

2024 FEBRUARY NEWSLETTER



NSBA North Suburban Bar Association



PRESIDENT'S MESSAGE

MK Gamble
2023-2024 NSBA
President

Dear Members and Friends of the NSBA,

On behalf of the NSBA, I extend my warmest wishes to you and your loved ones on behalf of NSBA. Our organization has been a steadfast resource and an integral part of the legal community in the northern suburbs.

As we embark on a new year, I am humbled and grateful for the opportunity to lead this incredible organization and continue my predecessors' legacy. Together, let us strive to build upon our successes and inspire one another to achieve greater heights in the year ahead.

We started the bar year with our annual installation in November of 2023. I want to express my gratitude to everyone who attended or sponsored the event. It was an honor for me to present the L. Sanford Blustin Award to Appellate Court Justice Cynthia Y. Cobbs of the 1st District for her exceptional contributions to the legal community. The award is given to an individual who has made a significant contribution to the legal community in honor of Lee Blustin, a past president and one of the founders of the NSBA.

We also took a moment to mourn the loss of Robert A. Romanoff, who passed away in September of 2023. Bob was a long-time, steadfast, conscientious, and kind member of NSBA. He practiced for more than 60 years, always upholding the highest standards of our profession and supporting every NSBA event until the very end. Bob's wife, Heddie, and daughters, Michelle and Laura, accepted his Life Time of Service Award. Recognizing his dedication to NSBA and the legal community, the Board renamed the annual Presidential Service Awards to the Robert A. Romanoff Memorial Presidential Service Awards. The 2023 recipients were the Honorable Corinne Cantwell Heggie, Kristin Barnette McCarthy, and Joel Bruckman for their distinguished service during the 2022 board year.

Our generous sponsors made the installation possible. I would like to thank The Savage & Godish families, James Murphy, Dawn Gonzalez, DEI Standard, John Hock, Pullano & Siporin, Diversity Scholarship Foundation, the Ward Powell Group, Sheppard Law Firm PC, and Illinois Advocates Group. Thanks to their gracious contributions, NSBA can provide quality legal support and guidance in Chicago and its Northern Suburbs.

As we gear up for our Spring programming, I would like to introduce the members of our Board. NSBA's Board comprises attorneys, judges, and professionals dedicated to professional networking, continuing legal education, civility, and excellence in the legal profession.

LETTER FROM THE PRESIDENT continued...

Our organization has a dynamic board with several members responsible for various essential tasks. Our 2nd Vice President, Kristin Barnette McCarthy, is in charge of presenting dynamic CLEs and organizing our 2nd annual NSBA CLE Fest. Kristin is a trial attorney at Kralovec, Jambois & Schwartz.

Under our 3rd Vice President, Joel Bruckman, our membership continues to grow through outreach and creative partnerships. Joel is a partner at Smith Gambrell & Russell, LLP.

Our 4th Vice President, Jeffrey Moskowitz, manages our attorney referral program and in-district legal resource referrals. Jeff owns J. Moskowitz Law LLC.

The Honorable Pamela Stratigakis, our Treasurer, manages our organization's finances and budget. Judge Stratigakis is a criminal court judge.

Dimitrie Umbrurescu is our secretary and public relations officer, and he handles our official communications and meeting minutes. Dimitrie owns the Law Office of Dimitrie B. Umbrurescu.

Our Mock Trial Chair, Marvin Mendez, manages our 10th annual Mock Trial program. Marvin is a Partner at Stern Perkoski Mendez.

We are also excited to welcome our dynamic new board members: Adam Sheppard, the Honorable Scott Tzinberg, and Steve Vanderporten.

Keep an eye out for our upcoming events, including the Gary Wild Memorial Award Ceremony, 2nd Annual CLE Fest, and Judge's Night. I'm excited for our spring events and CLEs.

One of the unique aspects of the NSBA leadership is that we have many members of the bench who devote their time and resources to making NSBA a success. This includes our incredible Board Members, Judge Mike Hood, Judge Frank Andreou, Judge Steve Bernstein, Judge Pat Heneghan, Judge Mitch Goldberg, Judge Barbara Dawkins, Judge Matt Jannusch, and Justice Jesse Reyes. I thank you for dedicating your time and talent to NSBA this year!

Finally, I would like to thank our First Vice President, Honorable Jeanne Wrenn, Civil Court judge, for spearheading the editorial duties for our NSBA Newsletter and ensuring quality content.

Your continued support and participation are truly appreciated. Together, we can make this year an unforgettable one.

Looking forward to seeing you at our upcoming events!

Warmly,

MK Gamble
2023-2024 NSBA President

IN THIS ISSUE

PRESIDENT'S MESSAGE

UPCOMING EVENTS

NSBA BOARD MEMBERS

INSTALLATION DINNER

RECENT ARTICLES

BECOME A MEMBER

Connect!



NSBA UPCOMING EVENTS

10TH ANNUAL HIGH SCHOOL MOCK TRIAL

INVITATIONAL

WEDNESDAY, FEBRUARY 21, 2024
SKOKIE COURTHOUSE



CALLING FOR
ATTORNEYS TO
PARTICIPATE!

NSBA offering an opportunity to mentor and guide aspiring young legal minds!

VOLUNTEER with the NSBA for our Annual Mock Trial event

The North Suburban Bar Association (NSBA) is delighted to host its 10th High School Mock Trial, in-person at Skokie Courthouse, 5600 Old Orchard Road, on February 21.

We are looking for enthusiastic attorneys and judges to volunteer as trial evaluators and jurors. Marvin Mendez (Stern Perkoski Mendez), and Richard Pullano (Pullano & Siporin) are chairing this event. This opportunity to mentor and guide aspiring young legal minds is a very rewarding experience, and we are excited to extend this invitation to you.

The Mock Trial competition will be held on February 21st from 3:00 PM to 7:00 PM at the Skokie Courthouse. There will be one pre-event virtual training session.

Your valuable input and participation will greatly contribute to the success of the occasion.

The time commitment is from 3:00 PM to 7:00 PM, followed by the Awards Ceremony, on February 21, and one pre-event virtual planning meeting. Your valuable input and participation will greatly contribute to the success of the occasion.

If interested, complete the form below!

VOLUNTEER SIGN-UP!

Thank you and looking forward to seeing some of you on February 21,

Team NSBA

Sponsorship opportunities are also available at the following levels:

Gold \$500 | Silver \$250 | Bronze \$150

This is a great way for you to demonstrate your commitment to community engagement and support for educational initiatives. All sponsors will be acknowledged on the website and verbally at the event, and Gold and Silver sponsors will also be acknowledged and tagged on Social Media.

Should you wish to explore this opportunity further, please contact Marvin Mendez at mmendez@sternperkoski.com.





Upcoming Events

Gary Wild Dinner

May CLE

Judges Night



**Stay tuned for more
information & registration!**

We want to hear from you!

Have a great story or news item to share? Please send it our way. The NSBA is always looking for news, updates, interests and topics our members would like to see covered in our newsletter. As the editor of our bar newsletter and proud member of the NSBA, I want to thank everyone who contributed their time and expertise in this Spring Issue, and I look forward to future submissions from our members. Thank you for helping to make the North Suburban Bar Association one of the best and fastest growing bar associations in the area.

Hon. Pamela J. Stratigakis, Editor | NorthSuburbanBar@Gmail.com

2024 NSBA North Suburban Bar Association

Officers

MK Gamble | President
Hon. Jeanne Wrenn | 1st Vice President
Kristin Barnette McCarthy | 2nd Vice President
Joel Bruckman | 3rd Vice President
Jeffrey Moskowitz | 4th Vice President
Dimitrie Umbrasescu | Secretary & Public Relations
Hon. Pamela Stratigakis | Treasurer
Marvin Mendez | Mock Trial Chair
Kilby Macfadden | Immediate Past President

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Hon. Corinne Heggie	John Stimson
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Hon. Michael Hood	Caidi Vanderporten
	Steve Vanderporten

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Richard Pullano

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NSBA

Annual Installation & Recognition Dinner

Wednesday, November 08, 2023



DON'T FORGET TO ATTACH YOUR DOCUMENTS TO YOUR RULE 191 AFFIDAVIT

By Alon Stein

You have filed an affidavit in support of a Motion for Summary Judgment or a 2-619 Motion to Dismiss, but have not attached the supporting documents referenced in the affidavit.

The respondent to the Motion for Summary Judgment has filed a motion to strike the affidavit.

What is the likely outcome?

2

The answer to that question requires a review of Illinois Supreme Court Rule 191(a) and the following case: *Robidoux v. Oliphant*, 201 Ill. 2d 324, 338 (2002).

Illinois Supreme Court Rule 191(a) requires that any affidavit submitted in support of a section 2-619 Motion to Dismiss “shall not consist of conclusions but of facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto.” (emphasis added). In addition, the relevant portions of Rule 191 provide as follows:

- “...Affidavits in support of and in opposition to a motion for summary judgment under section 2-1005 of the Code of Civil Procedure, affidavits submitted in connection with a motion for involuntary dismissal under section 2-619 of the Code of Civil Procedure, and affidavits submitted in connection with a motion to contest jurisdiction over the person, as provided by section 2-301 of the Code of Civil Procedure, shall be made on the personal knowledge of the affiants; shall set forth with particularity the facts upon which the claim, counterclaim, or defense is based; shall have attached thereto sworn or certified copies of all documents upon which the affiant relies; shall not consist of conclusions but of facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto.”

Thus, under the plain language of Rule 191, the standard for a Rule 191 affidavit is stringent: all papers, exhibits and documents must be attached to the affidavit, or else it should be stricken under Rule 191. *Robidoux v. Oliphant*, 201 Ill. 2d 324, 338 (2002).

In *Robidoux v. Oliphant*, the Supreme Court of Illinois ruled that a medical expert’s affidavit was insufficient under Rule 191 where the medical records on which the expert’s affidavit was based were not attached to the affidavit. It was undisputed that all parties in the case had those records. Nevertheless, the Supreme Court ruled that the foundation standard for summary judgment affidavits under Supreme Court Rule 191 was more stringent than if the expert was testifying on the witness stand.

There are no exceptions in *Robidoux*. In fact, the Court stated the following:

... we conclude that Rule 191(a) should be construed according to the plain and ordinary meaning of its language. Its requirements should be adhered to as written . . .

Plaintiff next argues that even if *Wilson* does not apply, and Rule 191(a) therefore is construed according to its plain meaning, the rule’s provision requiring that supporting documents be attached to the affidavit need not be strictly followed. According to plaintiff, the failure to attach such papers to the affidavit is merely a technical violation of the rule and should be disregarded if the affiant is competent to testify at trial. We disagree.

We have already held that Rule 191(a)’s requirements are to be construed according to the plain language of the rule. Here, the plain language clearly requires that such papers be attached to the affidavit. Moreover, supreme court rules, like statutes, should be construed as a whole, with individual provisions interpreted in light of other relevant provisions. The Rule 191(a) provisions barring conclusionary assertions and requiring an affidavit to state facts with “particularity” would have little meaning were we to construe the attached-papers provision as merely a technical requirement that could be disregarded so long as the affiant were competent to testify at trial.

DON'T FORGET TO ATTACH YOUR DOCUMENTS TO YOUR RULE 191 AFFIDAVIT

By Alon Stein (Continued...)

In support of her position, plaintiff relies upon Beals v. Huffman, 146 Ill.App.3d 30, 99 Ill.Dec. 706, 496 N.E.2d 281 (1986), which held that the failure to attach to an affidavit the papers on which an affiant relies is a technical violation of Rule 191(a). According to the court in Beals, such technical interpretations are not favored, and technical insufficiencies such as the failure to attach documents should be disregarded if it appears that the affiant would be a competent witness at trial. Beals, 146 Ill.App.3d at 39, 99 Ill.Dec. 706, 496 N.E.2d 281. For the reasons set forth above, we decline to construe the attached-papers provision in this manner. As we stated in Bright v. Dicke, 166 Ill.2d 204, 210, 209 Ill.Dec. 735, 652 N.E.2d 275 (1995), the rules of this court neither are aspirational nor are they mere suggestions; “[t]hey have the force of law, and the presumption must be that they will be obeyed and enforced as written.”

As Robidoux v. Oliphant controls and the Supreme Court of Illinois has not overruled Robidoux v. Oliphant, the rule of law is that a Supreme Court Rule 191(a) affidavit must attach certified copies of all records relied upon by an affiant in the preparation of the affidavit. Robidoux v. Oliphant, 201 Ill. 2d 324, 775 N.E.2d 987 (2002).

Specifically, any affidavit in support of a 5/2-1005 motion “shall have attached thereto sworn or certified copies of all papers upon which the affiant relies.” Ill. Sup. Ct. R. 191(a). The word “shall” is mandatory, and has been construed as such by the Supreme Court of Illinois.

While Robidoux v. Oliphant may seem harsh, the Supreme Court has stated that “the rules of this court neither are aspirational nor are they mere suggestions; they have the force of law, and the presumption must be that they will be obeyed and enforced as written.” Robidoux v. Oliphant, 201 Ill. 2d 324, 339-40 (2002).

Robidoux v. Oliphant has not been overturned, and there are no exceptions. Therefore, Robidoux v. Oliphant is a case that the practitioner needs to be aware of, in relation to affidavits filed with the court in Illinois.



Alon Stein is the founder of Stein Law Offices in Northbrook, Illinois, and is a commercial litigator. Stein Law Offices is a full service law firm representing businesses in the Chicagoland area and in Wisconsin. Alon Stein is also Of Counsel to Miller Berger, LLC in downtown Chicago.



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NSBA

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MEMBERSHIP BENEFITS

Build Relationships

Whether you are a new attorney, a seasoned expert, a corporate attorney, a litigator, a specialist, or someone interested in gaining a new understanding or perspective of our legal system, the NSBA is where lawyers and professionals come together to build important relationships. It is a place where advocates and adversaries come together in the spirit of collegiality and common purpose. It provides an opportunity for members to hear from community leaders, industry experts, judges, regulators, and policymakers who speak candidly to the Bar about hot practice topics, cutting-edge technology, what's new in the law, and where the profession can better itself.

Gain Exposure

The NSBA provides its members with exposure to the wider legal community and helps them grow into positions of leadership. The NSBA takes pride in helping its members build extraordinary professional lives and careers. Throughout the year, the NSBA sponsors monthly meetings and events for professional career and legal development, continuing legal education, fundraising, and community outreach endeavors. These include the annual Installation Dinner, Holiday Party, Gary Wild Dinner, Law Day, Judges Night, and many others.