

# Annual Report for 2014

**THE COLLABORATION FOR JUSTICE**

*Seeking Fair, Effective, and Efficient Courts for All People*

##### About the Collaboration for Justice

Chicago Appleseed Fund for Justice is a social impact research and advocacy organization that identifies community injustices, conducts research necessary to develop proposed solutions and advocates for their implementation. Chicago Appleseed is an affiliate of the Appleseed National Network of Social Justice Centers.

Chicago Council of Lawyers is the public interest reform bar association which for more than 40 years has been advocating for a fair and effective administration of justice.

Together, the two organizations comprise the Collaboration for Justice (Collaboration), focusing on judicial reform in Cook County. The Chicago Council of Lawyers works independently of Chicago Appleseed in its efforts to evaluate judges for the purpose of educating voters.

The Collaboration works through Joint Program Advisory Committees which oversee our projects. Members of the Program Advisory Committees also assist in conducting projects, identifying systemic issues, considering ways to use national and local research in developing proposed solutions for Cook County, and preparing policy and editorial statements. There are Advisory Committees on Criminal Justice Reform, the Administration of Justice, Child Support and Family Law Reform, and Immigration Court Reform.

For more information about the Committees or the Collaboration for Justice, please contact Executive Director, Malcolm Rich, at [caffj@chicagoappleseed.org](mailto:caffj@chicagoappleseed.org) or call 312-988-6552.

**The Collaboration’s 2014 Accomplishments**

**Criminal Justice**

The Collaboration for Justice aims for safe and cost-effective alternatives to incarceration. We accomplish these aims through research, advocacy, legislative proposals, technical assistance, and project management. We have played key roles in system improvements as detailed below—some through the Collaboration and some through the efforts of Chicago Appleseed.

##### Access to Community Treatment Court Project

Chicago Appleseed, along with its partners, created an evidence-based problem-solving court that diverts drug-dependent individuals charged with non-violent crimes from the Illinois Department of Corrections (Prison) and Cook County Jail into community-based treatment and support services.

The model, a specialized form of probation called the Access to Community Treatment (ACT) Court, is demonstrating ways to address substance abuse, unstable housing, lack of prosocial relationships, and other risk factors that are known to drive crime. Chicago Appleseed provides project management, policy development and research assistance to the ACT Court.

An ACT Court participant who was promoted to the final phase of the program told ACT Court Judge Mary Colleen Roberts, “Thank you for the program. It’s gotten my life together.” Later in the court call, another participant excitedly told Judge Roberts that he had recently reconnected with his children after a 31-year estrangement.

The program management, policy development, and research provided by Chicago Appleseed are invaluable to the ACT Court. These resources have helped the ACT Court grow and develop into what I hope can become a model for future Problem Solving Courts.

ACT Court Judge Mary Colleen Roberts

##### Sixth Amendment Right-to-Counsel

In 2013, the Collaboration discovered that judges overseeing preliminary hearings throughout Cook County were denying defendants court-appointed Public Defenders without conducting constitutionally required indigency hearings. The Collaboration prepared and submitted a legal memorandum to Cook County Circuit Court Chief Judge Timothy Evans detailing the illegality of this practice. On September 23, 2013, DNAINFO CHICAGO credited us for the General Administrative Order issued by Chief Judge Evans aimed at correcting this problem.

Since the General Administrative Order was issued, there has been an improvement in 40% of the courtrooms and the Collaboration for Justice Advisory Committee on Criminal Law has formulated proposals for continued monitoring of the courtrooms and judicial training of Cook County judges.

##### Pilot Drug Field-Testing Bill, HR 2897

In 2013, Chicago Appleseed identified that for every year in Cook County 5,000 individuals charged with nonviolent drug offenses are having those charges dismissed at their preliminary hearings for lack of probable cause—but only spending an average of 25 days in jail. This is an egregious waste, both in terms of the human cost to those men and women detained and the financial cost to taxpayers. Every other county in Illinois and every large urban jurisdiction throughout the country process these same types of cases in a fraction of the time.

To tackle this problem, Chicago Appleseed developed a legislative proposal and partnered with the Community Renewal Society (CRS) to develop a bill, HB2897. The bill will require the Chicago Police Department (CPD) to conduct field tests of substances found on persons charged with nonviolent drug offenses so the test results are available on the same day the individual is arrested. These same-day testing results allow arrested individuals to head to a preliminary hearing without the long wait in jail. On May 22, 2014, the latest version of the bill passed the Senate unanimously. The bill will be heard in the House during the 2015 legislative session.

##### Bond Court Reform

The Cook County Bond Court serves as the gateway to the chronically overcrowded Cook County Jail and has been under pressure to reform its practices for years. In October 2013, Chicago Appleseed contributed research and drafting assistance to Cook County Board President Toni Preckwinkle’s request for Illinois Supreme Court intervention. Illinois Supreme Court Chief Justice Thomas Kilbride responded to the request for intervention by convening an ongoing initiative of regional and national experts to manage the reform of the pre-trial criminal justice system in Cook County.

Chicago Appleseed has appeared on PBS’ ‘In The Loop’ and ‘Chicago Tonight’ programs, as well as on WBEZ, to discuss recent bond court reform efforts by Cook County Board President Toni Preckwinkle, the Illinois Supreme Court and local organizations that we partner with to address the systemic problems with bond court.

On July 24, 2014, in front of more than 300 community members, Chief Judge Timothy Evans signed a covenant of action items, co-authored and informed by Chicago Appleseed, which included the promise to reform Cook County’s reliance on monetary bonds.

## Administration of Justice

The Collaboration for Justice promotes social justice and government accountability with an emphasis on making Cook County courts more fair, efficient, and effective. The Collaboration’s work focuses on judicial campaigns, campaign finance, judicial disqualification and recusal, voter education and engagement, and public confidence in an elected judiciary.

Over the past year, we identified injustices affecting vulnerable populations by conducting over 100 hours of court watching. In addition to court watching, the Collaboration researches Cook County court practices and structures by collecting data through evaluations and interviews with lawyers, judges, government officials, community organizations, and other stakeholders. Once the data has been collected and the research is complete, we can accurately identify judicial inefficiencies and harmful practices in need of reform. We combine this knowledge of the local court system with our knowledge of the best, evidence-based practices which are successfully used by judiciaries throughout the country. This breadth of knowledge allows us to develop proposals specifically tailored to the individual needs of the Cook County courts. By working with county officials and other key stakeholders on problem-solving measures, we provide Cook County with manageable reform plans, technical assistance, and the broad based support necessary to bring about meaningful change. Together we strive to bring the highest standards of justice to Cook County courts.

**Judicial Performance Commission of Cook County (JPC)**

Since 2010, Chicago Appleseed has been a managing member of the JPC. The JPC is a Pilot Project for judicial evaluation comprised of an independent body of Chicago-area professionals committed to improving the quality of Cook County courts and serving as citizen oversight. Recognizing that public confidence in the judiciary is critical to the strength of our courts, the JPC uses a performance commission model to identify the individual strengths and weaknesses of judicial retention candidates based on feedback from judges and attorneys practicing in the respective courts.

Each assessment utilized electronic surveys and phone interviews of lawyers identified through court data as having appeared before judges seeking retention. The resulting reports identified specific strengths and weaknesses of each judge, and recommended judicial performance improvement plans where needed, consisting of peer mentoring, additional education, and court watching.

To assist with improvements in judicial performance, the constructive feedback is relayed to the judges being evaluated and to their supervising judges and the Chief Judge of the Circuit Court of Cook County. Armed with this constructive feedback, the judiciary itself can strive to overcome any weaknesses and self-improve. The JPC’s reports were used extensively by the State Judicial Evaluation Committee of the Chicago Council of Lawyers and were also made available to the legal community and public-at-large. To date, the JPC researched retention elections in 2010 and 2012.

In April 2013, Chicago Appleseed released its Policy Brief on Judicial Evaluation Standards. We advocated for JPC to become a permanent fixture in Cook County and stressed the importance of public judicial evaluations conducted with best practices.

**Judicial Elections and Campaigns**

Chicago Appleseed believes that it is necessary to cultivate trust in our elections in order to engage more people in the political process. We know that when more people engage in the political process, the process is stronger and more representative which results in greater trust in the process and our elected officials. Toward that end, Chicago Appleseed helps inform citizens on judicial elections and campaign issues.

In March 2014, Chicago Appleseed and its partners[[1]](#footnote-1) launched the 2014 VoteForJudges.org campaign, a nonpartisan effort aimed at judicial voter education. Because judges are elected in Illinois, the site provides voters information about candidates running to fill judicial vacancies and on judges seeking retention. Chicago Appleseed included available judicial evaluations from 12 bar associations and candidate endorsements publicized by the media. In 2014, there were more than 32,000 individual visits to the site. Chicago Appleseed celebrated the high volume of visitors because the integrity and independence of Illinois’ judges depends upon an informed electorate who vote for judges on the basis of their impartiality and the quality of their judging on the bench.

**Judicial Recusal Standards and Practice**

In January 2013, Chicago Appleseed submitted our Policy Brief on judicial recusal standards and practice to the Illinois Supreme Court, in collaboration with the Illinois Campaign for Political Reform. The Policy Brief proposed judicial recusal standards and procedures and recommended that the Court maintain the current “appearance of bias” approach in opposition to attempts to persuade the Court to alter the standard. The Court chose to maintain the current standard and the Collaboration took up the issue of modifying recusal procedures.

**Amicus Curiae Briefs**

Chicago Appleseed takes advantage of every opportunity presented to us to advocate for judicial reform through amicus briefs. In November 2011, Chicago Appleseed submitted an amicus brief written by its pro bono attorneys to the Illinois Supreme Court in the matter of *Avery v. State Farm*. Chicago Appleseed seized this important opportunity to address the Illinois Supreme Court because judicial integrity issues were at the heart of the case. We recognize that the standards and procedures of judicial recusal, particularly in the context of campaign spending, have a direct impact on the public’s confidence in the integrity of the judiciary.

In September 2012, Chicago Appleseed, in collaboration with the Illinois Campaign for Political Reform and the Campaign Legal Center, filed a friend-of-the-court brief in *Illinois Liberty PAC v. Madigan*, in support of Illinois’ campaign contribution limits. Chicago Appleseed firmly stated that the contribution limits are constitutional and necessary to maintain fairness in elections. After an appeal, a second brief was filed in October 2012.

On December 23, 2014, the Collaboration signed onto the amicus brief submitted in *Williams-Yulee vs. Florida Bar* before the U.S. Supreme Court. In the brief, we and our partner organizations maintained that the “judiciary’s legitimacy depends almost entirely on its reputation for fairness and the public’s confidence in its impartiality and independence.” The Court’s decision will affect Illinois law because our judicial canon is similar to the one at stake in *Williams-Yulee* which prohibits judicial candidates from personally soliciting or accepting campaign contributions.

**Public Recognition**

On October 4, 2014, Chicago Appleseed’s Criminal Justice Policy Analyst, Ali Abid, was awarded the Partner of the Year Award by the Community Renewal Society (CRS) for his consulting, advocacy and research on its Reclaim Campaign projects.

Appleseed has provided exactly the in-depth research we needed...with Ali’s help, we have taken on specific issues that will lead to a reduction in the population of the Cook County Jail.

Nancy Mullarkey, CRS Reclaim Campaign volunteer

On July 18, 2013, Chicago Appleseed’s Executive Director Malcolm Rich was honored as one of the American Constitution Society’s Legal Legends for his continued systemic court reform work and his efforts to make the justice system fairer for everyone.

## Family Law

The Collaboration’s work in the Domestic Relations court is designed to improve outcomes, particularly for pro se litigants and their children. Through evidence-based research, outreach to parents on the intricacies of the court process, and efforts to connect families in need with essential services, the Collaboration works to make impactful reform to the courts. Most recently, the Collaboration has been working to improve the child support adjudication system. Specifically, we undertook a re-assessment of Cook County’s bifurcated child support courts.

In 2013, with pro bono assistance, Chicago Appleseed embarked on an evaluation of the Domestic Relations Division, which houses a Divorce Court for child support matters involving martial children and a Parentage Court for child support matters involving nonmarital children. We presented the final report, *Constitutionality Analysis of Cook County Parentage Court (*Constitutionality Report*),* in December 2013, to the Domestic Relations Task Force. The Task Force, including representatives from the Collaboration, was convened by Presiding Judge Grace Dickler to examine the court conditions litigants and attorneys experience in Parentage Court.

The Constitutionality Report concluded that, despite many improvements over the last 20 years, the Domestic Relations Division remains a court on the brink of constitutional inequity. Further, we were in agreement with practitioners and made two key determinations: that a unified Domestic Relations Court would better serve families and that litigants would be dramatically inconvenienced if the courthouse’s various help desks were consolidated. Additionally, the report encouraged the court to improve signage, adapt its current processes to different needs, and adopt a community courts, court-based services model.

After reviewing our report and recommendations, Judge Dickler asked Chicago Appleseed to continue our research work as a member of the Domestic Relations Task Force. Since then, Chicago Appleseed and the family law specialists who serve on the Collaboration for Justice Child Support Advisory Committee have worked with the Task Force to design a pilot courtroom.

The pilot courtroom will embody a triage court process and early intervention system to reduce the current delays and wait times children expecting child support payments experience. Consultants from the National Center on State Courts and pro bono attorneys have contributed expertise and research to the design of the pilot courtroom. As a result of these collective efforts, Chicago Appleseed received a grant from the Chicago Foundation for Women in support of the project. The pilot courtroom design will be presented to Cook County Circuit Court Chief Judge Timothy Evans in spring 2015.

The Appleseed fund for Justice is an influential and important contributor to our Parentage Court Committee. Appleseed has launched a number of research initiatives essential to our evaluation of the current structure of the Domestic Relations Division. Their extensive experience in instituting system wide reform makes them a unique member of our taskforce. The Appleseed Fund for Justice has been an invaluable resource in our mutual quest to ensure that that our courts treat fairly and equally both marital and non-marital children.

Presiding Judge Grace Dickler

## Immigration Court Reform

The immigration court system is an integral part of the American justice system. Immigration court is a subset of the Executive Office for Immigration Review (EOIR), whose primary aim is to decide whether to remove or grant residence to immigrants who are charged by the Department of Homeland Security (OHS) with violating immigration law. This process needs to be fair, efficient and effective. Chicago Appleseed is committed to improving systems, policies, and practices of immigration courts and working toward reforms that protect the legal rights and basic human rights of immigrants. Chicago Appleseed, working in collaboration with the Appleseed Network, the Chicago Council of Lawyers, and other well-respected organizations, has identified relatively inexpensive ways to improve these courts that will yield millions of dollars in savings while increasing due process protections for hundreds of thousands of individuals.

These collaborative efforts resulted in the report, *Assembly Line Injustice.* Issued in 2009, the report is based on interviews with experts who have actual day-to-day experience in Immigration Courts, setting it apart from previous evaluations. The second report, the 2012 *Reimagining the Immigration Court Assembly Line,* scores the Court’s response to recommendations in the first report.

In the 2012 report, Chicago Appleseed identified some progress since the 2009 report was released. For example, the number of immigration judges increased by 22 percent, political influence in the selection of immigration judges abated and EOIR released its Ethics and Professionalism Guide for Immigration Judges. But even though some progress was achieved, the report noted that numerous problems remained. It emphasized problems with conducting proceedings with videoconferencing, the inability of immigrants to acquire their own records, the lack of prosecutorial discretion, and the fact that 80 percent of immigration detainees still lacked legal representation. We continue to work on solutions to address these and other issues.

In addition to public advocacy and education, Chicago Appleseed uses legislation to further its immigration court reform work. In fact, on May 20, 2013, the U.S. Senate Judiciary Committee passed the Coons Amendment to S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act. Through his amendment, Senator Coons put into place Chicago Appleseed’s long-held belief that non-citizens who are going through removal proceedings in the Immigration Courts should not be required to file FOIA requests in order to obtain documents essential to their case and defense. Chicago Appleseed and the Appleseed Network worked directly with Senator Coons and the Democratic Judiciary Committee staff to craft the common-sense solutions embodied by the Coons Amendment. Although S.744 is not yet law, the solutions, consistent with civil litigation practice, would make immigration proceedings more efficient and protect detainees’ confidential information.

In November 2014, the Collaboration worked with other members of the Appleseed Network, LAF, the National Immigrant Justice Center, Valparaiso Law School, the Chicago chapter of the American Immigration Lawyers’ Association, and other organizations to sponsor a half-day symposium on the need for more legal representation for immigrants, and for systemic improvements to the day-to-day operations of the immigration court in Chicago. Local practitioners, immigration judges, federal judges and government leaders met to discuss common-sense solutions to the great challenges faced by the immigration court system.



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#### Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers 750 N. Lake Shore Sr. 4th Floor

Chicago, Illinois

Phone: 312-988-6552 Email: [caffj@chicagoappleseed.org](mailto:caffj@chicagoappleseed.org) Websites: [www.chicagoappleseed.org](http://www.chicagoappleseed.org/) or [www.chicagocouncil.org](http://www.chicagocouncil.org/)

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Facebook: [www.facebook.com/ChicagoAppleseed](http://www.facebook.com/ChicagoAppleseed)

1. The Committee to Elect Qualified Judges, a political action committee dedicated to educating voters about judicial elections, sponsored the www.voteforjudges.org campaign for the November 4, 2014 general election. [↑](#footnote-ref-1)