

# SURVEY OF ILLINOIS LAW: AN ANNOTATED BIBLIOGRAPHY OF CURRENT ILLINOIS PRACTICE AIDS

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## I. INTRODUCTION

## A. Purpose

The objective in gathering the information for and preparing this article was threefold: First, to provide information to attorneys practicing in Illinois about the most up-to-date general and subject-specific practice aids focused on Illinois practice that are available at this time;<sup>1</sup> second, to encourage practicing attorneys to keep these tools on their mental radar of resources to take advantage of and perhaps add to their understanding of why they should do so; finally, to encourage and hopefully assist the reader in being an intelligent consumer of these resources.

“Practitioner materials” and “practice aids” are phrases used interchangeably here and refer broadly to general and subject-specific treatises, desk books, looseleaves, practice guides, procedural manuals, form books, and other such resources. These are materials—whatever they are called and however packaged—that aid in day-to-day legal practice by providing attorneys access to tools and information not generally available as part of other sets of legal research materials, often including step-by-step procedural guidance, drafting suggestions and model language, sample

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1. This bibliography includes materials in print published through June 21, 2012 plus a few additional titles as explained in the introductory scope note. Annotated bibliographies including coverage of Illinois practice aid materials have been published on several occasions in these pages before but it has been twenty years since the last of those. See Frank G. Houdek, *Legal Research Tools for the Illinois Practitioner: Annotated Bibliography*, 11 S. ILL. U. L.J. 857 (1987); Frank G. Houdek, *Research Tools for the Illinois Practitioner Revisited: An Updated Annotated Bibliography*, 13 S. ILL. U. L.J. 683 (1989); Frank G. Houdek & Jean McKnight, *Survey of Illinois Law: An Annotated Bibliography of Legal Research Tools*, 16 S. ILL. U. L.J. 767 (1992). More recently, Illinois practice materials were included in a collection of sources for all fifty states. See Phill W. Johnson, *Illinois Practice Materials: A Selective Annotated Bibliography*, in STATE PRACTICE MATERIALS: ANNOTATED BIBLIOGRAPHIES, III. 1 (Frank G. Houdek ed., 2006). However, that source is not readily available to Illinois practitioners, the descriptive information it included was quite limited, and there have been significant changes to the list of available titles since it was published.

litigation or transactional forms, tips on strategic and practical considerations, checklists, and practice-oriented discussion of the legal issues and governing law in one or more subject areas. In short, practice aids make it easier for the attorney handling a matter to do so efficiently and effectively, tailoring further research and drafting if needed to meet particular client needs.

The results of survey after survey demonstrate the importance of practitioner materials and knowledge of how to use them effectively. Summarizing the results of a number of these studies in 2009, Patrick Meyer cited repeated references to the need for better research skills using secondary source treatises, looseleaves, legal encyclopedias, and subject-specific resources.<sup>2</sup> In Meyer's own 2007 survey of law firm librarians, more than 70% of the respondents identified secondary source research as one of the most important research tasks entry level attorneys in their offices are required to perform.<sup>3</sup> More recently, in a survey of law firm librarians conducted by Leslie Street and Amanda Runyon asking about eight different categories of practitioner-oriented materials, 75% of the respondents reported that materials from all eight categories were part of their firm's collection, and 100% reported holdings of subject-specific deskbooks, procedure manuals, and looseleaves, with more than 90% also reporting holdings of subject-specific treatises.<sup>4</sup> The low cancellation rates reported for many categories in the Street and Runyon study, particularly subject-specific deskbooks, procedure manuals, and practice guides, is also noteworthy, especially in light of the economic downturn and cuts to law library budgets.<sup>5</sup> Street and Runyon also report general dissatisfaction with the skill level of new attorneys in use of these materials, with less than 25% of respondents stating that they were even somewhat satisfied.<sup>6</sup>

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2. Patrick Meyers, *Law Firm Legal Research Requirements for New Attorneys*, 101 L. LIB. J. 297, 307, ¶ 45 (2009).

3. *Id.* at 311, ¶ 45, table 1.

4. Leslie A. Street, and Amanda M. Runyon, *Finding the Middle Ground in Collection Development: How Academic Law Libraries Can Shape their Collections in Response to the Call for More Practice-Oriented Legal Education*, 102 L. LIB. J. 399, 411, ¶ 30, table 2 (2010).

5. *Id.* at ¶ 31, table 2. Breaking down the data by firm size, Street and Runyon note that certain types of practitioner-oriented materials appear to be especially essential to small firm practice, as all of the respondents from such firms reported holdings of subject-specific deskbooks, subject-specific treatises, procedural manuals, looseleaves, and form books; they also reported lower cancellation rates for subject-specific deskbooks, treatises, and looseleaves than the larger firms, and no cancellations or withdrawals of procedural manuals, form books, or practice guides. *Id.* at 413-14, ¶¶ 33-34, table 3.

6. *Id.* at 418, table 6.

## B. Scope

Certain restrictions governed the scope of this bibliography. First, only practitioner-oriented secondary sources have been included. Sources of primary authority or items that are simply compilations of various statutes or court rules applicable to a given practice area without the addition of commentary or other added value have been excluded. Second, only those items that focus on Illinois law or practice or feature it as a substantial part of their coverage have been included. Third, although continuing legal education seminars can be an effective way of keeping up with changes in law and practice, seminar materials subsequently offered for sale may offer little more than outlines of the oral presentations and have therefore not been included here. By contrast, the practice manuals published by the Illinois Institute of Continuing Legal Education (IICLE) go far beyond that. IICLE publications often include extensive analysis of relevant case law and statutes in addition to forms, checklists, and step-by-step procedures. Most of the available IICLE practice manuals are included in this bibliography.<sup>7</sup> Fourth, with very few exceptions, only materials in print as of June 15, 2012 have been included. New editions in preorder status as of June 21, 2012 where the publisher reported an expected shipping date before the end of the year have been included as well. A few out-of-print titles which had not been superseded by new editions or duplicated in coverage by other titles in print when this article was written have also been included. These out-of-print items, clearly identified as such in the bibliography, were all available at numerous public and academic law libraries in Illinois as of June 21, 2012. Finally, in almost every instance, this author personally examined the listed source in print or electronically and the descriptive information provided in this bibliography is based on that examination. In a few instances the author relied on the publisher's description where the item itself was not available to the author in print or electronically and that is indicated in the description provided. Every effort was made to be comprehensive in including all sources in this bibliography that fit the stated criteria but worthwhile sources may have never-the-less been omitted. The author regrets any such omissions and invites readers to submit citations of additional relevant works for possible inclusion in a future supplement.

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7. A few IICLE publications, focusing on federal law with little if any Illinois-practice specifics, have been omitted as outside the scope of this bibliography, as have seminar materials published by the IICLE. For a complete listings of IICLE titles and related information, see <https://www.iicle.com/BooksandProducts/Default.aspx?ProductTypeID=1>, last visited on June 15, 2012; interested parties can also subscribe to the IICLE publication RSS feed at <https://www.iicle.com/RSS/RSS.aspx?TypeID=1>, last visited on June 15, 2012, for summary information about current publications and news of pending releases.

Even with the above noted restrictions, the total number of titles has grown substantially since the first bibliography of practitioner resources was published in these pages. Professor Houdek listed a total of 64 subject-specific titles and general Illinois form books in his first bibliography of Illinois research sources for practitioners in 1987.<sup>8</sup> By 1992, that total had grown to 103 titles in the last of the three bibliographies Professor Houdek participated in that was published in these pages.<sup>9</sup> There are 185 titles described in this current bibliography, underscoring continuing specialization and other changes in both the legal profession and the legal publishing industry. IICLE practice manuals serve as a case in point, both in terms of volume and specialization, with 25 new titles and new editions issued since the beginning of 2011 alone, plus 29 supplements to existing editions, following on the heels of 39 new titles, editions, and supplements combined having been issued during the preceding two years.

Marketing certainly plays a role in the growing number of available titles and poses challenges to the consumer to be watchful for overlapping coverage and exercise care in assessing the value of new offerings. Increasing specialization in the legal profession mirrored in legal publishing has been an important factor as well. Examples abound. Previously, for instance, the IICLE published an entire book on alternative dispute resolution (ADR) in Illinois. Today that title is out of print, replaced by separate chapter length treatments of ADR in specific practice area contexts covered in various titles included in this bibliography, including chapters in titles on child custody litigation, medical malpractice litigation, business and commercial litigation, school law, employment discrimination, and condominium law among others. The progression from the general IICLE title, *Environmental Law in Illinois*, last published in 2001 with a supplement in 2004, to *Environmental Law for Transactional Attorneys*, which replaced it in 2005, itself replaced barely two years later by *Environmental Law in Illinois Corporate and Real Estate Transactions*, published in 2007 and supplemented in 2011, is an additional example of this shift to materials tailored to narrower and narrower practice areas. Interestingly, this increase in the number of available titles has occurred despite significant consolidation within the legal publishing industry, as Butterworth Legal Publishers, Callaghan & Company, Lawyer's Cooperative Publishing, and West Publishing were all purchased over the years, for instance, by the Thomson Corporation, ultimately leading to the formation of Thomson West, a subsidiary of the international firm Thomson Reuters.<sup>10</sup> Similarly, Butterworth Legal Publishers, Michie

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8. See Houdek (1987), *supra* note 1.

9. See Houdek & McKnight (1992), *supra* note 1.

10. It can be confusing at times to follow the life of given titles across publishers and to make sense of the brand information stated for a given title. By way of example, note that while both ESTATE

Company, and Mathew Bender & Company are all now part of the LexisNexis Group, itself a division of Reed Elsevier, and CCH (Commerce Clearing House) and Aspen Publishing are now part of Wolters Kluwer.

Most of the sources included in this bibliography are also accessible online through subscription agreements. Where that is the case it is indicated as part of the parenthetical information accompanying the bibliographic entry for the title described more fully below. However, some of the listed titles are only available in print. Moreover, even where a given source is available in both print and online formats, the wise legal researcher knows that the print versions with their browseable indexes and table of contents make it easier to discover closely related issues that might be missed in an online query and are often the better choice or should at least be used in combination with online sources.<sup>11</sup> This is backed up by the observations of law firm librarians, some of the most skilled legal researchers around. When asked to state their preferences for how the attorneys in their firm access practitioner materials, a substantial majority of the librarians responding to the recent Street and Runyon survey said they prefer their attorneys either use print or a combination of both print and online sources to access each of the eight categories of practitioner materials at issue in that study.<sup>12</sup> Of those that stated a preference for only one format, print was the clear choice by even more substantial majorities in six of the eight categories,<sup>13</sup> and it should be noted with respect to those

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PLANNING AND ADMINISTRATION IN ILLINOIS (4th ed. 2007 & Supp. 2011), and ILLINOIS PRACTICE OF FAMILY LAW, 2012 ed. (2012) are part of Thomson West's ILLINOIS PRACTICE SERIES, the company lists different brands in the product detail information for the two titles on its West Store website, listing Lawyers Cooperative Publishing for the first title and Thomson West for the second. See <http://store.westlaw.com/store/SearchResults.aspx?N=4294967220&No=0>, last visited on June 15, 2012.

11. There are a number of other reasons to consider using print sources for legal research, either alone or in conjunction with electronic sources. When you pay for print you are purchasing a tangible item and the continued access that goes with that. The online version made available through Westlaw, LexisNexis, or other commercial vendor is only accessible as part of a subscription based service plan that does not continue unless you keep paying for it annually, or as an out-of-plan resource accessed each time for an additional charge. Electronic access certainly has advantages, including the ability of multiple attorneys to consult a given source at the same time, but if the service goes down or there is an electronic bottleneck, no one has access or only at speeds that may undermine efficiency. It can also be less expensive to purchase one or more copies of a given title only needed by one or a small group of attorneys in the firm than to expand the firm's subscription plan to include it or subscribe to a plan from a second vendor if the title in question is not available from the vendor already used by the firm.
12. See Street & Runyon, *supra* note 4, at 414, table 4 (combining those preferring print and those preferring both print and online, listed by type of material: subject-specific desk books, 75.3%; procedure manuals, 69.3%; subject-specific treatises, 67.5%; looseleaves, 65.7%; practice guides, 65.2%; nonlegal practice-specific materials, 61.5%; form books, 54.8%; and particular series such as AM. JUR. TRIALS, 52.2%).
13. *Id.* (comparing those preferring print vs. those preferring online, listed by type of material: subject-specific desk books, 47.9% vs. 5.5%; procedure manuals, 37% vs. 5.5%; practice guides, 31.9% vs. 10.1%; nonlegal practice-specific materials, 28.6% vs. 11.4%; subject-specific treatises,

two remaining categories that more respondents overall stated a preference that their attorneys use both formats than stated a preference for online sources alone.<sup>14</sup> Not too surprisingly, the preference for print was even greater for respondents from firms that did not have flat-rate access to these materials online, with none of the respondents from those firms stating a preference for electronic access in five of the eight categories and only one respondent indicating a preference for electronic access in the remaining three.<sup>15</sup> This is consistent with the results of Meyer's 2004 survey, where more than two-thirds of the respondents selected state subject-specific looseleaves and practice guides as "must know" resources in print,<sup>16</sup> and his 2007 survey, where eight-five (85%) percent of respondents selected secondary source research as a task that should generally be conducted in print.<sup>17</sup>

For each source that has been included in this bibliography, descriptive information is provided about its substantive contents (depth and breadth of topical coverage; inclusion of strategic, practice, or other practical advice; inclusion of forms, checklists, or other materials), finding aids included if any (subject index, forms index, table of cases, table of laws and rules, etc.), and bibliographic information (e.g. author, general editor, title, place of publication, publisher, and year of publication). Additional information provided includes the number of volumes (if it is a multiple volume source in print); the price listed by the publisher for the latest edition in print as of June 21, 2012 (due to variation in pricing plans no price information for online access is provided); the format in print (hardbound, looseleaf, softbound); the nature of updating in print if any (i.e. inserts, pocket-parts, separate pamphlets, replacement volumes/new editions); the date it was last updated;<sup>18</sup> whether it was available online as of June 21, 2012 and the vendor if so. In those instances where a source was previously published under a different title or by a different publisher that may be more familiar to the reader that information is included as well.

As noted the information provided for each title is descriptive, not evaluative. Providing evaluations of each of the works included in the bibliography would have expanded the project beyond the space and time

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27.0% vs. 16.2%; looseleaves, 31.5% vs. 23.3%; particular series 20.9% vs. 29.9%; form books, 12.3% vs. 21.9%).

14. *Id.* (comparing those preferring online vs. those preferring both print and online, listed by type of material: particular series, 29.9% vs. 31.3% ; form books, 12.3% vs. 42.5%).

15. *Id.* at 417, ¶ 37 (noting minimal differences comparing results for the respondents from firms with flat-rate access and results from respondents generally); *and compare generally*, 414-415, table 4 table 5.

16. *See* Meyers, *supra* note 2, at 308, ¶ 34.

17. *Id.* at 316, ¶ 59, table 4.

18. Typically, in the author's experience, where an online version is available it is generally updated on the same schedule as the title is updated in print; known exceptions are indicated.



that could be devoted to it. In many cases it would also have required experience in practice areas beyond this author's background to be truly valuable to the Illinois practitioner.<sup>19</sup> That said, there are some basic distinctions worth noting, particularly between practice manuals from the IICLE on the one hand and materials from the large commercial publishers on the other.

The IICLE manuals collectively represent the work of hundreds of attorneys volunteering thousands upon thousands of hours as chapter authors and general editors (and in a few cases as the authors of entire manuals) in the areas of their expertise as a service to the profession, providing guidance to attorneys with less experience handling the types of cases and issues covered. The general editor of one recent IICLE title estimated at least 5,000 volunteer hours went into that one title alone, for instance, not including his time as general editor, and expressed amazement it had been possible to round up the talent involved, given the time demands on attorneys, characterizing it as "truly a labor of love with authors spending many evenings and weekends working on their chapters rather than doing something else."<sup>20</sup>

Such contributions and the quality of the resulting product inspire a great deal of appreciation in the practicing Illinois bar. The multiplicity of authors on a given project can also lead, however, to overlapping coverage and inconsistencies in coverage and presentation despite the best efforts of the volunteers and IICLE staff. The commercial publications typically have fewer authors working together on a given title and the finished product may therefore read with a more common voice and feel more cohesive. Some may also appreciate the more detailed tables of contents and indexes found in many commercial publications, the inclusion of a separate index for laws and rules in addition to a table of cases, and the practice of placing many of the citations and case annotations in footnotes instead of the main body text, which all contribute to make those publications easier for many to use. Additionally, where most of the commercial publications are updated on a regular basis, usually annually, a number of years typically pass before a supplement is issued for a given IICLE title or it is replaced by a new edition, and a number of IICLE titles have simply been discontinued over the years as interest waned or for other reasons. The value of the additional updating is open to question, however, as authorship

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19. The author is a member of the Washington state bar (inactive) and previously practiced there for 12 years, primarily in family, employment, and administrative law matters, but has not practiced in 5 years and has never practiced law in Illinois.

20. John T. Brooks, *Preface* to LITIGATING DISPUTED ESTATES, TRUSTS, GUARDIANSHIPS, AND CHARITABLE BEQUESTS, v (John T. Brooks, ed. 2009). It should be noted that more than two dozen volunteer-authors contributed to this one project alone, including numerous partner level attorneys and one sitting judge.

(and thus quality control) of the updates is not always clear. The case of *Rudovsky v. West Publishing Corp.* generated a number of headlines in this regard, resulting in judgments in favor of professors David Rudovsky (Pennsylvania) and Leonard Sosnov (Widener Law School), after the publisher issued the 2008-2009 pocket part update to their work, *Pennsylvania Criminal Procedure: Law, Commentary and Forms*, 2d ed. (2001), below their standard of quality, using their names but without their participation following a contract dispute, with the addition of the words “and the publisher’s staff” beneath their names in smaller print.<sup>21</sup> This may have been an anomaly but suggests a certain amount of vigilance on the part of consumers is in order. In what we must hope is an unrelated matter, Thomson West and LexisNexis have both made a change in their updating to some titles, discontinuing their former practice of publishing annual pocket part updates to the existing hardbound volumes, instead issuing new softbound editions as a total replacement, integrating the updated material. While this is more convenient for the user who no longer will need to flip back and forth between the main text and an annual pocket part, it also makes it more difficult to quickly see how much has really changed and thus assess the value of the new edition.

### C. Organization

The bibliography is divided into two main sections. The first provides information about general practice aids and form books—sources that cover a broad range of subjects or practice areas. Sources are arranged alphabetically within that section by item (by author, general editor, or title in that order). The second section, covering subject-specific sources, is arranged first alphabetically by subject/practice area and then within each of those areas alphabetically by item. Each source is listed only once, even if its coverage encompasses more than one of the topical categories used here. Cross referencing between categories has been provided via footnote in a number of significant instances where that is the case.

For each source, bibliographic information is listed first, followed by the descriptive annotation, as illustrated in the following example:

*Illinois Civil Practice Forms*. St. Paul, MN: West Group, 1954-present. 18 volumes (\$2,419) (Hardbound; kept up to date with revised volumes and pocket parts; revised volumes last issued 2002-2009; last updated

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21. See *Rudovsky v. West Publ'g Corp.*, No. 09-cv-00727-JF (E.D. PA Apr. 11, 2011). See also *Rudovsky v. West Publ'g Corp.* No. 09-cv-00727-JF, 2011 WL 1155159 (E.D. PA Mar. 30, 2011) (memorandum decision issued by Justice John P. Fullam, Sr., stating the facts of the case and the court's rationale for reducing the punitive damages awarded by the jury).

June 2012; electronic access on Westlaw and WestlawNext by subscription; successor title to Callaghan's Illinois Civil Practice Forms published by Callaghan (1954-1990) and Lawyers Cooperative (1991-1996)).

A source of forms for general and specific civil practice application in Illinois courts, from commencement of the action through appeal or review, with select citations to authority and occasional cross references to sources for related research. The forms conform to current Illinois terminology, statutes, and rules according to the publisher. Table of cases, table of laws and rules, and general index included in separate softbound volume replaced annually.

A list of publishers with contact information is provided at the end. One of the obvious changes that occurred over the years is the increased amount of product information available online, and that certainly applies to the materials covered here. At the very least, having all of the information gathered together here in one place should make it easier to develop an accurate sense of what is currently available. As previously noted, in almost every instance the descriptive information provided here is based on the author's personal examination of the materials, not the publisher's marketing materials. Errors if any are the author's alone and the author welcomes hearing of any corrections readers believe are warranted.

## II. GENERAL PRACTICE MATERIALS & FORM BOOKS<sup>22</sup>

*Illinois Civil Practice Forms*. St. Paul, MN: West Group, 1954-present. 18 volumes (\$2,419) (Hardbound; kept up to date with revised volumes and pocket parts; revised volumes last issued 2002-2009; last updated June 2012; electronic access on Westlaw and WestlawNext by subscription; successor title to Callaghan's Illinois Civil Practice Forms published by Callaghan (1954-1990) and Lawyers Cooperative (1991-1996)).

A source of forms for general and specific civil practice application in Illinois courts, from commencement of the action through appeal or review, with select citations to authority and occasional cross references to sources for related research. The

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22. Most if not all of these resources include both tailored materials intended for specific practice area application and materials that may be useful across a variety of practice areas. They should therefore be kept in mind as additional resources as the reader proceeds through the subject-specific listings, *infra*.

forms conform to current Illinois terminology, statutes, and rules according to the publisher. Table of cases, table of laws and rules, and general index included in separate softbound volume replaced annually.

*Illinois Forms: Business and Legal.* St. Paul, MN: West Group, 1975-present. 20 volumes (\$2,014) (Hardbound; kept up to date with revised volumes and pocket parts; last updated with revised volumes issued 2005-2011 and by April 2012 pocket part; electronic access on Westlaw and WestlawNext by separate subscription; previously published by Lawyers Cooperative).

The title only makes reference to forms but the set includes more than that. Covering a wide range of transactional topics—including real and personal property, leases, contracts, business enterprises, domestic relations, nonprofit organizations, and the Uniform Commercial Code—it also provides a summary of general legal considerations with citations to applicable authority for each subtopic, sections discussing drafting principles and tax aspects in addition to model forms for each, and sections with optional and special provisions for use in particular contexts. Extensive references are provided as well to aid further research, including national treatises and practice aids, citations to specific ALR and journal articles, and the West key number system for locating case law on point. Indexes and tables of authorities are included in each volume and a general index and set of tables is provided in a separate softbound volume.

*The Illinois Lawyer's Overview: A Guide to Common Practice Areas.* Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This manual serves as a primer on the law and basic practice considerations in a number of common general and niche practice areas: a useful starting point for both the fledgling attorney and more seasoned counsel new to or long inactive in a particular practice area. Separate chapters, each written by experienced counsel in the field, cover domestic relations, juvenile law, criminal law, probate, estate planning, real estate practice, business planning, collections, bankruptcy, workers' compensation, and environmental law. Coverage varies by area, with some chapters heavier on doctrinal analysis and others on

process, but each provides a general overview and includes practice pointers and sample forms. A general index is provided.

Kelly, Timothy W., and Hon. Richard P. Goldenhersh, eds. *Illinois Causes of Action: Estate, Business & Non-Personal Injury Actions*. Springfield, IL: IICLE, 2011. (\$169) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Outlines the elements and pleading requirements of more than fifty different statutory and common-law non-personal injury causes of action recognized in Illinois in the following major subject areas: contracts and business disputes; insurance litigation; real property; probate; employment; equity; family law; special actions; federal claims. Each write-up includes a succinct summary of the cause of action and briefly discusses the controlling law, the elements, relevant standard jury instructions if any, the statute of limitations, proper parties, special considerations, jurisdiction and venue, remedies, and affirmative defenses, and includes a sample compliant and/or other forms. A companion publication, *Illinois Causes of Action—Elements, Forms & Winning Tips: Tort Actions*, covering statutory and common-law tort actions in a similar manner, is described below in the “Subject Specific Practice Resources” section under “Torts.

McGarry, Thomas. P., ed. *Attorneys’ Legal Liability*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This manual relevant to every attorney, reviews the wide-ranging duties and liabilities that are part of everyday legal practice, discussing the governing law and offering strategies to help reduce the risks. Points of emphasis include analysis of the duties owed to the client, legal malpractice theories and the practical realities of litigating a legal malpractice case, and an extensive examination of attorneys’ fiduciary obligations and related standard of care and potential liability. Additional sections address the attorney-client privilege and work product doctrine, the obligation to avoid and resolve conflicts of interest, responsibility for client trust accounts and property, liability to adversaries and other third parties, obligations as an officer of the court and liability for sanctions, statutory sources of liability (concerning consumer fraud, debt collection practices, securities violations and more), liabilities associated with attorneys in

transition, and attorney-conduct violations and related procedures before the Attorney Registration and Disciplinary Committee. In addition to the suggestions in the chapters on those topics, separate chapters are also included on limiting exposure through liability insurance, the use of business forms, and overall risk management.

*Midwest Transaction Guide*. New Providence, NJ: LexisNexis, 1980-present. 14 volumes. (\$2,576) (Looseleaf; kept up to date with inserts; last updated Oct. 2011; electronic access by subscription on LexisNexis).

A guide to the legal and practical aspects of transactions—business entity, wills and trusts, commercial, real estate, and personal—in Illinois, Indiana, and Michigan, covering a broad range of transactions in each of those topic areas. More than 100 chapters are included on commercial transactions alone, for example, covering acquisitions and dispositions, intellectual property, general, business, and service contracts, business financing, and consumer transactions. Each chapter includes a summary of the law (intermingling authorities from all three jurisdictions where they concur; in separate sections where they differ), together with a practice guide with client interview, drafting, and other suggestions, an extensive collection of state and federal forms, and a research guide listing sources for additional research. A separate volume contains tables of authorities and a general index.

*Nichols Illinois Civil Practice with Forms*. St. Paul, MN: West Group, 1940-present. 15 volumes. (\$2,838) (Hardbound; kept up to date with revised volumes and pocket parts; last updated with revised volumes issued 2003-2011 and by May 2012 pocket part; electronic access by subscription on Westlaw and WestlawNext).

Provides comprehensive treatment of all aspects of civil practice in Illinois, with all volumes having been revised by various Illinois lawyers and the publisher's staff since 2003 (with the Hon. Robert J. Steigman serving as consulting editor). The first 5 volumes (1-3A) cover development of the various sources of relevant authority, general practice considerations (such as case evaluation, statutes of limitation, affidavits, orders, and judicial bonds), pleadings, pre-trial procedure, and general rules relating to trials. The next two (vols. 4-5) cover judgments (types, effect,

assignment, satisfaction, and enforcement), followed by 2 on appeals and review (5A-6), and 4 full volumes covering special types of action, organized alphabetically from abuse and neglect of children through wrongful death, with separate chapters on each (vols. 6A-8). For each topic, the contents include a summary and analysis of Illinois law together with practice tips, cautions, observation from the bench, forms, and extensive research references to additional Illinois-specific materials from the publisher and outside resources. Each volume includes its own index and a cumulative index for the set as a whole is provided along with tables of authorities in a separate softbound volume. Finally, the set also includes *Nichols Illinois Civil Practice Forms*, and *Alternate Dispute Resolution Handbook*, an additional softbound volume, covering contract- and non-contract-ADR and related rules, procedures, and practice considerations. The ADR handbook is also available separately and is described in more detail below in the “Subject Specific Practice Resources” section under “Alternative Dispute Resolution.”

### III. SUBJECT-SPECIFIC RESOURCES BY SUBJECT

#### A. Administrative Law

Price, William A., ed. *Handbook of Illinois Administrative Law*, 2d ed. Springfield, IL: Illinois State Bar Association, 2008. (\$50.00 for ISBA members; \$60.00 for non-members) (Softbound; 343 pages).

This handbook serves as a guide to generally applicable principles of administrative law and practice in Illinois with a focus on rule making by Illinois state agencies and their investigatory and adjudicatory functions, authority, and procedures. Topical coverage includes emergency and peremptory rule-making, formal and informal agency investigation, pre-hearing discovery, the hearing and decision making process, administrative and judicial review of agency decisions, and recovery of attorney’s fees. Practical and ethical issues are addressed throughout.

\**Summary of Illinois Administrative Agencies*. Springfield, IL: IICLE, 2005. (Spiral-bound; 193 pages).

Covers all of the Illinois state administrative agencies, boards, and commissions that performed adjudicatory functions in Illinois as of its publication date. It is no longer available for purchase or accessible as part of the IICLE SmartBooks online package but is still widely available in print at law school, court, and other public law libraries throughout Illinois. Those new to agency practice in Illinois may still find it useful as a means of familiarizing themselves with this territory. Organized alphabetically by agency, it identifies the hearings the agency is responsible for, the scope of its jurisdiction and authority, and provides a list of relevant statutes and rules. Brief statements are also included for each agency on such topics as commencement of proceedings, filing deadlines, the agency's related investigatory function, the hearing process and procedures, available relief, sources for published precedent that can be cited to the hearings examiner if any, and the appeals process. Cross references to related IICLE practice area materials are included as well for practitioners looking for more substantive guidance and practice tips.

#### B. Agriculture Law

\*Cottrell, James D. and Jeffrey A. Mollet, eds. *Illinois Law and Agribusiness*. Springfield, IL: IICLE, 2001 and 2005 Supp. 2 volumes (Looseleaf with forms on CD).

This extensive two volume guide to the broad range of legal issues arising in the context of the agribusiness industry in Illinois is no longer available for purchase in print or as part of the IICLE SmartBooks online package. It is included here never the less because there is no other single Illinois resource that covers the ground that it does and it is still widely available in print at law school, court, and other public law libraries throughout Illinois. The guide includes six full chapters on business organization and financial issues in the agribusiness context; five chapters on the real property, land use, and environmental issues that confront counsel representing agribusiness clients; and additional chapters on contracts for production and sale, special problems in tort, emerging issues such as biotechnology and specialty crops, and special problems



the agribusiness client faces as an employer such as the laws governing migrant labor. Practice tips are included to varying degrees throughout, with some chapter authors including appendixes as well listing information sources, web sites, and checklists they have found to be helpful. Table of cases and index included.

### C. Alternative Dispute Resolution

Goodman, Lee H. *Nichols Illinois Civil Practice Alternative Dispute Resolution Handbook*. St. Paul, MN: Thompson Reuters, 2012. (\$177) (Softbound; new edition issued annually; electronic access on Westlaw/WestlawNext by subscription).

This new edition and slightly revised title replaces *Nichol's Illinois Civil Practice, with Forms - ADR Handbook* by the same author, which was published as a binder and updated by inserts and an annual pamphlet. It provides a detailed, comprehensive guide written for practicing attorneys and neutrals explaining how to use all forms of alternative dispute resolution (ADR) with emphasis on arbitration and mediation in Illinois, including in-depth coverage of the procedures for mandatory arbitration, court annexed mediation, and divorce mediation, with related official court forms. Coverage includes a discussion on how to identify the best case for ADR, considerations in selecting the arbitrator or mediator for a given case, and whether and how to specify ADR as a vehicle for settling disputes in contracts and examples of contract provisions for doing so. The extensive chapter on case preparation, negotiation strategy, preparing the client for ADR, and guiding counsel through case presentation and conduct in ADR make this handbook especially valuable, sharing the author's extensive experience as a neutral with the reader. An extensive set of appendixes is provided as well, including the text of relevant statutes, court rules, and codes of conduct, and a table of cases, laws, and rules and separate subject and form indexes make the resource easy to use.

### D. Banking and Commercial Finance

Altshul, Jeffrey E., Robert M. Fishman, and Richard J. Mason, P.C., eds. *Secured Transactions*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159.00/59.00) (Looseleaf with text and forms on CD; electronic access as part of IICLE SmartBooks subscription).

Coverage includes the creation and perfection of Article IX security interests, special types of collateral, particular issues that arise with respect to equipment leasing and agricultural financing, letters of credit and guarantees, rights and remedies on failure by the debtor, and treatment of secured interests in bankruptcy proceedings, each given full chapter length treatment, with sample forms provided in many. A table of cases and subject index are included.

Weismann, Michael L. *Commercial and Industrial Loan Documentation*. Springfield, IL: IICLE, 2012. (\$159.00) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

This guide grew out of a program on the topic jointly sponsored by the Illinois Institute for Continuing Legal Education and the Illinois Bankers Association, presented by the author in 2010, based on his lengthy experience documenting, administering, and enforcing loan documentation. The material is organized the way that loan documentation occurs in practice, from the commitment to lend and preliminary due diligence, continuing through chapter length treatments of promissory notes, loan agreements, guarantees, third party documents, U.C.C. compliance, and real estate and other collateral issues, concluding with a chapter on how to document and deal with borrowers in distress. More than ninety forms are provided in all, with accompanying discussion about when to use them and why, practice pointers, and cases illustrating application of the cited rules. No table of cases is included but an index is provided to assist the reader.

#### E. Bankruptcy and Creditor/Debtor Law

Anaya, William J. and Gary R. Gehlbach, eds. *Illinois Mortgage Foreclosure Practice*. Springfield, IL: IICLE, 2010. 2 volumes. (\$189.00) (Looseleaf with text and forms on CD; electronic access as part of IICLE SmartBooks subscription).

Provides broad and detailed coverage of contemporary mortgage foreclosure practice in Illinois, including the nuts and bolts of drafting the complaint and commencing the action, alternative statutory and non-statutory remedies, defenses, reinstatement and redemption, guided sales, bankruptcy, tax, and environmental considerations among other topics. Also addresses pre-suit notice requirements, court supervised loan modification programs, post-

foreclosure possession rights, and other provisions of state and federal financial legislation prompted by the financial meltdown that began in 2007. Providing additional practical value, mortgage information for all 102 Illinois counties is included in an appendix, compiled in 2009, listing the place to file the complaint, costs of filing and recording, days and times when foreclosure calls are heard by the court, and contact information for scheduling along with other data.

Edelman, Daniel A., ed. *Collection Defense*. Springfield, IL: IICLE, 2011. (\$59.00) (Spiral-bound; 84 pages; electronic access as part of IICLE SmartBooks subscription).

Part of the IICLE “QuickGuide” series, this publication provides a succinct summary of the topic from the perspective of attorneys representing the debtor in Illinois collection actions. Subjects covered include the right to obtain verification of the alleged debt; the burden on the party seeking to collect to prove anything is due, substantive defenses under state and federal law, and additional issues under the Fair Debt Collection Practices Act. Although slender at less than 100 pages the authors discuss a substantial number of cases and both a table of cases and subject index are provided.

Markoff, Robert G. ed. *Creditors’ Rights in Illinois*. Springfield, IL: IICLE, 2009 and 2011 Supp. (\$159.00/59.00) (Looseleaf with text and forms on CD; electronic access as part of IICLE SmartBooks subscription).

This publication is filled with practical information for representing creditors, including detailed checklists and practice tips. Although it includes coverage of collection actions and other methods of securing a judgment, the meat of the handbook is focused on enforcement of the judgment once secured. Various methods of enforcement are discussed, including the use of supplemental proceedings or citations to discover assets, enforcement of security interests and statutory liens against personal property, actions for replevin, retinue, and attachment, equitable remedies to combat fraudulent transfers, and the use of evictions and distress for rent. Issues particular to enforcement against defunct corporations, partnerships, and unincorporated associations are covered as well, and a chapter is included on creditors’ rights in bankruptcy. More than forty forms are provided.

Mayberry, Jodine. *Illinois Foreclosure: What You Need to Know Now*. Wayne, PA: West, 2010. (\$79.00) (Softbound; 392 pages).

No copy was available to this author to review for this article, either in print or digitally. According to the publisher's website, the publication includes tips for managing foreclosure cases, alternatives to foreclosure, and defenses. It also includes summaries of recent Illinois foreclosure case law, checklists, and sample pleadings and forms. The text of relevant Illinois statutes are included as well, apparently pulled from the *Illinois Real Property Service*, a separate West title that is available electronically on Westlaw and WestlawNext.

Peterson, Ronald R., and William A. Mueller, eds. *Consumer Bankruptcy Practice*. Springfield, IL: IICLE, 2011. (\$159.00) (Looseleaf with text and forms on CD; electronic access as part of IICLE SmartBooks subscription).

Covers all of the common substantive and procedural issues that an attorney is likely to encounter in consumer bankruptcy proceedings in Illinois, particularly under Chapter 7, including practical advice on the pre-filing client consultations required by BAPCPA, and detailed examination of the tests applied to determine whether a debtor's Chapter 7 case constitutes an abuse. Additional chapters summarize the law and provide guidance concerning redemption, reaffirmation, and exemptions to surrender of secured property, objections and exceptions to discharge, establishing proof and priority of claims, tips concerning Chapter 12 and Chapter 13 proceedings, and the trustee's powers and responsibilities among other matters. Numerous forms are included. Table of cases and subject index included.

Solow, Alan P., Bruce L. Wald, and Daniel A. Zazove, eds. *Business Bankruptcy Practice*. Springfield, IL: IICLE, 2011. (\$159.00) (Looseleaf with text and forms on CD; electronic access as part of IICLE SmartBooks subscription).

Covers common issues encountered by Illinois attorneys in business bankruptcy practice under the BAPCPA, including the nuts and bolts of business Chapter 7 and Chapter 11 petitions, proof and allowance of claims, post-petition business financing, debtor's interests in unexpired leases, trustee responsibilities, asset sales, and attorney's fees. Separate chapters focus on the

particular issues faced by counsel alternately representing the Chapter 11 debtor, secured creditor, or special committee of unsecured creditors. Additional chapters address the special problems and opportunities available for farm debtors, limited liability companies, and in commercial real estate bankruptcy cases. Sample documents include a trust agreement for the benefit of creditors, creditor committee bylaws, and a debtor's final report and motion for final decree. A substantial table of cases is also provided as is a subject index.

Starzec, Michael L. and Christian DiPlacido. *Small Claims Credit Collection*. Springfield, IL: IICLE, 2011. (\$59.00) (Spiral-bound, 84 pages, with text on CD; electronic access as part of IICLE SmartBooks subscription).

Another in the IICLE QuickGuide series, here focusing on small claims court actions and arbitration proceedings on behalf of original creditors or their assignees. Summarizes related pleading requirements, theories of liability, discovery and motion practice, and both trial and arbitration practice issues. Particular emphasis on credit card contract claims. An excellent companion work to *Collection Defense, supra*, that provides extensive citations to primary authority and case discussions. The absence of a table of cases and subject index make this QuickGuide a bit more difficult to use.

#### F. Business Organizations and Agency Law

Burgdoerfer, Jerry, Thomas A. Monson, and Thaddeus J. Malik. *Illinois Business Entities*. San Francisco, CA: Matthew Bender/LexisNexis, 2005-2009. 2 volumes. (\$433.00) (Looseleaf; kept up to date with annual inserts according to the publisher; last updated Dec. 2009); electronic access on Lexis.com and LexisAdvance).

Introduces the primary forms of business organization available under Illinois law and discusses the tax and other criteria that should be applied in choice of entity structure. It goes into considerably greater depth with respect to the various corporate forms available, covering formation issues, operating and governance issues, fiduciary duties, liability considerations, the sale and acquisition of entities and assets, mergers, and the dissolution of corporate entities. Chapters are included on partnerships and limited liability companies as well. Case law

examples are incorporated throughout, footnoted to avoid interrupting the flow of the text, and numerous practice tips, warnings, check lists, comparison charts, and forms are also provided. A detailed subject index, table of cases, and internal cross references are included, adding to the publication's ease of use.

Jacobson, Kenneth M., Howard M. Richard, Sheldon I. Banoff, and Valentina Famparska. *Illinois Limited Liability Company Forms and Practice Manual*. Brooklandville, MD: Data Trace Publishing Co., 1999-present. 2 volumes. (\$269.90) (Looseleaf with forms on CD; kept up to date with inserts and replacement CD; last updated Aug. 2011).

A very thorough set of forms and commentary to guide in the practical aspects of drafting LLC documents under the Illinois Limited Liability Company Act (ILLCA). Covers formation, operations, organization, capitalization, allocation and distribution, management, record keeping and accounting, reorganization, conducting interstate business, and compensation strategies among other topics. More than two hundred forms are provided in all, including five complete operating agreements for different types of LLCs and an application for certificate of registration to engage in the practice of law as a limited liability company. The substantial set of appendixes include the full text of the ILLCA, relevant Illinois Secretary of State and United States Treasury Department regulations, other helpful state and federal materials, and an extensive section summarizing LLP and LLC case law. The indexes provided to aid the user are similarly extensive, including cumulative tables of ILLCA sections, IRS citations, Treasury Department regulations, Revenue Department rulings and procedures, and private letter rulings, all in addition to the table of cases, forms index, subject index, and index to references cited in the text.

*Limited Liability Companies and S Corporations*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

The content of this manual overlaps the material covered in the *Illinois Business Law* series also published by the IICLE (particularly *Illinois Business Law: LLCs and Partnerships, supra*, which includes three chapters that appear to be exactly as

originally published here), but this work goes into considerably greater depth on both LLCs and subchapter S corporations than any of the other IICLE titles currently available for purchase in print or as part of the SmartBooks subscription. Noteworthy coverage includes chapters on capital contributions to LLCs and related enforcement issues, allocation of distributions and transfer of distributional interests, potential liability despite LLC status, application of security and bankruptcy laws, state and federal tax treatment, and operation of foreign LLCs in Illinois among other topics. Subchapter S corporation coverage includes chapters examining the requirements and process of subchapter S election and organizational, capitalization, operational, and maintenance issues. Post-election changes that might lead to the conclusion that subchapter S status is no longer in the client's best interests are also discussed, along with procedures for both voluntary revocation and disqualification or termination. Sample forms include a LLC pre-organization agreement, LLC operating agreements with optional provisions, and sample subchapter S corporation election and revocation documents. Table of cases and index included.

Murdock, Charles W. *Business Organizations* (Vols. 7 and 8, Illinois Practice Series), 2d ed. St. Paul, MN: West, 2010. 2 volumes (\$318) (Hardbound; pockets in back for updates but none issued as of June 15, 2012; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

This two volume treatise with nearly eighteen hundred pages of material offers an extremely thorough, scholarly analysis of and commentary about the law governing the formation, operation, and management of for-profit business entities, comparing Illinois law with other jurisdictions and relevant model and uniform laws. The bulk of the material focuses on the corporate form, exploring everything from formation through dissolution, including separate chapters discussing the powers and duties of directors and officers, duty of care, duty of loyalty, and state and federal regulation of securities to prevent fraud. General agency principles, limited partnerships, and limited liability companies are covered as well. In depth discussion of the facts and holdings in all major cases are included for each. Library references are also included for each chapter, listing topics and key numbers in the West Digest System that a researcher might find useful for finding additional case law on particular issues, as well as other

references. In addition to a table of cases and subject index, also includes a well-organized, comprehensive table of authorities.

*Not-for-Profit Corporations*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This handbook focuses specifically on advising organizations that fall within or seek the benefits of the provisions of the “Illinois General Not for Profit Corporation Act of 1986,” 805 ILCS 105/101.01-117.05. Covers the planning and incorporation process, including tax and operational considerations, and provides numerous sample organizational and operational documents and practice tips to assist in that effort. Additional subjects covered include director and officer liability and employment issues in the nonprofit sector, state property and sales tax exemptions, and special requirements for homeowner’s associations. A chapter on regulation of Illinois nonprofits provides a useful introduction to relevant Illinois agencies and officials, covering the authority of the Attorney General, Illinois Department of Revenue, and municipal and county government regulations. A table of cases and subject index are also provided.

Saxman, Susanne L. *Illinois Corporate Practice and Forms: The Seyforth Shaw Manual*. Brooklandville, MD: Data Trace Publishing Co., 2001-present. 3 volumes (\$299) (Looseleaf with forms on CD; kept up to date with inserts and replacement CD; last updated Oct. 2011).

The manual contains a very thorough compilation of corporate practice forms and commentary about when and how to use them, with nearly a thousand pages and more than three hundred forms in all covering everything from incorporation through dissolution. Primarily intended for those already familiar with Illinois corporate law but includes a chapter describing the unique features of Illinois corporate law that should help those with less experience determine when to recommend incorporating in Illinois instead of Delaware or another jurisdiction. Noteworthy coverage includes capitalization (with more than fifty capital, common, and preferred stock provisions), shareholder meetings and agreements (more than forty forms), ADR and arbitration provisions, employment agreements and compensation plans (more than thirty-five forms and checklists), antidilution adjustments (more than twenty forms), and debt instruments



among other subjects. Comments accompanying individual forms include explanations, suggestions, and supplemental information and guides to assist the user. Includes a forms index, subject index, and both a table of cases and table of laws in addition to an extremely detailed table of contents, all of which aid in its ease of use.

Tracy, Donald R., ed. *Illinois Business Law: Choice of Entity Issues and Corporations*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with text on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the four volume series, *Illinois Business Law*, targeting the day-to-day practice needs of the general business lawyer in Illinois as opposed to the corporate specialist. This volume covers the types of business entities available under Illinois law, the tax and other factors to consider in recommending a particular form for a given client (with an extensive comparison chart to assist in that analysis), and practical considerations to guide decision making in formation, operation, and business break ups. The emphasis is on partnerships, corporations (including an extensive chapter on subchapter S corporations as well as separate treatment of professional and medical corporations), and limited liability companies, with particularly thorough coverage and corresponding forms on the nuts and bolts of formation under Illinois law and on operations and maintenance. Close to one hundred forms are provided in all and a list of forms is provided along with a table of cases and subject index for ease of use.

Tracy, Donald R., ed. *Illinois Business Law: LLCs and Partnerships*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the four volume series, *Illinois Business Law*, targeting the day-to-day practice needs of the general business lawyer in Illinois. This volume, despite its title, does not address the pros and cons of limited liability companies or partnerships. Choice of entity issues are addressed separately in *Illinois Business Law: Choice of Entity Issues and Corporations*, *supra*. This volume focuses instead on the nuts and bolts of formation, operating and maintenance issues for LLCs and partnerships and related agreements, and the dissolution, winding up, and termination of partnerships, including limited liability and family partnerships,

with helpful checklists and forms provided in these areas, and a separate chapter, albeit brief, on franchise tax issues. A list of forms is also included along with a table of cases and subject index.

Tracy, Donald R., ed. *Illinois Business Law: Mergers and Acquisitions*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the four volume series, *Illinois Business Law*, targeting the day-to-day practice needs of the general business lawyer in Illinois. This volume serves as a guide to the variety of issues that frequently arise when a business entity purchases or merges with another or considers doing so or is itself the target of a merger or acquisitions effort. Coverage include the due diligence and advising responsibilities of counsel as to whether the merger or acquisition should take place, detailed securities law and tax considerations, decisions about how to structure the transition, and valuation and financing. Both asset purchases and stock sales are addressed, with sample agreements and related commentary provided for each. Chapters are also included addressing labor, employment, and benefit issues in the merger and acquisition context, and confidentiality and nondisclosure concerns. Both a table of cases and subject index are provided.

Tracy, Donald R., ed. *Illinois Business Law: Miscellaneous Operating Issues*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the four volume series, *Illinois Business Law*, targeting the day-to-day practice needs of the general business lawyer in Illinois, with this volume focusing on operating issues not addressed in the other volumes. Both state and federal regulation of securities are covered, including examination of heightened scrutiny under the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act and analysis of other applicable state and federal statutes, administrative regulations, and court cases. Subsequent chapters include a primer on drafting effective distribution and franchise agreements and counseling clients on the common issues that arise in both of these areas. Additional subjects covered include protection of trade secrets and intellectual property rights and the reasonable interests of former employees seeking to pursue a livelihood after a job separation. A

brief introduction to antitrust law is offered as well. Note that with the exception of a handful of sample distribution agreement clauses, no forms are provided. A table of cases and subject index are provided.

#### G. Chancery and Special Remedies<sup>23</sup>

*Chancery and Special Remedies*. Springfield, IL: IICLE, 2009 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Introduces and provides background for contemporary equity jurisprudence in Illinois courts, including explanations and citations for frequently quoted maxims of equity. Other chapters cover application of specific forms of equitable remedies, such as contempt, specific performance, injunctions, and actions for an accounting. Chapters are also included covering specific types of actions in or closely related to equity, such as litigation to set aside a fraudulent transfer, interpleader, shareholder security class actions, and review of administrative decisions, with sample pleadings and other forms provided in many cases. Additional equitable or special remedies included in other IICLE titles are cross-referenced in the preface. A subject index is provided.

#### H. Civil Practice and Procedure

*Class Actions*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A detailed guide to Illinois and federal class action practice and procedure, from the nuts and bolts of investigating and developing class cases (and related traps for the unwary), to discovery plans, required and discretionary notices under Fed. R. Civ. P. 23, state and federal pleading requirements, settlement procedures and standards of judicial approval of settlements, and methods for calculating attorney's fees among the subjects covered. Additional sections focus on complex and multidistrict litigation since passage of the Class Action Fairness Act of 2005 and procedural aspects of shareholder derivative suits in Illinois.

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23. Additionally see titles on guardianship under "Disability Law" and "Wills, Trusts, and Estates," *infra*.

Sample complaints, notices, motions, stipulations, and orders are provided. Table of cases and subject index included.

Eaton, J. Timothy, and William R. Quinlan. *Illinois Civil Appellate Practice: State and Federal*. Springfield, IL: IICLE, 2008. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A comprehensive guide to Illinois appellate practice in both state and federal courts, with extensive analysis of the applicable rules of procedure and case law pertaining to each type of appeal or review available in turn. Additional sections cover standing requirements and standards of review, the process and record on appeal, stays pending review and motions during the appellate process, briefs and oral argument, petitions following entry of orders or decision by the reviewing court, mandates from the reviewing court, and sanctions and costs. An appendix is also included with sample forms from actual cases and additional forms that can be edited for use. A table of cases and subject index are provided.

*Federal Civil Practice*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Covers all of the bases in handling a federal civil action, from jurisdiction and venue, through pleadings, discovery, motions practice, pretrial procedures, trial mechanics, and protecting the record and perfecting the appeal under the federal rules of civil procedure. Separate chapters on practice before United States magistrate Judges and class actions are included as well. The scope is not limited to practice in the federal district courts located in Illinois or the Seventh Circuit but that is certainly part of the coverage and a focal point in a number of the chapters comparing the rules and practices in Illinois state courts and the federal system. Includes extensive case law analysis and annotations throughout, with a 62 page long listing of authorities in the Table of Case. Sample jurisdictional allegations, notices, discovery requests, and motions and other pleadings are provided in approximately half of the chapters. A subject index is also provided.

Fegan, Thomas H. *Illinois Appellate Practice Manual*. Eagan, MN: Thomson/West, 1997-present. 2 volumes. (\$406) (Looseleaf, with forms on CD; kept up to date with annual inserts; last updated Oct. 2011; no online access).

An extremely thorough practical guide to all stages in the Illinois civil appeals process, from preservation of appeals in the trial court through post-trial motions, deciding whether to appeal, the filing process and other matters in the Appellate and Supreme Court. Motions during the appeal, scope and standard of review, preparation and filing of briefs, and oral argument are all among the major topics covered, incorporating advice from the judges who reviewed the manual as a work in progress as well as the author's experience as an appellate attorney. Step-by-step instructions for each type of civil appeal are included along with checklists, charts, timetables, sample briefs, and other court-tested documents, referencing and explaining the court rules relating to appeals where they apply with citations to committee comments, historical and practice notes, and court interpretations. The text of applicable provisions of the Illinois Constitution, court rules, Code of Civil Procedure, administrative rules, and rules of professional conduct are all included in separate appendixes, and a selected bibliography is also included with references to books, articles, and other sources of information about appeals. A table of laws and rules, table of cases, and subject index are provided as well.

Freeman, Jennifer W. ed. *E-Discovery*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A guide to the rules, guiding principles, and best practices for identifying, preserving, collecting, processing, analyzing, and producing electronically stored information. Includes a good introduction to basic concepts for those new to the topic and a wealth of detail about strategies and practical considerations for the more experienced. Covers the triggers and scope of the respective duties of both the client and counsel with respect to electronic information, work product and privilege, authentication and admissibility, the use of experts in conducting and managing electronic discovery, cost allocation and cost-saving strategies, strategies for proactive client counseling and other ethical considerations, and guidelines for sanctions and

sanctionable conduct in the e-discovery context. Practice pointers are inserted throughout, including computer forensic investigation tips, developing an electronically stored information retention policy, determining whether to conduct in-house discovery, and criteria for selecting discovery consultants and providers among other topics. State and federal case law is summarized and discussed throughout as well. A table of cases and subject index are provided. No forms are provided in this publication.

Hunter, Robert S. *Trial Handbook for Illinois Lawyers, Civil*, 8th ed. Eagan, MN: West, 2011. 2 volumes (\$400) (Softbound; updating by annual replacement editions is anticipated; last updated Sept. 2011; electronic access on Westlaw and WestlawNext by title and by database identifier ILTRHBCIV).

An authoritative treatise that provides comprehensive analysis of the statutes, rules, and case law governing the substance and procedure of civil trial practice in Illinois state courts. Coverage extends down to an extremely fine level of detail, including the burden of proof in specific types of cases, competency of particular types of witnesses to testify, admissibility of particular kinds of evidence, the multiple bases that can be used to impeach a witness, and presumptions that can be made about people in given contexts to name a few examples. Additional sections address examination of witnesses, the qualifications and subject matter of expert witness testimony, special trial issues concerning valuation of real estate, medical testimony, the use of parol and extrinsic evidence at trial, mistrial, directed verdict, damages, and closing argument. Every assertion is supported by citation to authority. References are included throughout to library materials such as American Law Reports (ALR), and Proof of Facts available from the publisher for additional research. Includes an extensive table of cases and subject index. Not a source for forms.

*Illinois Civil Discovery Practice*. Springfield, IL: IICLE, 2009 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A comprehensive practice guide covering the general forms of discovery available under Illinois law, substantive limitations on discovery (and their basis in the constitution, statutes, court rules,

and the common law), sanctions for noncompliance, and special problems in cases that require depositions to be taken outside the jurisdiction where the case is pending. Also includes an extensive set of material on discovery considerations in particular types of cases, with separate chapters on automobile cases, construction injuries, medical negligence, class actions, wrongful death, products liability, and Federal Employer's Act cases among others. Sample interrogatories, requests for production of documents, deposition notices, and related documents are provided as a starting point for general use. Additional samples tailored for use in particular types of cases are included as well.

*Illinois Civil Practice: Opening the Case.* Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Offers practical guidance on all of the basic stages of commencing a civil action under Illinois law, including subject matter jurisdiction, venue, limitations periods, pleadings, and original process and appearance. Additional chapters cover joinder, interpleader, third party practice, and additional parties. The chapter on pleadings is a good example of the nuts and bolts approach of the manual as a whole, covering all of the elements that have to be addressed in drafting a complaint generally and with examples for specific causes of action, and comparable treatment for handling pre-answer issues and denials, defenses, and counterclaims in response. Preliminary chapters on aspects of attorney-client relationship that are particularly important at the onset of a case, careful development of the facts and potential legal theories of the case, and case evaluation and negotiation for settlement should prove especially helpful for less experienced counsel. More than one hundred and fifty sample forms are provided, including interview checklists, client authorizations, settlement documents, text for pleadings to address limitations issues, sample complaints and responsive pleadings, summons and related notices, and motions and orders. A subject index is provided but no table of cases or other authorities.

*Illinois Civil Practice: Preparing for Trial.* Springfield, IL: IICLE, 2009. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A new edition of this volume was in production but not yet available for review when this article was prepared. The existing edition, reviewed here, is no longer available for purchase but continues to be widely available in print at law school, court, and other public law libraries throughout Illinois and as part of a SmartBooks subscription pending release of the new edition. It is anticipated that the new edition, like the current one, will offer considerable practical guidance on the broad range of pretrial considerations and remedies available to Illinois litigants. In the current edition, the scope of that coverage includes the right to a jury, to conduct lawful discovery, be protected from discovery abuse, preserve property pending a decision on the merits, preserve the right of action following death of a party, injunctive and declaratory relief, voluntary and involuntary dismissal, and summary judgment. Additional sections cover proof of fact issues, pretrial conferences, final preparations for trial and related motions, requests, and notices, and tax consequences of payments received on settlement or judgment. Sample motions and other forms are provided. Includes a subject index and a table of cases.

*Illinois Civil Practice: Trying the Case*. Springfield, IL: IICLE, 2009. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A new edition of this volume was in production but not yet available for review when this article was prepared. The existing edition, reviewed here, is no longer available for purchase but continues to be widely available in print at law school, court, and other public law libraries throughout Illinois and as part of a SmartBooks subscription pending release of the new edition. The current manual serves as a guide to the practical and strategic aspects of handling a case during a civil trial in Illinois, organized in roughly the same sequence as a trial usually unfolds, beginning with choice of bench trial or jury and jury selection issues. Subsequent sections cover opening statements and related objections, presentation and cross examination of fact and opinion witnesses and related issues such as impeachment, preserving the record for appeal, closing arguments, jury instructions, special interrogatories to the jury, notice of the verdict and entry of the judgment, and post-trial motions. Additional sections focus more specifically on presenting plaintiff's case, presenting the defendant's case, and the types of



motions typically made by each during and following their respective cases in chief and at the close of evidence.

*Inside and Outside the Jury Box: Effective Trial Strategies*. Springfield, IL: IICLE, 2006 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A manual on selecting, understanding, and effectively presenting your case to a jury, covering topics not addressed in other IICLE titles reviewed here. Reviews techniques for identifying pretrial attitudes and potential bias in the jury pool, strategic issues in jury selection, effective theme development and delivery, the importance of demonstrative evidence, and witness effectiveness training among the topics covered. Additional sections discuss the use of trial consultants, post-verdict interviews, and ethical issues in trial psychology and practice. Includes a sample post-verdict interview questions but few other forms. A table of cases and a subject index are included.

Kaufman, Michael J. *Illinois Civil Trial Procedure* (Illinois Practice Series v. 9). Eagan, MN: Thomson West, 2009-present. (\$142) (Hardbound; kept up to date with annual pocket parts; last updated Oct. 2010; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Covers the theory, governing law, and practice of civil trials in Illinois state courts. Topics include marshaling the evidence for trial, pretrial motions, five chapters on jury issues, and three chapters on sequencing aspects of a trial such as order of witness presentation and burden of proof. Nine chapters are included on evidentiary issues at trial, including separate chapters on the various limitations on admissibility, foundations, and objections. Additional sections cover opening and closing arguments, jury instructions, verdicts and motions to challenge them, and techniques for enforcement of judgments. Extensively researched, with case annotations footnoted throughout. Sources for additional research available from the publisher are noted throughout as well with respect to given issues. Not a source for forms. Includes a table of statutes and rules, a table of cases, and a subject index.

Kinsler, Jeffrey S., and Jay E. Grenig. *Civil Discovery* (Illinois Practice Series v. 10), 2d ed. Eagan, MN: Thomson/West, 2008-present. (\$142)

(Hardbound, kept up to date with pocket parts; last updated Aug. 2011; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Other titles from the publisher include coverage of Illinois civil discovery law and practice, but not as broadly or deeply as in this treatise. There are eleven chapters here on depositions alone, covering where they can be taken, how to compel attendance, the methods that can be used, fees and charges, irregularities, and other deposition related topics. Additional chapters offer detailed coverage of interrogatories, mental and physical examinations, requests for admission, and electronic discovery. Also includes separate chapters on spoliation of evidence, ethics and professionalism, sanctions for failure to make discovery, and other issues that arise in modern discovery practice. Extensively researched, with case annotations and statutory text included throughout along with court rules and committee comments comparing Illinois and federal rules. References are also provided to topic and key numbers in the West Digest and other resources from the publisher to facilitate additional research. A table of laws and rules is provided together with a table of cases and subject index. Not a source for forms.

Michael, Richard A. *Civil Procedure Before Trial* (Illinois Practice Series v.3-4), 2d ed. Eagan, MN: Thomson West, 2011. 2 volumes. (\$274) (Hardbound, kept up to date with pocket parts; last updated June 2011; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A detailed, scholarly treatment of all aspects of the law governing civil procedure before trial in Illinois, including chapters on preliminary matters (such as sources of specific jurisdiction, service of process on different types of parties, litigating a jurisdictional issue, improper venue, limitation periods for specific types of cases, and litigating statute of limitation issues), through provisional relief, pleadings (in general, stating particular causes of action, defensive, amended, and supplemental), and motions related to the pleadings. Thoroughly researched, with extensive analysis, commentary, and footnoted annotations of case law and other legal authorities throughout (the table of cases alone runs to more than one hundred pages), and frequently cited by Illinois courts as an authoritative summary of Illinois law on

this subject. Separate tables of statutes and rules are included as well, along with a subject index. Not a source for forms.

Parness, Jeffrey A. *Illinois Civil Procedure*, 2011-2012 ed. Newark, NJ: LexisNexis, 2011 ed. (\$151) (Softbound; updating by annual replacement editions is anticipated; electronic access on Lexis.com by source name Illinois Civil Procedure).

Good introduction to Illinois rules of civil practice and their application, covering a lot of ground in less than five hundred pages. Topics include the content and form of affirmative and responsive pleadings, pretrial discovery and motions practice, provisional remedies (such as preliminary injunctions, temporary restraining orders, and interim property seizures), case management conferences, and sanctions. Additional sections review trial procedures and alternative methods of adjudication or otherwise resolving the case, effect and enforcement of judgments, and procedures for appellate review. Numerous case annotations are footnoted throughout. Also includes an annotated bibliography of law review and bar journal articles on procedural issues, organized by chapter number and headings in the text. A table of cases, statutes, and rules is provided along with a subject index.

Solovy, Jerold S., Robert L. Byman, Barry Levenstam, Howard S. Suskin, and Vincent E. Lazar. *Illinois Civil Litigation Guide*. (Illinois Practice Series v. 4A). Eagan, MN: Thomson West, 1998-present. (\$164/2012 ed.) (Softbound; kept up to date with replacement volumes; new edition expected Nov. 2012; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A convenient compilation of state, federal and local civil practice rules actually germane to Illinois civil practice, grouped by subject regardless of source, from pleadings through discovery, trial, and post-trial procedures. For each subject, following the rules, the authors have added comments on the scope and purpose of the rules (and often other matters as well), incorporating analysis of related court cases. Includes a table of laws and rules, correlation table, table of cases, and subject index.

*Summary Judgment and Related Motions*, 2009-2010 ed. (Illinois Practice Series v. 26). Eagan, MN: Thomson West, 2010. (\$148) (Softbound; updating by annual replacement editions is anticipated; electronic

access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A practical guide, essentially a “war manual,” for making and opposing attack motions designed to dispose of individual claims and entire cases before trial. Covers motions to dismiss, for demurrer, to quash summons, for summary judgment, to strike, and for judgment on the pleadings. For each type the authors provide practice tips, suggested motion text, and sections of “key supporting citations” and “key opposing citations” with case summaries, organized by issue. Complete sample briefs in support and opposition are also provided together with sample notice pages, points and authorities, declarations, orders, and judgments to use as possible templates. A table of cases and subject index is provided.

#### I. Commercial Law

Botterud, Karen F., ed. *Contract Law*. Springfield, IL: IICLE, 2008. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This handbook covers the fundamentals of contract law in Illinois across practice areas. Coverage include formation of contracts and related problems, modification, assignment and delegation, third party beneficiaries, warranties, breach, and nonperformance. Additional sections cover interpretation, enforceability, rights and remedies under the U.C.C. and the common law, and the Illinois economic loss doctrine. Chapters are also included on equitable remedies, special problems posed by employment contracts and related drafting guidelines, and the United Nations Convention on Contracts for the International Sale of Goods. Not a source for forms, but practice tips and sample contract language is integrated into the text of a number of the sections. Table of cases and subject index provided.

Kish, Joseph L. ed. *Business and Commercial Litigation*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A practical guide covering matters that are common to civil litigation in Illinois generally but with an emphasis on topics most relevant to business and commercial litigation and the care necessary in all facets of complex, high stakes cases in this arena.

Includes case evaluation issues (such as the extensive conflict checks required when working with corporate entities and challenges raised by concurrent investigations by government agencies), budgeting for discovery, heightened privilege issues, curbs on abuse of requests for admission, strategic approaches to document production in complex cases, discovery of electronically store information and related best practices, temporary restraints and preliminary injunctions, and tips for dealing with common challenges faced in trying such cases. Additional sections cover state and federal pleading requirements, expert witnesses (from early planning to obtaining, managing, disclosing, deposing, and using them at trial), insurance coverage issues, and both arbitration and mediation of commercial and business disputes. Extensive practice tips are incorporated throughout along with analysis of governing statutes, court rules, and case law. Sample forms are provided as well, including litigation budgets, discovery requests, and motions for and to dissolve temporary restraining orders among others.

Murray, Daniel R., Carter H. Klein, Donald R. Cassling, and William B. Davenport. *Uniform Commercial Code Forms, Annotated* (Illinois Practice Series v. 1-2), 2d ed. St. Paul, MN: Thomson West, 2002-present. 2 volumes. (\$282) (Hardbound; kept up to date with annual pocket parts and supplements; last updated April 2012; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Covers Articles 1 through 9 of the Uniform Commercial Code, with discussion, explanation, and guidance for each reflecting case law developments and the authors' experience, and an extensive set of sample forms and clauses. Cross references are included to the companion title, *Uniform Commercial Code with Illinois Code Comments* (Illinois Practice Series v. 2A, 2B), containing the full text of Articles 1-9 as adopted in Illinois and more. Includes a table of statutes cited and a subject index.

Murray, Daniel R., Carter H. Klein, and Donald R. Cassling. *Uniform Commercial Code with Illinois Code Comments*, 2011-2012 ed. (Illinois Practice Series v. 2A, 2B). St. Paul, MN: Thomson West, 2011. 2 volumes. (\$174) (Softbound; updating by annual replacement editions is anticipated; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Provides the full text of the Uniform Commercial Code as adopted in Illinois together with the official comments, case annotations, and the authors' commentary. Includes a table of cases and subject index.

#### J. Construction Law

\**Construction Litigation*. Springfield, IL: IICLE, 2006. (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This publication is no longer available in print because a new edition is in publication with an anticipated release by the end of summer 2012. New chapter authors are involved and changes in content are expected but no other details were available in time for completion of this article. It is expected that the print volume will be available for \$159 as that is the typical price for IICLE volumes. The existing edition, widely available at academic and public law libraries in Illinois, examines the perspectives, rights, responsibilities, and potential liability of each of the potential players in a construction project or related service: owner, design professional, general contractor, subcontractor, material supplier, construction manager, lender, insurance carrier, and surety. Liability for delay, disruption, abandonment, nonpayment, defects, and failure are all considered. Other sections cover claims against insurance carriers, bond claims and litigation by a surety to recover on bond losses, mechanics liens, and arbitration under Illinois and federal law and efforts to enforce or avoid enforcement of an arbitration agreement or award. A substantial chapter on the role of consultants in resolving construction claims is included as well, examining the pivotal role they can play when the issues are complex, such as construction scheduling and cost engineering. It seems reasonable to expect some degree of similarity in content in the new edition.

*Mechanics Liens in Illinois*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Provides background on the Illinois Mechanics Lien Act and the way it has been construed by the courts, the classes of mechanics lien available, owner and third party defenses, and the requirements for original contractor's liens, perfection of

subcontractor's liens, and for liens on funds for city, county, and state projects. Three chapters on related trial practice are included as well, covering special pleading, proof, and damages issues, and an additional section covers miscellaneous problems that may be encountered in prosecuting a mechanics lien claim and alternative theories of recovery. Sample forms are included throughout and are gathered together as a set in the final chapter. A table of cases and subject index are provided.

Rohlfing, James T. and Robert J. Franco, eds. *Illinois Construction Law Manual* (Illinois Practice Series v. 24). St. Paul, MN: Thomson West, 2009-present. (\$148/2012 ed.) (Softbound; kept up to date by replacement volumes/new editions; new edition expected Nov. 2012; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Covers a lot of ground in a single volume—too much to cover in depth—but serves as a useful introduction to the broad range of statutes that apply and issues that arise in the construction industry context, from business formation (choice of entity), to licensing requirements, standard construction contracts and drafting issues, private and public sector construction projects, labor and employment issues, insurance, professional liability, and bankruptcy. Additional sections cover contract claims and disputes, mechanics liens, negligence, and bond claims. References to topic and key numbers in the West Digest system provided at the beginning of each chapter and in some instances to other reference materials available from the publisher. A table of laws and rules, table of cases, and a subject index are provided.

Sklar, Stanley P., ed. *Construction Law: Transactional Considerations*. Springfield, IL: IICLE, 2010. (\$169) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A very thorough manual covering the technical issues and complexities that arise when negotiating and entering into contracts for construction or related services with extensive citation to and comments on industry standard contracts and case law. Addresses the pros and cons of negotiated procurement and competitive bidding, the different concerns and objectives of the various players (owner, architect, contractor, lender, surety) and importance of addressing them in the contract negotiation process, labor issues to consider before preparing bid or contract

documents, contract provisions dealing with scope of services and other particular concerns, special transaction structures and compensation mechanisms for public-private partnerships on large-scale projects, and distinctive aspects of industrial projects among other subjects. An extensive set of forms is also included, with different versions in many cases representing a particular perspective (owner or contractor) and a compromise position, on a given topic, such as scope of work, allowances, progress reports, progress payments, change orders, delay, warranty, indemnification, and termination among others. Tabbed for ease of use (in print); a table of cases and subject index are provided.

Sklar, Stanley P., ed. *Preconstruction Issues*. Springfield, IL: IICLE, 2009. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Offers practical guidance for counsel representing parties in the preconstruction phase of a project, whether representing the private owner/developer, a government entity, architects or engineers, general contractors, specialty trade contractors, lenders, or sureties. Separate chapters are provided for each of the players in turn, discussing the particular set of issues that counsel should be considered at this stage. A preliminary chapter covers selection of the appropriate delivery system, discussing design-bid-build and other traditional approaches, and innovative approaches such as Integrated Project Delivery and Building Information Modeling. State and federal regulations that should be considered during the preconstruction stage are addressed in a closing chapter, including environmental and archaeological considerations, green building standards, and minority and women's business enterprise issues. A small number of model forms and checklists are included. Tabbed for ease of use (in print); a table of cases and subject index are provided.

#### K. Consumer Protection Law

Edelman, Daniel A. *Predatory Mortgage Lending*. Springfield, IL: IICLE, 2011. (\$59) (Spiral-bound with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the IICLE QuickGuide Series. Succinctly summarizes Illinois mortgage foreclosure law, discusses the types of mortgage lending and servicing practices that are generally



considered predatory, and covers the potential legal remedies available for mortgage abuse under state and federal law. Provides a small set of forms, including two model complaints, a notice of rescission, and discovery requests. Includes a subject index.

Hagan, Deborah. *Illinois Consumer Protection Law*. Springfield, IL: IICLE, 2008 and 2011 Supp. (\$119/39) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Reviews the Illinois Consumer Fraud and Deceptive Business Practices Act and the guidance provided by the Illinois legislature, administrative agencies, and the courts in clarifying the types of practices considered unfair or deceptive for its purposes. Additional sections review statutory and nonstatutory exemptions and inclusions, procedural matters generally under the Act, requirements for bringing a private cause of action and issues pertaining to such actions, and analysis of a number of other related statutes concerning credit and finance and other specific topics. Worth noting that the author is the Division Chief of the Consumer Protection Division of the Illinois Attorney General. A table of statutes, rules, and regulations is provided along with a table of cases and subject index. No forms are provided.

#### L. Criminal Law, Practice and Procedure

Ahern Sr., James J. and Ernest R. Blomquist III, eds. *Defending DUI and Related Cases*. Springfield, IL: IICLE, 2009 and 2011 Supp. 2 volumes. (\$199/79) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Thorough analysis of Illinois statutes and case law on DUI and related rules, regulations, science, and technology, accompanied by a wealth of practical suggestions. The first chapter, pushing three hundred pages in length, covers all of the fundamental law and procedures for handling a DUI case in Illinois, from first client contact through trial, and also addresses the consequences of conviction and alternatives to trial. Additional chapters go into greater depth on Illinois implied consent law and summary suspensions, special considerations defending a client who holds a commercial or graduated driver's license, procedures and practice in Chicago Traffic Court, and representing the revoked

or suspended driver before the Office of the Secretary of State. Science and technology is covered in chapters on breath and chemical tests, validation of standard field sobriety tests, drug and alcohol evaluations, and related discovery and motions practice. Search and seizure in traffic stops, aggravated DUI, and non-alcohol related traffic violations are among the other topics discussed. Numerous forms and other practice materials are provided as well, including a lengthy client questionnaire, and pleadings, motions, and jury instructions. A table of cases and an index are included.

Decker, John F. and Christopher Kopacz. *Illinois Criminal Law: A Survey of Crimes and Defenses*, 5th ed. Newark, NJ: LexisNexis, 2012. 2 volumes (\$345) (Hardbound, anticipate updating by pocket parts; electronic access by subscription on Lexis.com).

A “learned treatise” offering in-depth examination of every crime and affirmative defense recognized under Illinois law with extensive citation to and discussion of applicable authority (not a source for forms or other practice materials). Organized in three parts, the first covers the general aspects of the Illinois Criminal Code, including its development, jurisdiction and venue, the scope of current law, classifications and lesser-included offenses, legislative intent, mental state, accomplice and corporate criminal liability, and punishment for incomplete and unsuccessful criminal activity (e.g. conspiracy; attempt and solicitation). Part two covers the requisites for special-part crimes/particular forms of criminality (e.g. homicide, kidnapping, sex offenses, assault and battery, theft, fraud, robbery, burglary, arson, and others), and part three, comprising more than half of the second volume, covers affirmative defenses (e.g. self-defense, defense of others or property, insanity, mistake, compulsion, entrapment, and others). Sentence ranges for the various offenses are provided as well (appendix). Heavily footnoted with citations and case synopses, with discussion of key cases in the body text. Includes a table of cases (well over 100 pages long), a table of statutes, and index.

DiVito, Gino L. and Peter G. Baroni. *Illinois Sentencing and Disposition Guide*, 2011 ed. New Providence, NJ: LexisNexis, 2011. (\$50) (Softbound; updating by annual replacement editions is anticipated; electronic access by subscription on Lexis.com; previously published, through 2008, by the Illinois State Bar Association).

Intended to serve as a quick reference guide and starting point on Illinois sentencing practice and research, including an overview of sentencing procedures and dispositions in Illinois followed by sections summarizing the applicable statutory and case law authority on such topics as the presentence investigation report, concurrent and consecutive sentencing, mitigation, aggravating circumstances, sentencing enhancements, victim impact statements, time and good conduct credit, community or public service, probation and conditional discharge, fines, restitution, Section 402 (e.g. listed drugs) and cannabis offenses, guilty plea requirements, and alternative dispositions. An additional section summarizes recent legislation. A number of charts are included but no forms or other practice materials are provided, and no finding aids (e.g. table of cases, table of statutes, index) are included.

Hunter, Robert S. *Trial Handbook for Illinois Lawyers: Criminal*, 8th ed. St. Paul, MN: Thomson/West, 2002-present. 2 volumes. (\$306) (Hardbound; kept up to date with annual pocket parts; electronic access by subscription on Westlaw and WestlawNext).

Designed to serve as a reference answering almost any question that could arise during the course of a criminal trial in Illinois state courts, from the call of the case to trial through entry of the judgment, providing analysis of applicable statutes, court rules, and case law, and practical guidance. Topics covered include jury selection; the conduct of the trial and of counsel, the prosecutor, the judge, and the jury; the rights of the accused; order and burden of proof; compelling, examining, and impeaching witnesses; admissibility of evidence and objections; mistrials and directed verdicts; closing arguments and more. Some coverage of pretrial proceedings is also included. A number of checklists are provided to aid the practitioner and cross-references to other sources from the publisher for additional research are included as well. Table of cases, table of statutes, and index.

Hunter, Robert S., Mark A. Schuering, and Joshua L. Jones. *Trial Handbook for Illinois Lawyers: Criminal Sentencing*, 9th ed. Eagan, MN: West, 2011. (\$180) (Softbound; new edition issued annually; electronic access by subscription on Westlaw and WestlawNext).

Reviews all Illinois law related to criminal sentencing, both substantive and procedural, including classification of particular

types of offenses (e.g. offenses against the person, against property, sex offenses, weapons offenses, drug-related offenses, business offenses, etc.), presentencing investigations, the sentencing hearing, consideration of mitigating and aggravating factors, and general sentencing and dispositional guidelines. Explains the statutes concerning extended-term and enhanced sentences, multiple punishments arising out of related acts, habitual criminals, class X felonies, and impact incarceration, discussing related case law. Reviews sentence alternatives (e.g. supervision, probation, periodic imprisonment, conditional release), intermediate sanctions, restitution and fines, and dealing with special offender issues (minors, sex offenders, defendants with drug or alcohol problems) as well. Post-judgment proceedings and appeals are also briefly addressed. Includes a table of cases, a table of statutes, an index, and cross referencing to other volumes in Trial Handbook series and other resources from the publisher for additional research. No forms or other practice materials are included.

Hunter, Robert S. *Trial Handbook for Illinois Lawyers: Homicide*. St. Paul, MN: Thomson/West, 2002-present. (\$115) (Hardbound; kept up to date by cumulative supplement pamphlet; electronic access by subscription on Westlaw and WestlawNext).

Explores all aspects of homicide trials in Illinois, including the substantive law defining the related criminal acts and mental state required for each, available defenses, relevant pretrial procedures, trial procedure rules, evidence principles, jury instructions, sentencing hearing procedures, and sentencing considerations of particular significance in homicide trials (cross-referencing companion volumes in the Trial Handbook series, *supra*, for broader discussion of criminal trial procedure, evidence, and practice strategy not specific to homicide cases). The value of the remaining portions, which focus on capital murder trials and substantive and procedural law related to imposition of the death penalty, would appear to be primarily historical given abolition of the death penalty under Illinois state law in 2011.

*Illinois Criminal Records: Expungement and Other Relief*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$129/49) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A practice manual reviewing available remedies to assist ex-offenders with re-entry, primarily with respect to expunging or sealing the records of their arrest and conviction, and to similarly assist victims of criminal identity theft clear their record. Covers what can and cannot be expunged or sealed, procedures for doing so in Illinois generally, and more specifically how to do so in Cook County. Additional chapters focus on juvenile expungement, executive pardons and clemency, expungement and sealing incident to a finding of factual innocence/identity theft, and suggestions for other practical steps that can be taken to address related problems in the search for employment and housing. Sample forms are provided. Index and table of cases included.

King, Richard S. *Illinois Criminal Defense Motions*. Newark, NJ: Michie/LexisNexis, 1995-. (\$185) (Looseleaf; kept up to date with inserts; last updated in 2007); electronic access to archived version (last updated in 2004) by subscription on Lexis.com).

A handy quick reference guide to Illinois criminal defense motions concerning bail, substitution of judges, pretrial discovery, psychiatric issues, change of venue, continuances, dismissal, multiple defendants, suppression, Motions in Limine, and post-trial motions. Organized by type with tabbed dividers, each includes a short summary of related legal authority, one or more practice pointers, and a sample motion form. A table of cases and table of statutes cited are provided along with an index. It should be noted that while the publisher still lists the item for sale it has not been updated since 2007 as this article goes to press.

Lilien, Thomas A. ed. *Defending Illinois Criminal Cases*. Springfield, IL: IICLE, 2010. 2 volumes. (\$179) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A guide to all aspects of defending a client against criminal charges in Illinois and protecting the client's rights, from the preliminary, pre-arrest stage, through plea and sentence bargaining, trial, and post-conviction proceedings, supported by extensive discussion of the Illinois criminal code and applicable state and federal constitutional provisions and case law, and augmented by sample forms and practice tips. Includes a framework for assessing search, seizure, and arrest issues;

discusses line-ups and polygraph examinations, voluntariness and other issues with confessions, special problems in investigating and defending cyber-crime charges and evidence, the insanity defense and other psychological/mental state issues and dealing with mental health expert witnesses, and the risk that supervision may be treated as a conviction for purposes of federal law; also includes an extensive set of chapters on trial preparation and strategy, jury issues, evidence, legal issues at trial, and preserving the record for appeal, as well as a lengthy chapter on federal Habeas Corpus proceedings. Sample forms are provided and a table of cases and index are included.

Pieczynski, Linda Sucher. *Criminal Practice and Procedure*, 2d ed. (Illinois Practice Series v. 5-6a), St. Paul, MN: Thomson West, 2005-present. 3 volumes (\$416) (Hardbound, kept up to date with pocket parts; last updated Nov. 2011; electronic access by subscription as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

This comprehensive guide to criminal practice and procedure covers everything from formation of the attorney-client relationship (including effective assistance of counsel), through arrest procedures, bail, commencement of prosecution, preliminary hearings, discovery, pretrial motions, trial practice, post-trial procedure, sentencing, and appeals. Topics include grand juries, extradition, confessions, eaves-dropping devices, search and seizure, witness issues, suppression hearings, speedy trial rights, defenses, double jeopardy, fitness for trial, plea negotiations, the sex offender registry, expungement, and forfeitures, among others, with chapters on each. Also covers handling juvenile offender and ordinance violation cases. Includes extensive citations to applicable statutes, court rules, and case law; not as much consistent depth of analysis as some competing titles but more encyclopedic in its coverage. Practice tips and strategic advice are included throughout. Sample forms as well—more than two hundred in all—and checklists are also provided at the end of each chapter specific to the topic. Tables and an index are included.

Ramsell, Donald J. *Illinois DUI Law and Practice Guidebook*, 2012 ed. (Illinois Practice Series v. 25). Eagan, MN: Thomson West, 2012. (\$164) (Softbound; updating by annual replacement editions is

anticipated; electronic access by subscription on Westlaw and WestlawNext).

Intended as a ready-reference resource summarizing the law, procedures, evidentiary principles, and practice considerations for defending DUI cases in Illinois, including a thorough analysis of applicable statutes, case law, and recent legislation. Topics include implied consent/summary suspension law in Illinois; improper stops, roadblocks, and other procedural issues; chemical and alcohol tests and both standardized and nonstandardized field sobriety techniques (procedural, technical, and evidentiary issues); the nuts and bolts of preparing a DUI defense; and sentencing in DUI cases. The author also provides an extensive set of forms used in his practice (such as discovery and trial motions and subpoena for testing records and roadblock information; 200 pages worth of material), the N.H.T.S.A. charts and manual, and Illinois State Police Laboratory Procedures. Table of cases and index provided.

Ruebner, Ralph and Collin Miller, eds. *Illinois Criminal Procedure*, 5th ed. New Providence, NJ: Mathew Bender/LexisNexis, 2010-present. 2 volumes. (\$321) (Hardbound; kept up to date with annual pocket parts; last updated Oct. 2011; electronic access by subscription on Lexis.com).

A scholarly, critical analysis of Illinois criminal procedure, including the perspective of retired judges, scholars, and practicing attorneys, with an emphasis on constitutional issues. Topics include search, seizure, and arrest (including probable cause, warrantless search, searches conducted in various specific circumstances, and Illinois procedures for suppressing evidence), admissibility of confessions and other statements, grand jury procedures and criminal charge filing generally, pretrial procedures and practices (including bail, discovery, fitness to stand trial, speedy trial, joinder and severance, and motions to dismiss the charge, change place of trial, substitute judges, or for continuance), trial rights and procedures (including jury issues, right to counsel and conflicts of interest, elements of proof for affirmative defenses, prosecutorial misconduct, effective assistance of counsel, guilty pleas, judicial conduct, and mistrials), sentencing (hearings, factors, types of sentences, and related appellate review), direct appeals and original actions in the Supreme Court, and collateral remedies (Postconviction

Hearing Act, *Habeas Corpus*, section 72 collateral attacks, and the statutory DNA remedy). Heavily footnoted with citations and case synopses and discussion of key cases in the body text, reflected in a table of cases nearly 200 pages in length. Includes a table of statutes as well and an index.

#### M. Disability Law<sup>24</sup>

Anderson, Elizabeth A. ed. *Guardianship for Disabled Adults, Advance Directives, and Mental Health Law*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

The extensive guardianship materials in this handbook address everything from the nature of the disability required and other requirements to justify appointment of a guardian under Illinois law through the appointment process, detailed coverage of the duties, responsibilities and powers of the guardian over the person of the ward and his or her estate and affairs, and modification or termination of the guardianship due to partial or total recovery by the ward, inability of the guardian to continue, or wrongdoing by the guardian. Alternatives to guardianship proceedings through advance planning are examined as well, including the use of powers of attorney for property and health care, living wills, Mental Health Treatment Preferences Declarations, and application of the Healthcare Surrogate Act, discussing the duties, limitations, and immunities if any for the agent and for physicians and healthcare providers. A final chapter on mental health law in Illinois summarizes issues, proceedings, and pertinent provisions of the Mental Health and Developmental Disabilities Code, including voluntary and involuntary admissions and treatment and the rights of mental health care recipients. Practice tips are liberally included throughout and a small number of sample forms are provided as well. A table of cases and subject index are included.

McGlothlen, Condon A. ed. *Disability Law Today: An Accessible Guide for Illinois Practitioners*. Springfield, IL: IICLE, 2006. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

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24. Many titles under "Employment and Labor Law," *infra*, include coverage on disability-related discrimination in employment.



A good primer though overdue for an update detailing and comparing the anti-discrimination provisions and other rights and protections afforded by federal laws for individuals with disabilities in employment, housing, public services, accessibility, and education. Covers Section 504 of the Rehabilitation Act of 1973, Title I and Title II of the Americans with Disability Act (ADA), the federal Fair Housing Act, and the Individuals with Disabilities in Education Improvement Act (IDEIA). Also includes a chapter on the employment and housing discrimination provisions of the Illinois Human Rights Act. Separate chapters break down the features of each, discussing the regulatory guidance and case law that has fleshed out their meaning and application on key issues such as scope of coverage, reasonable accommodations and modifications, prohibited activities, and required services. Procedural matters and litigation issues are addressed as well. No sample forms or other documents are provided with this handbook. A table of cases and subject index are included.

#### N. Elder Law<sup>25</sup>

*Advising Elderly Clients and Their Families*. Springfield, IL: IICLE, 2008 and 2012 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A practice handbook covering a number of key areas of concern to older clients, including benefits and entitlements (social security and railroad retirement benefits, pensions and employee benefits, Medicare and long-term care insurance, and Illinois medical assistance for nursing home, supportive living facilities, and community care program services); planning for possible incapacity or disability (through advance directives and property arrangements such as powers of attorney, living trusts, and living wills), and guardianships (including sample forms); long-term care (options, contracts, residents' rights, and related legal issues); and remedies for mistreatment of the elderly (consumer fraud, discrimination in housing, elder abuse and neglect, and personal injury and wrongful death actions under the Nursing Home Care Act). Grandparent rights are also addressed, with a chapter on visitation, legal custody, minor guardianships, and

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25. Many of the titles listed under "Wills, Trusts, and Estates," include coverage on elder law issues, with Robert S. Hunter, *ESTATE PLANNING AND ADMINISTRATION* (4th ed. 2007) standing out in particular.

adoption (including sample petitions), and a tax planning overview is provided in a closing chapter as an issue spotting aid. A table of cases and index are included.

*Long-Term Care Litigation*. Springfield, IL: IICLE, 2008 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Coverage includes a summary of state and federal regulation of long-term care facilities in Illinois, the role of certification surveys to examine long-term care facility compliance with these standards, records access issues, and medical and nursing care issues and terminology that practitioners need to be aware of in the long-term care litigation context. Chapters are also included separately summarizing plaintiff's and defendant's perspective, including case evaluation, pleadings, discovery, and trial considerations. A detailed sample complaint but no other forms are provided and the case citations do not fill an entire page in the table of cases; a useful resource but limited in its depth and breadth of coverage. An index is provided.

#### O. Election Law

Delort, Mathias W., ed. *Election Law*. Springfield, IL: IICLE, 2007 and 2009 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Covers the Illinois Election Code and other state, local, and federal laws, regulations, and ordinances concerning elections and election campaigns. Topics include ballot access (qualifications and required documents), electoral boards (organization, procedures, decisions, and judicial review), the statutory framework governing political parties in Illinois, redistricting procedures and contests, campaign contribution disclosure requirements and enforcement mechanisms, election day administration, and election contests and recounts (grounds, procedures, and investigation). Additional sections cover referenda, election ethics rules and issues (including Chicago and Cook County ethics ordinances), and state and federal court remedies outside the Election Code such as Mandamus and civil rights actions. Chapters providing an overview of municipal election issues and township elections are included as well. Sample forms include a residency checklist, a verified objector's

petition, petition for judicial review, election contest petitions, and referendum petitions. Table of cases and subject index provided.

P. Employment and Labor Law<sup>26</sup>

Bradford-Farley, Tracy L., ed. *Employment Termination*. Springfield, IL: IICLE, 2011. (\$179) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

The title may seem inaccurate, as the content is not limited to employment termination law or issues, but it is the primary focus and the scope of coverage on the topic is extensive. The initial set of chapters provides a good overview of the substantive law, including both state and federal statutory restrictions on employment terminations through laws against discrimination and retaliatory discharge (including provisions in statutes that are not otherwise employment related), and common law causes of action arising in contract or tort. Subsequent chapters focus on special issues or problem areas, including claims related to employee benefit plans, pregnancy and parenting rights, public sector terminations, discharging partners and minority shareholders, terminating lawyer-employees, plant closings and RIFS, and investigating, monitoring, and testing employees. Additional chapters on a more practical note cover employer record keeping obligations and document audit suggestions to minimize risk, and the nuts and bolts of prosecuting an Illinois whistle-blower case. A chapter full of checklists, pleadings, and discovery documents to use in litigating employment termination cases in Illinois is included as well. It appears that most of the authors primarily counsel and represent management but the content should be valuable to those on both sides of these matters. Extensive case analysis throughout is reflected in the lengthy table of cases provided. Subject index included.

Conducting the Employment Practices *Audit*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

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26. For additional coverage on employment and labor law in specific contexts, see titles listed under “Local Government (Municipal) Law,” and “School Law,” *infra*.

Guides the practitioner through the issues to consider and approaches that can be taken in conducting a thorough evaluation of an employer's policies, practices, and procedures to assess their compliance with state and federal employment and labor laws and regulations and implementation of best practices to minimize related litigation risks. Coverage includes the hiring process, affirmative action and drug-free workplace requirements, employment agreements and handbooks, wage and hour issues, antidiscrimination and antiharassment policies and training programs, personnel records, labor law compliance, discipline and termination, and reductions in force and their alternatives. Also addresses issues arising with respect to the audit process itself, including who should conduct it, minimizing the risk of related claims, protecting the results, and considerations when preparing the audit report. In addition to the doctrinal analysis provides a great deal of practical advice, with numerous checklists, comparison tables, and sample forms, provisions, agreements, and a complete handbook to help instill best practices. Table of cases and index included.

Ditelberg, Joshua L., ed. *Labor and Employment Issues in Transactions, Business Restructuring, and Workforce Reductions*. Springfield, IL: IICLE, 2008 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A significant portion of the coverage of this publication overlaps material included in other employment and labor law titles from the publisher but with a different focus, examining employment, labor, and benefit law issues through the lens of corporate transactions such as mergers and acquisitions and business restructuring and downsizing with an eye for both limiting liability and creating work-force-related value. Coverage includes a general introduction to the scope of the due diligence investigations necessary in this arena, with subsequent chapters focusing on particular potential problem areas such as obligations under the National Labor Relations Act, federal WARN Act provisions and state law equivalents, benefit issues in both the reduction in force and merger and acquisition contexts, and bankruptcy, worker's compensation, and immigration considerations that can impact the success of the transaction. Also includes a chapter of sample labor, employment, and benefit transaction terms commonly included in deal documents, highlighting issues to consider addressing (such as terms

allocating employment liability and health related benefit claims), with accompanying comments from the author, adding to the practical value.

*The Labor Law Handbook*. Springfield, IL: IICLE, 2010. 2 volumes. (\$179) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

The bulk of this two volume practice manual concerns federal labor law and procedures before the National Labor Relations Board, with extensive analysis of related NLRB and federal court decisions and practice guidance for counsel handling such matters. However, the publication does include a meaty chapter on Illinois public sector labor law covering both the Illinois Public Labor Relations Act (IPLA) and the Illinois Educational Labor Relations Act (IELRA), the authority of the two agencies created to administer the acts, the Illinois Labor Relations Board and the Illinois Educational Labor Relations Board, procedures before them in representation cases, collective bargaining procedures, arbitration of disputes, and unfair labor practices and related agency procedures. Two tables of cases are provided, reprinted in each of the two print volumes. Decisions of the Illinois Labor Relations Board and Illinois Educational Labor Relations Board are included in the first along with court decisions and other non-NLRB decision. NLRB decisions are listed separately in a second table. An index is provided as well. This publication is not a source for forms.

Mandler, Thomas Y. and Scott M. Gilbert. *How to Hire, Manage, and Terminate Employees*. Springfield, IL: IICLE, 2011. (\$69) (Spiral-bound; electronic access as part of IICLE SmartBooks subscription).

Part of the IICLE Quick Guide series, this slim publication (74 pages, including 22 pages of sample forms) serves as a primer on proper procedures with respect to job applications, employment interviews, reference checks, employment documentation, handbooks, workplace policies, personnel records, discipline, and termination, with practice pointers and comments about what employers can, cannot, should, or should not do and why with some citations to authority. No table of cases or authorities cited is provided and no index is included.

Mazura, Adrienne C. ed. *Employment Discrimination*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Includes a substantial chapter on rights and remedies available under Illinois law concerning employment discrimination and related procedures, but most of the remainder of this practice manual focuses on the reach of federal law, beginning with a series of chapters each analyzing a particular form of employment discrimination in turn, based either on race, sexual harassment, age, disability, religion, or national origin (although some do include a few pages on Illinois law), and continuing in the chapter on employment discrimination in the public sector. Additional sections focusing on procedure and practice concerns include chapters on federal remedies, EEOC procedural requirements and litigation issues in federal court, and practice before the Office of Federal Contract Compliance Programs. Closing chapters cover evaluation and investigation of a plaintiff's discrimination case (including a sample checklist for an initial client interview and sample discovery requests) and steps that employers can take to minimize their litigation risks, which should be useful in both the state law and federal contexts.

Sautter, Maynard G. *Employment in Illinois: A Guide to Employment Laws, Regulations, and Practices*, 3d ed. Carlsbad, CA: LexisNexis, 1997-present. (\$186) (Looseleaf; kept up to date with semiannual inserts; last updated February 2012; electronic access by subscription on Lexis.com).

A handy, concise, well-organized summary of state and federal law regulating employment relationships and workplaces in Illinois, covering hiring, termination, wages and hours, employee benefits, health and safety standards, testing, employment discrimination, employee relations (including disciplinary actions), union organizing, worker's compensation and disability and death of employees, unemployment compensation, record keep and reporting requirements, and related topics, touching on a broad range of issues within each, highlighting authorities but not exploring them in depth. Not a source for forms. Includes an index but no table of cases is provided.

## Q. Energy, Environment, and Natural Resource Law

Anaya, William J., ed. *Environmental Law in Illinois: Corporate and Real Estate Transactions*. Springfield, IL: ICCLE, 2007 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of ICCLE SmartBooks subscription).

This manual covers a broad range of environmental law concerns in the specific context of real estate and other commercial transactions, with an emphasis how to minimize related risk of liability and other financial exposure. Includes extensive material on the rationale and procedures for conducting environmental due diligence investigations (both noninvasive and invasive site assessments and permit and disclosure compliance audits), and provides advice on dealing with state environmental agencies in Illinois to address environmental problems that arise in the course of a transaction. Additional chapters cover ways to allocate risk in real estate contracts generally and more specifically in commercial leasing and lender operations. Environmental litigation, the consultant privilege, insurance coverage for environmental claims, incentive programs for site remediation, and environmental issues in bankruptcy are all discussed as well. A small number of sample forms are provided.

*Environmental Law for Non-Environmental Lawyers: Volume 1*. Springfield, IL: Illinois State Bar Association, 2006. (\$24.50 ISBA members; 34.50 non-members) (Softbound).

A slim collection of thumbnail sketches of common environmental issues under Illinois and federal laws, including practice before the Illinois Pollution Control Board, as a primer for the non-environmental law attorney.

*Environmental Law for Non-Environmental Lawyers: Volume 2*. Springfield, IL: Illinois State Bar Association, 2009. (\$24.50 ISBA members; 34.50 non-members) (Softbound).

A companion to Volume 1 of the same title, *supra*, with thumbnail sketches of additional environmental issues including common law claims, underground storage tank issues, insurance coverage, environmental audits, and environmental regulation of animal feeding among the topics introduced.

*Illinois Wildlife and Natural Resources Law Annotated*. Charlottesville, VA: LexisNexis, 2011. (\$35) (Softbound; new edition annually).

The full text of Illinois wildlife and natural resource statutes with case annotations, editorial notes, and references to additional sources from the publisher for additional research, reprinted from *Illinois Compiled Statutes Annotated*.

#### R. Evidence Law

Byman, Robert L., A.J. Stephani, and Glen Weissenberger. *Illinois Evidence Courtroom Manual*. New Providence, NJ: Mathew Bender/LexisNexis, 2011. (\$91) (Softbound; updating by annual replacement editions is anticipated; electronic access by subscription on LexisNexis).

Designed as a ready-reference guide for quickly finding concise and authoritative answers to most evidentiary questions that arise during hearings and trials. Organized in keeping with the newly codified Illinois Rules of Evidence. Article names printed on the back cover corresponding to “thumb tabs” on the page edges and chapter numbers corresponding to Rule numbers make it easy to locate material in the text. Each chapter begins with a summary of the rule, followed by a comparison to the federal rule, a comment section discussing interpretation and application of the rule supported by case authority and strategic practice pointers and warnings, and a list of additional sources as a starting point for deeper research. References to statutes concerning evidence appear at the end of the chapter where applicable.

Carey, James P., Anthony J. Bocchino, and David A. Sonenshein. *Illinois Evidence with Objections*, 4th ed. Louisville, CO: National Institute of Trial Advocacy, 2008. (\$35) (Softbound; updating by annual replacement editions is anticipated; no online access).

A pocket-sized book listing objections alphabetically together with an appropriate response, cross reference to Illinois law, and a short explanation for each. Also includes the text of the Illinois evidence rules and statutes as they existed prior to adoption of the new codified Illinois Rules of Evidence. “Thumb tabs” for ease of use. Includes a mini-CD with the entire book in PDF format hyperlinked and bookmarked for ease of use.



DiVito, Gino L. *The Illinois Rules of Evidence: A Color-Coded Guide Containing the New Rules, the Committee's General and Specific Comments, a Comparison with the Federal Rules of Evidence, and Additional Commentary*. Springfield, IL: Illinois State Bar Association, 2012. (\$35 ISBA members; \$50 nonmembers) (Softbound; updating anticipated but on uncertain; schedule; free online version available from the author).<sup>27</sup>

A guide to the newly codified Illinois Rules of Evidence (IRE) prepared by a member of the Special Supreme Court Committee on Illinois Evidence (the Committee) that developed the rules for consideration by the Court. Sets out the new rules, including comments from the Committee, presented alongside the Federal Rules of Evidence (FRE) in a side-by-side two-column format. Identifies the federal rules or portions of them that were not adopted, the substantive and non-substantive differences between the IRE and FRE, and substantive changes from prior Illinois law, augmented by the author's own commentary and case law analysis, using a system of colored highlighting, underlining, and strikethrough to make it easy to distinguish the different components in the text.

Graham, Michael H. *Graham's Handbook of Illinois Evidence*, 10th ed. New York, NY: Aspen Publishers, 2011. (\$284) (Hardbound; updating uncertain; no online access).

A thorough treatise on Illinois evidentiary rules and issues, authored by the Special Advisor to the Illinois Supreme Court Committee on Rules of Evidence that developed the recently codified rules, stating each rule followed by the author's analysis and commentary. Includes a helpful summary of the codification process in a preface section, briefly discussing rules that were not incorporated and related recommendations, the continuing validity of Illinois evidentiary statutes, and effort to modernize Illinois evidence law by incorporating uncontroversial evidence law developments viewed as beneficial and uniformly accepted or nearly so in the laws of other jurisdictions surveyed by the committee and the Federal Rules of Evidence. Separate tables are provided of cited cases, court rules, statutes, and pattern jury

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27. Mr. DiVito's evidence guide is available without charge as a downloadable PDF document, at [http://www.tdrlawfirm.com/downloads/Illinois\\_Rules\\_of\\_Evidence\\_Color-Coded\\_Guide.pdf](http://www.tdrlawfirm.com/downloads/Illinois_Rules_of_Evidence_Color-Coded_Guide.pdf) (last visited June 15, 2012).

instructions, and an index. Not a source for forms or other practice material.

Grubb, Gerald F. and Daniel M. Locallo. *Illinois Objections*. Costa Mesa, CA: James Publishing, 2003-present. (\$99) (Looseleaf; kept up to date with annual inserts; no online access).

A practical guide to making timely objections and responding to them, from jury selection through closing statement and jury charges, not just evidentiary objections; covers more than 130 different objections in all. Provides concise summaries of general principles and rules, mechanics, explanations, examples of persuasive arguments, supporting case law, and practice tips from the two sitting judges who authored the book. Clearly tabbed and labeled sections make it easy to use.

*Illinois Civil Trial Evidence*. Springfield, IL: IICLE, 2009 and 2012 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A practice-oriented guide to using all the common forms of evidence in civil litigation in Illinois, covering both law and strategy, updated in 2012 following adoption of the new codified rules. Topics include an introduction to the process of collecting, preparing, and preserving evidence; foundational issues such as relevancy, materiality, and witness competency; methods and sufficiency of proof; privileges; direct and cross examination and objections to form; use of documents to refresh the recollection of a witness; hearsay; lay and expert opinion testimony; and the use of writings, objects, and demonstrative evidence at trial; and using and drafting evidentiary motions among others. Extensive case law analysis and practice tips throughout. A few checklists and forms are provided as well. Table of cases and index.

Kelly, Timothy W. *Laying Foundations for Introducing Evidence*. Springfield, IL: IICLE, 2010. (\$69) (Spiral-bound with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A quick, concise, simple guide to effectively laying the necessary foundation for introduction of evidence at trial: starting by evaluating evidentiary needs and gathering it before trial with foundational requirements in mind, proceeding step-by-step through the mechanics of how to introduce exhibits, evidence not

offered as exhibits, and particular types of physical evidence, and the mechanics of responding to challenges to admissibility before and during trial, with supporting authority and practice notes for each. Various materials are provided as well, including a trial preparation outline and sample notices, stipulations, motions, subpoenas, and questions for laying foundations for testimonial evidence. Index and tables included.

Lane, Scott D., Stephanie Hoit Lee, and David N. Finley. *Illinois Motions in Limine*, 2011-2012 ed. Eagan, MN: Thomson/West, 2011. (\$209) (Softbound; updating by annual replacement editions is anticipated; electronic access by subscription on Westlaw and WestlawNext).

Covers general Illinois Motion in Limine law and procedure, including limitations, timing, and drafting suggestions generally, and authorities and practice considerations regarding their use in both civil and criminal proceedings, particular classes and types of evidence, and in particular contexts (e.g. prejudicial evidence; character evidence; writings and physical evidence; tests and related scientific evidence and related testimony; motions regarding expert disclosures; statutorily privileged information; testimony of particular witnesses; arbitration evidence and findings; and motions for specific use in personal injury actions). Sample briefs, sample orders, and other forms are included at the end of each chapter, and a portion of them are also included on a companion compact disc that comes with the book.

Marincsin, Courtney Boho. *SmartEvidence: Medical Malpractice*. Springfield, IL: IICLE, 2010. (\$39) (Spiral-bound "QuickGuide"; electronic access as part of IICLE SmartBooks subscription).

A handy quick-reference tool like its cousin, SmartEvidence: Commercial Litigation, *supra* (this section), and identical in format except for the addition of "Jury Exhibits" as a major category, and a few additional subtopics, such as "Other Medical Sources and Regulations" as one of the "Document Issues," and "Medical Experts" under "Testimony."

Marinello, Mitchell L., Timothy J. Miller, and Alison T. Schwartz, eds. *SmartEvidence: Commercial Litigation*. Springfield, IL: IICLE, 2009. (\$39) (Spiral-bound with book on CD; electronic access as part of IICLE SmartBooks subscription).

A handy quick-reference tool that is easy to toss in a briefcase and carry to court, depositions, or other situations where it may become necessary to deal with unexpected evidentiary issues in the commercial litigation context. The issues are organized into five major categories—hearsay, document issues, relevance and exceptions, testimony, and arguments—and the table of contents, printed on the front cover, serves as a quick way of locating the rule on a given issue. A “List of Major Potential Objections” is also included on one of the first inside pages, keyed by section number to the main text, as an additional finding aid. States the general rule for each issue covered and provides examples where the particular form of evidence was either admitted or rejected, with authority cited for each. No forms; no tables or index.

Schroeder, William A. *Courtroom Handbook on Illinois Evidence*, 2012 ed. (Illinois Practice Series v. 11). St. Paul, MN: Thomson/West, 2012. (\$168) (Softbound; updating by annual replacement editions is anticipated; no online access).

Provides ready answers to evidentiary questions which may arise during trial, organized in a manner consistent with the new codified Illinois evidence rules that took effect January 1, 2011. Each rule section begins with a clear statement of Illinois law in the form of a principle setting off doubtful or alternative formulations in brackets where the law is unclear, followed by the author’s analysis and commentary on related issues. Where appropriate, each section also includes a “Summary of Issues Affecting Admissibility,” a list of “Other Considerations,” “Relevant Illinois Pattern Jury Instructions,” and a “Comparison to Federal Practice” section. Copies of the uninterrupted text of both the Illinois and federal rules of evidence are provided in an appendix for the reader’s convenience. Includes a table of laws and rules, a table of cases, and an excellent index. Not a source for forms or other practice material.

Steigmann, Robert J. and Lori A. Nicholson. *Illinois Evidence Manual*, 4th ed. St. Paul, MN: Thomson/West, 2006-present. 3 volumes. (\$549) (Hardbound; kept up to date with an annual pocket part; last updated Nov. 2011; electronic access by subscription on Westlaw and WestlawNext).

A comprehensive collection of Illinois court decisions dealing with evidence law, using a comprehensive index and detailed

system of subdivisions as part of the organizational structure for the analysis to make it easier to locate a case on point. The chapter on opinion testimony, for example, includes the topic “Expert Opinion Testimony,” containing 26 separate sections on such as issues as “the degree of certainty the expert must express for his or her opinion to be admissible;” one of the other topics covered in that chapter, “Subjects of Expert Testimony,” lists 53 separate sections, including 26 under the subtopic of “Expert Medical Testimony” alone. Other major topics, such as chapter three on “Presumptions & Inferences,” is broken down by practice area, analyzing cases on family law, negligence, fraud, commercial matters, property, and criminal law separately. Cross references to the key number system and other sources from the publisher. Table of cases and laws and rules are provided. Not a source for forms or other practice material.

#### S. Family Law

Bond, Cynthia D. ed. *Family Law Handbook*. Springfield, IL: Illinois State Bar Association, 2011. (\$60 ISBA members; \$90 nonmembers) (Softbound).

According to the promotional material at the ISBA Store website,<sup>28</sup> “the handbook is a complete update of an ISBA bestseller from the mid-90s. Topics include jurisdiction, premarital agreements, settlement agreements, modification of judgments, mediation, custody and visitation, assisted reproductive technology, grandparent visitation, guardians ad litem, property, support and finances, maintenance, child support, civil unions, immigration law, discovery, appeals, insurance matters, property valuation, adoption, paternity and much more. Includes some forms, a detailed table of contents, and an alphabetical list of cases with page numbers at the end of each chapter.”

*Child Custody Litigation*. Springfield, IL: IICLE, 2010. (\$169) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

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28. The ISBA FAMILY LAW HANDBOOK was not available to this author for review in print or electronically in time for this article.

Provides extensive coverage of both doctrinal and practical considerations in child custody disputes, including a detailed review of in-house custody evaluations and ongoing assessments to determine whether to engage or continue in contested proceedings, and preparing the client for mediation and the custody evaluation process. Other topics include court-ordered versus private mediation and selecting the mediator; informal investigation and discovery; jurisdiction for original custody decisions and removal (relocation) proceedings; factors used by the courts in making temporary and permanent custody decisions in dissolution actions; statutory requirements for custody modifications, judicial interpretations, and influencing factors; the rules concerning expert witness testimony and a primer on psychological testing; the roles of the attorney or representative for the child and guardian ad litem, applicable statutory provisions and procedures, and issues that arise in practice; intervention by third parties and third party actions for visitation or custody; the special Supreme Court Rules for litigation of custody and visitation cases in Illinois; and appeals of custody and visitation decisions. Many practice pointers, sample forms, and other helpful materials are provided, including a checklist of dos and don'ts for parents in divorce or parenting cases, client letters to prepare for mediation or custody evaluation, discovery documents, and a bibliography of child custody evaluation, mediation, settlement, and sample parenting plan resources. Tables of cases and index included.

Davis, Muller and Jody Meyer Yazici. *Illinois Practice of Family Law*, 2012 ed. (Illinois Practice Series v. 12-13). Eagan, MN: Thomson West, 2012. 2 volumes (\$258) (Softbound, with forms on CD; updating by annual replacement editions is anticipated; electronic access by subscription on Westlaw and WestlawNext).

The first of these two volumes consists of a comprehensive full text compilation of Illinois and federal statutes and related court rules and rules of evidence relevant to the practice of family law in Illinois, together with section-by-section analysis, case law references, commentary, practice suggestions, and checklists from the authors. A corresponding set of forms is provided in the second volume, with most also available on the accompanying CD. Coverage includes marriage and dissolution of marriage, accident and health insurance, public aid, abused and neglected children, juvenile law, criminal offenses, civil liabilities, probate

and trusts, civil procedure and alternative dispute resolution, tax, employee benefits, child support, child abduction, domestic violence and more. Each volume includes its own index, table of laws and rules, and table of cases.

Gitlin, H. Joseph. *Gitlin on Divorce: A Guide to Illinois Matrimonial Law*, 3d ed. Newark, NJ: LexisNexis 2001-present. 3 volumes. (\$370) (Looseleaf; kept up to date with annual inserts; last updated July 2011; electronic access by subscription on Lexis.com).

A detailed guide to Illinois law on divorce and legal separation, including a thorough analysis of all aspects of the Illinois Marriage and Dissolution of Marriage Act and interpretive case law covering everything from jurisdiction through enforcement of judgments and related matters such as attorney's fees, the attorney-client relationship, and domestic violence. Volume 3 adds a set of charts listing maintenance awards (grouped by the duration of the marriage and noting various influencing factors), and a broad set of forms to be adapted to fit specific needs, including checklists, correspondence, motions and other pleadings, notices, orders, and judgments. A table of cases and index are provided.

Gordon, Mitchell B. *Prenuptial and postnuptial agreements*. Springfield, IL: IICLE, 2012. (\$139) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Other IICLE family law titles discuss prenuptial and postnuptial agreements, but none with the depth of coverage of this publication, and it expressly addresses application under Illinois' new Civil Union law. Begins with the assessment of whether to take on the responsibility as part of one's practice, continuing through client intake (watching for power imbalances and other factors that could affect enforceability), negotiating and drafting the contract (explaining each of the applicable statutory provisions in Illinois, providing detailed examples of particular factual situations to illustrate related issues, with sample contract provisions as a starting point to adapt to given cases), on into common law and statutory enforcement, estate and tax planning considerations (again, with detailed examples and sample language), concluding with a chapter on ethical issues (particularly with respect to issues related to dual representation, attorney acting as mediator, dealing with unrepresented parties,

and last minute agreements), and a chapter with sample forms. Practice tips, negotiation tips, drafting tips, and warnings throughout. Subject index included.

*Illinois Family Law: Child-Related Issues in Dissolution Actions.* Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

The scope of this practice manual is broader than the title suggests as its coverage is not limited to child-related issues in dissolution actions. Coverage includes parentage actions and child-related issues that may arise many years after the divorce or separation. Topics include the law governing temporary custody and visitation orders, “permanent” orders, modifications, and “removal” proceedings in Illinois (addressing jurisdictional issues, standing, and the statutory factors and related case law concerning the best interests of the child standard among other issues). Additional chapters on parenting matters include an introduction to the law of gestational surrogacy, a primer on handling cases involving allegations of child abuse, and a detailed chapter on child abduction cases (including risk factors, prevention and preparedness, and both civil and criminal law mechanisms for recovering the child). Financial matters covered include establishing child support obligations, the mechanics of collecting support, modifications, and procedures for enforcing out of state support orders pursuant to the Uniform Interstate Family Support Act. Some forms (less than a dozen). A table of cases and index are included.

*Illinois Family Law: Court Proceedings and Related Issues in Dissolution Actions.* Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Beginning with an extensive chapter on pretrial motions and petition practice this guide reviews the substantive and procedural law governing all of the major types of court proceedings related to dissolution actions in Illinois and provides practical suggestions and sample forms for each. Coverage includes temporary restraining orders and other injunction relief; temporary maintenance, custody, visitation, child support, attorney’s fees, and exclusive use of the home; motions to dismiss, court ordered physical and mental health examinations, and other procedural motions before trial; domestic violence



proceedings; and common trial practice considerations (such as the required proof, common defenses, and evidentiary issues) in dissolutions and the other actions authorized under the Illinois Marriage and Dissolution of Marriage Act (such as declarations of invalidity, legal separation, and “prove up” hearings in default or uncontested cases). Additional chapters review available methods for enforcing a judgment, relief from judgment, and appeal. Table of cases and index provided.

*Illinois Family Law Handbook*. Buffalo Grove, IL: Law Bulletin Publishing, 1984-present. (\$129) (Looseleaf; kept up to date with inserts and quarterly pamphlets; last updated March 2012; no online access).

A convenient compilation of the full text of all Illinois statutes related to family law—including dissolution, adoption, child support, child custody, paternity, the rights and obligations arising out of civil unions, domestic and gender violence—and Illinois and federal statutes concerning parental kidnapping and child abduction. Case law annotations for each are provided in quarterly pamphlets that are cumulative throughout the year, and various forms called for by the Uniform Circuit Court Rules and the Interstate Compact on the Placement of Children are provided as well. Revised code pages are distributed to subscribers as soon as amendments occur. A final chapter of “miscellaneous data” includes maps of the appellate and Supreme Court districts and judicial circuits, contact information for the circuits and offices of vital records for all fifty states, and more.

*Illinois Family Law: Preliminary Considerations in Dissolution Actions*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Provides a framework for counsel to use in determining whether to take on a given family law case, including suggestions for client interviews and many other practical and ethical considerations, together with step-by-step guidance on how to open a case having decided to take it on, including pre-pleading strategy, directions for and examples of basic pleadings, discovery, and advice on various substantive matters as well as practical ones such as client management and education and attorney’s fees. Directs the user to the other titles in the ILLINOIS FAMILY LAW series for analysis of issues that

counsel will face later in the case concerning property and financial aspects of dissolution, child related issues, and court proceedings.

*Illinois Family Law: Property and Financial Aspects in Dissolution Actions*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

This handbook addresses all of the major financial and property aspects of marital separation and termination actions in Illinois including basic principles of equitable distribution, classification and treatment of different types of property, and the factors used by Illinois courts in adjudicating that distribution. Reviews the types of maintenance available, how it can be collected and modified or terminated, and the relevant statutory provisions and case law concerning the decision to award it and for how long. Separate chapters focusing on division of pensions, other retirement assets, and employee benefits, such as stock options, ESOPs, and the like are included as well, while others examine the enforceability of prenuptial and postnuptial agreements as far as any such distributions of assets or maintenance awards and offer extensive guidance on the related issue of drafting marital settlement agreements, providing an extensive set of model paragraphs addressing a wide variety of factual situations and issues. Remaining sections address tax issues related to dissolution and separation, and the intersection of bankruptcy and family law.

Miller Gillespie, Genie, ed. *Illinois Adoption Law*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A comprehensive guide to adoption practice in Illinois, beginning with a review of basic concepts, and proceeding with chapters that are each intended to function as a separate manual for handling particular types of adoptions, including both agency and private, open and closed, international and interstate, transracial, standby, second-parent and co-parent, contested, and adult. Separate chapters cover court procedures in Cook County, "collar counties," and other parts of the state, and federal law and procedures for working with DCFS and other agencies. Additional sections address revocation of parental consents and surrenders, surrogacy arrangements, health problems in adoption,

the impact of the Indian Child Welfare Act, financial and practical issues (such as medical expenses, insurance coverage, family leave, and post-placement contact), and specific consumer protections related to adoptions. More than 60 sample forms are also provided. Table of cases and index included.

Neil, Mark T. *Unmarried Partners: Estate Planning and Property and Parental Rights*. Springfield, IL: IICLE, 2010. (\$139) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Offers guidance on a wide range of legal matters that both opposite-sex and same-sex couples face who are not permitted to marry or choose not to do so, including property and parental rights, estate planning, and more. Note though that it was published before passage of the Illinois Religious Freedom Protection and Civil Union Act, PA 096-1513, 750 ILCS 75/1-90, which created new rights for unmarried partners.<sup>29</sup>

Russell, Jan. *A Practical Guide to the Illinois Domestic Violence Act*. Springfield, Ill.: Illinois State Bar Association, 2009. (\$40 ISBA members / \$50 nonmembers) (Softbound).

The author presents a clear and comprehensive analysis of the Illinois Domestic Violence Act and related issues, including detailed examination of the substantive and procedural provisions of the Act, special protections for high-risk adults with disabilities, enforcement, the responsibilities of law enforcement, and application of the Act in criminal court—including a chapter with guidance on representing respondent in protection order cases. Also covers alternative remedies available under the Illinois Civil No Contact Order Act, and additional resources available, including protections under federal law for undocumented immigrant victims, and provisions under other Illinois statutes that allow victims to break their leases, for instance, and take leave from work without loss of health insurance benefits or retaliatory discharge.

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29. See Richard A. Wilson, *A Guide to the New Illinois Civil Union Law*, 99 ILL. BAR J. 232 (2011), available without charge at <http://www.isba.org/ibj/2011/05/aguidetothewillinoiscivilunionlaw> (last visited on June 15, 2012).

#### T. Freedom of Information & Open Meeting Law

Costello Jr., John F., Eric M. Madiar, and Elias D. Mossos, eds. *Illinois Freedom of Information and Open Meetings Acts*. Springfield, IL: IICLE, 2011. (\$139) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Provides a good introduction to Illinois' freedom of information and open meeting laws, including scope of coverage, applicable procedures, and specific obligations imposed on public bodies by the two acts and major amendments to each in 2009. Additional topics covered include FOIA exemptions and exceptions under the Public Meeting Act, private and public enforcement actions authorized by each, private actions to protect sensitive business records from FOIA requests, potential liability for improper disclosures, whistleblower protections, and provisions for mandatory awards of attorney's fees and costs among other issues. Numerous practice pointers included throughout. No forms are provided. Table of cases and subject index included.

#### U. Health Law

Kane, Robert J., Ross D. Silverman, and Lawrence E. Singer, eds. *The Law of Medical Practice in Illinois*, 3d ed., (Illinois Practice Series v. 21-22). Eagan, MN: Thomson/West, 2007-present. 2 volumes. (\$348) (Hardbound; kept up to date with annual pocket parts and pamphlets; last updated December 2011; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Designed to serve as a comprehensive reference text for a wide audience, including attorneys, physicians, hospital administrators, and others, organized to reflect the health care delivery system, with voluminous footnoted citations and annotations of statutory, regulatory, and case law authorities. The first section, licensure and practice considerations, covers a broad range of issues including delegation of duties to non-physicians, disciplinary proceedings, impaired or incompetent physicians, restrictions on physician referrals to entities in which the physician has a financial interest, Medicare and Medicaid fraud and abuse, and the business aspects of health care delivery, including commercial issues such as contracts, antitrust law, and advertising. The second section, practice settings, covers managed care structures, physician- hospital relationships

(including the decision to grant, deny, or revoke hospital and medical staff privileges), the regulation of health care facilities other than hospitals (including long term care facilities), and Certificate of Need Programs and the health care facility planning process. Additional sections include chapters examining health care finance and reimbursement (including physician and hospital billing requirements and Blue Cross and Blue Shield, Medicare and Medicaid, ERISA plans, and alternative delivery systems), liability and litigation (including a series of chapters on medical malpractice from duty of care through pleadings, discovery, and trial considerations), and regulation of the practice of medicine, including mandated actions and reporting requirements (concerning such matters as child abuse or neglect and communicable disease), regulation of emergency medical treatment, mental health services, controlled substances, reproduction (including assisted reproduction and contraception), end of life care and decision making, anatomical gifts, human subject research, and confidentiality of medical records. Chapters on emerging issues in health care law and quality and access to health care generally are included as well. A very helpful table of authorities and laws (including statutory listings by popular name and regulations by agency as well as by title and code section, and listings of cited agency manuals and private letter rulings among other authorities), and a table of cases and index round out the publication. It bears mentioning that contrary to the publisher's online marketing for the product viewed by this author the copy reviewed did not include appendixes, charts, bibliographies or practice tips as claimed.

Levy, Steven B. and Mark A. Pellegrino, eds. *Medical Malpractice*. Springfield, IL: IICLE, 2011. (\$179) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Most of the chapters in this practice manual are co-authored by plaintiff and defense counsel, providing the user with both perspectives on a range of medical malpractice issues beginning with initial intake and case assessment proceeding through duty, breach, proximate cause, damages, defenses, discovery of facts and experts, trial techniques in such cases (a particularly substantial chapter), and post-trial motions and appeals. Several of these chapters expressly use the applicable *Illinois Pattern Jury Instructions—Civil* as a reference and an organizing device. Many include practice tips, checklists, and sample forms.

Additional chapters review liens commonly asserted in such cases, ancillary issues such as guardianship and minor estates, and planning considerations and strategies in anticipation of settlement. Separate chapters are also included on nursing home negligence, the perspective of the health care provider's personal counsel (as opposed to counsel for the provider's insurance company or self-insured program), and mediation of medical malpractice cases (focusing on the early mediation model developed at Rush University Medical Center). A table of cases and an index are provided.

#### V. Immigration Law

Aldrich, James G., ed. *Immigration Guide*. Springfield, IL: IICLE, 2006 and 2009 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A primer on those aspects of U.S. immigration law that specifically concern entering and remaining in the United States with legal status. Coverage encompasses immigrant visas, both employment related and those based on family ties. Also summarizes the many subcategories of nonimmigrant visas that are available, including tourist and business visitors, students, treaty traders and investors, temporary nonagricultural workers, workers in specialty occupations, and visas for aliens with exceptional or extraordinary ability among others. Criteria and additional basic descriptive information is provided for each. Additional brief chapters describe U.S. consular processing outside the U.S. and Service Center processing of applications filed inside the U.S., adjustments to status and naturalization, and workplace enforcement (i.e. immigration raids). Neither asylum nor removal is covered by this publication. No forms are provided. An index is included but no table of cases or other authorities.

#### W. Insurance Law

Hamilton, Thomas M., ed. *Commercial and Professional Liability Insurance*. Springfield, IL: IICLE, 2008 and 2010 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A thorough analysis of commercial general liability and professional liability policy coverage and practice issues in Illinois, including foundational materials that explain the nature and scope of both types of policies as well as excess insurance coverage, and additional chapters assessing court treatment in Illinois and elsewhere of particular policy sections, such as definitions, exclusions, endorsements, and number of occurrences or claims. Other insurance, and notice and cooperation provisions are examined as well, across both CGL and professional liability policies where applicable. The more dynamic aspects of coverage are also included, covering the insurer's duty to defend and to settle, declaratory judgment actions to resolve coverage disputes, and bad faith actions and other extra-contractual remedies for the insured. Additional chapters consider the unique issues posed by pollution coverage and cyber-space claims. No forms are provided but sources for standard industry policies and related materials are listed. A lengthy table of cases and index is included.

Nahrstadt, Bradley C. ed. *Illinois Insurance Law*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Analyzes the basic elements of various types of insurance policies sold in Illinois, disputes that have arisen about them, and common insurance practices. Topics include rules of policy interpretation and construction, choice of law issues, duties and responsibilities of insurer and insured, duty to defend and reservation of rights, common exclusions and defenses to coverage, procedural aspects of declaratory judgment actions, and bad faith claims. Helpful materials provided include a table of words and phrases in insurance policies that Illinois courts have ruled were ambiguous (Chapter 2), a 40-page outline of major points and supporting cases on the insurer's duty to defend (Chapter 5), and a sample checklist, complaint, and motion for summary judgment for declaratory judgment (Chapter 9), along with additional sample forms and practice tips. Table of cases and index included.

Roe, David J. *Illinois Automobile Insurance Law* (Illinois Practice Series v. 23). Eagan, MN: Thomson West, 2007-present. (\$125) (Hardbound; kept up to date by annual pocket parts; last updated Sept. 2011;

electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

Comprehensive analysis of Illinois statutes and case law concerning motor vehicle insurance with practice tips and strategic advice, examining developing lines of cases on contract interpretation and construction, frequently litigated terms in policy definitional sections, common first party coverage issues, personal liability (including exclusions and limits), uninsured and underinsured motorist coverage (including set offs, anti-stacking provisions, and related claim procedures), coverage of rental cars and business vehicles, and allocating coverage among multiple policies. Separate chapters also included on the authority and duty of agents and agent's liability, bad faith (both common law and statutory), and the Illinois Insurance Guaranty Fund. Extensive case annotations footnoted throughout and references to other publications from the publisher and Westlaw databases for additional research are provided with each chapter. Includes both a table of laws and rules and table of cases and subject index.

Ryan, Patricia A., ed. *Illinois Insurance Industry: Laws and Regulations*. Springfield, IL: IICLE, 2010. (\$139) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Designed as a handbook to provide non-regulatory attorneys with a general overview of the statutory and regulatory landscape governing insurance company operations in Illinois under state and federal law. Topics covered include the types of insurance subject to regulation and related licensing under the Illinois Insurance Code, financial examinations, insurance insolvency, compliance requirements beyond the Insurance Code (including Sarbanes-Oxley and other federal laws), and chapters focusing on regulation of specific activities including insurance claims, underwriting investments, marketing, purchasing and risk sharing groups, surplus lines, reinsurance agreements, and mergers and acquisition of insurance organizations. Suggestions for regulatory reform are also discussed.



## X. Intellectual Property Law

Halligan, R. Mark, ed. *Intellectual Property Law*. Springfield, IL: IICLE, 2008. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A solid introduction to intellectual property law covering a great deal of ground in a single volume, divided into the four major types of IP protection: patents, trademarks, copyright, and trade secrets. Chapters on each address the nature of the protection, the requirements and methods for establishing it and practical considerations in doing so, acquisition and transfer of ownership interests, licensing, available remedies for infringement, common defenses, the consequences of improper conduct in obtaining or enforcing such rights, and acts and omissions that can result in the loss of protection. Additional chapters focus on emerging IP issues in the internet age, such as online licensing and business method patents, and the publication closes with a chapter on international issues in IP. Practice pointers are included throughout and more than 30 sample forms are provided, including assignment provisions, licensing agreements, a cease-and-desist letter, sample complaints, and discovery requests. Table of cases and subject index included.

## Y. Jury Instructions

*Illinois Forms of Jury Instructions*. New York: Mathew Bender/LexisNexis, 1991-present. 3 volumes (\$587) (Looseleaf; kept up to date with inserts; last updated Sept. 2011; electronic access on Lexis.com by subscription).

Provides access to both IPI and non-IPI civil instructions, citing the supporting authorities for each, followed by a “use of instruction” section describing how and when it should be given, with guidelines for using alternative provisions where listed, and a comment section discussing the related holdings in the cases(s) the instruction is based on. Internal cross references and references to additional resources from the publisher are provided as well. Coverage includes general civil instructions as well as contracts, torts, and statutory actions. Table of statutes, table of cases, and index included.

Pieczynski, Linda. *Illinois Criminal Jury Instructions Companion Handbook*, 2011-2012 ed. Eagan, MN: Thomson West, 2011. (\$134) (Softbound; updating by annual replacement editions is anticipated; no online access).

Presents examples of the combination of IPI and non-IPI instructions given in actual cases, together with comments from the author, organized by type of criminal offense charged, identifying the case name, court, judge, docket number, verdict and date and providing a brief case description for each. Case documents available on Westlaw databases and research references are also provided for each.

Rowley, Carl L., and Jon M. Moyers. *Illinois Non-Pattern Jury Instructions*, 3d ed. ST. Paul, MN: West Group, 2001-present. 2 volumes (\$313) (Hardbound; kept up to date by an annual pamphlet; last updated Oct. 2011; electronic access on Westlaw and WestlawNext by separate subscription).

Contains hundreds of non-pattern and modified civil (vol. 1) and criminal (vol. 2) jury instructions drawn from Illinois court decisions or drafted with reference to cited decisions for use where IPI does not accurately state the law, no relevant IPI exists, or modification to an IPI is necessary to conform to the facts and circumstances of a given case. Annotations for the IPI instructions are provided as well. Table of statutes, table of cases, and subject index included.

#### Z. Juvenile Law

Ashley, Jessica and Phillip Stevenson. *Implementing a Balanced and Restorative Justice: Victim, Offender, Community: A Guide for Defense Attorneys*. Chicago, IL: Illinois Criminal Justice Information Authority, 2006.

One of a series of pamphlets published by the Illinois Criminal Justice Information Authority (ICJIA) to promote implementation of balanced and restorative justice (BARJ) policies in administration of juvenile justice in Illinois. This volume, designed for defense attorneys, includes a primer on BALJ philosophy and provides information about community courts, diversion programs, BARJ strategies such as victim-offender and family group conferences to consider as options in juvenile court proceedings, and contact information for related state and local

resources in an appendix to the publication. Additional titles in the series include guides designed for use by juvenile court judges, prosecutors, corrections, and schools. All are available without charge as downloadable PDF documents at <http://icjia.org/public/index.cfm> (last visited June 15, 2012) by selecting “restorative justice” under the Research tab.

Schlam, Lawrence, ed. *Illinois Juvenile Law and Practice*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A comprehensive manual to guide practitioners in all three areas of juvenile law jurisdiction in Illinois: abused, neglected, or dependent minors; minors requiring authoritative intervention (i.e. status offenders); and delinquency. Examines the substantive law and procedures that govern each stage of the related proceedings, from pre-adjudication, through adjudication, dispositional hearings, post dispositional review, and appeal. Particular topics include diversion, transfer to criminal court, determining appropriate dispositions in delinquency cases, shelter-care hearings, the statutory standards and special evidentiary rules applicable in neglect, abuse and dependency trials, the rights of the parties and others in dispositional and permanency hearings, and detailed analysis of the possible grounds for finding a parent unfit. Additional sections address the rights and responsibilities of Guardian ad Litem, federal juvenile law and practice, and opportunities for mediation in child protection and dependency matters. Numerous practice tips are inserted throughout and some model forms are included as well. A table of cases and index are provided.

#### AA. Landlord and Tenant

*Commercial Landlord Tenant Practice*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$169/69) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A guide to commercial landlord-tenant practice in Illinois covering drafting and other issues with respect to leases in different commercial settings (office, retail, and industrial-warehouse type leases) and circumstances (pre-construction, assignment and sublease, and sale and leaseback transactions). Separate chapters devoted to the rights and responsibilities of

commercial landlords and tenants are included as well and remedies under Illinois law for each are discussed. Additional chapters focus on special problem areas, such as the effect of eminent domain, environmental issues, mechanics liens, reorganization and liquidation, and bankruptcy. Suggestions for operative language to bargain for and sample provisions and forms are incorporated throughout (more than 150 in all), in many cases with both tenant's versions and landlord's versions provided, along with other practice advice. Table of cases and index included.

\**Representing Residential Tenants*. Springfield, IL: IICLE, 1998 and 2000 Supp.

Covers a broad range of landlord-tenant law from the tenant's perspective, including basics such as the landlord's duty under state and federal law to maintain the property, utilities, security and damage deposits, lockouts, and defenses and counter claims in eviction and rent claim cases, with additional sections examining issues in government rental housing programs, discrimination in rental housing, mobile home and lot leases, tenant unions, and landlord tort liability among other topics. This publication is no longer available for purchase in print or as part of the IICLE SmartBooks online package. It is included here despite that because while self-help tenant materials are available from a number of legal assistance organizations in the state there is no other practice manual available for private attorneys representing tenants to use with comparable coverage and it is still widely available in print at law school, court, and other public law libraries throughout Illinois. There have been a number of case law developments and amendments to relevant statutes, municipal ordinances and codes since it was published but it may still serve as a useful starting point in spotting issues and includes a number of practice tips and sample forms.

Van Emden, George J. *Forcible Entry and Detainer Actions*. Springfield, IL: IICLE, 2010. (\$69) (Spiral-bound with book on CD; electronic access as part of IICLE SmartBooks subscription).

A handy guide (at just over 50 pages) that succinctly summarizes forcible entry and detainer actions under Illinois substantive and procedural statutes and Supreme Court Rules and the applicable ordinances and codes for the municipalities of Chicago and

Evanston, explaining the reach and interplay between them. Covers recommended activities before bringing demands or suit, statutory pre-suit notices and demands in each of the various types of forcible entry and detainer situations, matters concerning the suit itself (including venue, pleading requirements, proper parties, and proper service), defenses, counterclaims, pretrial activities (including discovery and use and occupancy), trial matters, entry of the order of possession, and post judgment motions practice and appeals. Practice pointers are inserted throughout but no sample forms are provided. A helpful table of statutes and other authorities is included in addition to a table of cases and index.

#### BB. Local Government Law

Diamond, Stewart H., ed. *Illinois Municipal Law Series Vol. I: Organization, Operation, and Governance*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Part of a four volume Municipal Law Series from the publisher, with new editions of all four volumes published in 2102. The first chapters here cover municipal organization and operational issues, including incorporation and operational form, elections, and the conduct of municipal legislative proceedings and duties of municipal officials in that process. Subsequent chapters cover municipalities as employers (including application of state and federal laws concerning the employment relationship, personnel practices, conflicts of interest, and pensions), formation and operation of police and fire departments (qualifications, training, privileges and immunities, discipline, and retirement), the police powers of Illinois non-home-rule municipalities, municipal ordinances generally (including authority to enact, process for adoption, and rules for interpretation), and prosecution of traffic and DUI cases by local governments as violations of either the Illinois Vehicle Code or local ordinances. Extensive case law analysis throughout; some sample forms included, including city council rules of order and procedure and police and fire department personnel materials. Table of cases and subject index included.

Diamond, Stewart H., ed. *Illinois Municipal Law Series Vol. II: Annexation, Zoning, and Regulatory Authority*. Springfield, IL: IICLE, 2012.

(\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

This second volume in the publisher's Municipal Law Series covers the exercise of municipal authority in a number of areas related to physical development, beginning with annexation (requirements, methods, and agreements), zoning (including common issues in zoning litigation), subdivision regulations (including procedures, exactions, and enforcement), and utility system issues frequently encountered by municipalities (including whether to municipalize the system, rate-making, financing, and the municipal franchising of public utilities). Other chapters focus on regulation of particular activities (adult uses and liquor licensing and control), and the combination of service and land use issues posed by cable, video, and wireless communication technology. A chapter summarizing eminent domain law from the perspective of condemnation by municipalities is included as well. Extensive case law analysis throughout; few forms are provided but the chapter on annexation includes a typical annexation agreement, with pointers from the chapter authors identifying the provisions to include and those to avoid. Table of cases and subject index provided.

Diamond, Stewart H., ed. *Illinois Municipal Law Series Vol. III: Financing, Tax, and Municipal Property*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

The primary focus of this third volume in the series is on the sources of funds for municipal purposes and related accounting and reporting requirements, including property taxes, other sources of tax revenue, general obligation and revenue bonds, and practical considerations and guidelines for sale of bonds, including scheduling, marketing, disclosure requirements, and post-issuance compliance. Additional sections cover the use of special assessments, special service areas, and business districts as devices for generating funds for public improvements and to leverage business investment, and policies and procedures for use of tax increment allocation financing as a development tool. Also includes a chapter covering the substantive and procedural rules related to the acquisition, use, and disposal of real and personal property by municipalities, and a brief chapter on creation and municipal interaction with police officers and firefighter's

pension boards. Extensive case law analysis throughout; includes sample appropriation, tax levy, and municipal property related ordinances, a special assessment proceeding checklist, and a few other forms. Table of cases and subject index provided.

Diamond, Stewart H., ed. *Illinois Municipal Law Series Vol. IV: Contracts, Litigation, and Home Rule*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

The final volume in the publisher's Municipal Law Series, the first portion covers Illinois public sector labor relations law, rules and principles that apply to municipal contracts generally (such as the requirement for a proper public purpose), and public works construction contract issues during the design, bidding, and construction phases of the project. Extensive chapters follow on municipal litigation (covering challenges to municipal legislation, available judicial relief, administrative decision making, and intergovernmental litigation among other topics), municipal civil rights liability, tort immunity, home rule and intergovernmental cooperation and conflict, and representing a home rule municipality. Extensive case law analysis throughout; some sample forms included. Table of cases and subject index included.

*Special Districts*. Springfield, IL: IICLE, 2009 and 2011 Supp. (\$139/39) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A handbook summarizing the unique body of law, primarily statutory and regulatory, for each of the different types of special districts in Illinois included -- Cemetery Maintenance Districts, Soil and Water Conservation Districts, Fire Protections Districts, Forest Preserve Districts, Illinois Tax-Supported Public Libraries, Sanitary Districts, and Park Districts—noting distinctions between those operating in Cook County and elsewhere in the state. A number of sample forms are included related to Drainage Districts but few others are provided.

## CC. Military Law

Butler, Joseph and Brian Clauss, eds. *Military Service and the Law*. Springfield, IL: IICLE, 2009. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A good primer on a number of key areas where civilian attorneys are often in the position of assisting American service men and women and veterans of military service in Illinois. Coverage includes VA benefits, the Servicemembers Civil Relief Act (providing for stays on civil and administrative proceedings, tolling limitations periods, special treatment with respect to eviction and termination of leases, etc.), Illinois state benefits and legal protections (including educational benefits and employment and consumer protections among other components), federal labor and employment law protections (including the right to reemployment), and a host of family law issues including divorce, custody, family support, and domestic violence. An introductory chapter introduces unfamiliar attorneys to military law and the different branches generally, and a final chapter identifies helpful resources to aid in applying for benefits and entitlements and in accessing military records. Includes a checklist of employer obligations that may be useful in assessing possible claims but no other forms are provided.

## DD. Real Property

Anaya, William J., ed. *Commercial Real Estate*. Springfield, IL: IICLE, 2011. 2 volumes. (\$179) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A broad guide to Illinois commercial real estate law covering site selection, commercial surveys (including the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys), sales contracts and commercial leasing, transactional and construction financing (from both the lender and borrower's perspectives), mechanics liens, title insurance, real estate broker law and litigation, zoning and other land use controls, environmental considerations, agricultural use versus commercial development, eminent domain, government incentives, and more. Analysis of authorities, practice pointers, checklists, sample language, and model forms are interspersed throughout. Table of cases and index included.



Boles, Richard F. and Michael Filipksi. *Residential and Commercial Surveys in Illinois*. Springfield, IL: IICLE, 2011. (\$99) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Introduction to the different types of residential and commercial surveys typically encountered in Illinois practice focusing on boundary surveys and related issues, including practical advice from the authors (one a licensed surveyor) to help practitioners understand what to look for when examining residential and commercial surveys and Illinois legal descriptions. Discusses common survey issues (such as building line violations and various types of encroachments), and more complex problems such as dealing with surveys of riparian land (water boundary problems), “center-of-section,” and “gap/overlap” problems, providing helpful illustrations and recommendations. Also touches briefly on commercial survey title policy endorsements and reviews ways of addressing boundary disputes. A few forms are included but that is not the strength of this resource.

Gutstein, Solomon, and Eileen Murphy. *Real Estate*, 3d ed. (Illinois Practice Series v. 14-16). Eagan, MN: Thomson West, 2006-present. 3 volumes. (\$400) (Hardbound; kept up to date with pocket parts; last updated December 2011; electronic access by subscription as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A thorough guide to handling all aspects of residential real estate transactions and legal counseling in Illinois, from the listing through closing and post-closing matters, addressing both the legal and the practical issues that counsel are likely to encounter during the home sale/purchase or construction process. Topics include broker licensing, duties and liabilities flowing from the client-broker relationship (including broker’s lien rights), listing agreements, disclosure requirements, “unsatisfactory inspections” and inspector’s liability, drafting and reviewing the purchase-sale agreement, commercial and seller financing, preparing for closing, drafting and reviewing deeds and bills of sale, legal descriptions and land survey requirements, title insurance and clouds on title, the closing process and escrow procedures, and actions and remedies for default and other wrongs. Includes detailed review of contract provisions and drafting considerations, the statute of limitations and statute of frauds, tax

implications, and problematic situations such as adverse possession, fraudulent transfers, and reformation of documents. Additional sections cover new construction (including lot acquisition, pre-contract investigation, and contracts with the architect/builder) and condominium and residential lease issues. Checklists, practice tips, and sample forms are liberally included throughout. An appendix containing copies of municipal transfer tax ordinances is included as well (all those existing in Illinois according to the authors), along with a form index, a table of cases, and a detailed subject index. Cross references to the key number system and additional resources from the publisher facilitate further research if desired.

Jacobs, Myles L. and Thomas J. Anselmo, eds. *Residential Real Estate*. Springfield, IL: IICLE, 2011. 2 volumes. (\$179) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Summarizes the law governing a broad range of important topics in residential real estate practice in Illinois and the insights of the 37 experienced Illinois attorneys who authored the various chapters. Chapter topics include representation of the buyer or seller respectively (from the first step in the selling or purchasing process to the last), disclosure requirements and related remedies, municipal inspection ordinances and other inspection issues, boundary surveys, easements and other issues with title, real estate taxes and special taxing districts, financing, preparation for closing and the closing process (including effective use of powers of attorney), and post-closing remedies for defects in the residence. Additional chapters focus on special case situations, including sale by owners, property in bankruptcy, mortgage foreclosure, and purchasing bank owned property. Includes numerous practice tips, detailed checklists, suggestions for systems, and sample correspondence, riders, provisions and other forms (more than 80 forms in all). Table of cases and index included.

Johns, LaVon M. ed. *Real Estate Litigation*. Springfield, IL: IICLE, 2008 and 2010 Supp. (\$169/69) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A guide to handling various types of real estate litigation, including rescission, reformation, specific performance, suits to quiet title, suits to partition interests, predatory lending,

foreclosures, association and broker litigation, property tax appeal litigation, and construction litigation (discussing the impact of the Illinois Credit Agreement Act among other factors). For each cause of action, the authors discuss the required elements, general principles, grounds for relief, and other aspects of pertinent Illinois law. Sample forms, checklists, and practice tips are included throughout. Table of cases and index.

Lanciotti, David J. *Land Trust Administration*. Springfield, IL: IICLE, 2009, Supp. 2012. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A practical guide for the development and management of a land trust company or department, including how to obtain approval, required forms and supplies, file preparation, organization, and fee schedules. Covers drafting land trust agreements and deeds in trust. Discusses voluntary (inter vivos) and involuntary (upon death or various types of forced sales) transfers of interests as well as accompanying documentation. Also covers directions to the trustee, extensions, resignations, common related litigation, exonerations (exculpation of trustee), and merger and acquisition of land trust portfolios. Coverage for civil unions and expanded coverage of portfolio acquisition contracts were added as part of the 2012 supplement. Drafting suggestions, other practice pointers, and sample forms and specific provisions are included throughout. An index is provided

Rooney, Michael J., ed. *Attorneys' Guide to Title Insurance*. Springfield, IL: IICLE, 2005. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Provides the practitioner with a comprehensive albeit now somewhat dated guide to title insurance in Illinois. Includes an overview of the title insurance industry and process, paragraph by paragraph analysis of title insurance commitment forms and related issues and case law developments, and practical guidance on assessment of standard ALTA owner's and lender's policies and specialty coverage forms (such as leasehold-owner and leasehold-loan endorsements, the construction loan policy, the plain language owner's policy, and the limited coverage junior loan policy), as well the most frequently requested ATLA endorsements required for real estate sale contracts and mortgage loan agreements (note though that ALTA revisions that have

occurred since 2005 are not covered in this guide). The use of UCC insurance policies is also discussed, and a chapter is included outlining the steps in the title claims administration process and related litigation issues and case law. Some sample forms and a table of cases and index are provided.

Rudnick, Paul D., Gregory W. Hummel, and Paul E. Fisher. *Illinois Real Estate Forms*. Rockville, Md.: Aspen Publishers/LexisNexis, 1998-present. 3 volumes. (\$595) (Looseleaf with forms on CD; text kept up to date with inserts; last updated October 2011; electronic access by subscription on Lexis.com).

Includes approximately 1,800 pages of sample real estate forms, addressing most common needs an Illinois attorney is likely to encounter, sometimes accompanied with brief commentary about practice considerations associated with specific types of transactions. Coverage includes sales, purchase, financing, easements, conveyances, annexation, zoning, and other miscellaneous forms. Note that the forms appear to have come from multiple sources, are presented in various formats and typefaces, and in some instances are difficult to read due to type size or other issues. A portion of the material—200 forms—also appears on the CD that comes with the print set.

Ward, Phillip H. Jr. *Ward on Title Examinations*. Springfield, IL: IICLE, 2005 and 2009 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

In-depth guide to title examinations in Illinois. Covers merchantable abstracts, the examination process, legal responsibility of the attorney, objections to the title, and methods of examination, descriptions, conveyances, probate proceedings, future interests, and chancery proceedings. Addresses matters affecting titles, such as merger, condominiums, mechanics liens, easements, attachments, and more. Discusses federal and state taxes, meeting objections to titles, and provides an overview of the basics to title searching. Each chapter includes a checklist, practice pointers, and analysis of Illinois authorities. Also includes the Uniform Rules and commentary. Table of cases and index.

Woodard, Larry ed. *Illinois Condominium Law*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A thorough guide to condominium law and practice in Illinois, providing detailed analysis of the Illinois Condominium Property Act generally and as applied to particular types of development (conversion of existing rental units, new residential construction, and commercial/industrial developments), factors in development planning (such as tax and financing considerations), and discussion of issues to address in preparation of condominium documents. Additional sections focus on sales (including condominium property report requirements imposed by municipal ordinances to protect consumers, and representation issues as attorney for the unit seller, buyer, or the condominium association), operations (including condominium management, financing improvements, and taxes), and dealing with a depressed market and other problems (chapters on distressed developments, liability issues, and condominium litigation). Includes numerous drafting suggestions and other practice tips and sample materials. Table of cases and index also included.

#### EE. School Law

Krafthefer, Keri-Lyn J. and Scott F. Uhler, eds. *Illinois School Law: Organization, Finance, and Property*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Summarizes the law and provides practical guidance on a broad range of common issues that Illinois public school districts encounter with respect to organization, finance, and property under the many state and federal statutes and regulations that govern or relate to their proper operation. Topics covered include the creation, change, and dissolution of public school entities and their governing boards, as well as proper school board elections, practices, and procedures. Additional chapters address school finance, bonds and other debt financing, contracts and intergovernmental cooperation, school construction, property, and environmental concerns, and educational technology. Chapters exploring school district exposure to tort liability and civil rights litigation are included as well. Case annotations and analysis are included throughout and a substantial table of cases

is provided. Some sample language and forms are provided (resolutions related to school finance and bond elections, for example), but that is not the focus of this publication. Subject index included.

Krafthefer, Keri-Lyn J. and Scott F. Uhler, eds. *Illinois School Law: Personnel and Student Issues*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

This companion volume to *Illinois School Law: Organization, Finance, and Property*, supra, addresses the broad range of personnel and student related issues confronting public school districts and other educational institutions in Illinois under state and federal law. Employee topics covered include wages and working conditions, teacher certification and tenure, suspension and dismissal, and union issues including representation proceedings, contracts, unfair practices, and employment discrimination. Student topics covered include constitutional rights (including online speech), privacy rights and records management, discipline (for bullying, hazing, and harassment), Title IX requirements, application of No Student Left Behind, and special education services for students with disabilities. Sample notices and other forms for use in employee suspension and dismissal proceedings are included and a sample union contract, but no other forms. Table of cases and subject index included.

#### FF. Tax Law

Jaconetty, Thomas A., ed. *Illinois State and Local Taxation*. Springfield, IL: IICLE, 2010. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Broad coverage of Illinois tax laws and related administrative and judicial procedures, including state income taxation, sales and use taxes, franchise and other business taxes, property taxation, utility taxes, and taxes on motor vehicles and fuels, liquor and tobacco, gambling activities, real estate transfers, estate taxes, and other miscellaneous state and local taxes and fees. Additional chapters cover audits by the Illinois Department of Revenue and related protests, hearings, actions before the Board of Appeals, judicial review, nonadministrative challenges to taxes and fees,

and constitutional limitations on the power to tax. Both practical information and scholarly research is included throughout along with careful analysis of the development, current status, and future direction of the law. A table of cases and index is provided.

Moran, Timothy E., ed. *Real Estate Taxation*. Springfield, IL: IICLE, 2008. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A thorough examination of statutes and case law concerning the assessment and taxation of real property in Illinois, including a review of taxable property and exemptions (with a handy table listing exemptions and their statutory references in chapter one), the assessment process and players involved, real property appraisal, and tax collection and enforcement, including a closing chapter on tax deed and indemnity proceedings with numerous sample forms. Additional chapters cover tax payer remedies and the various methods, offices, and strategies for contesting assessments, including administrative challenges to local assessment offices and review boards, practice and procedure before the Property Tax Appeal Board, tax objection complaints in circuit court, and tax rate objections. A table of cases and index is included.

#### GG. Torts

Fluxgold, Cindy G. and Louis S. Goldstein. *Personal Injury Forms: Illinois*. Egan, MN: West, 2005-present. 4 volumes (\$805) (Looseleaf, kept up to date by inserts; last updated Sept. 2011; electronic access by subscription on Westlaw and WestlawNext).

A compilation of forms for handling various types of tort actions in Illinois, from client intake through investigation and discovery, settlement, trial, and post-trial motions and appeal. Includes initial consultation forms, questionnaires, representation agreements, file checklists, correspondence, authorizations, and claim-forms for governmental entities, initial pleadings, notices, motions, discovery requests, affidavits, settlement documents, arbitration forms, jury selection, trial checklists, and proposed orders for general use. Additional sections of the compilation provide sets for use in particular types of action (e.g. automobile accidents, premises liability, products liability, medical

malpractice, etc.). Cross-references to the West Digest system and secondary-source citations for related research, but no citation to case law or other primary authority, and no analysis or explanation, just the forms.

Kelly, Timothy W. and Hon. Richard P. Goldenhersh eds. *Illinois Causes of Action—Elements, Forms & Winning Tips: Tort Actions*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Designed as a handy quick reference guide to statutory and common-law tort causes of action in Illinois, listing the controlling law and the elements, relevant jury instructions, statute of limitations, proper parties, special pleading considerations, remedies, and affirmative defenses specific to each. The selection includes three common intentional torts, an array of different types of motor vehicle, professional malpractice, and premises liability actions, general negligence, aviation, construction, dog bite, dramshop, loss of consortium, strict liability, nursing home, child federal claims, injunctions, and more. A sample complaint is also provided for each.

Kroll, Jeffrey J., ed. *Proving Fault in Auto Accident Cases*. Springfield, IL: IICLE, 2007 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Examines Illinois statutory and case law relating to automobile accident cases as well as other related sources of authority such as municipal and village ordinances, and federal safety regulations applicable to motor carriers and drivers. Includes guidance on drafting complaints, answers, and other pleadings, practical suggestions for investigation and discovery in such cases, and use of reconstruction experts. An extensive chapter on trial preparation reviews each of the objective sources of analysis, offers tips on using or excluding police officer testimony, includes a helpful “am I ready for trial” checklist and discussion, and provides a detailed cross examination, trial brief, trial memorandum, and response to defendant’s motion for summary judgment from an actual case in an appendix to the chapter. Specific types of accidents are covered in separate chapters on intersection collisions, single-car mishaps; rear-end collisions, railroad crossing crashes, center-line crossings, and accidents involving pedestrians. Additional chapters summarize the law on



admissibility of evidence of drinking, and vicarious liability. A table of cases and index are provided.

McGann, Patrick F., John L. Ropiequet, and Geoffrey L. Gifford. *Illinois Practice Guide: Personal Injury*, 2d ed. Eagan, MN: Lawyers Cooperative Publishing/ West, 1995-present. 2 volumes. (\$341) (Looseleaf; kept up to date by inserts; last updated Oct. 2010; no online access).

A step by step practice guide to handling bodily injury cases in Illinois, from the initial prospect interview through assessing whether to take the case, forming the attorney-client relationship and opening the file, carrying out prelitigation investigation and developing the theory of the case, employment of experts, evaluating damages, the settlement process, and litigating the case to resolution with chapters on discovery, pretrial practice, and both trial strategy and judicially annexed arbitration. Includes citations to and brief analysis of case law, court rules, and other authorities throughout together with checklists, and practice tips for both plaintiff's and defendant's counsel. Sample forms at the end of each chapter. An index, table of cases, and a table of laws and rules.

Mirza, Jerome. *Illinois Personal Injury*, 3d ed. Rochester, NY: Lawyers Cooperative Publishing /West, 1989-present. 12 volumes (\$994) (Hardbound and Looseleaf; kept up to date by a combination of quarterly newsletters and an annual pocket part; last updated April 2012; no online access).

This multi-volume treatise covers the full breadth of Illinois tort law—intentional acts, negligence, strict liability, products liability, premises liability, governmental tort liability, and wrongful death—examining the elements and all other major points of interest pertaining to each particular kind of case. Includes an entire volume on the various intentional torts, two volumes on products liability and different types of professional malpractice, and volumes on traffic accident and “travel and leisure” cases among others on particular categories. Additional volumes cover common issues such as negligence rules, special relationships, and damages. Includes in-depth analysis of applicable case law, highlighting leading decisions, discusses relevant constitutional and statutory provisions, court rules, and other Illinois authorities, and references positions taken in other

states and trends, cross referencing additional resources from the publisher for further research. Should be noted that much of the text is prepared by the publisher's editorial staff, subject to review by the named author serving as consultant but also augmented by his practice commentaries and strategic advice. Each volume includes its own subject index; a general index and tables of statutes and cases is included in a separate final volume.

Mirza, Jerome. *Illinois Tort Law and Practice*, 3d ed. Eagan, MN: Thomson West, 2004-present. (\$252) (Hardbound; kept up to date by pocket parts; last updated Sept. 2011; no electronic access).

Designed as a guide to current Illinois tort law, discussing key decisions and statutes on all important issues, but also as a guide to its historical development and the reasons behind those decisions as a basis for reasoning out solutions to emerging issues and further developing tort rules to address them. Includes chapters addressing general issues of remedies, duty, causation, pleadings, burdens and standards of proof, damages and defenses but the bulk of the book is organized around chapters focusing on particular types of action, such as common carrier cases, premises liability, federal and state governmental liability, products liability, medical malpractice, liability of attorneys and other professionals, actions against insurance companies, intentional conduct, and statutory liability. A set of practice materials is included with each of the substantive chapters, generally consisting of pleading and/or discovery documents. Each chapter also includes extensive cross- references to other resources from the publisher for additional research, including subject treatises and trial practice materials, such as articles in *Am. Jur. Proof of Facts 2d.*, *Am. Jur. Causes of Action*, and ALR annotations. Includes a table of cases and index.

Mullin, Gerald B., ed. *Illinois Dramshop Act Practice*. Springfield, IL: IICLE, 2012. (\$139) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A practical manual for handling dramshop cases in Illinois, beginning with an overview of the Illinois Dramshop Act and interpretive case law fleshing out the types of actions possible, limits on liability, and available defenses. Subsequent chapters cover proper parties and provide suggestions for drafting pleadings to avoid problems and for investigation, discovery, and

trial strategy, backed up by extensive analysis of the Act and case law. Includes a number of sample complaints for use in different fact situations and sample discovery requests as well. A subject index is included but no table of cases.

Nahrstadt, Bradley C., ed. *Illinois Product Liability Practice*. Springfield, IL: IICLE, 2009 and 2012 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Covers both the substantive law, with chapters analyzing authorities on strict liability, negligence, and warranty theory cases, as well as proper parties generally, defenses, and damages, and a “how to” manual with practical guidance on investigation and case development, use of discovery and experts, pleadings, third party practice, trial issues peculiar to these cases, and pre- and post-trial motions practice. An additional chapter examines related insurance coverage issues. A number of sample forms and checklists are provided, mostly for discovery, pleadings, and motions. Index and table of cases included.

Ottley, Bruce L., Rogelio A. Lasso, and Michael J. Polelle. *Illinois Tort Law*, 4th ed. New York: Michie/LexisNexis, 2011-present. (\$296) (Looseleaf; kept up to date with inserts; last updated July 2011; electronic access by subscription on Lexis.com).

A quick reference guide exploring the elements and related court decisions for virtually every tort recognized under Illinois statutes and common-law, organized into short, separate chapters for each, tabbed for ease of use. Additional chapters cover general tort defenses, third party practice, and compensatory and non-compensatory damages. A brief chapter on Federal Employer’s Liability Act and Jones Acts actions on behalf of injured railroad workers and seamen is included as well. Extensively researched, as reflected in the table of cases running more than one hundred pages. A table of statutes and index are provided as well. No forms or other practice materials are included.

*Proving and Disproving Damages in Personal Injury Cases*. Springfield, IL: IICLE, 2006 and 2009 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

Covers all of the different types of injuries that are compensable in tort actions under Illinois law, with separate chapters from the

plaintiff's and the defendant's perspective discussing the steps necessary to effectively prove or disprove and defenses and limitations of each: physical injuries, psychological injuries, past and future medical expenses and loss of income, wrongful death, and punitive damages. Combines analysis of case law, court rules, and applicable Illinois civil pattern jury instructions, with practice strategy and advice on commonly encountered issues such as medical record review, propounding and responding to discovery requests, elements of proof to elicit from particular types of witnesses, and tips for eliciting effective testimony. Outlines and checklists are incorporated into many of the chapters and several include sample forms as well. An index and table of cases are provided.

Puiszis, Steven M. *Illinois Governmental Tort and Section 1983 Civil Rights Liability*, 3d ed. Providence, NJ: Mathew Bender & Co./LexisNexis, 2009-present. (\$263) (Looseleaf; kept up to date with annual inserts; last updated Nov. 2011; electronic access on Lexis.com).

A very thorough analysis of governmental tort liability in Illinois and related defenses and immunities, examining the claims commonly encountered in litigation involving state and local units of government. Provides a solid grounding in general principles, the Illinois Local Government Immunity Act and other statutory and common-law sources of immunity, and the public duty rule and special duty doctrine and related exceptions. Discretionary activities are considered (related to policies, permits, licenses, and inspections, for instance), along with defenses and immunities for claims involving public property (such as streets, sidewalks, traffic signals, and parks), construction-related claims, claims involving police, fire, medical, and emergency medical services, and school district liability, immunity, and related exceptions under the Illinois School Code. The remainder of the volume, actually filling more than half, is devoted entirely to Section 1983 civil rights litigation, covering its origins, jurisdiction, detailed analysis of each of the elements required for a claim, damages, defenses (including qualified and absolute liability), and particulars concerning each category of claims, including takings and other due process claims, gender discrimination in the schools and other equal protection claims, First Amendment claims, search and seizure related cases, and excessive force claims among

others. For each topic, citations to and discussion of related case law back up nearly every assertion. Includes both a table of statutes and a table of cases and an index. This publication is not a source for forms.

Rappaport, Stuart N., ed. *Premises Liability*. Springfield, IL: IICLE, 2008. (\$59) (Spiral-bound with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Part of the Quick Guide series of IICLE publications, this handbook is designed to serve as a ready-reference outlining the elements of the case and other key premises liability principles, succinctly summarizing a large body of applicable case law in less than one hundred pages. Topics include the law on “open and obvious conditions,” the general duty of care and specific rules for particular fact situations, rules for certain categories of plaintiffs (such as trespassers, disabled patrons, and children), liability for failing to prevent harm by third parties, and tips on investigating the claim. Sample pleadings, discovery requests, and other materials are also included. Table of cases and index.

Seaman, Scott M., ed. *Wrongful Death and Survival Actions in Illinois*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

A comprehensive review of wrongful-death and survivorship law and practice in Illinois, both prosecution and defense of such cases, focusing on aspects that set these actions apart from other torts. Discusses the evolution and construction of the Wrongful Death Act and the elements, proper parties, conflict of laws and jurisdictional issues, special pleading requirements, defenses, contribution claims, and recoverable damages, examining case law developments in these areas, with a separate extensive chapter focusing on trial and evidentiary considerations and strategy. Additional sections cover survivorship actions and related remedies, and claims under the Illinois family expense statute and intra-family liability issues. Materials provided in the appendix to the publication include prefilling, potential defense, and trial preparation checklists, and sample pleadings, discovery requests, notices, and motions. Transcripts of an illustrative opening statement and summation in an airline case are included as well. Index and table of cases included.

Vess, Henry B. III. *Liens upon Illinois Tort Actions*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

A guide to various sources of possible liens that may attach against Illinois tort actions and related rights of reimbursement, recovery, and subrogation. Coverage includes attorney's fee liens (common-law, equitable, and statutory), the Health Care Services Lien Act, Illinois Public Aid Act, workers' compensation and ERISA benefit plan payments, and the Medicare secondary payer statute. Topics include the origins of the lien or other right, perfection of the lien, limitations and extinguishment, actions to enforce, defenses, and amounts of recovery. The Illinois Pension Code, Illinois Public Employee Disability Act, and a number of miscellaneous additional sources of potential liens are listed and briefly described as well. A few checklists, notices, and other forms are provided, and many of the chapters include the text of the cited statute. An index is provided.

#### HH. Wills, Trusts, and Estates

Abendroth, Thomas W., Debra L. Stetter, and Roy M. Adams. *Illinois Estate Planning, Will Drafting, and Estate Administration Forms with Practice Commentary*, 3d ed. Newark, NJ: Lexis, 2005-present. 2 volumes. (\$480) (Looseleaf with forms on CD; print kept up to date with inserts; last updated June 2012; electronic access by subscription on Lexis.com).

Provides the practitioner with a set of forms and alternative clauses that can be tailored to particular practice needs covering everything from initial engagement through all stages in the estate planning and administration process—annotated by analysis of authorities and commentary serving as a comprehensive introduction to the applicable tax, estate, and trust law principles central to estate planning practice. Includes chapters on lifetime giving techniques and asset transfers outside of wills and revocable trusts, post-mortem planning, asset valuation rules and value shifting techniques, planning for disabled beneficiaries, and plans involving closely held corporations, limited partnerships, and LLCs among other topics.

Bart, Susan T. ed. *Education Planning and Gifts to Minors*. Springfield, IL: IICLE, 2004 and 2009 Supp. (\$119/59) (Looseleaf; electronic access as part of SmartBooks subscription).

Guides the practitioner advising clients on how to pay and save for higher education, reviewing the features and requirements of the various options available and related income, gift, and estate taxation issues and related deductions (including the Hope Scholarship Credit and Lifetime Learning Credit). Coverage includes direct gifts and payments of expenses (UGMA, UTMA), §529 prepaid tuition plans, §529 Savings Accounts and §530 Coverdell Education Savings Accounts, and §2503(c), Crummey, and Non-Crummey trusts. Also discusses the effect these plans can have on financial aid and how they can be protected from creditors. An appendix containing the full text of a number of key federal and Illinois statutes, forms, and rule making notice and commentary is provided as well. Table of cases and index included.

Brooks, John T., ed. *Litigating Disputed Estates, Trusts, Guardianships, and Charitable Bequests*. Springfield, IL: IICLE, 2009. (\$169) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

A reference guide providing detailed doctrinal analysis and practical advice from experienced attorneys on how to effectively handle will contests, trust contests, contested claims against decedent's estates, and related litigation involving guardianship, claims against fiduciaries, and actions involving charitable trusts and organizations. Topics include the grounds, procedures, special proof and evidentiary issues, defenses, remedies, and attorney's fees in such actions; Illinois law regarding construction, reformation, revocation, early termination, and modification of decedent's wills and irrevocable trusts; admitting a will to probate and the probate process; rules for establishing heirs and related contests, proof issues, and statutory restrictions on distributions; statutory rights of the surviving spouse; tax considerations in resolving estate and trust disputes and apportionment of federal estate tax liabilities; and the enforceability of family settlement agreements. Many practice tips but few forms. Table of cases and index included.

Drone, Michael R. *Revocable Grantor Trusts in Illinois*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

A guide to the use of revocable grantor trusts as an estate planning tool covering their planning, drafting, and administration under Illinois and federal law, with practice tips and sample forms including a complete standard revocable trust agreement. Discusses the pre- and post-death tax and other advantages and disadvantages of revocable trusts (limited though to very basic coverage of generation-skipping tax issues), planning for the grantor's spouse and descendants and for the possibility of incapacity, drafting the agreement (including the marital deduction and credit-shelter provisions, and modifications required to meet subchapter S requirements), funding the trust through use of a pour-over will and other mechanisms, and tax aspects of trust administration. Includes a table of cases and index.

Frost, Steven A. and James M. Lestikow, eds. *Postmortem Estate Planning*. Springfield, IL: IICLE, 2010 and Supp. 2012. (\$159/59) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

Covers the duty to determine whether postmortem estate planning is necessary and opportunities to carry it out if so, combining detailed review of applicable code sections and other authorities and a great deal of practical advice. Includes several chapters on postmortem strategies for reducing tax obligations (such as by use of marital trust elections, special use valuation of real estate, and postmortem techniques for minimizing gift taxes and the generation-skipping transfer tax). Additional chapters address the use of disclaimers and associated problems with that strategy; opportunities to ignore, clarify, or modify the estate plan where a poor one exists (via the spouse's right to renounce the will, for instance, or through an action to construe the will or trust or resolve disputes over competing documents, or one for reformation); and methods for protecting assets and effectuating their transfer, including interests in a going business, IRA, employment based retirement plan, or insurance policy. A table of cases and index are provided.



Gordon, Margot, and James R. Carey. *Estate Planning in Illinois Guardianships*. Springfield, IL: IICLE 2009, Supp. 2012. (\$159/59) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

Provides an overview of the legal issues that practitioners should consider before engaging in estate planning on behalf of a disabled adult or minor under the Illinois Probate Act or advising a guardian client about doing so. Includes the scope of the guardian's authority, observations about situations where such planning is warranted, general pleading and notice requirements for the guardian filing a petition to engage in such estate planning, and a few points to be aware of with respect to the hearing process. Briefly addresses the estate planning process in a guardianship case, limits on the types of planning the guardian can undertake, creation of estate documents, and related issues. Forms provided include model verified petitions, a physician's letter on testamentary capacity, and model abridged will and trust documents.

*Horner Probate Practice and Estates with Forms*, 4th ed. St. Paul, MN: Thomson/West, 2001-present. 8 volumes. (\$981) (Hardbound; kept up to date with pocket parts; last updated May 2012; new edition of softbound finding aid volume issued annually; electronic access by subscription on Westlaw and WestlawNext).

A comprehensive source providing detailed coverage of the law governing probate practice and administration of estates in Illinois, with related practice insights and supporting materials. Nearly every assertion is backed up by citation to primary authority with points often illustrated by analysis of case law examples (even drafting notes are backed up by cross reference to analysis in the text or directly by citation to statutory or other authority including local court rules). Each chapter also includes a list of references for additional research on the topic covered if desired, including ALR articles, legal periodicals, West Digest System key numbers, and, where applicable, to trial strategy materials and sources for additional forms. Well organized and easy to use, with definitions, practice tips, checklists, illustrations, tax notes, and drafting notes readily identifiable as such, and with separate forms and subject indexes and both a table of laws and rules and table of cases in the cumulative finding aid volume to facilitate efficient use.

Hunter, Robert S. *Estate Planning and Administration*, 4th ed. (Illinois Practice Series v. 17-20). St. Paul, MN: Thomson/West 2007-present. 4 volumes. (\$565) (Hardbound; kept up to date with annual pocket parts; last updated December 2011; additional softbound volume with tables and index replaced annually; electronic access by subscription as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A thought provoking guide to estate planning and administration in Illinois that takes a very broad view of what should be part of that process, particularly in counseling clients on planning for their own and their beneficiaries financial future. Covers everything from general principles and goals down to detailed examinations of particular issues across the full spectrum of estate planning and administration topics. Whole chapters are included on planning for the needs of particular types of clients, issues related to marriages and children, particular types of assets and forms of ownership, tax planning, drafting wills and various types of trusts, the probate process and different types of probate situations, duties and authority of representatives, claims against the estate, citation proceedings, will and trust contests, and many additional topics. Extending beyond traditionally estate planning, the set also includes an entire volume on establishing a full service proactive elder law practice, including but not limited to discussion of estate planning issues such as use of comprehensive living trusts and other vehicles that benefit the elderly, diminished capacity and other special problems in planning for the failing elderly person, and drafting advance directives, living wills, and powers of attorney. Discusses applicable authorities throughout all 4 volumes, adding extensive commentary and practice suggestions, and provides a considerable number of checklists, sample forms, and other materials to aid the practitioner. A softbound volume accompanying the set includes a table of laws and rules, a table of cases, and a detailed subject index.

*Illinois Estate Planning Forms and Commentary*. Springfield, IL: IICLE, 2005. 2 volumes (\$269) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

A truly comprehensive set of clearly written estate planning forms and alternative provisions that can be used to tailor them to meet the needs of particular situations, structured with the most

important provisions to the client at the beginning of the documents, including an introduction to each form discussing its purposes and tax saving strategies that should be considered with references to applicable authority. Coverage runs the gamut from wills and various types of revocable trusts for married and unmarried clients with and without GST planning, to pourover wills and various types of irrevocable generation-skipping trusts, insurance trusts, non-charitable lifetime gift trusts, grantor retained interest trusts, charitable trusts, trusts for non-citizen spouses, and subchapter S trusts. Also covers the estate planning aspects of premarital agreements, powers of attorney and guardianships, and state health care directives. Table of cases and index included.

Lestikow, James M., and Robert Alan Romanoff. *Asset Protection Planning*. Springfield, IL: IICLE, 2007 and 2010 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

A practical guide to strategies for successfully protecting client assets from creditors and other claims, including protections from spousal claims during divorce, protecting assets for disabled beneficiaries from government claims, and protecting assets from the intended beneficiaries themselves. Coverage extends from the simplest of techniques and issues to the most complex, including material on onshore trusts (comparing provisions in the various states that allow it and addressing choice of law and conflict of law issues), offshore trusts (providing a step by step guide for their implementation and an overview of considerations with respect to particular offshore jurisdictions), important trust drafting issues to address as part of asset protection planning generally, and how to recognize and steer the client clear of problems with the fraudulent transfer provisions of the Bankruptcy Code and Uniform Fraudulent Transfer Act. Also includes a chapter on postmortem asset protection strategies during the estate and trust administration process (including grounds and procedures for defeating claims, disclaimers, and protections for special recipients such as guardianship estates and OBRA trusts). Ethical considerations and the potential for attorney disciplinary actions and civil and criminal liability are covered as well.

Lestikow, James M., ed. *Estate Planning for Illinois Attorneys: The Basics and Beyond*. Springfield, IL: IICLE, 2008. 2 volumes. (\$289) (Looseleaf with forms on CD; electronic access as part of SmartBooks subscription).

Serves as a good introduction to the “basics” of estate planning practice, with coverage on client intake and estate analysis, form of title and other property considerations in estate planning, estate and gift tax issues, income tax considerations, planning techniques for different size estates, must-have knowledge about retirement and insurance benefits, and common ethics and malpractice issues, but goes well beyond that. Additional topics include handling closely held and other special business interests, asset freeze and valuation reduction techniques, special considerations in advising the elderly and younger clients with disabilities such as drafting and dealing with advance directives, planning with tax laws in flux, and postmortem estate planning. Forms, tables, and checklists are included in many of the topical chapters, and an entire chapter full of forms for use with different types of estates and purposes with commentary about each is provided at the end. Table of cases and index included.

Lifson, Steven R., ed. *Retirement Benefit Issues in Estate Planning*. Springfield, IL: IICLE, 2012. (\$159/59) (Looseleaf with forms on CD; electronic access as part of SmartBooks subscription).

An entire resource focusing on the role that retirement benefit considerations can and should play in estate planning, particularly IRAs and tax qualified plans. Covers minimum distribution rules, beneficiary designation issues (including naming a trust as beneficiary, and postmortem planning when there are problems with the designation or none is in place), spousal rights, QDROs, and domestic partnerships. Additional topics include Roth IRAs (their creation, funding, conversion, and estate planning implications), charitable giving using retirement assets, advanced estate planning strategies using IRAs (Family Limited Partnerships and the implications of “prohibited transaction” rules, and Restricted Management Accounts), and common postmortem problems in handling IRAs and qualified plans. Includes model language, sample forms, and practice tips.

Midura, Timothy S. *Everyday Mistakes in Estate Planning*. Springfield, IL: IICLE 2012. (\$59) (Spiral-bound “QuickGuide” with forms on CD; electronic access as part of SmartBooks subscription).

Highlights common problems that occur in estate planning and offers practical strategies for avoiding them with related materials including a client data collection questionnaire and a sample disengagement letter with final directions and comments to the client. No tables or index are provided.

Newlin, Charles F. ed. *Illinois Estate Administration*. Springfield, IL: IICLE 2009, Supp. 2011 2 volumes. (\$179/69) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

Covers all of the major areas of concern to estate administrators and the attorneys advising them, beginning with responding to the family’s immediate concerns, advising the personal representative, determining whether the estate is subject to probate and procedural alternatives if it is, steps to follow to open probate, assessing and defending against claims, managing and preserving the estate (including business interests of various types and interests in Family Limited Partnerships and LLCs), handling charitable bequests and trusts, and addressing taxation issues (e.g. income taxation of decedent’s estate and trusts and state and federal estate and generation-skipping transfer tax returns). Also reviews requirements for final accounting and settlement, and discusses estate fee claims by attorneys and appointed representatives among other topics. Detailed analysis of relevant statutes (including recent Illinois civil union legislation) and related case law and practice pointers are included throughout. Forms are provided with most of the chapters and each volume includes a table of cases and index.

Rosenthal, Cary R., ed. *Special Needs Trusts*. Springfield, IL: IICLE, 2008 and 2010 Supp. (\$169/69) (Looseleaf with book on CD; electronic access as part of SmartBooks subscription).

Thorough practice manual focused entirely on creation and administration of special needs trusts and related issues. Coverage includes assessment of long-term care requirements and costs, state and federal guidelines concerning self-settled OBRA and third-party special needs trusts, related drafting considerations, social security insurance and Medicaid issues, tax issues, and unique administrative issues associated with special

needs trusts. Also covers planning for the possibility of a beneficiary becoming disabled, inclusion of disability provisions in general (non-SNT) living trusts, related guardianship law and procedure, important language to include in powers of attorney related to special needs (such as the power to establish and fund an OBRA payback trust and to amend estate planning documents to protect the estate), caregiver succession planning, and special needs issues and strategies related to personal injury and wrongful death awards and settlements (such as directing proceeds to a self-settled OBRA trust to protect eligibility for government programs). Includes sample forms, client questionnaires, checklists, and practice tips. References to agency resources, programs, and materials for further research are provided as well. A table of cases and index are also included.

*Trust Administration*. Springfield, IL: IICLE, 2012. (\$159) (Looseleaf with forms on CD; electronic access as part of SmartBooks subscription).

A guide to the law and practice of trust administration in Illinois, focusing on the role of the trustee and issues of concern to trustee's counsel. Covers the steps for establishing and transferring various types of assets into the trust, the duties and powers of the trustee, applicable investment standards, rules for coordinating income tax between the trust, grantor, and beneficiary, record keeping requirements, required and discretionary disbursements, trustee liability, change of trustee, and termination of the trust (including actions for termination by creditors and acceleration of termination by interested parties). Also covers court actions initiated by the trustee seeking direction from the court, a chapter on trust contests (including related pleading requirements, grounds, procedures, time limitations, and special evidentiary issues), and a chapter discussing the unique administration issues with charitable trusts. Includes forms, checklists, and practice tips.

## II. Worker's Compensation

Bonds, Bruce L. and Kevin J. Luther, *Illinois Workers Compensation Law* (Illinois Practice Series v. 27). Eagan, MN: West, 2009. (\$145/ 2012 ed.) (Softbound; new 2011-2012 edition in pre-order status reportedly shipping in Sept. 2012; updating by annual replacement editions is anticipated; electronic access as part of the Illinois Practice Series database (ILPRAC) on Westlaw and WestlawNext).

A comprehensive, densely packed treatise on the development and operation of worker's compensation law in Illinois, with detailed analysis of all aspects of the Illinois Worker's Compensation Act and the court cases that have interpreted and extending its reach, using the sections of the Act as an organizing principle for the materials and discussion. The requisite employment relationship, the nature and employment nexus of qualifying injuries, benefits (including wages, medical treatment, vocational services), temporary disability and permanent partial disability issues, secondary injury fund cases, death cases, fraudulent claims and employer noncompliance, and occupational disease and exposure claims are just some of the topics covered. Extensive chapters on administration of the Act (including jurisdiction of the Illinois Worker's Compensation Commission and rules and procedures before it, post arbitration practice and remedies, and appeals), and subrogation and third party practice are included as well. Additional materials provided as a set of appendixes include the full text of the Act, the rules governing practice before the Commission, statistical and present value tables, a schedule of benefits and synopsis of weekly compensation rates, a dictionary of commonly used phrases and abbreviations, and an extensive set of sample forms. A table of cases and index are also provided.

*Illinois Workers' Compensation Practice*. Springfield, IL: IICLE, 2011. (\$159) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Extensive coverage of worker's compensation law and practice in Illinois, beginning with an overview covering basic aspects of the Worker's Compensation Act and problems that have arisen in defining employers and employees for its purposes. Subsequent chapters analyzing relevant statutory provisions, regulations, and case law on particular issues including the definition of a qualifying accident (nature and circumstances of the injury), occupational diseases, interim remedies (such as medical treatment and vocational rehabilitation), disability evaluations, fatal cases, and procedures, special remedies (such as emergency hearings), and appeals. Related financial issues are also covered in chapters on social security disability offsets, complications related to the Medicare Secondary Payer statute (including required approvals and potential penalties), and potential statutory and common law claims against third parties and related

subrogation rights. Trial preparation is covered as well, with separate chapter from petitioner's perspective and the respondent. A chapter on worker's compensation related retaliatory discharge rounds out the publication. Several forms are provided but that is not a significant feature. Table of cases and index are included

Presbrey, Kim E. and Kenneth F. Werts. *Illinois Worker's Compensation Guidebook*. New Providence, NJ: LexisNexis, 2011. (\$98) (Softbound; updating by annual replacement editions is anticipated; electronic access on Lexis.com).

Designed as an all in one resource on Illinois workers' compensation law, including the full text of the statutes and rules of practice before the Illinois Workers' Compensation Commission, a guide discussing all the major issues (including covered employment and injuries, the various benefits available, the claims adjuster's role and ethics, penalties and attorney's fees, proceedings before the Commission, appeals, settlements, and subrogation and third party claims), and a collection of related case summaries and comments. A helpful set of tables and charts is also provided, including a list of common acronyms and terms, a list of Commissioners, arbitrators and staff, benefit rates, summary information on fraud cases, and workers' compensation and medico-legal bibliographies listing additional titles and databases from the publisher for additional research.

#### JJ. Zoning and Land Use Law<sup>30</sup>

Cope, Ronald S. ed. *Illinois Land Use Law*. Springfield, IL: IICLE, 2010. 2 volumes (\$189) (Looseleaf with forms on CD; electronic access as part of IICLE SmartBooks subscription).

Covers a broad range of state, federal, and local government efforts to control, shape, encourage, and finance the use of land in Illinois, with extensive analysis of statutes, regulations, and case law authority, as well as practice tips and sample forms. Subjects include zoning (its uses, limits, and related procedures, litigation, and judicial review), subdivisions (including plat review, required improvements, bonds, and impact fees), environmental controls, building codes, the nuts and bolts of processing a land

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30. Additional coverage of zoning and land use law and practice can also be found in titles listed under "Local Government (Municipal) Law," *supra*.



use application (separately examining the process in Chicago and elsewhere in the state), first amendment issues (regulation of signage and both adult and religious uses), regulatory takings, and land use agreements. Additional sections address government financing of development (through special assessments, tax incentives, and other mechanisms), strategies for dealing with financially troubled developments (including repositioning and bankruptcy), and special challenges posed by development of wind energy facilities. An initial chapter surveying land use powers generally touches on historic preservation and other miscellaneous topics but not in real depth. Table of cases and subject index provided.

Geselbracht, Thomas F., Theodore J. Novak, and Mark A. Gershon. *Illinois Zoning, Eminent Domain, and Land Use Manual*. Charlottesville, VA: LexisNexis, 1997-present. (\$189) (Hardbound; kept up to date by annual pocket part; last updated Oct. 2011; electronic access on Lexis.com).

A practical guide for owners and developers of Illinois real estate and their counsel for dealing with government restrictions on land use, organized in the sequence they typically face, from initial project considerations through negotiation with government entities, the public hearing process, administrative action, and ultimately to court litigation, discussing the role of each member of the development team at the different stages in the process, and the principles of law that should guide their action. Coverage includes zoning, subdivision controls, stormwater management, wetlands, comprehensive plans and growth management controls, building codes, business licenses, and eminent domain among the police powers discussed, and detailed review of public hearing and trial procedures among other topics, with extensive citation to footnoted authorities supporting each of the author's statements. A substantial set of litigation pleadings are included as well along with practice tips and checklists. A table of statutes, table of cases, and subject index are provided.

*Illinois Eminent Domain Practice*. Springfield, IL: IICLE, 2007 and 2011 Supp. (\$159/59) (Looseleaf with book on CD; electronic access as part of IICLE SmartBooks subscription).

The topic of eminent domain is touched on in other IICLE publications (see the Municipal Law Series under the Local Government Law heading above, for instance), but not in the depth presented here and not limited to actions by or in response to municipal actions. Coverage here includes pre-condemnation procedures and condemnation pleadings by the state and other condemnation bodies, pleadings and procedures for the condemnee, quick take proceedings to obtain early possession of property, pretrial considerations and procedures (including discovery and motions practice in condemnation proceedings), trial procedures and techniques (including review of the special rules of evidence that apply), and appeals. Additional chapters focus on property valuation (both for complete and partial acquisitions and easement cases), leasehold damages and awards (and drafting considerations with eminent domain in mind), and environmental law issues in eminent domain litigation. A separate chapter on federal eminent domain practice is included as well. Practical guidance on strategy and practice tips is incorporated throughout along with analysis of applicable constitutional provisions, statutes, and case law. Sample forms are also included in many of the chapters. A table of cases and subject index is provided as well.

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