

YLDNews

The newsletter of the Illinois State Bar Association's Young Lawyers Division

2024: New Year, New Laws

BY THOMAS M. CONNELLY

The new year brings many new laws now in effect in Illinois. In fact, more than 300 new laws went into effect on January 1, 2024, many of which are likely to impact a variety of different practice areas. It is important to understand what laws may impact your cases, clients, or your own firm management.

Here's a list and short description of some of the laws that are likely to impact attorneys and their clients¹:

HB 1268 Requires testators to expressly

acknowledge that they are aware that the executor they name in their will was convicted of a financial crime prior to the execution of the will or codicil.

HB 1363 Provides an employer may be liable for the actions of an employee if they were performing their employment duties and during it, they caused injuries to another under the gender violence act. Establishes a 4-year statute of limitation to bring a claim of gender related violence.

Continued on next page

2024: New Year, New Laws
1

New Year's Resolutions
1

5 Critical Missing Functionalities When Your Smartphone No Longer Functions
4

New Year's Resolutions

BY CHRISTINE HUNT

After the hustle and bustle of the holidays, the new year is the perfect time to make a New Year's resolution not just personally, but professionally as well. Use this time to reflect on what went well in your professional life, what you could do better, and make a plan to implement the change(s). Researchers suggest only 9 percent of Americans that make resolutions complete them with 23 percent of people quitting their resolution by the end of the first week, and 43 percent quitting by the end of January. (Fisher College of Business). When making a professional New Year's Resolution, make it something attainable. Make it something

with the goal of making your life easier, not more difficult. It does you no good to make a New Year's resolution that will be abandoned soon after making it.

Here are 10 suggestions for possible professional resolutions:

1. Develop more business. Be mindful of your return on investment for both time and money. Consider creating a newsletter, blogging, networking in person, and work on fine-tuning your elevator pitch to give to everyone you meet.
2. Network more. Networking

Continued on page 4

2024: New Year, New Laws

CONTINUED FROM PAGE 1

HB 1384 Requires HMOs, Medicaid, and individual and group policies to cover medically necessary reconstructive surgeries to restore one's physical appearance that was damaged by trauma.

HB 1541 Prohibits utility companies from discontinuing gas or electric services for residential users due to nonpayment of bills on days when the temperature exceeds 90 degrees or there is a heat watch, advisory, or warning.

HB 1628 Prohibits a landlord from requiring a tenant or prospective tenant to pay anything owed to the landlord under a lease, renewal, or extension agreement by means of electronic funds transfer.

HB 2100 Provides that a person who financially exploits an elderly person or a person with a disability is guilty of a Class 1 felony if the elderly person is 70 years of age or older (instead of "over 70 years of age") and the value of the property is \$15,000 or more.

HB 2123 Creates a cause for legal action against individuals creating digitally forged material with intent to distribute and cause harm.

HB 2145 Directs the Department of Financial and Professional Regulation to refuse to issue, renew, or suspend the professional license of any individual or entity which has been found by the Workers' Compensation Commission or Department of Insurance to not have obtained workers' compensation insurance coverage.

HB 2248 Allows state claims for violations of federal civil rights acts to be heard in any court with jurisdiction.

HB 2269 Changes the title of the Electronic Wills and Remote Witnesses Act to Electronic Wills, Electronic Estate Planning Documents, and Remote Witnesses Act.

HB 2389 Clarifies that no vehicle can be stopped or searched solely on the basis of any objects placed or suspended between the driver and the front windshield that may obstruct the drivers

view.

HB 2418 Allows victims of human trafficking to petition for vacation and expungement of their criminal records upon the completion of their last sentence if their participation in the underlying offense was a result of human trafficking or other severe form of trafficking.

HB 2431 Provides that a person may not operate a motor vehicle while using an electronic communication device to participate in any video conference or access any social media site.

HB 2562 Provides housing requirements for heating and cooling standards for properties that limit their ownership, rental, and occupancy to people 55 years old or older.

HB 2607 Establishes a rebuttable presumption that the testimony of a victim who is a child under 13 years of age must testify outside the courtroom and the child's testimony must be shown in the courtroom by means of a closed-circuit television.

HB 2624 Distinguishes five categories of records and requires the clerk of court to limit access to court documents and files based on how a record is categorized.

HB 2907 Provides that in a labor dispute, a court should not grant an award for money damages except in the case of damage to an employer's personal property as a result of conduct prohibited by law.

HB 2954 Provides a person a private right of action against the individual who committed the offense of doxing.

HB 3026 Includes time served in county jail as part of the minimum 60-day sentence required before the Director of Corrections may award discretionary earned sentence credit.

HB 3030 Allows insurance issuers and a nonparticipating providers to request binding arbitration for batched bills rather than just on a pre-bill basis.

HB 3140 Prohibits the use of solitary confinement on young detainees in detention centers for any purpose other

YLD News

This is the newsletter of the ISBA's Young Lawyer's Division. Section newsletters are free to section members and published at least six times per year.

To subscribe, visit www.isba.org/sections or call 217-525-1760.

OFFICE

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

EDITORS

Nichol Marie Benson
Cody Nicholas Follis

PUBLICATIONS MANAGER

Sara Anderson
✉ sanderson@isba.org

YLD SECTION COUNCIL

Natali Thomas, Chair
Hannah Reed Lamore, Vice-Chair
Jason Raymond Blumenthal, Secretary
Brian D. Flynn, Ex-Officio
Stephen William Adamsky, Jr.
Azar Alexander
Joseph Michael Vitacco Amari
Kaleigh Ann Barrett
Olivia Keya Basu
Nichol Marie Benson, Newsletter Co-Editor
Samantha Akemi Bobor
Yi Bu
Tomas Cabrera
Chandler Renee Caswell
Priscilla Centeno, Esq.
Thomas Michael Connolly
Judith E. Conway
Nicholas I. Correll
Caroline Mazurek Cozzi
Brayton Marie Deprey
Mark Anthony Dunham, Jr.
Cody Nicholas Follis, Newsletter Co-Editor
Lindy Ann Giesler
Damian Conforti Hanson
Christine Marie Hunt
Gregory R. Jones
Blake James Kolesa
Antonio Lee
Sarah M. LeRose
Taylor Ryan Matichak
Kenneth Andrew Matuszewski
Kayla Elizabeth McKinnon
Genevieve E. Miller, Esq.
Kassandra R. Morfin
Dane Christian Nelson
Susannah Jane Price
Nicholas Angelo Sandowski
Mallory P. Sanzeri
Marie K. Sarantakis
Montana L. Sinn
Joseph A. Souligne
Ryan Suniga
Priyalynne Thennarasu
Taylor L. Tyler, Esq.
Edward John Wasilewski
Kenet Nicole Weed
Rahnesha Charnell Williams
Jennifer Anne Haase
Tyshi Davis, Staff Liaison

DISCLAIMER: This newsletter is for subscribers' personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

than preventing immediate physical harm.

HB 3249 Provides that a full-time law enforcement, correctional or probation officer, or firefighter who suffered a catastrophic injury or was killed in the line of duty cannot change their coverage under an insurance plan covered by the State Employee Group Insurance Act.

HB 3253 Expands the definition of “protected person” in provisions prohibiting the use of certain deceptive tactics by law enforcement during custodial interrogations. Includes both minors and persons with severe or profound intellectual or developmental disabilities to definition.

HB 3304 Provides that prosecution for fraud relating to COVID-19 relief may commence within five years following the discovery by an individual with a legal duty to report the activity or following an officer becoming aware of the fraudulent offense.

HB 3314 Provides that if a consumer contract allows for the recovery of attorney’s fees in an action brought to enforce the contract, then the court can award reasonable attorney’s fees to the prevailing defendant in the action.

HB 3345 Requires the Secretary of State to provide individuals committed to Illinois Department of Corrections or Department of Juvenile Justice with an ID upon receipt of the individual’s birth certificate, social security card, photograph, proof of residency upon discharge, and application which must be submitted 60 days prior to the individual’s release.

HB 3396 Provides that a person who, with the intent to interfere with, obstruct, or impede a picket, demonstration or protest, places any object in the public way, commits a Class A misdemeanor with a maximum fine of \$2,500, and a sentence of imprisonment of less than one year

HB 3414 Expands the number of factors that judges can consider in deciding whether to issue an order to prosecute a minor as an adult for a felony offense, such as if the child was in the welfare system, was a victim of sexual assault or if there was outside pressure.

HB 3592 Prohibits victims of sexual misconduct by a teacher from being compelled to testify at a disciplinary hearing

in the physical or visual presence of a teacher or other witness if the individual is under 18 or was under 18 at the time of the of the alleged conduct.

HB 3762 Removes all references to the imposition of the death penalty in the Criminal Code of 2012, the Code of Criminal Procedure of 1963, and the Unified Code of Corrections.

HB 3769 Expands the definition of firefighters to allow additional firefighters to maintain their health and accident insurance coverage after their retirement, a disability, or for their surviving spouse, until the spouse’s death or remarriage.

HB 3779 Requires the Illinois Department of Corrections to provide notice “as soon as reasonably practicable” to incarcerated individuals near the end of their sentence who are eligible for home confinement or other confinement outside a DOC facility.

SB 0055 Provides that restricting or not allowing an interested person to have reasonable visitation to someone they are a power of attorney for is an action upon which a court may find that the agent is not acting for the benefit of the principal.

SB 0199 Removes ongoing consultation requirements between an Advanced Practice Registered Nurse and a physician when prescribing benzodiazepines or Schedule II narcotics.

SB 0214 Requires disability benefits for a police officer, firefighter, and paramedic who becomes ill in the line of duty due to a disease or condition present in the community that is covered by a declaration of emergency by a municipal official, county, or the state.

SB 0283 Excludes non-parties to administrative hearings pertaining to historic building designations or exterior reviews from automatically being named as defendants upon those decision’s appeals.

SB 0325 Limits the release of documents or records in possession of the Public Access Counselor, in order to address inconsistencies between the Freedom of Information Act process and Open Meetings Act.

SB 0328 Requires businesses to give clear notice to a consumer before a contract is

automatically renewed.

SB 0380 Provides a civil cause of action for fertility fraud against health care providers who knowingly or intentionally use their own human reproductive material without the patient’s informed written consent for assisted reproductive treatment.

SB 0423 Updates the conditions of parole and mandatory supervised release to provide more clarity for participants and the Department of Corrections.

SB 1497 Prohibits the use of physical restraints and the misuse of psychotropic medications to restrain nursing home residents. Clarifies the difference between positioning devices and physical restraints and says the resident or their representative can still request a positioning device.

SB 1670 Changes the Illinois Freedom of Information Act to exempt from its coverage all protected health information that may be contained within or extracted from any record held by a covered entity, including information compiled in compliance with the Health Insurance Portability and Accountability Act.

SB 1883 Makes it a Class B misdemeanor for any person to allow a member of the public, except for certain exempted people, to come into contact with a bear or nonhuman primate.

SB 1886 Ensures a court cannot order that a person on probation, conditional discharge, or supervision refrain from having cannabis or alcohol in his or her body unless the presence of an intoxicating compound is an element of the offense charged or the person is participating in a Problem-Solving Court.

SB 2034 Provides extended bereavement leave to employees who have lost a child to suicide or homicide. For employers with 250 or more full-time employees, employees are provided twelve weeks of unpaid leave.

SB 2175 Prohibits courts from ordering the payment of outstanding fees, fines, taxes, or any costs arising from criminal proceedings for the first 180 days after the individual’s release from a penal institution.

SB 2260 Provides that a person is not accountable for the conduct of another if they were subject to coercion, compulsion, or duress related to domestic abuse nor

will they be guilty of any offense for acts committed under threat of imminent infliction of death or great bodily harm.■

Thomas M. Connelly ("Tom") is a trial attorney with Meyers & Flowers, LLC, with offices in Chicago, Saint Charles, and Peru. His practice includes wrongful death, personal injury, medical malpractice, and products liability. In addition to being a member of the ISBA's Young Lawyers Division Section Council, Tom serves on the ISBA

Standing Committee on Legislation and the Chicago Bar Association Legislative Committee.

1. List of bills and descriptions gathered from: Bills Going Into Effect In 2024, 103rd General Assembly, Illinois Senate Democrats Communications Department, <https://www.illinoisenedemocrats.com/images/PDFS/2023/bills-taking-effect-2024.pdf>, (2023).

New Year's Resolutions

CONTINUED FROM PAGE 1

has changed in the face of covid; embrace it. Put your camera on during Zoom meetings, go to in person events, or have a casual chat with people you meet in the community. You never know when someone you meet may be in need of your legal services. If you don't tell people you meet what you do, they won't know to consider you as an option for their legal needs.

3. Don't wait until the last minute—don't procrastinate. Don't do something tomorrow that you can do today. Commit to completing any task that will take five minutes or less to complete. Oftentimes constantly reminding yourself of that thing that needs to get done takes more mental energy than actually doing it.
4. Don't miss an important date again. Pick a calendaring system that works and stick with it. Never miss a court date or double book clients for the same time if you create and implement a consistent calendaring system.
5. Learn a new tech skill. Maybe it's making automated intake forms, checking out Chat GPT to see what all the fuss is about, or streamlining your billing with a new billing software. Technology is always evolving and there's always something new to learn that can assist you in your practice of law. Don't forget, Rule 1.1 of the Illinois Rules of Professional Conduct

requires you to keep abreast of changes in the law and its practice including the benefits and risks associated with relevant technology.

6. Be on time. If you find yourself frequently behind schedule, try to determine the reason for your tardiness and address that cause. Do you fail to account how long it will take to get to court or your appointment? Calendar in travel time (or extra travel time). Does it take you a few unaccounted minutes to switch between tasks? Block out time for transitioning between activities. Does your co-worker frequently stop by to chat? Does your mom call in the middle of the workday? Do you answer non-emergency client calls while you're in the middle of another task? Make a policy to not allow unnecessary disruptions and perhaps even make a policy to schedule all client calls. If you tend to underestimate how long something is going to take, make sure you schedule in some extra time for all tasks.
7. Stay on top of your to-do list. Make a to-do list, but remember, the goal of a to-do list is to remember what needs to be done; you'll never get all the way to the bottom of it as you'll constantly be adding new tasks to the list. Break the to-do list into manageable tasks for each day. Make your daily to-do list manageable. Be realistic and not overly ambitious when planning out

your day. It's not helpful to end the day with a list almost as long as you started with. If you do, you'll need to figure out how and when your incomplete tasks from today will be completed when tomorrow's to-do list is already full.

8. Don't wait to complete your CLE hours. Use the CLE requirement as an opportunity to strengthen your skill set in your given practice area or to learn something new you're interested in learning. Don't wait until your reporting deadline is looming to frantically complete your hours with sessions you're not interested in, but select because they fit within your schedule.
9. Create a business succession plan. Especially if you are a sole practitioner, make sure you have a plan, ideally a written plan, for what will happen with your cases and your clients in the event of your death or disability. How will your clients be notified of your death or disability? Who will be your backup attorney or triage attorney? How will your backup attorney be able to access your client files and their contact information? Who will be able to access your business bank accounts and IOLTA accounts? According to a 2018 Thomson Reuters survey, only 37 percent of law firms had (or were creating) an official succession plan. Don't be part of the majority, make 2024 the year to formalize your succession

- plan.
10. Remember to make time for your personal life. Don't forget to make time for family, friends, hobbies, and self-care. Don't let work become all consuming.

Whatever you select as your professional New Year's resolution, make a commitment to following through on that resolution throughout 2024. May your 2024 be happy, healthy, productive, and filled with meaningful connections.■

Christine is an attorney with Bernstein Litowitz Berger & Grossmann LLP.

5 Critical Missing Functionalities When Your Smartphone No Longer Functions

BY KENNETH MATUSZEWSKI

Smartphones have become ubiquitous both in attorneys' personal and professional lives. But what happens when that smartphone does not function properly or requires repair? While the inability to call or text anyone goes without saying, other aspects of professional and personal life may be majorly impacted without smartphone usage, as discussed in further detail below:

1. **No Two-Factor Authentication:** without access to a smartphone, no device or applications requiring two-factor authentication can be used. Many legal professionals now have two-factor authentication to log into their email, time-keeping software, and communication platforms, such as Teams. If you find you are in such a situation and your company has a bring your own device policy (where you do not have a work phone), make sure you tell the relevant team members that you will be without access for a certain period of time, so work can be re-allocated as necessary, and to meet any necessary deadlines.
2. **No Ability to Navigate:** many people now rely on mapping software to help them get from one location to another. Lacking this software means that attorneys should know exactly where they are going while they are waiting for their smartphone repairs to finish, and how to get there, especially

since they will not be able to use rideshare applications for help! It is highly recommended that if you're going somewhere unfamiliar, such as a new courthouse, to print out the directions beforehand, as people did 20 years ago with MapQuest.

3. **Potential Inability to Access Transit, Financial Information, and Personal Information:** it is very common for many people and attorneys now to have their public transit information stored on their phones, and not possess a physical transit card. Moreover, many people do not carry cash or credit cards anymore, due to the advent of financial services applications, such as Apple Pay. If you are one of those people, you should either find physical copies of your ID, transit cards, and credit cards or plan to be somewhere where none of these will be necessary while you wait for your smartphone to finish repairs.
4. **No Ability to Tell Time:** without access to a watch or a computer nearby, lacking a smartphone may completely stonewall you from knowing the time.
5. **No Ability to Read QR Codes:** If you decide to go out to a restaurant and have a meal while you wait for your smartphone to finish repairing, check and see if the restaurant offers paper menus. Since many

restaurants have moved to exclusive use of QR codes now, you find yourself unable to place any orders at the restaurant! However, if you are with a friend, colleague, or loved one, you can always ask them to share the menu by looking at their phone.

Overall, the benefits of smartphones to modern society and legal practice cannot be understated. However, it is also important to know how to live in an analog world, and to prepare accordingly, when access to a smartphone is either limited or eliminated for a brief period.■

Kenneth Matuszewski is an associate at Goldberg Segalla LLP, where he focuses his practice on intellectual property litigation. He also served as chair of the Intellectual Property Section Council from 2021-2022.



Mentoring Circles - our new informal group mentoring program

Join WBAI, CBA Alliance for Women and ISBA Women and the Law Committee for Mentoring Circles. Mentoring Circles is our new informal group mentoring program where attorney mentors will meet with a "circle" of law students and young lawyers. This is a wonderful opportunity for new lawyers and law students to learn and for experienced attorneys to give back to the profession in a fun, low pressure, and collaborative environment. We will meet in January and April. Bring a friend!

Sign up to join a mentoring circle today! We are seeking both mentors and mentees. Events will be free for mentees.

First Meetup:

January 29, 2024 from 12:00 - 1:00 PM

ISBA, 20 S Clark Street, Suite 900

Lunch provided



SUBMIT YOUR APPLICATION AT bit.ly/49Agzup



RSVP FOR THE FIRST MEETUP AT bit.ly/4aTpZ4K

Sponsor:

**CROKE FAIRCHILD
DUARTE & BERES**