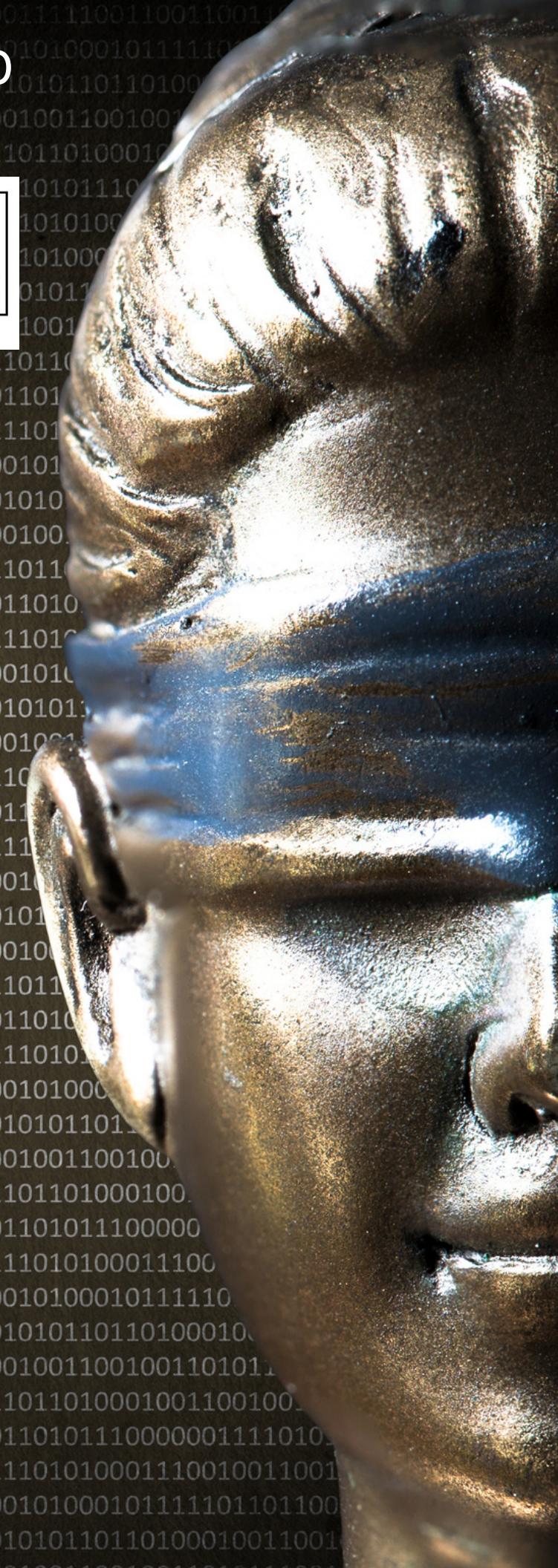


FALL-WINTER 2020 NEWSLETTER



**THE LATEST NEWS AND
UPDATES REGARDING
CREDIT AND COLLECTION
AND THE FINANCIAL
SERVICES INDUSTRIES**



**"BETTER TO BE A DOG IN TIMES OF
TRANQUILITY THAN A HUMAN IN
TIMES OF CHAOS."**

FROM A SHORT STORY COLLECTION PUBLISHED IN
CHINA IN 1627



MESSAGE FROM THE PRESIDENT

MICHAEL STARZEC

It is claimed that the phrase "may you live in interesting times" is a traditional Chinese curse, sounding like an expression of goodwill but really is utterly ironic. However, researchers have found no Chinese equivalent other than this phrase from a short story collection published in China in 1627: "Better to be a dog in times of tranquility than a human in times of chaos." I do kinda like that one better...

Whatever the source, I can tell you that this year has certainly been interesting, if by that you mean feelings of frustration, disappointment, acrimony and a lot of hard work. We began the year with a healthy economy to one with the highest unemployment since the Depression. For nearly 3 months, courts were closed and in that time, the Illinois Supreme Court issued an order granting the wild card exemption to all bank executions while the governor forbade service on filing new bank, citation or wage matters, leaving us in legal limbo.

That said, your Board has not been silent. We were actively involved in negotiations with consumer groups regarding the Exemption order, putting in language that clearly exempted ongoing wage deductions from any protection and allowing consumers to negotiate turnover of bank funds if they wished. That effort earned us the personal gratitude of Illinois Supreme Court Justice Burke.

Thereafter, as courts reopened, we made recommendations on best practices to reopen. Statewide, membership was consulted by judges on standing orders, court volume and how to handle remote appearances. Throughout the summer and to the current day, we have offered judicial seminars to ensure our membership was equipped for court around the state.

With the aid of our lobbyist's contacts, we have twice engaged the Governor on lifting the post-judgment service stay and are now working with a broader coalition to free up these avenues.

Finally, with suspension of the return day summons, our board members have worked with judges on a best-practices primer to ensure that court dates are not scattered all over the docket so that our members, both large and small, can ensure personal coverage for every case.

Without question, the past 6 months have been "interesting" in the ironic sense of the phrase. But what I have seen is that our organization, in the face of these tribulations, even where we might disagree, has continued to work together and advocate for our clients and our firms in the best tradition of Illinois lawyers. We will continue to use our contacts, influence, resources and all other means of advocacy to enlighten public officials of what we do both on a macro and micro level to ensure our financial and court systems functions fairly for all stakeholders.

RECENT CASE

Submitted by David J. Mauer

7th Circuit case: Ricardo A. Gomez and Deborah Gomez v Cavalry Portfolio Services 19-1737- Debt collector was sued based on an allegation of FDCPA violation for false & misleading letters, because letters included interest, despite the fact that original creditor ceased sending statements including the interest to the consumer. The court ultimately ruled that 2 of the 3 letters were beyond the FDCPA statute of limitations, and that the 3rd, while within statute, was not a violation, for 2 reasons. Number 1, it found that it was not factually false. Number 2, it was not confusing to a "competent attorney", as this letter was sent to an attorney. It was interesting that the Court deliberated about the current circuit split regarding this issue, and ultimately upheld the precedent in the 7th circuit set by Bravo v Midland Credit Management 812 F.3d, 599, 603 (7th Cir. 2016).

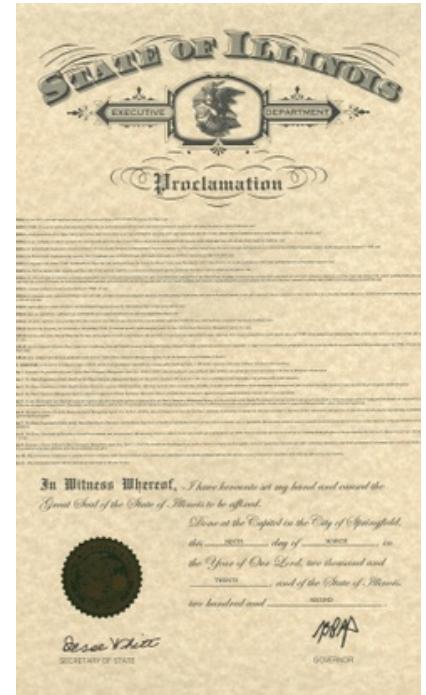


GOVERNOR PRITZKER'S EXECUTIVE ORDER 2020-25

The executive order put into place on April 14th, which prohibits the service of citations and garnishments, has been continually renewed for 30-day increments, and is set to expire on September 19th.

UPDATE

The order was extended again through January 9, 2021. Much speculation abounds as to the governor's objectives and motivation for the extensions, and the stakeholders eagerly await the next announcement as to whether it will finally lapse this time around.



The Illinois Supreme Court entered an order on 8/27/20

(M.R. 30370)

The Court issued an order immediately suspending the use of specific "return date" summonses in most civil cases, with exceptions for replevin, detinue, and eviction. Instead, we must now utilize "30-day" summonses, traditionally used in Law Division cases. The objective was to reduce unnecessary in-person court appearances during the pandemic. While the order theoretically could achieve its stated objective, it will only do so if the judges and clerks in various venues adopt policies consistent with the order's intent. In Cook County, the order won't have much of impact, because return dates were not court dates to begin with. The primary impact it will have in Cook County is to shift the volume of default judgments from the "default calls", which are effectively eliminated, to the "motion calls" instead. For other counties, if the clerks and judges react to this order by implementing frequent case management/status dates unilaterally, it will defeat the purpose of the Order. It is the creditors' consensus that courts should strongly consider adopting DuPage County's "due diligence" system, or something similar.

UPDATE

The Supreme Court amended its order on September 23rd, which in some ways reverses itself. It basically now requires the use of a 30-Day Summons unless remote appearance options (or requirements) are "made clear on the face of the summons". Most of the courts in Northern Illinois had already imposed requirements like this before the Supreme Court entered the order in the first place, so it basically goes back to the status quo.

However, Cook County remains ambiguous, as return dates have never been a "court" date, and the Supreme Court's order does not clarify this ambiguity.

HOLIDAY VIRTUAL PARTY

COOKING CLASS

GIFT CARD RAFFLE

Thursday, December 17

5-5:45 pm

Cooking Class

5:45 - 7 pm

Visit with Colleagues

&

Amazon Gift Card Raffle

Zoom Meeting ID:

955-8664-0770



Questions?

*Contact Bridget Maul,
Diana Perez or David
Lipschutz*

ILCBA SOCIAL COMMITTEE PRESENTS...

HOLIDAY COOK-ALONG

PAPPARDELLE BOLOGNESE

THURSDAY 12.17.2020

5:00PM CT VIA ZOOM

INSTRUCTIONS:

- 1) HAVE SALTED PASTA WATER ALREADY BOILING AT 5PM
- 2) HAVE INGREDIENTS BELOW LAID OUT IN PREPARATION TO COOK

INGREDIENTS:

- 3 TBSP EXTRA VIRGIN OLIVE OIL
- 2 CARROTS
- 1 ONION
- 1/2 LB GROUND MILD ITALIAN SAUSAGE (OR SOY CRUMBLES)
- 1 LB GROUND BEEF (80/20) (OR SOY CRUMBLES)
- 2 TBSP TOMATO PASTE
- 3 GARLIC CLOVES
- 1/4 CUP RED WINE
- 1 28-OZ CAN CRUSHED TOMATOES
- 3 TBSP MINCED FRESH BASIL
- 1/4 CUP MINCED PARSLEY
- 1/2 LB PAPPARDELLE PASTA
- GRANA PADANO CHEESE, GRATED, FOR GARNISH

ZOOM MEETING ID: 955-8664-0770

SEMINAR UPDATE

DISECTING CREDITORS' BEST PRACTICES



Monday, February 15, 2021

ILCBA will co-host the spring 2021 seminar with colleagues from the North Suburban Bar Association. Members from both bar associations will collaborate to present a 6 session seminar that will be hosted via Zoom.

Registration and presenter details will be available on the [ILCBA education page](#).



TENTATIVE AGENDA:

- 8:45 - 9:00 AM - Welcome
- 9:00 – 10:00 AM - Bankruptcy Practice Remotely & Non Dischargeable Debt - Paul Bach
- 10:00 – 10:15 AM BREAK
- 10:15 – 11:15 AM - Virtual Cite Examinations - The Hon. Patrick J. Heneghan
- 11:15 – 11:30 AM BREAK
- 11:30 – 12:30 PM - Foreclosure Rules - The Hon. Joel Chupack
- 12:30 – 1:00 PM LUNCH BREAK
- 1:00 – 2:00 PM - ARDC Recent Trends and Claims
- 2:00 - 2:15 PM BREAK
- 2:15 - 3:15 PM - Small Claims Bench Trial - The Hon. Martin Moltz and Kevin Kelly
- 3:15 - 3:30 PM BREAK
- 3:30 - 4:30 PM - Landlord/Tenant Rights Topic TBD



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2020 SEMINAR**

SUBMIT NOMINATIONS BY DECEMBER 28, 2020

THE HON. ALEXANDER P. WHITE AWARD

Presented at the ILCBA Annual Meeting & Dinner Event



PAST WINNERS

- The Hon. Alexander P. White - 2015
- The Hon. Peter W. Ostling - 2016
- The Hon. Daniel J. Kubasiak - 2017
- The Hon. John D. Bolger, Jr. - 2018
- The Hon. Martin P. Moltz - 2019
- The Hon. Jeffrey L. Warnick - 2020

Nominations Now Open

PLEASE SUBMIT BY DECEMBER 28, 2020

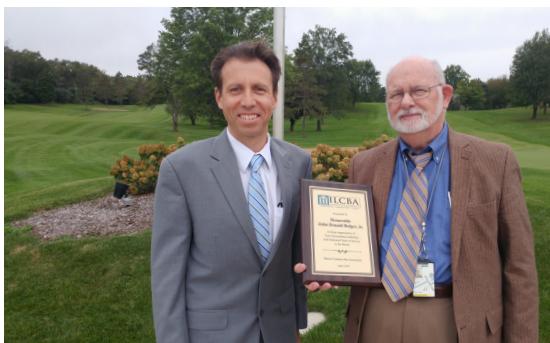
Since 2015, the ILCBA has honored a member of the judiciary who exemplifies fairness to all parties and who possesses a breadth of legal knowledge. Known as the Alexander P White Award, in honor of our first award winner and a respected jurist in the realm of post-judgment remedies, our membership provides nominations and after review by our Board, we select an honoree.

**Nomination
Form**

Committee News

ILCBA is an active organization with several committees. If you are interested in getting involved you can contact a chair (see next page) or the ILCBA office (ILCBA@corpevent.com) for more information or click on form below.

Committee Interest Sign Up Form



[groups/8475362/](#)

@ILCBA

/ILCBA

ILCBA@corpevent.com

NEW COMMITTEE

Landlord/Tenant Rights Committee

Questions?

Contact Steve Titiner

Tel: 630-701-1200

steve@ttandblaw.com

The Illinois Creditors Bar Association is an active organization with a variety of committees available to support the work and camaraderie of its members. We invite you to join one of our many committees by filling out the form below indicating your desire to join a committee. The involvement of our members is what keeps this association strong. Thank you for participating!

Committee Interest Sign Up Form

Administration Committee - oversees all administrative concerns including overseeing the Executive Director

Appellate Committee - serves to review requests that ILCBA contribute an amicus brief in appeals affecting our membership and our practice areas. Members and non-members are encouraged to submit a request that ILCBA contribute an amicus brief at the earliest possible opportunity, because we must seek leave to file an amicus with the court. See S. Ct. R. 345. Some factors relevant to the committee's consideration of an amicus request are the importance of the questions presented to our membership at large, the novelty of the questions presented, the likelihood of success on the merits, and the expense to the ILCBA of preparing such an amicus brief.

Courts Committee - acts as a liaison with courts and court clerks throughout the state, and monitors court rules changes.

Education Committee - plans the seminars and maintains the organization's Continuing Legal Education certification.

Ethics Committee serves as a conduit between ILCBA's membership and the ILCBA's ethics advisor. Ethics questions posted by ILCBA's membership on the ListServ regarding ethical obligations, whether to clients, colleagues or opponents, can be answered by an attorney experienced in professional responsibility, ethics and disciplinary matters.



Finance Committee - assists treasurer in financial matters including budgeting, audits, financial books and records.

Landlord/Tenant Rights Committee - NEWLY FORMED - more details provided soon!

Legislative Committee - monitors legislative changes and proposals. It suggests and drafts legislation or rules for the advancement of creditors' rights. The committee also assists other organizations/legislators that sponsor or promote creditors' rights or rule changes.

Membership and Publicity Committee - generates new membership and oversees current membership issues. It publicizes Illinois Creditors Bar Association activities, announcements, and seminars, both to members and non-members.

Newsletter Committee - produces a bi-annual newsletter which includes ILCBA membership information, upcoming events and recent case information.

Social Committee - organizes social events and outings for members and also plans the annual meeting and dinner event.

Technology Committee - oversees the listserv and website development and maintenance.

Committee Interest
Sign Up Form

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