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EQUAL ACCESS



PRAIRIE STATE LEGAL SERVICES
Equal Access to Justice

A NEWSLETTER OF PRAIRIE STATE LEGAL SERVICES



Cy Pres Awards Provide Growing Support for Prairie State Legal Services

In 2020 and 2021, Prairie State Legal Services received a growing number of cy pres awards. In 2020, we received nine awards totaling

\$173,000, and thus far in 2021, we have received four more totaling \$224,000. We are so grateful to the law firms involved in these cases for helping guide these gifts to Prairie State Legal Services. Thank you to **Anderson + Wanca** (Riverwoods), **Bock, Hatch, Lewis & Oppenheim LLC** (Chicago), **The Fish Law Firm, PC** (Naperville), and **Stephan Zouras, LLP** (Chicago) for their work that has led to these awards!

"The cases where we have designated Prairie State as the cy pres recipient are when we represent low income workers in class action cases, (i.e., those where our clients are cheated out of their overtime pay or had other workplace rights violated)," said David Fish, of

The Fish Law Firm. "We recommend Prairie State as a cy pres recipient for two reasons: First, class action settlements must be approved by a judge. In our experience, most judges are familiar with the good work Prairie State does and they support cy pres funds going to it since they know the funds will

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be put to good use. Second, as our law firm volunteers to provide labor and employment services to Prairie State clients, we see firsthand the important work that it is doing to help many of our state's most vulnerable residents."

The term "cy pres" is derived from a French phrase meaning "as near as possible." The cy pres doctrine was originated in charitable trusts: when a donor's trust document included an impossible, impracticable, or illegal objective, courts were allowed to amend the trust, keeping as close to the original donor's intent as possible.

Approximately 35 years ago, this doctrine was expanded to apply to class action distributions as well. Today, cy pres awards are most often residual funds in class action cases that are unclaimed by the class or cannot be distributed to the intended recipients. In Illinois, state law (735 ILCS 5/2-807) creates a presumption that any residual funds in class action settlements or judgments should go to organizations such as Prairie State Legal Services that improve access to justice for low-income Illinois residents.

Prairie State's mission of providing equal access to justice to our most vulnerable communities makes us an ideal candidate for cy pres awards. These awards allow Prairie State attorneys to serve clients that might otherwise not be eligible for our services due to grant restrictions, but who have very compelling, immediate civil legal needs.

If you are a class action attorney and would like to learn more about cy pres awards, please contact Director of Development, Jenn Luczkowiak at info@pslegal.org. ■

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Michael O'Connor
Executive Director

Throughout the pandemic, we have heard inspiring stories about the dedication and sacrifices made by healthcare and other front-line workers, and we thank them for their service. This month, I'd like to tell

you about another group of essential workers who have been called to action—our civil legal aid staff, attorneys, and our pro bono partners. They, with their colleagues in other legal aid programs across the state, play a critical role in this ongoing crisis and in the recovery. Despite the many challenges of working remotely, they have developed creative solutions to ensure that the community has access to legal help.

Volunteer Appreciation Week, which will be celebrated later this month, and **Law Day** on May 1, a national day of celebration of the rule of law and how the legal system can transform and illuminate justice for all, gives us a focused opportunity in this issue of *Equal Access* to salute the commitment of our volunteers. We're shining the spotlight

on you: the amazing people, whose kind and consistent service transform our communities. I am always struck by the humility, compassion and passion that you bring to everything you do.

In this issue, you'll read profiles about **Adam Fleming**, our new Board Secretary, and **Kevin Hempy**, our Equal Justice Works Fellow in Rock Island. You'll also receive an update on one of our newest programs, **R3**, which stands for **Restore, Renew and Reinvest**, and how we are continuing to educate our communities about cannabis expungement through a new virtual webinar. Finally, you will learn about our work to assist our clients build a better future by providing the tools and legal help to seal and expunge old criminal records, which stand in the way of employment, housing, and education opportunities.

We are grateful to you, our supporters, who help to make civil legal aid available to those in need. Your dedication and commitment are inspiring! Despite the COVID-19 pandemic, Prairie State continues to engage and empower our entire legal community to make a difference in meaningful ways. We are committed more than ever to our mission, and are here for and with you. ■

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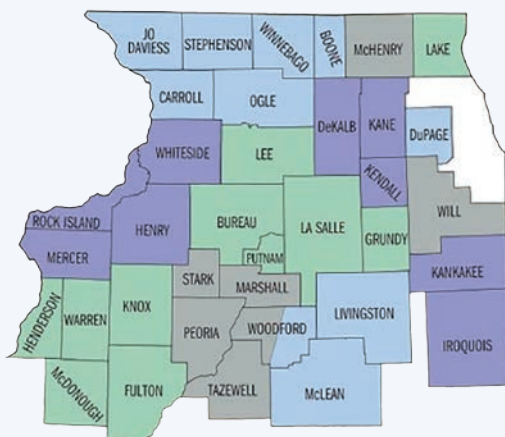
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Visit www.pslegal.org/offices
for more information.

PSLS Moves Forward with Renew, Reinvest, and Restore (R3) Grant

Recently, Prairie State Legal Services (PSLS) received four grants totaling \$1,095,834 from the State of Illinois for the Renew, Reinvest, and Restore (R3) Grant, a new program administered by the Illinois Criminal Justice Information Authority. The inaugural grant program announced 80 grants totaling \$31.5 million to support organizations across the state that provide legal aid, violence prevention, and re-entry services.

With these grants, Prairie State will target discrete regions in northern and central Illinois, including services in specific neighborhoods in Lake, Will, and Kankakee Counties; Peoria; Bloomington; Rockford; and Rock Island.

"These services focus on community lawyering in which the project attorneys work very closely with designated community partner organizations to be responsive to a range of legal needs for residents of the target area," said Gail Walsh, Director of Program Development at Prairie State. "Each office will hire a community advocate from



within the R3 communities to work alongside our staff with an emphasis on outreach."

"We are excited for this new effort that is targeting minority communities that have been disproportionately impacted by mass incarceration and poverty," she said.

The R3 grants were created as part of the 2019 Cannabis Regulation and Tax Act, which requires that 25 percent of cannabis revenue be used to support communities impacted by economic disinvestment, gun violence, unemployment, and criminal justice system overuse.

For more information on R3 grants, visit www.icjia.state.il.us.

New Website

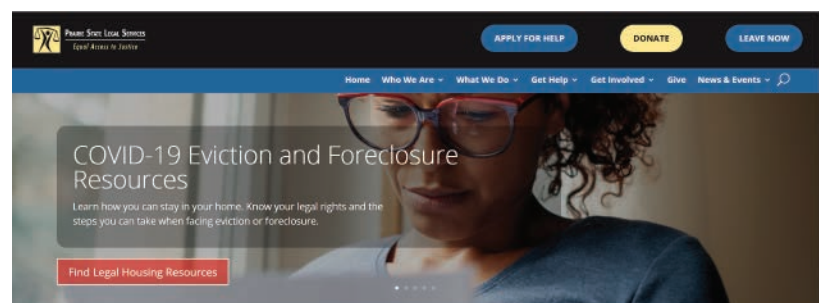
Prairie State Legal Services Launches New Website

Prairie State Legal Services is excited to announce the launch of its redesigned website. Visit us at www.pslegal.org.

Prairie State's web design partner, Rockford-based Birdzeye Media, was the creative and technical group behind the redesign and is helping to launch the new site.

"We wanted to make the new website faster, easier to navigate and more user-friendly," said Prairie State Legal Services Manager of Marketing and Communications Tom Massari. "Our goal with the new website is to provide our visitors an easier way to learn about Prairie State's services and to browse information based on their interests or needs."

The new website gives access to Who We Are, What We Do, How to Get Help, How to Get Involved, How to Give, and News and Events, according to Massari.



While visiting the site, which is responsive for use on multiple devices including smartphones, tablets, laptops and desktop computers, users can find information about our core services front and center on the homepage in the areas of Safety, Housing, Health, Stability and COVID Response. In addition, the site highlights Prairie State's social media channels, which are filled with information that educate and inspire.

Our new site is fresh and modern and allows us to connect with our clients and families who are using many types of technology to access our services. We will be updating our content regularly with helpful resources, special project information, news, and events.



Prairie State to Inform the Community about Fair Housing Laws



Emily Petri

Housing discrimination persists in Bloomington-Normal, according to a 2018 survey conducted by the City of Bloomington,

Town of Normal, and McLean County Regional Planning Commission. This unsettling conclusion was based on the responses of 75 percent of African Americans, 66 percent of 18-24 year-olds and 58 percent of renters who answered the survey. Unfortunately, this type of discrimination violates federal, state, and local fair housing laws. "Fair Housing" is the right to choose housing, free from unlawful discrimination based on a person's status. The protected categories include race, color, ancestry, religion, gender, national origin, families with children, disability, age, military or military discharge status, marital

status, protective order status, sexual orientation, and gender identity.

Each April, the nation celebrates Fair Housing Month to commemorate the passage of the nation's fair housing laws. Those laws include the federal Fair Housing Act and the Illinois Human Rights Act. The City of Bloomington also has its own fair housing ordinance.

In celebration of national Fair Housing Month on Wednesday, April 21, from 12:00 pm-1:00 pm, attorney Emily Petri of Prairie State Legal Services (PSLS) will lead a free Zoom presentation about fair housing law. She will address how to identify violations of fair housing law explain how to obtain legal assistance to seek remedies for these acts from Prairie State. Registration is free and open to everyone online at tinyurl.com/FairHousing-PSLS.

Also in April, PSLS has partnered with other area agencies to educate the public about fair housing through promotional materials including branded postcards, yard signs, billboards and social media content.

Members of the public interested in learning more about fair housing can visit Prairie State's fair housing webpage.

"The landmark Fair Housing Acts of 1968 and 1988 require fair housing," said Adrian Barr, Managing Attorney of the Bloomington office of Prairie State Legal Services "At Prairie State, we want to ensure that everyone has access to the housing of their choice, free from unlawful discrimination."

In 2019 and 2020, the Bloomington office of PSLS received Community Development Block Grant (CDBG) funding through the City of Bloomington to provide legal services to fight housing discrimination in Bloomington. In 2020, PSLS continued growing its fair housing project with additional funding from the Town of Normal. The goals of the fair housing project are to increase awareness of housing discrimination in Bloomington-Normal and to assist residents who may have suffered from the various acts of housing providers who violate the fair housing laws. ■

PSLS Partners with New Leaf Illinois to Help Clear Cannabis Convictions

JOIN OUR FREE EXPUNGEMENT WEBINAR, MAY 4

While many of the estimated 778,000 cannabis convictions in Illinois are eligible for automatic expungement, there are at least 71,000 criminal records on file that will not be expunged automatically. Even if your record was automatically expunged, you'll still need to file a Motion to Vacate & Expunge your court record.

Don't wait until the last minute to find out you are not eligible for automatic expungement.

Join Prairie State Legal Services Program Coordinator and Staff Attorney, Lacy Burpee and New Leaf Illinois for an in-depth procedural analysis of how to get your cannabis conviction expunged in Illinois. Prairie State will be broadcasting a FREE Live Webinar on May 4, from 1:30-2:15 pm. Find more information on our website at pslegal.org.

The legal system can be intimidating. Prairie State and New Leaf Illinois are



clearing cannabis convictions



Lacy Burpee

here to help you, each step of the way. Visit pslegal.org or NewLeafIllinois.org or call (855) 963-9532 to get started. ■

Fourth Annual Lawyers for Justice Campaign

Prairie State Legal Services is excited to launch its 4th annual Lawyers for Justice Campaign and thank the many lead donors who already committed to the campaign. We appreciate your contributions to help those in need of essential legal services during the

pandemic. Without the support of lawyers, judges, clerks, and many others in our legal community, Prairie State would not be able to assist so many clients in need. Want to be a part of the Lawyers for Justice campaign? Visit www.pslegal.org/donate to give. ■

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Fighting for Workers' Rights in Western Illinois

In the fall of 2020, Prairie State welcomed Kevin Hempy, a May 2020 graduate from Pepperdine University School of Law, as an Equal Justice Works Fellow sponsored by Deere & Company, Lane & Waterman LLP, and Riley Safer Holmes & Cancila LLP. An Equal Justice Works Fellowship is one of the most prestigious and competitive post-graduate legal fellowships in the country. Kevin was one of 78 fellows selected from more than 432 applicants for this two-year fellowship dedicated to meeting an unmet legal need in the community.

Kevin's project will improve employment prospects and financial stability for low-income community members in Western Illinois through criminal records relief. While interning with Prairie State's Bloomington office in 2019, Kevin was troubled to hear the stories of community members

who were struggling to find work because of old criminal records. "The dignity of work should not be denied to someone based on an old criminal record," Kevin said, "that has no bearing on their ability to do a job and do it well." Kevin said he is excited and appreciative of the opportunity to help provide this service from Prairie State's Rock Island office.

During his fellowship, Kevin is representing workers in expungement and sealing proceedings of old criminal records. He also is assisting workers with old criminal records seeking employment in the healthcare industry in Illinois, through the healthcare waiver process. Finally, he is recruiting pro bono attorneys



Kevin Hempy

to assist with the project and developing a referral network with other nonprofits in the area.

It is estimated that more than 40 percent of the adult working-age population in Illinois has a criminal record of some kind. Many workers with these criminal records struggle to gain meaningful employment after interactions with the criminal justice system. Criminal records relief increases employment opportunities for low-income community members and helps to improve their financial stability. Additionally, in Illinois, the healthcare industry faces a shortage of workers. The healthcare waiver process enables workers with old criminal records to work in the healthcare industry. ■

"The dignity of work should not be denied to someone based on an old criminal record that has no bearing on their ability to do a job and do it well."

– *Kevin Hempy*

BOARD SPOTLIGHT

Adam M. Fleming, Secretary

Williams McCarthy LLP Partner Adam M. Fleming was nominated to serve on the Prairie State Legal Services Board of Directors by the Winnebago County Bar Association in September 2019. In February, he was elected Secretary of the board.

"I previously served as a staff attorney with the Rockford office of Prairie State in 2014," Adam said fondly. "My first impression that remains today is that Prairie State serves its clients with the skill, training and attorney supports on par with the best private law firms."

"Prairie State serves to level the playing field for clients of limited financial means to access available civil legal remedies in cases where those remedies have a tremendous impact."

– Adam M. Fleming

"Prairie State serves to level the playing field for clients of limited financial means to access available civil legal remedies in cases where those remedies have a tremendous impact," he said.

Adam is a Partner in the Estate Planning group of William McCarthy's Rockford office, advising clients in the areas of estates and trusts. He was admitted to the Illinois Bar in 2007, to the General Bar of the United States District Court for the Northern District of Illinois in 2008, and to the United States Tax Court and United States 7th Circuit Court of Appeals in 2012.

Adam is active in several professional and community groups. He is a member of the Illinois State Bar Association and the Winnebago County Bar Association, and he served on the Section Council of the ISBA Section of Corporation, Securities and Business Law from 2009 to



Adam M. Fleming, Secretary

2011. He also has served as past Treasurer of the Winnebago County Bar Association and as past Chair of its Estate Planning Section. He currently serves as President on the Board of Directors of Illinois Growth Enterprises, Vice President of Carrie Lynn Children's Center and on the Board of Directors of the Winnebago County Bar Association. In Adam's spare time, he enjoys cooking, playing Go (an abstract strategy board game, aka Baduk or Weiqu), and playing and teaching chess. ■

Ways to Give

Give While You Shop

Make your purchases count by shopping on AmazonSmile!



Shop through www.smile.amazon.com and designate "Prairie State Legal Services" as your organization. Prairie State has received more than \$1,170 from 99 different supporters through AmazonSmile. *It's easy and effective!*

THREE EASY OPTIONS

Give Online at pslegal.org/donate

Make a donation online to help those in need of critical civil legal aid. Better yet, make it monthly! Just visit www.pslegal.org/donate and click "*Make this a monthly gift.*"

Leave a Legacy

Are you interested in leaving a gift to Prairie State Legal Services in your will or trust? These types of gifts are known as a charitable bequest and can allow you to leave a lasting impact on your community for years to come.

If you want to learn more, please contact Director of Development Jennifer Luczkowiak at info@pslegal.org.



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Celebrating National Volunteer Week 2021

Each year, thousands of people in Illinois face civil legal problems and are unable to afford an attorney. Pro bono allies and volunteer partners allow Prairie State Legal Services to leverage the work of our attorneys, turn fewer people away and multiply our impact with the assistance of those who see it as a commitment of the profession to provide pro bono service.

In honor of National Volunteer Week (April 18-24), Prairie State would like to extend its gratitude to the thousands of legal aid volunteers and volunteer lawyers who have made a huge difference for our clients throughout our history. For those at risk of losing their homes, income, or even their children, volunteer lawyers are an indispensable resource. Now more than ever, it is important for us to support our most vulnerable communities.



Over the past year, 324 volunteer attorneys contributed almost 4,450 hours of service to Prairie State. We are grateful to each one of them for their service.

Whether you are an attorney seeking to do pro bono work or a community member who wishes to make a difference in the lives of others, Prairie State Legal Services can use your help. Learn how to get involved by visiting www.pslegal.org/volunteer or email volunteer@pslegal.org to learn more. ■