



Supreme Court of Illinois

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ILLINOIS SUPREME COURT CHIEF JUSTICE KILBRIDE ANNOUNCES NEW MEASURES TO IMPROVE LEGAL SERVICES FOR THE DISADVANTAGED IN ILLINOIS

Chief Justice Thomas L. Kilbride and the Illinois Supreme Court announced Tuesday several important new measures to improve equal access to justice for all of the people of Illinois, and especially for the poor and vulnerable.

The measures include three amended Supreme Court rules, one new Supreme Court rule, and a Language Access Plan (LAP) designed to be adapted to all the courts in the state. These measures were recommended to the Chief Justice and to the Court by its Commission on Access to Justice. Chief Justice Kilbride announced their approval as the Commission marked the first year of its existence and a noteworthy record of early achievement.

The 11-person Commission, chaired by Jeffrey D. Colman, a partner at Jenner & Block in Chicago, was established on June 13, 2012 by the Supreme Court on the recommendation of Chief Justice Kilbride to enhance access to the Illinois courts and administrative agencies.

The new measures include (a) an amendment to the Judicial Canons of Ethics permitting judges to make it easier for the increasing number of persons who come to court without an attorney; (b) creation of a model language access plan (LAP) for all courts across the state to enhance the integrity of judicial proceedings; (c) easing attorney licensing requirements for lawyer spouses and civil union partners of active military personnel serving in Illinois; and (d) an amended rule increasing the number of law students eligible to practice under the supervision of an attorney on behalf of needy clients.

The package of rules also provides for a nontaxpayer fund created from fees paid by out-of-state attorneys who wish to appear on behalf of a client in an Illinois court. Partial proceeds from those fees may be used by the Supreme Court to fund specific activities and initiatives promoting access to justice, including the work of the Commission.

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"These are concrete, practical rule revisions designed to impact and benefit real people in real ways on a daily basis in our trial courts across Illinois," said Chief Justice Kilbride. "Our Court commends the Commission on the work accomplished in its first year. The rules announced today are an example that committed people working cooperatively can quickly identify problems and develop common-sense reforms."

Since the time Chief Justice Kilbride recommended formation of the Access to Justice Commission and the Supreme Court approved its establishment, more than 200 attorneys, judges, clerks, and others have volunteered to assist the Commission in its work. The volunteers include individuals from the legislative and executive branches, law school professors, judges, and others. They volunteer their time to serve on 12 committees examining specific ways to improve equal access to justice.

Upon the Commission's recommendations, the Supreme Court earlier this year approved Supreme Court Rule 10-101 authorizing the Commission to promulgate standardized forms using "plain language" for use by litigants across the State. The Court also earlier approved the Commission's recommendation to amend Supreme Court Rules 716 and 756 to allow and encourage in-house corporate lawyers and retired and inactive attorneys to provide pro bono services.

The Commission also has completed "listening conferences" in each of the five appellate districts around the state--public forums bringing together judges, clerks of court, legal aid lawyers, pro bono lawyers, bar association leaders, domestic violence advocates, social service providers, law school faculty and students to learn of the specific needs, innovative programs and ideas in the diverse areas around the state. The last was held in Chicago June 13. The others were held in Peoria, DeKalb, Champaign, and Edwardsville, and these conferences were attended by the justices from those districts.

The new measures come from another series of recommendations by the Commission.

"The Commission on Access to Justice has been working extraordinarily hard over the past year to propose rule changes that will increase access to justice for low-income and the vulnerable across our state," said Danielle Hirsch, executive director of the Commission on Access to Justice. "This is a work product that we feel will have real results."

Specifically, these are the actions the Supreme Court took in response to the Commission's recommendations:

--Amended Supreme Court Rule 63(A)(4) under the Code of Judicial Conduct to permit judges to facilitate the ability of self-represented litigants to be fairly heard.

--Established a goal, and provided a detailed framework, that all the state's courts provide services and conduct proceedings that will allow litigants and witnesses with limited English proficiency to be fully engaged in the judicial process. This includes the goal of providing certified interpreters at no cost to the litigant in both criminal and civil matters. Currently, interpreters are not required to be certified and are not mandatory in civil matters.

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--Amended Rule 707 to allow permission for an attorney licensed in another state to appear in an Illinois proceeding with an Illinois licensed attorney (*pro hac vice*) upon filing of a request and statement with the Attorney Registration and Disciplinary Commission and payment of a \$250 fee for each proceeding. Part of these fees will be used, at the Supreme Court's discretion, to ensure funding for the Access to Justice Commission and related Court programs that improve access to justice for low-income and disadvantaged Illinois residents, as well as to provide funding to the Lawyers Trust Fund of Illinois for distribution to legal aid organizations serving the state.

--Amended Rule 711 which allows representation by supervised law students and law school graduates, not yet formally licensed. The amended rule reduces the number of credits necessary to qualify for a Rule 711 license from two-thirds to one-half of the credits needed to graduate, allowing more students to seek and use 711 law licenses earlier in their law school education and apply their law school training to serve more clients in need. The amended rule also states that 711-licensed students may represent clients in mediations and other non-litigation matters, and that they may prepare briefs and other documents in state appellate courts.

--Adopted new Supreme Court Rule 719 to allow issuance of a temporary Illinois law license to an out-of-state attorney who is the spouse of a member of the military stationed in Illinois. It also applies to an out-of-state attorney who is a party to a civil union with a service member stationed in Illinois. Illinois is only the fifth state to adopt such a rule.

The amendment to Rule 63(A)(4) was recommended by the Commission's Court Guidance and Training Committee chaired by Chief Judge Michael Sullivan of the 22nd Circuit (McHenry County) and Kelly Cheesman, clerk of the Circuit Court for Knox County. It is similar to a recommendation approved in 2012 by the National Conference of Chief Justices that would make it clear that judges may make reasonable efforts to make it easier for self-represented litigants to be heard in the courtroom, consistent with the law and court rules.

"This kind of guidance from the Illinois Supreme Court gives trial court judges a better understanding that they have discretion in this area," said Chief Judge Sullivan. "The requirement of impartiality in the way the rule was before didn't seem to many judges to give them any leeway. I think this gives an indication to the judges that they have discretion to make the playing field, shall we say, more level without violating the judicial code of ethics. This also gives us the ability to start training in this area for judges now that the Court has said it is something it accepts."

The template for a Language Access Plan for all Illinois courts recognizes that language access is a fundamental principle of access to justice. It was developed by the Commission's Language Access Committee co-chaired by Cook County Circuit Court Judges Grace Dickler and Laura Liu. The template will be distributed to the Conference of Chief Circuit Judges; and the Administrative Office of the Illinois Courts and the Commission will work with the Conference of Chief Judges to formulate plans suitable for each of the Circuits and proposals for statewide reforms such as certification programs for interpreters.

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Ultimately, the goal is to assist court personnel in every courthouse in the state to provide assistance to limited English proficient parties and people throughout the courthouse and judicial process; provide proper signage; and establish a program to certify interpreters and to provide certified interpreters, when the need is demonstrated, at no cost to the litigant in both criminal and civil matters.

"Meaningful access to our courts for those with limited English proficiency will require commitment to the language access plan from various groups, including the bench, the bar and all other agencies associated with providing court-related services," said Judge Dickler. "We are very excited at the ultimate court access that meaningful collaboration by these entities will provide to limited English proficient individuals."

The amendment to Rule 711 allowing increased representation by a greater number of law students was based on suggestions from the Commission's Deans Advisory Committee, chaired by Appellate Justice Daniel J. Pierce and David Yellen, dean of Loyola University Chicago School of Law. The goal is to improve access to justice by allowing more students to use 711 law licenses earlier in their law school educations to serve more clients in need, and also to clarify that students with Rule 711 licenses may represent clients in mediations and other non-litigation matters.

—"The amendment to Rule 711 is a tribute to the collaborative efforts of every law school dean in Illinois and the Commission to make it possible for more students to provide important services to governmental agencies, legal aid and law school clinics earlier in their law school career," said Justice Pierce. "This is an important practical step in enhancing the student's learning experience while also assisting these organizations and their unrepresented clients."

The need for Rule 719 to help military families was brought to the commission by Angela Allen, an associate at Jenner & Block whose husband serves in the Illinois National Guard. She is director of the Illinois chapter of the Military Spouse JD Network www.msjdn.org. Ms. Allen initially brought the matter to the attention of Mr. Colman at the Jenner firm, who asked her to present it to the Commission, the Attorney Registration and Disciplinary Commission, and the Board of Admissions to the Bar.

"Frequent transfers are required of most military families," said Ms. Allen. "Now Rule 719 permits military spouses to continue to contribute to the legal profession and to support their families while stationed in Illinois. Rule accommodations are needed across the nation, and Illinois is now in the forefront of this effort to improve the well-being of military families, upon whose service our country's defenses depend. On behalf of MSJDN I would like to send my heartfelt thank you to the Commission and to the Supreme Court for its adoption."

The rules go into effect July 1.

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Mr. Colman, the chair of the Commission, applauded Chief Justice Kilbride and his colleagues on the Court for their deep commitment to improving access to justice for everyone in Illinois.

"The Court -- and the Chief Justice -- have been incredibly supportive in terms of their time, energy and passion for equal justice," he said. "They lead by example and deserve our respect and appreciation for their many efforts to improve our system of justice."

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(FOR MORE INFORMATION, CONTACT: Joseph Tybor, director of communications to the Illinois Supreme Court, at 312.793.2323)