

AN ACT concerning courts.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Access to Justice Act is amended by changing Sections 5, 10, 15, and 20 and by adding Section 7 as follows:

(705 ILCS 95/5)

Sec. 5. Findings.

(a) The justice system in this State can only function fairly and effectively when there is meaningful access to legal information, resources, and assistance for all litigants, regardless of their income or circumstances.

(b) Increasing numbers of people throughout this State, including an increasing number of active duty service members and veterans, are coming into the courts without legal representation for cases involving important legal matters impacting the basics of life such as health, safety, and shelter. In order for the courts to provide fair and efficient administration of justice in these cases, it is critical that people, and active duty service members and veterans in particular, have better access to varying levels of legal assistance appropriate for their individual circumstances, which will reduce the number of cases the courts must manage and reduce unnecessary backlogs and delays in the court system

for the benefit of all litigants.

(c) An increasing number of active duty service members and veterans in this State have a need for legal information and assistance in a variety of matters that are often critical to their safety and independence, yet they are often unable to access that assistance. Providing access to legal advice and a referral system of attorneys for veterans and active duty service members, who often have underlying issues as a result of their military service, increases the efficiency of the court system and advances access to justice for everyone in this State.

(Source: P.A. 98-351, eff. 8-15-13.)

(705 ILCS 95/7 new)

Sec. 7. Definitions. As used in this Act:

(a) "Foundation" means the Illinois Equal Justice Foundation, a not-for-profit corporation created by the Illinois State Bar Association and the Chicago Bar Association and recognized under the Illinois Equal Justice Act.

(b) "Illinois Access to Civil Justice Council" or "Council" means a special advisory body created by the Foundation. The Council consists of 7 members, appointed as follows: one by the Lawyers Trust Fund of Illinois, one by the Chicago Bar Foundation, one by the Illinois Bar Foundation, one by the Illinois Department of Veterans' Affairs, one by the Illinois Attorney General, and 2 by the Foundation or any successor

entities or agencies as designated by the Council.

(705 ILCS 95/10)

Sec. 10. Pilot programs.

(a) The Illinois Access to Civil Justice Council shall ~~General Assembly encourages the Supreme Court to develop: (i) a pilot program to create a statewide military personnel and veterans' legal assistance hotline and coordinated network of legal support resources; and (ii) a pilot program to provide court based legal assistance within a circuit court in each appellate district of this State.~~

(a-5) The Supreme Court Access to Justice Commission may develop a pilot program to provide court-based legal assistance services.

(b) The General Assembly recommends that ~~the rules~~ ~~developing~~ the pilot programs:

(1) provide intake, screening, and varying levels of legal assistance to ensure that the parties served by these programs have meaningful access to justice;

(2) gather information on the outcomes associated with providing the services described in paragraph (1) of this subsection; and

(3) guard against the involuntary waiver of rights or disposition by default.

(Source: P.A. 98-351, eff. 8-15-13.)

(705 ILCS 95/15)

Sec. 15. Access to Justice Fund.

(a) The Access to Justice Fund is created as a special fund in the State treasury. The Fund shall consist of fees collected under Section 27.3g of the Clerks of Courts Act. Moneys ~~Subject to appropriation, moneys~~ in the Access to Justice Fund shall be appropriated to the Attorney General for disbursements to the Foundation. The Foundation shall use the moneys to make grants and distributions used by the Supreme Court for the administration of the pilot programs created under this Act. Grants or distributions made under this Act to the Foundation are subject to the requirements of the Illinois Grant Funds Recovery Act.

(b) In accordance with the requirements of the Illinois Equal Justice Act, the Foundation may make grants, enter into contracts, and take other actions recommended by the Council to effectuate the pilot programs and comply with the other requirements of this Act.

(c) The governing board of the Foundation must prepare and submit an annual report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Justices of the Illinois Supreme Court. The report must include: (i) a statement of the total receipts and a breakdown by source during each of the previous 2 calendar years; (ii) a list of the names and addresses of the

recipients that are currently receiving grants or distributions and that received grants or distributions in the previous year and the amounts committed to recipients for the current year and paid in the previous year; (iii) a breakdown of the amounts of grants or distributions paid during the previous year to recipients and the amounts committed to each recipient for the current year; (iv) a breakdown of the Foundation's costs in administering the Fund; (v) a statement of the Fund balance at the start and at the close of the previous year and the interest earned during the previous year; and (vi) any notices the Foundation issued denying applications for grants or distributions under this Act. The report, in its entirety, is a public record, and the Foundation and the Governor shall make the report available for inspection upon request.

(d) The Foundation may annually retain a portion of the disbursements it receives under this Section to reimburse the Foundation for the actual cost of administering the Council and for making the grants and distributions pursuant to this Act during that year.

(e) No moneys distributed by the Foundation from the Access to Justice Fund may be directly or indirectly used for lobbying activities, as defined in Section 2 of the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois.

(f) The Foundation may make, enter into, and execute contracts, agreements, leases, and other instruments with any person, including without limitation any federal, State, or local governmental agency, and may take other actions that may be necessary or convenient to accomplish any purpose authorized by this Act.

(g) The Foundation has the authority to receive and accept any and all grants, loans, subsidies, matching funds, reimbursements, federal grant moneys, fees for services, and other things of value from the federal or State government or any agency of any other state or from any institution, person, firm, or corporation, public or private, to be used to carry out the purposes of this Act.

(Source: P.A. 98-351, eff. 8-15-13.)

(705 ILCS 95/20)

Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study the effectiveness of the pilot programs implemented under this Act and submit a report to the Supreme Court, Governor, and General Assembly by June 1, 2021 ~~2017~~. The report shall include the number of people served by the veteran and active military legal hotline and pro bono program and data on how the pilot programs expanded access to justice and the impact on government programs and community resources ~~in each pilot program and data on the impact of varying levels of legal assistance on access to justice, the effect on fair and~~

~~efficient court administration, and the impact on government programs and community resources.~~ This report shall describe the benefits of providing legal assistance to those who were previously unrepresented, both for the clients, the military and veteran service organizations, and civil legal aid programs, ~~and the courts,~~ and shall describe strategies and recommendations for maximizing the benefit of that representation in the future. The report shall include an assessment of the continuing unmet needs and, if available, data regarding those unmet needs.

(Source: P.A. 98-351, eff. 8-15-13.)

Section 10. The Clerks of Courts Act is amended by changing Section 27.3g as follows:

(705 ILCS 105/27.3g)

(Section scheduled to be repealed on August 15, 2018)

Sec. 27.3g. Pilot program; Access to Justice Act.

(a) On and after September 1, 2015 ~~If the Supreme Court develops a pilot program to provide court-based legal assistance in accordance with Section 10 of the Access to Justice Act,~~ all clerks of the circuit court shall charge and collect at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, in addition to any other fees, a fee of \$2 ~~\$10~~, but no additional fee shall be required if more than one party is represented in

a single pleading, paper, or other appearance. Fees received by the clerk of the circuit court under this Section shall be remitted by the clerk of the circuit court to the State Treasurer, within one month after receipt, ~~to the Supreme Court~~ for deposit into the Access to Justice Fund created under Section 15 of the Access to Justice Act.

(b) This Section is repealed on September 1, 2020 ~~5 years after the effective date of this amendatory Act of the 98th General Assembly~~.

(Source: P.A. 98-351, eff. 8-15-13.)

Section 99. Effective date. This Act takes effect upon becoming law.