



# BAR NEWS

Your source for news from the Illinois State Bar Association

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P-3 P49  
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## ISBA opposes non-lawyer practice in hearings

By Stephen Anderson

Illinois State Bar Association officials were to have met Oct. 29 with the Illinois Liquor Control Commission to discuss concerns with an amended rule that gives broader authority to non-lawyer representation of respondents in administrative hearings.

The revised Section 100.410 permits a licensee to be represented by a non-lawyer with power of attorney, a general or limited partner, a sole or majority shareholder, or a member of a limited company.

"It is the position of the ISBA that this is the unauthorized practice of law," ISBA President Tim Eaton wrote Oct. 4 in a letter to members of the Joint Committee on Administrative Rules (JCAR).

Raising the issue of separation of powers, Eaton pointed out that only the judi-

cial branch, through the Illinois Supreme Court, "has among its powers the duty to define what constitutes the practice of law, and regulates it accordingly."

While the legislative branch, through the General Assembly, creates the laws, state law does not let administrative agencies grant non-lawyers "the authority to practice law by representing third parties in administrative hearings."

Recipients of Eaton's letter are State Sen. Barack Obama and State Rep. Tom Ryder, co-chairs of JCAR, and Mark T. Bishop, executive director of the Liquor Control Commission.

The commission subsequently filed the amended rule Oct. 15 with the secretary of state, at which time it became effective. The rule did not need to be entered until July 15, 2002.

As an example of "why this rule is a

diservice to the public," Eaton cited a recent hearing in which a corporation "purportedly appeared at an administrative hearing through . . . a non-attorney stockholder of the corporation."

In subsequent appeals, Eaton said, it became clear that the respondent "did not truly understand the nature of the proceedings, and that he was harmed by not being represented by an attorney."

As a result, the respondent corporation lost its liquor license — "one of the most extreme sanctions that can be imposed" — but the sanction was rescued after the respondent retained an attorney.

The attorney, Irene E. Bahr of Wheaton, a member of the ISBA Board of Governors, said that the matter was settled when the City of Algonquin agreed to vacate the license revocation and impose only a fine on her client.

"When the case was dismissed, the judge commented that he was sorry he could not be able to review it on this issue of law because he thought we had a pretty good argument," Bahr said. Without her involvement, the liquor store would have been out of business.

"The power of local liquor commissions need the 'check' of an attorney to properly represent a client to protect these public and private interests," Bahr wrote.

Acknowledging the potential for tension in the separation of powers between the judicial and legislative branches, Bahr added that "it is clear that administrative agencies do not have the authority to grant the right to practice law."

An agency would violate the separation of powers by usurping the State's

*(Continued)*

# CBA slates training for capital case trial bar

The Chicago Bar Association Task Force on Capital Case Training will present a training program Friday and Saturday, Nov. 9-10, from 9 a.m. to 5 p.m.

The intensive two-day program will satisfy the educational component for membership in the Capital Litigation Trial Bar in accord with Illinois Supreme Court Rule 714. It will be presented at an advanced level of instruction and is limited to 100 registrants.

Panelists will take participants from the investigation and preparation of a capital case through trial and sentencing. Post-trial motions will also be covered.

Participants will learn the latest case and statutory law, and what's new in investigative techniques, use of experts and scientific evidence and evidentiary developments. Ethical issues involved in death penalty cases will also be highlighted.

Lecturers include Paula M. Daleo, chief of the Special Prosecutions Bureau for the Cook County state's attorney; Thomas More Donnelley, Cook County Judge David A. Erickson; Michael J. Morrissey, chief of the Felony Trial Division for the Cook County public defender; Richard D. Schwind, bureau chief of criminal prosecutions and trials for the Illinois attorney general, and Andrea Lyon, director of the Center for Justice in Capital Cases, at the DePaul University College of Law.

The cost is \$150 for CBA members and \$75 for non-members. For complete information, or to register on-line visit [www.cba.org](http://www.cba.org), by e-mail or call (312)



C. Stephen Swefford has joined the Mt. Vernon firm of Campbell, Black, Carnine, Hedin, Ballard & McDonald, concentrating in domestic relations. He was Wayne County state's attorney from 1984 to 1988.

New partners at Aronberg, Goldgehn, Davis & Garmisa, Chicago, are **Henry M. Morris** and **Blooma Stark**, and **William P. Rosenthal** has joined as of counsel. All are former partners of Rosenthal & Schanfield. Morris concentrates in real estate, finance, probate and estate planning law; Bloom in estate planning and administration, and Rosenthal in general corporate law, partnership matters and taxation law.

**Kanwar Singh** has joined Baker & McKenzie, Chicago, as a partner in its corporate and securities group. He was vice president, general counsel and secretary of BrightSage Inc./EthnicGrocer.com Inc.

**Anne-Marie Risavy** has joined Baker, Sterchi, Cowden & Rice, St. Louis, as an associate. She is a member of the Illinois State Bar Association.

**Martin P. Head**, a former assistant Cook County state's attorney, has been



G. Gran: Dixon III has expanded and relocated his firm, the Dixon Law Office, to 1415 W. 55th St., LaGrange 60525, telephone (708) 354-9880.



Robert M. Berger, former senior partner in Mayer, Brown & Platt, has joined Capri Capital, Chicago, as executive vice president, general counsel and secretary.

# Transition

5000, and has a Laguna Hills, Calif., office.

**Oran F. Whiting** has joined Freeborn & Peters, Chicago, as a partner in government relations and regulatory law, health care, commercial and products liability litigation. He was a partner in Fedota, Childers & Roeca, New Freeborn & Peters associates, include Ann Hopkins

Natalie M. Watkins and John Wideikis are associates.

**Sean D. Brady** has joined the Joliet firm of Maxon, Silverman & Cross. He was a Will County assistant state's attorney.

**James P. Hanrath** has joined Peterson & Ross, Chicago, as a partner in its