

The Need for Pro Bono and a Virtual Way to Help

August 18, 2020
McLean County Bar Association
Jessica Schneider, Managing Attorney, Public Interest Law Initiative (PILI)

Today's Agenda:

1. Importance of and Need for Pro Bono in Illinois
2. Illinois Rules of Professional Conduct Relevant to Pro Bono Practice
3. Illinois Free Legal Answers as a Virtual Pro Bono Opportunity



Our Mission:
PILI engages, inspires and empowers those advancing equal access to justice.

Our Vision:
We envision making equal access to justice a reality through a legal community with a deeply rooted culture of service, where pro bono and public interest law engagement is optimized to best serve people, families and communities in need.

Poverty in Illinois & The Need for Legal Services

"Equal justice under law is not merely a caption on the facade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

— Justice Lewis F. Powell, Jr., U.S. Supreme Court Justice (Ret.), during his tenure as president of the American Bar Association (August 1976)



Poverty in Illinois

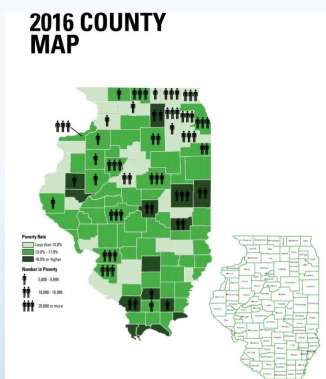
- Almost one-third of Illinoisans are considered low-income or living in poverty.
 - 5.9 % (738,806) of Illinoisans live in extreme poverty
 - 13 % (1,621,508) live in poverty
 - 16.5 % (2,060,534) are low-income
- Illinois's poverty rate is stuck where it was during the Great Recession and is at its third highest level since the 1970s.
- People of color, women and children have the highest rates of poverty in Illinois.

Source: Social Impact Research Center's Report on Illinois Poverty

Poverty in Illinois

Of Illinois' 102 counties:

- 12 have more than 20,000 people within each county living in poverty.
- 14 have a poverty rate of 18% or higher; and 50 counties have a poverty rate of between 12% and 17.9%.



Source: Social Impact Research Center's Report on Illinois Poverty

How Is Poverty Defined?

2016 FEDERAL POVERTY THRESHOLDS			
Family Size	Extreme Poverty (0-49% FPL)	Poverty (0-99% FPL)	Low Income (100-199% FPL)
1	\$6,243	\$12,486	\$24,972
2	\$8,036	\$16,072	\$32,144
3	\$9,387	\$18,774	\$37,548
4	\$12,378	\$24,755	\$49,510

Source: Social Impact Research Center's Report on Illinois Poverty

Updated each year by the Census Bureau, the poverty thresholds are used to define and quantify poverty in America.

Poverty in Local Counties

Panelists: Poverty in McLean County Is 'Bigger Than We Think'

WILLIAMSBURG, IL - 10/16/2019

Source: Social Impact Research Center



- 1,482 people are living in poverty in Ford County. The county has a poverty rate of 11.6%.
- 4,330 people are living in poverty in Livingston County. The county has a poverty rate of 12.8%.
- 3,032 are living in poverty in Logan County. The county has a poverty rate of 12.6%.
- 25,273 people are living in poverty in McLean County. The county has a poverty rate of 15.6%.

Source: Social Impact Research Center's Report on Illinois Poverty

The Need for Legal Services

- Low-income Illinoisans faced over 1.3 million civil legal problems
- Almost half of the low-income households in Illinois faced a legal problem, with an average of 1.7 legal problems per household
- Less than 420 full-time legal aid attorneys in Illinois, with less than 150 available to serve the legal needs of low-income people in the 101 counties outside of Chicago
 - 1 legal aid attorney available for every 6,415 low-income people
 - 1 private attorney for every 429 people in the general population who are above the poverty threshold.

Source: The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans

Pro Bono is the Key!

- The need is enormous and only increases during these times. There are not enough full time legal aid attorneys
- Lawyers have the knowledge and training
- And, Illinois' lawyers are making a difference:
 - **31,972** lawyers performed **1,855,763** hours of pro bono legal services.
 - **18,691** lawyers made **\$16,055,396** in monetary contributions to pro bono legal services organizations.



Preamble of the Illinois Rules of Professional Conduct

"It is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law."

ACCESS TO JUSTICE



Pro Bono Defined – Rule 756 (f)

Pro bono legal services include legal services without charge or expectation of a fee:

- (a) to a person of limited means;
- (b) to an organization designed to address the needs of persons of limited means;
- (c) to certain charitable, religious, civic, or community organizations; and
- (d) pro bono training intended to benefit legal service organizations or lawyers who provide pro bono services.



Pro Bono Reporting Requirement – Rule 756

- Pro Bono is NOT required
- Reporting of pro bono hours and financial contributions to pro bono legal services organizations is required in annual registration with ARDC
- Information reported pursuant to this Rule is deemed confidential, and can be reported publicly only in the aggregate
- Rule provides for specific definition of pro bono

What About Retired, Inactive and Out of State Licensed Attorneys?

Rules of Professional Conduct: Rule 756 (k)

May do pro bono work in Illinois if they:

- file a registration form with the ARDC;
- work with an approved sponsoring entity (such as a legal aid organization or law clinic);
- complete any training required by the sponsoring entity; and
- annually register with the ARDC ongoing participation in a pro bono program.

Rules of Professional Conduct: Rule 756 (k) - Retired, Inactive and Out of State Licensed Attorneys

Pro Bono must be:

- without charge or an expectation of a fee by the attorney;
- to persons of limited means or to organizations, as defined in paragraph (f) of this rule; and
- under the auspices of a sponsoring entity, which must be a not-for-profit legal services organization, governmental entity, law school clinical program, or bar association providing pro bono legal services as defined in paragraph (f)(1) of Rule 756.

Judicial Circuit Pro Bono Committees

- Established in other states as part of pro bono reporting requirement, but not in Illinois
- PILI developed the concept after a statewide summit on pro bono outside of Chicago
- Seek local volunteers from the bench and bar to serve on the committees
- To date, eight have been established in the Third, Fifth and Sixth, Tenth, Eleventh, Fourteenth, Eighteenth and Twentieth Circuits.





Eleventh Judicial Circuit Pro Bono Committee

"Pro bono service is not only personally rewarding, it is an important component of professionalism. By engaging in pro bono service, the attorney helps close the justice gap that affects our most vulnerable neighbors."

Honorable Rita B. Garman, Justice of the Illinois Supreme Court

www.pili.org/judicial-circuit-committees



Public Interest
Law Initiative

Introduction to Illinois Free Legal Answers



il.freelegalanswers.org

History:

- 2011: Online Tennessee Justice develops the platform, backed by the law firm Baker Donelson
- 2015: ABA adopted the platform into a cloud-based version of the TN model
- 2019: 41 jurisdictions participating (38 already online)
 - Illinois Legal Aid Online previous administer since 2016



What is Free Legal Answers?

- Qualified users post their civil legal questions to the secured website
- Volunteer attorneys log in to the website, select questions to answer, and provide information and basic legal advice
 - Much of Illinois Legal Aid Online's content can be repurposed to answer questions
- Users are emailed when their question receives a response and log back into website to read and respond
- All this can be done from anywhere! In 2019 alone 114 volunteer attorneys answered 1280 questions.



Rules of Professional Conduct: Limited Scope Representation

Illinois Rules of Professional Conduct Rule 1.2(c) states:

"a lawyer may limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent."

Rules of Professional Conduct: Limited Scope Representation

- Amendments to Rule 13 and Rule 137, adopted by the Illinois Supreme Court effective July 1, 2013 allow lawyers to make limited scope appearances in civil matters, and to provide assistance with drafting pleadings and other documents filed by pro se litigants.
- It is required that a written Limited Scope Representation Agreement be executed between the attorney and client in these types of matters, disclosing the limited nature of the relationship.

Are There Other Resources to Help Me?



Use [IllinoisLegalAid.org](https://www.IllinoisLegalAid.org) to support your pro bono work

- Access [MCLE events](#) on demand! View live and archived trainings online
- Use [HotDocs® automated legal documents](#), an easy and efficient way to prepare legal forms
- View [volunteer opportunities](#) and job postings
- Search and register for [events and trainings](#) on a statewide calendar
- Access legal information and forms to [support](#) your pro bono practice
- Sign up for [newsletters](#) and website updates

Become a member today!

www.IllinoisLegalAid.org

PILI Training and Resources for Volunteers



SAMPLE Q&A: FAMILY LAW Custody

Q:

The father of my children and I recently separated; we weren't married and have never been to court. We had a verbal agreement that the children can live every other weekend. This worked well for several months, until last weekend when he refused to return them! He has struggled with bipolar disorder for many years. I think he might have misinterpreted his medication recently, because my daughter called me crying and complaining about her father's custody state behavior. She also said that she hasn't yet been to school and I was "out" (the police were in something) is there such a thing as an emergency custody hearing? What can I do to get them back?

—Client, Lake County

A:

Dear Client,

Thanks for contacting us. I am sorry to hear about your situation.

If the father is on the birth certificate and there's no court order to establish that you have custody, then your child is not [abducted](#) and you can't ask the police to return your children to you. However, you may have other options.

If you think your children are in danger, you can try filing for an [Emergency Order of Protection](#), listing your children as protected parties. It is free to file for protective orders. Available remedies to Orders of Protection include temporary custody and the denial or restriction (suspension) of visitation. These orders are meant to protect against abuse. Abuse can include "willful deprivation" (WPD) deprivation is the intentional denial of important things like food and medical care.

Whether or not you are successful in getting the protective order, you should open a family case so you have something in writing to establish custody and visitation. You can open a family case by filing a [Petition for Dissolution of Marriage](#) [here](#). If you were unsuccessful in getting a protective order, you can tell the clerk it's an emergency and try to schedule an ex parte hearing at the court's earliest.

- Diagram of an Ideal Answer
- Hyperlink Best Practices
- Sample Questions and Answers
- FAQs
- Videos

<https://pili.org/legal-answers-resources/>

PW: ifla4pili

