

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE  
PROMOTION AND PROVISION FOR THE  
DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Tuesday, October 18, 2011

10:23 a.m.

Chicago Bar Association Offices  
321 S. Plymouth Court  
Chicago, Illinois 60604

COMMITTEE MEMBERS PRESENT:

Laurie I. Mikva, Chairman  
Sharon L. Browne  
Victor B. Maddox  
Father Pius Pietrzyk, O.P.  
Julie A. Reiskin  
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey, Jr.  
Charles N.W. Keckler  
Harry J.F. Korrell, III  
Martha L. Minow  
Gloria Valencia-Weber

## STAFF AND PUBLIC PRESENT:

James J. Sandman, President  
Kathleen Connors, Executive Assistant to the President  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel, and Corporate Secretary  
Mattie Cohan, Senior Assistant General Counsel,  
Office of Legal Affairs  
Katherine Ward, Executive Assistant, Office of  
Legal Affairs  
David L. Richardson, Comptroller and Treasurer, Office  
of Financial and Administrative Services  
John Constance, Director, Office of Government  
Relations and Public Affairs  
Stephen Barr, Communications Director, Office of  
Government Relations and Public Affairs  
Jeffrey E. Schanz, Inspector General  
Joel Gallay, Special Counsel to the Inspector General,  
Office of the Inspector General  
Ronald "Dutch" Merryman, Assistant Inspector General  
for Audit, Office of the Inspector General  
Thomas Coogan, Assistant Inspector General for  
Investigations, Office of the Inspector General  
David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the  
Inspector General  
Janet LaBella, Director, Office of Program Performance  
Robert E. Henley, Jr., Non-Director Member, LSC  
Finance Committee

Bob Graves, Executive Director, Chicago Bar Foundation  
Allen C. Schwartz, Executive Director, CARPLS  
Diana C. White, Executive Director, Legal Assistance  
Foundation of Metropolitan Chicago  
Brandon Williams, Supervisory Attorney, Chicago Legal  
Clinic  
Lois Wood, Executive Director, Land of Lincoln Legal  
Assistance Foundation, Inc.  
Danielle Hirsch, Director of Advocacy, Chicago Bar  
Foundation  
Michael O'Connor, Executive Director, Prairie State  
Legal Services  
Leslie Corbett, Executive Director, Illinois Equal  
Justice Foundation  
Mark Marquardt, Deputy Director, Lawyers Trust Fund  
of Illinois

Linda Perle, Center for Law and Social Policy (CLASP)  
Terry Brooks, American Bar Association Standing  
Committee on Legal Aid and Indigent Defendants  
(SCLAID)

Robert E. Stein, American Bar Association SCLAID  
Bev Groudine, American Bar Association Commission  
on IOLTA/SCLAID

Lora Livingston, American Bar Association Commission  
on IOLTA

## C O N T E N T S

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Motions: 5, 5

## P R O C E E D I N G S

(10:23 a.m.)

1  
2  
3 CHAIRMAN MIKVA: This is the Committee for the  
4 Promotion and Provision for the Delivery of Legal  
5 Services Committee. This meeting is called to order.

6 First item of business is approval of the  
7 agenda.

## M O T I O N

8  
9 MS. BROWNE: I'll to approve the agenda.

10 MS. REISKIN: Second.

11 CHAIRMAN MIKVA: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN MIKVA: The second issue is approval  
14 of minutes from the meeting from July 20, 2011.

## M O T I O N

15  
16 MS. BROWNE: I'll move approval.

17 MS. REISKIN: I'll second.

18 CHAIRMAN MIKVA: All in favor?

19 (A chorus of ayes.)

20 CHAIRMAN MIKVA: No. 4 on the agenda is a  
21 discussion of future agenda topics. Ms. Reiskin has  
22 suggested, and I think it's a really good idea, we're not

1 going to have time to discuss this today. We'll do this  
2 by teleconference, talk about both what the role of this  
3 committee is in setting up panels and future agenda  
4 topics.

5 So with that, I'm moving on to the main part of  
6 our meeting, which is a courthouse help desk panel  
7 presentation. Bob Glaves is going to be running this.  
8 In case anybody doesn't know him, he's the executive  
9 director of the Chicago Bar Foundation since 1999.

10 The Chicago Bar Foundation provides funding to  
11 virtually every organization in the Chicago area that  
12 provides legal services to low income people. And under  
13 his stewardship, fundraising and annual grants of the  
14 foundation have increased tenfold.

15 He's always lobbying. His foundation is always  
16 lobbying Congress, the state legislature for increased  
17 funding. He's a true friend of legal services, a best  
18 friend. So Bob Glaves.

19 MR. GLAVES: That's a very nice introduction.  
20 Thank you. We have to all be conscious to talk in the  
21 mike because it's a public meeting, so if I get too loud  
22 up there, just let me know.

1           Welcome to town. I'll do that more formally at  
2 the luncheon. And I know we're getting towards the tail  
3 end of your meetings. But you guys run a tight ship,  
4 I'll say that. It's quite an agenda you've packed into a  
5 couple days.

6           We've given you two handouts that are up there  
7 that I just wanted to -- as a frame of reference about  
8 court help desks. One is what we call a prescription  
9 pad. This is just at the Daley Center here in Chicago,  
10 which is, we believe, the largest single courthouse in  
11 the country in terms of volume.

12           This is all, within the Daley Center or near  
13 it, resources for people who are without lawyers when  
14 they come, which is more and more people. So this has  
15 been a priority of ours, not just be Bar Foundation but  
16 through our whole pro bono and legal aid community, as  
17 you'll hear today, for many years now to try to make this  
18 process easier for people to navigate and have resources  
19 in the courts to help them both navigate the system and  
20 find the best means of help available to them. And we'll  
21 talk more about that as we go on.

22           The second thing is, just from a general

1       standpoint, is something we created a couple years ago  
2       which is -- we don't have any fancy name for it. But  
3       when we talk about access to justice, we talk about it as  
4       a continuum of resources.

5               There's no one-size-fits-all prescription to  
6       ensuring access to justice. It takes all of these  
7       things. There's a couple things on the right side of  
8       that ledger that LSC is not doing. But we think all  
9       that's important to getting there.

10              But what we're talking about today is the  
11       middle part of this continuum, which is around advice and  
12       brief services, which this is a component of. These  
13       court-based help desks that we're going to be talking  
14       about are a component of that.

15              And both to the right and left of that on the  
16       continuum, these services serve a really critical triage  
17       role in getting people to the right level of service and  
18       the right level of assistance that's appropriate for them  
19       to be able to solve their problems and that maximizes the  
20       limited resources that we all know we have. I think  
21       Judge Wood would like this approach, based on her remarks  
22       last night.



1           So without further ado, I'm going to introduce  
2           our panel and just start with some questions to them to  
3           tell you about what they do.

4           I think you've all probably met Diana and know  
5           more about her than I do at this point, so I won't spend  
6           a lot of time talking about Diana today. But Diana is  
7           the executive director at the Legal Assistance  
8           Foundation, for the record; is a very dynamic leader, and  
9           has really made a huge impact at LAF and on the whole  
10          system since she's become executive director there.

11          Today, though, she's going to be talking about  
12          a couple of advice desks that they have in the federal  
13          court, one in the district court and one in the  
14          bankruptcy court, which are among the few in either  
15          federal court anywhere in the country.

16          I believe the district court was the first  
17          there was anywhere in the country, and the bankruptcy one  
18          was among the first. So she's going to talk about some  
19          of the unique issue of doing this in federal court that  
20          again I think will tie in a lot to what you heard from  
21          Judge Wood last night.

22          Al Schwartz is the executive director of

1 CARPLS. That actually stands for Coordinated Advice and  
2 Referral Program for Legal Services. You can probably  
3 understand why everybody calls it CARPLS when I say that.

4 (Laughter.)

5 MR. GLAVES: So pretty soon, that's all they're  
6 going to ever say is CARPLS, and that'll just be a  
7 history book thing.

8 But Al is a very innovative leader. He kind of  
9 speaks softly but carries a big stick when it comes to  
10 access to justice, and has really been among the most  
11 innovative in the whole country as far as evaluating  
12 brief services and taking that evaluation and really  
13 shaping the way they're bringing their services to the  
14 community. So Al will tell you more about that in a  
15 little bit.

16 And then Brandon Williams is the managing  
17 attorney for the chancery advice desk at the circuit  
18 court here. Chancery, probably similar to other  
19 jurisdictions here, holds jurisdiction over foreclosures,  
20 mortgage foreclosures, which I think I heard somewhere  
21 along the way yesterday that you heard as well.

22 We know this very well here. There are more

1 than 70,000 of these things pending in Cook County, more  
2 than 50,000 filed annually right now. Again, the single  
3 biggest collection in one place. There's other states  
4 that have more foreclosures than we do, but there's  
5 nowhere that has more of them in one place than we do.

6 So Brandon is a fireman, fire marshal, a  
7 paramedic. He serves many roles of supervising a very  
8 high-volume assistance desk, and with a lot of people  
9 paying attention to it, and does just a fantastic job of  
10 that, and has been doing that for a couple of years now.  
11 Right? Almost from the inception of the --

12 MR. WILLIAMS: Yes. About April 2010.

13 MR. GLAVES: Okay. So almost two years now.  
14 We have a big foreclosure mediation program here that  
15 this is a critical component of, and he'll tell you more  
16 about that as we go.

17 So, having said that, I'm just going to ask  
18 each of you, and starting with Diana, if that's okay, to  
19 give a brief description of your court-based programs.  
20 We call them "desks" just because it's easy to call them  
21 that. That isn't actually what they're all called.  
22 Okay?

1 MS. WHITE: Okay. Well, the district court  
2 self-help desk started, I think, in 2006, and it was  
3 really Bob's idea. And he thought of us to run it  
4 because we had a substantial federal practice and our  
5 office is two blocks from the federal courthouse.

6 When it started, it was the first such desk.  
7 The court clerk makes the appointments for people. There  
8 are so many slots per day. And typically, appointments  
9 are about a week out. If somebody calls or comes in to  
10 the court clerk's office, they have to wait a week for an  
11 appointment.

12 The clerk provides an interview room. There's  
13 a computer terminal down the hall which has a guided  
14 interview for Title VII plaintiffs. We thought that  
15 would be the lion's share of the cases. So Illinois  
16 Legal Aid Online actually designed one of '37 A to J  
17 author interview programs, where you answer pretty  
18 straightforward questions. And at the end you hit a  
19 button and you have all the documents you need to file a  
20 pro se Title VII case.

21 In 2010, there were 443 unique visitors to the  
22 desk. It's staffed by two attorneys who work part-time

1 for us and have federal practices of their own the rest  
2 of the time. And they are each 60 percent, so they're  
3 each there three days. And one day they're both there,  
4 and that's the day where they work on forms, simple  
5 handouts, instructions to people. What do you do if you  
6 survived a motion to dismiss and now you're slapped with  
7 a whole lot of discovery? How do you handle that? How  
8 do you file a motion?

9 Of the 443 unique visitors, there were a bunch  
10 of them who came back more than once. So there were  
11 1,079 appointments. The champion last year was somebody  
12 who came 16 times, which meant that she did manage to get  
13 fairly deep into her case.

14 The nice thing about the district court desk is  
15 that if you can keep a meritorious case alive, A, you can  
16 sometimes get the judges to appoint a lawyer for the  
17 client; Judge Wood talked about that last night. And the  
18 district court here has a program here where if you're a  
19 member of the federal trial bar, you're expected to do  
20 some pro bono cases.

21 The other thing is that the lawyers committee  
22 in Chicago runs a settlement assistance program. So if

1 both sides agree to it, they can be referred to a  
2 magistrate for a settlement conference. And they recruit  
3 pro bono attorneys to represent the unrepresented  
4 litigant just in that process.

5 So if the case doesn't settle, your obligation  
6 is over. If it does settle, then the volunteer attorney  
7 drafts up the settlement papers. And a fair number of  
8 these cases do settle.

9 They're not all Title VII and there are some  
10 pro se defendants that we see. There are people that  
11 don't belong in federal court at all and we tell them  
12 that, that there's no jurisdiction over the claim they  
13 want to bring.

14 There are people who are really -- they want to  
15 sue about the radio transmitters that have been implanted  
16 in their molars. We try to tell them not to do that.

17 (Laughter.)

18 MS. WHITE: But it works pretty well. It's  
19 also been enormously beneficial to us because we spend A  
20 lot of time letting the judges and the magistrates and  
21 their clerks know about the desk. And I think it's not  
22 coincidental that we've had some very nice Cy Près awards

1 out of class actions in the federal district court. In  
2 August and September, in a two-week period, we got  
3 \$800,000 in Cy Près awards, which is why my hair is not  
4 totally white at this point, just grizzled.

5 The bankruptcy desk actually had a predecessor.  
6 There was a person who did this on a volunteer basis one  
7 day a week, and there was huge demand for it. So after  
8 the district court desk was up and running, the Bar  
9 Foundation came back and said they had a Cy Près award  
10 and wanted to fund a bankruptcy desk.

11 That desk is open -- it's one person who staffs  
12 it, and right now it's a bankruptcy attorney who's  
13 working for us on a temporary basis. It has been LAF  
14 staff people rotating in and out. This appears to work  
15 better. The court provides the space for that and a  
16 waiting room that has computer terminals so people can  
17 check things out on computers while they're waiting.

18 That desk had, in 2010, almost 1500 unique  
19 visitors and 2,287 total consultations. Part of that  
20 difference is explained by the fact that it's a discrete  
21 subject matter and it's easier to get through, find out  
22 what people are trying to do, what the facts of their

1 situation is (sic), and in some cases to actually run  
2 classes, say, okay, a whole bunch of you have this  
3 problem. Instead of appointments, we'll have a class on  
4 this aspect of bankruptcy.

5 It's working, I would say, very well. And then  
6 we have paired that now with a pro se bankruptcy clinic  
7 at LAF that meets -- the clinic is, I think, once a  
8 month, but it's two sessions. And it's not for people  
9 with emergency bankruptcies, people who are trying to  
10 save their homes.

11 But it's pretty straightforward Chapter 7s, and  
12 we do it in the evening so that we can say to people if  
13 they present with a fairly straightforward thing and not  
14 an emergency, come on to the LAF clinic in the evenings.

15 MR. GLAVES: All right. Al, before you jump  
16 in, do we have the phone line open over there?

17 (Pause)

18 MR. LEVI: While we're doing that, Diana, where  
19 physically is the desk over at --

20 MS. WHITE: Well, it was on the 21st floor, I  
21 think, where the clerk's office is. They're remodeling  
22 the Dirksen Building, so it's moved around a lot. But



1 because people go to the clerk --

2 MR. LEVI: That's how they get in?

3 MS. WHITE: -- they know the clerk will tell  
4 them where to go.

5 MR. LEVI: So what happens when they go -- when  
6 they go in the entry of the building, they have to go  
7 through security. Do they ask somebody down there where  
8 the clerk's office is? Is that what --

9 MS. WHITE: I think so. I think so. That  
10 hasn't been a problem. And then the bankruptcy desk is  
11 on the floor where all the bankruptcy court judges are.

12 MR. GLAVES: All right. Well, we have the  
13 phone turned on. Do you want to wait a minute while we  
14 do this?

15 MR. LEVI: No. Let's keep going.

16 MR. GLAVES: All right, Al.

17 MR. SCHWARTZ: Hello. I'm Al Schwartz,  
18 executive director of CARPLS legal aid. I don't know how  
19 many of you have heard of CARPLS before, but we started  
20 out as one of the first legal aid hotlines in the  
21 country. And I was the attorney that actually took the  
22 first call when we opened up in 1993.

1           At the time, we were primarily a referral  
2 agency, referring to the multitude of other legal aid  
3 clinics here in Cook County, which can get confusing for  
4 a lot of our clients.

5           But over the years, we developed more of an  
6 information and advice and brief service practice, to the  
7 point where currently we're providing about 60,000  
8 consultations a year through our hotline and advice desk  
9 operations, and we resolved about 85 percent of those  
10 cases in-house, with 15 percent of those cases being  
11 referred out to other legal aid providers for more  
12 expanded services.

13           Our entry into advice desks occurred, I  
14 believe, in 2001. We have several advice desks. We  
15 actually have four advice desks. The Bar Foundation  
16 supports all of them. And the first one was our divorce  
17 desk or domestic relations desk, which we started in  
18 2001. It was a project of the Chicago Bar Association at  
19 the time, and it had been run by volunteers.

20           When CARPLS came in, we staffed it with paid  
21 attorneys, and that desk currently serves about 6,000  
22 clients a year. We provide a variety of assistance.

1 It's all limited representation, advice, brief service.  
2 We have an extensive library of self-help materials. We  
3 prepare self-help documents for our clients..

4 We currently do almost a thousand uncontested  
5 divorce filings a year through that desk, which is almost  
6 20 percent of all of the pro se divorce petitions filed  
7 at the Daley Center. We do a very of other uncontested  
8 documents preparation and self-help packages there as  
9 well.

10 The second desk we got involved in was a  
11 collection desk. That desk started in 2004, I believe.  
12 Again, it was funded by the Chicago Bar Foundation. And  
13 that desk basically looks to assist pro se litigants that  
14 are subject to collection activities for municipal court  
15 collection cases.

16 That is a bit of a challenging desk because  
17 we're actually located inside the collections courtroom.  
18 And our objective is to provide services to clients while  
19 the court is in session without disrupting the court  
20 call.

21 (Laughter.)

22 MR. SCHWARTZ: So we call it kind of our

1       shotgun desk, which is essentially what it is. And we  
2       serve about 3200 clients at that desk every year,  
3       providing a variety of services as well; again, limited  
4       representation.

5               The next desk that we got involved with was the  
6       desk that I'm going to be highlighting here, which is the  
7       municipal court advice desk. That desk is located in the  
8       Daley Center on the sixth floor inside the clerk's  
9       office, where most people come to file their cases.

10              That desk provides a variety of services to a  
11       client base on issues that include, essentially,  
12       landlord/tenant issues of mostly evictions; a lot of  
13       contracts and collection issues; and some small tort  
14       cases. So that desk serves about 8300 people a year. We  
15       have three attorneys staffing the desk. We use some  
16       volunteers at that desk. And again, what we provide is  
17       information, advice, free services. We do a lot of  
18       drafting.

19              One of the takeaways from our entree into the  
20       advice desk operations is that they really compliment our  
21       hotline services in that they allow us to provide a  
22       higher level of services to clients as far as the

1 drafting we can do. And then our attorneys are also in  
2 the courtroom to provide follow-up help for clients that  
3 are engaged in pro se activity. So that's very nice.

4 MR. LEVI: Do you have intake eligibility  
5 standards, or how --

6 MR. SCHWARTZ: Yes. We have an open intake as  
7 far as issues. The only limitation is income and  
8 geography. So you have to be a Cook County resident, and  
9 our income limitation goes up to 200 percent of the  
10 poverty level. So each desk has a non-attorney intake  
11 coordinator who basically does initial screening of  
12 clients on those two issues, and then the attorneys  
13 provide assistance on the back end. They're all first  
14 come, first serve situations, so we don't do  
15 appointments, unlike some other desks.

16 MR. LEVI: Does LAF ever refer to you, say, go  
17 to the help desk?

18 MS. WHITE: Oh, yes. Absolutely.

19 MR. SCHWARTZ: I'm pretty sure she referred us  
20 that case of the guy with the radios in his molars.

21 (Laughter.)

22 MS. WHITE: No. We would refer from our client

1 screening unit more commonly than we would from either of  
2 these federal desks. And we don't screen for eligibility  
3 in either of these desks. So you're not seeing these  
4 cases in our CSR reports.

5 MR. SCHWARTZ: And CARPLS does -- as part of  
6 the screening, we also do a conflicts check as well. All  
7 of these cases are recorded in our case management  
8 system. So we treat them as we treat our other clients  
9 on the hotline.

10 DEAN MINOW: But technically, you're not  
11 representing them?

12 MR. SCHWARTZ: We are not representing them in  
13 court, no.

14 DEAN MINOW: No, no. You're not representing  
15 them. You're not establishing an attorney-client  
16 relationship.

17 MR. SCHWARTZ: We -- the --

18 DEAN MINOW: The fact that you're hesitating is  
19 extremely interesting to me.

20 (Laughter.)

21 MR. SCHWARTZ: At the desk, we actually have  
22 people sign disclaimers that indicate that they are being

1 provided limited representation service. And since they  
2 are talking to attorneys, we consider what we are doing  
3 to be providing legal representation.

4 DEAN MINOW: Legal representation.

5 MR. SCHWARTZ: It might just be information.  
6 It might be advice about their case. It might even go to  
7 us preparing documents on their behalf. So we consider  
8 it representation, which is why we do the conflicts  
9 checks and the disclaimer.

10 DEAN MINOW: So it's limited representation.

11 MS. WHITE: Unbundled legal services, yes.

12 DEAN MINOW: Unbundled legal services.

13 MS. BROWNE: And just a question on the direct  
14 representation. Even though it's limited, do you have  
15 malpractice insurance?

16 MR. SCHWARTZ: Yes.

17 MS. BROWNE: And do you pay for it  
18 individually, or is it through the foundation as well?

19 MR. SCHWARTZ: We pay for it individually as an  
20 organization.

21 MS. WHITE: We do, too. We buy it through the  
22 National Legal Aid and Defender Association.

1 MR. SCHWARTZ: Us as well.

2 MS. WHITE: And it covers our volunteers as  
3 well as our staff.

4 MR. LEVI: So if a -- just taking your show on  
5 the road, some retired lawyer wanted to work at a desk,  
6 would they have coverage then?

7 MS. WHITE: Yes.

8 MR. LEVI: They would?

9 MS. WHITE: Yes.

10 MS. BROWNE: Have there been any problems with  
11 the limited representation? Challenges to --

12 MR. SCHWARTZ: No. None. I mean, there's been  
13 a lot of discussion about limited representation. The  
14 reality of it is is that the reason there's so many  
15 advice desks at the Daley Center is because the courts  
16 wanted them.

17 When we did the first divorce desk, they became  
18 a hot commodity and everybody wanted one in their  
19 division because, frankly, the Daley Center, just like  
20 I'm sure in many other courthouses across the country,  
21 are just being inundated with pro se litigants, and these  
22 people aren't being helped by anybody.



1           So the judges welcomed us in, and we work very  
2 closely with the judges to define the limits of our  
3 service, to define what's acceptable as far as our draft,  
4 what they will accept. And I think it brings a high  
5 level of accountability because there's a lot of forms  
6 floating around out there, a lot of online things, not  
7 necessarily legal aid online but just out in the  
8 cyberspace, where people can get their hands on these  
9 kinds of things.

10           All of our drafted materials has our  
11 information on it. So when the judge gets something  
12 that's drafted by one of our attorneys, they know who  
13 it's coming from. They know the client was screened by  
14 us. And they know, if they have a problem, where to go  
15 and talk about it.

16           DEAN MINOW: And the attorney signs the papers?

17           MR. SCHWARTZ: The attorney doesn't sign them.

18           DEAN MINOW: Doesn't sign them. So I am  
19 confused, then.

20           MS. WHITE: Well, I think --

21           DEAN MINOW: Is it pro se or not? I mean, this  
22 is -- you may have very good relations with your judges.

1 I think there are other communities that don't, and  
2 that's a really sticky issue. So that's why I'm trying  
3 to understand it.

4 How much is this a model that we can imagine  
5 being adopted elsewhere where there's skepticism about  
6 limited representation? And so is it -- the attorneys  
7 don't sign it, so they're not on record? They're not  
8 counsel of record?

9 MR. SCHWARTZ: No.

10 MS. WHITE: They don't file an appearance for  
11 the client. They don't sign the papers. They don't  
12 appear in court.

13 DEAN MINOW: So it is pro se?

14 MS. WHITE: They don't appear in court for  
15 them.

16 MR. SCHWARTZ: Correct.

17 DEAN MINOW: But it's limited representation  
18 insofar as -- help me understand this.

19 MR. SCHWARTZ: It's limited representation  
20 insofar --

21 DEAN MINOW: Why is it different than  
22 information?

1           MR. SCHWARTZ: Why is it different from  
2 information?

3           DEAN MINOW: Yes.

4           MR. SCHWARTZ: Well, it's different from  
5 information simply because you have an attorney that's  
6 making the assessment as to whether somebody qualifies to  
7 proceed on a pro se basis with these kind of materials.  
8 That's one of the things our attorneys do, is there's a  
9 lot of people that don't qualify for these materials, and  
10 the attorneys act as a screen for that.

11           The other issue here is these materials only  
12 apply in certain situations as well. So the attorneys  
13 are making those types of judgment calls about when to  
14 pursue something like this, as opposed to sending the  
15 client somewhere else to get further assistance.

16           DEAN MINOW: So they're performing the  
17 screening function but they're not performing an advocacy  
18 function? Or are they? I mean, as you know, this is  
19 where you live. But I can tell you where I live, this is  
20 one of the hottest, most contentious issues.

21           MR. SCHWARTZ: Yes.

22           DEAN MINOW: What exactly is the line between

1 representation versus not?

2 MR. SCHWARTZ: Yes.

3 DEAN MINOW: And so I know that you have a  
4 great program going on here, and I'd love to know if we  
5 could export it elsewhere. And that's why I'm asking the  
6 questions.

7 MR. GLAVES: These are good questions. I mean,  
8 this is -- we do not have a formal limited scope  
9 representation rule yet.

10 MS. WHITE: Correct.

11 MR. GLAVES: I stress "yet" because I think  
12 we're going to have one soon. It's under consideration  
13 by the court. But it hasn't been a problem here to where  
14 we needed it for pro bono and legal aid representation  
15 thus far.

16 DEAN MINOW: Ah, the Midwest, where people  
17 trust each other. Yes.

18 (Laughter.)

19 MR. GLAVES: But where it is a problem is  
20 lawyers in private practice who might do that. The line  
21 is too grey. But we just haven't -- because everybody's  
22 working very closely together with the court when we put

1 these together, the lines are very clear.

2 In fact, if there are an identifiable group of  
3 opposing counsel who'd be involved there in the  
4 discussions of starting these programs as well, so that  
5 everybody's on the same page about what services are  
6 being provided, what the line is of those services, we  
7 are very comfortable this is in accordance with the rules  
8 here.

9 We have a Rule 6.5 here, based on the ABA Model  
10 Rule 2, about conflict checks. CARPLS chooses to do  
11 those, but at least when you're using volunteers, that  
12 doesn't have to add another layer of conflicts in. So  
13 those are important points.

14 MR. LEVI: Brandon hasn't had a chance --

15 MR. GLAVES: Yes. I was just going to say  
16 maybe Brandon could tell you a little bit more and then  
17 we could explore some of these bigger issues.

18 DEAN MINOW: Sorry.

19 MR. WILLIAMS: I'm Brandon Williams, the  
20 supervisor of the chancery advice desk in the Cook County  
21 foreclosure mediation program. The chancery advice desk  
22 was established about seven or eight years ago. The

1 chief judges of Cook County saw there was a great influx  
2 of pro se litigants in the chancery division, so they  
3 wanted to see if there was some type of desk that could  
4 help out with that, with the amount of pro se people they  
5 were getting in their courtrooms.

6 So the director of the Chicago Legal Clinic,  
7 who I'm employed by, decided to take on that challenge.  
8 Ed Grossman is the director, and the co-director is  
9 Bishop Paprocki, who now is in Springfield. But he's  
10 still heavily involved with the Chicago Legal Clinic.

11 So that desk was established about eight years  
12 ago. And the chancery division handles all chancery  
13 cases, of course, and the chancery advice desk is there  
14 to help pro se litigants with some initial legal advice  
15 and also give some counselings to what they need to do if  
16 they need to proceed further with their case, depending  
17 on what type of case they have.

18 Ninety percent of what we do is mortgage  
19 foreclosure at this point, but there are some other areas  
20 that we also assist in such as administrative review  
21 appeals, name changes, and declaratory judgments.

22 When it first started, I guess the chancery

1 advice desk saw probably about 2- or 3,000 people a year.  
2 This past year, I think we saw almost close to 15,000.  
3 Of course, the majority of that is caused because of the  
4 recession and a lot of people are in foreclosure, so a  
5 lot of people are coming to the desk to get assistance  
6 with foreclosure.

7 We are located in Room 1301 at the Daley  
8 Center. We're open 9:00 to 4:00 Monday through Friday.  
9 It is currently staffed by two staff attorneys, myself  
10 and another gentleman. And then the remaining attorneys  
11 that assist us are mostly volunteer attorneys.

12 DEAN MINOW: Are you a judicial foreclosure  
13 state? Does the court have to be involved?

14 MR. WILLIAMS: Yes.

15 DEAN MINOW: Thank you.

16 MR. WILLIAMS: And so in addition, because of  
17 the rise in foreclosures, Cook County established what's  
18 called the Cook County foreclosure mediation program,  
19 which started in April of 2010. And what they did is  
20 Cook County set up a system in order to help pro se  
21 litigants do the foreclosure process.

22 I'm not sure in your jurisdiction, but in Cook

1 County, navigating through the court system is very  
2 difficult and can be very overwhelming for people,  
3 especially if they're in a foreclosure. Before the  
4 program, there was a very low rate of people even coming  
5 to court to even try to save their homes.

6 So with the help of a few other organizations  
7 and stakeholders, they came together and created this  
8 program where they can get help from a housing counselor,  
9 and then they also can get some help through legal aid,  
10 which is provided by the Chicago Legal Clinic, in which  
11 they can come and we can look at their court documents.

12 The attorneys would evaluate if there are even  
13 defenses to the foreclosure. If there's no defenses,  
14 then we will assist them in getting started in filing  
15 some documents that are needed for them to be even heard  
16 in court. And in addition, we also assist them in  
17 actually getting enrolled into the mortgage foreclosure  
18 mediation program.

19 So with that, the Chicago Legal Clinic  
20 expanded, in which we also occupy offices at 69 West  
21 Washington, Suite 1422, where people can actually meet  
22 with an attorney strictly for mortgage foreclosure help.



1 And there are six staff attorneys and one office manager  
2 there, and that is also staffed by the Chicago Legal  
3 Clinic.

4 Now, in addition to doing initial entry, what's  
5 called an appearance to answer, we also assist litigants  
6 in doing various motions, depending on what stage they  
7 are at in the foreclosure process, to at least give them  
8 the opportunity to save their home if they can.

9 So that's kind of a general overview of what we  
10 do at the chancery advice desk. At the chancery advice  
11 desk, everybody has to sign the intake form, a consent  
12 form to limited legal services. They're aware of that  
13 before they meet with any of our attorneys.

14 Their consultations generally take 45 minutes  
15 to an hour, depending on what their needs are. There's  
16 no income eligibility guidelines in order for them to  
17 meet with us; as long as they live in Cook County, they  
18 can come in and get assistance with their court  
19 documents.

20 The chancery advice desk is first come, first  
21 serve basis every day, so the first people in line get  
22 served first. There's no appointments there, but if they

1 get into a mediation program, they then can get an  
2 appointment with an attorney at the other office, located  
3 at 69 West Washington.

4 CHAIRMAN MIKVA: I'm sorry, Mr. Williams. I  
5 missed it if you said. Is there a place you can refer  
6 them if they do need in-court representation?

7 MR. WILLIAMS: Yes. If the attorneys who  
8 evaluate their documents discover there's something that  
9 needs to be -- they have a legal defense or there's some  
10 type of fraud committed, we have a form that we give to  
11 eligible people that lists several legal aid  
12 organizations that they can go to.

13 Then we also have various foundations, the  
14 Chicago Bar Foundation and various other organizations,  
15 that we can refer them to if they need an attorney to  
16 actually represent them in court. We refer them to the  
17 Legal Aid Foundation. We refer them to Chicago Volunteer  
18 Legal services. So if we can't help them at the advice  
19 desk, we do refer them or seek to get an attorney for a  
20 low cost or free legal services.

21 MR. LEVI: And you're funding this? Is it a  
22 joint --

1           MR. GLAVES: Yes. In partnership with -- we're  
2 funding it out of our resources from the legal community  
3 as well as in partnership with the county government  
4 here, which was a point, I think, that Diana raised. Cy  
5 Près awards have been a huge source of our funding for  
6 this generally over the years.

7           But we've also, at least in the state court  
8 level -- the county government is in charge of our  
9 courts. So we're not a state-funded court system other  
10 than the judges -- not insignificant, by the way --

11           (Laughter.)

12           MR. GLAVES: -- but the courts' operations  
13 themselves are actually funded by the county government.  
14 And they have seen the value of this and now are funding  
15 these, most significantly in the foreclosure context.

16           Brandon, I think one other point I think would  
17 be good while we're with you right now to make about your  
18 program and how it fits into the mediation is what's  
19 happened, I think, with all of these is there's been some  
20 adjustments after the initial planning.

21           But one adjustment that happened here was to  
22 establish a second -- or a third desk, I guess, of their

1 operation right outside the courtrooms. And maybe you  
2 can talk a little bit about that.

3 MR. WILLIAMS: Sure. The foreclosure  
4 courtrooms are located on the 28th floor of the Daley  
5 Center. There are ten foreclosure courtrooms. And so  
6 since everybody's coming to one floor for foreclosures,  
7 the directors of the program decided to create a quick  
8 help desk outside of the courtrooms in the hallway.

9 So every day there's an attorney, from 8:30 to  
10 4:30, that sits in that hallway. And they're able to  
11 assist litigants and give them kind of a quick reference  
12 guide on what they need to do next. So some people come  
13 there. It's their first time in court. They have no  
14 idea what they need to do. So they can stop at that desk  
15 and say, I have these documents. What do I need to do?

16 Our attorney can at least give them some  
17 general guidance briefly. They can either say, you need  
18 to do to chancery advice desk and have them look over  
19 your papers, or you need to call the -- we also have a  
20 hotline that is set up where people can call in to ask  
21 questions.

22 One hotline is to actually get into the

1 mediation program. That's for people who need housing  
2 counseling and other things of that nature. And then we  
3 also established a legal info line that's also staffed by  
4 an attorney every day, 8:30 to 4:30, Monday through  
5 Friday, where people can call and get some new advice  
6 over the phone in case they can't make it downtown or are  
7 unable to stop in and meet with attorney. They can get  
8 some quick advice over the phone.

9 But the help desk on the 28th floor basically  
10 assists people coming right up to court. So whatever  
11 happens is fresh in their mind. They can get some quick  
12 help as to where they need to go next.

13 MS. BROWNE: Brandon and Diana, you both have  
14 desks in the foreclosure courts for helping pro se  
15 litigants. Are you coordinating with each other to make  
16 sure that you're not duplicating services or that you can  
17 provide expanded or enhanced services?

18 MS. WHITE: We don't have a foreclosure desk.

19 MS. BROWNE: Oh, I'm sorry.

20 MS. WHITE: We have a bankruptcy desk.

21 MS. BROWNE: Oh, bankruptcy. I'm sorry.

22 MS. WHITE: And we see people who are in

1 foreclosure. And what they want to do is save their  
2 houses by filing for bankruptcy. But we're not --

3 DEAN MINOW: It's federal court and state  
4 court.

5 MS. BROWNE: But it's federal and state. All  
6 right. I'm sorry.

7 DEAN MINOW: But do you -- do all three of you  
8 coordinate with one another and work together?

9 MS. WHITE: Yes.

10 MR. SCHWARTZ: CARPLS is actually -- one of the  
11 things we do at the municipal court advice desk, is we  
12 actually work with the Chicago Legal Clinic on a project  
13 where, if one of our attorneys consults with a client  
14 that we feel needs a higher level of service, we refer to  
15 the Chicago Legal Clinic. They have a couple of  
16 attorneys that will actually represent people in court  
17 when that's necessary.

18 So that's a project within a project right  
19 there. But yes, we have at all of our desks -- we refer  
20 them, as you saw earlier there. We have these -- it got  
21 a little confusing, actually, because the Chicago Bar  
22 Foundation did these prescription pads because so many of

1 these desks cropped up all over the place that, in order  
2 to make sure that we were all communicating with each  
3 other most effectively, we have these referral pads,  
4 which tell us who's doing what and what the hours are and  
5 what the issue is being addressed, those types of things.

6 MR. LEVI: What about the -- is there a  
7 domestic violence desk?

8 MS. WHITE: There is a desk over at 555 West  
9 Harrison.

10 MR. SCHWARTZ: Yes. There is a separate work  
11 house that's on here, too. Yes.

12 MS. WHITE: Yes. It's in the new courthouse  
13 out --

14 MR. LEVI: But there's health desk there, too?

15 MR. GLAVES: Yes.

16 MR. LEVI: And who staffs that? One of you or  
17 some other organization?

18 MR. GLAVES: That is a confusing web of  
19 resources down there.

20 (Laughter.)

21 MR. GLAVES: There's more than one  
22 organization, is probably the simplest answer I can give

1           you, one legal and I think, more than one advocate group  
2           that's non-lawyer advocates that's down there.

3                   MR. LEVI: I didn't mean to throw you off.

4                   MR. GLAVES: Sorry. It's just a little bit  
5           more complex than the simple answer that it sounds like  
6           it would be. Right?

7                   MS. WHITE: I wanted to add that we also take  
8           referrals of people who need in-court representation,  
9           especially in cases where there's any kind of predatory  
10          lending or mortgage rescue fraud involved, but our  
11          foreclosure experts also trained the mediators for the  
12          Cook County mediation program. And so they've provided a  
13          helpful service in that way.

14                   We were finding -- before the mediation program  
15          started, we had a project that was dedicated to  
16          foreclosure work. And they figured they could screen 50  
17          cases a week because they had to go on the clerk's  
18          website and they had to go on Zillow and they had to seek  
19          loan documents. The calls of people wanting to be in  
20          that group of 50 were done by 10:00 on Monday morning.

21                   MS. BROWNE: Sure.

22                   MS. WHITE: And then we just had to say, call



1           again next month.

2                   FATHER PIUS: All I wanted to say was I'm just  
3           glad to see the Chicago Legal Clinic here, and the great  
4           pleasure of meeting Bishop Paprocki before he was Bishop  
5           Paprocki and then afterwards. He's a great man who,  
6           between hockey games, is able to accomplish a great deal  
7           of work.

8                   (Laughter.)

9                   FATHER PIUS: And so it is Chicago's loss, him  
10          going down to Springfield. But I'm glad to see he's  
11          still very involved with Chicago. Bishop Paprocki is the  
12          bishop in Springfield, Illinois now. He was bishop of --  
13          an auxiliary bishop up here.

14                   As a young priest, he decided to go to law  
15          school at DePaul night school, and saw a real need,  
16          mostly in South Chicago. He's very associated with South  
17          Chicago. So as a very young priest, he and another one  
18          of his classmates at the law school began the Chicago  
19          Legal Clinic, and it's grown to do a great deal of  
20          service in Cook County and Chicago. And I'm glad to see  
21          he's so very much involved in it.

22                   MR. GLAVES: To your point, they call him the

1 Holy Goalie, by the way.

2 (Laughter.)

3 PRESIDENT SANDMAN: We struggle with trying to  
4 measure the extent of unmet need. You just mentioned  
5 something about that, Diana. What else can you tell us  
6 about how well you're doing or not in meeting needs? You  
7 mentioned, Brandon, that services being on a first come,  
8 first serve basis daily, so I guess if you don't get in  
9 one day, you start over again the next.

10 Do you have ways to measure unmet need? And if  
11 you don't, what are you anecdotal impressions?

12 MS. WHITE: One of the benefits of centralizing  
13 our client screening unit is that we now have software on  
14 our telecom system that would track the number of calls  
15 to that line. It's set up so that you get into the  
16 queue, and the people who are running the unit estimate  
17 how many callers there could be and they could still  
18 finish with all the calls they've gotten by the end of  
19 the day. We don't carry calls over from one day to the  
20 next.

21 So the queue often closes by 11:00. People  
22 don't have to actually sit there on the phone between

1 11:00 and 5:00; they can punch in a number, and they will  
2 be automatically called back. But that's the universe of  
3 people who are going to hear back from us.

4 Sometimes if they get through a lot, they'll  
5 reopen the queue for a little while in the afternoon. We  
6 think that the unit can handle about 200 calls a day, and  
7 there are about 300 calls that never get through in a  
8 day.

9 And they're told the queue is closed; they  
10 should try the next; they should call earlier. We open  
11 it at 8:00 in the morning. But that's the magnitude of  
12 unmet need that we're seeing.

13 CHAIRMAN MIKVA: How about CARPLS?

14 MR. SCHWARTZ: Actually, CARPLS has looked at  
15 this recently, and continues to look at this as far as  
16 defining what the unmet need is. And we're kind of  
17 taking a different approach than we have in the past  
18 because in the past, the need has been defined simply by  
19 someone having a legal issue.

20 We're starting to look at the issue more as not  
21 only does somebody have a legal issue, but it's somebody  
22 that is willing to do something about that issue, which

1 is two separate groups of people.

2 As an example, our collection desk, it's a real  
3 cattle call. There's something like more than 500 cases  
4 on a call every morning, and the room is -- at the  
5 beginning of the session, the room is packed with a lot  
6 people, a lot of pro se litigants.

7 We are right in the courtroom. And we've put  
8 signs outside the courtroom. We've put signs inside the  
9 courtroom. The judge makes an announcement when he comes  
10 out about the service being available; just go over here.  
11 Our attorneys make announcements in between, when the  
12 judge takes a break. Despite having all that information  
13 out there, we only see about 20 percent of the pro se  
14 litigants that are actually sitting in the room.

15 So for some reason, 80 percent of the people  
16 just decide not to get up and go over and talk to an  
17 attorney. So that's a phenomenon we see when we look at  
18 a lot of our other service delivery models. We see it on  
19 the hotline.

20 We get a lot of calls to the hotline where  
21 people will call and hang up after a minute or two  
22 minutes. And the question is, is that a client that is

1 really looking for help? So we started looking at what  
2 amount of time is it that a client has to invest, on hold  
3 to talk to a free attorney, to be considered somebody  
4 that's really invested in trying to do something about  
5 their legal problem?

6 So we're kind of looking at it in a different  
7 way. And this is an ongoing thing, but we just did a  
8 study of our desks as far as what the unmet need was.  
9 And we did that based on keeping track of the number of  
10 people that walk up to the desk, and those that we help  
11 and those that we can't help and they walk away. We keep  
12 track of those numbers.

13 And based on those numbers, the outcomes are,  
14 at the collection desk, we help 100 percent of the people  
15 that come up to us every day. At the municipal court  
16 desk, we're helping about 80 percent of the people that  
17 walk up to the desk every day, and at the divorce desk  
18 we're helping about 50 percent of the people that come up  
19 to it. So we're not necessarily far off.

20 Now, the only other factor here, of course, is  
21 how many people know about the desk, and if it were more  
22 widely publicized, would the numbers of people hitting

1 the desk go up, and would these numbers then change? But  
2 right now that's where it is.

3 MR. LEVI: If you were looking out five years  
4 from now, where would you like to see these desks morph  
5 to, or what would you change? What would you hope?

6 MR. SCHWARTZ: Well I think Bob can speak to  
7 the bigger version with respect to these desks. I think  
8 we would like to see a centralized location for these  
9 services. I think that's one of the things that  
10 confusion. I mean, even our attorneys, people in the  
11 community, need this little sheet to tell them what there  
12 is and what they're doing.

13 MR. LEVI: Yes.

14 MR. SCHWARTZ: Because they're all all over the  
15 place within at the court building. And so the idea of  
16 having a centralized place within the court system that  
17 is a self-help center where people could go and there  
18 would be adequate waiting areas; they would have a  
19 unified intake desk instead of like each of our desks all  
20 employ, I think, an intake person at the front end to do  
21 the screening. So that's duplicative.

22 But just a place where -- one place to go where

1 people could find the service and there would be  
2 dedicated space, I think would be a big improvement on  
3 where we are right now.

4 MR. GLAVES: Let me just speak to that point,  
5 and then I'd love to hear what the two of you have to say  
6 about the future of this as well.

7 Space in the Daley Center, our state court hub  
8 here, is at a premium, which is why these things are all  
9 over the place. We grab space where we can get it, we  
10 collectively here.

11 And in federal court, it's a little different.  
12 With the volume, the space issue is not as much of a  
13 problem over there. But in the state court, trying to  
14 get what is going to amount to at least half of a floor  
15 of that courthouse to be able to do this at the volume  
16 we're talking about is a very politically tricky thing to  
17 pull off, even though it's very much in the courts'  
18 interest and they acknowledge that.

19 So we're thinking about maybe trying to do it  
20 across the street, which they pulled that off in San  
21 Francisco and some other jurisdictions, where it works  
22 relatively well when people get used to it. It's not

1 ideal, though, because I think, like most courthouses,  
2 you have to go through security.

3 So if you're there for court that day and you  
4 have to go across the street to start and then get back  
5 through security in time for your court call, you can  
6 kind of see the complications that can develop there. So  
7 that's certainly one of the challenges about space and  
8 one of the needs for the prescription pad.

9 CHAIRMAN MIKVA: You want to --

10 MS. WHITE: Well, the Bar Foundation just did a  
11 study on legal resources and legal needs in Cook County.  
12 And it shows just an explosive growth in brief services  
13 and unbundled legal services.

14 Pretty steady-state in terms of extended  
15 representation. And I think that's probably here to  
16 stay. Extended representation cases just take a lot of  
17 time, and they take what they take. They have an  
18 importance beyond their sheer numbers in that they drive  
19 the success of some of the brief services work that is --  
20 if people know that there is somebody back there who  
21 would actually suit up and come into court and represent  
22 a client, that would push settlement and other solutions



1 better.

2 I think Al has done some really interesting  
3 work that he was talking about just last week at the  
4 advocates conference on measuring the outcomes of  
5 research, which is really important. Most of the time we  
6 don't know. We give people a package of materials or a  
7 warm referral rather than a cold referral and cross our  
8 fingers. And Al has done some very interesting work in  
9 terms of what is being achieved by this.

10 MR. GLAVES: And that's where we wanted to go  
11 next. So Brandon, five years out, other than seeing the  
12 foreclosure numbers drop --

13 (Laughter.)

14 MR. WILLIAMS: That's the biggest thing. We  
15 want to -- I mean, at least with the chancery process, we  
16 want our numbers to go down. We don't want them to go  
17 up. Hopefully this foreclosure crisis will come to the  
18 end as soon as possible.

19 But as far as five years from now, I would hope  
20 to see that we were able, as Bob said, getting more space  
21 because right now we have a limited amount of space here,  
22 maybe space for like three or four attorneys at a time at

1 this point. If we can increase that space, of course we  
2 could see more people in the day than we do now. That  
3 may be one of the main goals.

4 And of course, we stay updated on technology.  
5 Illinois Legal Aid Online is a great resource for people  
6 right now, where they can go online and basically get a  
7 lot of the forms completed for them. And if people are  
8 able to do that from a computer rather than having to  
9 come to court and take off work, then Illinois Legal Aid  
10 Online, the expansion of technology, can help those  
11 people do that from home, where they can at least get  
12 started in the court process, know where to go, and know  
13 what to do with those resources.

14 PROFESSOR VALENCIA-WEBER: Could we hear more  
15 about the outcome measures you're working on?

16 MR. SCHWARTZ: Sure. Could I add to my  
17 Christmas list of what we would be doing five years from  
18 now? Because in addition to space that we talked about -  
19 - and I would agree with -- I think there's a larger role  
20 to play for online services, and there will be a greater  
21 role as that technology continues to advance.

22 But I'd also maybe like to see the funders

1 perhaps make a commitment to expanding direct  
2 representation like they've done for brief services. One  
3 of the reasons there's been a boom in this area is simply  
4 because the local funders have supported it.

5 I'd like to see maybe those same agencies, and  
6 the court system itself, perhaps, afford projects, like  
7 we were working with the Chicago -- I mentioned the  
8 Chicago Legal Clinic project that we refer to part of the  
9 municipal clerk advice desk, where they're actually  
10 taking direct representation referrals from our desk and  
11 only from our desk. That would be another way to boost  
12 the direct representation referrals.

13 I could put Bob on the spot on that. But --

14 MR. GLAVES: We're very much interested in  
15 that, Al. I can say on the record we want to do that,  
16 too. And we do try to look at this, as I said, from the  
17 outset as a continuum of making sure, just because people  
18 come to court without lawyers, that doesn't mean they're  
19 going to stay that way.

20 A lot of them do need representation. But as  
21 Al pointed out, as everybody pointed out in the  
22 presentations, a lot of people, the free advice is enough

1 to solve their problem. And really triaging that and  
2 making sure that there was enough resources all on the  
3 continuum was definitely a goal of ours.

4 MR. SCHWARTZ: Yes. And just so that you get a  
5 sense for where the issues are, at the municipal court  
6 advice desk, just in the area of evictions alone, we  
7 estimate that about 95 percent of the clients that we see  
8 don't have a substantive defense to the eviction.

9 So they're not going to be clients that we're  
10 going to be referred or get a referral to the private  
11 attorney for direct representation because they don't  
12 have a defense. They lost their job, or for whatever  
13 reason -- we're there right now to help support those  
14 people and make sure that they know what their rights are  
15 when they go to court to try and mitigate the damages  
16 that might be awarded against them, and maybe give them  
17 some more time in the unit so they don't end up on the  
18 street.

19 So the numbers that -- as far as what the need  
20 is and the volume of the need, brief services is really  
21 important for serving that group. There is this other  
22 group, though, that does require direct representation,

1 and that's an area that we'd like to see continue to grow  
2 as well.

3 MR. WILLIAMS: In addition to the information  
4 we give clients, if we need to refer them out, there's a  
5 program called Access to Justice that they can actually  
6 present a motion to the judge if we feel they need it.  
7 And this is a very low percentage of cases where we feel  
8 they need an attorney. And the courts will appoint an  
9 attorney to that person for free.

10 And that is provided through Chicago Volunteer  
11 Legal Services, so we do also assess the situation and  
12 are able to -- if we see there's a need for an attorney  
13 to have representation, there can be one appointed by the  
14 courts, depending on what their case is also.

15 MR. LEVI: And is there an income eligibility  
16 attached to that?

17 MR. SCHWARTZ: There is. I believe that's at  
18 150 percent of poverty line.

19 MR. LEVI: So --

20 MR. SCHWARTZ: We're talking about evaluation -  
21 - oh, sorry. Go ahead, sorry.

22 MR. LEVI: So if you were looking in five years

1 and wanted to impact the national delivery of assistance  
2 to this huge unrepresented group, and we were to  
3 establish something called Help Desks, Inc., or as a  
4 501(c)(3), is there something to that? Is there a model  
5 there?

6 Are there many other jurisdictions that are  
7 doing what you're doing or --

8 MR. SCHWARTZ: I think there's something to it.  
9 As to what other jurisdictions are doing --

10 MS. WHITE: I think it's hard because the  
11 courts are so different from one jurisdiction to another.  
12 When we opened --

13 MR. LEVI: But how do we ever break through  
14 that to get them to actually line up?

15 MS. WHITE: Well, this might be someplace where  
16 the ABA ought to be focusing on in its efforts.

17 MR. LEVI: Well, they're in the room.

18 MS. WHITE: When the district court desk  
19 opened, we spent a lot of the first year conducting tours  
20 of the operation for interested people from other  
21 district courts. But I don't think any of them actually  
22 went back and did it.

1                   It's a space issue. It's a turf issue. It's a

2                   --

3                   MR. GLAVES: Funding.

4                   MS. WHITE: -- a funding issue. It's, you  
5 know, do the judge really want pro se litigants getting  
6 this kind of help or not? And most of the people who  
7 come to the district court's help desk are sent there by  
8 the judges.

9                   MR. LEVI: I think Laurie is outcomes.

10                  MR. SCHWARTZ: Okay. Outcomes. Because we are  
11 limited service provider, we have made an effort in the  
12 last couple of years to really measure the impact of our  
13 services on clients since typically, we're only engaged  
14 with the client at one part in their process, the middle  
15 or the beginning, rarely at the end.

16                  So to do that, what we've done is several  
17 things. We conduct client outcome surveys on about 7  
18 percent of our clients. And so we get feedback from the  
19 clients as far as what's going on with their cases  
20 directly from the client.

21                  One of the other advances that we've been able  
22 to do with those types of assessments is every self-help

1 publication that we put together, the attorney that  
2 authors the publication has to define what the desired  
3 outcome is for that particular publication. So, for  
4 instance, if it's a divorce packet, the outcome is that  
5 the client got a divorce.

6 So when we do our client outcome surveys six  
7 weeks after the service was provided, instead of asking a  
8 generic outcome question like, did this help you, or are  
9 you satisfied with the result, it asks a very specific  
10 question, which is, did you get your divorce? Yes or no?  
11 So we've been able to target outcome measures from  
12 clients in that respect.

13 The other thing we do is we do what we call  
14 case studies, where the various managing attorneys in  
15 each practice area will identify a particular area of  
16 practice that they want to test. And then we will do --  
17 we'll basically create a study to test what the outcomes  
18 area.

19 So again, in the divorce area, what we would do  
20 is we would take a sample of all the divorces that we  
21 prepared for a 60-day period and go to the court file.  
22 We have summer interns, which is usually when these early



1 resource-intensive types of studies occur.

2           They'll go to the courthouse and pull all the  
3 case files and look at what happened in each one of those  
4 case files to find out exactly what went on. And then we  
5 compare those against people that weren't represented by  
6 us so we have a control group so we can actually see what  
7 we're doing and what kind of impact it's having.

8           And based on the divorce studies, we found out  
9 that 97 percent of the self-help packets we prepare  
10 result in a divorce. And we just did a follow-up study  
11 recently where we dug further into that, and we said,  
12 well, they should be getting a divorce, basically,  
13 because we're screening these people. We're preparing  
14 the documents for them; as long as they show up in court  
15 and do what we instruct them to do, they should be  
16 getting a divorce. These are all uncontested matters.

17           But we wanted to make sure that we also were  
18 providing a service that stuck. So not only did you get  
19 a divorce, but did it last? And the way that we tested  
20 that is we went back at some older divorce packets that  
21 we had done, and for an 18-month period after the divorce  
22 was entered, we looked into the case file to see if

1 somebody was back in court with a post-decree issue. And  
2 so we looked at that.

3 And for the 30-day period that we surveyed in  
4 that area recently, there were no post-decree issues for  
5 the packets that we created. So not only were we  
6 successful with obtaining a divorce, but we were  
7 successful in obtaining a divorce that the parties were  
8 happy with, essentially.

9 DEAN MINOW: Do you screen those so that none  
10 of them have a domestic violence issue?

11 MR. SCHWARTZ: Oh, yes. Yes.

12 DEAN MINOW: So those are pre-screened. Well,  
13 I think it's partly a response to John Levi's question.  
14 This kind of data is the way to grow it nationally.

15 I did have a question. Sorry to follow-up on  
16 the limited representation issue. If there's a way to  
17 clarify -- I mean, I think, Diana, you said that the  
18 limited representation is for this matter only. For  
19 example, if there's a mediation, it's for this matter  
20 only.

21 If you have developed other kinds of functional  
22 -- Al, you discussed the stage. If it's the beginning

1           versus the middle, that's fuzzy. Are there ways that you  
2           have developed that make it clear what the representation  
3           is? Because again, this is a huge issue all around the  
4           country that people are fighting about. And if you have  
5           come up with some insights about that, that would be  
6           incredibly helpful functionally.

7                         And a separate question: I notice that there's  
8           a fee for the referral to the CBA, to the lawyer referral  
9           service, but all the other services are free. Is that  
10          correct?

11                        MR. GLAVES: Right.

12                        DEAN MINOW: And I just wondered why that's the  
13          case.

14                        MR. GLAVES: CARPLS is the free hotline to call  
15          for people who can't afford it. For people who can  
16          afford paying lawyers --

17                        DEAN MINOW: I see.

18                        MR. GLAVES: -- it's a very small  
19          administrative fee and actually, I think, CARPLS even,  
20          for people over income, will do something similar. There  
21          is definitely a lot of room for that model, give advice  
22          for a price for people who are little bit over income.

1           DEAN MINOW: I did wonder about that. And I  
2 know that Pennsylvania has a court mediation program for  
3 their foreclosure, and that they've also studied it. And  
4 their rates are very, very high.

5           So what one can imagine is actually pooling the  
6 information from these different programs and be able to  
7 show why they're valuable, and bring that to the judges.  
8 I mean, it's about -- if the issue is space, this is to  
9 make their lives easier, too, it would seem to me. I  
10 don't know who makes the space decision, but that would  
11 seem relevant.

12          MR. SCHWARTZ: It's based on funding, though..  
13 I mean, it really is a matter of funding --

14          DEAN MINOW: Of course.

15          MR. SCHWARTZ: -- and prioritizing as well.

16          DEAN MINOW: Of course.

17          MR. GLAVES: And one thing that -- early on, we  
18 didn't know whether this was going to work so well. So  
19 these have evolved over time. We now have a lot of these  
20 in our courts here in Chicago, but again, with Cy Près  
21 awards, where there was some self-interest for everybody  
22 involved, enlightened self-interest, as they call it, for

1 the courts to have help that they can refer people to  
2 makes it much easier for everybody in the court system.  
3 And the courts quickly become the biggest fans of these  
4 projects around.

5 Then we made it more of a funding priority.  
6 Our state statute for legal aid funding also has this as  
7 one of their priority areas designated, to fund these  
8 things. And in the early stages, that's really critical  
9 that someone's willing to fund it because, as we all  
10 know, the unmet need is unbelievable.

11 So there's always going to be more work to do  
12 no matter what way you do it. And so prioritizing that  
13 funding was really key to getting it going, which is  
14 something that any of us on the funding side of the  
15 ledger could do.

16 There are other foundations now who do it. And  
17 I think the other key place we're getting to is the  
18 county, although our county government is like any other  
19 government right now, with fiscal challenges. So there's  
20 limits to how far this can go right now.

21 But whoever is funding the courts -- and  
22 they've done this in Minnesota, too, really well, and in

1 Texas and some other places -- has a real interest in  
2 making that system work fundamentally. And that is the  
3 other area of funding. And they usually control the  
4 space, too, to your point.

5 DEAN MINOW: Just one more question. Again,  
6 it's another level, but the Attorney General spoke to us  
7 yesterday. And I wondered if there's a way to track, for  
8 example, in foreclosure robo-signing and other kinds of  
9 issues where I know the Attorney General is trying to do  
10 that.

11 Do you connect up in those kinds of ways?

12 MR. WILLIAMS: Actually, the Attorney General's  
13 office does have so their own little program where they  
14 do housing counseling. And they are able to actually  
15 refer the clients over to the Chicago Legal Clinic and  
16 chancery process where they're only taking care of the  
17 housing council section and we're taking care of the  
18 legal side of it.

19 We do keep track -- everybody that we talk to  
20 see -- they have to fill out an intake form. The  
21 information is then entered into the Chicago legal server  
22 database. And so we are able to keep track of how many

1 people we're seeing at each place they come to.

2 So they are seen on the 28th floor, or they  
3 call the info line, or they see us at chancery access.  
4 We're keeping track of every single person that we see or  
5 talk to. So we are kind of getting that statistical  
6 data. And we're also -- we hand out surveys also. I was  
7 saying that people can fill out and tell the -- and they  
8 can mail in to the legal clinic as to how their services  
9 were and were they satisfied.

10 Now, as far as the end result, it's kind of  
11 hard to what is success for a person, especially in  
12 foreclosure. Some people's success is getting in my  
13 application. Some people's success is able to get a  
14 short sale. Some peoples, success is just being able to  
15 stay in their home five more months than they thought  
16 they would be able to.

17 So as far as trying to measure that, but --

18 DEAN MINOW: Well, to the extent that there are  
19 systemic problems that the Attorney General is looking  
20 for. I just wondered whether you have the capacity to be  
21 able to share that information.

22 Are you seeing the evidence, for example, of

1 robo-signing, which is something she highlighted as  
2 something that she's trying to attack systemically.  
3 Obviously, that's not what you have the capability to do.

4 So I'm just wondering -- that's just an example  
5 about information-sharing.

6 MR. WILLIAMS: We don't have any connection  
7 with the Attorney General's office as far as what they're  
8 doing with robo-signing and how many people they're  
9 seeing right now. We haven't established something to  
10 connect with them to establish what kind of progress  
11 they're making with that and how many people are being  
12 prone to those types of things.

13 But what we're able to do is if we do notice  
14 something like that or if something in the news pops up  
15 as something we'll look out for when people come in,  
16 okay, we'll have this bank and waivers to see on their  
17 documents, and we maybe look at them a little bit more  
18 carefully than if we didn't have that information.

19 DEAN MINOW: That makes sense.

20 CHAIRMAN MIKVA: Father Pius?

21 FATHER PIUS: Just two comments. When going  
22 around and hearing about especially pro se issues, what



1 we hear, certainly from judges all the time, is that  
2 anybody who can give me help in dealing with the flood of  
3 pro se people, I will be glad to do it.

4 So the more that I think we can give the  
5 judges, concrete ways in which legal services can do  
6 things, that's why I think perhaps -- there are  
7 associations of judges in the country. Making  
8 presentations like this and informing them of some of the  
9 ways that people are doing it will hopefully make it  
10 easier for them to accept things on this.

11 And I think, given a world of decreasing  
12 funding, the more avenues that we have to use funds to  
13 help more people in more creative ways -- like, I think,  
14 these help desks do -- is the collaboration between the  
15 judiciary and legal services outlets.

16 I think this is all for the good, and I think  
17 the more we can see why it works here and what about here  
18 that at other places that would work, and what ways it  
19 might be adapted in places that don't have gigantic court  
20 buildings like this does, whether it could be used in a  
21 smaller, rural setting -- I mean, I think that's the way  
22 we're thinking. Right? Is how can we get this

1 replicated.

2           And then following up, really, on what Dean  
3 Minow said, too, is to the extent, too -- I mean, to  
4 think even systemically about the provision of legal  
5 services, to the extent that this is not  
6 representational, this is informational, then that means  
7 you can get a non-lawyer supervised by a lawyer, but you  
8 might be able to get non-lawyers to be able to do this.

9           That means people who are a little less  
10 expensive, that there are more of them, and that you can  
11 again leverage the work that we do to help more people  
12 without increasing funds by a whole lot. So the more we  
13 can think about these things in ways we can expand things  
14 that are successful and replicate them on a state basis,  
15 then that is the more people we can help in a world of  
16 decreasing funds.

17           So just something to think about and hope that  
18 you will work to collaborate with other states, with  
19 judicial associations around the country, and maybe  
20 especially, I think, the ABA has a unique role in  
21 pursuing this and in promoting this in other places.

22           But thank you for, clearly, the work that you

1 do and the information that you've given to us. I think  
2 this is great. And I really do think this is something  
3 that lots of people would be happy to continue. We just  
4 need to get the right people talking together to do it.

5 CHAIRMAN MIKVA: Ms. Reiskin?

6 MS. REISKIN: Yes. Thank you. This was really  
7 good. And I think it's interesting, all of the talk  
8 among lawyers about limited representation versus full  
9 representation. From a client perspective, we're  
10 generally happy to get an answer to a question.

11 (Laughter.)

12 MS. REISKIN: It's very frustrating because  
13 what happens -- like, for example, if credit card court  
14 is -- you go in and you get these letters, and then you  
15 have to file an answer. But no one ever tells you how  
16 to do -- I mean, if someone would answer a couple simple  
17 questions, a lot of people could do it and not have these  
18 judgments out there against them. But because there are  
19 so many lawyers on the other side, clients just get  
20 totally run over.

21 So I think this is great because a lot of  
22 times, it's just because everything is in this other

1 language, and they make it so confusing. If someone  
2 could just answer some questions.

3 I also think it's less -- the whole issue of  
4 what someone expects, this is so much less confusing for  
5 a client and it relates to so much less possible  
6 misrepresentation than the traditional way, where you  
7 call legal aid, you go through an intake, and then you  
8 get a legalistic letter that is probably proper in all of  
9 the legal rules that says, we've got your information.  
10 We're considering your case. And someone will get back  
11 to you. It's on a legal letterhead. It's signed by a  
12 lawyer. People think they have a lawyer.

13 With this, you go to a desk and the person --  
14 there's someone right there that says, I'm just talking  
15 to you about this right now. I think this is way less --  
16 you're much less likely to have people thinking that  
17 they're represented when they're really not with this  
18 model than with the more traditional model.

19 My question would be, having -- it sounds like  
20 you have some good judges. I know in Colorado we've had  
21 a couple areas of law where the judges are kind too close  
22 to one set of attorneys. Like in probate, for example,

1 there's a couple probate judges. They're friends with  
2 all the probate attorneys. They then don't want anyone  
3 else in because a few people have the whole market.

4 So I'd be interested if there's been any  
5 research anywhere in the country of how do you break in  
6 in those situations where you don't have judges thought  
7 really are interested in real justice? I mean, you guys  
8 have done a great -- but has anyone experienced that?

9 MR. GLAVES: All of our judges are interested  
10 in justice, so we don't --

11 (Laughter.)

12 FATHER PIUS: At least, they happen to be on  
13 the line.

14 MR. GLAVES: So it hasn't been an issue. But  
15 again, the self-interest for the court -- and not just  
16 the judges, the clerks -- is happy to have somewhere, not  
17 just the legal -- op centers are really important. But  
18 for those kind of questions, you really need a lawyer to  
19 talk to on those.

20 The clerks who can't give legal advice, the  
21 judges who can't take one side or the other, maybe don't  
22 want to in this circumstance you ascribe, this is really

1 -- there's a lot of interest in the courts have just  
2 having that resource available.

3 It helps level the playing field, but it  
4 doesn't change the outcome of the case necessarily. It  
5 just makes sure that it's a fair fight for the people who  
6 have to go in by themselves.

7 MS. REISKIN: At least due process gets handled  
8 because that's one of -- a lot of low income people lose  
9 on due process issues because they don't understand that,  
10 in administrative things, the deadline doesn't mean the  
11 day you mail it. It means -- you've got to make sure  
12 someone gets it.

13 Just sticking it in the mail and then saying,  
14 oh, but I mailed it, isn't good enough. The average  
15 person doesn't know that, or that filing an answer means  
16 something's written, not that I'm going to show up and  
17 say something.

18 Those are the things that people get run over  
19 on all the time.

20 MR. LEVI: Well, I want to -- I'm sorry.

21 CHAIRMAN MIKVA: Did you have a question?

22 MR. LEVI: I just wanted to make a comment.

1 Thank you, guys. I'm on the board of the Jane Addams  
2 Juvenile Court Foundation. Cook County did have the  
3 first juvenile court in the country. And although we got  
4 a little bit sidetracked over the years, we're back doing  
5 really innovative things at the juvenile court.

6 I say that because I think the chief judge  
7 here, and I think most of the judges in Cook County,  
8 realize that they're up against a kind of pro se  
9 situation that they never dreamed they would walk into,  
10 and that they want this kind of help. They're receptive  
11 to it.

12 I'm looking forward to your continued  
13 innovations and to educating the rest of the country at  
14 what's possible. And I think you have a tremendous  
15 opportunity here to do just that.

16 Maybe we can help. Maybe the ABA down the way  
17 can. But if you were in our seats, going around the  
18 country hearing what's not happening and how many people  
19 are being turned away and the lack of existence of these  
20 kinds of help desks elsewhere -- it if you could solve  
21 Martha's issue, seriously, the boundary issue, that would  
22 actually help a lot.

1 DEAN MINOW: Yes.

2 MR. LEVI: But I just want to thank you and  
3 compliment you and say this was terrific and very helpful  
4 to us.

5 DEAN MINOW: Can I add a small --

6 MR. LEVI: Yes.

7 CHAIRMAN MIKVA: Dean Minow?

8 DEAN MINOW: I add my thanks as well, and just  
9 say that as co-chair of the Pro Bono Task Force for Legal  
10 Services, if there are any ways in which you, from where  
11 you sit, see the value of connecting with pro bono  
12 attorneys, we're looking. We're looking for models. We  
13 would love to lift up the model.

14 MR. GLAVES: Good. Can I just -- I just wanted  
15 to close with two quick things.

16 One, to your question about using non-lawyers -  
17 - and actually three, because I want to mention the ABA  
18 quickly, too -- California has something called Justice  
19 Corps that some of you may have heard about, where  
20 they're using law students. And we're doing that here.

21 Daniel Hirsch, who I think is still in our  
22 audience here, who's the source of just about everything



1 I've been talking about today, and our staff are quite --  
2 so Daniel, you should identify yourself back there.

3 But we've got a pilot project that's working  
4 really well, actually, in the foreclosure program to use  
5 students. And there's a lot more potential to use  
6 students in the courts per that model. But California  
7 has really been to that.

8 On the ABA side, the ABA is doing a lot on  
9 this, trying to promote more of this. And Judge  
10 Livingston, I believe, who's in the audience, is possibly  
11 the best spokesperson for this that I've ever seen, you  
12 know, from Texas.

13 So it isn't absolutely unique to us.  
14 California, Minnesota, and Texas, there are some  
15 jurisdictions that are doing a lot. And I think the ABA  
16 is trying to get that word out, but we all can do more  
17 there.

18 The last thing is just to stress again the  
19 support of funders. And you being the biggest funder of  
20 legal aid on that side of the thing is really important  
21 for -- it's taking chances on things like this where they  
22 don't exist or where the court might not be as helpful.

1 Having some backing from your funders can be helpful.

2 It's something we can do on that side of the fence.

3 I just wanted to --

4 CHAIRMAN MIKVA: Thank you.

5 (Pause)

6 CHAIRMAN MIKVA: Thank you so much. This has  
7 been --

8 DEAN MINOW: It's really great.

9 CHAIRMAN MIKVA: -- really helpful.

10 (Applause)

11 CHAIRMAN MIKVA: And lunch is where?

12 MR. LEVI: Right cross the hall.

13 CHAIRMAN MIKVA: Across the hall.

14 MR. LEVI: We're adjourned.

15 (Pause)

16 MR. BROOKS: Could I just supplement one thing  
17 that Bob said during the public comment period, which you  
18 did not call? The ABA does have a pro se resource center  
19 on the web that does compile all this information, as Bob  
20 alluded to.

21 MR. LEVI: You're out of order.

22 MR. BROOKS: So I'll get you the URL for that

1 later when I give you some other materials.

2 MR. LEVI: Is this public comment period? I  
3 think --

4 CHAIRMAN MIKVA: I forgot to get public  
5 comment. Would anyone else like to give public comment?

6 (No response.)

7 MR. LEVI: That's good. Thank you. You can  
8 repeat it. Repeat it in the open session of --

9 CHAIRMAN MIKVA: Did we adjourn? We adjourned.  
10 The meeting is adjourned, unless anyone else wants to  
11 make public comment and hold us from our lunch.

12 (Whereupon, at 11:40 a.m., the committee was  
13 adjourned.)

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