that this principle is the guiding light for Len. Except that he has given much more than he has received.



Justinian News

Golf Outing:

The Annual Golf Outing was held on June 8 at Bloomingdale Golf Club. Thanks to co-chairs Sam Tornatore, Vince Vidmer, Franco Coladipietro, and Richard Caldarazzo. The hard-working committee included Lou Siracusano, Bruno Marasso, Michael Grieco. President Frank Sommarino had a very successful event on the links under sunny skies.



Loyola Student Chapter Report

By Michael Grieco

Michael Grieco serves as the President of the Justinian Society at Loyola. He was named to the Spring 2016 Dean's List and received a Justinian Scholarship in 2015. Michael has spent nearly 3 years clerking at Romanucci and Blandin. He also serves as the Vice President of Loyola's Student Bar Association.

Thomas Terranova is Vice President of the Justinian Society at Loyola. He has been named to the Dean's list in six consecutive terms and been nominated to Alpha Sigma Nu, the Jesuit Honor Society. Thomas was published in Loyola's Consumer Law Review (2015) and served as its Symposium Editor (2016).

Anne Bolamperti serves as the Treasurer of the Justinian Society at Loyola. Over the past summer, she was a patent research analyst at Global Patent Solutions in Scottsdale, Arizona. She also serves as the President of the IP Law Society and is a staff member of the Loyola University Chicago Law Journal.

Kelsey Collisi is honored to serve a second term as Director of Social Programming of Justinian Society at Loyola. Kelsey spent last semester as Associate Editor of Loyola's International Law Review and a member of Civil Mock Trial. This semester, Kelsey looks forward to being a member of the Willem C. Vis International Commercial Arbitration Moot team.

Stephen Phillips serves as the 2L representative for the Justinian Society at Loyola. He was named to the Spring 2016 Dean's List and currently clerks at Phillips Law Offices, a plaintiff's personal injury firm. He looks forward to expanding the purview of the Justinian Society among Loyola's 2Ls.

DID YOU KNOW...

- Italy is home to Europe's only active volcanoes: Etna, Stromboli and Vesuvius.
- The first thermometer was made by Italian inventor Santorio Santorio in 1612.
- The use of pasta in Italy can be traced as far back as the 4th century B.C. Dried pasta came with the Arabs in the thirteenth century. It was commonly eaten with honey and sugar; tomato sauce was introduced in the recipe in the seventeenth century.
- The name Italy comes from the Greek "Italos". OR it comes from the word "italia", meaning "calf land" perhaps because the bull was a symbol of the Southern Italian tribes.
- Italy is the world's largest exporter of wine.
- The language of music is Italian. The word "scale" comes from scala, meaning "step." And andante, allegro, presto, and vivace are just a few of the many Italian musical notations.

"Did You Know" submissions can be sent to the editor at editor4justians@gmail.com.

Umberto Davi

“A Man for All Seasons”

By Leonard S. DeFranco

While comparisons to Sir Thomas More may be a bit overdone, by almost any measure the 139th president of the Illinois State Bar Association, Umberto Davi, has demonstrated that the best leadership attribute is service, and in this case service to the members of the ISBA.

The vast majority of ISBA members are small firms and solo practitioners. Accordingly, they rely heavily on their association for support in navigating the requirements of running a modern and efficient practice. This has been Umberto's professional career path and perhaps the reason for his successful year.

Umberto has overcome unique challenges all his life; therefore, those of us closest to him knew he would have a superb year as president. And he did. Of course, being the father of four remarkable sons, Dion, Michael, Ryan and Evan is apt preparation for leading an organization comprising 40,000 headstrong attorneys.

The 2015-2016 year contains many accomplishments, including the proposed Supreme Court Rule 711 amendment, IllinoisBarDocs online legal



forms, and the commencement of the Springfield office renovation, to mention a few among many. Umberto's steady hand on the till resulted in the completion of the Mutual Insurance Company office relocation and renovation, the Solo Practitioner Institutes and a continuing and meaningful discussion of the future of the practice of law. Our profession is changing

and thankfully we have leaders that appreciate the new challenges.



As Justinians, we are rightly proud of Umberto for his successful year as president. For many of us, however, the most notable event was the trip to Sicily. To be able to walk through ancient seaports, dine on exquisite cuisine, and mingle with the wonderful people was spectacular. Umberto and his beautiful wife Jan were the ultimate hosts; and his Sicilian relatives could not have been more engaging.

It is our great pleasure to share Umberto's successes as ISBA president, and since a picture is worth a thousand words, we have a small gallery of the year's highlights.

So to Umberto, *molto grazie*.





Elder Law Update:

For Seniors in the Middle Class Who Are Headed for Nursing Home Care: 5 Things You Must Do to Protect Your Assets

In our law firm, the greatest fear that most of our clients have is the loss of all their assets to an extended nursing home stay. 66% of all nursing home residents finance their stay through the federal Medicaid program. But receiving Medicaid to pay for your nursing home requires meeting the eligibility requirements, which consist of both health eligibility issues and financial eligibility issues.

Here are 5 things you must do to have any chance of protecting your assets from the devastating cost of long-term care, which can be the equivalent of \$8,000 to \$10,000 a month in the Chicagoland area.

1. Obtain expanded powers of attorney for property and powers of attorney for healthcare.

These documents will not suffice if they are the plain-vanilla variety. Rather, you must seek powers of attorney that create authority for the planning and application of long-term care strategies and benefits from the federal and state governments. These authorizations are not automatically built into the standard forms, so you must have these forms drafted by an elder law attorney who understands the requirements of potential future long-term care and eligibility for governmental benefits.

2. Correct your estate planning documents.

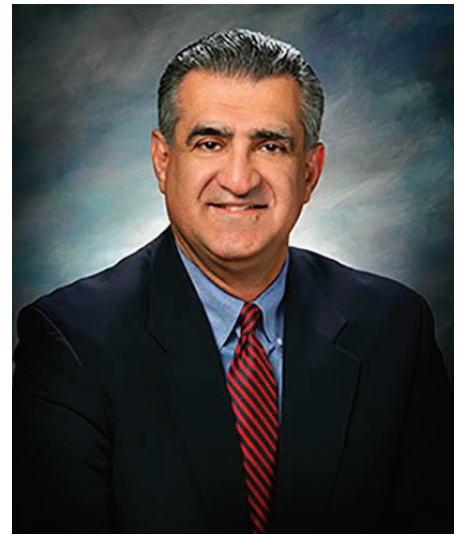
This means that the documents

must be converted from documents that simply plan for the certainty of death to also contemplate the need to reposition assets to qualify for governmental benefits. This is especially true in spousal situations because most spouses have what we call “sweetheart” wills and trusts, which leave everything to each other. This type of estate planning arrangement, while common, can be a disaster. Let me give you an example: you have a healthy spouse and an ill spouse, but unexpectedly the healthy spouse dies first, thereby allowing the “sweetheart” wills and trusts to transfer everything to the ill spouse, who is now going into a nursing home at \$10,000 a month.

With more sophisticated planning, this disaster can be averted because on the death of the healthy spouse, the assets can be placed in a special needs trust for the ill spouse. This is done by not requiring the total spend down of the inheritance, but rather supplementing the ill spouse’s needs for the rest of his or her life, in addition to having access to governmental benefits.

3. Obtain a blueprint (i.e., a planning report custom tailored to you).

In our office, before we engage in any strategies during your life’s three phases: 1) preplanning years, 2) wait-and-see type years, or 3) crisis years, we outline the different strategies that can be used during any of these three life phases.



This is similar to what an architect does in creating plans for a building before the actual building is built. The reason is, once the plans are put in place they are not as easy to adjust. It makes more sense to get it right the first time around, so it will help you understand the options and help you select the right option the first time.

4. Do not sign an application for a nursing home and do not sign a contract for a nursing home until a qualified elder law attorney has reviewed them.

Many nursing homes will assume that whatever assets you list in a nursing home application are intended to be spent by you at their nursing home. Similarly, they will expect you to sign a contract for the nursing home services without having it reviewed by your attorney. Don’t make either of these mistakes. It is important that the application be reviewed by elder law counsel so that the correct listing of assets can be made with an indication of what assets are earmarked for asset protection. It’s also important that the

contract be reviewed by a qualified elder law attorney so that you don't sign a contract that has harmful provisions in it. Quite often there are provisions that require arbitration, provisions that waive liability on the part of the nursing home in taking care of your loved one.

5. Implement your protection strategies BEFORE you apply for Medicaid or VA benefits.

Many people make the mistake of applying for governmental benefits too soon, meaning that they still have assets at the time they apply. It is essential that any planning for the repositioning of assets that is both legal and ethical be done before a Medicaid or VA application is submitted. Once the applications are submitted, the government's 5 year look back period requires you to spend down whatever has not been legally and ethically repositioned by your elder law attorney. Thus, do the planning before you apply.

About the author: Anthony B. Ferraro, BS, MSTax, CPA, JD is the owner of The Law Offices of Anthony B. Ferraro, LLC, the Elder Law, Estate & Trust and Asset Protection Law Firm, located in Rosemont, Illinois. Mr. Ferraro can be reached at 847-292-1220 or you can contact him through his website www.abferrarolaw.com.

Verdicts & Settlements

By Michael F. Bonamarte, IV

Congratulations to **Antonio Romanucci and Stephan Blandin** of Romanucci & Blandin on a \$30 million dollar settlement on behalf of their client, the Chavez Family, for a lawsuit involving their minor son, who endured 25 experimental surgeries and was critically injured and left disabled for life as a result of the negligent care provided by Mark J. Holterman, MD., who was employed at a major Chicago area teaching hospital. This settlement is the fourth largest medical malpractice suit for a minor in the state of Illinois, and is the largest settlement for a child born with esophageal atresia in Illinois.

The plaintiff was born on November 5, 2009, with a non-life threatening, easily correctable condition called esophageal atresia. The day after his birth, Dr. Mark J. Holterman performed what is typically a routine surgery to repair the condition. Following the procedure Dr. Holterman failed to exercise due care and began an odyssey of 24 experimental procedures on the young boy. These procedures were not authorized by the hospital and not pursuant to clinical trial protocol. The final surgery culminated in an inappropriate, off-label use of an endoclose needle that severed the child's pulmonary artery, resulting in profound, irreversible brain injury and cerebral palsy.

Congratulations to **John Perconti and Michael Bonamarte** of Levin & Perconti on a \$3.2 million dollar settlement on behalf of their client Darrell Mazique who passed away from complications related to a delay in diagnosis of a spinal epidural abscess. The lawsuit named Rush University Medical Center and several doctors involved in the care and treatment of Mr. Mazique who presented to the hospital with back pain. He had additional symptoms over the course of 48 to 72 hours that should have triggered an MRI of his spine that would have diagnosed the abscess. As a result of the delay Mr. Mazique became paralyzed. He died several months later.

Congratulations to **John Perconti of Levin & Perconti** on a \$1.475 million dollar settlement. John represented the estate of a woman who died as a result of advanced lung cancer with metastasis. It was alleged that the defendant doctors failed to follow up on suspicious findings from a chest x-ray and failed to diagnose the cancer in a timely fashion. The chest x-ray showed a suspicious mass. The findings, had they been appropriately followed up on, presented an opportunity to treat the cancer before it advanced and spread.

Tort Notes

Substitution of Judge Not Always a Matter of Right

By James J. Morici

Any seasoned lawyer knows that parties during litigation can use one substitution of Judge as a matter of right without cause. 735 ILCS 5/2-1001(a)(2)(i) (West 2012). The motion must be timely, and the Judge being excused cannot have made any “substantive rulings”. 735 ILCS 5/2-1001(a)(2)(ii) (West 2006). Obvious examples of when a judge has made a substantive ruling include decisions that directly affect the merits of a case such as motions to dismiss, pretrial rulings on discovery, etc. Colagrossi v. Royal Bank of Scotland, 2016 Ill App (1st) 142216. However a grey area exists when a party has discussed issues with the trial judge and the judge indicates a position on a particular point. *Id.*

The First District Appellate court reexamined substitutions of Judges as a matter of right in Colagrossi v. Royal Bank of Scotland, 2016 IL App (1st) 142216, expanding on the Illinois Supreme Court Decision of Bowman v. Ottney, 2015 IL 119000, 48 N.E.3d 1080, reh’g denied (Jan. 19, 2016). In Colagrossi the Appellate Court held that the Plaintiff was “Judge shopping” when he filed 2 different lawsuits 3 years apart involving the same parties and based on the

same set of operative facts. 2016 Ill App (1st) 142216. Both of these lawsuits were randomly assigned to the same Judge. *Id.* Nine days after Summary Judgement was entered against Colagrossi in one lawsuit he filed a motion for substitution of judge in the newer suit. The Judge denied his motion. *Id.*

The Appellate Court in Colagrossi affirmed and hinged its reasoning on Bowman v. Ottney, 2015 IL 119000, 48 N.E.3d 1080. In Bowman, the Illinois Supreme Court ruled that a court has discretion to deny a motion for the substitution of a judge when the plaintiff voluntarily dismisses a claim against two defendants and later refiles against one defendant based on the fact that the same Judge made substantive rulings in the previous proceedings. *Id.* In Colagrossi, the Plaintiff argued that he had an absolute right to a substitution of Judge, and that the words of the statute should be read to only mean the case before the court and not anything extracurricular. However this “testing the waters” method is disfavored in the First district. 2016 Ill App (1st) 142216. Another consideration of the Appellate Court in Colagrossi was the timing of the motion to substitute judges. The Plaintiff waited until after the motion for summary Judgement



was entered in the first case to bring the motion in the second case. The court reasoned that this was not a timely exercise of his right to substitute judges. *Id.* The Court went on to state, “The length of time that elapsed bolsters our decision; with the two cases pending before the same judge for over two years, inevitably Colagrossi learned facts about the Judge’s view of claims.” *Id.*

Illinois Courts have now clearly disfavored substitution of judges as a matter of right when it’s a refiled case, or when based upon the same set of operative facts.

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

Cyber Fraud and Cyber Security

What's this all about and is this something as a practicing lawyer I have to worry about and to further complicate my life?

By Leonard F. Amari

We can hardly pick up a legal publication these days, or even a daily newspaper for that matter, without reading about cyber security and resultant cyber fraud. Today, law firms experience security breaches, cyber fraud and victimization like every other professional endeavor, industry or occupation. When lawyers are victimized by cyber fraud, it rarely is seen in the popular media – but it is and has been reported in legal publications often and extensively. But if the reader is like me, you usually don't bother reading those articles – especially as long in the tooth/from another-generation-practitioner.¹

This article does not deal with the broad category of potential cyber crimes. Here we are only dealing with the attorney, and therefore his client, whose email address was used to misdirect a wire transfer to or from a client. And please note: this type of victimization is (arguably) not insured against for loss by any of the attorney's insurance coverages, malpractice, property/casualty, or any other that a law office can purchase. More on this intra.

According to a recent report from the National Association of Realtors, cybercrime will cost businesses over \$2 trillion annually by 2019. The IRS annually publishes its list of "dirty dozen" tax schemes. At the top of the list is "phishing," which is a process where a targeted individual is contacted by email or telephone by someone posing as a

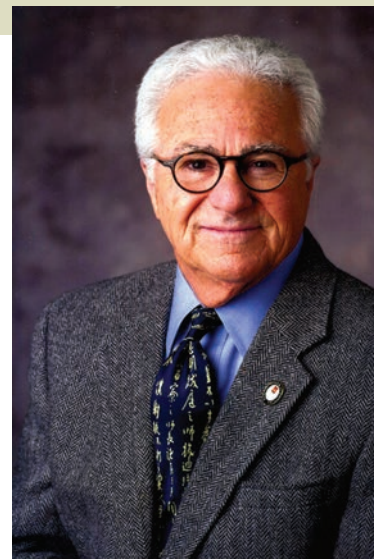
legitimate institution to lure the individual into providing sensitive information such as banking information, credit card details, and passwords, or variations of the internet scheme.

According to the IRS, "taxpayers need to be on guard against fake emails or websites looking to steal personal information." Other such scams include: abusive tax shelters, fake charities, refund preparer fraud and hiding income with fake documents. The full list can be found on the IRS website (www.irs.gov).

I have now become acutely aware of these growing criminal activities in my capacity as chairman of the Illinois State Bar Association/Mutual Insurance Company underwriting committee. And all the malpractice insurance carriers are now faced with claims and potential claims concerning fraudulent wire transfer instructions conveyed through pirated emails, often to clients. These problems have arisen on real estate closings, for example.

Claim Departments are handling matters such as:

- an insured instructing his or her client to wire money and the email was intercepted and the wiring instructions changed. The client then wires money to the fraudulent account in which the insured never issued an email requesting money to be so wired.
- Another situation reported a matter in which the lawyer ended a real estate transaction for his client without "closing" the seller, af-



ter the buyer's client wrongly wired money to a fraudulent account and the appropriate party was not paid.

- Another scheme involved insureds receiving fraudulent checks from "new clients" who contacted the lawyer over the internet, either directly or by referral. The insureds deposit the fraudulent checks into his or her client funds account and the new "client" instructs the lawyer to wire money to fraudulent accounts, clears the checks, though the deposited checks were never cleared in the lawyer's account.

Lawyer Malpractice insurance underwriting committees are asked to consider the future direction relative to the availability and level of coverage pertaining to claims arising out of certain such (phishing/wiring) schemes that have resulted in potential and actual loss against their policyholders and/or his or her client. These schemes are expected to continue in the future and more claims are anticipated.

Continued on page 18

It can be argued, as mentioned above, that these wire transfer schemes are not covered by most, if not all, lawyer malpractice policies. The policy language of most lawyer malpractice insurance requires that a claim arise out of a “Wrongful Act” which is defined in pertinent part as follows:

any actual or alleged negligent act, error, or omission in the rendering of or failure to render Professional Services, including personal injury committed by an Insured in the course of rendering professional services;

Generally, a policy defines “Damages,” “Personal Injury” and “Professional Services” in pertinent part as follows:

Damages mean all sums which an Insured is legally obligated to pay for any Claim to which this Policy applies including judgements, settlements, final arbitration awards, and any taxes, fines, penalties incurred by a third party.

The lawyer malpractice carrier can argue that in these wire transfer schemes there was no malfeasance of the insured lawyer, no negligence, no act or admission and for which any damage to the client should be indemnified against. Clearly, the lawyer, like the client, was victimized – but without any act or omission on the lawyer’s part.

I think that a strong contra argument can also be made. That the “victimized” attorney did not exercise best practices to prevent the potential of this event to occur, ergo, negligence by omission – malpractice. Of course, this begs the question, what are the best practices to

protect against wire transfer/phishing fraud?

To emphasize this point, one of the most respected “coverage” counsel lawyers in our legal community feels, if asked, he could successfully argue that wire transfer (phishing) frauds are not covered by your typical lawyer malpractice policies. When asked he offered the following:

A lawyer’s professional liability policy covers professional services, not the operation of a business such as a law firm. A lawyer’s policy unless endorsed does not cover non-professional services claims.

The question of whether an attorney’s failure to maintain a secure email account is a “professional service” so as to be covered by a professional liability policy is an untested issue. There may be insurance for such claims on the market but not typically purchased by attorneys.

There is a difference between acts which require skills typified by the professional and ordinary activities of running a business. Arguably, tasks performed by lawyers are not considered professional services if they are ordinary activities that can be completed by those lacking legal knowledge and skill. One Court with respect to a lawyer’s billing practices stated that “[w]e are not aware that courses in billing clients appear in law school curricula. The billing function is largely ministerial. There are elements of experience and judgement in billing for legal services, but the same goes for pricing shoes. As billing is not a professional service, it does not come within the coverage of a professional liability policy.” Con-

tinental Casualty Co. v. Bertucci, 399 Ill.App.3d 775, 786-87 (1st Dist. 2010), quoting Reliance National Insurance Co. v. Sears, Roebuck & Co., 58 Mass. App. 645, 648, 792 N.E.2d 145, 148 (2003).

In closing, it has become crucial that attorneys avoid using email or internet-based communications with clients, banks, closing agents, and/or opposing counsel in relation to wire transfers and/or funding instructions, regardless of the inconvenience more conventional means of communication might create.

Remember, every time a wire transfer instruction is transmitted via the internet that wire transfer instruction is subject to being pirated by internet hackers. Computer hackers “phish” the internet for emails containing the terms “wire” and “transfer.”

The use of email wire transfer instructions in connection with real estate closings is too much of a risk. Email communications of wire transfer instructions should be avoided. Best practice, do not email wire transfer instructions.

A suggested protection (best practice?) may be to require your clients to sign an agreement that they will not engage in the use of email in connection with wire transfers of funds. Include a provision stating that you will never email wire transfer instructions to them so should your clients receive an email purportedly from you instructing them to wire funds, whether the instruction comes in the form of text in the email or as an attachment, they should not wire funds but instead they should immediately con-

Continued on page 19

tact you. Perhaps, provide your clients with written direction that when wiring funds, your clients must direct their bank to confirm receipt of the funds by the intended recipient.

Just recently, late June of 2016, all Illinois attorneys received an email from the Illinois Attorney Registration and Disciplinary Commission warning that computer hackers are targeting practitioners using “phishing” so as to invade/breach their systems.

The scam involved receiving an email titled “client complaint,” or such other alarming subject line – again, seemingly sent from the ARDC. Once that item is “clicked on,” the attorney becomes a victim and all his or her computer data, records, etc., become invaded.

Like the a fortiori warning to never open an attachment in a spam email, be cautious of these fraudulent “disciplinary warning” emails that are being received by lawyers all over the country.

While real estate transactions continue to be the primary focus of the wire transfer/phishing scheme, it is expanding to all transactions involving the wire transfer of funds. Using the internet to communicate wire transfer instructions is no longer safe even when you believe that your firm’s computer system is secure from hacking or identity theft.

Be vigilant.

¹ Please note: The views expressed herein are those of the author, only.

Transitions.....

MOVES:

To Kelly Kronenberg: **Bruce E. de’Medici** as of counsel

To Nielsen Zehe & Antas: trial attorney **Dominick W. Savaiano** from Wilson Elser Moskowitz Edelman & Dicker

To Romanucci & Blandin: associate **Bhavani K. Raveendran** from Diamond & LeSueur in McHenry

To SmithAmundsen: partner **Elena Gallo**, corporate practice group, from her solo practice

To Thompson Coburn: partner **Melissa K. Ventrone** from Wilson Elser Moskowitz Edelman & Dicker

APPOINTMENTS:

The Illinois Supreme Court appointed **James R. Mendillo**, a partner in the Belleville firm Freeark Harvey and Mendillo, as chair of the Attorney Registration & Disciplinary Commission

Stephan D. Blandin, founding partner and principal at Romanucci & Blandin, were reappointed to serve on the ARDC Hearing Board

NEWS:

Tia Davi, daughter of Dion and Kelly Davi, opened her own lemonade stand to raise money for Alex’s Lemonade Stand Foundation, which supports the fight against childhood cancer. After two and a half hours of serving lemonade, Tia was able donate \$28.00 towards her school classroom’s contributions. *Photo above.*



John Locallo receives a plaque of appreciation (*photo below*) from the ISBA Mutual Insurance new Chair John Thies and company President Jon DeMoss.



Anthony Ferraro was a guest speaker discussing elder law at recent SACA meeting. *Photo below.*



Amari & Locallo law clerk, **Anthony Pontillo**, received the Cali Award for excellence in Contracts II.

Continued on page 20

OBITS

Battisti, Larido

"Larry" Battisti, grandfather of Justinian Vincent Oppedisano.

Garippo, Judge Louis B.

Cook County Circuit Judge Garippo, 84, had a hand in two of the most notorious murder cases in Chicago history. He presided over the 1980 trial of John Wayne Gacy, who was convicted of killing 33 men and boys and burying 26 of them in the crawlspace of his home on Summerdale Avenue. And he was a supervisor in the Cook County state's attorney's office during the murder trial of Richard Speck, an itinerant seaman convicted in the 1966 stabbing and strangling of eight student nurses in a town home at 2319 E. 100th.

Laino, Clara

Clara Laino, the vibrant 104-year-old grandmother of our Society's Treasurer, Judge Regina Scannichio.

Petrone, Frank

Frank Petrone, 95, father of Anthony, Angela, Lucille, Elena and Frank.

UPCOMING JUSTINIAN SOCIETY EVENTS:

THURSDAY, SEPTEMBER 15, 2016

Installation & Awards Dinner - Palmer House Hilton, Chicago
Cocktails 5 pm, Dinner 6:30 pm

THURSDAY, OCTOBER 20, 2016

Scholarship Dinner - Maggiano's, 516 N. Clark, Chicago

THURSDAY, NOVEMBER 17, 2016

Past President's Dinner - Bella Notte, 1374 W. Grand, Chicago

THURSDAY, JANUARY 19, 2017

Joint Chapter Dinner - The Estate by Gene & Georgetti's, 9421 W. Higgins, Rosemont

THURSDAY, FEBRUARY 16, 2017

Bocce Tournament and Dinner - Pinstripes, 7 Oakbrook Center Drive, Oak Brook

THURSDAY, MARCH 16, 2017

Children's Endowment Fund Dinner - Lux Bar, 18 E. Bellevue, Chicago

THURSDAY, APRIL 20, 2017

Nominations of Officers Dinner - Tufano's, 1073 W. Vernon Park Place, Chicago

WEDNESDAY, MAY 17, 2017

Installation of Officers - Gibsons Bar & Steakhouse, 1028 N. Rush, Chicago

Unless otherwise noted, cocktails are at 6 pm, followed by 7 pm. dinner. For more information visit www.justinians.org

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Michael F. Bonamarte
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Ralph Greenslade, photography
Nina Albano Vidmer, layout

Anyone wishing to share information with their fellow Justinians is encouraged to contact Newsletter Editor Leonard DeFranco at editor4justinians@gmail.com

May Installation Of Officers Dinner

Traditionally, the passing of the baton from president to president occurs at our May meeting, and includes the swearing-in of Justinian officers. It also provides an opportunity to allow the outgoing president to honor those Justinians that have played a significant role in either her career or her office. Jessica DePinto, who had a very successful year, honored past President Leonard Amari for his 37 remarkable years of service as newsletter editor; and Karalyn Jevaney, president JMLS Chapter, with the Anthony J. Fornelli Emerging Leader Award. President Frank Sommario recognized The Joseph & Bessie Feinberg Foundation for its past financial contributions to the Justinian Society Endowment Fund.

A more recent tradition is the venue, Gibson's on Rush, and the crowd was overflowing. As was the food. Frank Sommario was sworn in by retired Judge Bruno Tassone and immediately announced his plans for the upcoming year.



THE
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OF LAWYERS

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ANNUAL INSTALLATION DINNER GALA
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Principal and Partner, Romanucci & Blandin

AND

Communications Award Recipient

Vince Gerasole

Feature Reporter, CBS Chicago

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* If you have any questions, please contact Nina at 708-338-0760



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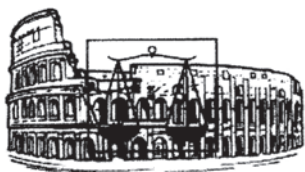
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