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*A Note from the Executive Director Phillip Dalmage*

*A Year in Review...*

As 2019 ends, it is the perfect time to reflect upon the Commission’s 2019 accomplishments. It has truly been a busy year at the Commission. In our first Quarterly Newsletter, I provided an update on the backlog of cases pending before the Commission. In 2018, we were directed to enter into a multi-agency collaborative effort (along with Central Management Services (CMS), the Illinois Department of Human Rights (IDHR), and the Department of Innovation and Technology (DoIT), to eliminate, within 18 months, the growing backlog of cases pending before the Commission. Through our efforts, the Commission adjudicated some 2500+ request for review cases for the period July 1, 2018–August 31, 2019, **FOUR** months ahead of schedule, all without sacrificing due process or the quality of written decisions, as illustrated by our excellent record in the Illinois Appellate Court.

Recognition belongs to our hardworking administrative staff, CMS, IDHR, DoIT, our General Counsel, our Deputy General Counsel and Assistant General Counsels, the contract attorneys who stepped in preparing and presenting 20 cases each per month, the Administrative Law Judges, the Commissioners, and the Special Panel for their commitment to serving the residents of the State of Illinois.

**But the Commission can’t stop here**—While we had an incredibly busy year at the Commission, we look forward to implementing new initiatives in 2020, such as:

1. Enhancing our out-reach activities;
2. Alerting the human rights advocacy community that the Commission is open for business;
3. Implementing town halls to drive community involvement;
4. Discussing the possibility of creating an advisory council of practitioners and public members to provide guidance regarding service delivery;
5. Establishing a coalition with states bordering Illinois with a mission to share ideas, concerns and best practices on human rights issues;
6. Implementing a youth initiative to reach the next generation with the hopes of eradicating discrimination;
7. Working with the Illinois State Board of Education on curriculum in the public schools;
8. Creating a Commissioner Speaker series regarding the role of the Commission;
9. Developing an access and transparency committee to ensure all residents of the State of Illinois have access to the Commission; and
10. Developing new ideas with our sister State agencies, new Commissioners, and other state agencies outside of Illinois to better serve the residents of the State of Illinois.

**We look forward to seeing you all in 2020! Happy Holidays, and Stay Tuned...**

## *In Memoriam*



**Manuel “Manny” Barbosa**  
1947 – 2019

“We label people far too easily as a shortcut to understanding them, forgetting that humans are far too complex to be fairly classified in such manner. The labels we ascribe on the basis of quick superficial criteria too often result in dismissing people from consideration as friends or individuals worthy of taking our time to understand.” – Manuel Barbosa

The Honorable Manuel Barbosa, the first chairman of the Illinois Human Rights Commission and pioneering federal bankruptcy judge, passed away on November 25, 2019. Here at the Commission, we came to know him as Manny. Of the many talents he mastered throughout his 72 years, storytelling was the one most often on display. Whether in legal rulings as a commissioner and then judge, play-writing from his desk at home, an autobiographical book in his retirement, speeches given overseas, or an invitation into his office to hear a tale, Manny was ever the wordsmith.

The Illinois Human Rights Act (Act) became law 40 years ago, with much of the early implementation shaped by Manny. Then-State Senator Harold Washington invited him to join a volunteer committee of prominent Illinoisans tasked with the implementation of the new Act and the two agencies it created. He credited Rosemary Bombela-Tobias and Andy Martinez, two prominent Hispanics in Governor James R. Thompson’s administration, with getting him to apply to become a Commissioner.

During Manny’s Commission interview, he recalled the selection panel asking what would make for a good commissioner. Without hesitation, Manny would retell that he answered, “The person should have some empathy with the working people of this state, and a good understanding of the law and how it should be applied for a just result.” Governor Thompson would go on to extend Manny the post as Chairman.

His dedication to his fellow man was formed through his family’s migration from Mexico. Manny crossed the Rio Grande at just 2 months old, with the Barbosa family settling on a cotton farm in Weslaco, Texas. At age 7, young Manny witnessed acts of dehumanization in the cotton fields, to which he attributed “the birth of [his] empathy with those who need a voice, a defender or an advocate.” After working sugar beet fields in Scotts Bluff, Nebraska, and picking tomatoes near Plainfield, Illinois, at the age of 10, Manny, along with his family, settled in Elgin, Illinois.

His dedication to public service extended across an accomplished legal career and well into retirement, serving both his local community and the state as a whole. Manny taught ESL and GED courses at the *Universidad Popular* to Chicago’s Latino immigrants during his years at The John Marshall Law School; he prosecuted criminal cases in Kane County; and he served Elgin’s Latino residents through private practice and the scholarship fundraising efforts of Club Guadalupano. He served 18 years at the helm of the Commission, followed by 14 years on a federal bankruptcy court in Rockford, Illinois. In retirement, he served on the boards of Metra and the Northern Illinois University College of Law. This past summer, Governor JB Pritzker invited him to rejoin the Commission.

Our deepest condolences go to Linda Kupfer, his wife of 45 years; their three children, Maria Elena, Cristina, and Vincent; and their eight grandchildren. The people of Illinois are better off for his dedication to service. Thank you for allowing us to benefit from his many wise words.



## *Notes from an Administrative Law Judge*

By Chief Administrative Law Judge Michael Evans

### *This issue: Settlements*

The Commission strongly encourages parties to explore settlement possibilities early in the litigation process. If, at any time, you believe that an Administrative Law Judge (ALJ) might help facilitate settlement, please ask to schedule a settlement conference. All Commission ALJs have gone through extensive mediation training. We all are certified mediators.

As a general rule, bring your client to the settlement conference. Settlement possibilities are often enhanced when an ALJ can explain a case's strengths and weaknesses in person. If your client cannot be present, make sure that both the ALJ and the other side are aware of that fact before the conference.

In any event, participants in a settlement conference must arrive with full authority to settle the case. The ALJ will be really unhappy (and you run the risk of facing a motion for sanctions) if you show up without settlement authority.

There are two ways to effect a settlement before the Commission. The first way is to submit a written settlement agreement to the Commission for approval. If that approach is used, the settlement agreement is submitted to a panel of Commissioners. That panel will approve or reject the agreement. In practice, very few settlements are rejected, particularly in cases in which both parties are represented. The Commission retains jurisdiction of approved settlements and can take action to enforce agreements that are breached.

The other method of effecting a settlement is to reach a private agreement and then move to voluntarily dismiss the case before the Commission. In that situation, the Commission neither approves nor rejects the agreement and the settlement terms do not have to be disclosed. A private settlement agreement cannot be enforced through the Commission. Because the terms of a private agreement do not have to be disclosed publicly, such agreements are used in the vast majority of Commission settlements.

If you settle a case without an ALJ's help, please let us know. That is especially important when a case has been set for public hearing. The Commission hires court reporters for all scheduled public hearings. If a reporter shows up, the Commission has to pay for the reporter's time. If a case is settled and we don't know about it, we spend money without getting any benefit.

That may not seem like much of a problem to you, but it could affect your clients' ability to have their cases heard in a timely manner. On one occasion in the mid-1990's, the Commission ran out of budgeted court reporter money before the end of the fiscal year. Several months' worth of scheduled hearings had to be cancelled and rescheduled for a later date. Timely notification of settlements can help preserve the Commission's always precarious budget position.

There is one other matter which is unusual, but which should be mentioned. Under the Act and the Commission's procedural rules, a case can be dismissed with prejudice if a respondent makes a full relief offer and the complainant refuses to accept it. If you represent a respondent and the complainant's damages are small, you should at least consider the possibility of making a full relief offer. There is no need to admit a violation of the Act, and you can save your client a lot of money in the long run. If you do want to consider such an offer, do it early in the case. Under Commission precedent, "full relief" includes the complainant's accrued attorney's fees. If you wait until the time of the public hearing to make the offer, full relief could run into serious money.

## ***IHRC Inaugural Summit - Building a Better Illinois through Equality - Celebrating 40 Years of Civil Rights in Illinois***

On November 12, 2019, the Illinois Human Rights Commission (IHRC) hosted an inaugural summit to celebrate 40 years of the Act. On December 6, 1979, the Act was signed into law, creating the broadest civil rights coverage in the history of the State. The Act created a bifurcated enforcement model: A department, the IDHR, to investigate charges of discrimination, and a commission, the IHRC, to adjudicate complaints of civil rights violations.

As an adjudicating body, the IHRC promotes freedom from discrimination and protects against unfounded charges of unlawful discrimination, as outlined by the Act. As amended, the Act prohibits discrimination in Illinois with respect to employment, financial credit, public accommodations, and real estate transactions on the bases of race, color, religion, sex (including sexual harassment), national origin, ancestry, military status, age (40 and over), order of protection status, marital status, sexual orientation (including gender-related identity), unfavorable military discharge, and physical and mental disability. It also prohibits sexual harassment in education, discrimination because of citizenship status and arrest record in employment, and discrimination based on familial status in real estate transactions.



Front Left to Right: Camilla B Taylor and David Cerda  
Back Left to Right: Jesse Jackson, Sr. and Linda D. Friedman

At the Summit, the IHRC honored four trailblazers in the field of human rights, participated in a discussion on the “History of Civil Rights in Illinois” by social justice advocate Jonathan L. Jackson, and held panel discussions on a host of issues front and center in the Illinois human rights debate, such as race and disability and policing, LGBTQ+ discrimination in Illinois, and sexual harassment in the workplace. Two hours of Continuing Legal Education credit were approved for Illinois attorneys attending panel discussions.

During the Summit, with former IHRC Commissioner Merri Dee serving as the Mistress of Ceremony, the IHRC presented the IHRC Trailblazer Award to four amazing individuals who live, work, and reside in Illinois. The IHRC Trailblazer Award is bestowed to individuals who embody excellence in activism in defending human rights. This award recognizes individuals who are fearless, optimistic, and enthusiastic in leading equal rights efforts; and who have dedicated their careers to advancing peace and freedom for Illinois residents, workers, and community members in the fight against discrimination and injustice by utilizing, developing, or leveraging programs or activities to advocate, promote, and protect the human rights covered by the Act. At the Summit the IHRC honored the following four individuals for their tireless efforts, commitment, creativity and continuous fight to eradicate discrimination in Illinois and nationwide:

**Linda D. Friedman, Esquire.** - Friedman is a founding partner of Stowell & Friedman, Ltd., a civil rights law firm dedicated to advancing the rights of women and people of color across the United States. After serving as the first law clerk to the Honorable Harry D. Leinenweber, Friedman founded Stowell & Friedman with Mary Stowell in 1989. Since its inception, the firm has fought to end discrimination and inequity. Friedman has challenged workplace discrimination on behalf of individuals, groups, and classes of employees. Long before the “Me Too” movement brought workplace sexual harassment to the public consciousness, Stowell & Friedman took on Wall Street’s “good old boy” culture of pervasive sexism and discrimination. Friedman has also represented hundreds, if not thousands, of women in their individual discrimination and harassment claims. For every high-profile win, Friedman has counseled dozens of women behind the scenes, quietly helping women—from factory workers to corporate executives to legal professionals—facing discrimination and potentially career-ending disasters.

**David Cerda** - On May 1, 1965, Cerda was appointed a Magistrate Judge in Cook County, becoming the first Latino judge in Illinois. In 1966, he was elected as an Associate judge. By virtue of the Constitution of 1970 he became a Circuit Court judge in 1971. Later, in 1977, he was transferred from the Municipal Department to the Jury Section, Law Division of the County Department. In 1989 the Illinois Supreme Court assigned him to the First District of the Illinois Appellate Court, becoming the





first Latino on that court. He retired in 2002.

In 1956, Cerda helped form the first Midwest council of the League of United Latin American Citizens (LULAC), a national organization formed to fight discrimination, and became its president. From 1963 to 1965, he served as a member of the Illinois Commission on Human Relations. In 1958, he was a co-founder and president of the Mexican American Lawyers Association. Cerda served as a member of the board of directors of Jobs for Progress Inc. As a member of the board of directors of Casa Aztlán from 1984 to 1987, he tried to improve the quality of life for residents of the Pilsen area. Cerda is a former member of the Mayor's Committee to improve police-community relations. He is a former member of the board of directors of the Chicago Boys Club. For much of his career, Cerda mentored and encouraged Latinos to enter the legal field. He opened pathways for others to follow.

**Camilla B. Taylor, Esquire** - Taylor is the Director of Constitutional Litigation for Lambda Legal, the oldest and largest national legal organization committed to achieving full recognition of the civil rights of all lesbians, gay men, bisexuals, transgender people and people with HIV. Taylor spearheads Lambda Legal's litigation challenging the Trump/Pence administration's assault on LGBT rights. Most recently, Taylor has worked on *Karnoski v. Trump*, challenging the constitutionality of the Trump administration's ban on military service by transgender people; and *Marouf v. Azar*, a lawsuit against the U.S. Department of Health and Human Services (HHS) on behalf of a lesbian couple denied an opportunity to apply to foster a refugee child in a federal program exclusively funded by HHS and administered by a faith-based agency.

**Reverend Jesse L. Jackson Sr.**, - Jackson is a prominent civil rights activist and political leader. In 1963, Jackson helped the Council on Racial Equality (CORE) to organize several sit-ins, desegregating local restaurants and theaters in Greensboro, North Carolina. Jackson was chosen as field director of CORE's southeastern operations, and president of the North Carolina Intercollegiate Council on Human Rights. In 1964, he also served as a delegate at the Young Democrats National Convention.

In 1965, Jackson left the seminary to join Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) to march in Selma, Alabama. In 1966, Dr. King appointed Jackson to SCLC's Chicago economic program, Operation Breadbasket. The goal of Operation Breadbasket was to foster the economy of African American business owners and provide employment growth for African American workers. On December 25, 1971, Operation Breadbasket was renamed Operation PUSH - People United to Serve Humanity.

Over the next decade, Jackson continued his involvement with local, national, and international politics. In 1983, Jackson negotiated the release of Robert Goodman, a U.S. pilot and prisoner of war in Syria. In 1984 and 1988, Jackson ran for President of the United States. Jackson moved to Washington, D.C. in 1989. At that time, the Washington City Council created two positions of shadow senator to lobby for the statehood of Washington, D.C. in the U.S. Congress. Jackson won one of the Senate seats, his first elected position.

In 1991, Jackson gained international acclaim again when he negotiated for the release of hundreds of foreign nationals in Kuwait under the regime of Saddam Hussein. In that same year, his likeness was put on a United States Post Office pictorial postal cancellation. Jackson is the second living person to ever receive such an honor. President Bill Clinton then appointed Jackson in 1997 as a special envoy for democracy in Kenya, later awarding him the Presidential Medal of Freedom in March 2000.

Jackson and the Rainbow PUSH Coalition have organized numerous events over the years that bring attention to problems facing all Americans including economic advancement, workers' rights, labor conditions, voter registration, education, and racial profiling. He has been awarded over forty honorary degrees, received the NAACP Springarn Award, and been listed as one of the top ten most respected Americans. In 2000, Jackson received an honorary Masters degree from his former school, Chicago Theological Seminary.

In 2003, Jackson created the Wall Street Project. This project aims to build economic opportunities and advancements of African Americans by influencing American corporations to increase economic growth and opportunity with minority communities and businesses. In 2004, Jackson became a radio host for the nationally syndicated radio talk show, Keep Hope Alive.

## *The Illinois Human Rights Commission Celebrates LGBT History Month*



Left to Right: IDHR Director Jim Bennett, IHRC Vice Chair LeDeidre S. Turner, IHRC Chair James A. Ferg-Cadima, Activist Award Recipient Imani Rupert-Gordon, Lieutenant Governor Juliana Stratton, Millennium Activist Award Recipient Joseph R. Varisco, Foundation Award Recipient Patricia M. Logue and IHRC Executive Director Philip Dalmage.

The IHRC, awarded three IHRC Diamond Awards on October 10, 2019. October is Lesbian, Gay, Bisexual and Transgender (LGBT) History Month in the United States. It was first observed in 1994. October was selected because it coincides with National Coming Out Day on October 11, and because it is the month of the first March on Washington for Lesbian and Gay Rights in 1979. The IHRC presented three IHRC Diamond Awards to the following individuals:

The **Millennium Activist Award** was presented to Joseph R. Varisco. Varisco is a public programming producer focused on HIV within underrepresented and underserved populations. Varisco is the creator of the QUEER, ILL + OKAY: HIV Impact Education (QIO) arts and education series, which explores the contemporary experience of living with HIV/AIDS. He also served as Public Program Director at Alphawood Gallery (Art AIDS America, Then They Came for Me). Most recently he has joined SAGE as their HIV & Aging Coalition Coordinator, bringing together leaders from organi-

zations focused on national aging policy advocacy at the state and federal level.

The **Activist Award** was presented to Imani Rupert-Gordon. Rupert-Gordon serves as the Executive Director of Affinity Community Services. Affinity is a social justice organization that works to support and provide resources for all LGBTQ+ individuals, with a particular emphasis on Black LGBTQ+ women. Previously, Imani served as the Director of the Broadway Youth Center (BYC), part of Howard Brown Health. She served as a lecturer and administrator at The University of California, Santa Cruz where she was a founder of the Social Fiction Conference. In addition, Imani serves on the Illinois State Treasurer's LGBT Advisory Council and the governing board of United Way of Metropolitan Chicago's United Pride Executive Committee.

The **Foundation Award** was presented to the Honorable Patricia M. Logue. Logue's deep understanding of constitutional law and brilliant stra-

tegic thinking made her a leading voice of the LGBTQ civil rights movement. During her 14 years heading up Lambda Legal's Midwest Regional Office and then its constitutional litigation practice, Logue helped win the right for gay men and lesbians to adopt children in Illinois and won the nation's first ruling that schools cannot turn a blind eye to anti-gay abuse, opening the door for gay-straight alliances in schools and colleges across the nation. She was active in numerous cases at the U.S. Supreme Court. For example, Logue served as lead attorney in *Lawrence v. Texas*, a landmark Supreme Court decision that struck down all remaining sodomy laws across the country, which set the stage for the Supreme Court's 2015 decision to recognize marriage equality. In 2007, Logue was appointed Associate Judge of the Circuit Court of Cook County, where she served until 2017. Logue brought the same clear-eyed sense of justice and fairness to the bench, where she served in the Domestic Relations Division.

## *The Illinois Human Rights Act Celebrated its 40th Anniversary - Honoring Rep. Barbara Flynn - Currie*

The IDHR, in partnership with the IHRC, celebrated the 40th Anniversary of the Illinois Human Rights Act. The Celebration intentionally coincided with the United Nations International Human Rights Day, to bring attention to the historic Universal Declaration of Human Rights.

During a widely attended reception at the Chicago Regional Carpenters Hall, IDHR Director James L. Bennett, IHRC Chair James Ferg-Cadima and Governor JB Pritzker presented the inaugural Illinois Human Rights Award to Illinois General Assembly veteran Barbara Flynn Currie - the chief legislative architect of the IHRA - for exemplary service advancing human rights.

Governor Pritzker, the keynote speaker at the event, gave an official State of the State for Human Rights in Illinois

where he touted several key progressive achievements made during his tenure, such as investing in health care access, opening opportunities for economic development, enshrining reproductive rights, and shielding the state's immigrant communities.

"It's been forty years since Illinois established one of the nation's most progressive approaches to human rights in the nation when it passed the Human Rights Act," said Governor Pritzker. "But that achievement stands out not for its extraordinary nature, but because it's a landmark of the exact caliber that has for so long defined Illinois's role in bending the arc toward justice."

"Under this prolific legislation, we protect everyone in Illinois, no matter your sex, color, sexual orientation, gender identity, immigration status,

and several other protected classes," said IDHR Director Bennett. "The Illinois Human Rights Act is truly one of the most progressive, inclusive, and expansive pieces of legislation in the country and, here at the Department of Human Rights, we are honored to enforce, defend, and advance it every day."

The celebration commemorated the December 6th, 1979 signing of the Illinois Human Rights Act by then-Governor James R. Thompson, creating the most expansive civil rights coverage for the people of Illinois in the history of the State of Illinois. During the event, Governor Pritzker issued a proclamation in support of the Act's 40th Anniversary and International Human Rights Day in Illinois.



### *This Quarter In Civil Rights History*

- ⇒ November 20, 2013: Illinois governor Pat Quinn signs a law legalizing gay marriage in the State of Illinois. The Illinois Human Rights Act prohibits discrimination based on sexual orientation.
- ⇒ December 15, 1967: President Lyndon B. Johnson signs the Age Discrimination in Employment Act. This Act bans age discrimination against workers over the age of 40.



## Commissioner Outreach

This fall, Commissioners participated in a wide range of outreach activities to provide information to Illinois residents regarding the Commission and the coverage provided under the Act. For example, on October 3, 2019 Commissioner Andersson led a Human Rights Workshop that was hosted by State Representative Anna Moeller in Elgin (Kane County). Commissioners Cantone and Andersson had an informational table at an October 24, 2019 job fair in Grayslake (Lake County) hosted by State Representative Sam Yingling. On October 26, 2019, Commissioner Barreno-Paschall attended the Mayor’s Office for People with Disabilities’ Annual Summit for Youth/Young Adults with Disabilities in Chicago (Cook County) and Commissioner Shuck attended the Quincy Tri-State Homeless Veterans Stand Down event (Adams County). On November 19, 2019 Vice Chair Turner and Commissioner Barreno-Paschall gave a presentation on the Commission to over 50 Kenwood Academy High School students in Chicago (Cook County) as part of the school’s “KenTalk” series.

Please contact the Commission if you would like to invite a Commissioner to speak at your event or with your school, organization, or entity.



*Vice Chair LeDeidre Turner and Commissioner Barbara Barreno-Paschall presented to more than 50 Kenwood Academy High School students in November 2019.*



*Commissioners Steve Andersson and Bob Cantone represented the Commission at a job and resource fair in Grayslake in October 2019.*

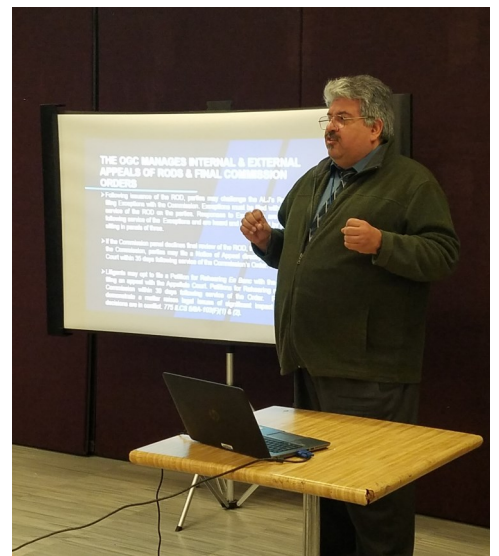


Photo on Left:

*Commissioner Barbara Barreno-Paschall represented the Commission at a youth and young adult summit organized by the Mayor’s Office for People with Disabilities in Chicago in October 2019.*

Photo on Right:

*Commissioner Barbara Barreno-Paschall and Assistant General Counsel Evelio Mora (pictured) represented the Commission and Fair Housing Manager Lon Meltesen represented the IDHR at a Fair Housing Town Hall Meeting in December 2019*







## ***CLE Review:***

***As part of our outreach efforts, in 2019 the Commission offered a series of free Continuing Legal Education seminars for attorneys in Chicago and Springfield. These seminars were incredibly successful and well-attended!***

Date	Topic	Presenter
July 22, 2019	<i>Epic Systems Corp. v. Lewis</i> : How the U.S. Supreme Court Just Changed the Landscape For Arbitration Agreements Between Employers and Employees	Jeffrey Rudd, Principal Jackson Lewis P.C.
August 19, 2019	Unlawful Discrimination in the Workplace: An Employee Advocate's Perspective	Lonny Ben Ogus Law Office of Lonny Ben Ogus
September 16, 2019	Workplace Bullying: Legal Implications and Exposure	Alisa Arnoff, Partner Scalambrino & Arnoff, LLP
October 21, 2019	Emerging Trends in Disability Discrimination in Employment	Mark Weber, Professor of Law DePaul Univ. College of Law
November 12, 2019	Sexual Harassment in the Workplace—Pre and Post Me Too Movement	Sarah Gasperini & Jason Selvey Jackson Lewis
November 12, 2019	LGBTQ Discrimination in IL	Camilla B. Taylor, Director Constitutional Litigation, Lambda Legal  William Borah Administrative Law Judge
November 18, 2019	The Impact of Immigration Status in Employment Law	Chirag G. Badlani, Partner Hughes Socol Piers Resnick & Dym, Ltd.

For more information regarding future Lunch and Learn CLEs, please go to our website

[www.illinois.gov/ihr](http://www.illinois.gov/ihr)

click About Us and click Events



Please bring your lunch and join us for our Lunch and Learn CLE

CLE Credit: One hour of general CLE credit for Illinois attorneys (pending)

**Location :** James R. Thompson Center, 9-040

**January 13, 2020, 12:00 PM—1:00 PM**

**Presenter:** Steven Andersson, IHRC Commissioner

**Topic:** “On Account of Sex”

An Update on the Equal Rights Amendment, possible passage and its impact on Human Rights in Illinois.

**February 18, 2020, 12:00 PM—1:00 PM**

**Presenter:** Elisabeth Hieber, Center for Disability & Elder Law—Equal Justice Works  
Fellow sponsored by PepsiCo, Inc.

**Topic:** Providing Culturally Responsive Legal Services for LGBT Elders

**March 23, 2020, 12:00 PM—1:00 PM**

**Presenter:** Mary Rosenberg, Access Living

**Topic:** TBD

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