



Collaboration for Justice: Programs and Accomplishments of the Chicago Council of Lawyers and the Chicago Appleseed Fund for Justice

Criminal Justice Reform

Correcting Systemic 6th Amendment Violations in Cook County's Branch Courts:

- **The Problem:** Judges were denying public defenders to individuals without the constitutionally-required indigency hearings and based solely on the fact that they'd posted bond.
- **Investigation and Advocacy:** In the summer of 2013 our court watchers documented the practice, while our pro bono attorneys from DLA Piper, Loevy & Loevy, and the Collaboration for Justice's Criminal Justice Committee developed memoranda and proposals for Chief Judge Evans.
- **Measurable Results and Continuing Work on Compliance:** In response to our work, Chief Judge Evans issued a general administrative order aiming to correct the problem. Chicago Appleseed and the Chicago Council of Lawyers continue to investigate and develop solutions to this issue to ensure that the 6th Amendment rights of indigent people are observed in Cook County.

Government Partnership and Consultancy: Planning and Implementation of the Groundbreaking Access to Community Treatment Court.

- **Our vision for diversion:** In 2007, the Chicago Council of Lawyers and Chicago Appleseed issued a comprehensive report on the felony trial courts in Cook County. One of our many recommendations was that the Circuit Court establish a division of treatment diversion courts.
- **Creating a Groundbreaking Model Court in Cook County:** Chicago Appleseed has worked with the Circuit Court of Cook County this past year to plan, develop the model, and serve as project managers for the Access to Community Treatment (ACT) Court, which takes drug-dependent individuals and diverts them from the Illinois Prison System and Cook County Jail and treats them in the community. We are providing the work necessary to ensure that the ACT court follows the most up to date evidence-based practices.

Community Partnership: Reducing Jail Time for Non-violent Drug Offenders Before Preliminary Hearing.

- **The Problem:** Every year in Cook County 6,000 individuals charged with nonviolent drug offenses are dismissed at their preliminary hearings for lack of probable cause after having spent an average of 25 days in jail. This is an egregious waste, both in terms of the human cost to the individuals detained and the cost to the taxpayers. Every other county in the state and large urban jurisdiction throughout the country processes these cases in a fraction of the time.
- **Community Partnership and Success in Springfield:** Chicago Appleseed has developed a bill to decrease the time to preliminary hearings and has worked with the Community Renewal Society to advocate for it in Springfield. The latest version of the bill, reducing the time it takes to test drugs and to get to preliminary hearing by using field testing, passed the Senate unanimously in Spring of 2014 and is awaiting House action.

Administration of Justice and Court Reform

In 2010 and again in 2012 we established Judicial Performance Commissions which used specially designed judicial evaluations to help improve the quality of the judiciary through research-based reports that included detailed discussion of the strengths and weaknesses of judicial performance. These reports also included proposed judicial performance improvement plans, when indicated—including such strategies as peer mentoring, additional education, and court watching.

We also submitted to the Illinois Supreme Court, in collaboration with the Illinois Campaign for Political Reform, our Policy Brief on proposed judicial recusal standards and procedures. We successfully recommended that the Supreme Court maintain the current “appearance of bias” standard.

Current programs include

- Looking at best practices in the collection and analysis of court management data.
- Preparing a proposal to suggest a better way of evaluating judges and using the resulting data to improve the quality of the judiciary. We will be using lessons learned from our Judicial Performance Commissions.
- Preparing a proposal for the Circuit Court based on best practices from throughout the United States as to how to employ and utilize professionally trained court administrators.
- Analyzing the various ways judges are elected and appointed to the bench in Illinois, and preparing proposals aimed at improving these approaches.

Child Support and Family Law

Our work in the Domestic Relations court is designed to improve outcomes, particularly for *pro se* litigants and their children, by reducing wait time for initial support orders, educating parents about the process, and connecting families with a variety of services.

Initial Request: Presiding Judge Grace Dickler requested an examination of the constitutionality of Cook County’s bifurcated child support court wherein support matters for children of never-married parents are heard in an entirely separate court division from support matters of divorcing parents.

Constitutionality Analysis: With the help of pro bono attorneys at Skadden Arps Meagher & Flom in 2013, we interviewed and surveyed practitioners, court staff, law professors and judges to assess whether the bifurcated child support system could withstand a Constitutionality challenge.

Reform Proposal: For 2014, Chicago Appleseed was asked to provide additional research services to Presiding Judge Grace Dickler’s Domestic Relations Task Force, which includes Joan S. Colen as the representative of the Chicago Council of Lawyers. With the help of pro bono assistance from attorneys and staff at Baker McKenzie, we examined California’s Family Law Facilitator Agency and proposed a new Domestic Relations court based on the innovations of the community courts model.

Next Steps: For 2015, we will be helping create a pilot courtroom for a new domestic relations process. The new process will focus on providing integrated family services and facilitation settlement of child support and parenting issues. We will help craft an operations plan, and provide technical assistance in identifying partners and resources for implementation and evaluation of the pilot program.

Immigration Court Reform

Landmark Reports on Immigration Courts:

- In 2009, Chicago Appleseed with National Appleseed and its pro bono partners, Latham & Watkins LLC and Akin Gump Strauss Hauer & Feld LLP released a comprehensive report on the immigration courts, *Assembly Line Injustice*. Since the release of this report, some of our recommendations have been implemented, including hiring new immigration court judges having backgrounds other than as serving as Department of Homeland Security trial counsel, designating a specific Assistant Chief Immigration Judge to be responsible for training, and creating a website link for public complaints about unprofessional immigration judge conduct.
- In 2012, in collaboration with the same partners, Chicago Appleseed released our latest report, *Reimagining the Immigration Court Assembly Line: Transformative Change for the Immigration Justice System*.

Legislative Success in U.S. Senate

- Working with U.S. Senator Chris Coons, Appleseed, Chicago Appleseed and our pro bono partner, Akin Gump, successfully saw the approval of an amendment to S.744 which incorporates our longstanding position that immigrants should not have to file Freedom of Information Act requests in Immigration Court to receive their own records. This amendment will make the system fairer, more efficient, and save more than \$10 million tax dollars each year.

National Forum

- On November 3, 2014, we will be sponsoring along with the National Immigrant Justice Center, LAF, Valparaiso Law School, and other community partners a symposium: *Is Chicago Ready for Change? Exploring New Models for Immigration Court and Access to Counsel For Immigrants*. Featured speakers include Judge Robert Katzmann, Chief Judge of the Second Circuit Court of Appeals, Judge Ann Williams and Judge Richard Posner from the Seventh Circuit, and Oren Root from the VERA Institute in New York.

Payday Lending/Economic Inclusion Reform

Chicago Appleseed participated in an effort to pass legislation limiting the predatory practices charged by payday lenders. In collaboration with the Illinois Asset Building Group (IABG), we worked with financial institutions to develop small dollar loan portfolios. Two years of work on small dollar lending culminated in November 2012 at the Illinois Asset Building Group 2012 Conference. At the conference, Chicago Appleseed presented on two path-breaking tools that Chicago Appleseed and IABG developed for lenders interested in offering safe yet profitable small dollar loans: the *Alternative Small Dollar Loan Toolkit* and the *Small Dollar Loan Profitability Calculator*.

State and Federal Judicial Evaluations

The Chicago Council of Lawyers continues to evaluate state judicial candidates, judges seeking retention, proposed Illinois Supreme Court judicial appointments, and candidates to become Cook County Associate Judges as it has since 1970. The Council has been evaluating federal district judges in Chicago since 1972.

COLLABORATION FOR JUSTICE:

Joint Advisory Committees of the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers

To join or to get more information about any of these Committees, please contact Executive Director, Malcolm Rich at malcolmrich@chicagoappleseed.org or 312-988-6552

Our Advisory Committees oversee our projects, whether they are conducted by staff, pro bono counsel, or a combination. Members 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.

Criminal Justice Reform Advisory Committee

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