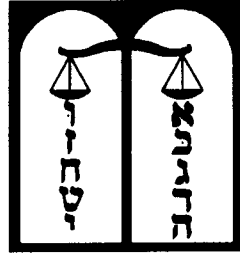


# THE DECALOGUE TABLETS



THE DECALOGUE SOCIETY OF LAWYERS

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**AUTUMN 2007**

**L' SHANAH TOVAH**

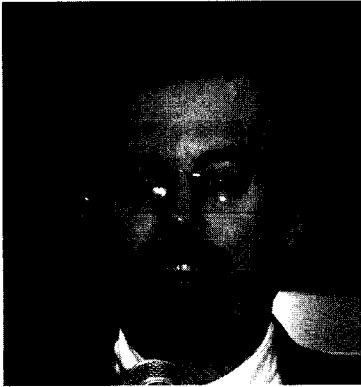
May the New Year bring you and  
your families health and happiness, and  
may your practice prosper during the coming year.

**2007/2008 Decalogue Society of Lawyers' Officers:**

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**THE DECALOGUE SOCIETY OF LAWYERS**  
**39 S. LaSALLE STREET, SUITE 410**  
**CHICAGO, ILLINOIS 60603**  
**312/263-6493**  
**312/263-6512 (fax)**  
**DecalogueSociety@aol.com**  
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**HON. JAMES A. SHAPIRO, PRESIDENT**



## **PRESIDENT'S MESSAGE**

**By Judge James A. Shapiro**

### **Is Anti-Semitism Still Alive and Well? You bet it is.**

A couple of months ago, I was at a party having a conversation with a retired United Airlines customer service agent. I was commiserating with her about all the angry passengers she must have had to deal with. She told me of one guy in particular who was complaining about his flight being delayed after he showed up at the originally scheduled time. She said, "I think his name was Goldstein or something. They're the most difficult customers, you know." No, I didn't know. I guess she never considered the possibility that I was one of those putatively "difficult customers."

For some reason, I seem to have been a magnet for these kinds of comments my entire life. When I was a 13-year-old golf caddie, I ran into an older caddie named "Clarkie." Somehow Clarkie and I got into a conversation about the Holocaust, and its six million victims. Clarkie disputed the number. "I think you [sic] been misinformed," he told me. I can still hear him and his words in my mind's ear. My first encounter with a Holocaust denier—or at least minimizer.

At my first law job, a lawyer I started with was making fun of the Jews on Wabash Avenue's Jeweler's Row. It took a junior partner to later tell him I was Jewish. I assume some, if not most, of you have had similar experiences.

Like Sasha Baron Cohen in "Borat," these encounters have the advantage of ferreting out anti-Semitism firsthand. But it's also soul-depleting. And the question becomes what we can do about it. Sure, we have the ADL, but most of us don't work for them, and they can't do it all themselves. So what can we do as individuals to try to remedy anti-Semitism? Well, for one, we can confront it, and call out the people who engage in it. Second, we can engage in public education and awareness campaigns. And finally, we can treat others as we'd want to be treated, and teach our children to do the same.

I still remember my college chaplain's rhetorical question to me during an interview for a Watson Traveling Fellowship (I was proposing to do one on French anti-Semitism, which had reared its ugly head again in the early 1980s): "Isn't all hatred cut from the same cloth?" He was right, of course. Anti-Semitism reveals a propensity for racism against African-Americans. It demonstrates a proclivity for xenophobia against Latinos. It shows a predisposition for homophobia against gays and lesbians. In fact, it lays bare an inclination toward hatred and stereotyping of all minorities and women.

As Jews and philo-Semites, it is our responsibility to call out hatred of all stripes, not just anti-Semitism. So as much as that customer service agent's comments hurt me, the more it strengthened my resolve to fight not only the anti-Semitism it reflected, but also the more generalized hatred of which it was emblematic.

**Jamie Shapiro**

# **CALENDAR**

- September 13/14**      **Rosh Hashanah**
- September 19**      **Decalogue Board Meeting**
- September 22**      **Yom Kippur**
- September 27-  
October 2**      **Sukkot**
- October 8**      **COLUMBUS DAY - Some Courts Closed**
- Oct 10**      **Decalogue Lecture Series – J. Daniel Azulay**  
**"Immigration Law Update"**  
12:30 p.m. 39 S. LaSalle, Suite 410  
Details: 312/263-6493
- Oct 24**      **Decalogue Lecture Series – Arnold Kaplan**  
**"Effects of New Bankruptcy Law on Foreclosure"**  
12:30 p.m. 39 S. LaSalle, Suite 410  
Details: 312/263-6493
- Oct 25**      **Decalogue Board Meeting**  
12:00 noon      29 S. LaSalle, Suite 610
- November 6**      **ELECTION DAY**
- Nov 7**      **Decalogue Lecture Series – Professor Nina Appel**  
**"Legal Education Under Attack- Classroom Learning v.**  
**Apprenticeship"**  
12:30 p.m. 39 S. LaSalle, Suite 410  
Details: 312/263-6493
- Nov 8**      **Decalogue Judicial Reception**  
5:30 p.m. – 7:30 p.m.      Loop Synagogue
- Nov 12**      **Veterans Day Observed (some courts closed)**

## **CALENDAR Con't**

- Nov 15**                    **Decalogue Lawyer-Law Student Reception**  
5:30 – 7:30 p.m. – John Marshall Law School  
For more info contact Event Chair Scott Gertz at  
swgertz@comcast.net
- Nov 22**                    **Thanksgiving (courts closed)**
- Nov 28**                    **Decalogue Lecture Series – Justice Robert Gordon**  
**"Selecting a Jury"**  
12:30 p.m. 39 S. LaSalle, Suite 410  
Details: 312/263-6493
- Nov 29**                    **Decalogue Board Meeting**  
12:00 noon            29 S. LaSalle, Suite 610
- December 12**            **Decalogue Hanukah Party**  
12 noon – Welsh & Katz, Ltd. –  
120 S. Riverside Plaza, 21st Floor
- Dec. 19**                    **Decalogue Lecture Series – Judge Robert W. Gettleman**  
**"ADA Update"**  
12:30 p.m. 39 S. LaSalle, Suite 410  
Details: 312/263-6493
- Dec 25**                    **Christmas (courts closed)**

# SPOTLIGHT ON MEMBERS



**Bonnie McGrath**

**Bruce Kohen**, who is listed in The Best Lawyers in America, was recently installed as the 54th president of the Illinois Trial Lawyers Association.... **Steven Elrod** is this year's JNF Tree of Life honoree.... **David Brown**, was recently re-elected to the Much Shelist management committee; and he is Chair.

**Judge Moshe Jacobius** recently spoke on the state of the Domestic Relations Division at the CBA.... **Art Bousel** spoke at a CBA seminar about achieving career success and satisfaction.... **Deb Pergament** has won a major case against the Chicago Public Schools, which will end up providing better services to children as a result, and Deb is also entering a new private practice.... **Andy Schleifer** was recently appointed to the ARDC committee and the Bench and Bar Section Council of the ISBA.... Andy and new judge (congratulations!) **Jamie Shapiro** recently attended a leadership training program for small bar associations put on by the ISBA.... Jamie and **Yours Truly** attended a recent IVI-IPO Independents' Day seminar and luncheon at Galleria Marchetti.

**Jerry Schur** was able to put together THREE (!) tables of Decalogue members for the recent JUF dinner at which Al Gore was keynote speaker.... **Judge Marty Moltz** presented an award to outgoing CBA YLS Chair Megan McClung at the YLS annual meeting.... **Judge Sheldon Garber** was recently honored with a CBA Lend-a-Hand Award.... **Steve Baime**, as a member of the Chicago Alumni Chapter of the Phi Alpha Law Fraternity, helped raise \$12,000 for the March of Dimes in 2007.

Condolences to the family of **Susan Salita** on the

recent death of her mom, Lorraine, and to the family of **Judge Helaine Berger** on the death of her dad, Bob, as well as to the family of ISBA 3rd Vice-President **Mark Hassakis** on the death of his son, M. Denny.... Also, condolences to the family of **Harvey Silets** who also passed away recently, and to the family of **Sidney Port**, who passed away recently, as well.... Condolences as well to the family of **Devorah Heyman**, executive director of Decalogue, whose father passed away in Houston on August 25th.... Friend of Decalogue Society, noted civil rights champion, and retired Illinois appellate court justice Ellis Reid passed away in early August after a five month battle with cancer.

Send *Spotlight on Members* news to:  
**bonnmcgrath@aol.com** or **Bonnie McGrath, 221 N. LaSalle, St. 2016 Chicago, IL 60606**

**Hon. Art Berman** was thanked in a recent Keshet newsletter for providing guidance and patience regarding political strategies for the organization.... **Judge Kenneth Wright**, CBA First Vice-President, wrote an article in a recent issue of the CBA Record about Abraham Lincoln.... **Fred Lane** and **Scott Lane** co-directed and co-taught a recent ISBA Trial Techniques Institute.... **Judge Alan Greiman** appeared in a recent ISBA cable television program.

**John Locallo** has received the Justinian Mentoring Award for helping young lawyers.... **John** was also elected treasurer of ISBA in July... **Lawrence Jay Weiner** has been elected to the board of the Appellate Lawyers Association.... **Lori Levin** has been appointed secretary to the ISBA's Standing Committee on CLE—and she also gave the introductory remarks at the Illinois Integrated Justice Informations Summit in Springfield, of which she is Chair of the Board. Lori, as well as **Sharon Eiseman**, **Steve Komie** and **Judges Helaine Berger** and **Marty Moltz** were instrumental in supporting the recent annual WBAI dinner.

**Professor Ralph Ruebner** was featured in the "Amicus Curious" column of The Chicago Daily Law Bulletin on August 13, 2007... Ralph was also the recipient of the 2007 Leonard J. Schraeger Award of Excellence which was established to recognize exemplary attorneys in academia.... **Judge Michael B. Hyman** was also featured in The Chicago Daily Law Bulletin in the "In Chambers" column in June and was quoted as saying "What has always been important to me is what one can do for others. Throughout life, that's what counts."

*Criminal Law Practitioners Beware: That Non-Conviction of "Supervision"  
May Count as a Conviction Under the Federal Sentencing Guidelines*

A fuller, more scholarly version of the article will be published in a forthcoming version of the Akron Law Review. The following is a synopsis.

**By James A. Shapiro**

*[Synopsis:]*

*Illinois has a criminal disposition for most misdemeanors called "supervision." Supervision is not supposed to count as conviction. However, the Federal Sentencing Guidelines treat Illinois supervision as a conviction for federal sentencing purposes, as long as the supervision has not yet been expunged. The purpose of these so-called diversionary dispositions is to give first-time offenders for relatively minor crimes such as shoplifting a chance to keep their criminal records, or "rap sheets," clean. If they do not commit another crime during the period of the diversionary disposition, then they usually have the opportunity to erase, or "expunge," the diversionary disposition from their record. But whether they expunge their record or not, the diversionary disposition is never supposed to count as a conviction under state law.*

*The Federal Sentencing Guidelines, however, count these state law non-convictions as convictions, as long as they have not yet been expunged. This article argues that the Guideline approach disrespects state law and should not be followed as a matter of comity. Since the Guidelines have recently become advisory rather than mandatory, the article suggests that federal sentencing judges decline to follow the Guidelines with respect to counting state diversionary dispositions as part of a defendant's criminal history.*

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## **APPEAL TO MEMBERS FOR VOLUNTEERS**

Board Member Susan Horn is chairing Decalogue's judicial screening group and is seeking volunteers to attend interviews of judicial candidates and also volunteers to conduct telephone investigations of the candidates. Those interested are requested to contact Susan at 773/871-5425 or by email at: [donsuh@ameritech.net](mailto:donsuh@ameritech.net).

Children's  
Law  
Group



"If we don't stand up  
for children, then we  
don't stand for much."

- Marian Wright Edelman

"Don't limit a child  
to your own learning  
for he was born in  
another time."

- Rabbinical Saying

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[www.childrenslawgroup.com](http://www.childrenslawgroup.com)

Attorneys

Deborah Pergament

Mary Mulae

Lorraine Granger, of counsel

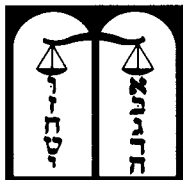
Mary Schwartz, of counsel



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