



Advancing Access to Justice in Illinois



2017 – 2020 Strategic Plan

May 2017

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EXECUTIVE SUMMARY

With this document, the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) presents its proposed plans for FY 2017-2020 to the Illinois Supreme Court for review and approval.

Since its establishment by the Illinois Supreme Court in 2012, the ATJ Commission has been involved in many projects and efforts to expand access to justice for unrepresented and vulnerable litigants across Illinois. The ATJ Commission has worked in partnership with local courts, circuit clerks, other Supreme Court committees and commissions, legal aid funders, and the private bar. The ATJ Commission also receives extensive staff support from the Administrative Office of Illinois Courts and, in particular, the Civil Justice Division.

This strategic plan builds on the existing work of the ATJ Commission and the growing national momentum towards enhancing access to justice and improving the court user experience with a focus on removing barriers for self-represented litigants.¹ In 2015, the National Conference of Chief Justices passed Resolution 5, reaffirming the commitment to meaningful access to justice for essential civil legal needs in all state courts. Today, more than 35 states have active Access to Justice Commissions. The priorities contained in this strategic plan reflect values that have taken root across the country, and create an opportunity for Illinois' court system to innovate and improve access to justice.

The ATJ Commission's goal under the strategic plan is to make data-informed decisions to prioritize initiatives for the ATJ Commission and to ensure that all work is responsive to the ever-changing needs of courts and communities throughout Illinois. In its first few years of operation, the ATJ Commission began collecting data to better understand the landscape at the circuit court level, including the following:

1. **The number of self-represented plaintiffs/petitioners and defendants/respondents in all civil cases by case type and county;**
2. **The number of limited scope appearances filed in all civil cases by case type and county; and**
3. **The number of language access services provided by language, case type, and interpreter certification status in each county.**

The data paints a clear picture of a changing judicial system in two significant ways. First, no longer do the majority of civil cases involve disputes with legal counsel representing each side's interests. In 2015, 93 of Illinois' 102 counties reported that more than 50% of civil cases involved a self-represented litigant on at least one side. In some case types, that number rose as high as 80%, and that remained true in jurisdictions from all four corners of the State. Poverty plays a significant role in this trend as the poverty rates in Illinois are at their highest levels in almost fifty years, with nearly one in three residents living in or near poverty. However, these self-represented numbers include not just those Illinois residents living in or near poverty, but also working class and modest means residents who still struggle to pay the rising costs of private attorneys.

¹ Self-represented litigants, sometimes referred to as *pro se* litigants or unrepresented litigants, are individuals who appear in court without legal representation. This term encompasses all such individuals regardless of the circumstances that led to their self-represented status. While some litigants affirmatively chose to advocate on their own behalf in court, the vast majority find themselves without legal representation due to circumstances beyond their control. The inability to find an attorney and the inability to pay for an attorney are regularly cited as the single biggest drivers of self-representation.

Second, it is no longer true that all litigants, witnesses and family members involved in civil, criminal and juvenile cases speak English fluently. According to the latest U.S. Census data, one of every five Illinois residents has limited English proficiency, meaning she speaks a language other than English at home. Over 185,000 court events across Illinois involved the assistance of an interpreter in 2015, with the highest frequency in traffic (44%), felony (19%), and domestic violence cases (7%).

These demographic shifts profoundly challenge the judicial system. In a 2016 survey conducted by the ATJ Commission's Committee on Court Guidance and Training, 86% of judges and 98% of circuit clerks reported that the presence of self-represented litigants has made their work more complicated. Cited challenges include time constraints, inadequate referrals and resources in the courthouse, lack of familiarity with court process, unrealistic expectations, and incomplete or incorrect forms. Such shifts will continue to challenge the judicial system unless it can adapt to meet them head on by asking and answering challenging questions. If more than half of the users of the civil court system are unrepresented by counsel, is it still feasible to require strict adherence to rules of civil procedure, discovery, and evidence? Considering the changing face of court participants, is it time to update antiquated terminology and legal jargon which grew from a system that historically was designed and operated for litigants with lawyers? Are there court procedures that can be simplified or handled remotely to increase access to the courts and decrease unnecessary court visits?

The ATJ Commission intends to rise to these challenges and views this strategic plan as an opportunity to confront some of these questions and make recommendations to address them. The ATJ Commission has already worked to lay a strong foundation in many areas including standardized forms, language access, and court guidance and training. Yet, much more work is needed to continue enhancing access to justice while balanced against limited resources and capacity.

Principles and Key Initiatives to Promote Meaningful Access to the Courts

The ATJ Commission has identified 10 priority initiatives for FY 2017-2020, informed by five guiding principles – plain language, process simplification, procedural fairness, equal access, and continuous improvement. Some of the initiatives continue existing work. Other initiatives represent new or expanded areas of focus for the ATJ Commission. While many of these initiatives relate to multiple guiding principles, each initiative is detailed only under one guiding principle for clarity.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and in some situations, financial resources. In addition, the ATJ Commission will continue to prioritize evaluating and identifying mechanisms for regular input from judges, court staff, and court users about how to improve the court system and evaluate the effectiveness of the ATJ Commission's initiatives.

A. Plain Language Principle

Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.

For many litigants, the legal system can seem opaque and feel intimidating. Self-represented litigants face unfamiliar legal terminology and jargon in addition to complicated court procedures and substantive law, which can increase the anxiety around the process of going to court. The majority of self-represented litigants would prefer to have an attorney, but many cannot afford one and so must attend court alone.

Courts can enhance access to justice and reduce the challenges self-represented litigants present to the court system by making plain language court forms an essential component of the justice system. Courts can further promote access by supporting Illinois JusticeCorps and other initiatives that present self-represented litigants with the opportunity to get legal and procedural information from trained staff within the courthouse.

The ATJ Commission has concluded that self-represented litigants would benefit from on-the-ground ambassadors, or “Self-Represented Litigant Coordinators” who could implement the ATJ Commission’s work locally, collect feedback and suggestions for future activities, and help to identify new resources and tools to assist self-represented litigants. Such a program would formalize a feedback loop that is critically important to ensure that the available tools are being used and are helpful for court staff and self-represented litigants. By creating space for more effective communication between the ATJ Commission and the court personnel on the ground, the ATJ Commission could ensure that the diverse needs of the State are better understood and addressed by its work.

The following initiatives describe the ATJ Commission’s ongoing and proposed work in furtherance of this principle:

- **Initiative 1: Develop, automate, and translate standardized, plain-language legal forms** and other resources for areas of law frequently encountered by self-represented litigants into commonly spoken languages.
- **Initiative 2: Support the continued and expanded use of court-based facilitators/navigators**, including JusticeCorps, and evaluate the effectiveness of these services as a means to assist self-represented litigants and contribute to the efficient operation of the Illinois courts and study how to make facilitators/navigators most effective.
- **Initiative 3: Evaluate the self-help services that are currently available through courts in Illinois**, including court websites, and recommend policies that promote effective and efficient services.

B. Process Simplification Principle

Court users should find that court procedures and policies are streamlined and efficient and communicated in plain language to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.

The numbers of self-represented litigants require creative thinking about how to best ensure that everyone has meaningful access to the court system. By focusing on the needs and experiences of the court users—especially those who are unrepresented—the ATJ Commission hopes to develop and propose innovations and changes that would increase efficiency and reduce frustration for litigants, courts and court staff. The ATJ Commission will also pay special attention to the unique needs of suburban and rural communities by continuing its efforts to support and simplify the use of remote technology that can be used in some situations to connect attorneys, interpreters, and litigants with the court system in a cost-effective and efficient manner.

The ATJ Commission is aware that the impending arrival of statewide mandatory e-filing will create new challenges and opportunities for both self-represented litigants and the court personnel who interact with them. The ATJ Commission desires to play an active role in communication with the Supreme Court and its e-Policy Advisory Board to raise awareness of the unique needs of self-represented litigants with respect to e-filing and some potential challenges that may arise for litigants who have limited access to computers, smart phones, credit cards, or bank accounts.

The following initiatives describe the ATJ Commission's ongoing and proposed work in this area:

- **Initiative 4: Evaluate and recommend policies to enable remote access to the court system**, which will allow litigants to have meaningful access to the justice system without having to make multiple time-consuming and expensive trips to the courthouse; promote remote access technologies that also enable remote interpreting services for limited English proficient litigants in courts that often cannot locate an in-person interpreter.
- **Initiative 5: Research and make recommendations to simplify court procedures and processes** that are frequently encountered by self-represented litigants, with the goal of making those processes and procedures easier for court users to understand and comply with, while possibly reducing the number of court visits necessary to complete a case.

C. Procedural Fairness Principle

Court users should have access to a court system that serves as a fair, impartial, and transparent forum in which they are addressed with dignity, respect, equality, and professional courtesy by all judges, circuit clerks, and other court staff.

While the ATJ Commission has made significant progress in recent years in enhancing access to justice, front-line court staff, trial court judges and the private bar are often unaware of new tools (like standardized forms or translated resources) or policies (like the Court Patron Policy) when they have been introduced. Working closely with the Court's Communications Department and the Court Services and Judicial Education Divisions of the AOIC as well as the Court's Committee on Equality, the ATJ Commission will focus on improved outreach using several different approaches.

The following initiatives describe the ATJ Commission's ongoing and proposed work in furtherance of this guiding principle:

- **Initiative 6: Develop guidelines and promote training opportunities for judges** who encounter significant numbers of self-represented and limited English proficient litigants in their courtrooms, consistent with Rule 63(A)(4) of the Illinois Code of Judicial Conduct.
- **Initiative 7: Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs** – to enable them to assist self-represented and limited English proficient litigants in a consistent, ethically permissible manner.

D. Equal Access Principle

Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.

Large and increasing numbers of Illinois residents are unable to access free or affordable legal services and/or proceed on their own in a system that historically has been designed and operated for litigants with lawyers. Providing meaningful access to justice requires addressing the systematic barriers that make it exceedingly difficult for unrepresented litigants or those otherwise vulnerable, including those with limited English proficiency, to address even very simple legal matters in court. In identifying this guiding principle, the ATJ Commission recognizes that we must work with the ATJ Commission's partner organizations, local courts, and bar associations to increase access to free and affordable legal services and access to interpreters and translated legal information.

The following initiatives describe the ATJ Commission's ongoing and proposed work in this area:

- **Initiative 8: Develop language access resources and language assistance services through recruiting and training interpreters** to achieve court certification, promoting the use of qualified interpreters in court proceedings and building awareness in limited English proficient communities about language access in the courts.
- **Initiative 9: Identify, develop and promote the implementation of court policies and rules that promote legal representation**, including limited scope representation, in partnership with bar associations, civil legal aid and pro bono organizations and other community groups.
- **Initiative 10: Develop community based programming to increase trust of the court system** through educating community stakeholders about the access to justice resources that are available to help people access the court system.

To provide visual detail about how the ATJ Commission’s initiatives relate to cost and staff time, see the below chart. Specifics are provided in the body of the Plan as to how each priority will be approached.

Many of the Commission’s initiatives require significant support from the AOIC Civil Justice Division staff. The chart below illustrates each initiative and the amount of staff time required by each (shades of blue), in addition to the amount of money allocated in the budget for the initiative, if any. The chart also indicates initiatives (*) that can only be accomplished if the AOIC Civil Justice Division has additional staff capacity.

Amount of staff time



| | Year One | Year Two | Year Three |
|----------------------|----------|----------|------------|
| Initiative 1 | \$50K | \$50K | \$50K |
| Initiative 2 | \$263K* | \$263K* | \$263K* |
| Initiative 3 | | | |
| Initiative 4 | \$10K | \$20K* | \$10K* |
| Initiative 5 | \$1K | | \$5K |
| Initiative 6 | | | |
| Initiative 7 | | | |
| Initiative 8 | | | |
| Initiative 9 | \$5K | \$5K | \$10K |
| Initiative 10 | | | |

* Assumes additional staff capacity

E. Continuous Improvement Principle

The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

Over the next three years, the ATJ Commission should constantly evaluate and reflect on its work to ensure that each initiative is achieving the desired outcome and that the ATJ Commission has adequate resources to ensure effective implementation of its programs. Regular evaluation should be an integral component of each initiative to ensure that the work of the ATJ Commission and the AOIC is effective and responsive to the needs of court patrons and court staff alike. The AOIC and ATJ Commission should also take affirmative steps to increase capacity for change by developing strong local partnerships to promote the work of the ATJ Commission regionally and increasing staff and volunteer capacity when necessary.

The following concepts shall be incorporated into all of the ATJ Commission's work and should guide each of the initiatives listed above:

- **User Experience:** In designing and implementing all of the above initiatives, the ATJ Commission and the AOIC should consider the perspective of court users in an effort to continuously improve the court system.
- **Ongoing Evaluation:** Broad-based implementation and continuous feedback and evaluation will be necessary to meet each of the principles and initiatives set out by this strategic plan and achieve the desired progress. To that end, the ATJ Commission will engage in ongoing evaluation of each initiative to identify program successes and deficiencies. When possible, the ATJ Commission will make ongoing modifications and improvement and collect and analyze statewide data above program efficacy and to better understand the population which it aims to serve.
- **Building Capacity:** The ATJ Commission and AOIC should conduct periodic reviews of staff and volunteer capacity to effectively implement and evaluate all initiatives when practical, the ATJ Commission and the AOIC should take steps to increase capacity and develop local support to ensure effective implementation of all initiatives.

The ATJ Commission has no full-time staff and while it benefits from the immeasurable contributions of its members and volunteers, many of its accomplishments would not have been possible without the assistance of the AOIC staff. Since the last strategic plan was drafted in 2014, the AOIC has increased the size of its Civil Justice Division, which now includes four full-time staff members and one administrative assistant. The staff attorneys within the Division primarily focus their work on language access, standardized forms, and resources for self-represented litigants.

This strategic plan contains many ambitious projects—aiming to continue or expand all of the ATJ Commission's current initiatives while introducing several new ones. The current demographics of the State's courts are straining existing resources, and demand innovation to creatively respond to these changes. To effectively administer all of the proposed initiatives and to achieve the desired outcomes, the ATJ Commission has concluded that the Civil Justice Division will require a corresponding growth in staff over the coming years.

To that end, this strategic plan proposes the addition of two new staff positions and one new administrative position to the Civil Justice Division over the next several years.

- The first proposed staff position is an **Appellate Resource Specialist** who would be tasked with focusing exclusively on resources for self-represented litigants in civil appeals. Preliminary data shows that nearly one in three civil appeals in the First Appellate District is filed by a self-represented litigant; and yet there are almost no legal aid or self-help resources available to assist unrepresented litigants with their appeals. The Appellate Resource Specialist could provide one-on-one procedural assistance via phone and e-mail, develop new self-help resources both in person and online, cultivate relationships with bar associations and law schools to coordinate a rotating series of monthly clinics across the five appellate districts where litigants could meet with an attorney or law students to have their questions answered, and conduct specialized training for appellate clerks and justices on best practices for self-represented litigants and limited English proficient litigants.
- The second proposed staff position is a part-time **Administrative Assistant**. One ongoing priority area for the ATJ Commission is improving remote access technology throughout the State to connect litigants with remote interpreters. The Civil Justice Division is proposing the establishment of a centralized work station in Chicago. If successful, this program would require an Administrative Assistant to oversee the program by keeping schedules, communicating with interpreters and court staff, and maintaining the workspace technology.
- The third proposed staff position is a **User Experience/JusticeCorps Officer** who could focus on efforts to improve the court user experience through a variety of initiatives including e-filing and court navigation. This person would coordinate with the Illinois Bar Foundation, The Chicago Bar Foundation, all of the participating trial courts, and the Serve Illinois Commission to oversee the proposed expansion of Justice Corps and facilitate better coordination with other ATJ Commission initiatives and Supreme Court programs including e-filing.

With adequate support and staff, the ATJ Commission can continue its work to ensure that all residents of Illinois have full and meaningful access to the judicial system.

Conclusion

The ATJ Commission seeks to promote meaningful access to the Illinois courts by removing barriers and enhancing the perception of the courts as a source of fair and impartial justice that is available to all. To achieve this goal, the ATJ Commission lays out in detail its proposed initiatives in Section VI of this Strategic Plan.

The strategic plan serves two purposes: (1) to detail the work of the ATJ Commission over the past several years and (2) to set forth the plans for the ATJ Commission for the next three years. In this way, this strategic plan is both backwards- and forward-looking. As such, the full strategic plan provides the context and data underlying its activities, a brief history of what the ATJ Commission has accomplished since submitting its last strategic plan in 2014, and its proposed activities and goals for FY 2017-2020.

This strategic plan would not have been possible without the advice and guidance of The Chicago Bar Foundation, the Illinois Equal Justice Foundation, the Illinois Bar Foundation, the Lawyers' Trust Fund of

Illinois, and the AOIC Civil Justice Division. These entities share the ATJ Commission's commitment to access to justice and have provided invaluable assistance for this report. The ATJ Commission also recognizes and thanks the members of the Strategic Planning Committee for their significant contributions: Sophia Akbar, Dave Anderson, Leslie Corbett, Carolyn Clift, Bob Glaves, Danielle Hirsch, David Holtermann, Hanna Kaufman, Mark Marquardt, Dina Merrell, Samira Nazem, Jennifer Nijman, Justice Mary K. Rochford, Alison Spanner, Chief Judge Michael Sullivan, Kelly Tautges, Stacey Weiler and Zach Zarnow. Lastly, the ATJ Commission thanks Julie Bauer and Nicole Perez at Winston & Strawn for their help with the design and layout of this strategic plan.

The ATJ Commission is grateful for this opportunity to share its vision with the Illinois Supreme Court for review and consideration. The ATJ Commission welcomes the Court's guidance and looks forward to continued collaboration in the years ahead.

Chair: **The Honorable Mary K. Rochford**, First District Appellate Court

- **Carolyn Clift**, Attorney **Jeffrey Colman**, Jenner & Block LLP
- **The Honorable Michael Fiello**, Circuit Court of Jackson County
- **The Honorable Thomas Harris, Jr.**, Fourth District Appellate Court
- **The Honorable Leonard Murray**, Circuit Court of Cook County
- **The Honorable Gina Noe**, Clerk of the Circuit Court of Marshall County
- **The Honorable Daniel Pierce**, First District Appellate Court
- **The Honorable Michael Sullivan**, Chief Judge of the Circuit Court of McHenry County
- **Jennifer Nijman**, Nijman Franzetti LLP
- **The Honorable Debra Walker**, Circuit Court of Cook County

Liaison: **The Honorable Thomas Kilbride**, Illinois Supreme Court

Respectfully submitted by the Illinois Supreme Court Commission on Access to Justice,

I. INTRODUCTION

The Illinois Supreme Court Commission on Access to Justice (“ATJ Commission”) was founded in 2012 to enhance access to justice efforts, with specific direction to complement existing efforts and to coordinate and collaborate with other civil legal aid funders and service providers. That intention was reflected in Rule 10-100, which designates that each of these four organizations appoint one member to the ATJ Commission and states that: “(t)he purpose is to make access to justice a high priority for everyone in the legal system and, to the maximum extent possible, the ATJ Commission is intended to complement and collaborate with other entities addressing access to justice issues.”

The ATJ Commission’s strategic focus on access to the Illinois courts recognizes that the Court and the ATJ Commission are best positioned to make improvements within the courts. Other organizations devote significant resources each year to supporting pro bono and legal aid programs that provide legal representation to those most in need. The ATJ Commission can most effectively complement those efforts by concentrating on what happens within the justice system itself, directing its attention and resources in ways that are complementary, rather than duplicative, of these existing efforts outside the courts.

Finally, the existence and ongoing work of the AOIC Civil Justice Division strengthens the ATJ Commission’s focus on access to the courts. The division has successfully integrated much of the ATJ Commission’s work into judicial branch operations which coordinate with other divisions of the AOIC to promote meaningful access to justice. The core goals of the ATJ Commission and the Civil Justice Division will help make the entire justice system more fair and efficient for litigants, judges, circuit clerks, court personnel, and all other stakeholders.

II. STATEMENT OF PRINCIPLES

The promise of equal justice is not realized for those who have no meaningful access to the justice system. Illinois courts have the primary leadership responsibility to ensure access to the courts. The Illinois Supreme Court established the ATJ Commission to “promote, facilitate, and enhance access to justice, with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable.” The push for equal justice is an ongoing and constantly evolving one. While the ATJ Commission has had many successes in its first few years of existence, its work is not done.

To this end, the ATJ Commission sets forth the following Statement of Principles to guide its work in the coming years:

- **Plain Language Principle:** Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.
- **Process Simplification Principle:** Court users should find that court procedures and policies are streamlined and efficient to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.
- **Procedural Fairness Principle:** Court users should have access to a court system that serves as a fair, impartial, and transparent forum in which they are addressed with dignity, respect, equality, and professional courtesy by all judges, circuit clerks, and other court staff.
- **Equal Access Principle:** Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.
- **Continuous Improvement Principle:** The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

III. THE NEED FOR ACCESS TO JUSTICE

To understand the size and scope of the justice gap in Illinois, one must first look at the diversity of the nearly thirteen million residents of the state. They reside in all four corners of the State, from the urban core of Chicago to the rural farming communities of Southern Illinois. They include individuals of every conceivable race, ethnicity, age, gender, sexual orientation, nationality, immigration status, disability status, military status, income level, and educational level. They speak English, Spanish, Polish, Korean, Arabic, Urdu, Swahili, American Sign Language, and many other languages. The diversity of Illinois is reflected daily in the court system, and the varying backgrounds and needs of the state's residents must be considered when contemplating access to justice.

Figure 1 on page 14 maps just a few of the many kinds of diversity within Illinois that must be considered when discussing access to the courts.² In Cook County, for example, 42.4% of residents live in renter-occupied housing while in Clinton County, on the other side of the state, only 17.3% of residents do. Kendall County has one of the youngest populations in the state while Carol County has one of the oldest. In five counties, over 10% of the population does not have a vehicle which may impede ability to access the courts. More than 22% of Illinois' population—or 2,684,946 people—speak a language other than English at home.

One other type of diversity tied to court access is poverty. Almost one-third of Illinois lives in or near poverty.³ While 1.7 million residents live below the Federal Poverty Level (FPL), another 2.1 million people live just above it.⁴ These individuals face a different access to justice barrier as they are unlikely to qualify for legal aid or *pro bono* services that often tie eligibility to the FPL, but may not have financial resources to hire private attorneys as their wages have stagnated while attorney hourly rates have increased.⁵ The justice gap is increasingly a problem not just for the poor, but also for modest means and middle class families.

It is no surprise that against this background, the number of Illinois residents appearing in court without an attorney has soared. This trend is not isolated to any one circuit, county, or case type. In 2015, AOIC statistics showed that 93 of the 102 counties in Illinois reported that more than half of their civil cases had at least one self-represented litigant. These startling numbers mirror similar trends nationally.⁶ In urban, suburban, and rural communities throughout the State, more and more litigants are attending court without an attorney.

In the court setting, self-represented litigants face countless challenges and barriers. Many are logistical and have little to do with the specifics of the case. These challenges can include taking time off from work, arranging childcare, paying for parking, navigating public transportation, or requesting disability accommodations to attend court. Other barriers—such as limited English proficiency or low literacy skills—can affect a litigant's ability to fully understand their legal case. Once litigants are in the courtroom, they may face confusing paperwork, indecipherable legal jargon, aggressive opposing counsels, and seemingly endless procedural

2 Maps were created by the Self Represented Litigation Network using data from the U.S. Census Bureau's 2014 American Community Survey. For more information, see <https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=7bed22dba4ec45f281b766181b862156>.

3 Buitrago, K., Rynell, A., & Tuttle, S. (2017, March). Cycle of Risk: The Intersection of Poverty, Violence, and Trauma in Illinois. Heartland Alliance. Available at www.heartlandalliance.org/povertyreport.

4 The Federal Poverty Level is the indicator used by the United States government to determine who is poor. The 2016 FPL defines poverty for an individual as an annual income of \$11,880 or less and for a family of four as an annual income of \$24,300 or less. For more information on the FPL, see <https://aspe.hhs.gov/poverty-guidelines>.

5 Wall Street Journal, *More Strapped Litigants Skip Lawyers in Court*, July 22, 2010. Available at <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822>.

6 The Self Represented Litigation Network estimates 60% of civil litigants nationwide are self-represented. See <http://www.srln.org/>.

Figure 1: Mapping Diversity in Illinois

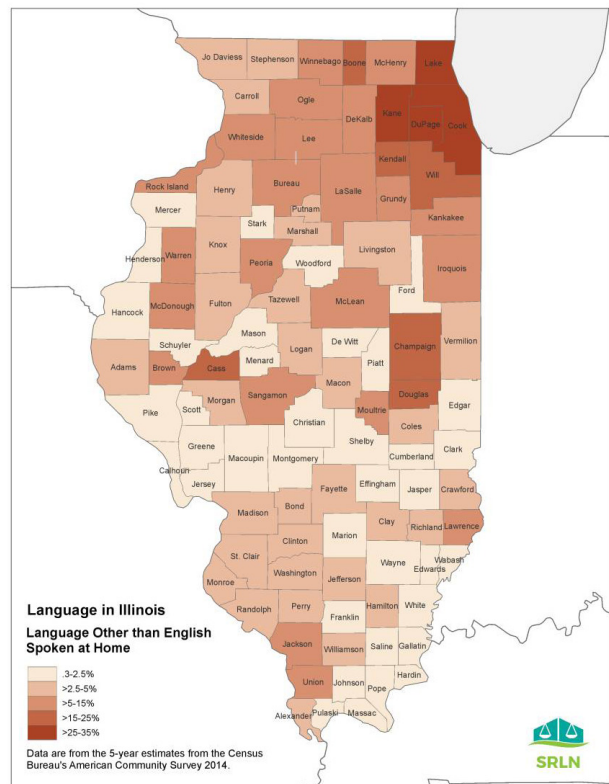
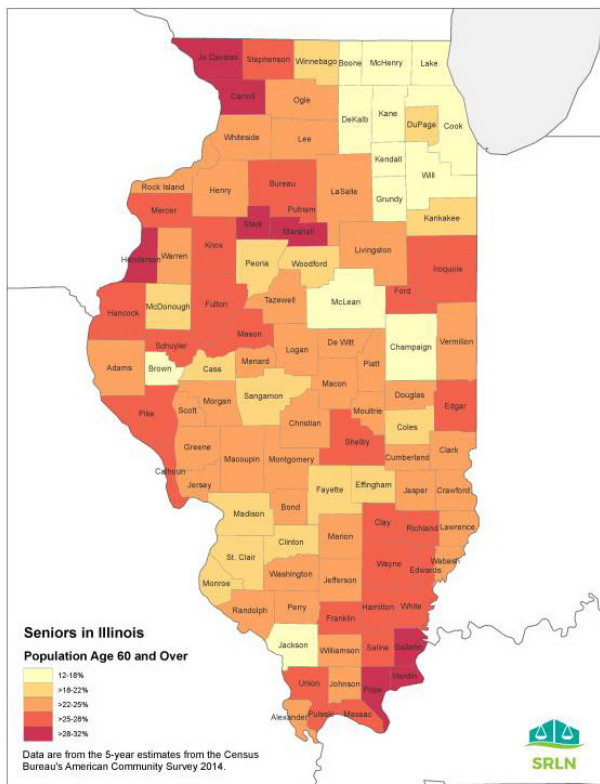
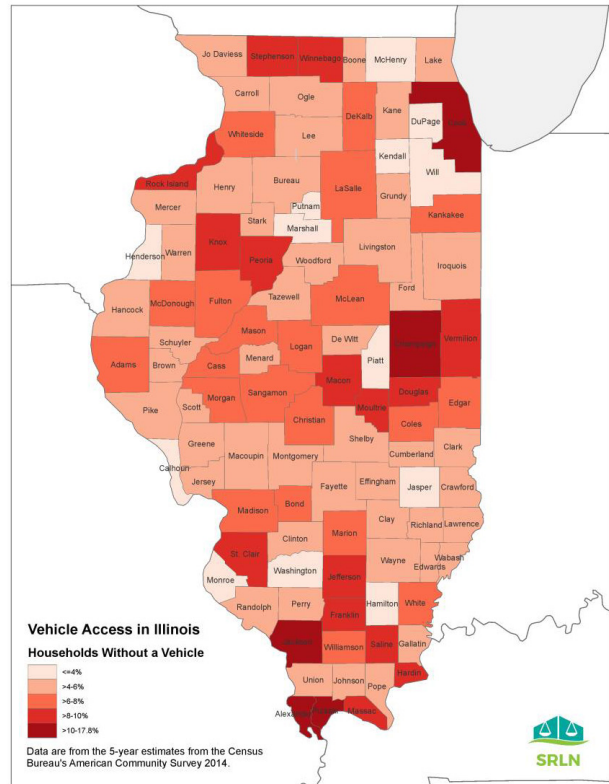
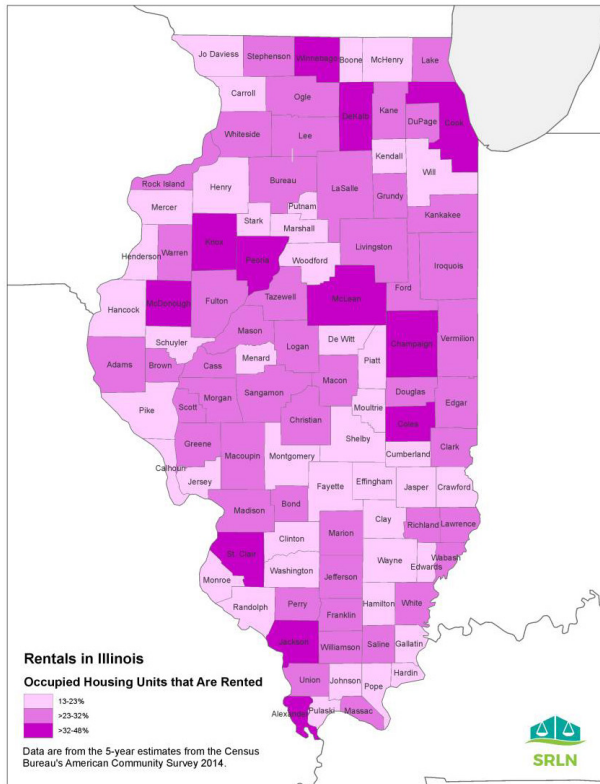
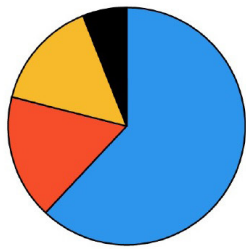


Figure 2: Race and Poverty in Illinois

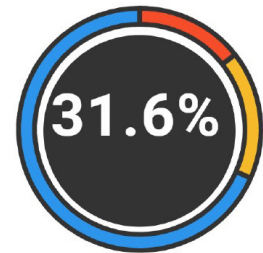
Racial Demographics in Illinois



The population of Illinois is
62% non-Hispanic White,
15% Black/African American,
17% Hispanic/Latino, and
6% Asian.

Poverty Rates in Illinois

Nearly one-third of
 Illinois residents live **in**
 or **near** poverty.



hurdles. These issues can be compounded by the stress and fear of being in court or by the physical or mental disabilities experienced by many Illinois residents.

Self-represented litigants simultaneously pose a number of challenges for court staff and judges. In a 2016 survey conducted by the Court Guidance and Training Committee, 86% of judges and 98% of circuit clerks reported that the presence of self-represented litigants create additional challenges. Judges and clerks cited many of the same challenges when encountering self-represented litigants including time constraints, inadequate referrals and resources in the courthouse, and the litigants' incomplete or incorrect forms, lack of familiarity with the court process, and unrealistic expectations.

The vast majority of self-represented litigants are not self-represented by choice. A 2016 report prepared by the Institute for the Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have had legal representation, but were unable to find or afford an attorney.⁷ Providing legal representation for all litigants through legal aid or *pro bono* attorneys is simply not a workable solution. There are fewer than 400 legal aid attorneys in the entire state providing free legal services for the poorest Illinois residents. Seven of Illinois' 24 judicial circuits have no legal aid offices located within their boundaries.⁸ Outside of Cook County, only one legal aid attorney exists for every 10,000 low-income residents.⁹ While *pro bono* attorneys are vitally important for increasing legal aid capacity, there are not enough of them to fill the unmet need. Limited scope representation is one tool that may help bridge the gap in the future, but is not yet widely used.

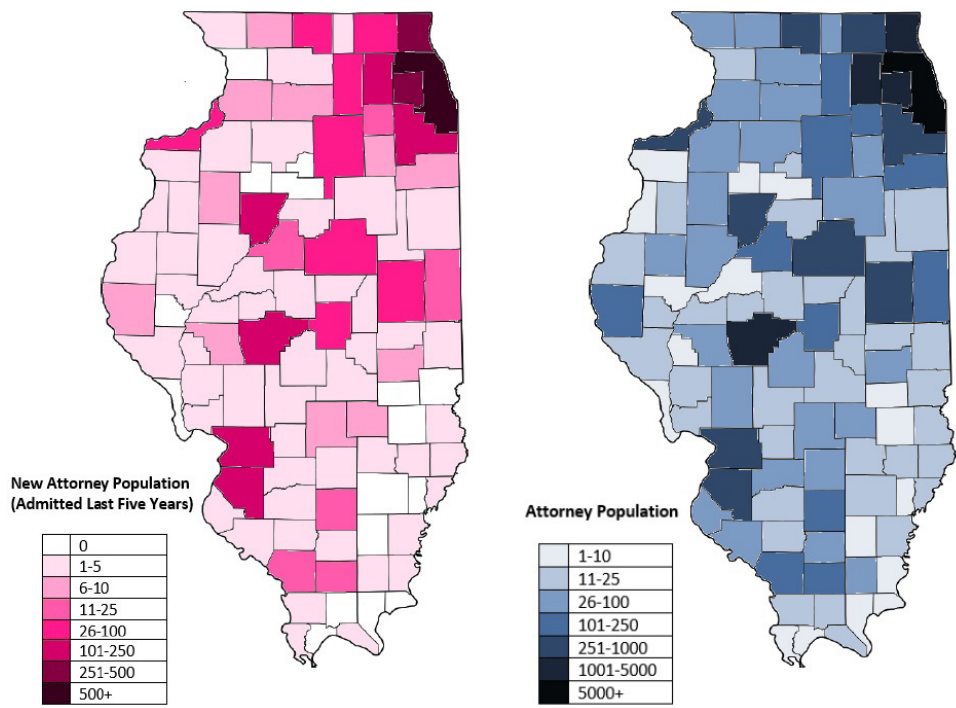
Many communities face an additional barrier in that there are not enough attorneys of any kind, let alone legal aid or *pro bono* attorneys. Figure 3 on page 16 also show the uneven distribution of the state's 60,000 attorneys, a discrepancy that is becoming more pronounced each year. Cook County and the six collar counties contain 65% of the state's population and 90% of the state's attorneys. On the other end of the spectrum, 52 counties admitted fewer than five new attorneys in the last five years and 16 counties didn't admit any. The aging and shrinking legal communities in these areas create an additional barrier to justice and further highlight the need for many of the initiatives set forth in this plan.

⁷ *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18. Available online at http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf.

⁸ Illinois Supreme Court Commission on Access to Justice, *Access to Justice in Illinois*, November 2014, page 6.

⁹ *Id.*

Figure 3: Attorney Population in Illinois



In response to Illinois’ diversity and the growing number of self-represented and limited English proficient litigants, the courts must continue to take bold action. A court system that was designed by and for attorneys must adapt to the changing litigation landscape to ensure that all litigants truly have meaningful access to justice. The ATJ Commission recognizes that resources are limited, and that any proposed reforms must be reasonable, practical and cost-effective. To that end, the ATJ Commission has proposed a balanced range of initiatives—some big, some small; some cost-neutral, some costly—designed to achieve greater access to justice in Illinois.

IV. ATJ COMMISSION ACCOMPLISHMENTS

Since its formation in 2012, the ATJ Commission has worked diligently to reduce the many barriers to justice. Below is a list of the priorities identified in the 2014 strategic plan with an update as to what has been done and what remains ongoing.

1. Develop and automate standardized, plain language legal forms

The Forms Committee has established ten subcommittees: appellate, divorce, adult expungement/sealing, juvenile expungement/sealing, landlord/tenant, mortgage foreclosure, name change, orders of protection, procedures and small claims. In 2014, the Civil Justice Division added a Forms Officer to oversee the development of new standardized forms and to serve as liaison to the Forms Committee and its subcommittees. Under her leadership, the Forms Committee has finalized over 25 suites of forms, ranging in topics from an appellant's brief to a motion to stay a foreclosure sale to a petition for dissolution of marriage/civil union (without children). Dozens more form suites are currently in various stages of development. Through a partnership with Illinois Legal Aid Online (ILAO), many approved forms have been automated and can be completed through a guided interview on its website. All standardized forms are also available in fillable form, along with step-by-step instructions, on the Supreme Court's website.¹⁰

2. Translate standardized, plain language legal forms into the most common language other than English

The AOIC—through an outside vendor—has translated selected forms into the six most common languages spoken in Illinois: Spanish, Polish, Arabic, Russian, Mandarin Chinese, and Korean. This process is iterative and ongoing as new forms are approved and current forms are updated. All translated forms are available on the [Supreme Court's website](http://www.illinoiscourts.gov/forms/approved/).¹¹

3. Support the continued and expanded use of court-based facilitators/navigators (including Illinois Justice Corps)

Illinois JusticeCorps now operates in 10 courthouses in nine counties across all of the state's five appellate districts. In 2015, a consulting firm, Philliber Research Associates (PRA), conducted an external assessment of the effectiveness of the JusticeCorps program, and concluded that JusticeCorps volunteers have robust contacts with litigants at all sites and provide valuable assistance to litigants across the state.

4. Research and make recommendations for technology to enable remote access to the court system

The Process Simplification/Remote Access Committee, in collaboration with the Forms Committee, is in the process of developing a remote appearance form suite to expand the use of Supreme Court Rule 185 which permits for telephonic appearances in some circumstances. The Remote Access Committee has also retained a nationally recognized consultant, John Greacen, to develop a best practices manual for remote appearances and explore technology options to allow for remote appearances. In addition, the Committee collaborated with the Circuit Court of Cook County on remote appearance pilot programs in civil mental health hearings and probate matters.

¹⁰ <http://www.illinoiscourts.gov/forms/approved/>

¹¹ http://www.illinoiscourts.gov/CivilJustice/Multiple_Languages/default.asp

5. Develop guidelines and promote training opportunities for judges

The Court Guidance and Training Committee worked with the Illinois Judicial Conference Committee on Education to develop a best practices manual on access to justice for judges. The bi-annual 2016 Education Conference incorporated several access to justice topics in its curriculum including sessions on standardized forms, best practices for interacting with self-represented litigants, language access, procedural fairness, and implicit bias. In addition, the annual New Judge Training also included similar sessions on access to justice.

6. Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs

The Court Guidance and Training Committee developed a series of guidelines for circuit clerks, court staff, and court volunteers to clarify the distinction between legal information and legal advice. The ATJ Commission and the AOIC conducted multiple trainings for the Illinois Association of Court Clerks (IACC) on access to justice initiatives. In addition, AOIC staff conducted training sessions for several individual counties at the invitation of circuit clerks and court administrators.

7. Evaluate and recommend policies to ensure that existing self-help centers and current and future court websites continue to serve as a useful resource for self-represented litigants

The AOIC contracted with Illinois Legal Aid Online (ILAO) to conduct an assessment of existing legal self-help centers across the state and provided a report to the ATJ Commission. In August 2016, the AOIC convened a discussion with the ATJ Commissioners and volunteers, legal aid funders and ILAO to review the results of the report and to identify next steps for the

legal self-help centers, recommendations that have been folded into this strategic plan.

8. Develop language access resources for litigants with limited English proficiency

The AOIC's Language Access Coordinator was moved within the Civil Justice Division and has worked with the Language Access Committee to create new language access resources including multilingual signage providing notice of interpreter services in six languages and bench cards for judges and court staff. The Language Access Committee added several new members including representatives from community organizations to assist with identifying and promoting additional language access resources.

9. Research and make recommendations to simplify some court procedures and processes

The AOIC has begun researching court simplification procedures in other states and has held conversations locally to identify areas particularly well-suited to process simplification. On a national level, the AOIC is co-chairing a working group on Process Simplification through the Self-Represented Litigation Network¹² to lead national conversations on the topic and to identify best practices from other states. The AOIC drafted a report on small claims mediation services in Illinois and used the research to develop a draft list of best practices and model rules for counties interested in starting new mediation programs.

¹² The Self Represented Litigation Network is a national network of lawyers, judges, court staff, law librarians, and other stakeholders who focus on developing new strategies and solutions for assisting self-represented litigants through the court process. AOIC staff members participate in a variety of SRLN working groups. See <http://www.srln.org/>.

10. Study the experiences of judges, court staff, and litigants with self-help assistance and evaluate its impact on judicial efficiency

The AOIC added a Self-Represented Litigant Services Specialist to engage in conversations with court administrators in each judicial circuit to better understand the existing resources for self-represented litigants and to identify the greatest areas of need. The ATJ Commission and the AOIC collected a report from each circuit on the current services available for self-

represented litigants including web content, procedural guides, special self-represented litigant calls, mediation services, help desks, or any other creative solutions in use locally. The information collected through these reports and conversations will allow the AOIC to identify statewide trends and gaps and to facilitate the sharing of best practices and resources between circuits, and can inform the ATJ Commission's future work.

V. INITIATIVES FOR ENSURING MEANINGFUL ACCESS TO THE COURTS

To take action on each of the ATJ Commission’s guiding principles— plain language, process simplification, procedural fairness, and equal access – the ATJ Commission has identified 10 priority initiatives for FY 2017-2020. Some of these initiatives are continuations of existing work, while some of the initiatives represent new or expanded areas of focus. Many of these initiatives serve multiple guiding principles; but to be easier to follow, each initiative is only detailed under one guiding principle.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and in some situations, financial resources. In addition, the ATJ Commission will continue to prioritize evaluating and identifying mechanisms for regular input from judges, court staff, and court users about how to improve the court system and evaluate the effectiveness of the ATJ Commission’s initiatives and other self-help court-based programs.

A. Plain Language Principle

Court users should have access to a wide variety of plain language resources designed to help them understand and exercise their civil and procedural rights and reduce the number of barriers encountered while using the court system.

Courts can enhance access to justice and reduce the challenges self-represented litigants place on the court system by making plain language court forms an essential component of the justice system. The ATJ Commission will also continue to support Illinois JusticeCorps and other initiatives that present self-represented litigants with the opportunity to get legal and procedural information from trained staff within the courthouse, including the launch of a new “Self-Represented Litigant Coordinator” program. Lastly, changing demographics and technology demand that the ATJ Commission devote more time to developing web-based resources. A large majority of Americans now own a smart phone, and that number holds steady across all income and racial groups.

Initiatives 1, 2 and 3 describe some of the ATJ Commission’s ongoing and proposed work in furtherance of the Plain Language Principle, and are detailed below.

Initiative 1:

- **Develop, automate, and translate standardized, plain-language legal forms and other resources** into commonly spoken languages for areas of law frequently encountered by self-represented litigants.

Per Rule 10-101 and M.R. 25401, the Illinois Supreme Court created a process for developing standardized forms that must be accepted by all state court in Illinois. To facilitate the development process, a Forms Officer oversees and coordinates the work of the Forms Committee and the 10 drafting subcommittees to ensure consistency, plain language and the production of high quality legally sufficient forms, with little to no duplication of effort.

Once forms are approved, they are currently automated into A2J Author or Hot Docs and translated into our State's most common languages.¹³ In addition, written self-help material and (as appropriate) multi-media tools are being created in conjunction with the simplified forms to assist court users, including self-represented litigants and users with limited English proficiency, pursue their cases in court.

To ensure the continued development of plain language standardized forms with instructions and helpful legal information, the ATJ Commission intends to:

- Continue finalizing and updating suites of instructions, forms, and orders in at least the following case types: appellate, expungement/sealing, divorce, eviction, mortgage foreclosure, name change, orders of protection, procedural forms, small claims, and civil forfeiture;
- Continue translating standardized forms into Spanish, Polish, Korean, Mandarin Chinese, Russian, Arabic, and other languages as appropriate;
- Continue to automate standardized forms;
- Foster an on-going dialogue and education campaign with circuit clerks, judges, advocates and the public about the availability of statewide standardized forms and their usefulness;
- Encourage circuit clerks, court personnel, and judges to make standardized forms easily available;
- Study and evaluate how standardized forms are being used across the state and their role in increasing judicial efficiency; and
- Collaborate with all state courts to ensure standardized forms work with the e-filing process.



Definition of Success for Initiative 1:

Forms are standardized, written in plain language, simple, self-explanatory, actionable, multi-lingual, accessible, fillable, savable, printable, and available in both electronic and print versions. Moreover, self-help information is available, simple, easy to understand, consistent across courts and technologies, and able to provide a roadmap of court procedure. Judges, circuit clerks, court staff, legal aid attorneys, and other stakeholders are familiar with the standardized forms and other self-help resources and regularly refer self-represented litigants to them.

¹³ Automated forms are much easier for self-represented litigants to use, by guiding users through the process of providing the relevant information to their case in a simple, plain-language, question-and-answer format. A litigant's answers are inserted in the appropriate places throughout the document. The resulting form is more comprehensive than documents typically provided by individuals who are representing themselves. Once a form has been automated, the marginal cost to provide access to this tool is a fraction of a cent, making these forms a cost-effective investment.

Initiative 2:

- **Support the continued and expanded use of court-based facilitators/navigators**, including JusticeCorps, and evaluate the effectiveness of these services as a means to assist self-represented litigants and contribute to the efficient operation of the Illinois courts and study how to make facilitators/navigators most effective.

Facilitators or navigators are trained individuals (usually non-lawyers) who provide legal information and procedural guidance to court users, but do not provide legal advice or representation. In some cases, the appropriate individual will be a trained volunteer, such as a member of the Illinois JusticeCorps program or a senior citizen docent. In other cases, the appropriate individual will be a staff person such as a circuit clerk, law librarian, or self-help center navigator. While court staff regularly answer questions and offer other assistance to self-represented litigants, there are practical benefits to having designated persons to assist self-represented litigants. One new project proposed by the ATJ Commission is a plan to formalize a statewide network of self-represented litigant coordinators from existing staff personnel to think more strategically about collaborative solutions to the challenges faced and posed by self-represented litigants.

To support and expand the use of court-based facilitators and navigators to assist self-represented litigants the Commission's JusticeCorps Steering Committee and the AOIC Civil Justice Division will engage in the following activities:

- Continue to fund and support JusticeCorps at current locations and explore possible expansion to new sites, including the 7th, 16th, 18th, 22nd and 23rd judicial circuits. For letters of support from each proposed expansion site, see Appendix 3. For more information on JusticeCorps in general, see in-text box;
- Explore the possibility of moving JusticeCorps within the AOIC to facilitate better coordination with the ATJ Commission's other initiatives and address the need for courthouse navigators with the advent of e-filing;
- Identify a cadre of court staff from around the state to fill the position of Self-Represented Litigant Coordinators (SRLCs) for their local circuit. Conduct regular meetings and training sessions between the SRLCs to facilitate the exchange of ideas across circuits and more efficient resource development. For more information on this project, see in-text box on page 23;

Illinois JusticeCorps

Illinois JusticeCorps, first launched at the Daley Center in 2009 and now located in ten courthouses, trains volunteers to act as guides for self-represented litigants. Student volunteers help court patrons navigate the courthouse maze and connect them with resources inside and outside the courthouse in an effort to make the experience more welcoming and efficient. JusticeCorps volunteers receive intensive training on how to provide legal information and referrals, courthouse operations, and the challenges and needs of self-represented litigants. Depending on the site, JusticeCorps members may offer more intensive assistance including assisting with forms (without giving legal advice), explaining court procedure, and providing targeted referral information to community resources. The ATJ Commission, in partnership with the Chicago Bar Foundation and the Illinois Bar Foundation, oversees and funds the operations of the JusticeCorps program together with matching AmeriCorps funding from the Serve Illinois Commission. For more information about Illinois Justice Corps, see *Appendix 3*.

- Continue to develop and promote signage and other resources to facilitate easier navigation of the courthouse;
- Develop ongoing training opportunities for SRLCs and collaborate with JusticeCorps fellows and other stakeholders when possible; and
- Develop and implement self-help resources for self-represented litigants in civil appeals in partnership with the ATJ Commission Appellate Committee and the Appellate Lawyers Association, the First Appellate District Self-Represented Litigants Working Group and other stakeholders.

Self-Represented Litigant Coordinators

To promote better statewide communication and collaboration on access issues, the ATJ Commission will lead an effort to identify and train a statewide network of court staff dedicated to working on issues affecting self-represented litigants, or Self-Represented Litigant Coordinators (SRLCs).

Specifically, the ATJ Commission proposes that a SRLC Steering Committee launch a pilot program offering grant money to five circuits to designate an existing staff person to serve as a SRLC, a key resource for self-represented litigants in the courthouse. The SRLCs will identify, develop, and implement new tools and resources for self-represented litigants and work with local stakeholders and community organizations to facilitate better communication and collaboration in supporting self-represented litigants. Additionally, SRLCs can learn from one another's successes, share resources, and work to provide the best possible services for self-represented litigants. The AOIC staff and the ATJ Commission will take a leadership role in supporting and training the SRLCs and leading the statewide conversation about self-represented litigant services. For more information about the SRLC program, see *Appendix 2*.



Definition of Success for Initiative 2:

Illinois JusticeCorps will continue in all existing sites and expand to additional sites. Some circuits will have received funding to designate Self-Represented Litigant Coordinators from existing staff. The AOIC and Commission will have created a network of these individuals and established the framework for them to share resources and ideas through ongoing training and dialogue. The expansion of facilitators and navigators will continue to track the geographic diversity of the state.

Initiative 3:

- **Evaluate and recommend policies to ensure that self-help services and court websites serve as a useful resource for self-represented litigants.**

The ATJ Commission will pursue options for sharing content best practices, suggested language, and links to available helpful content for court websites. For areas of law that have a high volume of unrepresented litigants, the ATJ Commission envisions that, in addition to standardized forms, other resources could be given to litigants at the outset of their cases, such as: a glossary of relevant legal terms; a “process map” that would allow litigants to chart their progress; and a checklist of necessary documents and a step-by-step list of actions. As part of its work supporting self-help centers, the ATJ Commission will help identify model self-help resources for local courts to adapt and develop including, for example, the DeKalb Circuit Clerk’s Mobile App and the Kane County’s Law Library website.¹⁴ The ATJ Commission will also provide input to the AOIC as it undertakes an overhaul of the Supreme Court’s website with an eye towards self-represented litigant users.

To more effectively use technology to share legal information, referrals, and resources with self-represented litigants, the Commission’s Website Committee and the AOIC Civil Justice Division will undertake the following activities:

- Create a customizable web template with sample language and best practices for self-represented litigants to be shared with circuit clerks and judicial circuits;
- Post updated information and new resources (including standardized forms) on the AOIC website as they become available;
- Identify and promote new resources from across the state that leverage technology to assist self-represented litigants, including self-represented litigants in civil appeals;
- Coordinate education and outreach efforts to raise awareness of web-based resources and drive traffic to the Supreme Court’s revamped website; and
- Collaborate with other AOIC staff to redesign the Supreme Court website with a dedicated section for self-represented litigants, informational videos, and other resources.

**Definition of Success for Initiative 3:**

Basic information including hours of operation, parking and transportation, court security, disability accommodations, and language access resources can be found online in a mobile-ready format for every judicial circuit in Illinois. All court users can easily locate information about their local courthouse operations with access to self-help information, standardized forms, referrals, and other access to justice tools. Court users can also easily navigate the self-help resources on the Illinois Supreme Court website.

¹⁴ www.kclawlibrary.org

B. Process Simplification Principle

Court users should find that court procedures and policies are streamlined and efficient and communicated in plain language to allow for a positive user experience with the court system while still preserving substantive and procedural fairness and due process rights.

The main focus of self-help efforts, both nationally and in Illinois, has been on preparing self-represented litigants to navigate complex and confusing court procedures as if they were lawyers. However, as the typical court user is now more likely to be a self-represented litigant, an alternative approach would be to simplify and streamline some court processes and procedures to make the court system more responsive to their needs.

An example of successful process simplification is the recent revision of Supreme Court Rule 12(b) to eliminate the requirement for a self-represented litigant to file a notarized affidavit with her proof of service. Over the next three years, the ATJ Commission will focus on a small number of civil case types to identify potential recommendations to remove similar procedural or rule-based hurdles and reduce frustration for litigants, courts, and court staff.

Initiatives 4, 5, and 6 describe some of the ATJ Commission's ongoing and proposed work in this area, and are detailed below.

Initiative 4:

- **Evaluate and recommend policies to enable remote access to the court system, which will allow litigants to have meaningful access to the justice system and promote technologies that also enable remote interpreting services for limited English proficient litigants.**

Certain technologies can facilitate remote access by connecting courts with litigants who are unable to attend court dates in person because of distance, disability, incarceration, or any other reason, or connecting legal aid and *pro bono* attorneys from larger judicial circuits with clients in other areas of the state. A "satellite courthouse" could provide litigants and attorneys with a more convenient or safer location to appear before a judge in the courtroom, particularly in the domestic violence context. Technology could also be used to facilitate remote language interpreter services for courts that do not have access to in-person language interpreters for limited English proficient litigants.

To address the challenges of distance, cost, and resource distribution, the ATJ Commission and its Remote Access Committee propose furthering the use of remote technologies by doing the following:

- Evaluate the findings of research consultant John Greacen¹⁵ to determine low-cost and efficient technology providers and best practices for remote appearances using phone and video technology across the state;
- Advance video remote interpreting (“VRI”) pilot in five counties: Cook, DeKalb, Kendall, McLean, and Champaign;
- Pilot a “satellite courthouse” at a domestic violence service provider, or other amenable site, in Winnebago County;
- Use a technical assistance grant from the State Justice Institute and consultants from the National Center for State Courts (“NCSC”) to evaluate the benefits and challenges associated with using VRI, and offer recommendations for its appropriate use in court settings;
- Partner with the Forms Committee to finalize and promote a suite of forms designed to promote and simplify the use of remote appearances pursuant to Supreme Court Rule 185; and
- Recommend changes to Supreme Court Rule 241 to promote and simplify the use of video and other technologies in the courthouse.



Definition of Success for Initiative 4:

More court users can participate in court proceedings remotely, when appropriate. Courts can access qualified interpreters in many languages through remote technology in courtrooms and other areas of the courthouse as needed, within a reasonable amount of time. The remote technologies employed are reliable, efficient, cost-effective, and do not compromise the quality of communications and court proceedings.

¹⁵ John Greacen, currently a principal of Greacen Associates, LLC, wrote the seminal article on the difference between legal information and legal advice for court staff in 1995 and continues to publish regularly on the topic. He has evaluated programs to assist self-represented litigants in Alaska, Arizona, Arkansas, California, Florida, Maryland, Minnesota, and Virginia. Mr. Greacen was a consultant to the Florida and Utah judicial branch committees tasked with developing strategic plans for providing assistance to self-represented litigants. He has done research on communications in court hearings involving two self-represented litigants. Mr. Greacen was also the editor of the California Benchbook on Self-Represented Litigants and the author of the benchbook chapter on judicial ethics. He has made educational presentations on best practices for self-represented litigants across the States.

Initiative 5:

- **Research and make recommendations to simplify court procedures and processes that are frequently encountered by self-represented litigants, with the goal of making those processes and procedures easier for court users to understand and comply with, while possibly reducing the number of court visits necessary to complete a case.**

The Illinois Supreme Court has approved rules to simplify and streamline court procedures in small claims matters,¹⁶ and to limit and simplify discovery in certain types of cases.¹⁷ Other types of cases that involve large numbers of unrepresented litigants may be amenable to similar simplification, which could make it less onerous for such litigants to follow required procedures, present their cases to the court, and obtain a procedurally fair outcome. The ATJ Commission proposes to gather information about simplification efforts in Illinois and in other jurisdictions, with the goal of evaluating the potential benefits of such efforts in additional areas of law.

The ATJ Commission and its Process Simplification Committee will undertake the following activities to explore large and small scale changes designed to simplify and streamline certain court processes:

- Develop a working group to study areas of law that may be particularly suitable for simplification, such as family law, and to identify potential simplification strategies;
- Participate in national conversations about simplification to learn about successes from other states and to explore their potential application in Illinois;
- Encourage development and growth of small claims mediation programs that can provide free mediation to self-represented litigants by creating model rules, identifying and sharing best practices, and offering training grants for new pro bono mediators; and
- Support McHenry County in implementing its grant from the National Center for State Courts to develop a system for triaging civil cases and creating a simplified pathway for civil cases and share best practices with other counties interested in implementing a similar triage system. For more information on this project, see *in-text box*.

Civil Justice for All Grant

AOIC staff has partnered with the trial court leadership of the 22nd Judicial Circuit and received a grant from the National Center on State Courts to implement a civil triage program based on the findings of the Conference of Chief Justices' report *Achieving Civil Justice for All*. The underlying principles of the report are that courts must take a more active role in managing civil cases and courts must have a proportional approach to case management that pairs appropriate resources with a case based on its unique needs. For more information on the Civil Justice for All Grant, see *Appendix 4*.

¹⁶ Illinois Supreme Court Rules 281 – 289

¹⁷ Illinois Supreme Court Rule 222

**Definition of Success for Initiative 5:**

Court users will find some cumbersome rules and procedures have been simplified and streamlined to improve access to the courts and compliance with procedural requirements. A triage system will be implemented in some pilot sites with high volume civil dockets with the goal of improving judicial efficiency while ensuring that litigants obtain a procedurally fair outcome. Simplification efforts will be evaluated regularly to determine if additional modifications are needed.

C. Procedural Fairness Principle

Court users should have access to a court system that serves as a neutral, accessible, transparent, non-biased, non-discriminatory forum in which they can seek and obtain a legal remedy and in which they are addressed with dignity, respect, and professional courtesy by all judges, circuit clerks, and other court staff.

Circuit clerks and judges have expressed a strong desire for more training and resource materials to help them better serve the growing populations of limited English proficient litigants and self-represented litigants. The 2016 survey conducted by the ATJ Commission's Court Guidance and Training Committee revealed that 73% of circuit clerks and 69% of judges presiding over civil cases encounter self-represented litigants on a daily basis. Data collected by the AOIC in 2015 also shows that 22% of Illinois residents are limited English proficient and in the last year nearly 188,000 court events required the use of an interpreter. By developing guidelines and identifying and sharing best practices, the Commission can improve the user experience in the courthouse while also easing the burden placed on judges, clerks, and other court staff.

The ATJ Commission will also build on the findings from the 2015 Illinois Judicial Conference Committee on Strategic Planning Court User Survey, which illustrated that there are many in our State who feel unwelcomed by and/or a lack of trust in our state's court system. This lack of community trust may be caused by a multitude of reasons, but the ATJ Commission seeks to prioritize community outreach—especially through non-profit organizations and social services partners—about the efforts of our court system to expand access to justice and highlight and promote available legal resources.

Detailed below are Initiatives 6 and 7 describing some of the ATJ Commission's ongoing and proposed work in furtherance of the Procedural Fairness Principle:

Initiative 6:

- **Develop guidelines and promote training opportunities for judges who encounter significant numbers of self-represented and limited English proficient litigants in their courtrooms, consistent with Rule 63(A)(4) of the Illinois Code of Judicial Conduct; and**

Initiative 7:

- **Develop guidelines and promote training opportunities for other court personnel – especially circuit clerks and members of their respective staffs – to enable them to assist self-represented and limited English proficient litigants in a consistent, ethically permissible manner.**

To ensure that meaningful, ongoing training and professional development opportunities are provided for court staff, especially circuit clerks and judges, the ATJ Commission's Court Guidance and Training Committee will engage in the following activities:

- Review and update all existing training materials, including the *Access to Justice Spiral* and *Self-Represented Litigants in Civil Matters: Suggested Best Practices and Relevant Court Rules*. Updates should reflect recent changes in the law and court procedure, address new challenges that have been identified, and summarize new policies and initiatives of the ATJ Commission;
- Identify and address gaps in existing training materials and resources, for both circuit clerks and judges, based on the results of the 2016 Court Guidance and Training survey results. Develop new materials as necessary;
- Develop new strategies for disseminating training materials with judges and clerks, in both paper and electronic formats. Provide new opportunities to engage in dialogue with judges and clerks about access to justice issues, with a focus on connecting with judges and clerks in between annual training sessions;
- Collaborate with the Illinois Association of Court Clerks to deliver training sessions for circuit clerks, with an emphasis on training new clerks on access to justice initiatives;
- Develop new resources and training guidelines for court staff surrounding mandatory e-filing and self-represented litigants;
- Collaborate with other entities including the Illinois Supreme Court Commission on Professionalism and the AOIC's Judicial Education Division to deliver ongoing training sessions for judges, circuit clerks, and other court staff about best practices for self-represented litigants. Continue current efforts to train judges on the concepts of procedural fairness and implicit bias, and develop supporting materials as necessary; and
- Educate judges and court staff about new and ongoing ATJ Commission initiatives as necessary.



Definition of Success for Initiatives 6 and 7:

Follow-up surveys show that judges and circuit clerks are equipped to face fewer challenges when interacting with self-represented litigants. Judges and circuit clerks are trained on and begin implementing best practices for access to justice, while being mindful of the four pillars of procedural fairness (voice, impartiality, neutrality, transparency).

D. Equal Access Principle

Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.

A 2016 report prepared by the Institute for the Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have had legal representation but were unable to find or afford an attorney.¹⁸ Where possible, the ATJ Commission will strive to support initiatives that increase access to legal aid and *pro bono* attorneys, to establish new court-based *pro bono* projects, and to connect litigants with affordable legal representation including limited scope representation.

The ATJ Commission will also continue its work to ensure that all litigants have access to the court regardless of English language proficiency by using qualified interpreters. The AOIC began collecting data on interpreter usage in circuit courts in 2015, revealing that 45% of interpreters are used in traffic cases, 39% in criminal cases, and 12% in civil cases. In light of this recent data, future work on language access will likely address needs and challenges unique to traffic courts and criminal courts as well.

Initiatives 8, 9, and 10 describe some of the ATJ Commission's ongoing and proposed work in furtherance of the Equal Access Principle.

Initiative 8:

- **Develop language access resources and language assistance services through recruiting and training interpreters to achieve court certification, promoting the usage of qualified interpreters in court proceedings and building awareness in limited English proficient communities about language access in the courts.**

Court interpreting is a sophisticated and demanding profession that requires much more than being bilingual. Unqualified interpreters can present incorrect evidence, affect the reliability of testimony, mislead judges, juries and attorneys, and worse yet, cause litigants to unknowingly waive their rights. To address these significant risks to the justice system, the AOIC trains judges and court personnel on the importance of providing qualified interpreters in civil and criminal cases, and also administers a court interpreter certification program to assess language proficiency and interpreting skills.¹⁹ However, AOIC data reveals that only 30% of cases use qualified interpreters, so there is a great need for more interpreter recruitment and community education about access to interpreters.

¹⁸ *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18 (available online at http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf).

¹⁹ As of this writing, the AOIC Interpreter Registry includes over 200 interpreters that have demonstrated the skills necessary for court interpreting in 15 languages, and over 140 interpreters have started the certification process in 12 languages and are preparing for oral exams. The AOIC also reimburses courts that use interpreters on the Registry to incentivize the usage of qualified interpreters.

To further this work, the ATJ Commission’s Language Access Committee will pursue the following:

- Develop a language access “marketing strategy” to inform LEP communities about the availability of interpreter services for all cases;
- Recruit qualified interpreters to pursue certification, particularly in rural areas and for languages that have little or no representation on the AOIC Interpreter Registry;
- Promote the usage of qualified interpreters and the importance of language access to judges and court personnel through trainings; and
- Develop translated resources for limited English proficient litigants.



Definition of Success for Initiative 8:

All court users with limited English proficiency are aware of and have access to qualified interpreters for court and court-annexed proceedings and have access to information about other available language access resources (e.g., multi-lingual standardized forms, signage).

Initiative 9:

- **Identify, develop, and promote the implementation of court policies and rules that promote legal representation, including limited scope representation, in partnership with bar associations and other community groups.**

Limited scope representation permits attorneys to assist a self-represented litigant in a civil case without undertaking full representation of the client on all issues related to the legal matter for which the attorney is engaged. The ATJ Commission's Limited Scope Representation Committee will collaborate with circuit courts and bar associations to innovate new strategies for connecting private attorneys with modest means litigants for all or part of their cases as provided by the limited scope representation rules approved by the Supreme Court in 2013. The ATJ Commission would also consider ways to support and expand court-based *pro bono* programs that offer legal information and advice through partnerships with legal aid agencies, *pro bono* organizations, and local bar associations. All of these activities would increase opportunities for court users to access some form of legal assistance for essential civil legal needs.

The ATJ Commission will engage in the following activities:

- Promote the expanded use of limited scope representation through training and education activities for judges, attorneys, and court staff. For more information on this project, see *in-text box*;
- Collaborate with the Forms Committee to promote the use of standardized forms for Limited Scope Representation;
- Pilot a new legal assistance program designed to provide limited assistance to self-represented litigants in civil appeals;
- Identify additional opportunities to support and expand the use of court-based *pro bono* programs in collaboration with The Chicago Bar Foundation, the Illinois Bar Foundation and the Public Interest Law Initiative, among others;
- Coordinate with local bar associations to promote limited scope representation through referral panels, practice groups, and ongoing training;
- Continue to educate judges, circuit clerks, court staff, and attorneys on recent rule changes regarding limited scope representation;

Limited Scope Representation

The growing number of self-represented litigants in Illinois includes many modest means litigants who earn too much to qualify for legal aid and *pro bono* services, but too little to pay for market rate attorneys. Many of these litigants can benefit from limited scope representation whereby they retain an attorney for a portion of a case, but not for its entirety, significantly reducing their overall legal costs. In 2013, the Illinois Supreme Court authorized several new rules to clarify and expand the role of limited scope attorneys who can now act nimbly, entering and exiting cases quickly to meet client needs, without being burdened by the cumbersome process of withdrawing from a case under the general appearance rules. The ATJ Commission has participated in a number of education efforts to raise awareness of these rules among various stakeholders including circuit clerks, judges, and attorneys. To further promote the use and understanding of the limited scope representation rules, the ATJ Commission will collaborate with bar associations to conduct comprehensive training on the rules and create referral panels of limited scope attorneys. These efforts will help connect self-represented litigants with more cost-effective options for legal assistance.

- Begin collecting quarterly data on the use of limited scope appearances to gain a better understanding of how this tool is used and where; and
- Analyze data from the ABA Pro Bono Survey Project, which is collecting statewide data on the prevalence of pro bono participation and to gain a better understanding of the motivating factors in the decision to do *(or not do) pro bono* work.

**Definition of Success for Initiative 9:**

All court users are able to access some form of legal information or advice either through help desks, legal aid attorneys, pro bono attorneys, or private representation. Attorneys, judges, and court staff are familiar with limited scope representation rules and litigants are easily able to find private attorneys offering limited scope services.

Initiative 10:

- **Develop community based programming to build trust of the court system through educating community stakeholders about the access to justice resources that are available to help people use the court system.**

Courts are not immune to the problem of declining confidence in government and other public institutions. To help build and/or increase trust and confidence in the courts, particularly among marginalized communities, the ATJ Commission should take an active role in facilitating conversations and other outreach activities that can bridge the gap between the courts and the communities they serve.²⁰ While these principles have long been incorporated into the ATJ Commission's work, this area will have a renewed focus in the coming years and should inform all of the ATJ Commission's other initiatives.

To foster community trust and engagement with the courts, the ATJ Commission's Community Trust Committee will pursue the following activities:

- Create and administer court user surveys to receive feedback on the court user experience and perceptions of procedural fairness (e.g., survey self-help center users, those who receive assistance from Illinois JusticeCorps, jury pools, or court users in a high volume court setting, such as traffic court);
- Host a "listening tour" in select locations across the state to bring together social service providers, community organizations, legal aid providers, healthcare providers, and others to learn about the information gaps and challenges they face in providing legal information to their clients and to share referral information and other helpful resources;
- Host community engagement sessions with court users to learn about the barriers they face and discuss how the courts can better meet their needs; and
- Develop a public relations strategy and maintain a communication feedback loop with the community.

**Definition of Success for Initiative 10:**

Courts, together with the ATJ Commission and other partners, regularly reach out in new ways to enhance public trust and confidence, and increase access to courts and courthouses in ways that reflect local community needs. Courts partner with local social service networks so that court users receive current information about resources and referrals for wrap-around services and in turn, social service providers better understand how to engage with the court system and provide information and referrals to their clients.

²⁰ See, e.g., http://ppc.unl.edu/wp-content/uploads/1999/11/ptc_survey_meaning.pdf

E. Continuous Improvement Principle

The ATJ Commission should strive for continuous improvement and increased capacity to best meet the diverse and constantly evolving needs of court users.

Over the next three years, the ATJ Commission should constantly evaluate and reflect on its work to ensure that each initiative is implemented with the user experience in mind to achieve the desired outcome. The ATJ Commission should also periodically take inventory of its capacity to ensure it has adequate resources to ensure the effective implementation of its initiatives. Regular evaluation should be an integral component of each initiative to ensure that the work of the ATJ Commission and the AOIC is effective and responsive to the needs of court patrons and court staff alike. The AOIC and ATJ Commission should also take affirmative steps to increase capacity for change by developing strong local partnerships to promote the work of the ATJ Commission regionally and by increasing staff and volunteer capacity when necessary.

The following concepts shall be incorporated into all of the ATJ Commission's work and should guide each of the initiatives listed above:

User Experience: Ensuring access to justice for court users and maximum efficiency for the court itself requires the courts to shift focus from looking in (the perspective of those who work within the courts) to looking out (adding the perspective of those who use the courts). In designing and implementing all of the above initiatives, the ATJ Commission and the AOIC should consider the perspective of court users in an effort to continuously improve the court system. When possible, the ATJ Commission and the AOIC should strike to make courthouses, websites, and self-help resources more accessible and inviting to all users. The ATJ Commission will also coordinate with the Supreme Court and the e-Policy Advisory Board to ensure that new court policies, such as mandatory e-filing, consider the experience of all users including self-represented litigants. The ATJ Commission anticipates it will play an active role in communicating with the Supreme Court and its e-Policy Advisory Board to address potential challenges that may arise for litigants who have limited access to computers, smart phones, credit cards, or bank accounts.

Ongoing Evaluation: Broad-based implementation and continuous feedback and evaluation will be necessary to meet each of the principles and initiatives set out by this strategic plan and achieve the desired progress. To that end, the ATJ Commission will engage in ongoing evaluation of each initiative to identify program successes and deficiencies. When possible, the ATJ Commission will make ongoing modifications and improvements and collect and analyze statewide data about program efficacy to better understand the population which it aims to serve.

Building Capacity: The ATJ Commission has no full-time staff and, while it benefits from the immeasurable contributions of its members and volunteers, many of these accomplishments would not have been possible without the assistance of the AOIC staff. Since the last strategic plan was drafted, the AOIC has increased the size of its Civil Justice Division which now includes four full-time staff members and one administrative assistant. The staff attorneys within the division primarily focus their work on language access, standardized forms, and resources for self-represented litigants, but they often work on other initiatives as they arise. The ATJ Commission and AOIC should conduct periodic reviews of staff and volunteer capacity to effectively implement and evaluate all initiatives when practical, the ATJ Commission and the AOIC should take steps to increase capacity and develop local support to ensure effective implementation of all initiatives.

Proposed Increases to Staff Capacity

The strategic plan laid out herein is an ambitious one. It aims to continue or expand all of the ATJ Commission's current initiatives while introducing several new ones. The current demographics of Illinois and the access to justice crisis in the courts require both an expansion of the current work and bold new initiatives to supplement it. To effectively administer all of the proposed programs and to achieve the desired outcomes, the Civil Justice Division will need to see a corresponding growth in staff over the coming years. To that end, this strategic plan proposes the addition of three new staff positions and one new administrative position to the Civil Justice Division.

The first proposed staff position is an **Appellate Resource Specialist**, who would be tasked with focusing exclusively on assisting self-represented litigants in civil appeals. Despite the growing numbers of self-represented litigants in civil appeals, there are very few legal aid or self-help resources available to assist them. The addition of an Appellate Resource Specialist would allow for a systemic, flexible, and statewide approach to assisting self-represented litigants. The Appellate Resource Specialist's responsibilities would be varied and would include: responding to individual inquiries from litigants via phone, email, and the *Supreme Court Library* website; creating and updating self-help resources for each appellate district; training circuit clerks and appellate justice on best practices for self-represented litigants; establishing and managing appellate pro bono clinics or help desks in each appellate district; collecting and reviewing data on appellate self-represented litigants; and expanding existing ATJ Commission initiatives to appellate litigants when practical.

The second proposed staff position is a **JusticeCorps Officer** who could work with the current JusticeCorps sites and oversee the proposed expansion to additional sites throughout the state.²¹ JusticeCorps is currently administered

by the Illinois Bar Foundation which employs the Programs Operations Director and the Regional Program Coordinator. However, there are many potential advantages to restructuring the program and moving it internally within the Court, and specifically within the AOIC's Civil Justice Division. Such a move would give the ATJ Commission a much stronger role in shaping and managing the program and would facilitate better coordination with other ATJ Commission initiatives and Supreme Court programs.

The last proposed staff position is an additional part-time **Administrative Assistant**. One ongoing priority area for the ATJ Commission is improving remote access technology throughout the state. Remote access technology can more efficiently and effectively connect litigants and attorneys with the court system by using phone and video technology. Language access is one additional area identified by the ATJ Commission that can use technology to reduce court expenses and time. Many areas of the State are underserved by qualified interpreters, and cases may be delayed as courts struggle to find them. The Civil Justice Division is proposing the establishment of a remote work station located at the Bilandic building or the AOIC office in Chicago where interpreters who are based in Chicago—with its large and diverse interpreter population—could connect with courthouses throughout the State using video conferencing technology. If successful, this program would require an Administrative Assistant to oversee the program by keeping the schedule, communicating with interpreters and court staff, and maintaining the workspace technology.

With adequate support and staff, the ATJ Commission can continue its work to ensure that all residents of Illinois have full and meaningful access to the judicial system. The next section outlines the specific initiatives and activities that the ATJ Commission will pursue over the next three years in furtherance of this goal.

²¹ The following circuits have expressed interest in JusticeCorps: 7, 14, 16, 18, 22, 23.

VI. RECOMMENDATIONS

The Illinois Supreme Court Commission on Access to Justice proposes to undertake a variety of initiatives to give all litigants meaningful access to the Illinois courts. Similar to the 2014-2017 strategic plan, the initiatives will include research, policy recommendations, collection and dissemination of best practices, and the creation of model programs and resources. In the next three years, the ATJ Commission will also evaluate the effectiveness of existing programs and resources, explore process simplification, support a grant program to develop Self-Represented Litigant Coordinators in select circuits, and conduct community outreach across the state to increase public trust and confidence in the courts.

The ATJ Commission will pursue the proposed initiatives by providing leadership, oversight, and when necessary, financial resources. The work of the ATJ Commission will be accomplished through the work of its committees; in collaboration with other relevant bench and bar entities; and/or by consultants hired for discrete purposes. In all its undertakings, the ATJ Commission will work in close coordination with the Illinois Supreme Court and the Administrative Office of the Illinois Courts.

The below are initiatives listed in order of priority for each budget year, in addition to anticipated expenditures in furtherance of those initiatives.

YEAR ONE (July 1, 2017 – June 30, 2018)

Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Embark on the CCJ Justice for All Grant with the Circuit Court of McHenry
3. Support the continued and expanded use of Illinois JusticeCorps and other facilitator and navigator programs
4. Launch the Self-Represented Litigant Coordinator program and identify the first round of participating local court staff
5. Continue to develop guidelines and promote training opportunities for court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Evaluate and recommend policies to enable remote access to the court system
8. Continue to develop language access resources and language assistance services through recruiting and training interpreters
9. Identify, develop and promote the implementation of court policies and rules that promote legal representation, including launching a limited scope panel with The Chicago Bar Association
10. Develop community based programming to increase trust of the court system
11. Evaluate the self-help services that are currently available through courts in Illinois

Expenditures

| Activity | Amount |
|---|-------------------------------|
| Automating Standardized Forms | \$50,000 |
| CCJ Triage Pilot | \$0 |
| Self-Represented Litigant Coordinator Grants | \$105,000 |
| Illinois JusticeCorps | \$158,000 |
| Remote access technology pilot | \$10,000 |
| Development of Child Support/Alimony Calculator | \$1,000 |
| Community Trust Meetings | \$5,000 |
| Conference Travel | \$5,000 |
| Printing Signage | \$1,000 |
| Total | \$335,000²³ |

23 The ATJ Commission's chief funding sources are cyclical; and as such, any reserve from SFY 2017-2018 would be used to help address cash flow issues in future years. *Pro hac vice* money comes in monthly installments, and the ARDC estimates the ATJ Commission's distribution to be approximately \$20,000/month. Similarly, the other main ATJ Commission revenue source comes from two Lexis/Nexis contracts (one print and one on-line) for pattern jury instructions, which are distributed quarterly, and the ATJ Commission will receive \$18,500/quarter for each of the two contracts.

YEAR TWO (July 1, 2018 – June 30, 2019)

Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Learn from Circuit Court of the McHenry civil pilot program in year one, research and make recommendations to simplify court procedures across the State in domestic relations and other civil case types
3. Support the continued and expanded use of Illinois JusticeCorps and other court-based facilitators and navigators
4. Continue working with the first round of Self-Represented Litigant Coordinators and conduct a training conference in Chicago for all participants. Identify the second group of participating circuits
5. Continue to develop guidelines and promote training opportunities for other court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Work to launch remote access domestic violence pilot and increase use of video remote interpreting in Illinois’ courts
8. Develop community based programming to increase trust of the court system
9. Continue to develop language access resources and language assistance services through recruiting and training interpreters
10. Continue limited scope pilot with the Chicago Bar Association and explore additional avenues for expanded promotion of limited scope practice with bar associations and judicial education efforts

Expenditures

| Activity | Amount |
|--|------------------|
| Automating Standardized Forms | \$50,000 |
| Self-Represented Litigant Coordinator Grants | \$105,000 |
| Illinois JusticeCorps | \$158,000 |
| Remote access technology pilot | \$10,000 |
| Satellite courthouse | \$10,000 |
| Conduct Community Trust Meetings with Public | \$5,000 |
| Conference Travel | \$5,000 |
| Printing Signage | \$1,000 |
| TOTAL | \$344,000 |

YEAR THREE (July 1, 2019 – June 30, 2020)

Priorities

1. Continue to develop, automate, and translate standardized plain-language legal forms and other resources
2. Continue to research and make recommendations to simplify court procedures across the State in domestic relations and other civil case types
3. Support the continued and expanded use of Illinois JusticeCorps and other court-based facilitators and navigators
4. Continue working with the first and second group of Self-Represented Litigant Coordinators and conduct a training in Chicago for all participants
5. Continue to develop guidelines and promote training opportunities for other court personnel – especially circuit clerks
6. Continue to develop guidelines and promote training opportunities for judges
7. Learning from initial remote access domestic violence pilot, explore whether to add additional pilot sites and continue to increase use of video remote interpreting in Illinois' courts
8. Continue limited scope pilot with the Chicago Bar Association and explore additional avenues for expanded promotion of limited scope practice with bar associations and judicial education efforts
9. Continue to develop community based programming to increase trust of the court system
10. Continue to develop language access resources and language assistance services through recruiting and training interpreters

Expenditures

| Activity | Amount |
|--|------------------|
| Automating Standardized Forms | \$50,000 |
| Self-Represented Litigant Coordinator Grants | \$105,000 |
| Illinois JusticeCorps | \$158,000 |
| Satellite courthouse | \$10,000 |
| Small Claims Mediation Training Subsidies | \$5,000 |
| Conference Travel | \$5,000 |
| Printing Signage | \$1,000 |
| PR Campaign for Community Trust | \$5,000 |
| Regional Meetings Travel Budget | \$5,000 |
| TOTAL | \$344,000 |

VII. APPENDICES

1. Forms Approved by the Illinois Supreme Court Commission on Access to Justice
2. Proof of Concept Memo for the Self-Represented Litigant Coordinators Program
3. Illinois JusticeCorps Letters of Interest
4. Civil Justice Improvement Program
5. Trainings Conducted by the Illinois Supreme Court Commission on Access to Justice
6. Courthouse Interactions with Self-Represented Litigants: An Overview of Survey Results from Judges and Circuit Clerks
7. Proposal to Improve Access to Justice in Illinois through Limited Scope Representation
8. Proposals for Court-Based Assistance for Self-Represented Appellate Litigants

1. Forms Approved by the Illinois Supreme Court Commission on Access to Justice



Resources for Access to Justice: Standardized Forms

Which Forms Are Currently Available?

To date, the Illinois Supreme Court Commission on Access to Justice's Forms Committee has finalized the following forms and their corresponding instructions:

- *Procedural Forms*: Application for Waiver of Court Fees, Order for Waiver of Court Fees, Appearance Pro Se, Answer/Response to Complaint/Petition, Motion, Order, Notice of Court Date for Motion, Interpreter Request, and Proof of Service.
- *Expungement/Sealing*: Request to Expunge and Impound Criminal Records, Order to Expunge and Impound Criminal Records, Request to Seal Criminal Records, Order to Seal Criminal Records, and Notice of Filing for Expungement or Sealing.
- *Mortgage Foreclosure*: Mortgage Foreclosure Appearance and Answer, Motion to Stay Foreclosure Sale, Notice of Motion to Stay Foreclosure Sale, Order to Stay Foreclosure Sale, Motion to Vacate Default Judgment of Foreclosure, Notice of Motion to Vacate Default Judgment of Foreclosure and Order to Vacate Default Judgment of Foreclosure.
- *Divorce*: Dissolution of Marriage/Civil Union (No Children), Interim Fee Award Order and Financial Affidavit (Family & Divorce Cases).
- *Name Change*: Request for Name Change (Adult), Notice of Filing a Request for Name Change (Adult), and Order for Name Change (Adult).
- *Appellate Forms*: Application for Waiver of Court Fees, Proof of Service and Affidavit of Mailing, Appellant's Brief, and Appellant's Reply Brief.

Are the Approved Forms Available in Languages Other than English?

- Forms and instructions are available in the following languages: Spanish, Polish, Russian, Arabic, Korean, and Mandarin Chinese

Are More Forms Being Developed?

- Many more forms are currently being drafted in the areas of Civil Appeals, Divorce, Juvenile Expungement, Name Change (Minor), Orders of Protection, Procedures, and Small Claims. If you have suggestions for additional forms, please contact Alison Spanner, Forms Officer, at aspanner@illinoiscourts.gov.

Where Can I Get the Approved Forms?

- All approved forms and instructions are available on the Illinois Courts website at <http://www.illinoiscourts.gov/Forms/approved/>
- Many forms are also available on Illinois Legal Aid Online with a guided interview at <http://www.illinoislegalaid.org/>

2. Proof of Concept Memo for the Self-Represented Litigant Coordinators Program



Supreme Court of Illinois
ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

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MEMORANDUM

To: ATJ Commission Strategic Planning Committee
From: AOIC
Date: December 8, 2016
Re: Updated Proof of Concept Memo for Self-Represented Litigant Coordinators Program

This memorandum discusses a proposed new program to improve the efficiency of court procedures and to better serve the needs of the growing numbers of self-represented litigants in the Illinois courts. This proposal will be presented to the Strategic Planning Committee of the Illinois Supreme Court Commission on Access to Justice ("ATJ Commission").

I. An Overview of Self-Represented Litigant Data

The number of Illinois residents appearing in court without an attorney steadily grows, now numbering in the hundreds of thousands annually. The increase in the number of self-represented litigants is not unique to any one circuit, county, or case type. In fact, in 2015, over half of the state's 24 judicial circuits reported that 70% or more of litigants in civil matters were self-represented. Data collected by the AOIC also shows that in five different case types—Dissolution, Municipal, Small Claims, Orders of Protection, and Family—50% or more of litigants statewide are self-represented. The trend towards self-representation in Illinois mirrors similar trends nationally.

The large volume of self-represented litigants poses a number of challenges for both circuit clerks and judges, as well as for the litigants themselves. In a 2016 survey conducted by the ATJ Commission's Committee on Court Guidance and Training, 86% of judges and 98% of circuit clerks reported that the presence of a self-represented litigant created new challenges. However, the vast majority of self-represented litigants are not self-represented by choice. A 2016 report prepared by the Institute for the

Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have legal representation, but were unable to find or afford an attorney.¹

Providing legal representation for all litigants is not a workable solution. The poverty rate in Illinois is at a fifty year high with nearly one in three Illinois residents living in or near poverty.² There are fewer than 400 legal aid attorneys in the entire state providing free legal services for the poorest Illinois residents, and seven of Illinois' 24 judicial circuits have no legal aid attorneys located in their boundaries.³ Outside of Cook County, only one legal aid attorney exists for every 10,000 low-income residents.⁴ Furthermore, working and middle class families are often finding themselves priced out of the legal market as wages have stagnated and attorney hourly rates have increased.⁵

In the current legal landscape, the "typical" court user is no longer an attorney. It is a self-represented litigant with no legal training and little to no prior experience navigating the court system. The Court must be proactive in addressing this demographic shift head on by innovating new solutions to improve and streamline the user experience of the self-represented litigant, while also alleviating the burden placed on court staff and judges by inexperienced and uninformed litigants.

II. Currently Available Self-Help Resources

A number of statewide and local resources have been developed by various stakeholders to address the needs of self-represented litigants. These resources range in scope from "high touch" programs where a litigant can get customized legal advice from an attorney to very basic resources like self-help brochures and printed referral lists. There is little consistency across, and even within, the judicial circuits with respect to the types of resources available and the level of assistance offered to self-represented litigants. The following section provides a brief overview of the current self-help resources offered throughout the state.

a. Legal Self-Help Centers

Between 2006 and 2012 legal self-help centers were set-up across the state to address the unmet civil legal needs of Illinois residents as highlighted in the 2005 study *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*.⁶ The report, published by the Lawyers Trust Fund of Illinois and The Chicago Bar Foundation, found that while half of low-income Illinois residents had legal needs, very few of them had access to legal assistance.⁷ With the support of Joe Dailing, the Illinois Coalition for Equal Justice, and Illinois Legal Aid Online, 171 legal self-help centers were

¹ *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18 (available online at http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf).

² Heartland Alliance, *Racism's Toll: Report on Illinois Poverty*, February 2016, page 7 (available online at http://www.ilpovertyreport.org/sites/default/files/uploads/PR16_Report.pdf).

³ Illinois Supreme Court Commission on Access to Justice, *Access to Justice in Illinois*, November 2014, page 6.

⁴ Id.

⁵ Wall Street Journal, *More Strapped Litigants Skip Lawyers in Court*, July 22, 2010 (available online at <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822>).

⁶ Available online at <http://ltf.org/wp-content/uploads/2013/02/legalneeds.pdf>.

⁷ Id.

established statewide, with at least one located in each of the state's 102 counties.⁸ The centers were located either in courthouses (27 locations) or public libraries (144 locations) and were funded primarily through grants from the Illinois Equal Justice Foundation.

The legal self-help centers are not a monolith, and the specific services offered vary quite widely based on community need, available funding, stakeholder engagement and patron volume. As identified in the attached report by Illinois Legal Aid Online, the baseline features of a legal self-help were originally identified as:

- In-person navigational assistance to help users access the Illinois Legal Aid Online (ILAO) self-help website⁹;
- At least one computer workstation with high speed internet access;
- A printer;
- Signage noting what service court staff can and cannot provide;
- Referral information for individuals seeking further assistance; and
- Ongoing training and support for self-help center guides.

Some centers incorporated additional features above and beyond the baseline requirements including dedicated staff, pro bono attorney hours, local website content, or court-specific printed materials.¹⁰

Now, ten years after the centers were first formed, three new sources of information have provided a picture of how the centers have evolved over time, and their strengths and weaknesses: (1) a 2016 report on legal self-help centers prepared by Illinois Legal Aid Online; (2) follow-up research conducted by an AOIC Civil Justice Division summer intern about the specific operations at each legal self-help center; and (3) Pew Survey data revealing a changing technology landscape with widespread access to mobile devices.

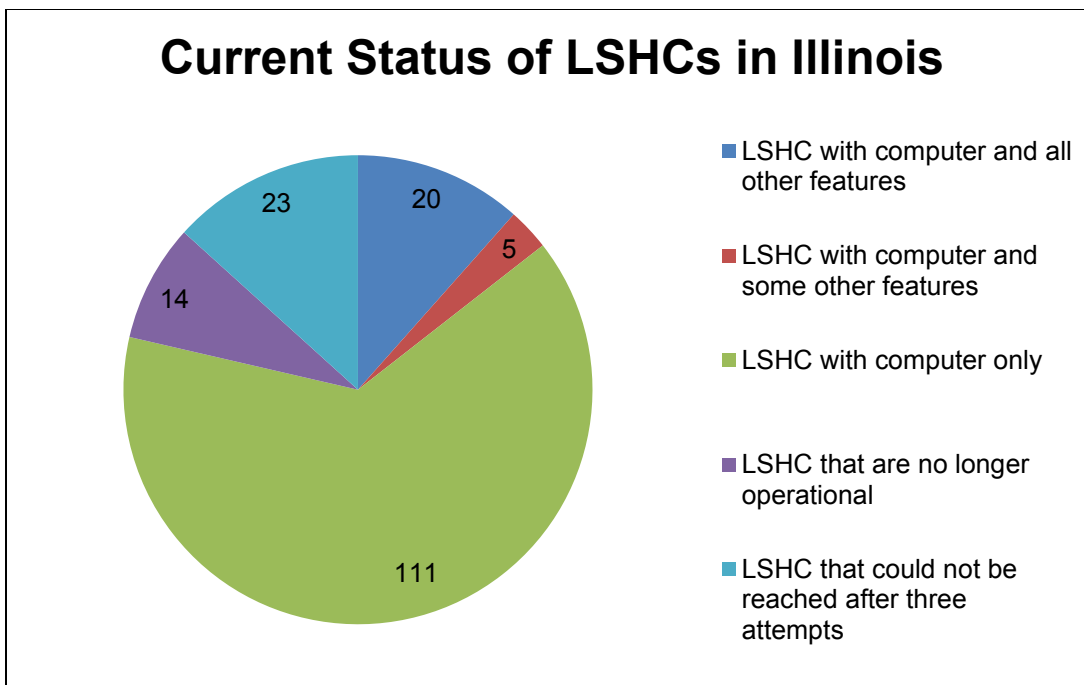
In the summer of 2016, the AOIC Civil Justice Division's intern reached out to all of the 171 legal self-help centers by phone and email to ascertain the status of each of the centers to help guide in the ATJ Commission's ongoing strategic planning efforts. The results of her research and the status of legal self-help centers are summarized below:

- 25 centers still operated at the same level, offering both navigational assistance and other resources for self-represented litigants such as referrals or printed materials.
- Another 37 centers have either ceased operation altogether, are unreachable, or no longer identify as a legal self-help centers due to staff turnover or a decrease in services.
- The vast majority of the centers (109 centers) only provide a point of access for self-represented litigants to web-based resources such as the ILAO website.

⁸ A complete list of Legal Self-Help Centers can be found online at <http://www.illinoislegalaid.org/get-legal-help/lshc-directory>.

⁹ <https://www.illinoislegalaid.org/>

¹⁰ For examples of self-help centers that offer a higher level of service, please visit the Lake County Self-Help Center website at <http://www.19thcircuitcourt.state.il.us/1303/Center-for-Self-Representation> or the Kane County Self-Help Center website at <http://www.kclawlibrary.org/>.



This research shows that the majority of the centers have ceased functioning as anything more than a point of access for a computer with internet access, and very few centers continue to function at their originally intended level. Furthermore, the last decade has seen a significant increase in the number of individuals with access to internet either at home or on a smart phone, diminishing the value of self-help centers that function primarily as internet points of access. Pew Survey data shows that when the self-help center project launched in 2004, only 63% of Americans had access to internet at home.¹¹ By 2015 that number had increased to 84%.¹² Data also shows that that the racial, economic, and geographic gaps in internet usage have diminished significantly over time. A large majority of Americans now own a smart phone, and that number holds steady across all income and racial groups. In fact, smart phone ownership rates are now highest among African American and Latino populations.¹³

Internet access alone is no longer enough to create an effective self-help center, and yet that is the defining characteristic of the overwhelming majority of the centers. The centers that have proven to be most successful over time have been those with dedicated staff or collaborative partnerships with JusticeCorps, legal aid providers, or local bar associations. A staff person with responsibility for managing the center can help it evolve to meet the ever-changing needs of the court staff and the local community. The current state of the legal self-help centers underscores that self-help services must evolve to be responsive to current needs.

b. Court-Based Legal Advice Programs

¹¹ <http://www.pewinternet.org/2015/06/26/americans-internet-access-2000-2015/>

¹² Id.

¹³ <http://www.pewinternet.org/fact-sheets/mobile-technology-fact-sheet/>

Many courthouses have leveraged their partnerships with local legal aid agencies, pro bono attorneys, or bar associations to establish court-based legal advice programs for self-represented litigants. Broadly speaking, there are two models of court-based legal advice programs. The first, particularly common in Cook County, is the help desk model. Help desks provide a physical point in the courthouse where self-represented litigants can access legal information and advice on discrete areas of law such as guardianship, eviction, or expungement. Help desks are usually operated by local legal aid agencies, often with the support of attorney and law student volunteers. The services offered by help desks can vary greatly ranging from basic legal information to same day representation in court.

The second model is the pro bono model. Outside of Cook County where there are significantly fewer legal aid agencies in operation, this model is used almost exclusively. Most court-based pro bono programs have a similar structure; local attorneys are available at set times to provide brief legal advice in general civil litigation matters. Most of these programs operate in conjunction with the local bar association which recruits and schedules private attorneys to meet one-on-one with self-represented litigants at the courthouse. These programs are generally limited to a handful of days a month and may sometimes require advance registration.

At this time, no comprehensive statewide data exists about the number of court-based legal advice programs in operation. The AOIC is in the initial stages of compiling this information and hopes to have a better understanding of the current landscape in the coming months. The Public Interest Law Initiative (PILI) has collaborated with six judicial circuits to establish Judicial Circuit Pro Bono Committees tasked with promoting and supporting pro bono initiatives in their area.¹⁴ However, it is immediately apparent there are many counties throughout the state without any court-based legal advice programs, and that even the counties currently hosting programs are still not able to meet the needs of all self-represented litigants.

c. Illinois JusticeCorps

Illinois JusticeCorps was launched in Cook County in 2009, and has since expanded to 9 counties throughout the state.¹⁵ At each site, in partnership with the Illinois and Chicago Bar Foundations, student volunteers act as docents for self-represented litigants and other court patrons, guiding them throughout the courthouse in an effort to make the experience more welcoming and efficient. JusticeCorps volunteers complete 300 hours of service over the course of one year and receive intensive training on how to provide legal information and referrals, how the courthouse operates, and the challenges and needs of self-represented litigants. Members are tasked with connecting court patrons with the clerk's office, law libraries, courtrooms, and various pro bono and legal aid programs in the area. Depending on the site, JusticeCorps members may offer more intensive assistance including assisting with forms (without giving legal advice), explaining court procedure, and providing targeted referral information to community resources. Each JusticeCorps site also hosts one full-time fellow who supervises other the volunteers and establishes court-specific priorities and procedures.

¹⁴ More information about the Judicial Circuit Pro Bono Committees in the Third, Fifth, Sixth, Tenth, Eleventh, and Fourteenth Judicial Circuits can be found on PILI's website at <http://pili.org/pro-bono/judicial-circuit-committees>.

¹⁵ Current JusticeCorps sites are located in Cook, Champaign, Kankakee, Knox, Lake, Madison, McLean, Will, and Winnebago counties.

| Circuit/Courthouse Location | October 2015-June 2016 (9 months) | | Total Instances of Assistance |
|--------------------------------------|---|--|-------------------------------|
| | Information and Navigational Assistance | Self-Help Assistance and Legal Aid Referrals | |
| Cook/Chicago | 26173 | 19834 | 46007 |
| 11 th Circuit/Bloomington | 123 | 1202 | 1325 |
| 6 th Circuit/Champaign | 4834 | 982 | 5816 |
| 3 rd Circuit/Edwardsville | 5467 | 311 | 5778 |
| 9 th Circuit/Galesburg | 180 | 426 | 606 |
| 12 th Circuit/Joliet* | 1393 | 335 | 1728 |
| 21 st Circuit/Kankakee | 1257 | 1199 | 2456 |
| Cook/Markham | 622 | 1481 | 2103 |
| 17 th Circuit/Rockford | 1780 | 645 | 2425 |
| 19 th Circuit/Waukegan | 3461 | 501 | 3962 |
| Total | 45290 | 26916 | 72206 |

* Joliet began operations in January 2016

d. Illinois Legal Aid Online (ILAO) and Legal Answers

ILAO, mentioned earlier in the context of the self-help centers, operates a website that serves as the central source of self-help information in Illinois. The website, in operation since 2001, provides legal information, forms, and referrals for litigants in eight key areas of law. Millions of users visit the ILAO website every year in search of legal information. Recently, ILAO piloted an online legal assistance program, Legal Answers, with financial support from the Illinois Bar Foundation. The program is supported by the American Bar Association and uses the ABA's cloud-based software which has been provided at no cost to Illinois and a number of other states.

Legal Answers is an entirely web-based program which connects users from anywhere in the state with pro bono attorneys. Each user can submit up to three different legal questions per year about any type of civil case. Questions are posted to a queue where registered attorneys can review and respond via e-mail. The user posing the question and the responding attorney can then interact directly with any follow up questions and comments until the communication is completed. Legal Answers will offer much-needed assistance to rural communities which are underserved by legal aid and pro bono programs. It will also offer a new volunteer opportunity for private attorneys looking for flexible and discrete opportunities to engage in pro bono work. However, the answers are not provided in real time

and so the program will be of limited assistance to self-represented litigants in the courthouse looking for immediate guidance.

III. Looking Ahead in Illinois

A review of the current self-help resources available in Illinois highlights many gaps in service. The only court-based, statewide program is the legal self-help center which primarily functions as a point of internet access, a service of diminishing value in an increasingly wired society. Higher touch programs, including Illinois JusticeCorps and onsite legal assistance, are scattered sporadically throughout the state and often rely on external partners whose ability to contribute financial and human capital may fluctuate over time. These programs are not always integrated effectively into the court system and have varying degrees of support from local court administration. ILAO is an immensely helpful baseline resource, but many litigants require human interaction or localized information to get timely, accurate answers to their questions.

The gold standard self-help center would combine the best of each of these programs. A 2008 guide produced by the Self-Represented Litigants Network (SRLN) offered a list of attributes required for a highly effective self-help center.¹⁶ Many, if not most, of the items on the list are present in the existing resources, but the following stand out as areas where Illinois can improve its self-help centers:

- Regular training for self-help staff from attorneys, court personnel, and other knowledgeable stakeholders;
- Integration into all relevant aspects of court management and operations;
- Regular opportunities to get feedback from the bench on the impact and effectiveness of self-help services;
- Regular meetings with other units within the court;
- Ongoing outcomes evaluation and data collection;
- Integration into the larger legal services community; and
- Regular meetings with community-based service providers.

For a courthouse to effectively offer all of these program, it would need a dedicated staff person focused on addressing the needs of the growing self-represented litigant person. Whether this person is housed within a clerk's office, a law library, or a legal self-help center is not important. The critical requirement is simply that the person can take responsibility for understanding, connecting and expanding the various resources that exist to support self-represented litigants. A dedicated staff person can build relationships inside and outside the courthouse to prevent the existing resources from working in isolation and to encourage more holistic responses to legal problems. This person could also take responsibility for monitoring program outcomes and updating resource materials as necessary. For these reasons, the ATJ Commission will be best served by using its resources to cultivate a network of Self-Represented Litigant Coordinators (SRLCs) who can provide these functions as a way of continuing and expanding the work started by the legal self-help centers. The next two sections will outline how such a

¹⁶ Self-Represented Litigation Network. *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources*, 2008, page 8, (available online at [http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20\(2008\).pdf](http://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20(2008).pdf)).

model could work, first by studying an existing program in Colorado and second by proposing a new program in Illinois.

IV. A Case Study: The Colorado Self-Represented Litigant Assistance Program

When reviewing the national landscape of self-help programs, Colorado emerges as a clear leader with its Self-Represented Litigant Assistance Program. The Program began in 2012 with the support of the Chief Justice of the Colorado Supreme Court and the approval of the legislature which allocated funding for 14 full-time staff positions and \$60,000 for additional operating costs. The first cohort of Self-Represented Litigant Coordinators, or "Sherlocks" for short, included one statewide Sherlock Coordinator, one appellate Sherlock, and 12 district-level Sherlocks based in trial courts throughout the state. The Sherlocks were tasked with providing legal information, support, and referrals to self-represented litigants in all civil matters. Detailed guidance on permitted and prohibited activities came from Chief Justice Directive 13-01,¹⁷ the contents of which largely mirror the Illinois Safe Harbor Policy.¹⁸ The program has since expanded to include 40 full-time positions with at least one Sherlock in each of Colorado's 22 judicial districts and two or three in the more populous districts.

I. Colorado "Sherlock" Program Structure

A 2012 RFP solicited proposals from any judicial district interested in participating in the first round of Sherlock funding. The RFP provided little guidance, allowing broad discretion in how each District customized the role to meet local needs. All the Sherlocks split their time between direct services (providing one-on-one assistance to self-represented litigants) and resource development (creating new materials for self-represented litigants and developing partnerships with community organizations). However, the specific balance of time and primary focus areas varies in each District depending on local needs and the preference of the Chief Judge. All hiring decisions are made locally, and each Sherlock is supervised by the local court administrator or clerk of court. Roughly half of the districts hired attorneys, and the other half hired experienced court personnel. Generally speaking, in districts where the Sherlock is an attorney, there is a stronger focus on resource development, and in districts where the Sherlock is a non-attorney, the focus is more heavily on direct services.

The structure of the Colorado court system is similar to that of the Illinois courts. There are 22 judicial districts, some encompassing one densely populated county and some encompassing multiple rural counties. While each program operates autonomously, the statewide Sherlock coordinator works closely with each individual program to ensure consistency throughout the state and to share resources across districts. All the Sherlocks participate in bi-weekly conference calls, and the statewide coordinator has final approval over all documents before they are distributed to litigants. This ensures a consistent look and feel to all the self-help resource materials and prevents needless duplication of materials. The program has placed a high priority on ensuring consistency throughout the state in the types of resources and services provided to litigants.

The physical location of each Sherlock in the courthouse varies by county, but there are some constants. Every Sherlock has a private or semi-private area in which to communicate with litigants. Each area is

¹⁷ Available online at https://www.courts.state.co.us/Courts/Supreme_Court/Directives/13-01.pdf.

¹⁸ Available online at http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe_Harbor_Policy.pdf.

also equipped with public access computer terminals and printers available to litigants who need to access forms or additional resources. The ideal location is close to the clerk's office without physically being in it to avoid confusion and to stress the independent functions of the two offices. The center must be easily visible and accessible and have clear signage throughout the court.

Sherlocks based in rural areas are generally responsible for multiple counties or multiple districts. Those Sherlocks establish a "home base," usually in the busiest courthouse in the area, and travel to outlying areas once or twice a month for in-person meetings. The rest of the time they are available via phone or e-mail. Some districts have created remote access terminals which will allow the Sherlocks to connect via Skype with litigants in outlying courthouses.

Each district has leveraged its local resources and relationships in different ways to offer additional services for self-represented litigants. Some districts host pro bono clinics where private attorneys offer free consultations to self-represented litigants and information on how to get additional assistance. Some Sherlocks have developed close referral relationships with local legal aid agencies and will pre-screen and refer meritorious cases. One district is experimenting with a virtual pro bono pilot program that will connect pro bono attorneys in Denver with litigants in rural areas that lack pro bono resources. Some districts host regular events where outside speakers educate litigants on discrete areas of law like evictions and small claims. Every Sherlock is responsible for regularly updating and checking all resources and referrals available for accuracy. The Sherlocks balance both statewide efforts to promote consistency and local efforts to meet the individual needs of their communities.

V. A Proposal to assist Self-Represented Litigants in Illinois

a. The Need for Local Innovation and Competition

Since its inception in 2012, the ATJ Commission has been instrumental in spearheading a number of changes designed to improve the experience of self-represented litigants in the Illinois courts. Language access, standardized forms, limited scope representation and new pro bono rules offer some concrete examples of the state-level work that has been done. However, there are also real limitations to the top down approach when it comes to access to justice. There are well over 100 courthouses in Illinois scattered across 102 counties and 24 judicial circuits. The diversity of the State means that the populations served and resources needed vary wildly from county to county and courthouse to courthouse. To address the justice gap effectively, local partnerships are necessary and the ATJ Commission must support grassroots level work in addition to broader systemic changes to affect lasting change.

Many courts are already doing great work at the local level to better serve self-represented litigants. However, much of this work is under the "statewide" radar and there are not many formal opportunities for counties to share their experiences and resources. Better cross-circuit communication can encourage innovation and create the supportive environment needed to foster experimentation. Rather than operating independently, counties and circuits can communicate and collaborate about their local challenges and successes. Local, homegrown successes can serve as an inspiration to other localities facing similar problems and encourage a "race to the top" in providing the best possible support for self-represented litigants. One way to kick-start a statewide conversation about self-represented litigant services would be to create dedicated court staff working on these issues at the local level. This section

will outline a proposal to create and/or enhance staff positions with a heightened focus on self-represented litigants in a select number of counties throughout Illinois.

b. Statewide Network of Self-Represented Litigant Coordinators (SRLCs)

Under this proposal, the AOIC and the ATJ Commission would offer grant money to five counties to designate a Self-Represented Litigant Coordinator (SRLC) tasked with addressing the needs of self-represented litigants. The goal of the project would be to create, train and support a statewide network of SRLCs who could support the staff in their courthouses by identifying and implementing new strategies for supporting self-represented litigants, with the ultimate goal of reducing the burden placed on court staff and judges and improving the self-represented litigant's experience in the courthouse. SRLCs would serve as a bridge, linking their courthouses with others throughout the State so they could partner to more efficiently develop new resources and programs.

The grants awarded under this proposal would not be large enough to fund an entirely new position. Instead, the SRLC would be an existing staff person from the chief judge's office or the law library who would spend a portion of their time working on these issues. By working to reduce the many challenges presented by self-represented litigants, the SRLC would reduce the workload of other staff members proportionately. This strategy of "specialization" has proved successful in other states, including New York, which recently implemented a similar program in the New York City Family Court by reorganizing existing staff to create positions dedicated to supporting self-represented litigants.

The SRLCs would facilitate the sharing of resources and best practices across county lines and judicial circuits to more effectively address the self-help service gaps seen throughout the State in a coordinated fashion. SRLCs would work to identify, develop, and implement new tools and resources in their local courthouses and would also work with other stakeholders to facilitate better communication and collaboration in addressing these issues. As SRLCs become aware of what their counterparts throughout the state are doing, they can learn from one another's successes, share each other's resources, and strive to provide the best possible services for self-represented litigants.

Each SRLC would be required to participate in the following activities:

- Attend an annual SRLC training in Chicago;
- Participate in monthly phone calls with the SRLC network to discuss emerging trends, local challenges, and recent successes;
- Create, modify, and update self-help resources for the courthouse (*e.g.*, referral sheets, tip sheets, courthouse signs);
- Submit regular updates to the AOIC about SRLC activities; and
- Partner with the ATJ Commission and AOIC to identify statewide needs and large scale solutions.

Beyond those activities, each SRLC's role would be unique within his or her courthouse and could be customized to meet the local needs of the community. Each SRLC would be expected to incorporate most, if not all, of the following tasks into his or her work:

- Identify new program needs (*e.g.*, mediation, remote access, dedicated *pro se* calls);

- Develop new partnerships with community organizations (e.g., bar association *pro bono* hours, volunteer greeters, information sessions from social service providers);
- Solicit ongoing feedback from litigants, judges, clerks, and other court staff about the effectiveness of self-help resources and programs;
- Facilitate effective communication between various offices within the courthouse (e.g., clerk's office, chief judge's office, law library, interpreters);
- Review quarterly data collected by the circuit clerk's office on self-represented litigants;
- Provide one-on-one legal information and referral information to self-represented litigants as appropriate; and
- Act as a liaison between self-represented litigants and other court staff akin to the position of the Court Disability Coordinator.

Each SRLC's time would be used differently depending on both local needs and the level of resources currently available in the courthouse. This role would be dynamic and could change over time as community and courthouse needs evolve.

c. Proposed Grant Application

To launch the program in Illinois, the AOIC and ATJ Commission would release an RFP seeking applications from interested counties. The RFP would require the following:

- Application form
- Program narrative asking the applicant to explain why the county needs an SRLC, how they will fit into and support existing efforts, specific goals for the SRLC and potential partners to collaborate with the SRLC
- Letters of support from key stakeholders including the chief circuit judge, the local presiding judge (if applicable), and the circuit clerk;
- Statement of interest from the proposed SRLC explaining his or her interest in the position and qualifications; and
- Proposed budget

Successful applications would demonstrate the following: strong support from relevant stakeholders including the chief circuit judge, local presiding judge, and the circuit clerk, awareness of existing service gaps, and a willingness to think creatively about new solutions. The ideal SRLC would have extensive experience working within the court system, a high level of familiarity with both court procedure and local resources, and a high level of empathy and patience in working with self-represented litigants. All grantees would be required to submit periodic updates to the AOIC describing their work.

The maximum grant size would be \$20,000 and a travel stipend for attending the annual training in Chicago. The money could be used for a variety of purposes including:

- Increased compensation for the SRLC;
- New computers, scanners, telephones, and/or printers;
- Developing and printing new self-help resources;
- Hosting training sessions and community events related to SRLC activities

- Modifications to create an appropriate work space for the SRLC; and
- Other related purposes.

The proposed budget must provide an explanation of how the grant money would be spent in the desired county.

d. Ongoing Support Provided by the AOIC and the ATJ Commission

Grant recipients would receive training and support from the AOIC and the ATJ Commission to develop sustainable programs in their counties. Each SRLC would participate in an annual training in Chicago that would bring together self-help staff from throughout the state for intensive training on best practices for working with self-represented litigants, the safe harbor policy, and other relevant topics. SRLCs would also participate in monthly phone calls led by the AOIC's Self-Represented Litigant Services Specialist. These conversations would create an opportunity for SRLCs to share best practices and troubleshoot local challenges and would also promote consistency throughout the state in the types of services and resources available locally.

e. Potential Coordination Between Illinois Justice Corps and Self-Help Navigators

Counties that currently host Illinois JusticeCorps fellows would be invited to apply along with all other counties. In jurisdictions with Illinois JusticeCorps programs operating in their courthouses, the SRLC would work closely with JusticeCorps members to provide assistance to self-represented litigants. Justice Corps members could assist with simple questions and referrals, while leaving more complex or extended interactions and more systemic reforms and resource development for the SRLC. Due to their experience and training, SRLCs would be able to provide services above and beyond those of JusticeCorps fellow. SRLC would also create long-term consistency within the court that would support relationship building with community groups as well as easing the annual transition of JusticeCorps members.

SRLCs would be particularly well-positioned to cultivate relationships with local legal and social service providers and could assist JusticeCorps members in providing targeted referrals and communicating directly with service providers when appropriate. SRLCs could also collaborate with JusticeCorps members to develop new resources on an as-needed basis for the courthouse. Lastly, each SRLC would have a strong working relationship with the circuit clerk and chief circuit judge that would put them in the position to assist with data collection and reporting on the number of self-represented litigants in the courthouse. That information could be used to identify possible data-driven changes to court procedure and administration that could improve the user experience for self-represented litigants. JusticeCorps members could then assist with ground-level implementation.

VI. Overcoming Barriers and the Future of Self-Help

Dedicated self-represented litigants court staff are becoming more common throughout the county, but are still quite rare in Illinois. A small handful of counties have taken it upon themselves to create comparable positions, but they are few and far between. The above proposal will help counties that want to innovate in this space overcome the barriers created by money and uncertainty. By offering financial assistance and training, participating counties can effectively leverage their existing resources

to create successful self-help centers and navigators. By establishing a statewide network of similarly positioned experts on issues facing self-represented litigants in the court who can communicate regularly, participating counties will benefit from having both the support of the AOIC and the experience of all the statewide SRLCs available to them.

This model will ideally prove to be sustainable even after the first two implementation years, and can serve as an inspiration for other counties. This could be the first step in creating a robust network of individuals focused exclusively on the needs of self-represented litigants who could share ideas and resource to encourage creativity and wider scale implementation of new programs. By creating a strong statewide community of SRLCs and a supportive space for courts to share best practices and experiences, Illinois can make great improvements to the court experience of all Illinois residents, especially the self-represented.

3. Illinois JusticeCorps Letters of Interest



State of Illinois
Circuit Court
Seventh Judicial Circuit

John W. Belz
Chief Judge
Sangamon County Complex
Fifth Floor
200 So. Ninth Street, Room 522
Springfield, IL 62701

Counties:
Greene Morgan
Jersey Macoupin
Scott Sangamon

February 21, 2017

Hon. Mary K. Rochford, Chair
Supreme Court Commission on Access to Justice
160 N. LaSalle Street, Suite S1605
Chicago, IL 60601

Dear Justice Rochford:

Recently, through the Conference of Chief Judges, I've been made aware of the Illinois JusticeCorps and how it provides important and specific services to self-represented litigants within a jurisdiction. I'm writing to you, as the chair of the ATJ Commission, to show my interest in this program for the County of Sangamon.

The Sangamon County Courts, not unlike other courts throughout our State, have seen a steady increase in the number of self-represented litigants. I do not anticipate this trend to change in our near future. Therefore, I believe that JusticeCorps would be a great resource to begin offering our community and would like to further explore any potential expansion of this top priority within my jurisdiction.

Please feel free to contact me at your convenience with any questions that you may have.

Best regards,

Hon John W. Belz
Chief Judge of the 7th Circuit

JWB/sm

Cc: Danielle Hirsch, via email

16th Judicial Circuit
County of Kane
Office of the Chief Judge
and Court Administrator
KANE COUNTY JUDICIAL CENTER
37W777 Route 38, Suite 301
St. Charles, Illinois 60175



Susan Clancy Boles
Chief Judge

March 1, 2017

Justice Mary K. Rochford
Appellate Court, First District, 6th Division
160 N. LaSalle Street, Suite S-1605
Chicago, Illinois 60601

Re: The Illinois JusticeCorps Program

Dear Justice Rochford:

Please accept this letter of support for the continuation of and funding for the Illinois JusticeCorps Program. Though the Sixteenth Judicial Circuit (Kane County) is not currently a host for JusticeCorps volunteers, we hope to take advantage of this opportunity in the future.

Being a single county circuit with multiple court and department locations, the guidance of JusticeCorps volunteers would prove invaluable in the 16th Judicial Circuit to help ensure that people are not mistakenly traveling to various physical locations. As we know, the act of human reassurance and guidance helps to advance peoples comfort and empowerment in otherwise overwhelming situations. The act of having JusticeCorps volunteers in place in courthouses to help guide the public and answer procedural questions helps to reinforce the trust in the Illinois court system as a whole.

I appreciate your consideration of this recommendation for the continuation of and funding for the Illinois JusticeCorps Program.

Sincerely,

Susan Clancy Boles, Chief Judge
Sixteenth Judicial Circuit
Kane County, Illinois

SCB:scw



OFFICE OF THE CHIEF JUDGE
18th Judicial Circuit Court - DuPage County, Illinois

KATHRYN E. CRESWELL
Chief Judge

February 21, 2017

Justice Mary K. Rochford
Chair, Supreme Court Commission on
Access to Justice
160 N. LaSalle St., Suite S1605
Chicago, IL 60601

On behalf of the 18th Judicial Circuit, I would like to request that DuPage County be considered for the location of a JusticeCorps program. In 2015, we explored bringing JusticeCorps to the 18th Circuit but finances dictated that we put the process on hold. There are a significant number of unrepresented parties that have pending matters before the court, especially in the areas of divorce, foreclosure, small claims, forcible entry and detainer. DuPage County is home to a number of colleges which may prove to be potential sources of volunteers. The JusticeCorps program would be extremely helpful in assisting unrepresented parties navigating the court system.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Creswell".

Kathryn E. Creswell
Chief Judge

C: Danielle Hirsch, AOIC

KEC:mk

505 N. County Farm Road, Wheaton, Illinois 60187 (630) 407-8903
Kathryn.Creswell@18thjudicial.org



STATE OF ILLINOIS
CIRCUIT COURT
22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

Copy

Hon. Michael J. Sullivan
Chief Judge

Bridget M. Diedrich
Administrative Assistant

February 28, 2017

The Honorable Mary K. Rochford
Chair of the Commission on Access to Justice
First Appellate District Court of Illinois
160 North LaSalle Street, Suite 1605
Chicago, IL 60601

Via Federal Express

RE: Joint Request for consideration of McHenry County (22ND Judicial Circuit)
as an Expansion Site for the Illinois JusticeCorps Program

Dear Justice Rochford:

We are pleased to submit this joint request letter to the Commission on Access to Justice asking for consideration for McHenry County, Illinois, (22ND Judicial Circuit) as a site for the expansion of the Illinois JusticeCorps Program.

We are aware of the many benefits which the Illinois JusticeCorps Program brings to the jurisdictions in which it is currently serving.

We have, in the past, been anxious to participate in the Illinois JusticeCorps Program, but we have been reluctant to do so because of our concerns about our ability to provide the Illinois JusticeCorps Program with sufficient space because of severe space restrictions in our courthouse facility. However, the Circuit Clerk's Office in McHenry County has now identified appropriate space which could be dedicated to house the Illinois JusticeCorps Program.

We have the need for the assistance of the Illinois JusticeCorps Program in that the Court in McHenry County has 18 full time operating courtrooms in our courthouse (McHenry County Government Center), which include:

McHenry County Government Center
2200 North Seminary Avenue, Woodstock IL 60098
Office: 815/334-4885 Fax: 815/334-4659



TWENTY-THIRD JUDICIAL CIRCUIT
JUDICIAL OFFICE • DEKALB COUNTY COURTHOUSE
ROBBIN J. STUCKERT, CHIEF JUDGE

January 26, 2017

Justice Mary K. Rochford
Chair of the ATJ Commission
First Appellate District
160 N. LaSalle Street, Suite 1605
Chicago, IL 60601


Re: Illinois JusticeCorps

Honorable Justice Rochford:

I am in receipt of the information sheet regarding the Illinois JusticeCorp. Please be advised that the 23rd Circuit is very interested in the program, and I would be pleased to discuss the program and any available funding resources with you or anyone on your ATJ Commission.

Thank you for the information, and I look forward to hearing more about the program in the future.

Sincerely,


Robbin J. Stuckert
Chief Judge

133 WEST STATE STREET • SYCAMORE, IL 60178 • 815.895.7160

4. Civil Justice Improvement Program



Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois Civil Justice Improvement Program

A Collaborative Approach for Achieving Civil Justice

2200 N. Seminary Avenue
Woodstock, Illinois 60098

p. 815-334-4351
f. 815-334-2054

jdwallis@co.mchenry.il.us
22ndcircuitillinois.gov

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Project Information

James D. Wallis
Trial Court Administrator
Circuit Court of the 22nd Judicial Circuit
2200 N. Seminary Avenue
RM 355
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Telephone: 815-334-4351
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Michael J. Sullivan
Chief Judge
Circuit Court of the 22nd Judicial Circuit
2200 N. Seminary Avenue
RM 355
Woodstock, IL 60098

Telephone: 8415-334-4385
Facsimile: 815-334-2054
E-mail: mjsulliv@co.mchenry.il.us

Scope of Project

The Circuit Court of the 22nd Judicial Circuit for McHenry is seeking to be included as a Civil Justice Improvement pilot project by partnering with the National Center for State Courts, State Justice Institute, the Administrative Office of the Illinois Courts and the Illinois Supreme Court.

This project would focus on the case management practices within the 22nd Judicial Circuit Civil Division in order to produce expeditious dispositions of civil cases based upon differing case complexity criteria and designated case management pathways. The ultimate goal of the 22nd Judicial Circuit Civil Justice Improvement Project would be to promote public trust and confidence in the judicial branch of government by providing access to justice in a timely and efficient manner. This project would ultimately impact all of the Civil Division courtrooms of the court.

Additionally, as a pilot site in Illinois and with the collaboration of the Administrative Office of the Illinois Courts and the Illinois Supreme Court Commission on Access to Justice, this project and case management practices would serve as an example to other jurisdictions in the State of Illinois with the goal of statewide acceptance and implementation.

Goals and Objectives to be Achieved

- Complete “Landscape” study of the 22nd Judicial Circuit
- Develop collaborative committee of the court and various judicial partners to review data and make recommendations
- Engage technology vendors to ensure that the court is able to capture the necessary data and development enhancements to the case management system in order to aid the implementation of case management practices. This would include;
 - Execution of business rules within the case management system based on case events
 - Aiding with triaging of cases for placement to appropriate pathway
 - Electronic notification of parties
- Collaborate with the Illinois Supreme Court, Supreme Court Commission on Access to Justice and the Administrative Office of the Illinois Courts to develop ways to better meet the needs of high volume court calls to ensure that appropriate Supreme Court Rules allow the pilot project to modify existing civil rules of procedure to support the Civil Justice Improvement Program
- Develop necessary administrative orders
- Develop appropriate pathways for case management
- Identify dedicated individual to triage and monitor case progress
- Review post-program implementation data in order to ensure program goals have been achieved.
- Share all information with the Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice and the Administrative Office of the Illinois Courts in an effort to develop a statewide implementation project.

Civil Justice Improvement Recommendations to be Implemented

- Recommendation 1 – The 22nd Judicial Circuit will take responsibility for managing civil cases from the time of case filing to case disposition
- Recommendation 2- The 22nd Judicial Circuit will match the necessary resources with the needs of the individual case.
- Recommendation 3 – A mandatory pathway assignment system will be developed and utilized in achieve positive case management.
- Recommendations 4, 5, and 6 will be incorporated and in conjunction with Recommendation 3. The court will develop a Streamlined Pathway, a Complex Pathway and a General Pathway. Each will be based upon the complexity of the factual and legal issues within the case.
- Recommendation 7 – Judges and administrative personnel will work collaboratively and examine civil case business practices and develop protocols for administrative decision making.

- Recommendation 8 – The court will partner with the Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice, Administrative Office of the Illinois, National Center for State Courts and the McHenry County Bar Association in order to develop training programs and provide information pertaining to the Civil Justice Improvement Program.
- Recommendation 9 – The court will develop criteria to assess a judge’s experience with case management techniques and use that information to establish judicial assignments.
- Recommendation 10 – The 22nd Judicial Circuit will leverage all available technology in order to implement the Civil Justice Improvement Program.
- Recommendation 11 – High volume civil dockets will be closely monitored and will be explored with the aforementioned collaborative partners for the development of additional resources and identified legal referrals to assist litigants..
- Recommendation 12 – Uncontested matters will not languish and will be processed in an efficient manner.
- Recommendation 13 – Steps will be taken to provide greater access to the court and promote the convenience of the court patron.

Project Plan/Timeline

February 15, 2017 – Project Notification

March 1, 2017 – Organizational meeting of the 22nd Judicial Circuit Civil Judges

March 15, 2017 – Meeting with stakeholders, Circuit Clerk of the Court, Illinois Supreme Court Commission on Access to Justice, Administrative Office of the Illinois Court, National Center for State Courts, McHenry County Administration and the McHenry County Bar Association for project overview.

April, 2017 – Develop subcommittees and assign responsibilities to evaluate current practices, recommendations of the CJI report and implementation strategies; Subcommittees would include: Technology, Rules and Procedure, Access to Justice and Case Management. Committees would be tasked to provide a written report based upon assignment which support the various CJI implementation recommendations. Subcommittees meet as needed.

June, 2017 – Update meeting with all involved personnel and subcommittees.

August, 2017 – Coordinate committee reports into formal implementation plan including courtrooms where CJI project will be piloted.

September, 2017 – Meeting with stakeholders to review final report and implementation plan. Development includes: prioritization of recommendations, communicate implementation plan to all parties of interest, coordinate needs with McHenry County Administration and McHenry County Board.

October, 2017 – Begin strategic implementation

December, 2017- Stakeholder meeting to evaluate implementation; adjust implementation plan as needed.

February, 2018 – Begin data collection process in order to evaluate project impact.

April, 2018 – Share data analysis with all stakeholders and update project implementation.

June, 2018- Expand project to other courtroom(s) modeling successful implementation plan.

December, 2018 – Continue all implementation efforts into existing civil courtrooms; collect data for analysis; share data results

January, 2018 – Meeting with representatives of the National Center for State Court, Illinois Supreme Court, Illinois Supreme Court Commission on Access to Justice and Administrative Office of the Illinois Courts to begin statewide implementation plan.

February, 2018 – Stakeholder meeting for final implementation report.

March, 2018 – All CJI recommendations implemented in the civil courtrooms of the 22nd Judicial Circuit; continuous assessment of all civil courtrooms; information shared as available.

Identified Stakeholders

- Chief Judge, 22nd Judicial Circuit
- Civil Judges, 22nd Judicial Circuit
- Court Administration – Law Library, Self Help Center
- Circuit Clerk of the Court
- McHenry County State’s Attorney’s Office
- McHenry County Administration
- Information Technology Vendors – Integrated Software Specialists, Mentis Technology
- McHenry County Bar Association
- Administrative Office of the Illinois Courts
- Illinois Supreme Court
- Illinois Supreme Court Commission on Access to Justice
- National Center for State Courts

All stakeholders will be invited to participate in project development from the onset in order to fully and successfully implement the project.

Performance Measures

The court will use nationally recognized case management assessment tools, including; clearance rates, time to disposition, age of pending caseload and trial date certainty. Additionally, the court will

develop specific measures to ensure the complete implementation of the recommendations as set forth in the project plan. These measures could include; pathway designation compliance, event timeline resulting and deadline compliance.

The 22nd Judicial Circuit has utilized court user surveys, including the NCSC Courtools, Access and Fairness Survey on three occasions since 2009.

Institutional Capacity for Implementation and Program Success

Leadership

Chief Judge Michael J. Sullivan has been the Chief Judge of the circuit since the inception of the 22nd Judicial Circuit in 2006. Chief Judge Sullivan became an Associate Judge in 1976 and has been a proponent of positive case management. Presently Chief Judge Sullivan serves on a statewide Access to Justice Committee.

James “Dan” Wallis has been the Trial Court Administrator for the 22nd Judicial Circuit since December, 2008. Prior to the 22nd Judicial Circuit, he served as the Court Administrator for the Morrow County Court of Common Pleas. Dan completed the Court Executive Development Program and is a Fellow of the Institute for Court Management, National Center for State Courts and has expertise in caseload management and trial court performance standards.

Illinois Supreme Court Commission on Access to Justice initiative was announced in 2012 by the Illinois Supreme Court to improve access to the justice system. The Court formed the Illinois Supreme Court Access to Justice Commission and charged the Commission with promoting, facilitating and enhancing equal access to justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable. The Civil Justice Division within the Administrative Office has been charged with supporting the multi-dimensional initiatives to improve access to justice throughout the state.

Procedural

Civil practice is governed by the Illinois Supreme Court Article II – Rules on Civil Proceedings in the Trial Court, as well as local court rules. These rules will provide the necessary framework to build upon to ensure the successful implementation of the project.

Case Automation

The Circuit Clerk of the Court has a custom management information system (iJustice) which is integrated with the McHenry County document management system (OnBase). The Circuit Clerk’s Office has been scanning documents for nearly 20 years. Additionally, the judges of the 22nd Judicial Circuit have access to court information via Mentis Technology’s aiSmartbench application. This e-Bench allows seamless access to court information and documents which allows the judge to rely on electronic records rather than paper documents.

The Circuit Clerk has been accepting the electronic filing of documents via an internet portal since September, 2013 and has been approved for the E-Record Project by the Illinois Supreme Court in May 2015.

Below are the electronic initiatives of the 22nd Judicial Circuit as approved by the Illinois Supreme Court.

| | | | |
|----------------|------|--|--|
| <u>McHenry</u> | 22nd | <u>E-Filing - Civil & Criminal (including citations)</u> | June 18, 2013 (Civil) May 12, 2015 (Criminal, including citations) |
| <u>McHenry</u> | 22nd | <u>E-Guilty</u> | December 22, 2014 |
| <u>McHenry</u> | 22nd | <u>E-Citation</u> | July 17, 2015 |
| <u>McHenry</u> | 22nd | <u>E-Record</u> | May 12, 2015 |
| <u>McHenry</u> | 22nd | <u>Electronic Transfer of Appellate Record - Pilot</u> | <u>April 25, 2014</u> - Order M.R. 18368 <u>May 31, 2012</u> - Order M.R. 18368 |

The Circuit Clerk of the Court employs internally a court specific Information Technology Department to support the electronic initiatives of the court. Additionally, the 22nd Judicial Circuit has a Business Analyst position which supports the judges. These positions will be vital part of developing and supporting the technology and automation necessary to ensure the success of this project.

Technical Assistance Required

The Circuit Court of the 22nd Judicial Circuit will need the expertise of the National Center for State Court in order to successfully implement this project. The following will require technical assistance:

- The identification of key data elements for reporting in order to develop current civil case landscape for the 22nd Judicial Circuit.
- The development of dedicated position(s) within Court Administration who will support the CJI project by serving as triage specialists for pathway assignments.
- Development of pathway criteria.
- Assistance with judicial stakeholders to develop rules and procedures to support the initiative.
- Hosting educational meetings to educate judicial stakeholders with regards to the civil justice improvement initiative and to aid with altering the local legal culture as it pertains to civil case management.
- Development of meaningful reporting tools in order to ensure compliance to pathway assignment and for project outcome assessment/impact.
- Develop and provide training to judges and court staff on effective case management.

Funding Required

The Circuit Court of the 22nd Judicial Circuit does not have the financial resources necessary to employ dedicated individuals to support the CJI project. Therefore the court is seeking \$50,000.00 to defray project related expenses. Such a position is necessary in order to successfully triage civil cases and aid in pathway assignment. Additionally, this position will track cases through the court process to ensure timelines are met by civil litigants.

Project information will be shared with the McHenry County Board and the McHenry County Chairman to demonstrate the commitment of the 22nd Judicial Circuit to this initiative. The success of this project will ultimately reduce litigation costs to the McHenry County resident thereby making such an ongoing staffing expense reasonable and necessary.

5. Trainings Conducted by the Illinois Supreme Court Commission on Access to Justice



Resources for Access to Justice: Training for Circuit Clerks

Training for Illinois Association of Court Clerks (IACC)

- April 19, 20176 Spring Conference (Springfield)
- September 20, 2016 Annual Conference (Rock Island)
- March 30, 2017 New Clerk Orientation (Springfield)

Interdisciplinary Trainings for Circuit Clerks and Court Staff

- July 19, 2016 Regional Meeting (Champaign)
- July 20, 2016 Regional Meeting (Carbondale)
- August 2, 2016 Regional Meeting (Rock Island)
- August 3, 2016 Regional Meeting (Rockford)
- October 5, 2016 Regional Meeting (Chicago)
- October 28, 2016 Access to Justice Training (Lombard)

County-Level Trainings for Circuit Clerks and Court Staff

- June 2, 2016 Kendall County
- June 8, 2016 15th Judicial Circuit (Ogle, Lee, Carroll, Stephenson, Jo Daviess)
- October 20, 2016 McHenry County
- January 25, 2017 Cook County (Daley Center)
- January 26, 2017 Cook County (Daley Center)
- February 1, 2017 Cook County (Daley Center)
- February 2, 2017 Cook County (Daley Center)
- February 8, 2017 Cook County (Maywood)
- February 28, 2017 Cook County (Daley Center)
- March 1, 2017 13th Judicial Circuit (LaSalle, Bureau, Grundy)
- March 7, 2017 Cook County (Skokie)
- March 8, 2017 Cook County (Bridgeview)
- March 9, 2017 Cook County (26th & California)
- March 23, 2017 Cook County (Markham)
- March 28, 2017 Cook County (Rolling Meadow)
- March 29, 2017 Cook County (Daley Center)

6. Courthouse Interactions with Self-Represented Litigants: An Overview of Survey Results from Judges and Circuit Clerks

Courthouse Interactions with Self-Represented Litigants (SRLs): An Overview of the Survey Results from Judges and Circuit Clerks

Survey Overview

The Court Guidance and Training Committee recently conducted a survey of trial judges and circuit clerks throughout the state to gain a better understanding of their experience with self-represented litigants and the resources and training that are most needed. Two different surveys, one for clerks and one for judges, were developed and distributed electronically to all the trial judges and circuit clerks in Illinois. Each survey consisted of a mixture of multiple choice and open ended questions on a variety of topics related to self-represented litigants, including standardized forms and language access needs. At the end of each survey, respondents had space to list any additional training sessions or references materials that they would like to see in the future.

The survey was open from June 6-September 1, and during that time 480 responses were received from judges and 109 from circuit clerks. The responses represented the diversity of the state, and each of the 24 judicial circuits was represented. Judges from 86 counties and circuit clerks from 102 counties participated in the survey. For the judges' survey, 137 responses came from Cook County, representing 28.5% of the overall survey responses.

Survey Responses

The survey posed a series of questions about 1) interactions with self-represented litigants, 2) existing training and resources for interacting with self-represented litigants, and 3) desired future training and resources for interacting with self-represented litigants. The responses are briefly summarized below.

1. Interactions with Self-Represented Litigants

The survey confirmed that self-represented litigants are prevalent throughout the state, with 61% of judges and 73% of circuit clerks reporting that they interact with self-represented litigants on a daily basis. The findings also confirmed that self-represented litigants can pose many challenges, with 86% of judges and 98% of circuit clerks reporting that their job is made more difficult by the presence of self-represented litigants.

The top ten challenges identified by judges are:

- SRLs not understanding court procedure (85 responses)
- SRLs not understanding substantive law (44 responses)
- SRLs not understanding rules of evidence (34 responses)
- SRLs filing improper or incomplete pleadings (25 responses)
- SRL cases taking more time (23 responses)

- Appearing impartial while assisting SRLs (22 responses)
- SRLs expecting judges to provide legal advice (14 responses)
- Highly emotional SRLs/SRLs with mental illness (12 responses)
- SRLs not listening to judges/not using available self-help resources (12 responses)
- SRLs not presenting their cases or defenses effectively (9 responses)

By a large margin, the top challenge identified by circuit clerks was litigants seeking legal advice (including assistance with forms) from court staff. Many clerks also identified the lack of local self-help resources in their county as a significant challenge.

2. Existing Training and Resources

The judges' survey asked a series of questions about three relatively new tools for judges: Supreme Court Rule 63(a)(4), the Access to Justice Spiral, and the Suggested Best Practices and Relevant Court Rules for Self-Represented Litigants in Civil Matters.

Supreme Court Rule 63(a)(4): Almost all of the respondents (92%) were familiar with Supreme Court Rule 63(a)(4), but only 25% of the respondents had received any formal training on it. Half of the respondents reported that the amendment had helped them. Those who did not find the amendment helpful cited 1) a lack of training and 2) a lack of specific examples as the top two reasons why not.

Access to Justice Spiral: Nearly 60% of the respondents received this document, which was distributed at the 2014 Access to Justice Seminar and the 2016 Judicial Education Conference. Of the recipients, 59% found the guide helpful. Of those who did not find the guide helpful, the top reason cited was that the respondent had not read it.

Self-Represented Litigants in Civil Matters: Suggested Best Practices and Relevant Court Rules: Only 40% of the respondents received this document, which was distributed at the 2014 Access to Justice Seminar and the 2016 Judicial Education Conference. Of the recipients, 65% found the guide helpful. Of those who did not find the guide helpful, the top reason cited was that the respondent had not read it.

The clerks' survey asked a series of questions about the 2015 Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers. The policy had been received by 79% of the respondents and almost half had attended a training session on its contents. Nearly 60% of the respondents had found the policy to be helpful in their office, and 67% of respondents requested additional training on it.

3. Desired Training and Resources

Judges and clerks alike generally responded positively when asked about the printed resource materials created by the Commission and the AOIC. Both groups also showed a strong interest in receiving additional written materials. Clerks were generally more interested in

attending future training sessions than judges, and many requested web-based training that would not require travel and could be watched at the viewer's convenience.

The following list summarizes the most requested topics for additional judicial training:

- Effectively managing difficult SRLs (e.g. litigants with mental illness, highly emotional SRLs, sovereign citizens)
- Clarification/examples about the legal advice/legal information distinction
- Balancing Rule 63 with the requirement that SRLs follows rules of evidence and civil procedure
- Targeted tips for various case types (e.g. OP, Divorce, Small Claims) and call types (e.g. high volume, trials)
- Specific tips for managing trials with SRLs and evidentiary hearings
- Guidance for cases where one side is represented and one side is not

The most dominant theme across the survey responses requests was for more specific and detailed information. This could include role playing, hypothetical situations, or specifics for various case types and court calls. Many judges expressed an interest in having better information on available resources and referrals in their community (and having consistent information with that available in the clerk's office).

The following list summarizes the most commonly requested resources and tools, from both judges and clerks:

- Bench cards
- FAQs about basic court protocols and proceeding pro se
- Flowcharts explaining the various steps in a specific case type
- Subject specific packets to give litigants
- Summary of relevant ethics opinions (for judges)
- Checklists (for judges)
- Model opening statements (for judges)
- Sample language to use with SRLs explaining their rights and obligations if proceeding pro se (for judges)
- Pro bono mediation resources
- Pro bono referral lists/panels
- Mandatory pro bono for attorneys
- Staffed help desks and other opportunities for in-person court-based assistance
- Current resource lists
- Sample motions
- Training materials for court staff on best practices (for clerks)
- Relaxed rules of evidence for SRLs, similar to those used in small claims

7. Proposal to Improve Access to Justice in Illinois through Limited Scope Representation



APPELLATE COURT OF ILLINOIS

CHAMBERS OF
JUSTICE MARY K. ROCHFORD

August 24, 2016

160 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
(312) 793-5453

Daniel Kotin
The Chicago Bar Association
321 S. Plymouth Court
Chicago, IL 60604

**Re: A Proposal to Improve Access to Justice in Illinois
Through the Use of Limited Scope Representation**

Dear Mr. Kotin:

On behalf of the Illinois Supreme Court Commission on Access to Justice (Commission), I am writing with two proposals to partner with the CBA regarding limited scope representation in Illinois. Before doing so, the Commission appreciates your commitment to making access to justice a primary focus of your tenure as president of The Chicago Bar Association (CBA). Like many other access to justice commissions across the country, the Commission is interested in supporting limited scope representation, which is an important tool for serving modest means litigants and making legal services more affordable and accessible.

The Commission respectfully proposes two potential efforts to promote the use of limited scope representation in partnership with The Chicago Bar Association and The Chicago Bar Foundation. First, the Commission proposes the formation of a new CBA committee dedicated to connecting and supporting attorneys who incorporate limited scope representation into their practice. The Chicago Bar Foundation staff has expressed an interest in this effort and is well-positioned to work with the CBA if it moves forward with this proposal. Second, the Commission suggests exploring the establishment of a referral panel of attorneys offering unbundled legal services. For many modest income litigants, limited representation may be the only option for legal representation. A panel would provide a simple way to connect prospective clients with members of the bar who offer unbundled services.

Background Information on Limited Scope Representation

In 2010, Illinois Rule of Professional Conduct 1.2(c) was amended to explicitly allow lawyers to "limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent." Illinois is joined by our 49

other states and the District of Columbia in officially sanctioning the practice of unbundled legal services, whereby a litigant hires a lawyer to assist with a discrete task or portion of a case, rather than handling the entire matter from beginning to end. In 2013, the Illinois Supreme Court amended a series of rules and comments designed to expand and clarify the spectrum of permitted services.

The impetus for the recent amendments was a growing crisis in the Illinois courts. The number of self-represented litigants across the state continues to increase, with that number surpassing one million last year. In 2015, over half of the state's 24 judicial circuits reported that 70% or more of the litigants appearing before the court in civil matters were self-represented. The large volume of self-represented litigants poses a number of challenges for both clerks and judges, as well as for the litigants themselves. A 2015 survey conducted by the State Justice Institute found that 75% of self-represented litigants would have preferred to have legal representation, but were unable to find or afford an attorney.

It is not just the poorest Illinois residents who find themselves self-represented in court; working and middle class families are also choosing to forego legal representation as attorney hourly rates have climbed and wages have stagnated. Many of these families earn too much to qualify for the limited legal aid and pro bono resources available, and are left with no choice but to represent themselves in civil cases involving critically important issues like child custody, housing, and orders of protection. Limited scope representation offers a partial solution for the significant numbers of families facing legal problems but lacking the resources necessary to hire a private attorney for the entirety of the case.

Under the new rules, an individual or family can retain an attorney for a portion of the case, but not for the entirety of it, significantly reducing their out-of-pocket costs. The rules are meant to allow attorneys to act nimbly, entering and exiting a case quickly to meet a client's needs, without the burden of the cumbersome process of withdrawing from a case under the general appearance rules. Individuals and families can hire an attorney for the most important or most complex portion of a case while handling the simpler matters by themselves.

An Overview of the Rules Governing Limited Scope Representation

Limited scope representation includes services provided both in and out of the court. Some of these services, like legal advice and coaching, have long been permitted. Other services, like document preparation and limited court appearances, are now officially sanctioned by the Illinois Supreme Court. Here is a brief overview of the new rules:

Limited Scope Appearances (inside the courtroom)

- Supreme Court Rule 13 allows lawyers to make limited scope appearances in civil court proceedings and provides for automatic withdrawal by oral motion or in writing after the representation is complete.

- Supreme Court Rule 13 also includes required forms for Limited Scope Appearance, Withdrawal of Limited Scope Appearance, and Objection of Withdrawal of Limited Scope Appearance.
- Supreme Court Rule 11 requires that the opposing party or counsel serve all documents on both the attorney and the party while the limited scope appearance is in effect.

Limited Scope Representation (Outside of the Courtroom)

- Supreme Court Rule 137(e) allows lawyers to assist self-represented litigants by preparing and reviewing pleadings, motions, and other documents without signing the pleading or filing an appearance.
- Illinois Rule of Professional Conduct 5.5 clarifies that lawyers may counsel and coach self-represented litigants without filing an appearance.

Limited Scope Representation (in General)

- Illinois Rule of Professional Conduct 1.2(c) allows lawyers to "limit the scope of representation if the limitation is reasonable under the circumstances and the client gives informed consent."
- The comments to Illinois Rule of Professional Conduct 4.2 clarify when a lawyer may communicate directly with a person represented by counsel on a limited basis. The full text of the rules can be found on the Illinois Courts website.
National Efforts to Support Limited Scope Representation

A national sweep of states that have adopted similar rules shows that Alaska and Massachusetts are national leaders in the area of unbundled services. The mechanics of limited scope representation in Illinois are similar to those in both states, but Alaska and Massachusetts have distinguished themselves with strong support from local bar associations and the judiciary.

To offer Limited Assistance Representation (LAR) in Massachusetts, an attorney must first become "qualified." The first step in the certification process is attending a mandatory information session, either in-person or online, and reviewing the comprehensive LAR training manual. In-person trainings are offered by the following agencies: Boston Bar Association, Massachusetts Bar Association, Volunteer Lawyers' Project, and Massachusetts Continuing Legal Education. The second step in the process is filing a statement of qualification with the appropriate court. Once certified, an attorney can apply to be listed in a local online registry.

The Alaska Bar Association has created an Unbundled Law Section to promote the use of unbundled legal services among private attorneys. Any active member of the Alaska Bar Association can register to join the Unbundled Law Section. The section

maintains a list of attorneys offering unbundled services including information on their practice areas and fees, in addition to contact information.

The Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers permits court staff to make neutral and impartial referrals when appropriate. If a local bar association (like the CBA) maintains a list of lawyers who provide a specific service, in this case we anticipate unbundled services, court staff may make referrals to either the list or, more generally, to the local bar association pursuant to the policy.

The Future of Limited Scope Representation in Illinois

The Administrative Office of Illinois Courts (AOIC) will not begin collecting data on the use of Limited Scope Appearances in Illinois courts until 2017, so it is unclear to what extent these rules are being used currently. Even without hard data, however, it is safe to assume there is room for the growth of limited scope representation within and throughout Illinois. Conversations with various stakeholders—including the CBF's Justice Entrepreneurs Project which has prioritized limited scope representation from its inception—show that there are still some misconceptions and a general lack of awareness about limited scope representation and the new rule changes. The Commission is working to encourage the use of limited scope representation among practicing attorneys and to provide training and support for clerks, judges, and other court staff.

We hope to begin a conversation between the Chicago Bar Association, the Chicago Bar Foundation, and the Commission about how our organizations can work together in furtherance of this important effort for both access to justice and the future of the legal profession. The Commission welcomes further conversation about the possibility of a committee dedicated to unbundled legal services which may lead to further education and training or to the establishment of a limited scope panel for legal referrals.

I thank you for your service and look forward to collaborating with you in the future.

Sincerely,



Hon. Mary K. Rochford
Chair
Illinois Supreme Court Commission on
Access to Justice

cc: Hon. Thomas L. Kilbride
Justice
Illinois Supreme Court
Third District

Danielle Elyce Hirsch
Assistant Director
Civil Justice Division
AOIC

Bob Glaves
Executive Director
Chicago Bar Foundation

8. Proposals for Court-Based Assistance for Self-Represented Appellate Litigants

MEMORANDUM

November 17, 2016

TO: Appellate Self-Help Working Group

FROM: Administrative Office of the Illinois Courts

RE: Proposed Next Steps for Court-Based Assistance for Self-Represented Litigants in Civil Appeals

Earlier this year, the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) prepared a mission statement (which is appended) to identify how to best provide court-based assistance for self-represented litigants in civil appeals. This proposed course of action was developed at the request of the Illinois Supreme Court during its November 2015 Term to transition the existing work of an exploratory committee seeking to establish a self-help desk in the First Appellate District to the ATJ Commission. The exploratory committee was absorbed by the ATJ Commission resulting in the formation of the Court-Based Assistance for Self-Represented Litigants in Civil Appeals Subcommittee of the Appellate Committee of the ATJ Commission (the "Subcommittee") and this working group.

This Memorandum proposes a program model to assist self-represented litigants in civil appeals after a careful review of similar programs in other state appellate courts and existing resources throughout Illinois. To complete this work, the Administrative Office of Illinois Courts (AOIC) partnered with *pro bono* attorneys from Mayer Brown LLP and *pro bono* attorney Gina Rinaldi to survey existing state-sponsored programs for self-represented litigants in civil appeals, and to develop recommendations for how Illinois can best address the needs for the same. Part One of this Memorandum identifies the different types of appellate programs currently in operation, both nationally and within Illinois. Part Two proposes a model program based on national best practices and identifies threshold questions for further exploration by this working group.

I. Existing Resources and Services for Self-Represented Litigants in Civil Appeals

Throughout the country, a wide variety of programs and services exist to assist self-represented litigants in civil appeals. Broadly speaking, these initiatives fall into three categories: (1) self-help materials; (2) help desks or hotlines offering limited scope services; and (3) extended *pro bono* representation. This section will describe each of these three categories, provide specific examples of current programs, and summarize the *status quo* in Illinois.

1. **Self-Help Materials.** Self-help resources are the most basic level of intervention. They have the advantage of not requiring many resources after the initial development phase

and the disadvantage of not being responsive to individual needs. Such resources may include print materials (*e.g.*, sample briefs and standardized forms) or electronic materials (*e.g.*, websites and mobile phone apps).

- a. **California's Self-Help Civil Appeals Website.** California has created a user-friendly website for self-represented appellate litigants.¹ The homepage breaks the appellate process down into several steps, each of which links to another page with discrete pieces of information about the appellate process. The site also includes a brief video presentation providing the same basic information in a different format. The website provides links for lawyer referral services and other court-based resources, including statewide self-help centers.
 - b. **Wisconsin's Appellate Self-Help Apps.** Through the Georgetown University Law School's Iron Tech Lawyer Competition, Wisconsin developed two appellate court mobile apps: a "Forms Assistant" and a "Brief Writing Assistant."² The self-represented user is prompted to input his or her case information and then, the apps generate all required forms and a sample appellate brief.
 - c. **Existing Self-Help Materials in Illinois.** The ATJ Commission, with *pro bono* assistance from Mayer Brown, has developed a Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants that is currently available through the Supreme Court's website.³ The guide walks the user through the civil appeals process and offers helpful checklists and timelines for the user, along with a list of frequently asked questions. The Appellate Lawyers Association has also created a Guide to Illinois Civil Appellate Procedure, available for free on its website.⁴ Furthermore, the Commission's Forms Committee is currently developing a number of standardized forms for *pro se* appellate litigants, including an appellant's brief which is currently in the final stage of development. Once finalized, each form will be translated into six languages and posted on the Supreme Court's website.⁵
2. **Help Desks and Hotlines Offering Limited Scope Services.** Several states have implemented limited scope service programs using different delivery methods to connect staff and volunteer attorneys with self-represented appellate litigants. Delivery methods vary (*e.g.*, in-person, telephone, or e-mail), and services may be delivered either in real time or asynchronously. Despite their different delivery methods, each program serves a similar function in connecting litigants with attorneys to offer limited legal assistance that goes beyond basic self-help, but falls short of extended representation. Programs may be staffed either by court staff, legal aid attorneys, *pro bono* volunteers, or some combination of the three. Limited scope service programs have become increasingly popular as they allow a large number of litigants to receive assistance, and they are relatively easy to staff with *pro bono* volunteers due to their discrete nature.

¹ See <http://www.courts.ca.gov/selfhelp-appeals.htm>.

² See <https://training-us.neotalogic.com/a/app-app-forms>.

³ See

http://www.illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court_rev_061516.pdf.

⁴ See http://applawyers.org/Civil_Appeals_Guide_Revised.pdf.

⁵ See <http://www.illinoiscourts.gov/Forms/forms.asp>.

- a. **Colorado's Appellate Self-Help Coordinator.** The Colorado Judicial Branch employs forty full-time staff members (called "Sherlocks") to assist self-represented litigants throughout the state, including one appellate Sherlock based in Denver and supervised by the statewide program manager.⁶ The appellate Sherlock offers one-on-one assistance to self-represented litigants by phone or e-mail and shares procedural information, legal research, and other available resources. The Sherlock also develops self-help materials, forms, and sample pleadings for litigants. The Sherlock tracks *pro se* appellate cases and sends reminders and required forms to self-represented litigants in civil appeals before impending deadlines.
 - b. **Wisconsin's Appellate Help Desk.** The Wisconsin State Bar operates a virtual help desk for civil appeals.⁷ The Help Desk uses a Gmail email address and a Google phone number that self-represented litigants can contact at any time. It is officially open and staffed two days per week (Tuesdays and Thursdays) for a period of two hours. During that window of time, volunteer attorneys respond to emails or voicemails that have been left in the interim, and answer new calls and emails in real time. All self-represented appellants receive a packet of information with the Help Desk contact information at the time the notice of appeal is filed.
 - c. **Massachusetts's Civil Appeals Clinic.** The Massachusetts Appellate Court hosts a weekly clinic in the clerk's office for *pro se* appellate litigants.⁸ The clinic is run by the non-profit Volunteer Lawyers Project and is staffed on Wednesday afternoons. Litigants are screened for eligibility based on income, assets, and case type before being assigned to a volunteer attorney for one-on-one limited scope information and advice.
 - d. **Existing Limited Scope Services for Appellate Litigants in Illinois.** There are no formal programs in place in Illinois that provide assistance with civil appeals. Appellate clerks provide some assistance on an informal basis by answering basic questions about court procedure.
- 3. Pro Bono Referral Programs.** Referral programs connect self-represented appellate litigants with volunteer appellate representation *after* the self-represented litigant has filed a notice of appeal. Such programs often involve partnerships with state bar or legal aid organizations who help screen cases and identify *pro bono* volunteers. Several states have adopted similar programs in this space, with slightly different eligibility criteria (*e.g.*, income requirements, case types). *Pro bono* representation is the highest level of assistance that a self-represented litigant can receive. However, because of the time

⁶ See https://www.courts.state.co.us/Self_Help/appeals/.

⁷ See <https://www.wicourts.gov/services/public/selfhelp/appeal.htm>.

⁸ See <http://www.mass.gov/courts/programs/pilot-programs/appeals-clinic.html>.

consuming nature of appeals, only a relatively small number of litigants can receive assistance, and referral programs must development stringent criteria for eligibility. *Pro bono* referral programs work best in tandem with the first and second models discussed above.

- a. **Nevada's Appellate *Pro Bono* Referral Program.** Nevada's appellate *pro bono* referral program is a partnership between the Court, the Appellate Litigation Section of the Nevada State Bar, and the Legal Aid Center of Southern Nevada. The Legal Aid Center of Southern Nevada receives referrals from the Nevada Supreme Court and its Appellate Courts, and assigns cases to interested lawyers. To incentivize participation, the Nevada Court guarantees that cases accepted under the program will receive oral argument, and the Legal Aid Center of Southern Nevada provides mentorship to participating lawyers.
- b. **Existing Illinois *Pro Bono* Referral Programs.** Illinois does not currently have a formal *pro bono* referral program for civil appeals. Some legal aid agencies and law firms handle a small number of appellate cases on a *pro bono* basis. However, these tend to be limited to either existing clients or impact litigation. The University of Chicago Law School recently created an Appellate Clinic that pairs law students with attorneys from the Appellate and Supreme Court Practice Group at Jenner and Block.⁹ The clinic's primary focus is on appeals to the United State Supreme Court, but it will also consider appeals to the U.S. Court of Appeals for the Seventh Circuit and to the Illinois Supreme Court. Currently, all referrals come from Jenner and Block or law school faculty, although the eligibility criteria may expand in the future. Northwestern Law also operates an appellate clinic, the Appellate Advocacy Center, but it is limited solely to appeals to the United States Supreme Court and the Seventh Circuit.¹⁰

II. Proposal for Court-Based Assistance for Self-Represented Litigants in Civil Appeals

The ATJ Commission is committed to improving access to the appellate courts for the hundreds of self-represented litigants who file civil appeals every year without the assistance of an attorney.¹¹ The ATJ Commission has made and continues to make significant improvements for self-represented litigants through its Self-Help Guide, Appellate Standardized Forms, and upcoming website improvements. While these resources are highly valuable, they do not provide an opportunity for users to ask questions or to get individualized assistance. After careful review of other state appellate programs, this working group recommends that the ATJ Commission explore the establishment of a statewide help desk and help line for self-represented litigants in civil appeals to address this gap in the existing self-help services in Illinois. Such a model will create space for *pro bono* attorneys and legal aid staff to provide meaningful assistance to the largest number of litigants across the State.

⁹ See <http://www.law.uchicago.edu/clinics/supremecourt>.

¹⁰ See <http://www.law.northwestern.edu/legalclinic/appellate/>.

¹¹In 2013, 961 civil appeals were filed by self-represented litigants, representing 13% of the overall civil appeals.

This proposal would combine elements from multiple state programs to create a hybrid model that would provide in-person services to litigants in the First District and remote services to litigants in any of the five appellate districts. By establishing a physical location for the help desk within the Daley Center, litigants in Cook County could easily access legal information about the appellate process at the conclusion of their case. Attorneys at the help desk would be able to quickly view all necessary paperwork and to access electronic records through the computer terminals in the courthouse. Furthermore, by limiting services to quick information and advice, volunteer services would fall under Supreme Court Rule 6.5 permitting attorneys to provide limited *pro bono* services without a full conflicts check. There are many other benefits to providing in-person assistance within the courthouse, as evidenced by the large number of help desks performing similar functions in other areas of law already.

The proposal would also incorporate elements of the virtual help desk model from Wisconsin which offer many additional benefits to both attorneys and litigants. First, and most importantly, it would connect *pro bono* attorneys in one part of the state with litigants in another, helping to close the gap in legal aid and *pro bono* resources. Second, its innovative use of technology would give its volunteers both flexibility and anonymity since they could return emails and phone calls from any location, and need not rely on their own contact information when interacting with litigants. Third, the limited nature of the interactions could be appealing to attorneys who often struggle to fit *pro bono* work into their busy schedules. Lastly, the virtual model is adaptable and nimble, and can be easily expanded or modified to include additional hours, periodic in-person clinics in different locations, or a *pro bono* referral component as more data is gathered about interest and need.

One important component of any new program must be data collection and analysis. The ATJ Commission should consider incorporating a comprehensive plan for collecting data on the number of interactions, types of interactions, and outcomes. Robust data collection and analysis will allow the Commission to make strategic, data-driven decisions to ensure that the new program is effectively serving its target audience. It will also assist the Commission in identifying additional efforts that may be necessary to improve outcomes or to supplement the work of the virtual help center.

On Monday, October 17, 2016, the Appellate Self-Help Working Group gathered to propose answers to some preliminary questions about the size, scope, and operation of the help desk/help line proposal. These questions and answers proposed by the working group are detailed below.

Staffing. Which legal aid agencies and other stakeholders will participate in developing, staffing and maintaining this program? What would the necessary staffing level be, and at what cost? Which agency or agencies will cover the cost?

The working group suggests that the help desk and help line both be staffed and managed by a part-time staff attorney employed by the Chicago Legal Clinic (CLC). CLC estimates the cost to fund this part-time attorney position would be \$25,000 annually. The staff attorney would report directly to CLC's Executive Director and would be housed at the Cook County Resource Center for People without Lawyers, located in the Daley Center, where CLC currently operates its Chancery Advice Desk. The desk would need to be fully equipped with a computer, printer, phone, and internet access.

Use of Volunteers. Who will provide limited legal assistance services? Will the primary service providers be court staff, legal aid attorneys or *pro bono* volunteers? If the program is volunteer-based, who will schedule and supervise the volunteers?

Under this proposal, legal services at the help desk would be provided primarily by the staff attorney and supplemented by *pro bono* attorney volunteers. Legal services delivered through the help line would be provided primarily by *pro bono* attorneys with the staff attorney filling any gaps in service. Help line volunteers would provide services remotely from their office or home, while help desk volunteers would provide in-person assistance at the Daley Center. The staff attorney would be responsible for recruiting, training, and managing *pro bono* volunteers.

Training. What training materials and other resources are necessary for staff and volunteers providing limited scope services? Recognizing the geographic diversity of the State, appropriate training may need to include information about different rules and customs across appellate circuits.

The ideal *pro bono* volunteers would be experienced appellate attorneys who would not need extensive training on substantive legal issues. Volunteers would have access to all existing resources available on Illinois Legal Aid Online and the AOIC website, including both standardized forms and appellate resource guides. The staff attorney could provide supplemental training on soft skills specific to *pro bono* work and help desk/help line operations.

Eligibility. Which cases and litigants will be eligible to participate in the program? Will there be income requirements? Will the program be limited to particular case types? Will the program pilot in a limited number of appellate districts or will it cover the entire state from the beginning?

All self-represented litigants in civil appeals would be eligible to use the help desk and help line services. Litigants who were represented by counsel at trial would be eligible for assistance so long as they did not have representation at the appellate level. The working group felt strongly that there should not be any income restriction for using the desk, although there could be income restrictions for making referrals to legal aid or *pro bono* organizations for full representation. Depending on volume, the help desk could also decide at a later point in time to exclude particular case types. This proposal would cover all five appellate districts, although services provided to litigants outside of the First District would be available only by e-mail or phone, at least initially.

Hours of Operation. When will these limited legal services be delivered? Will there be established hours or will services be delivered at the service provider's convenience? Will these limited legal services be available outside of normal business hours?

The working group anticipates the help desk would operate Monday-Friday and would be open for half-days with the exact times to be determined later. The staff attorney would work five half-days to ensure that litigants could easily access the help desk, especially given the time-sensitive nature of appeals. The help line hours would be more fluid depending on volunteer availability.

Methods of Delivery. How will these limited legal services be delivered? Will staff and volunteers communicate primarily in-person or via phone/e-mail? Will services be delivered in real-time or asynchronously? If services are delivered asynchronously, what will the target response time be?

For litigants visiting the help desk, services would be provided immediately and in-person. For other litigants, services would be delivered via telephone or e-mail. The help line would create a shared Google e-mail address and phone number to provide anonymity for the volunteers and consistency for the litigants. Litigants could e-mail or call the help line, leave a message, and receive a response within a set number of days. Services would be delivered asynchronously with the volunteers returning e-mails and voicemails sent by litigants at a later date.

Scope of Services. What services will be offered through this program? Will services be limited to legal information or will they also include legal advice? Will litigants have any restrictions on their use of the program, either by time (*e.g.*, number of minutes) or by number of instances of communication, or can they reach out an unlimited amount of times?

The exact scope of services will need to be outlined more clearly. At a minimum, procedural information should be provided to litigants. In some circumstances litigants could also receive legal advice as to whether or not they have a meritorious claim. As the desk expands, some litigants might eventually have the option of a legal aid or *pro bono* attorney taking their case on for full representation. The growth of the desk would need to be an iterative process with the scope of services changing as the needs and volume of the litigants becomes clearer. The working group proposes that the desk open without any limitation on the number of communications, but consider adding restrictions later on if necessary.

Data Collection. What type of data should be collected and how frequently will it be collected? Who will be responsible for analyzing the data and monitoring the program's outcomes?

The staff attorney would collect data on each help line/help desk encounter from either the litigant or the *pro bono* attorneys and enter it into LegalServer, CLC's case management database. The following information should be collected at a minimum: age, race, disability status, veteran status, primary language, income, representation status, service provided, appellate district, case type, case number and originating courthouse.

Marketing. How will the program be advertised? Who will be trained to make referrals to the help desk and help line?

The staff attorney, in partnership with the Commission and the Court, would need to do extensive outreach to raise awareness among judges, clerks, law librarians, legal aid attorneys, and other parties about the new service. The working group anticipates many help desk referrals would come from various stakeholders in the courthouse, including judges and clerks. Appellate clerks throughout the state should also be advised to make referrals to the help line when appropriate. Other methods of reaching out to litigants could include Illinois Legal Aid Online, CARPLS, the AOIC website, and legal aid agencies throughout the state.

February 17, 2017

MEMORANDUM

TO: J. Rochford, Chair, Access to Justice
Mike Tardy, Director, AIOC
Danielle Hirsch, AOIC

FROM: 1ST DISTRICT APPELLATE COURT SELF-REPRESENTED LITIGANTS'
HELP DESK WORKING COMMITTEE,
by J. Aurelia Pucifish
via e-mail with hard copy to follow

RE: Proposal for Help Desk for Self Represented Civil Appeals Litigants

I hope you will forgive the informal nature of this transmittal. Hard copies are being mailed, but I am aware that the Access to Justice Commission is on a tight timeline and wanted this Proposal to be available to you as quickly as possible.

The 1st District Appellate Court Self Represented Litigants' Help Desk Working Committee is proud to submit the attached Proposal.

It represents the combined efforts of the Appellate Lawyers Association, the Clerk of the Circuit Court, the Circuit Court, the Clerk of the 1st District Appellate Court and the Appellate Court (1st District).

We believe that the Help Desk, formatted into four working centers provides the best efficiency, flexibility and workability for a statewide system of information and assistance to civil appellate court litigants.

The four centers: in-person help center in Chicago at the Daley Center, virtual help center available on line to anyone statewide, Google phone center available to anyone statewide, and a web-help center in Chicago at the Bilandic Building operating in tandem will give Illinois' civil appellate litigants the widest sources of information and assistance. In addition, by piloting the in-person help center and the web-help center in Chicago we can "tweak" the system to see how to make them effective and copied in other appellate court districts. In particular face time and computer sharing technology could be used to allow self-represented litigants in other Appellate Court districts to access the Chicago-based web-help center

We urge your support for this Proposal and thank you for the opportunity to participate in its development.

1st District Appellate Court Self-Represented Litigants Help Desk Working Committee

Proposal for Help Desk

The 1st District Appellate Court Self-Represented Litigants Help Desk Working Committee has developed a four--part plan to provide assistance to self-represented litigants ("SRL's") with civil appeals in the Illinois Appellate Court.

The plan includes assistance statewide, but on a more robust level in the 1st District for at least a trial period. In-person assistance could be developed in other districts as determined by the Access to Justice Commission.

It meshes four specific "centers" to provide assistance: 1) direct person-person help through an actual Help Center with actual staff in the concourse level of the Daley Center; 2) a virtual help center ("VHC"), located on discrete pages of the Supreme Court website, to help to anyone statewide with access to a computer; 3) a phone center through a "Google" phone number for any SRL statewide to speak to a volunteer attorney; and 4) a Web Help Center in the Bilandic Building staffed by volunteer law students in conjunction with one of the area law schools, and organized to assist SRL's navigate available web resources, word process documents, complete filable documents, and communicate with the VHC. The Committee recognizes that not all SRL's have access to computers, printers and wi-fi, and that many are not tech-savvy, and believes this component of the program will help fill any technology gap.

The Committee has defined an SRL as either an appellant or an appellee who is not represented by counsel for the purposes of the appeal. The Committee has determined that (a) income level should not be a limiting criteria for assistance; (b) real-time help at the Daley Help Center is the goal, particularly because SRL's may have little control over their work, family or babysitting schedules and may not be able to return to a court house numerous times to get assistance; (c) help provided through the VHC, the "Google" phone center or the Web Help Center can efficiently be provided within time frames established and made known to the SRL; (d) an initial "Request for Assistance Form" should be completed by any SRL requesting assistance, not only to provide a tracking mechanism for each case as an individual or group of *pro bono* attorneys provide assistance, but also to gather demographic and case information for the purpose of measuring and evaluating the program.

OBJECTIVES

At every step of the way, and in each of the four "centers," the objectives are to assist the SRL to:

- 1) understand the appellate process, what it is and what it is not, basically explaining the *process* to the SRL while also explaining exactly what to expect from the appellate court, *i.e.*, that in the appellate court the litigants do not appear before a judge, do not have the opportunity to explain in person what they feel went wrong with their case, do not have the opportunity to bring new material, evidence or argument to the appellate court, etc.; that there are specific rules for appeals; and that there are specific timelines;
- 2) determine whether the orders or underlying case result in an actual appealable issue or issues, *i.e.*, finding and reviewing the order in question to determine if it is a final order, and if the appeal is timely;
- 3) organize the necessary paperwork to effectively and timely file an appeal, *i.e.*, the Help Center's primary focus would be on the initial *process* of appeal initiation: whether the SRL would benefit from motions to extend time to file the Notice of Appeal, the docketing statement, and/or the record; assisting in the preparation of those motions; assisting in a fee waiver petition; assisting with a motion to file a memorandum in lieu of briefs; assisting in providing proper service of the appeal; assisting in the preparation of a bystander's report;
- 4) determine whether an SRL with an appealable issue needs more rigorous assistance to fully develop the appeal or if the SRL can complete the appeal with little or no coaching;
- 5) have access to *pro bono* attorneys for those cases and SRL's who have an appealable issue and are in need of more robust assistance in organizing and preparing the issues to present to the appellate court, either in memorandum or brief form;
- 6) respond to motions filed by the other side of the appeal; and
- 7) adjust its services and resources to be compatible with e-filing

THE FOUR "CENTERS"

1. HELP CENTER (In person)

The Committee recommends the development of an actual live Help Center, to be located in the concourse level of the Daley Center with other help desks. Judge Evans has committed to making the space available. The Chicago Legal Clinic ("CLC") has committed to staffing the Help Center, provided the Access to Justice Commission authorizes a half-time salary and half-time benefits to the Director of this program, to be named.

The CLC has unquestioned experience assisting SRL's in Cook County. The CLC has already servicing four help desks in the circuit court. This is a tremendous advantage for the new appellate help desk initiative, since the CLC already knows how to develop job descriptions for the Director and volunteer attorneys; recruit, schedule and train volunteer attorneys; staff its desks; handle payroll; work with SRL's; find documents in the Daley Center and beyond, etc.

The Help Center would be available to anyone seeing assistance who is an unrepresented litigant either starting to file an appeal, responding to an appeal, or perfecting an appeal.

It is anticipated that SRL's who want to appeal are most likely to be in the courthouse on the day of their trial, and seek information about the appellate process the same day, probably right after court. Some SRL's who have lost their case may leave and come back another day, but experience shows that most try to get information the same day.

Currently, they are directed to the Civil Appeals Division of the Clerk of the Circuit Court, on the 8th floor of the Daley Center. SRL's seeking to appeal, or seeking information about the appellate process also request assistance in the clerk's divisions in the Daley Center and in offices in the five suburban courthouses but there are no civil appeals staffs in those offices. For the most part the counter clerks in those offices call the civil appeals staff in the Daley Center and facilitate phone information. The Clerk of the Circuit Court does have a civil appeals staff at Juvenile Court for child protection cases.

Experience also shows that the level of assistance requested or required is largely at the fundamental process level. Very few SRL's have any understanding of the appellate process, rules, or procedures. This results in a significant amount of time for clerk's staff to explain the process, although because that staff is not permitted to give legal advice, some questions or inquiries are beyond the scope of their work. For example, the clerk's staff cannot tell someone if an order is final, what issue is appealable, or that their case should be or should not be appealed. They can, and do, tell people how to file an appeal, where to file it, how to order a record, where to deliver it, how much time they have, etc. Because of this disconnect people are often frustrated because they do not feel they are getting sufficient information, or even correct information. This leads to the clerks' frustration as well. In addition, for every minute the clerks spend with SRL's they are not preparing the record for the appellate court, their primary mission, which delays the work of the appellate court and the attorneys relying on the record.

Having a Help Center in the Daley Center, staffed by the Director and volunteer attorneys will effectively provide a specific staff of qualified persons who have the knowledge and permission to explain the process and explore the potential for an acceptable appeal.

It is expected that the Help Center will have posted hours of service, for example from 11:00 am to 3:00 pm or 12:00 pm to 4:00 pm., although realistically no one expects the staff at the Help Center to turn anyone away at any time if waiting would cause a hardship. The CLC has indicated that it intends to staff one half of an additional new (unrelated) help desk with the remaining hours available to the Director.

It is expected that the Help Center would be equipped with at least one desk and a table, some chairs, two or three computers, a printer, a scanner, a copier and at least two phone lines, and the paper and ink necessary for the equipment, and Wi-Fi.

It is expected that SRL's waiting for in-person help at the Help Center could be encouraged to begin looking for assistance on the VHC.

The Help Center would also serve an intangible purpose. Often SRL's just really need to vent. While this is not the primary or optimum purpose of the Help Center, realistically, this may short circuit some appeals that are not well founded.

2. VIRTUAL HELP CENTER

The AOIC has researched the assistance available in other states and has concluded that the Virtual Help Desk in Wisconsin's Appellate Court offers the best hope for providing assistance to residents of the appellate districts and 101 counties outside of Cook, while also providing assistance to residents of Cook County in tandem with the other resources under this proposal.

The Virtual Help Center will have an actual presence on specific discrete sub-site of the Illinois Supreme Court website. Its design is yet to be determined, but it is expected to be modeled after the one in Wisconsin.

The VHC would be available to anyone who clicked on the link, and the link will also be available at Legal Aid On Line, the Appellate Lawyers Association website, the websites of the chief judges in Illinois, and the 102 clerks of the court.

The VHC would be both informational, with basic, readable process information, hopefully available in the major languages spoken in Illinois, and interactive. That is, an SRL who has a specific question will complete the Request for Assistance form, submit it and the question(s) and expect to get an answer back via email from a volunteer attorney within a specific time frame. Commonly asked questions would be bounced by the volunteer attorneys to the Director and posted in a Frequently Asked Questions ("FAQs") section of the site (with the names and case information of the requestor redacted).

The volunteer attorneys will have access to the VHC and be able to choose which questions to answer or which SRL to assist by logging on and making the choice. Volunteer attorneys will also post information on it as necessary, probably by coordinating with the Director.

The Director will recruit volunteer attorneys and monitor their participation in the Center.

The Director will handle inquiries not selected for assistance by any volunteer attorneys.

While the VHC will be on-line, inquiries and assistance to case specific SRL's will be "behind closed doors," that is, in a part of the VHC that is not open to the public and is confidential between the SRL and the volunteer attorney or Director.

The VHC could also facilitate phone communication between the SRL and the volunteer attorney as needed, probably, but not necessarily, through the "Google" phone.

The VHC would be constructed to count the number of times it is accessed, and what information is clicked on, to provide measures and evaluation material.

The VHC would request feedback and performance ratings from the SRL's and attorneys who use it.

The VHC, through the Request for Assistance form, will gather and track demographic information, including, the SRL's name, address, phone number, email address, age, race, ethnic origin, veteran status, disability status, and case information, including the case number, appellate court case number if available, originating county, originating court description (divorce, chancery, etc.) brief case description and requested information. It is expected that the CLC and the Chicago Bar Foundation, as well as the Illinois Supreme Court and appellate courts will have suggestions for the information to be gathered.

The VHC will be designed to link an SRL with the appropriate local rules of the appellate court district in which his case is to be or has been filed.

It is expected that the VHC will provide service to non-Illinois residents who have an Illinois case.

3. PHONE CENTER

It is expected that volunteer attorneys will have access to a "Google" phone, that is a phone number that they call from their own phone to connect to an SRL that has a question that can be handled by phone, or an SRL who does not have access to the web. The SRL would have the phone number and call it, probably leave a message, and volunteer attorneys would troll the phone messages to see which ones they select to call back and answer.

The "Google" phone number would be prominently marketed on all of the websites above, and on written materials provided to SRL's at the earliest point of contact with the appellate court

process. The number would also be prominent on the VHC, the Help Center and the Web Help Center.

It is expected that these phone conversations would be most helpful in the "process" area of assistance, and that if more robust case-specific information were requested or necessary that the volunteer attorney would either expand his level of assistance or assist the SRL connect with the Help Center, the VHC, or with the assistance of the Director, with another volunteer attorney with the expertise or time to provide that level of assistance. These are fluid goals because the nature of assistance for each SRL is expected to vary.

It is expected that the Phone Center will be available to anyone who calls it who is a resident of Illinois, or a non-resident with an Illinois case, and is seeking information or advice about the appellate process.

It is expected that the Phone Center will be designed to capture demographic and assistance information to allow measures and evaluation.

It is expected that the Phone Center will be available to the SRL during an expanded business day, since it is understood that many SRL's work and cannot take time off, or have family responsibilities that prevent the normal 9-5 business day. It is expected that the volunteer attorneys may also benefit from a longer business day, since they have their own client work to accomplish.

4. WEB HELP CENTER (In person)

The experience of the Web Help Center in the Daley Center for trial level litigants demonstrates that there are SRL's that do not have access to a computer, wi-fi, word processing, printing or e-filing; cannot effectively navigate the web resources available; cannot effectively complete filable forms; or cannot effectively state their questions.

A Web Help Center in the Bilandic Building, operated on a specific schedule, and staffed by volunteer law students in conjunction with one of the area law schools (as yet to be determined) will provide the tech support necessary to assist SRLs, especially as e-filing is introduced.

It is expected that the Web Help Center would be located on one of the Appellate Court floors, would therefore be in a secure location, would be equipped with a desk, a couple of tables, some chairs, three or four computer terminals, a printer, a scanner, a copier and at least two phone lines, and wi-fi.

It is expected that the volunteers at the Web Help Center would also facilitate SRL access to the VHC, the Help Center or the Phone Center as appropriate.

It is expected that the Web Help Center would capture demographic and case information to allow measures and evaluation.

STAFF

The Committee believes that to begin a half-time Director at 20 hours a week would be preferable. This is because the recruiting, managing, training and monitoring of the volunteer attorneys is a complex moving target.

The Committee has developed, with the assistance of Chicago Legal Clinic, budgets for both a half-time (20 hours) and a reduced half-time (15 hours) Director, with corresponding benefits.

It is expected that if the work requires it, that the hours worked by the Director will be adjusted in the future.

EQUIPMENT

For the Help Center and the Web Help Center in Cook County the Committee recommends the following hard equipment. "Soft" equipment (paper, toner, pens, etc.) is not listed.

Help Center:

- desk
- table
- 6 chairs
- 3 computer terminals
- 1 printer
- 1 copier
- 1 scanner
- 2 phone lines
- wi-fi

Web Help Center:

- desk
- 2 tables
- 6 chairs
- 3 computer terminals
- 1 printer
- 1 copier
- 1 scanner
- 2 phone lines
- wi-fi

The Committee does not have access to the AOIC's pricing for these items.

RECOMMENDATION

The Working Committee also recommends that the Access to Justice Commission approve the Proposal and put it before the Illinois Supreme Court.

Respectfully submitted.

Signed:

s/ J. Mathias W. Delort, 1st District Appellate Court

s/ Hon. Margaret Frossard, John Marshall Law School

s/ Matt Elster, Appellate Lawyers Association (objects to help center being located in the Bilandic Building)

s/ Hon. Kathleen Kennedy, Judge, Circuit Court of Cook County, retired

s/ Steve Ravid, Clerk 1st District Appellate Court (objects to web help center being located in the Bilandic Building)

s/ Ed Grossman, Director, Chicago Legal Clinic

s/ J. Aurelia Pucinski, 1st District Appellate Court

s/ Patricia O'Brien, Chief Deputy, Clerk of the Circuit Court of Cook County, Civil Appeals Division on behalf of Dorothy Brown, Clerk of the Circuit Court (recommendations for implementation attached)

Ex Officio

J. Nathaniel Howse, 1st District Appellate Court has participated in the Working Committee's meetings.

Bob Glaves, Chicago Bar Foundation has participated in the Working Committee's meetings and recommends starting with the VHC and "on-site educational resources"

Expected Appointment (replacing Hon. Rita Novak)

Hon. Sanjay Tailor, Judge, Circuit Court of Cook County (expected appointment to working committee by Judge Evans pending)

- Attachments:
- A) Alternative Budgets for Director
 - 1) 20 hours a week
 - 2) 15 hours a week
 - B) Report on Number of Civil Appeals filed in 2016 by Self-Represented Litigants
 - C) Dorothy Brown Recommendations for implementation

CHICAGO LEGAL CLINIC, INC., PROPOSED HALF – TIME BUDGET APPELLATE HELP DESK
 July 1, 2017 – December 31, 2017

| ITEM | AMOUNT |
|---|--------------------|
| Salaries – one half time attorney @\$46,000). Executive Director and Clinic Administrator time of \$2,000. | \$25,000.00 |
| Employee Benefits (health insurance, disability insurance, FICA | \$4,900.00 |
| Program Supplies, handouts and training materials, etc. (vast majority of training materials provided via internet) | \$300.00 |
| Other Office Supplies and Equipment (computer, phone, maybe a scanner | \$2,000.00 |
| Non Personnel IT Costs (Consulting & Technical Assistance | \$600.00 |
| Telecommunications | \$600.00 |
| Other (Travel and Parking, Postage for client questionnaires, etc.) | \$900.00 |
| Indirect Program Costs/Overhead (Accounting, Auditing, Dues and Professional Liability Insurance | \$1,200.00 |
| TOTAL | \$35,500.00 |

20 hours / week

This budget allows for the person to dedicate 20 hours per week. The duties of the person will be to:

- oversee the setup of the Desk
- recruit, train and oversee volunteers
- work with other groups to ensure that forms, and web content are available to the users and volunteers of the Desk
- actually staff the Desk by performing intake function, assisting with advice and brief service and referring users to other resources (volunteers, the web, providing handouts, etc.)
- keep records of the numbers assisted and level of service
- utilize surveys to solicit feedback from the users
- meet with other stakeholders as needed and report on Desk functioning

CHICAGO LEGAL CLINIC, INC., PROPOSED HALF - TIME ALTERNATE BUDGET
 APPELLATE HELP DESK July 1, 2017 - December 31, 2017

| ITEM | AMOUNT |
|--|--------------------|
| Salaries – one attorney 15 15 hours per week @\$46,000). Executive Director and Clinic Administrator time of \$2,000 | \$19,250.00 |
| Employee Benefits (health insurance, disability insurance, FICA | \$3,650.00 |
| Other (Travel and Parking, Postage for client questionnaires, etc.) | \$900.00 |
| Indirect Program Costs/Overhead (Accounting, Auditing, Dues and Professional Liability Insurance | \$1,200.00 |
| TOTAL | \$25,000.00 |

15 hours/week

This budget allows for the person to dedicate 15 hours per week. The duties of the person will be to:

- oversee the setup of the Desk
- assist with recruiting, training and overseeing volunteers
- work with other groups to ensure that forms, and web content are available to the users and volunteers of the Desk
- actually staff the Desk by performing intake function, assisting with advice and brief service and referring users to other resources (volunteers, the web, providing handouts, etc.)
- keep records of the numbers assisted and level of service
- utilize surveys to solicit feedback from the users
- meet with other stakeholders as needed and report on Desk functioning

Not covered under this budget is the acquisition of any computer or office equipment, IT assistance for set up or maintenance, office supplies, or office furniture

2016 Self Represented Litigant ("SRL") Civil Appeals

| | | Percentages (of total appeals) |
|---|------|---|
| Total appeals (SRLs and attorney) | 1706 | |
| Appeals filed by SRLs | 523 | |
| Percentage filed by SRLs | | 31% |
| | | |
| | | Percentages (of total SRL appeals) |
| Forcible detainers | 79 | 15% |
| IDES administrative reviews | 36 | 7% |
| Foreclosures | 72 | 14% |
| Family law | 47 | 9% |
| Total appeals by SRLs in the above four case types | 234 | 45% |

Aurelia M. Pucinski

From: aurelia pucinski [apucinski@gmail.com]
Sent: Tuesday, February 14, 2017 1:31 PM
To: Aurelia M. Pucinski
Subject: Fwd: Revised: Emailing: pro se help desk proposal w sigs and attachments - 2-8-17.pdf
Attachments: pro se help desk proposal w sigs and attachments - 2-8-17 (3) (2).pdf

From: Michael A. Moore
Sent: Friday, February 10, 2017 5:02 PM
To: 'apucinski@gmail.com' <apucinski@gmail.com>; 'bglaves@chicagobar.org' <bglaves@chicagobar.org>; 'dhirsch@IllinoisCourts.gov' <dhirsch@IllinoisCourts.gov>; 'egrossman@clclaw.org' <egrossman@clclaw.org>; 'nrhowse@sbcglobal.net' <nrhowse@sbcglobal.net>; 'kathleengemma@gmail.com' <kathleengemma@gmail.com>; 'delort@aol.com' <delort@aol.com>; 'MDElster@beermannlaw.com' <MDElster@beermannlaw.com>; 'mkrochford@gmail.com' <mkrochford@gmail.com>; Patricia A. O'Brien <paobrien@cookcountycourt.com>; 'mfrossar@jmls.edu' <mfrossar@jmls.edu>; 'snazem@IllinoisCourts.gov' <snazem@IllinoisCourts.gov>; 'sanjay1964@aol.com' <sanjay1964@aol.com>; 'sraivid@IllinoisCourts.gov' <sraivid@IllinoisCourts.gov>; 'tschillaci@IllinoisCourts.gov' <tschillaci@IllinoisCourts.gov>; 'tpalella@IllinoisCourts.gov' <tpalella@IllinoisCourts.gov>
Subject: RE: Emailing: pro se help desk proposal w sigs and attachments - 2-8-17.pdf

Good afternoon, Judge Pucinski:

On behalf of Clerk Dorothy Brown, thank you for the opportunity for the Office of the Clerk of the Circuit of Cook County to participate on the 1st District Appellate Court Self Represented Litigants Help Desk Working Committee. We are pleased to be a part of this effort and look forward to its successful implementation. We have reviewed the draft and offer a few suggestions for the workgroup's consideration:

1. For the Virtual Help Center we recommend that volunteer attorneys be scheduled by the Director on a day to day basis for a specific time period to answer questions;
2. For the Phone Center we recommend that volunteer attorneys from specific areas of law be scheduled and that the Director, or an Assistant Director, direct questions to the appropriate scheduled attorneys and track responses to ensure that a timely response has been made; and,
3. We recommend that volunteer attorneys be awarded a certain number of CLE hours for the time they spend researching and answering questions. We believe this will provide incentive for attorneys to volunteer.

Thank you for your consideration.

MEMORANDUM

March 1, 2017

TO: ATJ Commission Appellate Committee
FROM: Administrative Office of the Illinois Courts Civil Justice Division
RE: Appellate Self-Help Proposal Analysis and Recommendations

This memo summarizes the Appellate Help Desk proposal submitted by the First District Appellate Court Self-Represented Litigants' Help Desk Working Committee (“Working Group”) to Director Tardy on February 17, 2017, and recommends some alternative next steps for the Illinois Supreme Court Commission on Access to Justice Appellate Committee (“Appellate Committee”) to consider. Both proposals share a common goal of developing self-help resources about the appellate process, assisting self-represented litigants with the civil appellate process and cultivating a pathway for appropriate cases to be referred to and handled by *pro bono* lawyers in partnership with bar associations and legal aid partners. The AOIC commends the Working Group for its strong commitment to serving self-represented litigants in civil appeals; and is suggesting this different approach—creating a new full-time position (Appellate Resource Specialist) within the AOIC Civil Justice Division—because of the desire to address these issues as fully as possible.

I. Background

The Working Group's discussions and final proposal shed light on several important justice gaps in the courts of review. Because of the scope of the issues to be tackled and the fundamental importance of access to justice in all stages of the judicial process, the AOIC Civil Justice Division respectfully suggests a broader, more systemic vehicle to serve the shared goal of assisting self-represented litigants in civil appeals. Rather than implement a plan focused primarily on the First Appellate District and contracted out to a legal aid partner, the AOIC Civil Justice Division instead proposes embedding a dedicated new staff position within the AOIC to develop new resources and tools; partner with stakeholders including the Appellate Lawyers Association, local bar associations, and individual volunteer lawyers to develop legal workshops; and communicate directly with self-represented litigants to answer procedural questions.

By way of background, this project was conceived to fill an ongoing service gap in available self-help and legal aid resources, specifically those targeted at civil appeals. Trial courts across the State are seeing a large increase in the numbers of self-represented litigants coming to court to resolve their legal matters, which has caused a related uptick in the percentage of self-represented litigants filing appeals in their cases. Moreover, local legal aid agencies handle only a handful of civil appeals, and the majority of those are continuations of cases where the agency was involved at the trial level. *Pro bono* attorneys at law firms tend to gravitate towards impact litigation and high profile immigration and civil rights cases. This leaves many self-represented litigants to fend for themselves on appeal in important areas of civil law including employment, public benefits, family law, and housing. In 2015, over 30% of civil appeals in the First Appellate District were filed by self-represented litigants.¹ Currently, these litigants have very limited access to free or low-cost legal resources. The Appellate Committee has an opportunity to build off of the Working Group's proposal to change that.

II. Summary of the Working Group's Proposal

The Working Group's proposal has four discrete parts, each of which is described below along with some potential challenges.

A. Help Desk (Daley Center)

The Working Group proposes operating a physical help desk at the Daley Center located in the concourse level's Resource Center for People without Lawyers. As proposed, the desk would be operated by the Chicago Legal Clinic (CLC), which also operates a Chancery Help Desk in the same space in addition to two other help desks at the Daley Center. CLC would employ a part-time staff attorney for 15 hours a week to manage the desk and offer individual consultation with self-represented litigants who are considering or actively pursuing civil appeals. In addition to staff time, the proposal also calls for two-three computers, two phone lines, a printer, a scanner, and other materials necessary to properly equip the desk. These additional costs are not included in the proposed budget.

While real time, face-to-face legal assistance is the gold standard of legal services, it is not always the most efficient or practical solution. Despite the uptick in self-represented litigants, the number of self-represented appeals is still relatively low and a physical help desk that operates daily may not be the most efficient use of staff time. The number of visitors will inevitably ebb and flow and the total volume of civil appeals is not high enough to ensure a constant level of need.² Furthermore, appeals do not require repeated court appearances like trials making a permanent physical location within the courthouse less important. Lastly, a physical help desk in the First Appellate District cannot serve litigants from the other four appellate districts, and litigants at the Daley Center can currently receive

¹ Data from the other four appellate districts is not available.

² In 2014, 557 civil appeals were filed by self-represented litigants in the First Appellate District. In 2016, that number decreased to 523, a 6% decrease in filings largely driven by a decline in post-foreclosure appeals. While it is likely that more individuals would file civil appeals if they had access to legal information about the appellate process, the volume would still be substantially less than that of the self-represented civil cases in Cook County which stood at 56,175 in 2016.

limited procedural information from the counter clerks at the Civil Appeals Division on the 8th Floor of the Daley Center as well as from the First District Appellate Clerk's office.

B. Virtual Help Desk

The next two components of the Working Group proposal, a self-help website and a hotline, are discussed together as they would work in tandem to create a Virtual Help Desk. This idea, loosely modeled on a similar program in Wisconsin, blends technology and *pro bono* assistance to connect self-represented litigants with procedural and legal information. One aspect of the proposed Virtual Help Desk would be a robust website incorporating self-help information and frequently asked questions for litigants, to be housed on the Illinois Supreme Court website. This information will build on the ATJ Commission's work in the area of standardized appellate forms and the comprehensive self-help guided created by the ATJ Commission with the assistance of *pro bono* attorneys from Mayer Brown.

If a litigant cannot find the information necessary on the website or needs further assistance, he or she could submit questions via email or phone to a designated shared email address or phone number. *Pro bono* attorneys would take shifts checking the email address and voicemail and responding to the questions. Inquiries would be limited to procedural and legal information to start, due to the additional complications necessary in offering legal advice which requires conflicts checks and access to the court record.

This program, as proposed, has many benefits as it is more flexible than a physical help desk and allows for litigants to receive assistance statewide. However, the current proposal raises questions as to who will manage this program and develop the website content. The part-time staff person would be based at the Daley Center five days a week and would not have the flexibility or time needed to oversee this Virtual Help Desk or to collaborate with the AOIC staff to develop content for the website. Lastly, the Illinois Supreme Court Law Library service already allows litigants to submit questions online and receive customized responses within 24 hours, so there may be some overlap.

C. Self-Help Web Center (Bilandic Building)

The last component of the Working Group proposal is a self-help web center physically located in the Bilandic Building. The proposal calls for the desk to be staffed exclusively by volunteer law student from a yet to be determined law school partner. The proposal also calls for three or four computer terminals, a printer, scanner, copier, and at least two phone lines. Those costs are not allocated in the budget and the proposal does not identify any staff support or supervision for this program.

While the proposal is right to raise the many challenges that mandatory e-filing may pose for self-represented litigants, this aspect of the proposal remains problematic for several reasons. First, relying exclusively on law students will leave gaps in supervision and staffing. Law students are not in school year round and the center could be unstaffed for several months of the year. Furthermore, law students lack legal and appellate experience and would require substantial training and supervision which is not factored into the current proposal. Lastly, a

public self-help center in the Bilandic Building raises potential security concerns as both appellate justices and Illinois Supreme Court justices sit in the building.

III. Recommendations

The proposal submitted by the Working Group is an ambitious proposal that would offer many levels of legal assistance to litigants through different mediums, both in-person and virtual. However, the AOIC suggests a different course to achieve similar aims: creating a new staff position within the Civil Justice Division called the Appellate Resources Specialist. The Appellate Resources Specialist would be able to institutionalize strategies and resources to assist self-represented appellants and ensure consistency in implementation and messaging.

The Appellate Resource Specialist could be modeled on similar roles within other state court systems. Most notably, Colorado employs a full-time Appellate Self-Represented Litigant Coordinator to provide assistance to and develop resources for self-represented litigants in the appellate courts statewide. This role has been well-received and could serve as a model for a comparable position in Illinois. In Colorado, the Self-Represented Litigant Coordinator spends her time doing the following tasks: creating appellate self-help resources (20%), collecting and analyzing appellate data (20%), providing individual assistance to self-represented litigants in civil appeals (30%), and supporting *pro bono* and other public outreach efforts (30%).

In Illinois, the proposed Appellate Resource Specialist's work would be comparable in its diversity and would include, but not be limited to, the following activities: responding directly to appellate inquiries submitted via the Illinois Supreme Court webpage; developing new self-help materials and updating existing ones; creating content for a dedicated appellate self-help page on the new website; leading the development and distribution of new standardized appellate forms; partnering with local bar association and legal aid groups to establish periodic *pro bono* appellate clinics throughout the state; training appellate clerks on best practices for self-represented litigants; and tracking statistics on civil appeals to identify new trends and areas of need. Much of this work is currently done at the trial court level, and the Appellate Resource Specialist could ensure that the work of the ATJ Commission and the AOIC continues in the state courts of appeal as well.

Moreover, by bringing this position within the AOIC, the Court would demonstrate its ongoing commitment to access to justice and reducing both the barriers faced by self-represented litigants and the burdens placed on appellate justices and court staff by the growing number of self-represented litigants. As part of the AOIC's Civil Justice Division, the Appellate Resources Specialist would also benefit from integration with the existing work done by the various divisions within the AOIC and the ATJ Commission. For example, the Appellate Resources Specialist could use the technology already in place at the Supreme Court library to field inquiries from the public and could work with the AOIC website development team to create new self-help content for the website. By working within the AOIC, rather than being confined to one particular courthouse, the Appellate Resource Specialist would have more flexibility to work throughout the state to develop new partnerships and resources. Most importantly, the Appellate Resource Specialist would have autonomy and flexibility to work on a number of

initiatives in multiple locations and to adjust his or her work as the need arises. This would give the Court and the ATJ Commission more ownership and direction over the work, rather than ceding control of this important area to a law school or legal aid partner that may have different priorities or a narrower geographic focus than the Court and the ATJ Commission.

The Appellate Resource Specialist would also be able to address many of the issues identified by the Working Group in a more efficient manner. The Working Group's proposal is complex and requires implementation of four program components—including two physical help desks in two different locations in addition to a website, hotline, and email services—with only 15 hours/week of staff time and a \$25,000 annual budget. Further complicating matters, the various components of the proposal would be managed by different entities with varying levels of ownership over them and no clear plan for coordination with each other, or with the AOIC and the ATJ Commission. Lastly, the proposal focuses heavily on the First Appellate District by proposing two physical help desks in Chicago and one part-time staff person housed at a Chicago-based legal aid agency. While the First Appellate District does handle the largest volume of cases of any appellate district, it handles only half of the statewide civil appeals.

Instead, by hiring an Appellate Resource Specialist, the ATJ Commission and the AOIC can offer truly integrated statewide assistance to self-represented litigants in civil appeals. This would be a groundbreaking change for a group of litigants who have been underserved for far too long.