



Sen. Jeffrey M. Schoenberg

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1 AMENDMENT TO HOUSE BILL 574

2 AMENDMENT NO. _____. Amend House Bill 574 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Public Interest Attorney Assistance Act.

6 Section 5. Legislative findings. The General Assembly
7 finds the following:

8 (1) Equal access to justice is a basic right that is
9 fundamental to democracy in this State, and the integrity
10 of this State and this State's justice system depends on
11 protecting and enforcing the rights of all people and
12 quality enforcement of the laws of this State.

13 (2) Equal access to justice and quality enforcement of
14 State laws are integral parts of the general public
15 welfare.

16 (3) Vulnerable and disadvantaged citizens of this

1 State are unable to protect or enforce their rights without
2 legal assistance from public interest attorneys.

3 (4) Graduating law students and practicing attorneys
4 are increasingly unable to continue in public interest
5 attorney positions because of high student loan debt.

6 (5) Assisting public interest attorneys with loan
7 forgiveness is a major step toward ensuring quality legal
8 representation for this State's most vulnerable citizens
9 and quality enforcement of State law.

10 (6) The collection and distribution of funds under this
11 Act promotes justice and is in the public interest.

12 (7) The use of funds for the purposes prescribed by
13 this Act are in the public interest and consistent with
14 providing equal access to justice and quality enforcement
15 of State law.

16 Section 10. Purpose. The purpose of this Act is to
17 encourage qualified individuals to enter into and continue in
18 employment in this State as assistant State's Attorneys,
19 assistant Public Defenders, civil legal aid attorneys,
20 assistant Attorneys General, assistant public guardians, IGAC
21 attorneys, and legislative attorneys in a manner that protects
22 the rights of this State's most vulnerable citizens or promotes
23 the quality enforcement of State law.

24 Section 15. Definitions. For the purposes of this Act:

1 "Assistant State's Attorney" means a full-time employee of
2 a State's Attorney in Illinois or the State's Attorneys
3 Appellate Prosecutor who is continually licensed to practice
4 law and prosecutes or defends cases on behalf of the State or a
5 county.

6 "Assistant Attorney General" means a full-time employee of
7 the Illinois Attorney General who is continually licensed to
8 practice law and prosecutes or defends cases on behalf of the
9 State.

10 "Assistant Public Defender" means a full-time employee of a
11 Public Defender in Illinois or the State Appellate Defender who
12 is continually licensed to practice law and provides legal
13 representation to indigent persons, as provided by statute.

14 "Assistant public guardian" means a full-time employee of a
15 public guardian in Illinois who is continually licensed to
16 practice law and provides legal representation pursuant to
17 court appointment.

18 "Civil legal aid" means free or reduced-cost legal
19 representation or advice to low-income clients in non-criminal
20 matters.

21 "Civil legal aid attorney" means an attorney who is
22 continually licensed to practice law and is employed full time
23 as an attorney at a civil legal aid organization in Illinois.

24 "Civil legal aid organization" means a not-for-profit
25 corporation in Illinois that (i) is exempt from the payment of
26 federal income tax pursuant to Section 501(c)(3) of the

1 Internal Revenue Code, (ii) is established for the purpose of
2 providing legal services that include civil legal aid, (iii)
3 employs 2 or more full-time attorneys who are licensed to
4 practice law in this State and who directly provide civil legal
5 aid, and (iv) is in compliance with registration and filing
6 requirements that are applicable under the Charitable Trust Act
7 and the Solicitation for Charity Act.

8 "Commission" means the Illinois Student Assistance
9 Commission.

10 "Committee" means the advisory committee created under
11 Section 20 of this Act.

12 "Eligible debt" means outstanding principal, interest, and
13 related fees from loans obtained for undergraduate, graduate,
14 or law school educational expenses made by government or
15 commercial lending institutions or educational institutions.
16 "Eligible debt" excludes loans made by a private individual or
17 family member.

18 "IGAC attorney" means a full-time employee of the Illinois
19 Guardianship and Advocacy Commission, including the Office of
20 State Guardian, the Legal Advocacy Service, and the Human
21 Rights Authority, who is continually licensed to practice law
22 and provides legal representation to carry out the
23 responsibilities of the Illinois Guardianship and Advocacy
24 Commission.

25 "Legislative attorney" means a full-time employee of the
26 Illinois Senate, the Illinois House of Representatives, or the

1 Illinois Legislative Reference Bureau who is continually
2 licensed to practice law and provides legal advice to members
3 of the General Assembly.

4 "Program" means the Public Interest Attorney Loan
5 Repayment Assistance Program.

6 "Public interest attorney" means an attorney practicing in
7 Illinois who is an assistant State's Attorney, assistant Public
8 Defender, civil legal aid attorney, assistant Attorney
9 General, assistant public guardian, IGAC attorney, or
10 legislative attorney.

11 "Qualifying employer" means (i) an Illinois State's
12 Attorney or the State's Attorneys Appellate Prosecutor, (ii) an
13 Illinois Public Defender or the State Appellate Defender, (iii)
14 an Illinois civil legal aid organization, (iv) the Illinois
15 Attorney General, (v) an Illinois public guardian, (vi) the
16 Illinois Guardianship and Advocacy Commission, (vii) the
17 Illinois Senate, (viii) the Illinois House of Representatives,
18 or (ix) the Illinois Legislative Reference Bureau.

19 Section 20. Public Interest Attorney Loan Repayment
20 Assistance Program.

21 (a) The Commission shall establish and administer the
22 Program for the primary purpose of providing loan repayment
23 assistance to practicing attorneys to encourage them to pursue
24 careers as public interest attorneys to protect the rights of
25 this State's most vulnerable citizens or provide quality

1 enforcement of State law. The Commission shall create an
2 advisory committee composed of representatives from
3 organizations with relevant expertise, including one person
4 from each of the following entities:

5 (1) The Illinois State's Attorneys Association.

6 (2) An office of an Illinois Public Defender.

7 (3) An office of an Illinois public guardian.

8 (4) The Office of the Illinois Attorney General.

9 (5) An Illinois metropolitan bar association.

10 (6) An Illinois statewide bar association.

11 (7) A public law school in this State.

12 (b) The Public Interest Attorney Loan Repayment Assistance
13 Fund is created as a special fund in the State treasury. The
14 Fund shall consist of all moneys remitted to the Commission
15 under the terms of this Act. All money in the Fund shall be
16 used, subject to appropriation, by the Commission for the
17 purposes of this Act.

18 (c) Subject to the availability of appropriations and
19 subsections (d) and (e) of this Section, the Commission shall
20 distribute funds to eligible applicants.

21 (d) The Commission is authorized to prescribe all rules,
22 policies, and procedures necessary or convenient for the
23 administration of the Program and all terms and conditions
24 applicable to payments made under this Act. This shall be done
25 with the guidance and assistance of the Committee.

26 (e) The Commission shall administer the Program,

1 including, but not limited to, establishing and implementing
2 the following:

3 (1) An application process. Subject to the
4 availability of appropriations, the Commission shall, each
5 year, consider applications by eligible public interest
6 attorneys for loan repayment assistance under the Program.

7 (2) Eligibility requirements. The Commission shall, on
8 an annual basis, receive and consider applications for loan
9 repayment assistance under the Program if the Commission
10 finds that the applicant:

11 (i) is a citizen or permanent resident of the
12 United States;

13 (ii) is a licensed member of the Illinois Bar in
14 good standing;

15 (iii) has eligible debt in grace or repayment
16 status; and

17 (iv) is employed as a public interest attorney with
18 a qualifying employer in Illinois.

19 (3) A maximum amount of loan repayment assistance for
20 each participant, which shall be \$6,000 per year, up to a
21 maximum of \$30,000 during the participant's career.

22 (4) Prioritization. The Commission shall develop
23 criteria for prioritization among eligible applicants in
24 the event that there are insufficient funds available to
25 make payments to all eligible applicants under this Act.
26 The prioritization criteria shall include the timeliness

1 of the application, the applicant's salary level, the
2 amount of the applicant's eligible debt, the availability
3 of other loan repayment assistance to the applicant, the
4 applicant's length of service as a public interest
5 attorney, and the applicant's prior participation in the
6 Program.

7 (f) The distribution of funds available after
8 administrative costs must be made by the Commission to eligible
9 public interest attorneys in the following manner:

10 (1) Loan repayment assistance must be in the form of a
11 forgivable loan.

12 (2) To have the loan forgiven, the participant shall
13 (i) complete a year of employment with a qualifying
14 employer and (ii) make educational debt payments (interest
15 or principal or both) that equal at least the amount of
16 assistance received under the Program during the
17 assistance year.

18 (3) Each loan must be documented by means of a
19 promissory note executed by the borrower in a form provided
20 by the Commission and shall be forgiven when an eligible
21 participant meets the requirements set forth by the
22 Commission.

23 Section 25. Ineligibility and termination of funds;
24 procedures.

25 (a) If a participant becomes ineligible during the term of

1 a loan, he or she must repay the outstanding amount of any loan
2 received from the Commission.

3 (b) The Commission may in its discretion forgive the loan
4 of a participant in whole or in part in certain circumstances
5 as set forth in its written policies and guidelines.

6 Section 30. Other powers. The Commission may make, enter
7 into, and execute contracts, agreements, leases, and other
8 instruments with any person, including without limitation any
9 federal, State, or local governmental agency, and may take
10 other actions that may be necessary or convenient to accomplish
11 any purpose authorized by this Act.

12 Section 90. The State Finance Act is amended by adding
13 Section 5.719 as follows:

14 (30 ILCS 105/5.719 new)

15 Sec. 5.719. The Public Interest Attorney Loan Repayment
16 Assistance Fund."