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Although judges can't handle pro bono cases, they can play a vital role in any volunteer program. Just ask Judge Sheldon C. Garber, supervising judge of the Cook County Circuit Court's forcible entry and detainer section. Last month Judge Garber received the "Court of Honor" Award from Chicago Volunteer Legal Services, both for displaying sensitivity to the needs of pro se litigants and for creating a volunteer-friendly courtroom.

These two issues go hand-in-hand, as smart judges quickly realize. Pro se litigants clog courtrooms and make efficient courtroom administration an oxymoron. High-volume eviction courtrooms are a good example.

Although full-time legal aid attorneys represent a multitude of low-income tenants every year, many clients don't qualify because their income levels are slightly higher than government-funded programs allow. In addition, legal aid programs will not represent landlords, no matter how desperate their financial situation or however eligible they otherwise may be.

Judge Garber has seen for himself the benefits of having pro bono attorneys represent low-income landlords and tenants. That recognition has paved the way for his agenda of pro bono support.

Judges reinforce pro bono in two main ways -- by providing encouragement and by eliminating obstacles. Judge Garber believes in a liberal application of both methods.

First, he focuses on the needs of litigants by asking the judges in the eviction courtrooms to open their calls with a statement advising the people waiting for their cases that they have a right to counsel. Then, if they tell the court they can't afford an attorney, they are provided with a list of legal service programs.

Although Judge Garber appreciates the legal aid attorneys who represent the tenants in his courtroom, he recognizes that they are not really different from the attorneys hired by landlords or, in rare cases, higher-income tenants. They are being paid for their work. Pro bono attorneys are not.

As a result, Judge Garber tries to publicly recognize and thank volunteer attorneys who appear before him. He lets them know that the court appreciates their services -- to their clients, of course, but more importantly, to the court and to the legal system. He urges his colleagues to do the same.

This "thanks from the bench" may not seem like much, but it is. Volunteer attorneys handle these cases for a variety of reasons. They know, up front, that they are not getting paid, and most of them don't expect remuneration of any kind -- monetary, verbal or otherwise. But everyone wants and needs to be appreciated. And public recognition from a judge -- an acknowledgement and an appreciation of your hard work -- is significant.

Judge Garber fulfills the second half of his pro bono support program by attempting to streamline the process for volunteer attorneys. Trying to create a "user-friendly" courtroom for pro bono, he strives, when possible, to call volunteers' cases first.
Recognizing that pro bono attorneys are not compensated for their time, he doesn't want them to sit around waiting for their cases to be called. Although not always possible, this in-and-out goal is significant to volunteers who are usually squeezing pro bono cases in with their daily court calls.

Judge Garber acknowledges that his efforts are not always successful. He may not realize that the attorney before him is a volunteer. He may not always be able to keep his call running smoothly enough to get them in and out efficiently. And a "Thank you for handling this case pro bono" will not affect the ultimate results for a tenant with no defense or a landlord with no case.

But it makes his courtroom and, thanks to his guidance, the other eviction courtrooms friendlier, kinder places for pro bono attorneys. Margaret C. Benson is deputy director of Chicago Volunteer Legal Services Foundation.

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