



EQUAL JUSTICE ILLINOIS CAMPAIGN

Access to the Legal System Makes the Difference in People's Lives

The Honorable Philip J. Rock and The Honorable James R. Thompson, Co-Chairs

FENDING FOR THEMSELVES

New Study Finds Illinois Poor Are Forced to Face Legal Problems on Their Own

For senior citizen Barbara Van Zandt, owning a home has never felt so good. But this has not always been the case. In 2003, Van Zandt unknowingly hired a fraudulent home-repair company. Before the company started work, she maintained full ownership of her home. Months later, she faced an \$80,000 mortgage with few home repairs.

In dire need of help to save her home, Van Zandt connected with Michelle Weinberg, who heads up the Legal Assistance Foundation's Consumer Legal Assistance to the Elderly program. Weinberg successfully sued the company, which has since been indicted by Illinois' Office of the Attorney General.

Unfortunately, Van Zandt's case is a rare success story amongst the thousands of poor Illinois residents who seek legal aid each year. According to a major new study of the Illinois legal aid system, low-

income Illinoisans are only able to get legal help for one out of every six legal problems they face.



(L to R): Jennifer Nijman (speaker, co-chair of the study), Phil Rock (former Illinois Senate President), Tim Bertschy (co-chair of the study)

On February 8th, leaders from the legal community gathered at the offices of the Coordinated Advice and Referral Program for Legal Services (CARPLS), Cook County's legal hotline, to unveil The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans. The report finds that the legal aid system is severely overburdened, under-funded and currently operating in a crisis mode, accepting only the most critical cases.

Through a statewide telephone

survey of 1,645 low-income households, the study found that in 2003 alone, poor people faced more than 1.3 million civil legal problems. These problems involved issues such as domestic violence, divorce, child custody, evictions, mortgage foreclosures or the physical and financial abuse of the elderly. However, in more than 80% of those cases, individuals and families faced the problem without legal assistance.

The study was sponsored by the Chicago Bar Association, the Illinois State Bar Association, the Chicago Bar Foundation, the Illinois Bar Foundation and the Lawyers Trust Fund of Illinois. It is the first study

See New Study Continued on Page 3

Legislative Push for Increased Legal Aid Funding

The Equal Justice Illinois Campaign is calling on the General Assembly to increase the appropriation for the Illinois Equal Justice Foundation to \$2 million, from the current level of \$472,900.

See more on page 3.

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Defending Our Youth

Chicago Volunteer Legal Services'

Guardian Ad Litem Program Assists Children In Need

Fifteen-year-old Jason* knew that he needed to take immediate action to find help for his 9-year-old brother, Timothy. Since the loss of both his parents, Timothy had remained under the abusive care of an older cousin. In dire need of legal assistance, Jason informed Chicago's probate court of his younger brother's living situation.

The following day, a member of Chicago Volunteer Legal Service's (CVLS) Guardian Ad Litem (GAL) program was assigned to the case to provide the brothers with expert legal counseling. Timothy will soon reunite with his older brother in the care of their responsible aunt - and far removed from his previous hostile living situation.

The scenario is just one example of the type of case that GAL program volunteers face on a daily basis. Each year, the lives of hundreds of children are drastically improved as a result of the efforts of these volunteers.

Supported primarily by a grant from the Illinois Equal Justice Foundation, the GAL program exists as a division of CVLS - a privately funded outlet that provides quality legal services to low-income Illinois residents who could not otherwise afford access to the legal system.

The GAL program has successfully handled an average of 20 new child custody cases each month since its inception in 1998. Each case is exclusively assigned and handled at the probate court in downtown Chicago, conveniently

located down the street from the GAL headquarters.

"Our purpose is to investigate and provide legal representation for contested and problematic minor guardian cases," said Margaret Benson, the program's executive director. Specifically, the GAL program provides pro bono representation directly to children in, private guardianship.

The GAL program is comprised of 70 volunteers, all of whom are required to possess a law license as well as pair up with a CVLS staff attorney on their initial case to ensure they are qualified for continued participation in the program. Many of the volunteers are provided by Chicago-based law firm Winston & Strawn.

"We all have a place in our hearts for these children," remarked Benson. "Ultimately, it's important that every volunteer is sensitive to the overall importance of each case."

In recent years, the GAL program has grown extensively as new legal loopholes have made it much easier to file for guardianship rights. As a result, the probate court is assigning a GAL to a lot of the difficult or questionable cases to help facilitate the large volume of new cases that are clogging the system.

Benson is extremely grateful that such a large group of experienced legal volunteers are willing to devote their free time to helping such an important cause. "For a lot of the volunteers, this program serves as a very eye-opening experience,"

See **Children** on Page 5

Illinois Equal Justice Foundation Announces Leslie Corbett as New Executive Director

The Illinois Equal Justice Foundation (IEJF) has a new leader at its helm. Leslie Corbett assumed the position of Executive Director of the Foundation on October 1.

In addition to managing the IEJF's grant-making program, Corbett will spearhead a stepped-up education and outreach effort, stressing the importance of adequate state funding. This will supplement the legislative efforts of the Chicago Bar Association, the Illinois State Bar Association and other supporters seeking to increase the state's appropriation to at least \$5 million per year.

The IEJF distributes the state of Illinois' annual appropriation for civil legal aid to nonprofit organizations across the state.

"I'm looking forward to this excit-

ing opportunity. Having worked on the front-lines, so to speak, I know what a difference access to legal aid can make in people's lives," said Corbett. "By creating the Illinois Equal Justice Foundation, the state recognized its responsibility when it comes to protecting the legal rights of the poor. Going forward, it's vital that we continue to have the



state's commitment on this issue."

Prior to joining the IEJF, Corbett was Associate Director of the Chicago Bar Foundation, where she administered the grants program, which provides approximately \$650,000 in grants annually to over 40 legal aid and public interest law organizations in the Chicago area.

She also served as Executive Director of Coordinated Advice and Referral Program for Legal Services (CARPLS), a revolutionary legal aid

hotline that provides legal advice, information and referrals to low-income residents of Cook County.

Corbett adds, "I think everyone agrees with the principle that the legal system should be open to everyone, not just those who can afford it. However, we have to ensure that this is the reality and not just rhetoric. Right now, if you are poor in Illinois and a victim of domestic violence or a senior who has been defrauded out of his life savings, the odds are you will have difficulty finding legal help. We can't afford to continue down this road."

For fiscal year 2005, the state earmarked a \$472,900 appropriation for the Foundation.

The IEJF was established by the Illinois Equal Justice Act, which was passed in 1999. It sets forth a wide range of innovative, cost-effective initiatives to help low-income people understand the legal system and resolve their routine legal problems more effectively.

More State Funding of Legal Aid Urgently Sought

Currently, there are bills in the Illinois Senate sponsored by Senator Jeffrey Schoenberg (D, 9th District) and Sen. Kirk Dillard (R, 24th District) to increase the appropriation for the Illinois Equal Justice Foundation to \$2 million. This would be a major first step in getting Illinois in line with the rest of the nation, as well helping legal aid organizations serve the growing number of low-income residents in need of assistance.

The Campaign encourages supporters to call their local legislators at their district offices and urge them to support an increase in state funding of legal aid. Campaign supporters are also encouraged to call Speaker Mike Madigan, Senate President Emil Jones, House Republican Leader Tom Cross and Senate Minority Leader Frank Watson.

Governor Blagojevich's proposed FY 2006 budget includes funding for the Illinois Equal Justice Foundation at the current level of \$472,900. When the Governor's budget was first presented, the Illinois Equal Justice Foundation's appropriation appeared to be zeroed out. Ironically, a recent study released by members of the legal community entitled *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans* received statewide coverage the week before for its findings that low-income Illinoisans are only able to get legal help for one out of every six legal problems they face. This well-documented crisis and its resonance with the media helped reinstate the appropriation.

New Study Continued from Page 1

of its kind in more than 15 years.

“What many people may not realize is that in civil cases, unlike criminal ones, people don’t automatically have the right to counsel,” said Jennifer T. Nijman, a co-chair of the study and a partner at Winston & Strawn. “This is true even though the potential consequences of some civil problems, like the loss of custody of a child or the loss of a home due to foreclosure, are extremely serious. That’s why the legal aid safety net has to be strengthened.”

Moreover, the study found that those who sought legal help encountered a legal aid system overwhelmed by demand for its services. There are only the equivalent of 280 full-time legal aid lawyers in the entire state – a ratio of one legal aid lawyer for every 4,752 legal problems faced by the poor. As a result of these staff shortages, legal aid programs have adopted “triage” systems designed to screen out all but the most critical legal emergencies.

“The legal aid system is stretched too thin everywhere, but outside of Cook County there are only 84 legal aid lawyers to serve 101 counties,” said Ole Bly Pace III, president of the Illinois State Bar Association. “In some parts of the state the nearest legal aid offices are two or three counties away. That makes it especially tough for older people and others who have a hard time traveling.”

The legal aid system is overburdened because it is severely under-funded. The study determined that it would cost an additional \$49 million to provide assistance to the 140,000 people who sought, but could not get, legal help in 2003.

Federal funding from the Legal Services Corporation, which is the largest source of support for legal aid, has dropped by 38% over the past fifteen years, when adjusted for inflation. The state of Illinois provides less than 2% of total funding for legal aid, and of the ten most populous states,

Illinois ranks last, spending just \$472,900 compared to an average of \$6.8 million.

“We have in this state more than 11 million people, and we have a 55 billion dollar annual budget, and the amount of money that is made available for legal services simply is disgraceful,” said Phil Rock, former Illinois Senate President and co-chair of the Equal Justice Illinois Campaign. “You’re trying to paint the house with a quart of paint. It’s not working.”

The state was recently called on to increase its funding of legal aid to \$2 million to help make progress towards resolving the current crisis.

In addition to pointing out the need for additional funding, the study offers recommendations on ways to make the courts more accessible to people who do not have legal representation, to encourage more attorneys in private practice to offer voluntary pro bono services, and to further increase the efficiency of the legal aid system.



Barbara Van Zandt (victim of fraud), Michelle Weinberg (head of Legal Assistance Foundation's Consumer Legal Assistance to the Elderly program)

About the Foundation

The Illinois Equal Justice Foundation is a non-profit entity created to distribute state funding for legal aid efforts, as outlined in the 1999 Illinois Equal Justice Act. This funding, which comes from a state appropriation for the Illinois Department of Human Services, directly helps families in crisis, victims of domestic violence and senior citizens facing consumer fraud, estate-planning and health-related issues.

In order to reach the largest number of Illinois residents, Foundation grants fund projects such as legal telephone hotlines for immediate advice and referrals; self-help legal desks in courthouses for guidance on simple legal matters; and dispute resolution centers for speedy and less expensive alternatives to litigation.

Legal Aid Open Houses Emphasize Need for State to do its Share

Illinois Lawmakers Learn of Critical Social Services Provided

Supporters of the Equal Justice Illinois Campaign hosted three open houses in recent months to educate legislators on the critical issues facing Illinois' legal aid network.

Lawmakers met with the Champaign office of the Land of Lincoln Legal Assistance Foundation, and the Peoria and Waukegan offices of Prairie State Legal Services.

José M. de Lasa, general counsel of Abbott Laboratories, hosted the event in Waukegan.

"In my early days of practicing law, I worked as a volunteer attorney for the New York Legal Services," he said. "I wanted to continue that commitment here in Chicago and its suburbs."

Mr. de Lasa has helped dozens of Prairie State's Spanish-speaking clients with their civil legal matters, while Abbott Laboratories, through a monetary contribution, has helped make it possible for Prairie State to hire a staff attorney to concentrate in health law and domestic violence law.

But so much more needs to be done to allow equal access to the justice system, Mr. de Lasa said.

There are only the equivalent of 280 full-time legal aid lawyers in the entire state - a ratio of one legal aid lawyer for every 4,752 legal problems faced by the poor. As a result of these staff shortages, legal aid programs have adopted

"triage" systems designed to screen out all but the most critical legal emergencies.

The Foundation distributes grants each year to dozens of legal aid agencies providing services to low-income residents and the elderly.



José M. de Lasa, general counsel of Abbott Laboratories, speaks to legislators and staff at Prairie State Legal Services' Waukegan office on October 5.

However, the state's legal aid system is severely underfunded - less than \$500,000 is allocated in the budget for nonprofit legal aid agencies. Organizations like Land of Lincoln and Prairie State Legal Services regularly turn away clients because they don't have the attorneys or programs in place to help them.

Civil legal aid helps our state's most vulnerable residents resolve civil legal matters, such as domestic violence, child custody and consumer fraud.

The Equal Justice Illinois Campaign urgently asks the state to help low-income families in Illinois protect their legal rights by increasing the appropriation for the Illinois Equal Justice Foundation to \$2 million. Currently, Illinois ranks last among the 10 most populous states for the civil legal aid appropriation, allocating less than \$500,000 compared to the national average of \$6.8 million.

Legislative Open Houses

Land of Lincoln Legal Assistance Foundation - Champaign
Providing civil legal assistance to low income individuals and the elderly in Champaign, Vermilion and Ford counties.

Prairie State Legal Services - Peoria
Providing legal aid and education to low-income families and the elderly in northern and central Illinois.

Prairie State Legal Services - Waukegan
Providing civil legal assistance to low-income individuals and the elderly in Lake and McHenry counties

For More Information

For more information on the Equal Justice Illinois Campaign, please contact Margarite Wypychowski at (312) 335-0100 or margarite@grisko.com or visit www.equaljusticeillinois.org.

Children Continued from Page 3

Benson said. "At the end of the day it feels great to know that you have had a significant impact upon a child's life."

CVLS is constantly looking for new qualified volunteers to join this team. Though the GAL program is only operated out of its headquarters in downtown Chicago, CVLS has 18 legal service clinics located throughout the city. If interested in obtaining more information regarding CVLS or the GAL program, please call 312-332-6820 or e-mail the organization at volunteer@cvls.org.

**Names have been changed to protect the identity of the children.*

The Equal Justice Illinois Campaign would like to thank the companies and organizations who provide funding:

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- ◆ Landau Family Foundation
- ◆ Lawyers Trust Fund of Illinois
- ◆ Polk Bros. Foundation

EQUAL JUSTICE ILLINOIS CAMPAIGN

Inside this Issue

S P R I N G 2 0 0 5

Fending for ThemselvesPage 1



Defending Our Youth: CVLS Assists Children in Need.....Page 2

Leslie Corbett Named New Foundation Director.....Page 3



Legal Aid Open Houses Emphasize Need for State to do its Share..Page 3