

1 AN ACT concerning education.

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

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

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

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

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

16 (3) Vulnerable and disadvantaged citizens of this  
17 State are unable to protect or enforce their rights without  
18 legal assistance from public interest attorneys.

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

22 (5) Assisting public interest attorneys with loan  
23 forgiveness is a major step toward ensuring quality legal

1 representation for this State's most vulnerable citizens  
2 and quality enforcement of State law.

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

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

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

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

18 "Assistant State's Attorney" means a full-time employee of  
19 a State's Attorney in Illinois or the State's Attorneys  
20 Appellate Prosecutor who is continually licensed to practice  
21 law and prosecutes or defends cases on behalf of the State or a  
22 county.

23 "Assistant Attorney General" means a full-time employee of  
24 the Illinois Attorney General who is continually licensed to

1 practice law and prosecutes or defends cases on behalf of the  
2 State.

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

7 "Assistant public guardian" means a full-time employee of a  
8 public guardian in Illinois who is continually licensed to  
9 practice law and provides legal representation pursuant to  
10 court appointment.

11 "Civil legal aid" means free or reduced-cost legal  
12 representation or advice to low-income clients in non-criminal  
13 matters.

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

17 "Civil legal aid organization" means a not-for-profit  
18 corporation in Illinois that (i) is exempt from the payment of  
19 federal income tax pursuant to Section 501(c)(3) of the  
20 Internal Revenue Code, (ii) is established for the purpose of  
21 providing legal services that include civil legal aid, (iii)  
22 employs 2 or more full-time attorneys who are licensed to  
23 practice law in this State and who directly provide civil legal  
24 aid, and (iv) is in compliance with registration and filing  
25 requirements that are applicable under the Charitable Trust Act  
26 and the Solicitation for Charity Act.

1 "Commission" means the Illinois Student Assistance  
2 Commission.

3 "Committee" means the advisory committee created under  
4 Section 20 of this Act.

5 "Eligible debt" means outstanding principal, interest, and  
6 related fees from loans obtained for undergraduate, graduate,  
7 or law school educational expenses made by government or  
8 commercial lending institutions or educational institutions.  
9 "Eligible debt" excludes loans made by a private individual or  
10 family member.

11 "IGAC attorney" means a full-time employee of the Illinois  
12 Guardianship and Advocacy Commission, including the Office of  
13 State Guardian, the Legal Advocacy Service, and the Human  
14 Rights Authority, who is continually licensed to practice law  
15 and provides legal representation to carry out the  
16 responsibilities of the Illinois Guardianship and Advocacy  
17 Commission.

18 "Legislative attorney" means a full-time employee of the  
19 Illinois Senate, the Illinois House of Representatives, or the  
20 Illinois Legislative Reference Bureau who is continually  
21 licensed to practice law and provides legal advice to members  
22 of the General Assembly.

23 "Program" means the Public Interest Attorney Loan  
24 Repayment Assistance Program.

25 "Public interest attorney" means an attorney practicing in  
26 Illinois who is an assistant State's Attorney, assistant Public

1 Defender, civil legal aid attorney, assistant Attorney  
2 General, assistant public guardian, IGAC attorney, or  
3 legislative attorney.

4 "Qualifying employer" means (i) an Illinois State's  
5 Attorney or the State's Attorneys Appellate Prosecutor, (ii) an  
6 Illinois Public Defender or the State Appellate Defender, (iii)  
7 an Illinois civil legal aid organization, (iv) the Illinois  
8 Attorney General, (v) an Illinois public guardian, (vi) the  
9 Illinois Guardianship and Advocacy Commission, (vii) the  
10 Illinois Senate, (viii) the Illinois House of Representatives,  
11 or (ix) the Illinois Legislative Reference Bureau.

12 Section 20. Public Interest Attorney Loan Repayment  
13 Assistance Program.

14 (a) The Commission shall establish and administer the  
15 Program for the primary purpose of providing loan repayment  
16 assistance to practicing attorneys to encourage them to pursue  
17 careers as public interest attorneys to protect the rights of  
18 this State's most vulnerable citizens or provide quality  
19 enforcement of State law. The Commission shall create an  
20 advisory committee composed of representatives from  
21 organizations with relevant expertise, including one person  
22 from each of the following entities:

- 23 (1) The Illinois State's Attorneys Association.  
24 (2) An office of an Illinois Public Defender.  
25 (3) An office of an Illinois public guardian.

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

2 (5) An Illinois metropolitan bar association.

3 (6) An Illinois statewide bar association.

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

5 (b) The Public Interest Attorney Loan Repayment Assistance  
6 Fund is created as a special fund in the State treasury. The  
7 Fund shall consist of all moneys remitted to the Commission  
8 under the terms of this Act. All money in the Fund shall be  
9 used, subject to appropriation, by the Commission for the  
10 purposes of this Act.

11 (c) Subject to the availability of appropriations and  
12 subsections (d) and (e) of this Section, the Commission shall  
13 distribute funds to eligible applicants.

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

19 (e) The Commission shall administer the Program,  
20 including, but not limited to, establishing and implementing  
21 the following:

22 (1) An application process. Subject to the  
23 availability of appropriations, the Commission shall, each  
24 year, consider applications by eligible public interest  
25 attorneys for loan repayment assistance under the Program.

26 (2) Eligibility requirements. The Commission shall, on

1 an annual basis, receive and consider applications for loan  
2 repayment assistance under the Program if the Commission  
3 finds that the applicant:

4 (i) is a citizen or permanent resident of the  
5 United States;

6 (ii) is a licensed member of the Illinois Bar in  
7 good standing;

8 (iii) has eligible debt in grace or repayment  
9 status; and

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

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

15 (4) Prioritization. The Commission shall develop  
16 criteria for prioritization among eligible applicants in  
17 the event that there are insufficient funds available to  
18 make payments to all eligible applicants under this Act.  
19 The prioritization criteria shall include the timeliness  
20 of the application, the applicant's salary level, the  
21 amount of the applicant's eligible debt, the availability  
22 of other loan repayment assistance to the applicant, the  
23 applicant's length of service as a public interest  
24 attorney, and the applicant's prior participation in the  
25 Program.

26 (f) The distribution of funds available after

1 administrative costs must be made by the Commission to eligible  
2 public interest attorneys in the following manner:

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

5 (2) To have the loan forgiven, the participant shall  
6 (i) complete a year of employment with a qualifying  
7 employer and (ii) make educational debt payments (interest  
8 or principal or both) that equal at least the amount of  
9 assistance received under the Program during the  
10 assistance year.

11 (3) Each loan must be documented by means of a  
12 promissory note executed by the borrower in a form provided  
13 by the Commission and shall be forgiven when an eligible  
14 participant meets the requirements set forth by the  
15 Commission.

16 Section 25. Ineligibility and termination of funds;  
17 procedures.

18 (a) If a participant becomes ineligible during the term of  
19 a loan, he or she must repay the outstanding amount of any loan  
20 received from the Commission.

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

24 Section 30. Other powers. The Commission may make, enter



1 into, and execute contracts, agreements, leases, and other  
2 instruments with any person, including without limitation any  
3 federal, State, or local governmental agency, and may take  
4 other actions that may be necessary or convenient to accomplish  
5 any purpose authorized by this Act.

6 Section 90. The State Finance Act is amended by adding  
7 Section 5.719 as follows:

8 (30 ILCS 105/5.719 new)

9 Sec. 5.719. The Public Interest Attorney Loan Repayment  
10 Assistance Fund.