THE PRAIRIE

The docket of noteworthy cases and activities of
PRAIRIE STATE LEGAL SERVICES, INC.

September, 2004

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The Executive Director's Page

Time has a way of slipping by quietly and quickly. We see its imprint in our children as they grow, in our parents as they age and even sometimes in ourselves. Frankly, I don't think that I have aged in twenty years. My wife disagrees. She says that my hair is gray but I see it as brown. But unfortunately, one thing that time has not changed is the impact of poverty on the lives of our clients.

A few days ago we heard from the Census Bureau that poverty had increased in the country, but we already knew that. We have seen a staggering increase in the number of persons seeking assistance through our Telephone Counseling Service. In a recent week, there were almost 1,200 people attempting to contact us with a legal problem. That number does not include telephone calls that went into local offices or people who called and received a busy signal.

At that rate, it means that over 63,000 people try to contact Prairie State Legal Services for assistance annually. Even assuming that one third of those calls are people calling back after having tried unsuccessfully to access the system, that would still leave over 42,000 people calling for help. We have the staff and volunteers to help only a fraction of that number.

Where does it stop? Each year we struggle to raise more money to lessen the gap between the legal needs of our clients and our ability to assist them. But the gap narrows very slightly, if at all. And this year, when money is tight and we had to reduce staff in some offices, the gap widened.

Our staff are productive and busy. Our volunteers work hard to take pro bono cases and raise money to help fund our organization. We continue to experiment with new ways to help our clients, either through direct representation or by providing clients with tools to help themselves. But sometimes people need a human advocate standing next to them in the courtroom, not self-help material. Yet our clients must often make due with less than they need and less than they deserve in their battle to obtain justice. And our situation is not unique, legal services programs across the country and around the world suffer from the same problems: too many clients, not enough money.

Last October, when I wrote the Executive Director's Page for the Prairie Fire, I wrote it from my hotel room in Tbilisi, the capital of the Republic of Georgia in the former Soviet Union. It was almost at the end of a two month stay in Georgia, a stay during which I worked with two legal aid programs in the country. Through the miracle of modern communications it was e-mailed to Dave Wolowitz, the Editor

of the Prairie Fire, and incorporated into the publication. As I wrote that piece, I reflected on the things that I had seen, heard and learned while working in Georgia.[1]

In those Georgian legal aid programs, I saw committed legal services attorneys working hard for their clients, not only in Tbilisi but in smaller cities and villages in rural Georgia. I saw truly poor clients at Mobile Legal Aid Clinics, clients who had little or no money struggling to make ends meet. Their similarity with our own clients was amazing. They were tough and determined, mostly, and occasionally overwhelmed and discouraged at the possibility of securing some modicum of justice. Because wherever you are, whether it is in a rich country like the United State or a poor country like the Republic of Georgia, it isn't fun to be poor.

When you are poor, life is hard. Some of our clients are not sure where they will get their next meal for themselves or their children. Other clients live in terrifying situations of domestic violence and if they leave, they must leave with the clothes on their backs and in fear for their lives. Reading through the cases reported in this document, a small sample of the many cases that we handle, you will see real people in desperate situations, sometimes life threatening situations. You will read the stories of people represented by private attorneys and staff attorneys and paralegals or helped by a telephone counselor. These staff members and volunteer are people who care very much about their clients. But for all who are helped, many more are turned away and while we celebrate our victories on behalf of these clients, we need to continue to work to create the resources to help those other clients who had to be turned away. None of us can rest until all Americans have appropriate assistance to resolve their important legal problems. It is our challenge. It is our mission.

– Joseph A. Dailing, Executive Director

[1] For those who are interested, pictures and articles are available online at: www.lstech.org/projects. Scroll down to "Mobile Legal Aid in the Republic of Georgia."

PRAIRIE STATE LEGAL SERVICES, INC.

FACTS and FIGURES 2003

I. Who did we serve?

- Staff and volunteers completed or "closed" 16,218 cases.
- The Volunteer Lawyer Projects completed 630 cases.
- These households contained 28,586 persons, including 20,060 children.
- **Our caseload breakdown**: Family Law - 43 %; Housing Cases - 22 %; Social Security/Public Benefits - 14 %; Consumer/Utilities - 11 %; All Other - 10 %.
- **Gender breakdown**: Female - 76 %; Male - 24 %
- **Age breakdown**: Under 18 - 1 %; Eighteen, Nineteen and Twenties - 29 %; Thirties - 25 %; Forties - 20 %; Fifties - 9 %; Sixty to Seventy-four - 10 %; Seventy-five and up - 6 %.
- **Racial breakdown**: White - 70 %; Black - 21 %; Hispanic - 7 %; Asian - 1 %; Other - 1 %.

II. What did we accomplish?

- The economic benefit to clients who received services from Prairie State is staggering. The total benefits (annualized) for clients in 2003 were over $8,921,286.00.
- We obtained 720 orders of protection that helped 866 adults and 1,388 children to end domestic violence. We obtained over $6,711.00 in monthly child support and/or maintenance.
- We helped 7 nursing home residents who were able to retain their residence when threatened with involuntary discharge.
- We overcame the termination of utility services in 25 cases involving households with 27 children and 33 adults.
- We prevented eviction in 197 cases which helped 322 children and 240 adults retain their housing. Through negotiated settlements, we avoided imminent homelessness for an additional 138 households of 235 children and 171 adults.
- We helped 42 households with family members who have disabilities obtain needs-based SSI benefits, which exceed $255,597.00 annually. These households contain 43 children and 64 adults. One-time recoveries in these cases amounted to $264,095.00. Staff also prevented the wrongful

termination of SSI disability benefits in 9 cases. As a result, these households retained $1,004.00 in monthly benefits. Staff prevented the reduction of SSI benefits in 5 cases.

- We helped 23 households obtain or maintain Social Security disability benefits providing annualized benefits of over $58,383.00 and one-time benefits of $192,998.00.
- We enabled 62 households to obtain Medicaid benefits. An additional 12 households obtained Medicaid coverage for a specific service and we prevented a threatened termination of Medicaid in 5 cases.
- We helped 7 families obtain or retain TANF benefits. We also helped an additional 17 households obtain or retain food stamp benefits.
- We helped 29 households containing 38 children and 48 adults secure affordable housing which had been unlawfully denied. We also enforced tenants' rights to decent, habitable housing in 18 cases.
- We obtained legal guardianships of disabled adults in 29 cases.
- We completed 6 adoption cases.
- We prevented 26 home foreclosures.
- Through volunteers and staff, we completed 691 divorces. The majority of these cases either protected abuse victims or established permanent custody for minor children. They provided for $90,318.00 in monthly support for children, and $145,991.00 in additional one-time recoveries.
- We helped overcome numerous suspensions or expulsions of children (primarily, wards of the State of Illinois) from school, or obtain needed special education benefits for them.
- We prevailed for clients in 100 child custody cases, which also obtained appropriate child support orders.
- We obtained or enforced a parent's right to visit his or her children in 29 cases.
- We prepared 315 health care powers of attorney for elderly or ill persons.
- We stopped debt collection harassment in 63 cases.

Note: *These figures do not reflect the outcomes which our clients are able to obtain on their own with the help of advice from our telephone counselors*.

Mandy Chapman wrote the attached article. Executive Secretary Jane Berry reports that our Ottawa crew thinks it describes the bittersweet life of the PSLS support staff.

A day in the life of the Panasonic MP-S20 SHREDDER

Let me begin by introducing myself to those Prairie Staters who have never met me before. My name is Sherman, Sherman the Shredder. I've worked for Prairie State Legal Services' Ottawa office for about 20 years. I usually work part-time, or part of the time, I should say. Some people don't consider my job to be very important, but I am writing to tell a different story.

For years now, it's been my job to protect the confidentiality of the clients of Prairie State. I take great pride in this function, as I know I would expect the same respect if I had a legal problem. I've seen a lot over the years. Usually every month, a nice looking girl comes in and feeds me a few papers here and there. Nothing too significant, just a lot of conflict reports and secretary/receptionist mishaps. I am usually bored most of the year, until the once-a-year shredding comes around. This is my "busy season". I see everything. I chew up old advices from five years ago and old files that have been stored for 10 yrs. This is when the magic happens. I get an up close and personal look at all the things the attorneys and support staff do to help people.

I eat a lot of divorce files. Some are boring, open and shut cases. Some are interesting, and some are heartbreaking. Some files tell tales of years of abuse and misfortune. Some tell tales of children who are caught in an ugly legal battle. I also see a lot of Order of Protection cases. Abused and battered women and children and sometimes even men. Some files include pictures of the abuse. I chew this evidence with pleasure to keep the secrets of the abused clients and hope their days are now abuse-free. I also see a plethora of landlord/tenant cases. Many files paint a picture of the landlord/tenant relationship that has been broken for many reasons. I also see a large amount of cases where people have slipped through the cracks of the public benefit systems. Page after page after page of medical documents piece together years of physical and mental disabilities for many clients. Then there are the seniors. There are tons of seniors whose legal issues range from POA's to contracts gone wrong. Some of their problems seem insignificant compared to other cases I have shredded, but are important enough for them to have called Prairie State for help. It's hell to get old.

Unfortunately, there are too many legal problems to describe in this short story. I will never have to worry about being out of work as people will always have legal trouble. Some of the cases I shred choke me up, and I need to take a break and cool down before I can shred again. The office thinks I'm just old and cranky when this happens, and I have heard rumors of replacing me if the budget crisis ever eases. Sad, but true, I see it all. I see it, I chew it up, and I spit it out. I keep their confidentiality. This is my job, as Sherman the Shredder.

CASES

CONSUMER LAW

1. **F.L. v. D.G.** F.L. bought a car from D.G. The client missed one payment and the car was repossessed only days later during the night without any notice of late payment. Later, an attorney sent our client a letter to collect the balance of the debt, plus interest and attorney fees. The balance was for more than the total of payments on the original contract documents, and there was no contractual basis for a charge of interest. We inspected the documents and found that there were actually two invoices with different amounts. The client had originally agreed to pay 12 equal installments with no interest for a certain sum, but the other document showed a sale price at a significantly lower figure, which document stated was it was paid in full. The seller apparently was using a different sales invoice for state tax purposes to avoid payment of taxes. After negotiations, the seller ceased all collection activity and released our client from any liability on the contract. (Sandra Crow, Pro Bono Coordinator; Jay Greening, Pro Bono Attorney).

2. **I.L. v. V.W. (Circuit Court of Peoria County).** Our client I.L., age 60, went to a local car dealer to purchase a car, but was unable to qualify for a loan. The salesperson, V.W., told her she could make her another deal if she kept it confidential. V.W. offered to rent her a 1990 Cadillac for a five week period for $1,200.00. The client agreed and went to the salesperson's home to sign an agreement and pay the money. V.W. told the client the battery in the car needed to be charged because the car had been sitting for some time. V.W. charged the battery using her own vehicle. The next morning the car would not start, and V.W. came to the client's home and jumped the car again. Later that day security in a local grocery store had to jump the car again in the parking lot. The client decided at this point that the car was not dependable enough to drive, and told V.W. that she wanted her money returned. V.W. came and got the car, but did not give I.L. her money back. Whenever the client called at home or at the dealership, V.W. would hang up on her. The client called our office for help. A volunteer attorney filed suit to recover the client's money. The attorney could have involved the car dealership, but decided that if V.W. lost her job she would not be able to pay the money back. The attorney obtained a judgment for the client in the amount of $1,200 plus court costs. A wage garnishment was issued and the attorney followed the case until the judgment was satisfied in January 2004. (Sandra Crow, Pro Bono Coordinator; Mary Corrigan, Pro Bono Attorney).

3. **X.X. v. Bank and Construction Co.** In a case funded by Title III-E of the Older Americans Act, we represented a senior citizen living alone on Social Security, who owned her own home. A contractor persuaded her to sign a contract for home repairs. To pay for the repairs and pay off the client's car loan, the contractor arranged a loan from a bank, secured by a mortgage on the home. Although the client never went to the bank, a bank employee notarized her signature and filled out a bank application form, which overstated the client's income. The contractor never provided any documents to the client explaining the work to be done or its cost. The amount of the loan was $15,000. The contractor then arranged a second loan, also secured by a mortgage on the home, from the same bank for additional work allegedly needed on her home, in the amount of $35,000. Of this amount, $15,000 paid off the first loan, with the remaining $20,000 ostensibly going to a check to the client. However, the client did not receive the check or make any endorsement on it. Rather, her endorsement was forged, payable to the construction company. The client did not sign or receive any papers pertaining to this second transaction, nor did she receive any estimate of repairs allegedly to be done with the proceeds of that loan. As to the second loan, again, the client had never gone to the bank, yet a bank employee notarized her signature. The resulting loan required payments of $350 per month, one-half of the client's total income of approximately $700 per month. By the time the client came to us, she had made nearly two years of payments on the second mortgage loan. We obtained an estimate from an expert to the effect that the "repairs" were done poorly and were worth approximately $6,500. We worked with local law enforcement and ascertained that the construction company's owner and agent had been previously convicted of four counts of felony consumer construction fraud in another state. By pointing out the irregularities of the loan, the apparent fraud, the potential liabilities of the bank, and that payments made by the client roughly equaled the amount of value received for the loan, the bank agreed to release our client from any further payments and released the mortgage on her house. (George Boyle).

4. **K.H. v. North Sheridan Motors**. The client came to our monthly walk-in clinic in Waukegan because of a problem with a used car purchase. She had bought the car about 3 months earlier and had numerous problems with it. She was not satisfied with the dealership's response to her complaints and wanted to know what her legal rights were. The client was interviewed by a volunteer attorney who agreed to take her case for further representation. He negotiated with the dealer on the client's behalf. The dealer agreed to take the car back and give the client credit for the money she had paid to date towards the purchase of a new car. The case represents a very common consumer problem for our low income clients and was resolved by the volunteer with a few phone calls. (Susan Perlman, VLP Coordinator; and Peter Schlax, Pro Bono Attorney)

5. **<u>J.M. v. Future Water International, Inc. and Household Bank</u> (Circuit Court of Kane County)**. Agents of Future falsely told the client that they were from the City of Aurora Water Department and that his drinking water at his home needed to be tested. After testing the tap water at his home, they told him he had a problem and that he needed to purchase a filter. They also told the client that he was obligated to sign the contract for the filter and would then not have any problems with the City of Aurora. The statement by Future that the client needed a filter for drinking water was false and was made so that the client would rely on such statement. Household, as the assignee of Future, sent a letter to the client seeking to collect the alleged debt generated by the purported agreement between the client and Future. The non-payment of this debt affected the client's credit rating. The client does not speak English fluently, nor does he have any knowledge about water filters or drinking water other than that the City provides water to his home. He relied on the representation that he needed a filter for his home drinking water. The client filed suit against Future and Household based on the fraud. The parties executed a Settlement Agreement and Covenant Not to Sue whereby the client agreed not to initiate or continue any action against Household and that he would dismiss, with prejudice, the lawsuit that had been filed. Household Bank charged back the account balance of $8,371.25 to Future Water International and paid the client the total sum of $2,189.00 which represents the return of all payments he made to Household on account. (Marcy Heston, Pro Bono Coordinator; Patrick Kinnally, Pro Bono Attorney)

6. **<u>Asset Acceptance L.L.C. v. K.J.L.</u> (Circuit Court of Peoria County).** In a case funded with a grant under Title III of the Older Americans Act, we represented a client who voluntarily relinquished a mobile home in 1998 to the finance company, which then sold it. The mobile home was located in South Carolina. An assignee of the finance company sued her, stating that she owed $18,000 plus attorney fees. She never received any notices of the sale. Someone at the trailer park told the client that the mobile home was sold for $4,000. She was surprised to hear that because she thought that figure was very low. At the time she thought that the home was worth at least $10,000. Her only income was SSI and Social Security and she had few assets. We entered our appearance in the case, and through discovery, we determined that the client had not been lawfully informed regarding the proposed sale of the mobile home. We further determined that the mobile home had not been sold in a commercially reasonable manner. We were then able to successfully negotiate a dismissal of the lawsuit. (Dan Smith).

DISABILITY/ SOCIAL SECURITY

1. **<u>In the Matter of P.B.</u> (U.S. Social Security Administration, Office of Hearings and Appeals)**. In a case funded by a Lake County CDBG grant for the Advocacy Project for People with Disabilities, we represented a 32 year old individual who suffers from a rare, congenital spinal malformation called Chiari. Individuals with this disorder have it at birth, but it usually does not manifest itself until young adulthood, when it can have a sudden onset. This happened to our client, who suffered the accompanying pain, severe head-aches and loss of certain nerve function. SSA denied her application for Supplemental Security Income (SSI) disability benefits. The client also applied for Social Security Disability (SSD) Insurance benefits based on earnings, but SSA told her she did not have sufficient earnings to qualify for SSD. Prairie State represented her at the Administrative Law Judge level. We spent substantial time gathering medical evidence and worked closely with the client's neurologist at the University of Chicago. We wrote an extensive pre-hearing brief to the ALJ and convinced him that the client was disabled based on the medical evidence without need for a hearing. In addition, we convinced the SSA that the client had sufficient earnings to be found to have insured status for SSD. When the SSA awarded benefits, however, it made an error and did not back-date the SSD application to the date of the earlier SSI application. This is required under Social Security's protective filing rules. As a result, SSA sent her only a portion of the back benefits to which she was entitled. We then filed an appeal on the issue of protective filing and back-dating of the SSD application. We won that appeal at the reconsideration stage. The client has received all of the back SSD and SSI benefits to which she was entitled. She also has received a small dependent's allowance for her children. The award will ensure that the client qualifies for Medicare and that her Medicaid eligibility, tied to her minor children, will continue as well. (Linda A. Rothnagel, Joyce McGee)

2. **<u>In the Matter of B.B.</u> (Social Security Administration).** Our client suffered from severe back problems and depression since 1987, which kept her from working. She attempted to survive without disability benefits, but raising her own children as well as two of her sisters became impossible. She was also caring for her terminally ill mother. She applied for Social Security disability benefits, but SSA denied the application. At the time she came to our office, she already had an initial hearing with SSA, which recommended that she contact us for representation. After a full hearing, the Administrative Law Judge determined that our client was disabled, with an onset date in 1987. Although the law does not permit an award of benefits back that far, she was able to obtain over $20,000 in back benefits. This greatly relieved her financial burdens, and has allowed her to have some peace of mind. (Nell German)

3. **<u>In the Matter of R.C.</u> (Social Security Administration).** SSA approved our client for Social Security Disability (SSD) benefits in 2001, based on statutory blindness, due to myotonic dystrophy. She drew benefits for about one year. SSA received an anonymous phone call stating that our client's claim was fraudulent. The Office of the Inspector General (OIG) investigated and gave their report to SSA, which sent the client a notice terminating her benefits and denying her claim. OIG suspected client was malingering. We had to sift through conflicting evidence. Medical evidence showed that the client was severely limited in her functioning due to her vision problems. Other evidence showed that the client functioned as a sighted person in various contexts. Social Security sent her back to the same doctors who saw her the first time, saying this was a possible fraudulent case and asking that they re-examine her. The doctors then changed their reports, having been told there was possible fraud involved. We requested reconsideration, were denied at that level and then represented the client at an ALJ hearing. There was a real credibility problem with the ALJ, but we struggled through it. There were many apparent conflicts in the evidence that we were able to explain. The ALJ rendered a partially favorable decision, finding the client to be disabled as of October, 2002, but not earlier. In October, 2002, the client had begun to receive, at our instigation, regular treatment with a neurologist through our local Muscular Dystrophy Association. (Sandy Heim)

4. **<u>In the Matter of E.K.</u> (Social Security Administration, Office of Hearings & Appeals)**. In a case funded by a Lake County CDBG grant, we represented a client after SSA denied his application for SSI benefits three different times. We represented the client at an ALJ hearing following the last denial. The issue involved whether or not he was disabled and unable to engage in substantial gainful activity due to claimed emotional disorders. The client suffered from panic attacks and depression. Because of this, he was not able to work since 1988. Even though he had fairly isolated jobs as an order checker and warehouse man, he could not return to this work and was too emotionally distressed to do anything other work. This client was so emotionally distraught that he allegedly sat at his telephone for up to three hours at a time before able to return telephone calls from his own advocate at Prairie State! When in public venues, the client's hands shook so hard from anxiety that he had to sit on them. We obtained additional medical evidence for this client from his social worker and psychiatrist at the Lake County Mental Health Department before proceeding to hearing. The ALJ found that the client met a Disability Listing 12.06 (Anxiety Related Disorders), suffering from severe anxiety and depressive disorders with panic attacks. The client was awarded retroactive SSI benefits back to the date of his most recent application of May 2002. He was notified that hat his ongoing monthly benefits would be $564 beginning in February 2004. The client continues to receive these monthly SSI benefits, and continues to receive treatment for his emotional disorders. (Larry McShane)

5. **<u>In the Matter of J.B.</u> (Social Security Administration, Office of Hearings and Appeals)**. J.B. is a 43-year old woman in poverty with diabetes, agoraphobia, severe depression and anxiety, obesity, arthritis, post-traumatic stress disorder, heart impairment, hypertension, and numerous other problems. Social Security denied her SSI disability benefits. We represented the client at an appeal hearing before an ALJ, who found the client to be disabled. The client received back SSI benefits of more than $10,000, and is currently receiving monthly SSI benefits. Her financial condition is much more stable now, enabling her to better provide for her children. (Lori Luncsford)

6. **<u>In the Matter of H.P.</u> (Social Security Administration).** In a case funded under Title III of the Older Americans Act, we represented a German immigrant who came to the U.S. as a child in 1951 and never became a naturalized citizen. He obtained his permanent residence card in 1951. The client was continuously employed in U.S. throughout his adult life. He received a pension at age 54. Under the terms of his retirement plan, his pension would be reduced when he turned 62 and was eligible for Social Security retirement benefits. When Mr. P turned 62, he applied for those benefits. SSA notified him that he must provide proof of lawful permanent residence, and that his permanent residency card had to be updated before he could get benefits. His residency card had expired and Mr. P. needed new documentation. We determined that the expiration of the card did not affect his permanent residence status, and considered a number of options for obtaining proof of his legal status (the client wanted to apply for citizenship). However, none of these options would have been very fast and there was some urgency to the client's situation because his pension had already been reduced but his benefits had not yet started, and he was unable to cover all his obligations. Finally, we determined that SSA has procedures for verifying lawful presence, that SSA has the ability to quickly verify status, and that the SSA representative should have offered this procedure. After preparing the necessary documents, we advocated for SSA to follow their procedure, which they did and the matter was quickly resolved. About one month later, the client received a lump sum for six months of back benefits and began receiving his monthly Social Security retirement benefits. (John Quintanilla)

7. **<u>In the Matter of L.K.</u> (Social Security Administration, Office of Hearings and Appeals).** This case was funded with Lake County Community Development Block Grant funds for the Advocacy Project for People with Disabilities. Our client is a college educated woman in her early 50's. She began to suffer severe symptoms of bi-polar disorder in her 20's. She started receiving disability benefits from SSA in 2000. She continued to try to work, however, at a number of very short-term jobs, some lasting only a week or two. Because of her education, high intelligence and energy, she is able to find jobs fairly easily, but because of her severe impairments she is unable to maintain employment. Indeed, she has had more than a dozen different very short-term jobs since coming to Prairie State, with all of the jobs ending for reasons connected with her impairment. The client came to Prairie State because SSA sent her a notice of termination telling her that she never had been eligible for disability benefits because of her work attempts and that all of the benefits paid to her were an overpayment. She attempted to appeal but Social Security staff told her (wrongly) that the termination was not an appealable issue.

We filed the appeal and represented the client at a hearing before an ALJ. We challenged the propriety of the termination of her benefits and advocated to establish her eligibility for continuing benefits. The case turned not only on proving the severity of the client's bi-polar disorder, but on a complex legal issue involving a little-used provision of the Social Security law creating a concept called "Unsuccessful Work Attempt." This is a concept where, although an individual may work at an earnings level which otherwise would disqualify her from receipt of disability benefits, the individual's earnings will not be counted where the jobs are short-term, the job performance is unsatisfactory due to the impairment and the job ends because of the impairment. Presenting this argument to the ALJ involved not only extensive legal argument but very significant factual investigation including gathering information directly from employers to prove the problems the client had at work. The ALJ ultimately ruled in the client's favor that the benefits she had received were properly paid to her; that the termination of her benefits in October 2002 was improper; and that she continued to be entitled to benefits in certain months. After the judge rendered his decision, we were required to spend an additional four months working with agency staff to ensure that SSA implemented the ALJ decision properly. Unfortunately, due to the complexity of the matter, SSA staff refused to pay a portion of the back benefits to which the client was entitled. After numerous phone calls with various staff at the SSA office in Waukegan and at central offices in Baltimore, we were able to convince SSA to implement the favorable decision properly. The client is now eligible to receive Social Security benefits in all months in which her earnings do not exceed a substantial gainful activity level. The client has received or will receive close to $13,000 in back benefits. These are monies the client desperately needs to bring her mortgage up to date and meet other very basic expenses. (Linda Rothnagel)

8. **<u>In the Matter of L.S.</u> (Social Security Administration, Office of Hearings and Appeals).** Our client is 39 years old, unemployed, with a 10th grade education. She suffers from degenerative disc disease of the spine with right lower extremity radiculopathy, as well as Carpal Tunnel Syndrome, anxiety, and myalgia –possibly fibromyalgia. Her treating physician had often instructed her not to work. Despite those instructions, the client has tried to work, but her earnings never rose to the level of substantial gainful activity. SSA denied her application for Social Security disability benefits. The Client appealed and retained Prairie State to represent her at the hearing before an ALJ. At the hearing, the ALJ ordered a consultative evaluation of the client's carpal tunnel syndrome. That evaluation was not helpful, in that the consulting doctor stated that the client was able to physically use her hands without restriction, noting that she was able to pick up a paper clip. However, we presented the client's treating physician's records to establish significant restrictions, corroborated by the client's testimony. We also pointed out contradictions contained in the consulting doctor's report. The ALJ subsequently entered a favorable decision finding the client to be disabled. The client received back benefits in the amount of $8,012.52, and monthly benefits of $564. On the basis of this decision, the client was able to obtain medical benefits from Public Aid. The client used her back benefits to obtain a car, pay off credit card bills, and catch up on her rent. (Jennifer Wolfe)

EDUCATION

Ed. Note: Most of our education cases stem from a special project, funded by the Illinois Department of Children and Family Services. Under that project, we deliver legal services to children, between the ages of 3 and 21, who are wards of DCFS, and who need legal services to secure and protect their rights to special education and related services. In addition, project services include representation under referrals from DCFS in cases where their wards are subject to expulsion by their local school districts. It is not a pre-requisite for acceptance of an expulsion case case that the child be eligible for or receiving special education services.

Some of the cases we have handled under that project during the past year have included:

1. **In re S.S. (Peoria School District #150)**. The student received a 10 day suspension for shoving a teacher, her fourth suspension. The school recommended expulsion. We represented the student at an expulsion hearing. Following an evidentiary hearing, the school board determined that the student was not guilty of the charges and should not be expelled. (Lisa Wilson)

2. **In re C.K. (Rockford School District).** The client had been diagnosed with Aspergers Syndrome. However, the school district would not provide any special education or related services for the student because it did not recognize this condition. Aspergers refers to a pattern of behaviors in young boys who have normal intelligence and language development, but who also exhibit autistic-like behaviors and marked deficiencies in social and communication skills. It wasn't until 1994 that Asperger Syndrome was added to the DSM IV and only in the past few years has AS been recognized by professionals and parents. Individuals with AS can exhibit a variety of characteristics and the disorder can range from mild to severe. Persons with AS show marked deficiencies in social skills, have difficulties with transitions or changes and prefer sameness. They often have obsessive routines and may be preoccupied with a particular subject of interest. They have a great deal of difficulty reading nonverbal cues (body language) and very often the individual with AS has difficulty determining proper body space. Often overly sensitive to sounds, tastes, smells, and sights, the person with AS may prefer soft clothing, certain foods, and be bothered by sounds or lights no one else seems to hear or see. The person with AS perceives the world very differently. Therefore, many behaviors that seem odd or unusual are due to those neurological differences and not the result of intentional rudeness or bad behavior. We requested a second assessment, which confirmed the diagnosis. After negotiating with the school district, they agreed to recognize the condition and provide special education services for the client. (David Hugdahl)

3. **<u>In re J.V.</u> (Waukegan School District)**. The client was suspended for gang activity and a fight pending an expulsion hearing. We reviewed the school file, interviewed the parents, the student, and the DCFS worker and educational liaison. We represented the client at a pre-expulsion fact finding hearing, and negotiated with the school district's attorney. The district dropped the expulsion effort and the client agreed to attend an alternative school. We negotiated a new Individual Educational Plan (IEP). (Larry Smith)

4. **<u>In re S.W.</u> (Peoria School District #150)**. The school district threatened to expel the student due to aggressive behaviors and fighting. We provided legal advice to the DCFS contract agency concerning the need for the student to be further evaluated for special education services. We further advised the agency regarding appropriate advocacy to keep the student in school. The school district decided not to proceed with an expulsion hearing. The student has changed her foster home and school placement. (Lisa Wilson)

ELDERLY

1. **<u>In the Matter of J.N.</u> (Social Security Administration).** In a case funded by a DuPage CDBG Elderly grant, we represented a client who had undergone a total radical gastrectomy (entire stomach removed) and undergone chemotherapy and radiation therapy all due to a diagnosis of stomach cancer. The issue we had to resolve was whether Medicare Part B covers payment for "parenteral nutrition" for this beneficiary. Parenteral Nutrition ("PN") is intravenous feeding that provides a patient with all necessary fluids and essential nutrients, and is used for patients who cannot or should not get their nutrition through eating. Once our client's stomach was removed, she experienced severe weight loss and malnutrition because she could not digest or absorb food through oral intake. She required PN for approximately 7 weeks, which was the length of her radiation treatment for the cancer. Thereafter, a j-tube was placed, which provided another means of nutritional intake. The PN provider submitted 2 separate claims to Medicare for the PN treatment. The Medicare contractor and a Hearing Officer denied payment for these services. The hearing officer determined that client's medical condition did not satisfy Medicare requirements because client's condition was not a permanent impairment and that the condition was a side effect of the chemotherapy and radiation. The client appealed the decisions and requested a hearing before an Administrative Law Judge. The client passed away before the ALJ hearing was scheduled. However, we assisted the client's family in combining the 2 separate claims for one hearing. In addition, we assisted the family in obtaining client's medical records to support the claim for payment, and represented the family at the hearing. The ALJ issued a fully favorable decision for both claims. The total claim amount was $21,360.08. (Victoria Mangosing Almiron)

2. **<u>E.Y.J. v. Heartland Healthcare Center</u> (Illinois Department of Public Health).** In a case funded with a grant under Title III of the Older Americans Act, we represented a client who was being discharged from nursing home for non-payment. The client's sister was her power of attorney and failed to pay the nursing home. We obtained a continuance at the first administrative hearing after we explained to the ALJ that we were attempting to get the power of attorney or the successor agent to pay the nursing home. In the meantime, following the sale of the client's home, funds became available to pay the nursing home in full. We worked with the successor agent to sign the necessary documents to pay the nursing home and to allow the nursing home to receive direct payments in the future. We prevented the discharge and the client was allowed to remain at the nursing home. (Tracey Mergener).

3. **<u>D.B. v. Rosewood Care Center</u> (Illinois Department of Public Health).** In a case funded under Title III of the Older Americans Act, we represented a client faced with discharge from a nursing home for non-payment. Prior to the hearing, we determined that the client's son had not been paying the nursing home the portion of her Social Security money that she was obligated to pay under Medicaid guidelines. Consequently, she was in arrears approximately $4,000. It was apparent the son had paid some medical bills on behalf of the client, but also that his honest management of her money would not bear close scrutiny. But the son insisted that if pressed to account for the spent money, he would advise the client to leave the nursing home and go to another. Although the client wanted to stay at the nursing home, we believed she was certain to abide by the wishes and advice of the son. For this reason, we took another approach. First, we secured the promise of the son to use the remaining money in the client's account to pay for her charges. Second, by establishing that the son had paid various medical bills on the client's behalf, Public Aid agreed to apply those amounts toward her share of unpaid nursing home charges. Finally, we convinced Public Aid to credit her for the money paid to the nursing home for pre-Medicaid charges. With these credits, the client's outstanding balance was less than $1,000, which the son agreed to pay by cashing in an insurance policy. The client would have had to have liquidated that policy in any event to meet Public Aid eligibility regulations. (James Dilworth)

4. **<u>R.D. v. Illinois Veteran's Home</u> (Illinois Department of Public Health)**. In a case funded with a grant under Title III of the Older Americans Act, we prevented a client from being wrongfully discharged from the Illinois Veteran's Home in Manteno. The client, a veteran in his 70's, had lived in the Veteran's Home for several years. After a change in administration at the facility, the client was served with a petition for involuntary discharge due to his alleged endangerment of the health and safety of others. During the past few years, the client had started to suffer from some slight dementia and was exhibiting hoarding tendencies with his money and cigarette lighters. These behaviors constituted the basis of the facility's discharge petition. At this point, the Long Term Care Ombudsman contacted our office on behalf of the client. We appeared with the client at the discharge hearing where we argued that the Veteran's Home had violated federal regulations by failing to take any steps in addressing or determining the root of the client's behaviors before initiating an involuntary discharge proceeding. The Veteran's Home agreed to a continuance of the hearing, so that our client might be put on medication and receive treatment for his behaviors. After several months of compliance with the treatment plan and marked improvement in the client's condition, the Veteran's Home withdrew their petition for involuntary discharge and our client has remained in his residence. (Kathleen Finn)

5. **<u>In the Matter of D.M.</u> (Illinois Department of Public Aid).** In a case funded by a grant under Title lll of the Older Americans Act, we assisted a client who called our telephone counseling service in tears with just a few days remaining to appeal a denial of Medicaid benefits. The client, age 72, has Medicare but she needed Medicaid to pay the increased medical bills that resulted from her cancer. She earns under $850 per month. The client wanted to appeal the Medicaid denial on her own but thought she had to do this through her local Public Aid office. The problem was that whenever she called the Public Aid office, she either got no answer or was put into voice mail. The client is unable to drive and transportation is difficult for her so she had not gone to her local office in person to file an appeal. The Prairie State telephone counselor, fearful that the appeal period would end before the local office was able to meet the client, called the Public Aid 800 number (with the client's permission) and appealed the denial. The case was then assigned to a PSLS staff attorney in Waukegan who attended a hearing on the appeal. The hearing was continued but the staff attorney was able to discuss the matter with the client's caseworker and arranged for her to submit the additional financial information that Public Aid needed. The result: DM was approved for Medicaid about 6 weeks after first contacting Prairie State. (Catherine Hermann, John Quintanilla)

6. **W.S. v. Illinois Department of Human Services.** In a case funded by a grant under Title III of the Older Americans Act, we represented an 84-yr. old senior who faced an involuntary discharge from a nursing home, because IDPA had failed to pay the bill with the client's Medicaid benefits. IDHS did not pay those benefits because it applied a large "spend-down" due to the amount of assets owned by the client. However, he has a wife who lives in the community, so most of his income and assets could have gone to her under the "Spousal Impoverishment" rules, and he could have avoided the large spend-down. The client had not transferred assets to his wife as permitted by those rules because he was confused by various statements made by IDHS employees. With our assistance, the client then transferred assets to his wife. However, IDPA still refused to pay the nursing home for the period of time in which the client had not spent down his assets. The client appealed. After doing research, we contacted IDHS and told them that under their regulations, they should have conducted a special review months before to determine if the asset transfer had been made. We also pointed out that the client and his wife, both elderly and frail, have never truly understood how the spend-down, Spousal Impoverishment, and Medicaid programs work. After much negotiation, we came to an agreement. The client paid the nursing home bill for two months, and IDHS granted him $0 spend-down for the remaining months, which were then covered by Medicaid. We assisted the client to avoid the discharge, and he was allowed to stay at the nursing home where he has lived for a long time. (Lori Luncsford)

7. **L.L. v. VNA and C.F. (Circuit Court of Winnebago County).** In a case funded with a Title III grant, we represented an 85 year old single woman (C.F.). She had various family members serve as her agent under a power of attorney for property, but her great niece allegedly convinced her to revoke one agency and appoint herself as agent. The niece handled the client's finances for about 8 months. The niece's brother suspected that she was using the client's funds for her personal use. He contacted the social worker at the assisted living facility where the client lived, who in turn contacted the Visiting Nurses Association (VNA), a State mandated investigator and reporter of elder abuse. The niece would not turn over financial records to VNA, which then filed suit to obtain the records. The niece finally produced the records and the VNA preliminarily determined that under the niece's agency, there were $200,000 of the client's funds that were unaccounted for. As mandated by law, VNA reported its findings to the State's Attorney and to the police. In response, the niece filed a 25 page Complaint against the VNA and the client for defamation, civil conspiracy, and intentional infliction of emotional distress. On behalf of the client, we filed a lengthy section 2-615 and 2-619 motion to dismiss each of the three counts of the Complaint. The Court granted our motion in April, 2004. To date, the niece has not re-filed. (Catherine Ritts)

8. **<u>B.B. v. V.D.</u> (Circuit Court of Winnebago County).** In a case funded with a Title III grant, our client (V.D.) and her now estranged husband contracted to purchase a new construction house. The realtor working with them introduced them to B.B., an investment buyer who owns numerous properties in Rockford which he rents out. B.B. offered to buy the client's current house (where client has lived for the past 35 years) for $40,000. At that price, the parties signed a sales contract which B.B. produced (not the standard Winnebago County real estate sales contract). The client is 62, a diabetic, blind in one eye, and diagnosed as suffering from anxiety. When the client and her husband separated, and with the permission of the developer and real estate company, the client canceled the sale of the new house with only the loss of her earnest money. The client then verbally canceled the sale of her current house, believing that she got cheated by B.B.. Under the contract, B.B. was to have presented her with a mortgage loan commitment by a certain date, but failed to do so. Subsequently, he erroneously sent her a mortgage loan commitment for a different property, one in a different county for a different sales price. B.B.'s attorney wrote to her telling her she could not cancel the sale of her house and she had to close, and sent her the correct mortgage loan commitment. The client did not close on the sale, but rather returned B.B.'s earnest money.

B.B. sued the client for breach of contract, praying for specific performance, lost profits on the rent he would have received, and attorney's fees. We filed a motion to dismiss based on plaintiff's failure to perform under the contract by being late with the mortgage loan commitment and by presenting her one for a different property. We also filed affirmative defenses, repeating the failure of performance argument, and adding arguments that specific performance is inappropriate when there is overreaching and an inequality of knowledge and experience on the part of the buyer, and when the disparity of hardships between the parties is so great. We also included a defense that loss of rental profits is not an allowable damage in this kind of case. We then served discovery requests on the plaintiff, who subsequently decided to voluntarily dismiss his Complaint. (Catherine Ritts)

9. **<u>M.F. v. M.F., Jr. and L.F.</u> (Circuit Court of Winnebago County).**

In a case funded with a Title III grant and referred by the Visiting Nurses Association, we represented a client (M.F.) who owned a home. She allowed her son (M.F., Jr.) and his former wife (L.F.) to move in. The son paid rent in the amount of the mortgage payment, while the client continued to pay the mortgage. The client moved out for a period of time to stay with her daughter. Later, she approached her son about her renovating the basement into an apartment for herself and moving back in. The client is disabled and needs assistance with her daily activities of living. The son and his former wife were supportive and agreed that they would help her with her activities of daily living. The client spent $5,000 on the renovation, and also paid for a new driveway, a deck on the back of the house, and other improvements. She also paid $400-500 a month on food for the family. The son's former wife helped her with dressing, bathing, transportation, and provided one meal a day. After the client completed paying the mortgage on the house, the son asked her to deed the house to him and to his former wife, and that if she did, they would take care of her for the rest of her life, pay the real estate taxes and insurance on the house, and the utilities. The client was open to the idea but wanted them to remarry and she would think about it. The next afternoon, the son drove her to a bank and convinced her to sign a deed, which the son promptly filed. Soon thereafter, he and his former wife took out the first of several mortgages on the property. The client continued to live in the basement but in time relations began to strain, and the son often yelled at her and she was excluded from family functions. During the next winter, the son closed the heat vents in the ceiling of the basement saying it was too cold in the main house. Subsequently, the son presented the client with a 30 day eviction notice. The client refused to move.
One day, when she was at her daughter's new apartment, the son removed her belongings from the basement apartment and put them in the garage, and locked her out. Thereafter, they placed the house on the market for sale. The ad touts the "in-law" apartment. We sent a demand letter to the son and his former wife, which they ignored.

We then filed a Complaint to rescind the deed, alleging breach of fiduciary duty and fraud. We have recorded a Lis Pendis. They have hired counsel and filed their answer and a counterclaim, asking for $4,000 for damages they claim our client made to the apartment. (Catherine Ritts)

10. **<u>Snyder v. Ceccin and Stonehouse Park, Inc.</u> (Circuit Court of DeKalb County).** In a case funded with a grant under Title III of the Older Americans Act, we represented a senior who entered into a lease agreement with defendants who operated a campground. As permitted by the lease, the client paid the annual rent in installments. Halfway through the lease term, he had paid approximately three-fourths of the rent. Then, without filing an action in forcible entry and detainer, and without having obtained a judgment for possession, Defendants removed the wiring from, and secured a lock on, the client's electrical pedestal preventing the client from being able to access his electrical service on his account with Com Ed. The Defendants also destroyed the client's water hose connector, preventing him from accessing water service, and served the client with a 5 Day Notice for Rent, alleging that over $1,000 was past due in rent. After finding that negotiations with Defendants were going nowhere, we filed a Complaint based on Trespass to Real Property and Breach of Implied Covenant of Quiet Enjoyment, seeking a TRO, a preliminary and permanent injunction to enjoin Defendants from actions which would deny the client lawful access to electric and water service. The Complaint also sought both general and punitive damages. The parties entered into an agreed order in which the Defendants agreed to restore water and electric service immediately, Defendants and their employees would stay off the premises except for necessary repairs, Defendants would pay the client a specified sum in damages, and the client agreed to an early termination of his contract with the campground. (Charlene Reifler)

EMPLOYMENT/ UNEMPLOYMENT

1. **<u>In re S.R.</u> (Illinois Department of Employment Security, Board of Review).** In a case funded with a HUD homeless grant, we assisted a client to obtain Unemployment Insurance benefits. The client worked as a receptionist, and lived from paycheck-to-paycheck. She was evicted and rendered homeless, after she was discharged from her job for missing three consecutive days work with the flu. Her application for UI benefits was denied, due to her inability to produce a physician's verification of her illness. She had not seen a physician for her illness because she did not have health insurance. Although she filed an appeal to the Referee, she missed the telephonic hearing because she did not have a telephone, and IDES would not otherwise accommodate her. We represented the client before the Referee to obtain a new hearing. When the new hearing was granted, we also represented the client at that hearing, and obtained a reversal of the benefit denial. The employer subsequently appealed the matter to the Board of Review, where we also represented the client. The Board of Review affirmed the Referee's decision. Client was awarded over $4,000 in benefits, which she used toward obtaining a new apartment. (Kerry O'Brien)

2. **<u>In re L.P.</u> (Illinois Department of Employment Security, Illinois Secretary of State).** In a case funded with a HUD homeless grant, we assisted a client who had worked for years as a janitor, but who was laid off from his job. He was evicted from his apartment for non-payment of rent, and in the process, lost his identification. IDES refused to take his application for unemployment insurance benefits, because he did not have identification. Employers also refused to consider the client for employment due to lack of identification. We assisted the client to obtain replacement identification from the Cook County Clerk and the Illinois Secretary of State. The client was then able to file for unemployment insurance, only a few days before his financial eligibility to apply for such benefits would have expired. As a result, the client obtained unemployment insurance benefits, and eligibility for up to 26 weeks of benefits. He is able and available for work, and has identification needed to apply for work. (Kerry O'Brien)

3. **<u>In re S.R.</u> (Illinois Department of Employment Security).** S.R. was denied unemployment insurance benefits because she was found to have voluntarily left her job without good cause attributable to her employer. She did voluntarily leave her job; however, she had "good cause" because her supervisor was verbally abusive to her and other employees working with her. The client's supervisor would routinely call her "a dumb f***" and "lazy" and would constantly swear at her and use racial slurs in the office. As an African American, S.R. found the racial slurs to be especially offensive. The client tried to resolve the matter with her supervisor, who nevertheless continued to repeat the offensive behavior. When the client could not take the supervisor's abuse anymore, she quit. She timely appealed the adjudicator's decision to deny her unemployment benefits. We represented her successfully at her hearing before a Referee, who awarded the client unemployment benefits, finding that S.R. left work with good cause attributable to the employer.

This case is noteworthy because there is some case law that states that to receive UI benefits, one must try to resolve a problem with one's supervisor before resigning by talking to the supervisor's boss or to the employer's human resources department. In our case, the client did not contact human resources nor did she contact her supervisor's boss before resigning. We were able to convince the Referee that the client did not do so because she reasonably thought it would be futile. In support of that point, we provided evidence to show that other employees had tried to contact human resources about the supervisor's abusive conduct, but that nothing was ever done to discipline the supervisor or to make the work environment less hostile. (Laura Myers)

4. **<u>R.K.J. v. Goodwill Industries</u> (Illinois Department of Employment Security, Appeals Division)**. Our client, a 51-year-old Army veteran, worked for Goodwill. Eighteen months earlier, he had voluntarily entered an alcohol treatment program through the VA. As a condition of his continued employment, he signed a re-entry agreement which provided that he must submit to random alcohol screenings for the next two years, and he was subject to termination if he tested positive. After that, he was randomly screened for alcohol many times, with either a urine test or a breathalyser test, or both, during working hours. Each time, the tests came back negative. On one occasion, however, the client's supervisor told him that the testing facility forgot to administer the breathalyser test, and that he would have to return to the hospital the next day to complete that test. The next day was not a work day, but he went back to testing facility the next day as ordered. The client was then discharged for testing positive for alcohol on his day off. The client filed for unemployment benefits, but the local IDES office denied the claim, finding that he was discharged for misconduct connected with his work. The client appealed but lost the Referee hearing. After the client was turned down for representation by another firm, PSLS filed an appeal on the client's behalf to the Board of Review. In our brief, we argued that his conduct was not a deliberate violation of a reasonable employer rule, nor did it affect his work performance, and therefore the Referee's decision should be reversed and the client should be found eligible for benefits. The Board held that the case should be remanded to the Hearing Referee to elicit evidence with regard to the re-entry agreement signed by the client, and to take note that the test occurred on a day our client was not scheduled to work. We represented the client at the new hearing. The employer claimed that the client should have been directed not to consume any alcohol at any time because abstinence is the commonly recommended plan to avoid the negative symptoms of addiction; the client denied every having been so directed, and testified that the agreement failed to provide that he remain completely alcohol free on his days off when it did not interfere with his job. The client had a profound stutter, exacerbated by anxiety and stressful situations. As a result, evoking testimony from the client was no easy task, so we resorted to asking leading questions. When this line of questioning was objected to by the Employer, the Referee overruled the objection based on our argument that the client's disability afforded him a reasonable accommodation under the ADA. The Referee found the client eligible for benefits, and reversed the decision. The client received a total of $9,373 in benefits. (Amy Weiss)

ENERGY/ PUBLIC UTILITIES

1. **G.F. v. Nicor Gas.** In a case funded with a DuPage County Community Development Block Grant, we represented a client who had received a shut off notice from Nicor for non-payment. The client was elderly and had heart problems so we advised him to get an illness certificate from his doctor pursuant to 83 Ill. Admin. Code 280.130(j), which prevents termination of gas service for 30 days (renewable for another 30 days). The client's doctor issued the necessary certificate and we called Nicor to inform them of its existence and to get the appropriate fax number to fax the illness certificate to them. However, Nicor refused to provide a fax number. We then called the Illinois Commerce Commission ("ICC"), which then talked to Nicor representatives. We learned that the real issue was that the client previously had submitted two illness certificates to Nicor within the past year. For that reason, Nicor was not willing to honor the present illness certificate. Nicor also stated that the client was not eligible for a deferred payment agreement because he had defaulted on a payment agreement within the past 12 months. The ICC agreed with Nicor that a customer can only obtain one deferred payment agreement and one illness certificate and one renewal per year (calling it the "12-month rule"). Due to the prior certificates and the defaulted agreement, the ICC told us there was nothing that could be done.

However, we examined the Public Utility Act and the applicable I.C.C. regulations to determine if Nicor and the ICC were correct in their interpretation of the law. We concluded they were not correct, and that there was no such 12-month rule appearing in either the statute or the regs. We then asked the ICC for the cite to the authority that one can only have one illness certificate and renewal per year. They insisted this was the rule but agreed to do some investigation and find the cite. The ICC later called us back and told us that indeed we were correct (i.e., that there was no 12 month rule in the statute or the regulations) and since client had brought his account up to date following the his previous illness certificate, before falling behind again, he was entitled to a new illness certificate. Nicor, with the urging of the ICC, honored client's illness certificate. The client's gas remained intact for 30 days. We advised client that he could obtain a 30 day extension by keeping current on his payment plan and presenting another illness certificate to Nicor. (Laura Myers, David Wolowitz)

FAMILY LAW/ DOMESTIC VIOLENCE

1. **D.C. v. S.C. (Circuit Court of Peoria County).** S.C. (our client) and D.C. were divorced in Missouri. The client returned to Illinois to live with her mother. The ex-husband also moved to Illinois to start a professional practice, living 25 miles from the client. Although the client had primary custody of the child, D.C. insisted the child be enrolled in school in the town where he resided. Because the client had an affair during the marriage, he threatened to use that information to take custody of the child if she challenged him. Therefore, she drove the child 25 miles to school each day. He refused to pay her child support despite the fact that he had a very good income. The client had an opportunity to complete Culinary Arts School in Chicago, but he forbade her from taking the child with her and again threatened to retain an attorney and obtain custody. We obtained certified copies of the Missouri divorce case and a *pro bono* attorney filed a Petition to Enroll Foreign Judgment, as well as a petition to modify custody of the child and to establish child support. The Court entered an order granting the client $6,300 in child support arrearage and a lump sum of $1,500 for maintenance. D.C. was given temporary custody of the child and permanent custody was ordered to revert to the client upon completion of Culinary Arts School. The client received liberal visitation and the child will be with her during extended breaks from school. She will not have to pay child support during this period of time. Child support to be paid to our client was reserved until the change of custody takes place. Our client is close to completing school now, and is looking forward to a brighter future knowing she will have a good income and that she will receive child support. (Sandra Crow, Pro Bono Coordinator; Linda Ficht, Pro Bono Attorney).

2. **S.H. v. R.M. (Circuit Court of Kane County).** In a case funded with a grant under the Victims of Crime Act (VOCA), we represented a client petitioner against a respondent she formerly dated. When the respondent came to our client's home to pick up their son for visitation, he assaulted our client both inside her apartment and in the hallway of her apartment complex. We assisted the client to obtain an Emergency Order of Protection, but the respondent denied the abuse and contested the entry of a Plenary Order. During discovery, we learned that our client's apartment complex is equipped with a surveillance system that digitally stores all activity in the hallways for a period of time, and subpoenaed the feed for the day of the assault. Unfortunately, we discovered that the feed for that day was lost. At the hearing on the Plenary, over objection, we provided testimony from the complex manager about what she saw when she reviewed the feed, which testimony corroborated our client's testimony regarding the abuse. In *People v. Taylor* 314 Ill.App.3d 658, 732 N.E.2d 120, 247 Ill.Dec 404, the Third District determined that testimony by a witness regarding conduct they observed on videotape does not violate the hearsay rule or the best evidence rule (so long as the absence of the original is not due to bad faith) and is therefore admissible. Under *Taylor*, we got the manager's testimony into evidence and after a trial on the merits, a two year order of protection was granted to our client. (Anne Sherman)

3. **C.T. v. B.C.** **(Circuit Court of Peoria County).** B.C. (client) and C.T. had a child together, now age 7, but they never married. The client visited regularly with the child until C.T. became pregnant by someone else, married and started moving around without letting the client know the whereabouts of the child. She moved 4 times in 3 ½ years. Each time the client located her, she would promise him visitation, but then either not return his calls or the phone would be disconnected. He was paying court ordered child support when he was working. C.T. and her husband filed a Petition for Adoption, alleging that the client failed to visit in the previous 12 months, had not maintained reasonable interest and concern for the child, and had not signed a Voluntary Acknowledgment of Paternity as requested by the Department of Public Aid. He called our office because he did not want his parental rights terminated and very much wanted a relationship with his son. On his behalf, a *pro bono* attorney filed an answer to the Petition and represented the client in preventing the adoption. We obtained the records from the Department of Public Aid and found that they had closed the case because C.T. had failed to cooperate with them in completing paternity testing. The Judge denied the adoption stating C.T failed to prove her case that the client had abandoned the child. A visitation schedule was put in place and C.T. was ordered to keep the client apprized of her address and phone number and to facilitate visitation. A new child support order was entered according to client's current income. The client is now enjoying a relationship with his son. (Sandra Crow, PAI Coordinator and Paralegal; Linda Ficht, Pro Bono Attorney).

4. **J.P. v. J.F.** **(Circuit Court of Kane County).** In a case funded with a VOCA grant, we provided assistance to a client to obtain a Plenary Order of Protection against the father of her child. The client previously had obtained an Emergency Order of Protection, *pro se.* The respondent had an alleged drug problem and would repeatedly argue with the client over money. During an argument, he hit the client. On another occasion, he followed the client around the house, repeatedly demanding money and searching through her possessions. He threatened to harm her and destroy her property. He was later arrested. We amended the Petition for Order of Protection in order to request child support and to clarify the allegations of abuse. We also filed the required Affidavit of Income and Expense needed for the client to secure child support. By agreement, a two-year Order of Protection was entered. Under the order, he pays child support, plus a 50% contribution for day care expenses. In light of their shared interest in preventing foreclosure on their mortgage, the order required that the respondent contribute to payments on the mortgage while giving possession of the home to our client, which assured that the minor child of the parties had the opportunity to remain in the home until it was sold. The client also secured an agreement for supervised visitation which addressed her concerns regarding the Respondent's alleged addiction. (Annette Cavanaugh)

5. **<u>K.R. v. T.R.</u> (Circuit Court of Tazewell County).** In a case funded by a grant under the Violence Against Women Act (VAWA), we represented a severely psychologically abused woman who had been married to her batterer for over 20 years. During the course of our representation, the respondent attempted to burn her and otherwise attacked her and their son. At the time of his arrest, he was discovered in the home of the parties laying in wait to attack them again. After an assessment by medical doctors, he was released but was again arrested after breaking into the home and attacking the client and her son. The client had already obtained a plenary order of protection when she came to our office, but the respondent had filed a Petition to Modify the Order of Protection to obtain visitation. We defended that action and filed for a Dissolution of Marriage on behalf of the client. We were able to thwart all of his efforts to get visitation with the child of the parties, and were able to obtain a divorce. Ironically, he was sentenced to prison for seven years on the day that his divorce became final. The child will reach majority before respondent will be released from prison, and our client will be able to relocate without notice to him. (Nell German)

6. **<u>In Re the Parentage of J.A.B. and J.C. v. C.B.</u> (Circuit Court of Fulton County).** C.B. (our client) was an Indiana resident, living with her parents. She became pregnant while visiting her Illinois boyfriend, J.C. The client then moved with her family to their native state of South Dakota, where the parties' child was born and where that child has lived since birth. The client cooperated with the boyfriend in scheduling visitation but he became dissatisfied. To gain an advantage over the client, he sued her in an Illinois court to get joint custody and visitation. Our office filed a motion to dismiss the petition because Illinois courts should not have jurisdiction under the Uniform Child Custody Jurisdiction Act. While the Court denied part of the motion, it granted the client 30 days to file her own action in South Dakota, which she did. The court in South Dakota then assumed jurisdiction over the case, and the boyfriend abandoned his Illinois petition. (Mark Kelly)

7. **<u>IDPA ex rel. M.B. v. R.C.</u> (Circuit Court of Rock Island County).** In a case funded by a special United Way grant, we represented R.C. Our client had cared for his 3 year old daughter for the past seven months. He is in the Army National Guard and has been deployed to serve in Iraq for at least a one year term. Our client and the child's mother never married, and no court order had established custody of the child. Our client was concerned about the child's mother's suitability as a caretaker, as she has had a very unstable life (moving at least eleven times in the past three years). Although our client was facing deployment to Iraq in about a week's time, Prairie State filed suit on his behalf seeking to obtain permanent custody of the child and a temporary guardianship with the grandparents. The mother responded with a countersuit for custody. We successfully negotiated an agreed custody order. The mother was granted temporary custody, but our client's parents (the child's paternal grandparents) have visitation ten days out of every month to make sure the child is receiving proper care. Because the order is "temporary," our client can seek permanent custody once (God willing) he returns from Iraq. (Robert McCoy)

8. **<u>C.H. v. E.B. and P.S.(Intervenor)</u> (Circuit Court of Rock Island County).** Our client (P.S.) is the aunt of two teenage boys. The boys were in the legal custody of their father -- our client's brother. The father physically abused the younger boy (who is mentally disabled), and emotionally abused both boys. The boys' mother lived in New Hampshire, and she was unable to travel to protect her sons. Our client took the boys into her home to protect them from their father. However, without custody or guardianship over the boys, she was unable to get them needed counseling and medical care. She was also facing a substantial financial burden, as she was rearing several children of her own, and the boys' parents were not paying any support. We filed a petition for custody and child support on our client's behalf. We successfully argued that our client had standing to seek custody, because the boys had been "voluntarily relinquished" into her care. The boys' father contested custody. Following a hearing, the court awarded our client temporary custody and child support. This enabled our client to get counseling and medical care for the boys. Thereafter, we assisted our client to convince the boys' mother to take responsibility for her sons. We helped negotiate the terms of an order transferring custody away from the abusive father to the mother. The boys completed the school year in our client's care before being reunited with their mother. (Robert McCoy)

9. **<u>M.K. v. A.K.</u> (Circuit Court of Kankakee County and Third District Appellate Court).** In a case funded with a VAWA grant, we represented a client, age 57, who sought an Order of Protection against her adult son, who was living in the client's home. The son repeatedly called her vile and profane names, and repeatedly suggested that she commit suicide. This conduct caused her great emotional distress such that she could not live with him in her home. However, there was no indication that the son had ever been physically violent with his mother. The trial court granted a Plenary Order of Protection to our client, ordering the son to vacate the house and to refrain from further contact with our client. In doing so, the trial judge specifically found that the use of vile and profane language constituted "harassment" under the Illinois Domestic Violence Act. The son filed an appeal to the Third District Appellate court, arguing that the mere use of profane language does not constitute "harassment" under the IDVA and cannot serve as a basis for the issuance of an Order of Protection. The case has been fully briefed and we are awaiting the issuance of a decision. (Mike O'Connor)

10. **R.A.V. v. J.K.V.; C.V. and J.V., Third Party Plaintiffs v. R.A.V., Third Party Defendant (Circuit Court of Tazewell County).** In a case funded with a grant under the Violence Against Women Act, we represented a woman whose ex-husband had been convicted of raping and sodomizing his 5 yr old stepdaughter and 2 other children, ages 9 and 11 before our client divorced him in 1993. He was released from prison in March 2002. His parents had court ordered visitation in the divorce case. They allowed the ex-husband to speak on the phone to one of the children and our client feared they would allow him to see the child. The ex-husband's brother also represented a threat to the child, in that he had been convicted of raping an elderly woman. Our client did not want her child around this family at all. The Illinois Supreme Court then issued an opinion in *Wickham v. Bryne*, 199 Ill.2d 309, 263 Ill.Dec. 799, 769 N.E.2d 1 (2002), declaring that the Illinois statute which permitted grandparental visitation was unconstitutional. We represented our client to file a motion to terminate grandparent visitation. The issue was whether a grandparent visitation order in effect before *Wickham* was void by the subsequently declared unconstitutionality of the grandparent visitation statute? The judge considered the arguments of counsel and the legal authorities submitted by the parties and then vacated the grandparent visitation order and terminated the grandparents visitation rights. (Dan Smith)

GUARDIANSHIPS

1. **In re the Estate of S.A.B. (Circuit Court of Kane County).** The client suffered a stroke while driving on the highway. As a result, she crashed her car, sustained severe injuries and went into a coma. While the client was in the coma, the court appointed her best friend as guardian. The guardian applied for SSI and SSD on the client's behalf, and listed herself as the representative payee. After pulling out of the coma, the client was paralyzed on one side of her body and needed 6 months of additional therapy in a nursing home. The client discovered that she was behind on all her utility bills and her mortgage payments. The mortgage company subsequently filed a foreclosure action against the client's house. The guardian allegedly did not properly take care of her affairs, causing the client to distrust her and to want her removal as the representative payee. The client contacted Prairie State, and we successfully took legal action to dissolve the guardianship. As a result, the Social Security Administration no longer required a representative payee, and the client began directly receiving her SSI and SSD benefits. The client used the benefits to appease the mortgage company and the foreclosure action against her was dismissed. (Adrian Barr)

2. **<u>In the Matter of A.B.</u> (case in Circuit Court of Kankakee County).** The client was divorced, the court having awarded custody of his minor child to the wife. At the time of the divorce, the wife and child were living with the client's stepmother. The client agreed with his stepmother and ex-wife that the child should attend private school. The stepmother told the client that she hired an attorney to prepare some school documents, which the client needed to sign. The client went to the attorney's office and signed the documents without reading or understanding them. One of those documents was a consent to the appointment of the stepmother as Guardian of the child. In February , 2004, the client received in the mail a letter from the attorney with a Petition for Guardianship. The letter informed the client that he did not need to attend the upcoming court hearing. The petition alleged that the stepmother was the child's paternal grandmother, that the child had resided with her for the majority of her life, and that the child's parents had consented to the guardianship. The client called our Telephone Counseling Service because he had not willfully given his consent. Our telephone counselor explained to the client that he could revoke his consent by filing an Answer to the petition, and that he should include the claim that his stepmother lacked standing to seek guardianship under 750 ILCS 5/601(b)(2), since the child was in the care and custody of the ex-wife. The counselor also advised the client to file a motion to modify custody since it appeared that the mother was consenting to the appointment of the stepmother as guardian and the client did not think this was best for the child. Because the client did not have ready access to the Internet to download motion forms, the counselor arranged for him to come to our Kankakee office to get a copy of the motion papers and relevant statute which he did. The client called our telephone counseling service again reporting that he had appeared *pro se* in court the day before and had successfully argued that the petition should be dismissed for lack of standing. The client had also filed his motion to modify custody and the ex-wife was opposing the motion. We discussed the best interests of the child standard the judge would use to decide the custody issue and the factors that would be most relevant. The counselor thoroughly advised the client regarding the available evidence that would best support his motion. The counselor also sent the client two articles on child custody hearings. (Beth Shay, Telephone Counselor)

3. **<u>In the Matter of the Estate of M.M., Alleged Disabled Person</u> (Circuit Court of Woodford County).** In a case funded under Title III of the Older Americans Act, we represented a senior (C.L.) who has an adult disabled daughter (M.M.), age 37. The daughter has brain damage as a result of seizures she had when she was a child. The client has always been her daughter's caretaker. Although the daughter is an adult, the client had been making certain medical, personal and financial decisions as they pertained to the daughter. It reached the point where it was becoming increasingly difficult for the client to act in this manner without a guardianship. We obtained the requisite medical reports from the daughter's doctor, and filed a guardianship action. The Court appointed a Guardian ad Litem to look out for the daughter's best interests. At the hearing, the GAL recommended guardianship. The Court then entered the guardianship, and now the client can lawfully make decisions for her daughter. (Lori Luncsford)

HEALTH/ MEDICAL

1. **R.H. v. United States Office of Professional Management (OPM) (United States District Court for the Northern District of Illinois).** Our Kane County client seeks to enjoin OPM from discontinuing in home nursing services he has been receiving for 13 years under the Federal Employees Health Benefit Program. That Program is administered by OPM and in Illinois by Blue Cross Blue Shield of Illinois (BCBS). Our client has been receiving these in- home nursing services as a cost effective alternative to the 365/day year hospitalization he would otherwise require due to his ventilator dependence and other complicated medical conditions. In September 2003, BCBS notified our client that these in-home nursing services would be terminated under the policy exclusion for care that is "custodial" in nature. Our client appealed this determination to OPM, which determined the home-based services our client had been receiving were not a "Contract Benefit" and therefore, OPM could not require BCBS to cover them. Our client first pursued administrative remedies, but then we filed a suit seeking judicial review of OPM's decision under the Federal Employees Health Benefit Act, 5 U.S.C. 8912, and the Administrative Procedures Act, 5 U.S.C. 702. We claimed that OPM's decision was arbitrary and capricious and contrary to law. One of the claims is that OPM violated Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794(a)) by failing to afford our client services in the most integrated setting appropriate for him–in this case, his home. The claim is founded on the Supreme Court's decision in Olmstead v. L.C., 527 U.S. 581 (1999). Plaintiff sought emergency relief to prevent the termination of his in-home nursing care. OPM and BCBS agreed to continue the home nursing services pending the outcome of the case. The parties are submitting motions for summary judgment based on the administrative record. The court's briefing schedule will be completed at the end of August and the case will then be submitted for decision. (Sarah Megan, Bernie Shapiro)

2. **J.P. v. Illinois Departments of Human Services and Public Aid.** In a case funded with Lake County Community Development Block Grant Funds, we represented a 50 year old man with a work background in trucking and factory work who had applied for Medicaid, based on disability. The client suffers from chronic obstructive pulmonary disease which has progressed, leaving him quite debilitated. The Illinois Department of Public Aid denied his application for Medicaid. We assisted the client in filing an administrative appeal and began to gather medical records. We worked closely with the client's treating pulmonologist at Stroger (Cook County) Hospital to develop a detailed opinion letter outlining the client's condition. We also gathered additional medical evidence of tests which had been performed on the client and provided those to the Department pending the appeal hearing. Based upon the additional medical evidence we provided, the Department approved on-going medical benefits for our client. In addition, they approved the client for nine months of back medical assistance. We continue to work with the client to ensure that outstanding medical bills are paid and that the client will be reimbursed for medical expenses he paid while the appeal was pending. (Linda Rothnagel)

3. **M.S. v. Illinois Department of Human Services (Circuit Court of Kankakee County).** Our client worked for many years as a truck driver, but was forced to quit at age 60 because he suffered from severe fatigue and a long history of back injuries. Although he lacked any medical insurance, he was forced to seek medical attention for a large lump which formed on his neck. Although the lump tested benign, our client developed advanced viral hepatitis. He then applied for Medicaid from IDHS and Social Security disability benefits from the Social Security Administration (SSA). He had to be considered to be "disabled" in order to be eligible for Medicaid. The treating doctor indicated that our client could no longer perform his past work and would never again be able to perform more than sedentary activity. Our client had limited education and no other work skills, and so our client should have been deemed "disabled" under SSA rules, and thus eligible for Medicaid. However, IDHS denied our client's application, completely failing to apply the 5-step analysis for the determination of disability, an analysis established by the SSA and adopted by IDHS. We filed suit under the Administrative Review Law. The court remanded the case and directed IDHS to issue a new decision following the proper procedure. After many months delay, IDHS issued a new decision which purported to apply the 5-step analysis, but which failed to properly consider our client's advanced age, limited education, and lack of transferable work skills, and again found him ineligible. We again appealed to the circuit court. During this time, we had also assisted client in supplying information to SSA, and at this point Social Security found that he was disabled. We were able to reach an agreed order with IDHS, which was then entered finding that our client was eligible for medical assistance at all times since his initial application. (Mike O'Connor)

HIV/AIDS

1. **In Re John Doe (Social Security Administration, Office of Hearings and Appeals)**. In a case funded with Ryan White CARE Act funds from the Chicago Department of Public Health, we represented a client with a history of HIV/AIDS, cirrhosis of the liver, alcoholism, hernias, fractures and major depressive disorder with psychosis. The client's psychosis and depression are particularly severe. He has auditory and visual hallucinations. He hears voices that tell him people are after him or that he should hurt himself. On appeal of a SSA denial of his application for disability benefits, we represented the client at an ALJ hearing, but the client showed up intoxicated and the hearing was postponed. The client was arrested and incarcerated before the hearing could be rescheduled and his hearing was further postponed. By the time the hearing actually took place, the client had stopped drinking. The Medical Examiner who testified at the hearing found that the client met listing 12.05 and that the client's addiction disorders are not contributing factors material to the finding of a disability. As a result, client was eligible for Social Security disability benefits from the date of filing, not including the time that he was in jail. (Adrian Barr)

2. **Jane Doe v. Co-Worker**. In a case funded with a grant under the Ryan White CARE Act, we represented a client whose co-worker was spreading news of the client's HIV status to other co-workers. The client wanted to know if there was anything she could do legally to make her co-worker stop. We informed the client of the AIDS Confidentiality Act and its provisions, including its statutory civil damages provisions and its criminal provisions. At the client's request, we faxed the client's supervisor information regarding the AIDS Confidentiality Act. This information in no way identified the client, but, rather, included relevant portions of the AIDS Confidentiality Act including the statutory civil damages and criminal provisions, and complained of the co-worker. The client's supervisor confronted the client's co-worker about her behavior, causing the co-worker to quit her job on the spot. The client was very content with this outcome as she no longer had to fear that her co-worker would be telling other co-workers about her status. We informed the client of the civil remedies available under the AIDS Confidentiality Act, but client was not interested in suing her former co-worker. (Laura Myers)

3. **In Re Jane Doe (Illinois Department of Human Services)**. The client was a full-time commercial maid, distraught over a $30,000 hospital bill incurred as a result of emergency room care and subsequent eight-day inpatient treatment. The client did not have insurance to pay the bill. The client was diagnosed as HIV+, and suffered from chest and neck pain associated with blood clots. The additional stress as a result of these medical bills only aggravated her condition. With little education and a small command of the English language, the client was locked in the occupation of physical labor despite her doctor's warnings to cut back on strenuous activity. The client refused to consider applying for Social Security disability benefits because they would not be sufficient to cover her mortgage and household expenses. To cover her hospital bills, the hospital filed an application for Medicaid with the Illinois Department of Human Services, which IDHS denied due to the client's full-time work status. Bankruptcy was not an option if she wished to keep her home. We discussed the possibility of a repayment plan with the hospital, perhaps a home equity loan, and set up an appointment for her with the private attorney who discussed financing options with her and was willing to negotiate a reduced payment with the hospital. However, we were able to finally resolve the case when we determined that the client's daughter was a minor. The client could qualify for Medicaid if there was a minor child in the household. During the initial interview, we learned of the daughter's presence in the home, but were told she was working full time and had a child herself. We had assumed that the client's daughter was no longer a minor. When we learned that the daughter was only seventeen, we filed an appeal with IDHS on behalf of the client and placed a call to the IDHS supervisor. Apparently, the non-Spanish-speaking hospital social worker who helped file client's application had failed to indicate on the client's application for Medicaid that she had a minor child in her household. The correction to her application was made, the matter was resolved, and we withdrew our appeal. IDHS approved our client for medical benefits with a $918 spend-down and her medical bills were paid. (Amy Weiss, Linda Rothnagel)

HOMELESSNESS

1. **G.C. v. J.L.C. (Circuit Court of DuPage County)**. In a case funded with a HUD Homeless grant, we represented a homeless client who had two small children. The client and children were homeless. The client was separated from her husband, who did not provide any support to the family. The client and her children entered a transitional housing program, where she obtained a full-time job. However, she could not afford a vehicle for transportation to work, due in part to her income, but also because her credit was rejected based on the husband's credit history. We filed for a dissolution of her marriage, child support and restoration of her maiden name. After a hearing, we obtained a dissolution of the marriage and reinstatement of client's maiden name. The Court also awarded client child support in the amount of $440 a month, based upon the husband's earnings capacity. (Kerry O'Brien)

2. **T.M. v. Jesse White, Illinois Secretary of State (Circuit Court of Cook County).** In a case funded with a HUD Homeless grant, we represented a homeless veteran. His Illinois driver's license had been revoked in 1992 for two DUI arrests in 1991. After the second arrest, the client obtained an alcohol evaluation from a State-approved evaluator, and completed all treatment recommendations of the evaluator. He later attended AA meetings on his own, and had maintained sobriety for 5-6 years prior to his application to the Secretary of State for reinstatement of his license. Shortly before his administrative hearing concerning reinstatement, he obtained current evaluations from two different State-approved evaluators, both of whom verified his abstinence, and found that he was at minimal risk to again drive under the influence of alcohol. He also had obtained an offer of employment from a previous employer, conditioned upon his having a driver's license.

The Secretary of State denied reinstatement of the license, as well as the issuance of a restricted license for work, on the basis that the client denied being an alcoholic, that he could not recall with specificity how much he drank on the evening of his arrests, and that he could not recall with specificity how much he drank before his abstinence. The Secretary felt that the evaluators may not have adequately addressed such concerns when they made their current recommendations. The Secretary did find, however, that the client had been abstinent for five years.

We filed a complaint for judicial review of the Secretary's decision. The court held that where client's rehabilitation was undisputed, the concerns about the evaluator's diagnoses were immaterial. The court found the evidence showed the client was at minimal risk to again drive under the influence of alcohol and ordered the reinstatement of the license or the issuance of a restricted driving permit. (Kerry O'Brien)

3. **A.S. v. Transitional Living Center.** In a case funded with an Aurora Community Development Block Grant, we represented a homeless client with four children who had lived in a transitional living center (TLC) since September, 2003. In January, 2004, without giving her notice or filing an action in forcible entry and detainer or obtaining a judgment for possession, the TLC told her she had to move out for not following the TLC rules. On the client's behalf, we negotiated terms with the TLC in which the client would be allowed to remain on the premises until further investigation. The purpose of transitional housing is to educate homeless families about family living and prepare them for gainful employment with the goal of independent living. The residents, upon arrival, are restricted to the premises for a week or two, to give them time to adjust to transitional living. The resident's handbook provides that all residents shall perform chores which are assigned by staff and shall participate in evening mealtime. The chores include monitoring children during playtime, cleaning up after meals, watering plants, etc. The client was responsible for taking her children to medical and dental appointments, for taking her boyfriend to doctors in Chicago and Milwaukee, and looking for work. As a result, from time to time, the client asked another resident to cover her chores for her. She also frequently missed the evening meal time. The staff met with the client at one time and issued her a "status agreement", which essentially required her to perform assigned chores, attend the evening meals and be restricted to the premises for a period of time. According to the staff, the client did not comply. We became involved because the client had established a tenancy and believed that TLC should be bound by the Forcible Entry and Detainer Act, 735 ILCS 5/9-101 et.seq. The TLC had not issued a notice, had not provided an opportunity for hearing, and had not filed a complaint in the court system. We negotiated with the TLC attorney, and agreed that TLC would hold an administrative hearing on the matter and agreed to another local attorney to serve as the hearing officer. After a hearing on all the issues, the hearing officer decided that the client should be restricted to the premises for a period of one month, that staff would transport the client and her children to necessary appointments, the client would perform chores assigned, the client would not have access to a television or a telephone and she would have to surrender her cell phone, and the client would have no visitors. The client was given until noon the following day to decide to abide by the terms of the decision or to move out of TLC. The client weighed her options and decided to move out of TLC and into the PADS overnight shelter. (Charlene Riefler)

4. **M.S. and C.S. v. Various towing companies**. In cases funded with HUD homeless grants, we represented homeless clients who lived in their respective automobiles. Their vehicles were towed, and the towing company demanded full payment of towing and storage costs for release of not only the vehicles, but also the vehicles' contents. Such contents included the clients' identification - Illinois State I.D.'s, Social Security cards, military discharge papers and birth certificates. The clients needed their identification to work. We contended that the towing companys' statutory liens on the vehicles did not extend to the contents of the vehicle, and demanded the return of the vehicles' contents. The companies conceded to the demands, and returned the clients' belongings which had been seized with the vehicles. (Kerry O'Brien)

HOUSING

1. **N.J. v. Lake County Housing Authority.** After our client's husband was paroled from prison, the client discovered him in her house without her knowledge or consent. He evidently had been there for some time. Late that evening, the husband was arrested after having allegedly made 2 or 3 calls to the Mundelein police during the day threatening to blow up the local Walgreens. The store was searched, but no explosives were found. The police traced the calls as having been placed from the client's house. The client had no knowledge of these calls. With a search warrant, the police searched the client's house, where they found pipes, bowls and leafy substances that field tested to be cannabis and cocaine. The client denied that she ever did drugs and had no knowledge of what the police said they found. When the husband was booked, he gave client's address as his residence. The Lake County Housing Authority (LCHA) terminated the client's Section 8 voucher as a result of the unlawful conduct. In addition, the Police Department issued a notice to the client's landlord that the house was a public nuisance and that under city ordinance it had to be boarded up. Finally, the client was charged for the felony of possessing drugs. At that point, the client came to PSLS for representation. We avoided any boarding up through a personal meeting with the prosecutor for the Village of Mundelein. We appealed the decision to terminate her Section 8 voucher, but following a hearing, the Hearing Officer upheld the termination. We then filed a further appeal to the LCHA Board of Commissioners. After another hearing and oral argument, the Board voted to override the Hearing Officer and let the Client retain her Section 8 voucher. We informed the Client's Public Defender of the facts as we knew them, and that any plea of guilty on the felony charge for possession of drugs would automatically terminate the Client's Section 8 voucher. After the P.D. conferred with the State's Attorney on the matter, the felony charge was dismissed. The client was able to keep her Section 8 subsidy, keep her family intact and emerge without a blemish on her record. (Harold Goldman, Larry Smith, Linda Rothnagel)

2. **Prairie View Apartments v. C.A. (Circuit Court of Lake County).** In a case funded with an IDHS Homeless Prevention Grant, we represented a client who received a 30 day notice to quit. It alleged that she failed to show her ID on one occasion, non-payment of the March rent, and two speeding incidents. The client had paid the March rent, although it had been paid late. She denied the other allegations. We determined that the acceptance of the March rent constituted a waiver of any lease violations alleged to have taken place before March, but was not a waiver of incidents taking place during March. This was because the March rent was due on March 1 and only acceptance of rent "accruing after" an alleged breach constitutes a waiver. We advised the client to try to pay her April rent and report back to us. Prairie View filed an FED action against the client. We filed a Motion to Dismiss, but when we learned that the plaintiff also accepted the April rent, we filed an amended Motion to Dismiss, alleging that the acceptance of the April rent constituted a waiver of all of the alleged lease violations. By agreement of the parties, the case was dismissed with prejudice. (Aaron Baker)

3. **<u>Chain O'Lakes Mobile Home v. W.R.</u> (Circuit Court of Lake County).**

Mr. R., a mobile home owner, suffers from depression, as well as multiple physical disabilities. The client had recently obtained a new dog. However, the dog had not been registered with or approved by the landlord. Mr. R. came to Prairie State for help because he was afraid his landlord would evict him over this dog. The last time he attempted to pay the lot rent, including the contractual $5 dog fee, the landlord returned the check to him. Evidently, the problem was that Mr. R. had not included a "$100 dog fee," which was a "new rule." The manager also told him that her goal was to rid the park of dogs. We advised Mr. R. that what the landlord was doing was illegal because of lack of notice, and noted other potential problems under the Mobile Home Act. On our advice, Mr. R. took his original payment back to the manager and informed her of our position. At that point, the manager accepted the payment. Soon after, however, the landlord served the client with a 24 hour notice to get rid of the dog for being in violation of the rule that animals must be approved and registered. The landlord also stated that Mr. R.'s dog would not be approved or registered because of perceived problems with Mr. R.'s previous dogs. Although there were problems with his current dog, Mr. R. felt that the landlord was retaliating against him because he had stood up for his rights not to pay the new "pet" fee.

When the client did not get rid of the dog, the landlord filed an eviction lawsuit. At this point, we learned that the client needed the dog as an assistance animal to help him with his depression. We helped the client get a doctor's letter regarding the client's need for the dog. Using the letter, we made a request for a reasonable accommodation, which the landlord refused. We filed a counter-complaint alleging several violations of the Mobile Home Act and the Fair Housing Act. We also enlisted the help of Professor Willis Caruso and students from the John Marshall Law School Fair Housing Clinic. They prepared to file a lawsuit for discrimination under the Fair Housing Act in federal court. Meanwhile, the client determined that the stress of the case was more than he could endure any further, and that he no longer wished to live at the mobile home park, even if he won the case. At the client's request, we negotiated a settlement which obtained a substantial monetary settlement for the client and a dismissal of the eviction case in exchange for the client's agreement to leave the park. (John Quintanilla)

4. **<u>Re the Matter of R.A.</u> (Peoria Housing Authority).** In a case funded with a City of Peoria (Emergency Shelter) grant, we represented a client who was living in a subsidized apartment with her children. The PHA sought to evict our client, claiming that the client had an unauthorized person living there, who was allegedly causing numerous problems. We filed for grievance hearings. We lost the informal hearing, so we proceeded with a formal grievance hearing. Based on our arguments, the PHA concluded that it had not given proper notices or warnings, and decided not to hear evidence on the issue of the unauthorized person. The Housing Authority stated that they would start over, by giving the client the proper notice.
For whatever reason, the Housing Authority decided not to pursue the matter, and never issued any further notice. (Lori Luncsford)

5. **In re C.D**. The client is a woman with disabilities, who has an 8th grade education, and has received SSI and Medicaid since childhood. The problem was that she could not be reunited with her two foster children until she had appropriate housing. The client was living in a rooming house and had been waiting 8 months for HUD to approve her application for subsidized housing. She was denied subsidized housing because her credit record showed unpaid medical bills. She went to several medical providers and obtained documentation that the charges had been paid. But she could not obtain the required proof for two items on her credit report. One related to a bill from an ambulance company, but the phone number listed in the report was for a private residence in another state, and therefore, the client could not contact the company. The second related to a bill from a collection agency collecting $66 for a radiologist who had read x-rays in a hospital emergency room 3 years before. Client had a letter of reference from a previous landlord stating she was a good tenant, and her Public Aid caseworker notified HUD in writing that she had been a Medicaid recipient at all relevant times, indicating that she had never been obligated for the charges appearing on her credit report. Still, the HUD office required proof that the two itemized debts had been paid or that the providers had submitted their bills to Public Aid. Our telephone counselor ran a Google search on the ambulance company, found it in Tennessee, and advised the client to inform HUD that she had never taken an ambulance and had never been in Tennessee and that the credit report was in error. The counselor also advised her how to correct the credit report. Then, the counselor contacted the collection agency and traced the unpaid radiologist's bill to the provider. The counselor then advised the client how to contact the provider directly to inform them of their error in failing to bill Medicaid and of client's resulting inability to obtain subsidized housing, and to request that the provider send a letter to HUD indicating that the provider would submit its $66 bill to Medicaid. The client was told she could request further assistance from Prairie State if HUD failed to immediately approve her housing request. (Judy Goodie)

6. **J.C. v. H.C.** **(Circuit Court of Livingston County).** The client, J.C., was a single parent living with her two-year-old daughter in a small rented house. When she got behind in her rent, her landlord contacted the village water department and had her water turned off. One evening, when she was not at home, he battered in her front door, smashed her telephone and cut the cord. He left a note at the premises that read, in part, "everything in this house will be disposed of in the next three days. If you want anything you better get it out within the next two days or it is all going to be burned." Prairie State filed suit on J.C.'s behalf and obtained an emergency order restraining the landlord from further harassment and requiring him to stay away from the premises. The order further provided for water service to be restored to the premises. We sued the landlord for trespass, breach of the covenant of quiet enjoyment and intentional infliction of emotional distress. The landlord counterclaimed by bringing an action in Forcible Entry and Detainer for possession of the premises and for back rent. The case settled with the landlord making an $800 cash payment to our client and dropping any claim against her for rent. J.C. remained in the premises until she was able to find a suitable and affordable place to move. (George Boyle)

7. **<u>Section 8 Landlord v. C.D.</u> (Circuit Court of Lake County).** The client lived in subsidized housing with a Section-8 voucher from Lake County Housing Authority. She notified the LCHA in late July 2003 that she had lost her job and asked for a rent recalculation. The LCHA reduced the client's rent to zero, and agreed to fully subsidize the rent for August and future months, but unfortunately, that decision was not made until September. In August, the client was unable to pay the rent due to the loss of her job, and the landlord subsequently filed an eviction action against the client. Still in August, the case came to hearing and the Court ordered her eviction, but stayed the order to September 5. Two days before the expiration of the stay, the client came to Prairie State. We immediately found that the LCHA had recalculated the client's August rent to zero and that the LCHA had approved a 100% subsidy of the August rent to the landlord. We filed a Motion to Vacate the eviction order, which the Court denied. We then filed an appeal, and a Motion for Stay Pending Appeal, which the Court also denied. During this time for hearing Motions, the LCHA paid the landlord the full August and September rent and the landlord was made whole. We then negotiated a settlement with the LCHA and the landlord that if the Client vacated the premises by the end of September, the LCHA would give the client a portable Section-8 voucher. The LCHA and the client both honored their commitments. The client entered into a new lease with a new landlord. The client was pleased to have a new Section-8 voucher. (Hal Goldman)

8. **<u>F.B. v. C.W.</u> (Circuit Court of Lake County).** In a case funded by an IDHS Homeless Grant, we represented a 56-year-old disabled war veteran who was faced with eviction and loss of his housing subsidy. The client had received a section 8 voucher seven months before the eviction case was filed. He was trained as a cook in the Army, and continued as a line cook at the VA for many years until cataracts and glaucoma left him nearly blind and unable to continue working. He became dependent on VA disability benefits and on alcohol. With a monthly income of only $824, he relied on his housing subsidy to maintain his independence and dignity. The plaintiff landlady served the client with a five-day notice, claiming zero rent due, on which she based her complaint. It was apparent she was treading unfamiliar waters - the case was ripe with procedural errors. We filed an appearance on behalf of the client and through discovery learned of the real basis for the eviction. Neighbors in the three-unit building where the client lived complained of several incidents of thick smoke and burnt odors emanating from his apartment. They were afraid for their safety. Upon an inspection, the owner discovered plastic ice cube trays melted on his stove top. The client was faced with the difficult realization that he was no longer able to safely cook his meals. Although the immediate case could swiftly be disposed of on the basis of the landlord's procedural errors, it was only a matter of time before the owner either discovered *pro se* educational materials or retained an attorney and brought a new case. Through negotiations with the landlady, and involvement with the LCHA and the client's VA case worker, the parties reached an agreement. The lawsuit was dismissed. But importantly, the parties also entered into a lease addendum which provided that the stove would be removed from the unit and replaced with a microwave oven. (Amy Weiss)

9. **<u>Zeman, Inc., as Agent for Shoreline Terrace Manufactured Homes Community v. G.W. and T.F.</u> (Circuit Court of Lake County)**. In a case funded with an ESG -Lake County grant, we represented clients who owned a mobile home. The clients stayed current with the lot rent of $490 per month until the wage earner lost her job. Although she found another job, there was a gap in time before she received a paycheck, and as a result, the clients fell behind in rent. The park owner served a 5-day notice to terminate the tenancy. First, we represented the clients in their effort to obtain rent money from a program disseminating FEMA funds, which program helps needy persons avoid eviction where there is a temporary loss of income, but where the family can resume its ability to meet its rental obligations. For inexplicable reasons, the program denied the request for assistance. The park owner filed suit for eviction. An eviction would have been an extreme hardship for the clients because it would have cost $2,500 to move the mobile home (which they did not have) and 2) they were unable to find another park to accept the mobile home either because it was too wide and/or they needed a reference from the current park owner (which they could not get). After appearing in court on the return date, the clients came to Prairie State. We learned that the court had scheduled a trial to be held in six days (ordering an appearance to be filed in two days). By the time the case came to trial, the clients had all the rent, late charges and other fees, but the park owner refused it. In some prompt efforts at discovery, we obtained a copy of the 15 page lease and notice of termination. We then filed a memorandum of points and authorities to support our arguments why the court should not evict the clients. We represented the clients at trial, where we defeated the mobile home park on the issue of possession. The mobile home park voluntarily dismissed its claims for rent and costs with the right to re-file at a later time. It is likely that the owner will issue a new 5-day demand and notice of termination, but the clients now have the money to meet the demand, so they will be able to stay in their home on the present lot. (Larry Smith)

10. **<u>Knox County Housing Authority v. S.B.</u> (Circuit Court of Knox County).**
Our client was a 47 year-old person with a disability living in a housing authority high-rise with predominantly elderly residents. She also had a drinking problem, and one night she upset several residents by asking many of them for cigarettes while in the common room. The housing authority filed an eviction case against her, and while it was pending, she accidentally dislodged the toilet tank in her bathroom, and caused severe water damage to the apartment below her. Because of the client's disability, her only housing alternative was a nursing home. We represented the client and interviewed the witnesses against her. After the water damage incident, in cooperation with Bridgeway Family Services, the client decided to seek treatment for her alcoholism and to attend Alcoholics Anonymous meetings. We then requested the housing authority to make a reasonable accommodation under the federal Fair Housing Act, due to the client's disability of alcoholism, by withdrawing its eviction action and allowing her to obtain treatment and attend A.A. meetings. The housing authority agreed. The client obtained treatment and began A.A. attendance, and the eviction was dismissed. (Mark Kelly)

11. **<u>S.B. v. DuPage County Housing Authority</u> (DCHA administrative hearing).** In a case funded with a HUD grant, the DCHA terminated our client's Section 8 voucher due to drug activity of her boyfriend, who lived in the client's apartment. The boyfriend was sentenced to prison after being convicted of buying drugs for a 15-year boy who died of a drug overdose. The criminal case against the boyfriend drew a lot of publicity in the local media. The incident, however, did not take place in the client's apartment. The client requested an appeal hearing before the DCHA's administrative hearing officer regarding the termination of her voucher. We represented the client at the hearing, where we sought to highlight the sympathetic aspects of our client and her situation. The client has five children. It was really important for the sake of family stability that the client get her voucher restored so she could afford a large enough place to house herself and all her children. The client had made extensive efforts in recent years to get her life on a good track. People from the client's church and from local social service agencies that assist her testified at the hearing regarding the efforts client has made. We also presented a letter from the landlord stating that the client was a model tenant and encouraging the housing authority to restore the client's voucher. The client testified that the boyfriend was abstaining from drugs and alcohol when they began their relationship and moved in together, but that he subsequently began using. The client testified that she tried many times to get boyfriend to get help for his substance abuse problem. When that didn't work, client tried to get boyfriend to move out, but he refused. The Housing Authority's administrative hearing officer ruled that client's Section 8 voucher should be restored. (Robert Torbett)

12. **<u>Y.L. v. DuPage County Housing Authority</u> (Circuit Court of DuPage County).** In a case funded by a HUD homeless grant, we represented a client who was a participant in the Section 8 housing program. When her brother moved in with her, her rent subsidy was reduced to zero, due to the brother's income. The Housing Authority issued notice, pursuant to the applicable regulations, that her Section 8 assistance would be terminated if she remained at zero subsidy by the expiration of her present lease term. Approximately two months before the expiration of her lease term, her brother moved out and the client informed the DCHA of the move. The DCHA, however, required documentation of the brother's new residence. The client did not have access to such documentation and the DCHA terminated the Section 8 assistance without further notice to client. When the client contacted us, she had been without Section 8 housing assistance for almost two years and had been homeless. We filed a complaint for administrative review of the agency determination in Circuit Court on the theories that the client's affirmative statement of her brother's move was sufficient proof to have her rent reduced, and that even if such proof was disputed, the client should have been afforded an administrative hearing on the issue. The case was settled when the DCHA agreed to issue a Section 8 voucher to the client. (Kerry O'Brien)

13. **K.B. v. H.H.** The client received a 10 Day Notice to Quit her apartment. The notice was based on repeated visits to the client's apartment by her husband who had been "banned." He used the apartment to visit with the parties' children. We advised the client to pay her rent for the next month, as it came due. The client paid, and the landlord accepted, the October and November rent. We advised the landlord that acceptance of the rent constituted a waiver of the 10 day notice. We met with the property manager in November and mutually agreed that the husband could visit his children between 7:00 a.m. and 11:00 p.m., but would not live there. The case demonstrates the value of a personal meeting with the landlord and the offer of rent following the issuance of a 10 day notice. (Hal Goldman)

14. **Rosewood Apartments vs. J.G. (Circuit Court for Lake County).** In a case funded with an IDHS Homeless grant, we represented a client, a single mother of two children, who had been served with a 10-day notice to terminate her section 236 federally subsidized tenancy for non-payment of rent. The client lost her job because of health problems. Although her last paycheck should have been directly deposited into her bank account, the employer failed to do that (she pursued a wage claim with the IL Dept. of Labor). But believing that her last paycheck had been deposited into her account, she wrote several checks for bills, including her rent, and the rent check bounced. Once she received the NSF notice from her bank, she went to the property manager's office with a money order for the full amount due, including late fees. She informed the manager that she lost her job and asked that her rent be recalculated based on the decrease of income. The manager refused to accept the money order and told her it was their policy to submit bounced checks a second time. The client went directly to her bank to deposit the money order to cover the check; however, because of multiple bounced check fees, much of the money order was taken by the bank and the rent check bounced once again. The apartments then sued the client for eviction. The manager still had not recalculated her rent and it was now 6 weeks after she made the request.

We filed an appearance on behalf of the client and made several unsuccessful attempts to negotiate a settlement prior to trial. At trial, we argued that the HUD lease provided that the owner must re-certify the tenant within a reasonable amount of time, which, for purposes of verifying a change of income, is considered to be four weeks. The attorney for the owner argued that the tenant failed to provide proof that she lost her job within that time. We argued that per the HUD lease, it is the owner's affirmative duty to verify the tenant's change of income. Furthermore, per the lease, if the owner delays in the re-certification process, the owner must not evict the tenant for non-payment of rent, nor charge late fees, and must retroactively apply the rent reduction to the first day of the month following the date of change of income. The lease further provided that the owner must then notify the tenant in writing of any rent due for the period of delay and cannot initiate eviction proceedings until 30 days after notification. The Judge agreed and denied possession. Moreover, the Judge took to task the manager for refusing the certified check in the first place, and questioned the owner's attorney as to whether he even read the lease. (Amy Weiss)

15. **<u>Rosewood Apartments vs. J.G.</u> (Circuit Court for Lake County) (Part II).** Having won the above case just four months before, we then undertook new litigation involving the same parties. Here, the client came to us after a default order of possession had been entered against her for non-payment of rent in her section 236 federally subsidized housing unit. She had just received approval from the Lake County Housing Authority for a section 8 voucher that she was now at risk of losing. Client was late with her rent because a sudden and acute medical condition disabled her from working. The default was entered when the client missed her return date. She was in the hospital at the time having undergone surgery to remove one of her ovaries. She sent her boyfriend in her stead to ask for a trial date, but the judge entered a default order. The client had a meritorious defense to the claim in that she had asked for a meeting with the manager to discuss the proposed termination of her tenancy within ten days of receiving the notice, pursuant to HUD regulations, but the manager refused to give her a good faith meeting. The client tried paying the full amount of rent due, plus late fees, with a personal check, but the manager refused it, as the notice stated she had to pay with a money order and it was three days after the notice period had run. The client was unable to get to her bank due to her illness. We filed an Appearance and Motion to Vacate the Default Order on behalf of the client. We were then able to negotiate a very favorable agreement with the plaintiff's attorney. By the agreement, the plaintiff accepted the client's late rent payment, canceled the Sheriff's eviction date, dismissed the case against client to preserve her section 8 voucher, and allowed her to stay in the unit until the end of June, giving her enough time to recover from her surgery, and apply her security deposit towards June rent so she would have enough money to pay the security deposit on her new apartment. (Amy Weiss)

16. **<u>D.I. v. P.A.</u> (Circuit Court of Fulton County).** In a case funded with a grant under Title III of the Older Americans Act, our client, P.A., entered into a contract to buy a mobile home, and to lease the lot from D.I., a mobile home dealer and park owner. The owner wrote out the initial contract in longhand, and promised the client he would supply him with a more formal document. After several months and without additional consideration, the owner produced a printed contract, charging more money for the home and containing other less favorable terms. The client felt he had no choice but to sign the new contract. He made his monthly payments faithfully but stopped when he lost his source of income. The owner then sued to evict him. We filed a Motion to Dismiss based on the lack of consideration in the contract, and the Court granted the Motion. Later, the owner filed another suit to foreclose on the mobile home purchase contract and repossess the trailer. We filed various affirmative defenses, the most significant of which was that the owner had failed to comply with Illinois law which prevented him from charging any interest on the sales contract. The owner refused to entertain any settlement offers, so we conducted discovery, and prepared for trial. By the time the case came to trial, the client had lived in the home and on the lot for over a year without paying anything (due to the owner's refusal of settlement offers), and so he had recouped a significant portion of his damages. As the trial was beginning, the parties reached a settlement under which the owner paid the client $1,000 and the client agreed to give up his right to the trailer and move in 30 days. (Mark Kelly)

17. **<u>Lexington Hills Apartments v. L.J.</u> (Circuit Court of Peoria County).** Our client lives in low income subsidized housing. She has guardianship of her 3 siblings, and attends nursing school. On one occasion, while she was babysitting for a friend (who also lived in the apartment complex) while the friend was in the hospital. When the friend got out of the hospital, she helped the friend take the children home to the friend's apartment. As our client was taking the kids inside, some girls from within the complex burst into the friend's apartment, armed with hammers and bottles. They started hitting our client and the woman just out of the hospital. Our client was arrested for mob action and criminal damage to property, but no charges were filed. The manager of the apartments then gave our client a 30 day notice of termination of tenancy, alleging criminal activity, and then filed suit to evict our client and her family. We appeared in the case, took discovery, and determined that our client had not violated the lease nor was there any good cause for the termination of her tenancy. The case went to trial, and at the close of the plaintiff's case, we made a motion for a directed finding. The judge entered a judgment in our client's favor. (Dan Smith)

PUBLIC ASSISTANCE/ FOOD STAMPS

1. **<u>B.H. v. Illinois Department of Human Services</u> (Circuit Court of Kankakee County).** Our client formerly received TANF benefits in Chicago. In August, 2002, she decided to move to Kankakee. She notified her IDHS caseworker, who told her the case would be transferred to the Kankakee IDHS office. IDHS regulations provide that a recipient's TANF assistance should not stop if the client moves to an area served by a different IDHS office. However, our client did not receive her TANF assistance for September, 2002, or subsequent months. She was repeatedly told that IDHS could not provide her with any TANF assistance until the Kankakee DHS received her actual case file. Finally, in March 2003, the local office issued TANF benefits for April 2003 and thereafter, but refused to issue benefits for the 7 previous months. The client contacted PSLS. We filed an administrative appeal seeking the TANF assistance our client should have received for September 2002 through March 2003. DHS argued that our client had not notified them of her new address, and stated that a notice had been sent to the client in September 2002 at her Chicago address, and that her assistance had been terminated due to her failure to respond to that notice. IDHS issued an administrative decision denying the appeal, on the basis that the appeal was not timely filed because more than 60 days had elapsed since the benefits ended in September 2002. We filed an action seeking administrative review in the Circuit Court, arguing that the appeal time limit was not applicable because our client had never received a notice of termination of assistance, and further that the evidence established that our client had properly reported her move and so there was no lawful basis to terminate our client's assistance. The court found that the evidence proved that our client had properly reported her move and that IDHS has failed to follow proper steps in implementing the transfer of the file, resulting in the improper termination of assistance. The court ordered that our client be awarded the TANF assistance owed for the 7 month period. (Mike O'Connor)

2. **A.H. v. Illinois Department of Human Services.** In a case funded with a City of Peoria Community Development grant, we represented a 62-year old woman receiving General Assistance, who was appealing denials of her application to IDHS for Medicaid and to the Social Security Administration for disability benefits. Both agencies had denied assistance because they concluded that she was not disabled. We lost the administrative hearing at IDHS and filed suit for Administrative Review with the Circuit Court. While we waited for a hearing in court, Social Security decided that our client was disabled and entitled to Social Security benefits. We sent that decision to the Attorney General's Office, and IDHS determined that the client was then eligible for Medicaid. We kept the case open to make sure the client received benefits in the right amount from both Social Security and the Illinois Department of Human Services. (Lori Luncsford)

3. **J.Z. v. Illinois Department of Human Services.** Mr. Z. suffered an accident at work and needed two operations. He had a worker's compensation attorney, but that case was moving very slowly. He had applied for Social Security Disability Insurance but that application was still pending. He had no health insurance. In order to get the operations he needed, he applied for Medicaid, but IDHS denied the application. They also denied his application for food stamps. The client had to borrow money from relatives in order to feed his family. The client spoke only Spanish and had difficulty negotiating the public aid system. We helped Mr. Z. file an appeal of the Medicaid and Food Stamp denials. We requested a pre-hearing conference and discovered that the real reason he was being denied was because IDHS had documentation showing that Mr. Z. had worked for several months recently at a company in Elk Grove Village and therefore his income was too high. The client denied ever working in Elk Grove Village and we determined that this was a case of identity theft. We obtained documents from IDHS and from the Illinois Department of Employment Security which listed a home address and other information for "the other Mr. Z". We advised the client to file a police report in Elk Grove Village. He did so and we provided the police with information regarding the "other Mr. Z." Elk Grove police arrested a man with initials L.C. for identity theft. We supplied IDHS with a copy of the police report showing that a man with initials L.C. was arrested for identity theft at the address they had for Mr. Z. in Elk Grove Village. Upon presentation of that police report, the way was cleared for Mr. Z. and his family to receive the food stamps they needed and were entitled to and to continue with his Medicaid application. (John Quintanilla)

VOCATIONAL REHABILITATION/ HOME SERVICES

1. **Radaszewski v. Maram (Illinois Supreme Court); Radaszewski v. Garner (Seventh Circuit Court of Appeals).** This case involves a severely disabled client who requires 24 hours a day of private duty nursing in order to remain in his home with his parents and avoid institutionalization. The client suffered from brain cancer at age 10 and later suffered from strokes. His father is disabled himself and his mother seeks to coordinate the care which includes intraveneous medications, continual monitoring of vital signs, cleaning of sites to prevent infection, and feeding. Before this client turned 21, the Illinois Department of Public Aid had provided 16 hours a day of nursing through a child Medicaid waiver program it administered. However, when the client turned 21 in 2000, the Department informed the family that it would no longer provide that care because its policy allowed for only limited home nursing services for adults. They offered only a maximum of 5 hours a day of in-home nursing. This meant that the family would have to provide the balance of 19 hours a day of nursing care to the client, an obviously overwhelming task. The family faced the bleak prospect of convincing the Department to provide more nursing hours or placing their son in an institution. The physician's opinion was that institutional care for this client would be medically dangerous.

We filed a federal lawsuit on his behalf in September 2000 and a state lawsuit in December 2000, seeking to retain the 16 hours of private duty nursing. We alleged that the Department's actions violated the Americans with Disabilities Act (ADA) and that their actions eliminating private duty nursing were in violation of the Illinois Administrative Procedures Act (IAPA). The case has been through three appeals. As previously reported, the Circuit Court of DuPage County had granted an injunction ordering the Department, which has allowed the client to receive 16 hours/day of nursing throughout the lengthy litigation. After a new judge was assigned the case, the court dissolved the injunction and granted defendants' motion for judgment on the pleadings. Eric appealed to the Second District Appellate Court, which granted a stay pending appeal. In December, 2003, we prevailed in the appeal, the appellate court finding that the defendants had violated the IAPA when they attempted to amend their rule to eliminate private duty nursing services from the state Medicaid plan. This outcome allowed the previously obtained injunction to continue. The defendants have appealed that decision to the Illinois Supreme Court, where a decision is pending.

The federal court dismissed the client's federal law suit in September 2002 on the grounds that the Complaint did not support claims under either ADA or the Rehabilitation Act. We appealed that finding to the Seventh Circuit Court of Appeals and argued the case in September 2003. The appellate panel has yet to issue a decision. The outcome is particularly important because it could finally resolve this litigation. The state appeal, while important, will not provide a final resolution to this litigation because it involves a procedural challenge to the promulgation of the rule which eliminated private duty nursing across the board. IDPA could overcome this difficulty by re-promulgating the rule, this time following the requirements of the Illinois APA. (Eliot Abarbanel, Bernie Shapiro, Sarah Megan).

OTHER

1. **<u>D.L. v. T.F.</u> (Circuit Court of DuPage County).** Our client (T.F.) hired D.L. to fix her car after it failed an emission test. Mr. L. was unable to fix the emission problems, but nonetheless charged the client $1,000 in mechanic's bills, which she paid. She later found out from another mechanic that her car only needed a $25 part and that she had been conned by Mr. L. When she went back to Mr. L to complain, she threatened to go to the police. In response, Mr. L. pulled out a handgun and said "I am the police." Frightened, the client reported the incident to the Downers Grove Police. As a result of this incident, Mr. L. was charged with two felonies, but plead guilty to a lesser felony. The criminal court ordered Mr.L. to pay our client $1,000 in restitution, which he paid. As revenge for reporting him to the police, Mr. L. sued our client for defamation and for causing him to be placed in a false light before the public (i.e. Downers Grove Police). The Complaint sought $50,000 damages. The Plaintiff was able to get a judgment of $40,000 against our client when she missed a court date. The reason she missed the court date was because, due to her limited English proficiency, she believed the judge had ruled favorably for her at an earlier court date, and mistakenly thought further appearances unnecessary. The client first came to Prairie State after Mr. L. served a garnishment summons on her employer as a result of the default judgment. We filed a Motion to Vacate the default judgment, which was granted, and prevented any turn-over of her wages. We were given leave to file an answer or otherwise plead. We filed a Motion to Dismiss pursuant to 735 ILCS 5/2-615, because the plaintiff had failed to plead facts necessary to establish various elements of both defamation and false light violation of privacy. The Court granted the Motion and dismissed Plaintiff's suit without prejudice. The Court also granted Plaintiff 28 days to file another Complaint, a period now long passed, but he has not yet re-filed. (Laura Myers, David Wolowitz)

2. **<u>Will, Powers of Attorney and Children's Trust</u>.** The client is a 35 year old woman who contacted our office because she had been diagnosed with stomach cancer. She had 8 surgeries and she had another tumor which is inoperable. The doctors wanted her to go to Mayo Clinic to make her comfortable. The client had 2 minor children and wanted to get her affairs in order before she was to go to Mayo Clinic. Pro Bono Attorney John E. Miller accepted this case in a timely fashion, prepared children's trust, a Will and Power of Attorneys for property and health care. (John E. Miller, Miller, Lancaster & Walker, P.C.)

NON-CASE ACTIVITIES

Prairie State Legal Services recognizes the important role the organization and its staff play in the communities we serve. On the following pages we have highlighted some of the ways in which Prairie State is involved in promoting access to justice, which do not involve representing a particular client on a particular case.

BAR ASSOCIATION/ COMMUNITY LEADERSHIP ACTIVITIES

All Prairie State professional staff are members of the Illinois State Bar Association, and all attorneys are also members of their local bar associations. But beyond that, many of our staff are actively involved in their communities, either serving on Bar Association committees or serving different roles in various professional organizations, boards, agencies or committees. During the past year, the following staff have been active as noted below:

1. **Joseph A. Dailing, Executive Director.** In February, 2004, Joe was a panelist at the Pro Bono Institute's Annual Seminar at the Willard Hotel in Washington, D.C. The subject of the panel was "Building Better Partnerships." Charles Stuckey of State Farm Insurance also served as a panelist. Participants at the conference include large law firm representatives, corporate counsel and public interest organizations. Joe also hosted a luncheon table discussion among seminar participants on Rural Delivery and issues surrounding the need for specialized *pro bono* in rural areas. An evening reception at the Great Hall of the United States Supreme Court, hosted by Justice Ruth Bader Ginzberg, concluded the seminar.

Joe was also a presenter at two panels at the ABA/NLADA Equal Justice Conference in Atlanta, Georgia in April. The first panel, "VAWA (Violence Against Women Act): Issues and Answers" discussed issues that legal services programs around the country have faced in getting, using and keeping funding to represent victims of domestic violence. Prairie State was one of the successful programs to continue receiving this funding after the expiration of its first grant. The other panel, "Taking It To the Streets: Developing a Mobile Law Unit Program" featured presentations by legal services programs in Georgia, California and the Republic of Georgia in the former Soviet Union. Joe's presentation centered on his observations on the work down by the Georgian Young Lawyers Association in the Republic of Georgia, based on his two month work in the country.

2. **Tracey Mergener, Managing Attorney, Galesburg Office**. Tracey is a member of the Knox County Teen Court organization as a volunteer judge. She presides over the teen court trials. Teen court is a first time offender program where juveniles are represented by other students in court and their case is heard by a jury of their peers. The offender is usually sentenced to community service along with a variety of other sentences which include counseling and substance abuse evaluations. If the juvenile successful completes his/her sentence, all charges are dismissed and the juvenile is able to maintain a clean criminal record. In addition, Tracey is a board member of the Money Management Program which provides volunteers to seniors and others in need who require help with their bill paying and money management. This is a program sponsored by Alternatives For The Older Adult. Tracey is also a member of the Knox County Bar Association.

3. **Lori Luncsford, Staff Attorney, Peoria Office.** Lori is a commissioner for the Fair Employment and Housing Commission of the City of Peoria. She is on the Peoria County TRIAD board (involves safety of seniors), and the Elder Victims Committee of the local Family Violence Coordinating Council. She is a member of the Peoria County Bar Association, and a member of 3 bar association committees (By-Laws, Courts and Procedures, and Family Division). Lori belongs to a Episcopal/Anglican church, where she is on the Diocesan Council (the board of the Diocese), and in charge of Communications.

4. **Sandra Crow, Private Attorney Involvement Coordinator, Peoria Office.** Sandy sits on the Pro Bono Committee of the Peoria County Bar Association. She is on the state-wide planning committee for the Leukemia & Lymphoma Society and she chairs the annual Light the Night Walk in Peoria. On behalf of the Society, Sandy lobbied in Washington, D.C. for increased funding for research in March 2004. In addition, Sandy is involved with the Central Illinois Paralegal Association and is a member of the Network of Volunteer Administrators. The latter group directs volunteer programs in Peoria and the surrounding counties. Sandy also is a member of the Continuum of Care to end homelessness, and a member of the Illinois Central College Paralegal program advisory board.

5. **Mary Jo Rosso, Staff Attorney, Waukegan Office.** Mary Jo is involved in three groups. First, for the Staben House, she has been serving as the Secretary of the Advisory Council for a little over two years now. The Advisory Council supports the Staben House (a transitional shelter for women with children) by raising funds, providing guidance, and by obtaining other necessary items. Second, Mary Jo is active with the Lake County Coalition for the Homeless. They currently work primarily on educating the coalition members about issues facing the homeless, but they intend to expand their efforts to educate the general community on those issues. Third, Mary Jo is active with the Advisory Planning Group of the Lake County Continuum of Care. This group identifies gaps in services to the homeless, determines how those gaps can be filled, and allocates Continuum of Care funding to correspond to the needs of the homeless in the community.

6. **Annette Cavanaugh and Anne Sherman, Staff Attorneys, Batavia Office**. Annette and Anne are members of the Kane County Bar Association and both participate on its Family Law Committee.

7. **Connie Peterson, Executive Secretary to Joseph Dailing, Administrative Office.** Connie is not only a member of the Winnebago County Association of Legal Secretaries, she is also an officer. She is the Corresponding Secretary and on the Board of Directors as Chairperson of the Constitution/Bylaws Committee and Co-Chairperson of the Sunshine Committee.

8. **Nancy Hinton, Executive Secretary, Kankakee Office**. Nancy is the Vice President and Fundraising Coordinator for the Community Service Council. The Council's main event provides essentials to needy families in Iroquois County at Christmas time, including food baskets, new toys, vouchers to purchase needed personal items and clothing. Nancy reports that the Council serves about 900 people through this event. Throughout the year the Council also provides assistance to people in crisis situations (gas money to get to doctor's appointments, emergency medications not covered by IDHS, etc.). The Council also provides clothing and bookbags to families at the beginning of the school year (at The Back to School Fair). Nancy has volunteered for many years at The Back To School Fair (both for Iroquois and Kankakee Counties). It is sponsored by the local Catholic Charities office. The Fair provides free school supplies to school aged children. Community social services agencies are available at the Fair to explain the services they provide (a one-stop shopping experience).

9. **Linda Rothnagel, Managing Attorney, Waukegan Office**. Linda is a member of the Lake County Bar Association and is on the Family Law Committee and the Legal Aid Committee.

10. **Judy Goodie, Telephone Counselor, Waukegan Office**. Judy has been an appointed volunteer member of the Wilmette Zoning Board of Appeals since 2002. Before that she chaired the Wilmette Board of Police and Fire Commissioners for 6 years.

11. **Laura Myers, Staff Attorney, Carol Stream Office**. Laura serves on the Board of Directors of Parents Alliance, a non-profit organization located in Lombard, IL that seeks to place persons with disabilities in suitable employment by working with both employers and the persons with disabilities. Also, she is a member of the DuPage County Bar Association.

12. **Larry McShane, Paralegal, Waukegan Office**. Larry has been publicly re-elected in a non-partisan election to his second six year term (2004 - 2010) on the Lake County Regional Board of School Trustees. He is also a senior member of the Illinois Paralegal Association.

13. **Marcy Heston, PAI Coordinator, Batavia Office**. Marcy continues to chair the Paralegal Committee of the Kane County Bar Association. The Committee will be conducting a legal education seminar in September. While the details are not finalized, the topics will include mold issues, accident reconstruction and investigation, and witness perceptions and its effect on accident investigation, etc. The speakers are forensic engineers who often provide expert testimony at trials.

14. **Mark Kelly, Staff Attorney, Galesburg Office**. Mark served as Secretary/Treasurer of the Board of Directors of the Safe Harbor Family Crisis Center, Ltd. Safe Harbor is the domestic violence crisis intervention agency serving Knox County. The board approves the budget for the organization, monitors grant-writing activities, engages in fund-raising. Mark was also active in the fund-raising, by-laws review, and nominating committees. Safe Harbor served almost 400 people last year, and assisted domestic violence victims in obtaining over 300 orders of protection safeguarding them from abuse. It continues to be a well-respected part of the local social service community.

15. **Lisa Wilson, Managing Attorney, Peoria Office**. ***Women in Leadership Award*** !! Each year, WEEK-TV Channel 25 chooses 25 Women in Leadership in the Peoria area. Lisa Wilson was nominated and chosen as one of these special women. Lisa is truly deserving of this award. CONGRATULATIONS, Lisa !!

COMMUNITY RELATIONS AND INVOLVEMENT

1. **Community Law Project funded by the Kane County Bar Foundation and Prairie State Legal Services Pro Bono Project.** The Community Law Project is designed as an education program, and represents a collaboration between Prairie State and the Kane County Bar Association. It encompasses several different programs. *Pro Se* clinics are a part of this project. Currently, we are holding Divorce clinics. We hope to provide additional types of clinics in the future. Additional information about the clinics may be found in the section on PSLS Sponsored Clinics. There has been one legal education seminar for parents of disabled children, attended by about 40 persons, where an attorney explained the need for a guardianship and the process to obtain one. The attorney provided them with materials to help them understand the process. The indication was that many of them will proceed with the guardianships. We are planning to conduct seminars on Powers of Attorney for Healthcare at the Senior Centers in both Aurora and Elgin. (Marcy Heston)

2. **High School Job Shadow Program**. The Galesburg Office regularly participates as a host agency in the job shadow program and has students visit the office each semester of the high school year. During the past year we have had three students spend the morning at our office to experience working in a law office. We believe this program is very helpful to the students to learn about different vocations. Also, by coming to our office, the students learn about the various problems our clients face and how we try to help them resolve these problems. Many of the students are unaware of the many people in our community who need legal assistance. (Tracey Mergener)

COMMUNITY LEGAL EDUCATION / OUTREACH

1. **Completion of our Fair Housing Education Project.** From April 2003 to April 2004, PSLS conducted an extensive educational program to help low income persons and their advocates to understand unlawful discrimination in housing and the federal and state fair housing laws that remedy such discrimination. Staffed and managed by attorneys knowledgeable in fair housing law, and aided by a training coordinator with experience in the field of fair housing, this project developed targeted fair housing training materials in English and Spanish which are available in hard copy and on the Prairie State website. We also developed a training manual for trainers and trainees for use at formal training events. The manual for trainers consists of a very comprehensive 68-page Training Outline on fair housing law, and a 68-screen PowerPoint master presentation. During the course of the year, we conducted 25 informal legal education in-service presentations, targeted to specific agencies working with populations subject to discrimination. In addition, we conducted another 7 formal training events, for the client community and the general public, focusing on all forms of discrimination covered under the Fair Housing Act, the Illinois Human Rights Act, and also focusing on related housing laws. Altogether, we trained 560 persons throughout our 35 county service area. The persons trained through this Project have a significantly improved understanding of: 1) the nation's and Illinois' fair housing laws and procedures; 2) how to recognize when a fair housing violation has occurred; and 3) how to file housing discrimination complaints with HUD, the complaint process, and the remedies available for a successful claim. (Dave Wolowitz)

2. **Senior Outreach in Peoria Office Service Area**. Outreach is extensive to seniors in the Peoria office area. In the Tri-County area, we have had numerous clinics to prepare Powers of Attorney for Health Care and Living Wills. Since June 2003, we have done 7 clinics for 66 people. We made presentations to various groups regarding the services of Prairie State, particularly services for seniors. We made 28 presentations to 664 people. People who have health care directives are more comfortable and at peace about end of life decisions and care. They feel their dignity at that time will be kept intact. (Lori Luncsford)

3. **Prairie State Hires Outreach Coordinator for HIV/AIDS Legal Services Project in Suburban EMA**. As of May, 2004, Prairie State for the first time has an Outreach Coordinator for our HIV/AIDS Project. Her name is Janet Douglass. Janet has been working at Prairie State part-time for the past year as a PAI (Private Attorney Involvement) Coordinator for McHenry County. In that capacity, she has worked to secure volunteer private attorneys to help fill the need of low-income persons in that county for legal representation, and to coordinate services for those persons. With her new responsibilities as the Outreach Coordinator for our HIV/AIDS Legal Services Project, Janet is now a full-time employee, dividing her time about equally between the two Coordinator positions. As Outreach Coordinator, Janet is responsible for making our HIV/AIDS clients, their advocates, and their other service providers in our 8 county service area more aware of their legal rights and options, and will promote our Project and our services in the 8 county Suburban Extended Metropolitan Area (Lake, McHenry, Kane, DeKalb, DuPage, Will, Kendall and Grundy). Janet has a B.A. from an accredited university and a paralegal certificate. She has previous experience as a substitute teacher, a probation officer, and a legal secretary. In addition, she has worked in the insurance industry, handled a child support project for a county, and has served as a mentor for adolescents. She is well-qualified for our Outreach Coordinator position. We consider her position essential to the success of our HIV/AIDS Project, to recognition and acclaim of Prairie State as THE law firm for persons with HIV, and to our meeting our scopes of services with our funder. (Dave Wolowitz)

4. **Senior Outreach in DuPage County.** For the benefit of a group of senior citizens, we conducted a Power Point Presentation at the Helen Plum Library in Lombard, at request of Adult Services library staff. Our presentation focused on PSLS services, particularly our Senior Project. The audience members were particularly interested in Power of Attorney for Property & Health Care and Living Wills. We discussed each, and invited them to our POA clinic on March 26. The presentation served as good advertising for the POA clinic. (Victoria Almiron).

5. **Senior Outreach in DuPage County (continued).** For the past six months, the DuPage PSLS office has had the benefit of a Senior Outreach Coordinator. Maria George has spent that time connecting with many senior service providers, public libraries and government offices, nursing and rehabilitation centers, park districts and senior clubs and low-income housing complexes and attended numerous fairs/expos in an effort to increase awareness of PSLS services, particularly services for seniors. Maria has been amazed to find that many people knew little of the availability of those services for qualified persons. Many seniors, faced with very difficult financial and emotional situations, are relieved following our presentations and literature handouts. A significant number have been eager to contact our PSLS office in Carol Stream for representation on matters affecting their particular situation. Maria notes that it is a great but satisfying challenge to be able to get into communities where issues for the elderly are of great concern, and that reaching out to this vulnerable section of our society needs a lot of patience, tactfulness and most of all respect. (Maria George)

6. **Pregnant High School and Junior High School Students**. Our Waukegan office has an on-going relationship with the PAGES Program run by the Lake County Health Department, through which Health Department nurses and social workers spend time in Lake County junior highs and high schools working with pregnant students. The high schools include Zion-Benton, Waukegan, North Chicago, Round Lake and Mundelein. PSLS staff attorneys attend classes once or twice each year (as students rotate in and out of the classes), and make presentations on issues of interest to the pregnant students, including paternity law, child support, custody and visitation. Linda Rothnagel presented three of these programs in the month of December to students at high schools in Waukegan and Zion. More programs will be presented throughout the coming year. We believe this program is a very important preventive measure for our office to take. We address the importance for the students to establish paternity. We help them make the decision about whether they will sign the Acknowledgment of Paternity at the hospital. We answer questions about visitation and custody which can avoid important problems later. We explain the standing provisions of the custody section of the Illinois Marriage and Dissolution of Marriage Act, so that young mothers do not leave themselves open to a custody case by relinquishing custody temporarily because they feel overwhelmed. We help the girls with budgeting issues so that they can assess what type of child support they can expect from their children's fathers. Finally, we discuss issues of Social Security survivor's benefits. This helps make sure that should the father be killed, the mother can more readily get benefits for the child. (Linda Rothnagel)

7. **Landlord-Tenant Law Presentation.** As a member of the Peoria County Bar Association public relations committee, one of our Peoria staff attorneys taught a class to local residents on landlord tenant issues. There were approximately 12 people who attended the presentation, mostly landlords. The presentation was focused on how to give proper notice for eviction, and what proper eviction proceedings were, as well as tenant's rights to habitable housing. We felt that the people who were in attendance were made better aware of tenant's rights under the law. Because the landlords did not typically own large amounts of property, they were not aware of consequences for using "self-help" methods of eviction, and the presentation likely protected their tenants from having these methods used against them. (Nell German)

8. **Spanish Language Edition of Renters Handbook Published**. Following the complete revision and publication of the Renters Handbook last year, John Quintanilla, Staff Attorney in the Waukegan office translated the entire publication into Spanish. This new 40 page publication contains updated information relating to renters rights and responsibilities. Its release in print and on the Prairie State www.pslegal.org website provides access to important information about leases, paying rent, deposits, utilities, terminating tenancy, eviction and other matters related to living in rental housing. Designed as a comprehensive resource, this publication is a tool to help renters, avoid problems and understand their rights and responsibilities as a tenant. (John Quintanilla, Chris Weickert)

FUNDRAISING

1. **Campaign for Legal Services**. Individual attorneys and law firms continue to be the leaders in garnering financial support for Prairie State Legal Services. During the past year, over 100 attorneys worked in local leadership committees to cultivate contributions to the Campaign for Legal Services. The challenging task of asking a colleague for money is made more difficult during an economic downturn but the volunteers understood both the importance of the services that Prairie State provides and the essential nature of the funding that the Campaign provides. Between August 2003 and July of 2004, these volunteers, committed to the principle of access to justice, secured **$371,168.00** in gifts, pledges, and in kind contributions from **926** attorney, law firm, corporate and individual donors. All funds raised are used to provide services in the local community. During the past five years, the Campaign for Legal Services has grown to become a critical part of the funding for local civil legal services. This Campaign provided the resources needed to provide help **975** clients with legal advice, information and representation. Without the support of the Campaign these clients would have been turned away for lack of resources. (Chris Weickert)

2. **Legal Aid 2004 in Peoria**. Each year we hold a fund-raiser to increase funding for the Peoria service area. We held *Legal Aid 2004* on March 19, 2004, at the Par-a-Dice Hotel, East Peoria, Illinois. The music was provided by the Shysters, a band comprised of local attorneys Greg Bell, Mike Lied, and Keith Braskich. Other band members include Guy Fountain, Jason Lied, and paralegal, Deborah Wallace, with a special guest appearance by Fred Hoffman, Attorney and past band member who has moved to Michigan. This year's event was attended by 229 people, and we raised $5,952.00. The band donates their time in a very unique way to provide pro bono services to our office. This year the lavish appetizer buffet that is available throughout the evening was sponsored by Commerce Trust Company, a division of Commerce Bank, and The Par-a-Dice Hotel. Various local restaurants donated gift certificates as door prizes. (Sandra Crow, Pro Bono Coordinator; Lisa Wilson, Managing Attorney).

3. **The 12th Annual Legal Follies - The Rockford Office Fundraiser**. We held the 12th Annual Legal Follies on February 21, 2004 at the historic Coronado Theater. "Rockford– The Musical" attracted an audience of 1600 and netted $37,000. Eight-five volunteers from both the legal and nonlegal community sought sponsorships, wrote the script, marketed the show, performed, sewed costumes and found props for this year's event. A Champagne Reception, "Cellblock Tango" preceded the event to honor sponsors of the show and donors to the Campaign for Legal Services. The cast party was attended by 220 people. (Cathy Ritts)

4. **The Bloomington office Campaign for Legal Services and Fundraiser.** The Campaign for 2003-04 was a great success. We not only met our campaign goal of $45,000 but exceeded that figure by $1,000. The campaign co-chairs, Mike McElvain and Herman Brandau, deserve a great deal of credit for the success of the campaign, as do the rest of the members of the campaign committee. One of the highlights of the campaign was our annual fundraiser, the Law Day Dance & Bar Revue, which took place on Saturday, May 1, 2004, at Illinois State University's Bone Student Center. The evening consisted of a dance with music provided by the "Shyster's," a band specializing in music of the 60's and 70's. The night also had a theatrical component, as members of the local bar performed songs and sketches providing a humorous look at law and the legal profession. The evening was a great success and raised the most funds of any previous Bloomington office fund-raiser. The office owes a great deal of gratitude to the Law Day Dance committee for making this years event such a great success. (The entire Bloomington Office Staff)

INTER-AGENCY ACTIVITIES

1. **HIV/AIDS Law Roundtable**. Batavia staff attorney Adrian Barr recently participated at a Roundtable in Milwaukee, Wisconsin. The Roundtable brought together attorneys from five agencies (PSLS, AIDS Legal Council of Chicago, AIDS Network, AIDS Resource Center of Wisconsin and the Legal Aid Society of Milwaukee) to discuss the current climate of HIV/AIDS law, and address issues relating to the practice of HIV/AIDS law. Among the topics discussed were common experiences, barriers and possible solutions to those barriers, in order to better serve the HIV community. The Roundtable gave us the opportunity to meet with and interact with other agencies that provide legal services to people with HIV/AIDS, and gain from their perspectives. (Adrian Barr)

2. **DeKalb County Elder Care Multi-Disciplinary Team**. Batavia staff attorney Charlene Riefler participated in the Multi-disciplinary Team of DeKalb County Elder Care. This group consists of representatives from Elder Care Services, home care givers, the local Hospital, Family Service Agency, DeKalb Police Department, a bank, and legal services. Individual senior cases (without use of names) are evaluated from various viewpoints to derive solutions. The cases involve elder abuse and neglect, financial exploitation, unsafe living conditions, and inappropriate family dynamics. Possible solutions are presented to the client. Referrals can be made to appropriate agencies with the consent of the client. (Charlene Riefler)

3. **Women's Services Program of the Northern Illinois Council on Alcoholism and Substance Abuse (NICASA)**. Waukegan staff attorney Amy Weiss works with NICASA's Women's Services Program. Based in North Chicago, NICASA administers a number of programs addressing prevention, early intervention, treatment and recovery. The Women's Services Program seeks to provide a full continuum of intensive day substance abuse treatment, health, and self-sufficiency programming for women and their children. It seeks to increase the individual outcomes for women and their children by providing innovative treatment services that are both culturally and gender specific and that address women's specific barriers to treatment. Each woman helps develop her own individualized treatment plan. All services free of charge. The Program offers extensive collateral services including parenting education, medical and mental healthcare, transportation, and comprehensive children's services.

Some of the gender/poverty-specific barriers addressed in their comprehensive treatment program are supportive services like flexible hours for working mothers, transportation, and childcare. With this in mind, Amy provides direct access to our legal services, allowing these women in treatment to by-pass the often frustrating telephone intake procedure, and she is available to meet with the women at the day treatment center for their convenience, while childcare is already being provided for them there. For a time, Amy was doing intake there once per week, but now if one of the women in the program has a legal issue, the counselor faxes Amy a conflict sheet and she screens the client by phone. Through their counselors, NICASA clients come to Amy directly. Amy has attended support group meetings to provide information on expungement and parental rights, and she is directly available at those meetings to provide advice, or representation if it falls within our priorities. Amy has referred several abuse divorces to the VLP, negotiated a settlement in a section 8 eviction, and provided advice/self-help materials to several clients regarding family matters. She is available to do intake at their facility when necessary, for the women who are in treatment. Talk about a comprehensive program! These women need every advantage they can get to overcome addiction and keep their families in tact. (Amy Weiss)

PRIVATE ATTORNEY INVOLVEMENT

1. **Pro Bono Awards in Kankakee County.** On April 29, 2004, at the Kankakee County Bar Association meeting/luncheon, our Executive Secretary and Pro Bono Coordinator in our Kankakee office presented Pro Bono awards to approximately 19 attorneys for their outstanding *pro bono* work performed over the past year. Edward Glazar, Jr. was awarded the "Volunteer Attorney for the Year." He has been a member of the Volunteer Lawyer Project since 1991. He has handled over 15 cases and spent over 100 hours on *pro bono* cases. We presented Ed with a plaque, and due to excellent media coverage, Ed's picture and a story about his *pro bono work* were printed in the local newspaper. (Nancy Hinton)

2. **Pro Bono Awards in Peoria County**. Each year we give awards in Peoria County for outstanding commitment to *pro bono* activities. We presented the awards at the Law Day luncheon at the Pere Marquette Hotel, Peoria, Illinois. Attendees received a list of all attorneys who performed *pro bono* services. The recipients of the 2004 awards are as follows: In Peoria County, the Pro Bono Attorney of the Year is JEREMY H. HEIPLE. He treats his clients with dignity and respect, and is always willing to go the extra distance if necessary, such as supervising visitation on his own time in order to help a client. It is not unusual for him to call regarding a client he would like to help. He willingly takes any case, regardless of the difficulty, and has been a cornerstone of the *pro bono* program. He and his staff are to be commended for their courtesy and willingness to help out. The Law Firm of the Year in Peoria County is REYNOLDS, MURPHY & ASSOCIATES. The firm has been accepting cases since 1998, but really came to the forefront in 2002 in assisting to decrease our divorce waiting list. They readily accepted six divorces in addition the cases already in progress. This firm is willing to accept the "worst cases," which we truly appreciate. KIRK W. BODE, a Tazewell County attorney, is the recipient of the distinguished John C. McAndrews Pro Bono Service Award**.** The Illinois State Bar Association has established the award to honor those members of the profession who have shown extraordinary commitment to providing free legal services to the income eligible. The nominee must have provided a minimum of 100 hours of pro bono legal services. Kirk and his paralegal, Carolyn Apt, have long been the strength of the *pro bono* effort in Tazewell County in the area of family law. He received the very first Equal Justice Award in 2000 in special recognition of leadership and long-standing commitment to *pro bono* service. He exemplifies personal and professional dedication to low income persons and is well respected among his peers. As one of two recipients across the entire state, Kirk demonstrates a commitment greater than words can say. Kirk was presented the award at the Awards Luncheon on June 18th at the ISBA Annual Meeting in Lake Geneva, Wisconsin. It is important to recognize outstanding commitment, not only for the recipient, but for the bar association. They need to know that we take notice of the time they spend representing low income clients, and that we appreciate their activity enough to honor them. (Sandra Crow, Pro Bono Coordinator).

3. **Law Day Luncheon in Rock Island**. Law Day Luncheon was held on May 4, 2004. Cherie L. Myers, Project Coordinator for the Volunteer Lawyer Project assisted by Chief Judge Jeffrey O'Connor presented the Volunteer Attorney of the Year award to attorney William L. Detrick of Hancks & Detrick. Mr. Detrick received the award for his hard work and his dedication to representing our low income clients through the Volunteer Lawyer Project. (Will, a former Prairie State attorney, has recently returned to the fold.) Attorneys attending the Law Day Luncheon have an opportunity to volunteer for *pro bono* work on that day, if they are not already signed up to volunteer through the Volunteer Lawyer Project. Also, we hand out PSLS mugs, pens, and calculators to volunteers in Rock Island County as a token of appreciation for the assistance that they provide. (Cherie Myers)

4. **National Recognition for Bloomington's Private Attorney Involvement Program**. In the past year, the Bloomington office's Private Attorney Involvement Program has made successful efforts at recruitment and has been recognized nationally for its pro bono partnership with State Farm Insurance Company. (See related article below.) Staff Attorney Jennifer Wolfe spoke before the Livingston County Bar Association last fall regarding the need for continued and increased *pro bono* participation from the Bar, as well as the need for *pro bono* assistance in categories other than family law, which has traditionally been the main thrust of the *pro bono* effort. Managing Attorney George Boyle spoke before a luncheon meeting of the McLean County Bar Association. He was introduced by John Freese, Chief Judge for the Eleventh Judicial Circuit, who encouraged member participation in an expanded *pro bono* effort. Surveys were handed out during and after both talks that resulted in an increase in both the number of attorneys accepting cases and the types of cases for which attorneys are willing to accept referrals. Some attorneys are now willing to accept referrals in foreclosure defense, particularly with regard to predatory lending, and in consumer law matters.

In April, 2004, the Bloomington office recognized Doug Phelan as it's United Way Volunteer of the Year. Mr. Phelan, an attorney with State Farm Insurance's Corporate Law Department, was recognized for his many hours of *pro bono* service and his tireless dedication to serving his clients. On May 7, 2004, George Boyle and *pro bono* attorney Catherine Wellman spoke before the weekly meeting of State Farm's Corporate Law Department. Mr. Boyle spoke about the history of Prairie State and State Farm's *pro bono* efforts, the need to continue and expand that effort and the ways in which attorneys not licensed to practice in Illinois could contribute to the effort. Ms. Wellman, a former State Farm attorney, spoke about the reasons an attorney should provide *pro bono* service, the personal satisfaction she receives from her *pro bono* work and the support she is given by the local Bloomington Prairie State office. (George Boyle, Jennifer Wolfe, Kathy Berg)

5. **Rockford's New Volunteer Lawyer Coordinator**. Jan Selander is Rockford's new Volunteer Lawyer Coordinator, joining the staff in April, 2004. Jan has begun a much needed volunteer lawyer recruitment effort, looking especially for bankruptcy attorneys, and has seen an increase in the number of volunteers to serve our clients. She also is planning a luncheon for October or November, 2004, to kick off the Campaign for Legal Services and to encourage volunteerism and recognize those who have volunteered in the past. Jan started her career as a clerk at the Winnebago County Circuit Clerk's Office, and as a legal secretary. Three children later, she worked as a customer relations representative for United Airlines. In her spare time she is a full time student at Rock Valley College, still a Mom of three kids and three dogs, and is married to Rockford attorney, Bryan Selander. (Jan Selander)

6. **CorporateProBono.Org Awards Its Second Annual "Pro Bono Partner Award" to Prairie State Legal Services and State Farm Insurance**. In Washington, D.C., on February 26, 2004, Prairie State Legal Services and State Farm Insurance became the second winners of CorporateProBono.Org's prestigious Pro Bono Partner Award. CorporateProBono.Org is a collaborative project between the Association of Corporate Council and the Pro Bono Institute at Georgetown University. This award recognizes the accomplishments of pro bono partnerships between and among in-house corporate legal departments, public interest organizations and law firms. The award recognized a partnership between State Farm Insurance and Prairie State Legal Services that has continued for more than twenty-five years. The award was presented during the Pro Bono Institute's Annual Seminar at the Willard Hotel in Washington, D.C.. "This is a wonderful honor for State Farm and for me personally," said Herman Brandau, Associate General Counsel for State Farm. "If you have a wonderful partner like Prairie State Legal Services, it makes it so easy to enter into this type of relationship ... they have been integral in helping our lawyers do *pro bono* and reach the community." Prairie State Executive Director, Joseph A. Dailing, thanked CPBO and said "A key ingredient to this partnership is State Farm's corporate policy of being good neighbors and encouraging their employees to get involved in the community," a policy, he said, which has allowed "legal services to survive." Pro Bono Institute President Esther Lardent said "CPBO is grateful for the opportunity to honor such a meaningful partnership. State Farm and Prairie State Legal Services exemplify the perfect partnership ... helping serve the underserved, (and) also in the deep commitment of State Farm to the growth and well-being of Prairie State Legal Services." Charles Stuckey, Assistant Counsel at State Farm and a Prairie State volunteer was attended the seminar and participated in several panels. (Joseph Dailing)

7. **Exelon Outstanding Corporate CounselAward**. Steven M. Cook, Vice-President and Deputy General Counsel of Sears, Roebuck and Company, received the Exelon Outstanding Corporate Counsel Award in July at the Chicago Bar Foundation and Chicago Bar Association's Annual Pro Bono and Public Service Awards Luncheon at the Renaissance Hotel in Chicago. Prairie State Legal Services is one of several public interest law organizations which has a corporate *pro bono* program with Sears. As an attorney and an advocate for Prairie State's program within the company, Steve has been a key promoter of *pro bono* involvement by Sears. "Cook has been described as the champion who makes a successful project, the driving force behind the creation of Sears *pro bono* program and an innovative leader. ... By creating partnerships with large law firms and working with some of the many outstanding legal aid programs in our community, Cook and Sears exhibit an inspiring commitment to corporate public service." Steve helped to establish the Prairie State/Sears collaborative project and he remains committed to supporting and growing this project. (Joseph Dailing)

8. **DeKalb County Pro Bono Revitalization.** A newly formed committee met to revitalize the DeKalb County Pro Bono Program. The committee is made up of several DeKalb County Bar Association members and the Managing Attorney and Pro Bono Coordinator of the Batavia Prairie State office. We were able to add several attorneys to our panel of *pro bono* attorneys. The waiting list, which had been closed since March, 2003, was re-opened in November, 2003. In January, 2004, instead of counselors screening callers for a divorce, the Pro Bono Coordinator began screening prospective new clients. If there is domestic violence and/or minor children of the marriage living with our client, the client will be placed into one of the three following programs: 1) **Pro Se Clinic** - This program is for clients who are: a) a victim of domestic violence with or without children of the marriage, and the client does not know the whereabouts of the respondent or the respondent will be incarcerated for at least six months, or b) not a victim of domestic violence, but there are children of the marriage and client does not know the whereabouts of the respondent or respondent will be incarcerated for at least six months. 2) **Alternative Fee Program** - This program is for clients with a spouse who earns $40,000 or more yearly, and/or the parties own the marital residence and there is at least $20,000 of equity in the home and/or spouse has retirement benefits worth at least $20,000. 3) **"Regular" Pro Bono Program** - This program is for clients where there are children of the marriage or there has been domestic violence against the client or children, but there will be no contest with respect to child custody. (Marge Branson)

9. **McHenry County Bar Association Legal Aid Program** The inaugural year of Prairie State's coordination of the McHenry County Bar Association's Legal Aid Program ended on a high note on June 22, 2004. The event was recognized with Supreme Court Justice Thomas Kilbride presenting the outstanding volunteer attorney awards to four law firms: Sarles & Ouimet, Woodstock, Franks, Gerkin & McKenna, Marengo, Briscoe Law Offices, Crystal Lake and Caldwell, Berner & Caldwell, Woodstock. Justice Kilbride spoke to the Bar Association Annual Meeting members of the importance and personal reward for attorneys by providing *pro bono* legal services. Also recognized at the award luncheon were all of the 49 generous volunteers from McHenry County. Attorneys who had participated in the legal aid program expressed enthusiasm in continuing with the program and several other attorneys volunteered for the program. The attorneys expressed that PSLS has had a positive impact on their Legal Aid Program. From April 2003 to April 2004, over 50 McHenry County attorneys volunteered their time and talents handling 58 different civil matters for indigent clients from McHenry County. Cases included divorce, order of protection, and child support matters, guardianships for disabled adults, and consumer law issues for seniors. Applicants for services were screened in the Woodstock office from the weekly Tuesday walk-in legal clinic and through the phone counseling system. During this period, we placed 26 domestic violence divorce cases with volunteer attorneys. Four of the volunteers did not hesitate to take on a second divorce when called upon to do so. Of the total 58 different cases referred to volunteers, 16 of the clients were senior citizens in need of assistance on a variety of legal issues including bankruptcy, wills, real estate, consumer law, insurance and probate. (Janet Douglass)

PLANNING, PRACTICES, AND TECHNOLOGY

1. **Number of Visitors to Prairie State Web Site Grows More than 15%**

During the period between January of 2003 and July of 2004 more than 218,600 visitors accessed the Praire State Legal Services website. That represents an increase of 15% over the previous 18 months. With an average of more than 11,500 visitors a month, it is interesting to note that the most popular areas of the website are: Publications - 29.6% of pageviews; Office Information - 8.5% of pageviews; Articles – 5.7% of pageviews. Within the publications area of the site, the two most viewed publications are the *Senior Handbook* and the *Renters Handbook* in both English and Spanish. These Prairie State publications are also published online at the statewide legal services website www.illinoislawhelp.org. (Chris Weickert)

PSLS SPONSORED CLINICS

1. **Kankakee Office Clinics.** First, we have an uncontested divorce clinic. We identify clients who seek assistance in obtaining a divorce, where the issues are not complicated. For example, there can be no contest with respect to child custody and no QDRO issues. There is a waiting list, and we handle about 7-10 clients per clinic session. We conduct the initial interview, and then working with a *pro bono* attorney, we prepare the pleadings. Nancy Hinton then follows all of the cases to make sure we obtain service or publication, and then schedules a prove-up hearing. The judge sets aside a block of time and the *pro bono* attorney handles the prove-up hearings for all of the cases. We have been doing these clinics for two years now in Kankakee and Iroquois counties, with very few problems.

Second, we have been doing Power of Attorney clinics in Kankakee county. We have had two clinics working with the senior program at Provena St. Mary's Hospital. They advertised in their correspondence with seniors that we would be present to give advice and prepare POA documents at their outreach location at a local mall. We brought a laptop and printer and saw as many client's as we could in the 4 hours available. We were overwhelmed with the response at each clinic. We plan to repeat the clinic every 3 months. We have also done 2 POA clinics at a local church that has a very active seniors program. We have come to the church during their monthly potluck lunch meeting, and using the laptop, we prepared POA's for anyone interested. Our volunteer senior outreach worker, Emily Howald, has handled the scheduling and assists in document preparation. (Mike O'Connor, Nancy Hinton).

2. **DuPage County Power of Attorney/Living Will Clinic.** Jeff Kubik, who has been a volunteer attorney at our office for over ten years, conducts a monthly power of attorney/living will clinic at our Carol Stream office. Clients, who are mostly seniors, are scheduled for the next available clinic session. Jeff then gives a half hour presentation regarding the legal aspects of powers of attorney and living wills. He then makes himself available to meet individually with those who wish to have Jeff draft a power of attorney and/or living will for them. If there are a large number of clients at the session, staff attorneys will assist Jeff by meeting with clients and drafting the document(s). We use a questionnaire, the answers to which are plugged into a computer program, which then produces the living will or power of attorney document for the individual client. The attorney reviews the entire document to make sure it accurately reflects the client's wishes. This clinic has been operating effectively for over ten years. It is very effective in that it provides a service that is highly valued by the elder population of our service area. It also serves to make Prairie State more visible in our community. And, finally, we are able to provide this service using primarily volunteer attorney time. (Jeff Kubik)

3. **Kane County Pro Se Divorce Clinic**. Our Batavia Office is now conducting telephone intake of clients wanting divorces in Kane County. When a client is interviewed, we determine whether the client fits the parameters of a Pro Se Divorce Clinic. These parameters include: 1) the client is abused and/or there are children of the marriage living with our client; and 2) the spouse is incarcerated, or the whereabouts of the spouse is unknown. The object is to provide a simple default divorce. With the assistance of a Pro Bono attorney, we conduct these Pro Se Divorce Clinics. We have developed a packet of materials that includes all the documents required to complete a default divorce in Kane County. There is also a very detailed instruction sheet for the client to follow. The attorney goes through the entire packet and assists the clients in completing as much of the paperwork as is possible during the clinic. The attorney then goes through the instruction sheet to explain the process of filing the case, obtaining court dates, and registering for the KIDS program which is a requirement in Kane County. Since the pro se divorce clinics began, we have had 103 clients attend these clinics. There have been 48 clients who have obtained a Judgment for Dissolution of Marriage, and 11 more clients are in the process. (Marcy Heston)

4. **Evening Walk-In Clinic in Waukegan.** The Volunteer Lawyers Program of the Lake County Bar Association and Prairie State Legal Services (which administers the VLP) have been operating an evening walk in clinic in Waukegan for over a year. The clinic uses staff members as well as volunteer attorneys and translators. There are walk in hours for those who have trouble reaching the PSLS telephone counselors, and there are also scheduled appointments for those who work and cannot come in during the day. Many of those who volunteer are bilingual, and the clinic is advertised widely in the Hispanic community. One exciting aspect of the clinic has been the number of times a volunteer attorney has walked out of the clinic and has retained a case for follow-up. Although this is not the intention of the clinic, the volunteers often find the cases so compelling that they leave the office with file in hand to continue work on the matter. (Linda Rothnagel)

TASK FORCES

1. **Housing Task Force.** In October, 2003, the task force lost the leadership of Managing Attorney Tammie Grossman, who left Prairie State to head the Statewide Housing Action Coalition. The Housing Task Force is now back and active under the co-leadership of Dan Smith (Peoria office) and Rob McCoy (Rock Island Office). Through its email discussion group, the task force provides a forum for attorneys from all offices to discuss housing law issues. The task force has held one emergency tele-conference to address funding cuts to HUD's housing choice (section 8 vouchers) program, and it intends to address the funding crisis at its program-wide meeting in Ottawa on September 30, 2004. Among the topics under discussion will be the HUD's new accounting rules, which is causing low income voucher recipients throughout the nation to lose their vital rent subsidies. (Rob McCoy)

2. **Elder Law Task Force**. Each Prairie State local office has designated one attorney or paralegal to be its resident expert on issues relating to senior citizens. Funding to provide legal services to persons age 60 and above comes through Title III of the Older Americans Act. The Title III attorneys meet 2 to 3 times a year to discuss and educate each other on developments in the law (regulations, statutes, litigation and ethical issues) related to senior citizens rights. Recently, the Elder Law Task Force undertook to update its *"Senior Citizens Handbook*" which is a manual of laws and programs affecting senior citizens in Illinois. The handbook, while geared to the lay person, has become a desk and office reference to social workers and attorneys, as well. In the past year, several members of the Elder Law Task Force have teamed with members of the Elder Law Subcommittee of the Illinois State Bar Association to educate other attorneys, social workers and senior citizens on laws and programs affecting senior citizens. (See "Training" below). The Elder Law Task Force has been a permanent fixture at Prairie State Legal Services for many, many years. (Larry Smith)

TRAINING

1. **Partnerships in Law and Aging**. During 2003, Prairie State focused on expanding expertise related to long term care issues through two targeted efforts. One of them was a collaboration with the Illinois State Bar Association Elder Law Section for a training and education project. The American Bar Association selected this project for a Partnerships in Law and Aging grant. Through this partnership, Prairie State staff and members of the Elder Law Section Council developed and presented a free training program for attorneys related to long term planning issues for elderly. This training was held in Sterling Illinois. About 35 attorneys attended this training. In addition, Prairie State and Elder Law Section Council members co-presented programs for social service agency staff in McHenry and Kankakee counties. The project also includes a component in which Prairie State staff and the private bar co-present educational programs for senior citizens. These sessions are underway. It is hoped that this effort will promote on-going collaboration in addressing the needs of elderly. (Gail Walsh)

2. **Nursing Home Training**. Prairie State secured special funding from Northeastern Illinois Agency on Aging which enabled Prairie State to bring national nursing home expert, Eric Carlson, of the National Senior Citizens Law Center to Illinois for a two day training. Also serving as trainers were Steve Levin of Levin and Perconti, a Chicago firm which has expertise in nursing home quality of care issues; Nancy Flowers, Evanston Nursing Home Ombudsman, who has been actively involved in the emerging issues related to Assisted Living; and Robyn O'Neil, Cook County Nursing Home Ombudsman. Prairie State invited legal services staff from throughout the state, nursing home ombudsmen, members of the private bar, hospital discharge planners and others to attend the training free of charge. This has helped to facilitate an improved coordination of effort on behalf of elderly facing long-term care issues such as involuntary discharge from nursing homes. (Gail Walsh)

SPECIAL PROJECTS AND SERVICES

THE TELEPHONE COUNSELING SERVICE

The Telephone Counseling Service provides most of Prairie State's advice and intake services. The Service was launched in November, 1996 and expanded in 1999 to provide such services for all PSLS offices. In 2002, we added our new Galesburg service area. The service is currently staffed by 17 lawyers, each working half-time. Two of the lawyers are fluent in Spanish and assist callers who are Spanish- speaking only.

New clients initially are directed to the Telephone Counseling Service. A caller seeking legal assistance from a PSLS office calls the local office phone number. An automated attendant greets the caller, then asks whether the call is about a new matter. If so, the call is forwarded to an automatic call distribution system, which transfers calls in the order made to the next available counselor. If all counselors are speaking to clients, the system places the calls in a queue. While waiting, callers hear music and, at regular intervals, messages encouraging them to wait to speak to a counselor. When the counselor takes the call, the counselor uses Kemp's Clients for Windows database program to check for conflicts and to determine eligibility. Once eligibility is determined, the counselor discusses the caller's situation. On the notes field of the computer program, the counselor records the facts, any advice given, and the disposition of the matter. For callers who need advice or a referral only, the counselor provides complete service. For those who have legal problems that do not fall within our office priorities, the counselor will provide advice and referral. S/he also will mail to the caller any pertinent self-help materials generated by or available to PSLS. For callers who require further representation on problems within office priorities, counselors provide appropriate immediate advice, and transmit the intake information to the appropriate service office for further service either through the local office staff or the volunteer lawyer program.

The Counseling Service has been a tremendous success in providing advice to clients who otherwise will get no assistance with their legal problems. It has also improved our ability to identify and respond to emergencies very quickly. Unfortunately, demand for the Counseling Service far exceeds our current capacity and many callers get busy signals. In the past year, we have made revisions to our phone system to ensure that callers who have the most serious legal problems affecting their basic human needs get talk to one of our lawyers. We are planning some additional measures to improve our services to all those seeking help.

DCFS SPECIAL EDUCATION PROJECT

Since 1994, PSLS has maintained a special project to deliver legal services to children, between the ages of 3 and 21, who are wards of DCFS, and who need legal services to secure and protect their rights to special education and related services. Funding for this project comes from the Illinois Department of Children and Family Services, which has a contract with Land of Lincoln Legal Assistance Foundation. PSLS sub-contracts with Land of Lincoln to provide legal services throughout our entire geographical service area.

All children referred to PSLS under this project are wards of DCFS, meaning that DCFS is their court-appointed guardian. These children are placed by DCFS in the home of a family member or a foster parent. Depending on the age and capabilities of the child, our clients are either the child or the foster parent or family member. The opposing party is usually the local school district responsible for the child(ren).

Referrals under the Project are made to PSLS either by a local DCFS office, by a delegate agency to which DCFS has assigned casework responsibility, or by a foster parent. Typically, they raise concerns about the child's educational environment or placement. In some cases, the issue involves a school's failure to identify a child as eligible for special education. In other cases, the issue involves the appropriateness of the special education and related services which the child may or may not be receiving, or the child's placement. Sometimes, the school proposes a change in placement through the expulsion process. In all cases, the goal is to assure that the child receives a free, appropriate public education.

A wide array of legal services is available. Project activities include: 1) participation and advocacy at Multidisciplinary Conferences (MDC meetings); 2) participation and advocacy at meetings to write the student's Individual Educational Plan (IEP meetings); 3) representation at expulsion and other disciplinary hearings, and finding alternatives to expulsion; 4) review of school records and evaluations; 5) setting up independent evaluations and re-evaluations; 6) sending letters and other forms of negotiation with school personnel; 7) representation in dispute proceedings, such as administrative due process hearings, complaints to the ISBE, or mediation; 8) representation in the state or federal courts.

In 1999, the project expanded to include referrals from DCFS of cases in which their wards are subject to expulsion by their local school districts. It is not a pre-requisite for acceptance of the case that the child be eligible for or receiving special education services.

HIV/AIDS LEGAL SERVICES PROJECT

Since April, 1995, PSLS has maintained a project to deliver legal assistance at no cost to persons who are HIV+ or who have AIDS. Eligible clients under this Project must demonstrate an income at or under 200% of the federal poverty level, must document their medical serostatus, and be a resident in one of the PSLS counties where Project services are available. At the present time, the Project serves all PSLS counties, except Kankakee, Iroquois and Livingston. Funding for the Project comes from Title I and Title II of the federal Ryan White HIV CARE Act, and from funds made available through the Housing Opportunities for Persons With AIDS (HOPWA) Act. Funds are administered by the Chicago Department of Public Health for an 8-county extended metropolitan area around Chicago (the so-called "collar counties"). Funds for the remaining counties are provided by several different regional HIV consortia. These consortia are programs of the Winnebago County Health Department, the Rock Island County Health Department, and the Peoria City/County Health Department.

The Project addresses client needs for assistance in civil legal matters such as: (1) housing and landlord tenant; (2) health care and insurance issues, including Medicare and Medicaid; (3) future planning and advance directives, such as living wills and powers of attorney; (4) public benefits such as TANF, food stamps, and unemployment insurance; (5) disability benefits, including Social Security and SSI; (6) family law matters; (7) employment; (8) education; (9) consumer and debt collection problems; (10) guardianships, and (11) discrimination and other civil rights issues. A client's legal problem handled under the Project may be related specifically to his or her HIV status. However, in most situations, that is not necessarily the case. In all cases, the client's rights to confidentiality are respected at all times.

Broad-based outreach is conducted about the availability of services. The intake process is flexible and responsive, accommodating disabilities and health conditions. As with many PSLS projects, accommodations are made for linguistic and cultural diversity. Clients are kept informed and work together with staff to determine the objective of the representation, to make decisions regarding the case, and to achieve goals in a timely fashion. Staff are trained and knowledgeable in the law and have HIV/AIDS awareness. Services are provided in a sensitive, compassionate, nonjudgmental and comprehensible manner. Our Project attorneys are part of a continuum of care for persons with HIV/AIDS in their communities. Information, referral, networking and training regularly are exchanged with human service providers working with this population, and with HIV support group. We are linked in all of these ways with the HIV/AIDS community, including with the various systems of case management.

LEGAL SERVICES FOR ORS CUSTOMERS

This project provides legal services and representation for persons with disabilities who are having problems appropriately receiving or who have been denied certain services from the Office of Rehabilitation Services (ORS), an office within the Illinois Department of Human Services (DHS). Specifically, the project serves persons who are seeking either:

(1) Vocational Rehabilitation (VR) services to obtain a specific employment goal, provided by DHS, by Centers for Independent Living, rehabilitation facilities or by Projects with Industry; or

(2) Home Services to prevent the unnecessary institutionalization of individuals who may be satisfactorily maintained at home, under the ORS Home Services Program (HSP).

All clients eligible for legal services under this project are collectively referred to as "ORS customers". This project serves every county in the Prairie State service area.

Funding for this Project comes from a contract with the Client Assistance Program (CAP), a semi-autonomous division within ORS, which is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for ORS customers. The legal services available from this project allows CAP to appropriately meet this legal mandate. It allows ORS customers an alternative to CAP advocates (non-attorneys) for consultation and representation. Finally, it provides CAP personnel and advocates a resource for legal consultation. For ORS customers, the normal financial eligibility criteria does not apply in the determination of eligibility for PSLS services. PSLS accepts all referrals from CAP, except to the extent the customer complaint is frivolous or there is a conflict of interest or other ethical problem.

The scope of work under the Project includes: (1) providing legal information, counsel and advice; (2) advocacy and negotiation services on behalf of ORS customers receiving VR or HSP services directed to ORS counselors, supervisors, service providers, or other interested or involved parties; (3) representation at Level I and Level II Hearing Appeals; (4) representation at the Director's Review Level; (5) court action, including Complaints for Review by Common Law Certiorari. We also provide program advice to CAP and ORS on systemic problems and issues that adversely affect clients. Finally, PSLS will provide information to clients about outside resources and will make appropriate referrals, to the extent that needed services are not appropriately delivered by PSLS.

DCFS GUARDIANSHIP PROJECT

This project is an extension of services which DCFS offers to families in connection with its Extended Family Support Program. That Program of DCFS is designed to provide short-term support and services to individuals who have been providing care to related children outside the welfare system. The idea is to keep children who do not have protective needs out of state custody by providing the family with supports needed to maintain the children's living arrangements. One of those supports is legal assistance to obtain guardianships.

When a care-giver in the Extended Family Support Program seeks to obtain legal guardianship over a related child or children, DCFS may refer the care-giver to PSLS to provide legal representation for that purpose. This is done only where the guardianship is not expected to be contested by other parties. Currently, the project is available only in the following counties: Bureau, LaSalle, Marshall, Peoria, Putnam, Rock Island, Tazewell, and Woodford.

When such a referral is made to PSLS, a PSLS attorney will pursue a legal guardianship through the circuit court, provided there is no conflict of interest and that a guardianship is permitted by statute and is otherwise appropriate under the circumstances.

SENIOR CITIZENS' PROJECT

Prairie State receives special funding from Area Agencies on Aging through Title III of the Older Americans Act to provide legal services to persons age 60 and older. Senior citizens in that age group are served regardless of income or assets. However, project services are focused to serve the needs of senior citizens who are in the greatest social and economic need. Typically, cases in the Project surround such issues as: (1) health care and insurance, including Medicare and Medicaid; (2) Social Security; (3) elder abuse and financial exploitation; (4) housing issues; (5) nursing home issues; and (6) legal assistance to preserve the personal autonomy of seniors. Project attorneys assist seniors in preparing Powers of Attorney or living wills and counsel couples when one spouse requires nursing home or home health care. As resources permit, a range of other services are offered. The project is available throughout the Prairie State service area.

DOMESTIC VIOLENCE VICTIMS' CIVIL LEGAL ASSISTANCE PROGRAM (VAWA)

With funding from the U.S. Department of Justice under the Violence Against Women Act, we are able to expand direct legal assistance to domestic violence victims on a range of civil law issues impacting on victims' abilities to provide a safe, secure, and stable living environment for themselves and their children. Currently, we administer this project in 20 counties served by the following offices: Rockford, Peoria, Batavia, Kankakee and Ottawa. We recently obtained funding to expand the project to counties served by our Rock Island office. Services for victims include: obtaining emergency orders of protection or plenary orders of protection, or both; obtaining some other protective order; providing advice or brief services on a family matter; obtaining a divorce; obtaining, preserving or increasing child support; obtaining a public benefit; assisting in matters relating to housing. This funding allows us to serve hundreds of additional victims per year.

Under this project, we also have collaborated with Northern Illinois University (NIU) College of Law to establish a for-credit experience for third year law students that includes clinical experience and classroom instruction on law and domestic violence issues. Students provide advocacy services to victims of domestic violence and gain practical experience representing victims of abuse in Order of Protection hearings and other related matters under the supervision of PSLS attorneys. The law school class and corresponding clinical program started in January, 2000, and has continued through the present. In the classroom component, topics focused on the substantive and procedural law in Illinois relating to domestic violence and divorce. Related topics included: interviewing, counseling, safety planning for clients, client management, and negotiation. Additional topics also included the following: direct and cross examination, evidentiary foundations, record-keeping, timekeeping, and courthouse procedures. Ethics and professional responsibility were also frequently addressed, including confidentiality, the attorney-client relationship, client perjury, and conflicts of interest. In the clinical component, students assist victims of domestic violence. While most of the students' legal work involves assisting clients in obtaining emergency and plenary order of protection, the students provide other legal services to victims. Such representation can involve assisting clients with divorce, custody, support, visitation, property and housing issues.

Since the inception of the project, on-site legal assistance has been provided to victims at the Kane County courthouse and at three domestic violence program offices.

LOCAL PROJECTS

KANE COUNTY DOMESTIC VIOLENCE PROJECT

Special funding from the Illinois Criminal Justice Information Authority under the Victims of Crime Act (VOCA) enables Prairie State to offer full-time services to victims of domestic violence right at the Kane County Courthouse. The project has a full time office at the courthouse to provide legal assistance to persons seeking orders of protection under the Domestic Violence Act. Services to obtain orders of protection are focused on low-income persons meeting PSLS eligibility guidelines, although advice is provided to victims regardless of income. Two full-time and one part-time attorney assist more than 400 residents of Kane County each year.

VICTIMS OF CRIME ACT (VOCA) PROJECTS IN ROCK ISLAND AND OTTAWA

Special funding from the Illinois Criminal Justice Information Authority under the Victims of Crime Act (VOCA) enables Prairie State to offer emergency services to victims of violence residing in the service area of the Rock Island and Ottawa offices. Emergency services can include order of protection or other types of restraining orders, and emergency custody and visitation changes related to abuse. The funder prohibits the use of its funds for representation in divorces. Clients need to meet standard PSLS eligibility guidelines.

LAKE COUNTY HOMELESS SERVICES PROJECT

This special project seeks to help homeless residents to stabilize their lives through the provision of legal services to address key legal problems. The project operates under a grant from the Department of Housing and Urban Development (HUD). A full range of services may be offered to persons who meet the HUD definition of "homeless". Generally, this includes residents of Lake County who are residing in a shelter or in a place not generally used as a dwelling (a car, tent, etc.). In some cases, persons who are at imminent risk of homelessness may qualify under the project. A referral from a program serving homeless persons is helpful, but not required. Project attorneys may be able to assist homeless residents in obtaining child support, orders of protection, government benefits, housing, or other legal needs that affect a homeless person's ability to secure housing. Our project attorney is available to handle many different types of cases under the project. The grant also permits PSLS to conduct extensive outreach to connect with the target population. The project attorney offers presentations at a number of shelters around Lake County, such as The Haven, Gateway, Samaritan House, and A Safe Place. The project attorney is Mary Jo Russo.

DUPAGE COUNTY HOMELESS SERVICES PROJECT

This special project provides legal services, in non-criminal matters, to homeless persons in DuPage County. The project operates under a grant from the United States Department of Housing and Urban Development. To qualify for services, a person must be living in a place not meant for human habitation, such as on the street, in a car, a park or an abandoned building. Persons can also qualify by residing in a homeless shelter, in transitional housing for homeless persons, by being a victim of domestic violence, or by facing certain eviction within seven days, with no housing prospects. Verification of homeless status, such as a shelter or social worker, may be required. Services shall address legal remedies to issues which present a barrier for the client to obtain adequate and affordable shelter. Such services may include matters concerning public housing admissions, child support, public benefits, income, domestic violence protection and divorce. Client intake is being handled at shelter sites in Wheaton, Lombard, Glen Ellyn, Lisle and Bloomingdale. The project attorney is Kerry O'Brien.

DUPAGE COUNTY HOUSING COURT PROJECT

This project places attorneys in all sessions of housing court to provide representation to persons threatened with homelessness in DuPage County. Project services include representation of eligible clients in court and before administrative agencies, and legal counseling. The Project benefits approximately 2700 individuals per year. It is funded with Community Development Block Grant (CDBG) funds. The efforts in court are primarily directed toward preventing evictions and the illegal lock-out of tenants. Each session, a PSLS attorney is situated directly in the courtroom, in order to be available for immediate representation of tenants undergoing the eviction process. At the beginning of each session, the judge announces that free legal representation is available from the project attorney. The project attorney then meets with all individuals who seek assistance. The attorney determines whether the individual is eligible and will provide advice concerning the best way to proceed. If there appears to be a meritorious defense to eviction, an appointment will be set up at the PSLS office. The judges make a practice to postpone the proceedings where we agree to represent the client to allow the PSLS attorney sufficient time to prepare. After the appointment and an investigation, PSLS will undertake full legal representation where it is warranted by the facts and the law. This includes representation at trial and pre-trial. . The project also represents low income homeowners undergoing foreclosure, and provides representation before administrative agencies to secure government benefits (or prevent their loss), including federally subsidized housing benefits. Such representation frequently means the difference between homelessness and living in decent housing. The project attorney is Bob Torbett.

OTHER LOCAL PROJECTS

Prairie State receives funding from other sources to maintain additional projects similar to those described above. Such projects include:

DuPage County Disability Advocacy Project
Lake County Disability Advocacy Project
Lake County Homelessness Prevention Project
McLean County Domestic Violence Project
McLean County Disability Advocacy Project
Rock Island County Post-Decree Project
Rock Island Homelessness Prevention Project
Rock Island 708 Project for People with
Mental and Developmental Disabilities
Grandparents Legal Assistance Project
(for grandparents age 60 and over)
(not available in certain counties served by PSLS offices in Galesburg, Peoria, and Rock Island)
Caregiver Legal Assistance Project
(for persons caring for persons age 60 and over)
(available only in Lake, McHenry, Kane, DuPage Kankakee, Kendall, and Grundy Counties)

For more information on these projects, please contact the appropriate PSLS office.