

1 AN ACT concerning legal assistance.

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 Access
5 to Justice Act.

6 Section 5. Findings.

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

11 (b) Increasing numbers of people throughout this State are
12 coming into the courts without legal representation for cases
13 involving important legal matters impacting the basics of life
14 such as health, safety, and shelter. In order for the courts to
15 provide fair and efficient administration of justice in these
16 cases, it is critical that people have better access to varying
17 levels of legal assistance appropriate for their individual
18 circumstances.

19 (c) An increasing number of active duty service members and
20 veterans in this State have a need for legal information and
21 assistance in a variety of matters that are often critical to
22 their safety and independence, yet they are often unable to
23 access that assistance.

1 Section 10. Pilot programs.

2 (a) The General Assembly encourages the Supreme Court to
3 develop: (i) a pilot program to create a statewide military
4 personnel and veterans' legal assistance hotline and
5 coordinated network of legal support resources; and (ii) a
6 pilot program to provide court-based legal assistance within a
7 circuit court in each appellate district of this State.

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

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

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

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

18 Section 15. Access to Justice Fund. The Access to Justice
19 Fund is created as a special fund in the State treasury. The
20 Fund shall consist of fees collected under Section 27.3g of the
21 Clerks of Courts Act. Subject to appropriation, moneys in the
22 Access to Justice Fund shall be used by the Supreme Court for
23 the administration of the pilot programs created under this
24 Act.

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

6 Section 20. Evaluation. The Supreme Court shall study the
7 effectiveness of the pilot programs implemented under this Act
8 and submit a report to the General Assembly by June 1, 2017.
9 The report shall include the number of people served in each
10 pilot program and data on the impact of varying levels of legal
11 assistance on access to justice, the effect on fair and
12 efficient court administration, and the impact on government
13 programs and community resources. This report shall describe
14 the benefits of providing legal assistance to those who were
15 previously unrepresented, both for the clients and the courts,
16 and shall describe strategies and recommendations for
17 maximizing the benefit of that representation in the future.
18 The report shall include an assessment of the continuing unmet
19 needs and, if available, data regarding those unmet needs.

20 Section 25. Statutory Court Fee Task Force.

21 (a) There is hereby created the Statutory Court Fee Task
22 Force. The purpose of the Task Force is to conduct a thorough
23 review of the various statutory fees imposed or assessed on
24 criminal defendants and civil litigants.

1 (b) The Task Force shall consist of 15 members, appointed
2 as follows: one each by the Speaker of the House of
3 Representatives, the Minority Leader of the House of
4 Representatives, the President of the Senate, and the Minority
5 Leader of the Senate; 2 by the association representing circuit
6 court clerks; 2 by the Governor, and 7 by the Supreme Court.

7 (c) At the direction of the Supreme Court, the
8 Administrative Office of the Illinois Courts shall provide
9 administrative support to the Task Force.

10 (d) The Task Force shall submit a report containing its
11 findings and any recommendations to the Supreme Court and the
12 General Assembly by June 1, 2014.

13 Section 30. The State Finance Act is amended by adding
14 Section 5.826 as follows:

15 (30 ILCS 105/5.826 new)

16 Sec. 5.826. The Access to Justice Fund.

17 Section 35. The Counties Code is amended by changing
18 Section 5-39001 as follows:

19 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

20 Sec. 5-39001. Establishment and use; fee. The county board
21 of any county may establish and maintain a county law library,
22 to be located in any county building or privately or publicly

1 owned building at the county seat of government. The term
2 "county building" includes premises leased by the county from a
3 public building commission created under the Public Building
4 Commission Act. After August 2, 1976, the county board of any
5 county may establish and maintain a county law library at the
6 county seat of government and, in addition, branch law
7 libraries in other locations within that county as the county
8 board deems necessary.

9 The facilities of those libraries shall be freely available
10 to all licensed Illinois attorneys, judges, other public
11 officers of the county, and all members of the public, whenever
12 the court house is open, and may include self-help centers and
13 other legal assistance programs for the public as part of the
14 services it provides on-site and online.

15 The expense of establishing and maintaining those
16 libraries shall be borne by the county. To defray that expense,
17 including the expense of any attendant self-help centers and
18 legal assistance programs, in any county having established a
19 county law library or libraries, the clerk of all trial courts
20 located at the county seat of government shall charge and
21 collect a county law library fee of \$2, and the county board
22 may authorize a county law library fee of not to exceed (i) \$18
23 in 2009, (ii) \$19 in 2010, and (iii) \$21 in 2011 and
24 thereafter, to be charged and collected by the clerks of all
25 trial courts located in the county. The fee shall be paid at
26 the time of filing the first pleading, paper, or other

1 appearance filed by each party in all civil cases, but no
2 additional fee shall be required if more than one party is
3 represented in a single pleading, paper, or other appearance.

4 Each clerk shall commence those charges and collections
5 upon receipt of written notice from the chairman of the county
6 board that the board has acted under this Division to establish
7 and maintain a law library.

8 The fees shall be in addition to all other fees and charges
9 of the clerks, assessable as costs, remitted by the clerks
10 monthly to the county treasurer, and retained by the county
11 treasurer in a special fund designated as the County Law
12 Library Fund. Except as otherwise provided in this paragraph,
13 disbursements from the fund shall be by the county treasurer,
14 on order of a majority of the resident circuit judges of the
15 circuit court of the county. In any county with more than
16 2,000,000 inhabitants, the county board shall order
17 disbursements from the fund and the presiding officer of the
18 county board, with the advice and consent of the county board,
19 may appoint a library committee of not less than 9 members,
20 who, by majority vote, may recommend to the county board as to
21 disbursements of the fund and the operation of the library. In
22 single county circuits with 2,000,000 or fewer inhabitants,
23 disbursements from the County Law Library Fund shall be made by
24 the county treasurer on the order of the chief judge of the
25 circuit court of the county. In those single county circuits,
26 the number of personnel necessary to operate and maintain the

1 county law library shall be set by and those personnel shall be
2 appointed by the chief judge. The county law library personnel
3 shall serve at the pleasure of the appointing authority. The
4 salaries of those personnel shall be fixed by the county board
5 of the county. Orders shall be pre-audited, funds shall be
6 audited by the county auditor, and a report of the orders and
7 funds shall be rendered to the county board and to the judges.

8 Fees shall not be charged in any criminal or quasi-criminal
9 case, in any matter coming to the clerk on change of venue, or
10 in any proceeding to review the decision of any administrative
11 officer, agency, or body.

12 No moneys distributed from the County Law Library Fund may
13 be directly or indirectly used for lobbying activities, as
14 defined in Section 2 of the Lobbyist Registration Act or as
15 defined in any ordinance or resolution of a municipality,
16 county, or other unit of local government in Illinois.

17 (Source: P.A. 96-227, eff. 8-11-09.)

18 Section 40. The Clerks of Courts Act is amended by adding
19 Section 27.3g as follows:

20 (705 ILCS 105/27.3g new)

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

22 (a) If the Supreme Court develops a pilot program to
23 provide court-based legal assistance in accordance with
24 Section 10 of the Access to Justice Act, all clerks of the

1 circuit court shall charge and collect at the time of filing
2 the first pleading, paper, or other appearance filed by each
3 party in all civil cases, in addition to any other fees, a fee
4 of \$10, but no additional fee shall be required if more than
5 one party is represented in a single pleading, paper, or other
6 appearance. Fees received by the clerk of the circuit court
7 under this Section shall be remitted, within one month after
8 receipt, to the Supreme Court for deposit into the Access to
9 Justice Fund created under Section 15 of the Access to Justice
10 Act.

11 (b) This Section is repealed 5 years after the effective
12 date of this amendatory Act of the 98th General Assembly.

13 Section 45. The Code of Civil Procedure is amended by
14 changing Section 5-105.5 as follows:

15 (735 ILCS 5/5-105.5)

16 Sec. 5-105.5. Representation by civil legal services
17 provider.

18 (a) As used in this Section:

19 "Civil legal services" means legal services in noncriminal
20 matters provided without charge to indigent persons who have
21 been found eligible under financial eligibility guidelines
22 established by the civil legal services provider.

23 "Civil legal services provider" means a not-for-profit
24 corporation that (i) employs one or more attorneys who are

1 licensed to practice law in the State of Illinois and who
2 directly provide free civil legal services or (ii) is
3 established for the purpose of providing free civil legal
4 services by an organized panel of pro bono attorneys.

5 "Court-sponsored pro bono program" means a pro bono program
6 established by or in partnership with a court in this State for
7 the purpose of providing free civil legal services by an
8 organized panel of pro bono attorneys.

9 "Eligible client" means an indigent person who has been
10 found eligible for civil legal services by a civil legal
11 services provider or court-sponsored pro bono program.

12 "Indigent person" means a person whose income is 125% or
13 less of the current official federal poverty income guidelines
14 or who is otherwise eligible to receive civil legal services
15 under the eligibility guidelines of the civil legal services
16 provider or court-sponsored pro bono program ~~Legal Services~~
17 ~~Corporation Act of 1974.~~

18 (b) When a party is represented in a civil action by a
19 civil legal services provider or attorney in a court-sponsored
20 pro bono program, all fees and costs relating to filing,
21 appearing, transcripts on appeal, and service of process shall
22 be waived without the necessity of a motion for that purpose,
23 and the case shall be given an index number or other
24 appropriate filing number, provided that (i) a determination
25 has been made by the civil legal services provider or attorney
26 in a court-sponsored pro bono program that the party is an

1 indigent person and (ii) an attorney's certification that that
2 determination has been made is filed with the clerk of the
3 court along with the complaint, the appearance, or any other
4 paper that would otherwise require payment of a fee.

5 (c) The changes made to this Section by this amendatory Act
6 of the 98th General Assembly apply to all actions commenced on
7 or after July 1, 2013. The changes made to this Section by this
8 amendatory Act of the 98th General Assembly also apply to all
9 actions pending on or after the effective date of this
10 amendatory Act of the 98th General Assembly, but only with
11 respect to fees and costs that become due in those actions
12 after July 1, 2013.

13 (Source: P.A. 88-41.)

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