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2007

THE ESSENTIAL  
GUIDE TO THE  
Top Attorneys  
IN ILLINOIS

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Juicy gossip from the front lines

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Four Illinois attorneys explain why arguing before the highest court in the land is the highlight of their careers

Patent, trademark and copyright attorney Mark Banner has fun helping innovative entrepreneurs.

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Will it ever end?

Estate Planning Primer



**Evolving information technology affects everyone, including lawyers, who increasingly use strides in IT to their advantage**

# LEGAL Technicalities

by **LARRY ATKINS**

PORTRAIT BY JESSICA TAMPAS PHOTOGRAPHY

**P**ersonal injury attorneys can now use computer animation to illustrate accident scenes, but attorneys in all legal areas find it helpful to keep apace of the latest technological advances.

**Mark T. Banner**, a partner with Banner & Witcoff in Chicago who specializes in patent, trademark and copyright litigation, says, "While the Internet has made it more difficult as to certain areas of the law such as copyright technology, it has made the practice of law easier. It's easier to do legal research, and portable computers have made our practices more mobile." He believes that, while technology and other social changes occur ahead of the law, technology has not outpaced the law. "The law adapts to technology just like it does to social changes and mores," he says, "and it doesn't adapt in advance or in lockstep."

**David C. Hilliard**, a patent, trademark and unfair competition attorney and a partner in the Chicago law firm Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, says technological advances are not recent phenomena. Referring to *Cyberspace and the Law of the Horse*, an influential 1996 article by 7th Circuit Court of Appeals Judge Frank H. Easterbrook, Hilliard compares the advent of the Internet, computer animation and e-mail with telephones, television and other technological marvels. "When each one came along, there wasn't a new area of law created to deal with the new technology. There was no new law of the horse, such as going too fast on the road. Instead, it was considered as part of the law of torts, which already existed."

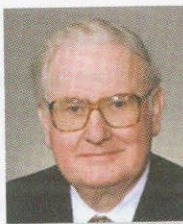
Applying this analogy to the Internet, Hilliard says, "When the Internet emerged, many people thought this was a lawless area and

they intentionally violated copyrights and trademarks via the Internet. Courts applied the existing law to say, 'No, you can't do that.' The whole body of trademark and copyright law kept on working, even though it involved cyberspace. There was no specific law of the Internet that arose. The whole body of existing law keeps on working, even though it involves cyberspace." Lawyers are challenged to keep one technological step ahead of their clients, or to at least be able to communicate with tech-savvy consumers of legal services.

"It's important to keep up with new technology so that you can talk with clients about their worries and about other parties' wrongdoings," Hilliard says. "Attorneys can't be mystified by new technological concepts. They have to understand the field to be responsive and to solve problems. Otherwise, the client will go elsewhere."

**Gary M. Ropski**, an intellectual property attorney and president of Brinks Hofer Gilson & Lione in Chicago, says the courts sometimes grapple with new technology. "However," he adds, "even though the Constitution was written before many types of technologies were developed, it has served us well over the years."

Ropski says intellectual property attorneys must keep up to date. "Many intellectual property attorneys have backgrounds in science and engineering, and we read trade publications and scientific publications to look for information on science to stay abreast of new developments. In addition, law firms that specialize in intellectual property constantly hire an influx of new, young, talented scientists, engineers and patent agents that conduct seminars to train the firm's lawyers and clients on new technology. Whenever a new tech-



DAVID C. HILLIARD

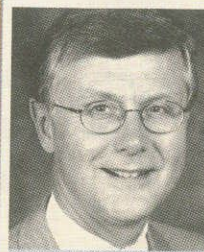


GARY M. ROPSKI



## BRAIN TRUST

**Securing and protecting a patent on intellectual property is often best left to the professionals**



MICHAEL WARNECKE

Intellectual property—including patent, trademark and copyright protection—is a hot practice area for lawyers today, says **Michael O.**

**Warnecke**, senior partner at Mayer Brown Rowe & Maw.

"Intellectual property means something created by the brain," Warnecke says.

The U.S. Patent & Trademark Office grants patents for inventions that are new, useful and non-obvious, says **Gary M. Ropski**, partner at Brinks Hofer Gilson & Lione. Patents last 20 years from date of filing, and exclude others from making, using or selling the patent holder's item.

The U.S. Patent Act of 1790 was one of the first laws George Washington asked Congress to enact, says **Mark T. Banner**, partner at Banner & Witcoff. It helped establish an industrial base in this country.

"A patent is one of the most complex documents in all of law to draft," Banner says. Using a lawyer to do the work can cost up to \$10,000.

"A trademark [which covers brand names, service marks, certification marks and collective membership marks] is any work, symbol or device that tends to be associated with a particular product," says Banner. "For example, the musical notes of the NBC jingle are considered a device."

The Patent & Trademark Office will issue a renewable trademark registration good for 10 years, but the use of a trademark is what gives its user rights.

Copyrights extend to forms of expression including literary works, visual arts and sound recordings. Attached to original works of authorship and issued by the U.S. Copyright Office, they last the author's lifetime plus 70 years.

— Janice Rosenberg



**Mark T. Banner** says advances in technology make the practice of law easier and more efficient.

nology emerges, most firms form a new practice group."

Banner says, "It's essential for lawyers to keep up with technological advances in all types of practice areas, including probate law, medical malpractice and ethics—stem cell research, end-of-life issues and living wills." Ropski agrees. "It is extremely important for lawyers to keep up with new technology," he says. "Some issues and disputes in certain cases revolve around a certain technology, and lawyers have to learn about the technology and use it as a tool to explain the issue to the jury."

Banner says the practice of law has changed immensely since he started practicing law in 1980. "There were no personal computers back then," he says. "Everyone laughed when I got a computer—they said I was trying to be a secretary." ❖



# THE TOP 100 ILLINOIS Super Lawyers 2007

The following is an alphabetical listing of the lawyers who received the highest point totals in the 2007 Illinois Super Lawyers balloting, research and blue ribbon review process.

**Abrahamson, Vicki Lafer.**  
Abrahamson Vorachek & Levinson,  
Chicago

**Adelman, Howard L.,** Adelman &  
Gettleman, Chicago

**Anderson, Kimball R.,** Winston &  
Strawn, Chicago

**Anderson, III, William C.,** Anderson  
Rasor & Partners, Chicago

**Banner, Mark T.,** Banner & Witcoff,  
Chicago

**Bartlit, Jr., Fred H.,** Bartlit Beck  
Herman Palenchar & Scott,  
Chicago

**Bates, Jr., Robert J.,** Bates & Carey,  
Chicago

**Baughner, Peter V.,** Schopf & Weiss,  
Chicago

**Beck, Philip S.,** Bartlit Beck Herman  
Palenchar & Scott, Chicago

**Beermann, Miles N.,** Beermann  
Swordlove, Chicago

**Bell, John W.,** Johnson & Bell,  
Chicago

**Berger, Michael J.,** Berger | Schatz,  
Chicago

**Berkeley, Jill B.,** Howrey, Chicago

**Bowen, Stephen S.,** Latham &  
Watkins, Chicago

**Burke, Kevin G.,** Burke Mahoney &  
Wise, Chicago

**Butler, Jr., John (Jack) Wm.,**  
Skadden Arps Slate Meagher &  
Flom, Chicago

**Carson, Lee H.,** Cook County Public  
Defender's Office, Chicago

**Cicero, Jr., Frank,** Kirkland & Ellis,  
Chicago

**Clifford, Robert A.,** Clifford Law  
Offices, Chicago

**Cole, Thomas A.,** Sidley Austin,  
Chicago

**Connelly, Vincent J.,** Mayer Brown  
Rowe & Maw, Chicago

**Conway, Kevin J.,** Cooney & Conway,  
Chicago

**Conway, Michael M.,** Foley &  
Lardner, Chicago

**Corboy, Philip H.,** Corboy &  
Demetrio, Chicago

**Cunningham, William F.,**  
Cunningham Meyer & Vedrine,  
Wheaton

**Daley, Susan J.,** Perkins Coie,  
Chicago

**Davis, Muller,** Davis Friedman,  
Chicago

**Demetrio, Thomas A.,** Corboy &  
Demetrio, Chicago

**Donohue, Richard H.,** Donohue  
Brown Mathewson & Smyth,  
Chicago

**Ecker, Lori D.,** Law Office of Lori D.  
Ecker, Chicago

**Edwards, Charles L.,** DLA Piper US,  
Chicago

**Elden, Gary M.,** Grippio & Elden,  
Chicago

**Feinstein, Fred I.,** McDermott Will &  
Emery, Chicago

**Figliulo, James R.,** Figliulo &  
Silverman, Chicago

**Forde, Kevin M.,** Kevin M. Forde,  
Chicago

**Franczek, Jr., James C.,** Franczek  
Sullivan, Chicago

**Freeman, Louis S.,** Skadden Arps  
Slate Meagher & Flom, Chicago

**Gagliardo, Joseph M.,** Laner  
Muchin Dombrow Becker Levin &  
Tominberg, Chicago

**Gifford, Geoffrey L.,** Pavalon Gifford  
& Laatsch, Chicago

**Gitlin, H. Joseph,** Gitlin Haaff &  
Kasper, Woodstock

**Gittler, Marvin,** Asher Gittler  
Greenfield & D'Alba, Chicago

**Harrington, Carol A.,** McDermott  
Will & Emery, Chicago

**Harrison, Louis S.,** Harrison & Held,  
Chicago

**Hartstein, Barry A.,** Morgan Lewis &  
Bockius, Chicago

**Hebeisen, Keith A.,** Clifford Law  
Offices, Chicago

**Herald, J. Patrick,** Baker &  
McKenzie, Chicago

**Hilliard, David C.,** Pattishall  
McAuliffe Newbury Hilliard &  
Geraldson, Chicago

**Hofer, Roy E.,** Brinks Hofer Gilson &  
Lione, Chicago

**Hubert, Donald,** The Hubert Law  
Group, Chicago

**Jacobson, Kenneth M.,** Katten  
Muchin Rosenman, Chicago

**Jacover, Jerold A.,** Brinks Hofer  
Gilson & Lione, Chicago

**John, Peter C.,** Williams  
Montgomery & John, Chicago

**Johnson, William V.,** Johnson & Bell,  
Chicago

**Kalcheim, Michael W.,** Kalcheim  
Haber & Kuzniar, Chicago

**Kurtzon, Michael S.,** Schwartz  
Cooper, Chicago

**Laurie, Ty D.,** DLA Piper US, Chicago

**Levin, Jack S.,** Kirkland & Ellis,  
Chicago

**Levy, David H.,** Berger | Schatz,  
Chicago

**Linklater, William J.,** Baker &  
McKenzie, Chicago

**Litt, Paula E.,** Schopf & Weiss,  
Chicago

**Malloy, Timothy J.,** McAndrews Held  
& Malloy, Chicago

**Martin, Jr., Royal B.,** Martin Brown &  
Sullivan, Chicago

**Matis, Nina B.,** Katten Muchin  
Rosenman, Chicago

**McGowan, Michael J.,**  
SmithAmundsen, Chicago

**McNabola, Edward (Ted),** Cogan &  
McNabola, Chicago

**Miller, Lee I.,** DLA Piper US, Chicago

**Montgomery, C. Barry,** Williams  
Montgomery & John, Chicago

**Moran, Patrick G.,** Sonnenschein  
Nath & Rosenthal, Chicago

**Mulaney, Jr., Charles W.,** Skadden  
Arps Slate Meagher & Flom,  
Chicago

**Murphy, Sandra R.,** McDermott Will  
& Emery, Chicago

**Nash, Jr., Gordon B.,** Gardner Carton  
& Douglas, Chicago

**Novack, Stephen,** Novack and  
Macey, Chicago

**Novak, Theodore J.,** DLA Piper US,  
Chicago

**Peterson, Ronald R.,** Jenner &  
Block, Chicago

**Petrek, Jr., Francis R.,** Bollinger  
Ruberry & Garvey, Chicago

**Power, Jr., Joseph A.,** Power Rogers  
& Smith, Chicago

**Quinlan, William R.,** Quinlan &  
Carroll, Chicago

**Rathsack, Michael W.,** Attorney at  
Law, Chicago

**Reidy, Daniel E.,** Jones Day, Chicago

**Rogers, Larry R.,** Power Rogers &  
Smith, Chicago

**Rogers, William J.,** Bollinger  
Ruberry & Garvey, Chicago

**Romanucci, Antonio M.,** Romanucci  
& Blandin, Chicago

**Ropski, Gary M.,** Brinks Hofer Gilson  
& Lione, Chicago

**Sarasek, Peter A.,** Quarles & Brady,  
Chicago

**Schatz, Barry A.,** Berger | Schatz,  
Chicago

**Schiller, Donald C.,** Schiller DuCanto  
and Fleck, Chicago

**Shifley, Charles W.,** Banner &  
Witcoff, Chicago

**Sklar, Stanley P.,** Bell Boyd & Lloyd,  
Chicago

**Smith, Todd A.,** Power Rogers &  
Smith, Chicago

**Solovy, Jerold S.,** Jenner & Block,  
Chicago

**Stein, Steven G.M.,** Stein Ray &  
Harris, Chicago

**Stone, Jeffrey E.,** McDermott Will &  
Emery, Chicago

**Streff, Jr., William A.,** Kirkland &  
Ellis, Chicago

**Sullivan, Jr., William R.,** Franczek  
Sullivan, Chicago

**Suskin, Howard S.,** Jenner & Block,  
Chicago

**Towbin, Steven B.,** Shaw Gussis  
Fishman Glantz Wolfson & Towbin,  
Chicago

**Valukas, Anton R.,** Jenner & Block,  
Chicago

**Warnecke, Michael O.,** Mayer Brown  
Rowe & Maw, Chicago

**Webb, Dan K.,** Winston & Strawn,  
Chicago

**Weiss, Steven A.,** Schopf & Weiss,  
Chicago

## THE TOP 10

**Abrahamson, Vicki Lafer,** Abrahamson  
Vorachek & Levinson, Chicago

**Banner, Mark T.,** Banner & Witcoff, Chicago

**Beck, Philip S.,** Bartlit Beck Herman Palenchar  
& Scott, Chicago

**Beermann, Miles N.,** Beermann Swordlove,  
Chicago

**Clifford, Robert A.,** Clifford Law Offices,  
Chicago (Top Point Getter)

**Donohue, Richard H.,** Donohue Brown  
Mathewson & Smyth, Chicago

**Power, Jr., Joseph A.,** Power Rogers & Smith,  
Chicago (3rd Top Point Getter)

**Ropski, Gary M.,** Brinks Hofer Gilson & Lione,  
Chicago

**Valukas, Anton R.,** Jenner & Block, Chicago

**Webb, Dan K.,** Winston & Strawn, Chicago  
(2nd Top Point Getter)