

# **Illinois ranks in top 10 for court access: Report**

By [David Thomas](#) Law Bulletin staff writer

A nonprofit organization has ranked Illinois among the top 10 states with enacted laws and policies that help bolster regular citizens' access to justice in civil court.

In the 2016 version of its Justice Index, the National Center for Access to Justice evaluated specific, written laws and policies in order to determine how easily a person can obtain a lawyer or how costly it is to use the court system.

The composite index the center published Wednesday takes into account four subject matter indexes: how many attorneys people in poverty can access; the ease of navigating the court system by pro se litigants; and the support available for people who are not proficient with English or are disabled.

On the composite index, Illinois ranked eighth out of 52; the District of Columbia and Puerto Rico are also included in the count.

“When the courts are opaque, complex bureaucracies, the fallout for human beings can be much worse, said David S. Udell, the center’s executive director. “Illinois does deserve some credit for its work to make its courts accessible to people who are facing potentially life-altering civil legal concerns.”

The index measures and weighs certain policies and laws that Udell and his colleagues believe should be in place all over the country.

For instance, all 52 jurisdictions have either laws or written policies that waive civil filing fees for pro se litigants who meet a certain financial eligibility standard.

But only 10 jurisdictions require interpreters to be present at the counters of clerks' offices. Illinois is not one of those jurisdictions.

The center unveiled the index before the start of the Equal Justice Conference hosted by the American Bar Association and the National Legal Aid & Defender Association, at the Palmer House Hilton, 17 E. Monroe St.

Illinois ranked very low on the first iteration of the center's index in 2014 — 49th out of 51 jurisdictions.

However, both the center and Udell cautioned against making year-to-year comparisons, as they have expanded the number of data points that are considered.

The index has its limits, however. At the Palmer House unveiling, Udell said the index only calculates the written procedures and rules — not informal ones or even if the procedures are followed. Udell noted, for instance, that while all states allow for fees to be waived for pro se litigants, not every clerk's office advertises this fact.

The index does not take into account how much funding legal aid clinics in a particular state receive or how much money is available for the judicial circuit.

Danielle E. Hirsch, the assistant director of the civil justice division in the Administrative Office of Illinois Courts, noted that well-intended policies can be hampered by a lack of funding.

For instance, the state's judicial circuits are funded by the counties they serve. And it can be difficult to ask cash-strapped counties to fund high court-based initiatives like court interpreters, Hirsch said.

"It's a patchwork of funding, so you can have the greatest policies but how they get implemented across the state can be uneven," Hirsch said. "Having a policy to encourage courts to use qualified interpreters is valuable, but how it's implemented locally is a local case-by-case decision."

Hirsch added that the state hands out a small amount of money to legal aid clinics every year. Last year, it was \$1.4 million. This funding affects the number of civil legal aid attorneys that are available to help people, Hirsch noted.

Illinois is ranked 11th on the attorney access index; there are 0.79 civil legal aid attorneys for every 10,000 people living in poverty.

Meanwhile, legal aid clinics in Illinois have been struggling to stay afloat as the state enters its 10th straight month without a budget funding social service agencies.

"I'm sure that adds a challenge, but even with a budget, we were contributing under \$2 million, which is a lot less than many other states," Hirsch said.

Udell in an interview indicated that tracking down the funding information would be very difficult, as there are many different sources of funding available for legal aid clinics.

Hirsch was among the attorneys and state court officials who touted the index as a useful measuring tool, in that many of the reforms they have been considering and pushing for were also referenced in the index.

For instance, the state Supreme Court's Access to Justice Commission is working on standardized forms that are translated into six different languages and a remote interpreter pilot program, said Hirsch, who is a member of the program.

Robert A. Glaves, the executive director of The Chicago Bar Foundation, hailed the justice index as the "start of better data collection" on access-to-justice issues.

"We have a long way to go, and it's good to have this as a sort of a challenge that we can measure," Glaves said.

The center is based out of Yeshiva University's Benjamin M. Cardozo School of Law in New York.

[http://www.chicagolawbulletin.com/Articles/2016/05/12/IL-top-10-court-access-5-12-16.aspx?utm\\_source=subscriber&utm\\_medium=CDLBemail&utm\\_content=3A&utm\\_campaign=headlines](http://www.chicagolawbulletin.com/Articles/2016/05/12/IL-top-10-court-access-5-12-16.aspx?utm_source=subscriber&utm_medium=CDLBemail&utm_content=3A&utm_campaign=headlines)