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The news has been filled with stories in recent months of the growing incidences of mortgage fraud and predatory lending schemes targeting the elderly and other vulnerable residents in the Chicago area. While some of the systemic problems are being addressed at the public policy level by legislators and government officials, an increasing number of vulnerable Chicagoans (numbering in the thousands by many estimates) find themselves in the Circuit Court facing the loss of their homes due to this pernicious conduct, without legal representation.

Building on a pilot program begun by the Chicago Bar Association approximately three years ago and the work of legal aid agencies in Chicago, the CBF has joined with the Circuit Court, Chicago Volunteer Legal Services and the CBA to launch an expanded pro bono program in the Chancery Division. The goal of this new partnership is to provide pro bono representation to litigants confronting foreclosures and other complex matters where they have potential relief available to them. The CBF, the CBA's charitable arm, provided a two-year, $80,000 grant to CVLS to fund the initiative.

Under the newly expanded program in the Circuit Court, if a litigant states that he or she cannot afford legal representation, and the court determines that it is not in the litigant's best interest to continue to proceed pro se, the judge may appoint CVLS as counsel for the litigant. CVLS will then evaluate the litigant's case and income status, and if CVLS accepts representation, one of their pro bono attorneys will represent the litigant going forward, with training and support services provided by CVLS.

Potential Impact
As Patricia Nelson, a CVLS staff attorney and Director of the Access to Justice Program, explained, "these are cases where the client has a good case, but just cannot articulate it and certainly does not have the legal skills to advocate effectively." The case of a recent CVLS client demonstrates the potential impact of just such a program. The client was the defendant in a mortgage foreclosure. Essentially, the bank gave the client's previous Chapter 13 bankruptcy trustee an inaccurate pay off amount for a pre-existing mortgage. Although the client had emerged from Chapter 13 and settled her bankruptcy estate, the bank discovered its error and attempted to foreclose on the mortgage post-bankruptcy. The client's CVLS pro bono counsel was able to obtain dismissal of the mortgage foreclosure action and save their client's house. Nelson said, "These are very interesting, meritorious cases with extremely grateful clients." However, without the expertise of the skilled legal professionals, in the end many of these litigants would face a much greater risk of falling victim to fraud or unnecessarily losing their homes.

Comprehensive Support
To adequately staff this new program, CVLS will recruit and train Access to Justice Program volunteer attorneys. CVLS will also provide its usual support for volunteer attorneys, including malpractice insurance, docketing and
clerking services, and general legal support. Thanks to the funding provided by the CBF, CVLS will be better equipped to work with the Chancery Division to develop appropriate and streamlined referral procedures and maintain an ongoing dialogue with the court, monitoring and evaluating the program and its effectiveness. Moreover, for those attorneys who do not have Chancery Division experience, CVLS will also provide mentors for individual attention on cases. In sum, the full resources of CVLS are at the disposal of volunteer attorneys that become involved in the new pro bono program.

The Community's Commitment
Although CVLS staff attorneys will be involved in the program, CVLS envisions a strong panel of committed volunteers to assist these pro se litigants. "Our biggest need is volunteers," Nelson said. Thus far, CVLS has received approximately 20 appointments in the opening weeks of the project, and expects that volume to continue to grow.

Ongoing Effort
This new program is a natural complement to the Chancery Division Advice Desk. In early 2004, the CBF and CBA helped launch that pilot program in partnership with the Circuit Court and the Chicago Legal Clinic. Through the Chancery Division Advice Desk, pro se litigants obtain information, advice and brief assistance with cases pending in the Circuit Court. The Advice Desk has been very successful in assisting thousands of Chancery Division litigants, but for those who need extended representation in their cases there remains a severe shortage of resources available to them. The expanded Access [54] to Justice Program will help provide that representation.

Cy Pres Awards with Long-Lasting Impact
The generous CBF grant was made possible by several cy pres awards, which the Chicago Bar Foundation recently received from the Circuit Court. "Designating the CBF and the many outstanding legal aid and public interest law organizations that the CBF supports is a great way for the courts to improve access to justice for the less fortunate in our community," said Bob Glaves, CBF executive director. These cy pres awards and other generous donations to the CBF are essential to funding legal services such as the new Chancery Division program and other access to justice efforts.

Judge Dorothy Kinnaird, Presiding Judge of the Chancery Division of the Circuit Court of Cook County and a member of the Board of Directors of the CBF, often praises the important role the CBF plays in making the court system more user-friendly and accessible. "The CBF provides a real service to the courts through its leadership in developing a number of court-based pro se assistance desks and its steady support of pro bono legal services and mediation programs that are critical to the fair and efficient administration of justice," Kinnaird said. The newly expanded Chancery Division pro bono program will provide necessary representation to pro se litigants and further the goals of the justice system.

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