

THE PRAIRIE FIRE

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

April 2007

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The Executive Director's Page

I am pleased and honored to present this 2007 edition of *The Prairie Fire*. I recently completed my first year as the Executive Director of Prairie State Legal Services, and in that time I have been fortunate to have had the opportunity to work more closely with staff, volunteers, judges and bar leaders from across the large region served by Prairie State. What I have seen first hand is that there is a strong commitment throughout the legal community to making the promise of equal justice a reality for low-income individuals and families in Illinois.

In the pages that follow, you will find vivid examples of the myriad legal problems routinely encountered by the poor. Some of our clients struggle to escape terrifying domestic violence, yet find themselves faced with enormous challenges due to poverty and financial dependence on their abusers. Other clients struggle with unresponsive government bureaucracies in their attempt to secure basic public benefits necessary to obtain needed medical care and financial security. Some clients live in substandard housing and find themselves faced with the threat of eviction when they seek needed repairs. The assistance of a skilled attorney is essential if our clients are to address these problems successfully and achieve a decent quality of life.

The Prairie Fire tells the stories of just a few of our victories, both large and small. These successes are the work of highly qualified attorneys and paralegals. Despite low salaries and challenging working conditions, Prairie State is blessed with dedicated staff who persevere to achieve justice for their clients. We also are assisted in our work by volunteer attorneys, some of whom work in our offices, and others of whom handle cases from their own offices. Without the *pro bono* work of these lawyers, Prairie State would represent far fewer low income people.

It is my hope that, in reading *The Prairie Fire*, you will gain a fuller understanding of what it means to be poor in America, and an appreciation for the vital role of legal services in improving the lives of the poor and in making our communities better places. Once equipped with this knowledge, I hope that you will join with Prairie State in our efforts to make equal justice available to all.

– Michael O'Connor
Executive Director

FACTS and FIGURES 2006

I. Whom did we serve?

- Staff and in-house volunteers completed or “closed” 16,102 cases.
- The Volunteer Lawyer Projects completed 632 cases.
- Altogether, these households contained 37,876 persons, including 18,600 children.
- **Our caseload breakdown:** Family Law - 44%; Housing Cases - 24%; Social Security/Public Benefits - 8 %; Consumer/Utilities - 11 %; All Other - 13%.
- **Gender breakdown:** Female - 76%; Male - 24 %
- **Age breakdown:** under18 - 2%;, 18-29 - 29 %; Thirties - 24 %; Forties - 20 %; Fifties - 11 %; Sixty to Seventy-four - 10%; Seventy-five and up - 4%.
- **Racial breakdown:** White - 66 %; Black - 23 %; Hispanic - 8 %; Asian - 1%; Other - 2%.

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 2006 were over \$2,392,764 plus \$1,457,886 in one time payments.
- We obtained 740 orders of protection that helped 779 adults and 1,194 children to end domestic violence. We obtained over \$60,245 in monthly child support and/or maintenance for these households.
- We represented 34 nursing home residents who were able to retain their residence when threatened with involuntary discharge.
- We overcame the termination of utility services in 24 cases involving households with 32 children and 35 adults.
- We prevented eviction in 235 cases which helped 345 children and 284 adults retain their housing. Through negotiated settlements, we avoided imminent homelessness for an additional 121 households of 178 children and 142 adults.
- We helped 56 households with family members who have disabilities obtain needs-based SSI benefits, which exceed \$394,332 annually. These households contain 64 children and 74 adults. Staff also prevented the wrongful termination of SSI disability benefits in 5 cases. As a result, these households retained

\$25,576 in monthly benefits. Staff prevented the reduction of SSI benefits in 7 cases.

- We helped 29 households obtain or maintain Social Security disability benefits providing annualized benefits of over \$259,092.
- We enabled 55 households to obtain Medicaid benefits. An additional 8 households obtained Medicaid coverage for a specific service and we prevented a threatened termination of Medicaid in 13 cases.
- We helped 10 households to obtain or retain TANF or food stamp benefits.
- We helped 88 households containing 146 children and 101 adults secure affordable housing which had been unlawfully denied. We also enforced tenants' rights to decent, habitable housing in 9 cases.
- We obtained legal guardianships of disabled adults in 25 cases and for dependent children in 32 cases.
- We completed 53 adoption cases.
- We prevented 8 home foreclosures.
- Through volunteers and staff, we completed 854 divorces. The majority of these cases either protected abuse victims or established permanent custody for minor children. They provided for \$1,207,152 in monthly support for over 1000 low income children, and \$239,362 in additional one-time recoveries.
- We helped 27 children to obtain needed special education benefits or to overcome school suspensions/expulsions.
- Staff prevailed for clients in 87 child custody cases, which also obtained appropriate child support orders. These cases required more than 2,534 hours of legal services.
- We obtained or enforced a parent's right to visit his or her children in 46 cases.
- We secured or enforced child support orders in 62 cases involving 124 children and obtained annualized child support orders of \$255,612.
- We prepared 264 health care powers of attorney for elderly or ill persons.
- We stopped debt collection harassment in 62 cases.

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

CASES

CONSUMER LAW

1. **Beck Memorial Home v. J.G. (McLean County Circuit Court)**. In a case funded with a grant from the East Central Illinois Area Agency on Aging, we represented a senior struggling under a non-wage garnishment. The husband, J.G., while suffering from dementia, signed a contract with a funeral home following the death of his son. He signed the contract believing it was only for burial, but in fact it was for additional funeral services. His adult children also signed the contract. When the bill remained unpaid, the funeral home sued, resulting in a judgment against our client for \$1,371. The plaintiff imposed a non-wage garnishment on his bank account, freezing the account. The account consisted of his Social Security retirement income. We filed a Motion to Quash the garnishment proceeding, on the basis that all the funds in the client's account were exempt under law. The Court granted the motion and ordered all funds released to our client. Opposing counsel then wrote a letter to the client demanding payment of the debt. We negotiated with that attorney to impress upon him that our client is a disabled senior citizen whose entire income consisted of Social Security payments. These are exempt from judgment by Illinois law and the client needs them to pay for his basic necessities. All personal property owned by client fell well within the other exemptions allowed by Illinois law. We successfully urged opposing counsel to write the debt off as uncollectible. (*Stacey Tutt, Bloomington Office*)

2. **B.M. v. Home Decorating Company**. In a case involving shoddy home repair, we represented a client who had paid a contractor \$600 to refinish a hardwood floor. After the flooring dried, new polyurethane bubbled up and did not adhere to her floor. Although the Contractor promised to either redo the work or refund the money, he did neither. We advised the client that the contractor had violated the Home Repair and Remodeling Act, since he failed to provide her with a copy of a pamphlet detailing consumer rights for home repair costing more than \$500 and less than \$1,000. We gave the client the numbers of the DuPage County State's Attorney's Office and the Attorney General's consumer fraud hotline. We also gave her the local Better Business Bureau phone number for possible assistance in negotiating with the contractor. We advised the client of the option to sue the contractor in small claims court, and we gave her the website of the DuPage County Circuit Clerk's office to download small claims forms. We further advised client to attach a copy of the demand letter she sent to contractor to her Complaint and to bring as much third party corroboration of her claim to court, including witnesses to testify about her interactions with contractor, evidence of contractor promises to refund her money or redo work, and photographs of the bubbled flooring. With this information, the client negotiated the return of the \$600. (*Clare Mitchell, Telephone Counseling Service*).

3. S.M. v. K.L. Our client relied on Social Security after suffering a heart attack. He lived in a mobile home, but could no longer afford the mobile home loan payment or the lot rental. The landlord of the mobile home park agreed to sell the client's mobile home and apply the net proceeds to his lot rental obligation. Reneging on the agreement, the landlord made no attempt to sell the mobile home or solicit offers for the home, but rather sued the client for eviction seeking substantial money damages. Attorney Thomas O'Neal, serving *pro bono*, negotiated a very favorable settlement for the client. After our *pro bono* attorney pointed out the landlord's apparent breach of fiduciary duty by attempting to profit from its refusal to attempt a sale of the property and the failure of the landlord's attorney to comply with the federal Fair Debt Collection Practices Act, the landlord paid off the client's mobile home loan, released its claim for past due rent, and paid the client approximately \$2,000.00. in cash. (*Sandra Crow, Pro Bono Coordinator, Peoria Office*)

4. In re F.R. (U.S. Bankruptcy Court, Northern District of Illinois). Our client was working to support his wife and 2 children, but his wages were just barely at the level which could be legally garnished. He had many creditors, including credit card companies and medical creditors. Chase Bank obtained a judgment against him and had garnished his wages until he became unemployed. When he found a new job and returned to work, Chase revived the garnishment action. Volunteer attorney James McGee filed a Chapter 7 bankruptcy case promptly, which stayed the garnishment action. Ultimately, the client received a Chapter 7 discharge. (*Susan Perlman, PAI Coordinator, Waukegan Office*)

5. Parkway by the Lake and Chase Bank v. C.C. (Lake County Circuit Court). In connection with post-judgment garnishment proceedings, the client's creditors froze her bank account. This interfered with her ability to pay the lot rent for her mobile home and utilities, and put her at risk of eviction from the mobile home park and the likely loss of equity in that mobile home. In negotiations, we proved to creditors' lawyers that the garnishment had frozen funds derived entirely from exempt Social Security disability and pension income. We obtained an agreed order, releasing the funds back to the client. (*Lawrence Smith, Waukegan Office*)

6. W.D. v. Huntington National Bank. We represented a client who leased a car several years ago, and returned it at the end of the lease. The bank was demanding \$2,500 for excessive wear and tear to the car. The client disputed the claim, but was unable to resolve the problem on his own. Concerned about his credit standing (the client had always paid his bills in a timely manner), we negotiated with the bank's legal department which agreed to drop the charge for excessive wear and tear. (*Lori Luncsford, Peoria Office*)

7. Chase Home Finance v. J.L. (Circuit Court of Winnebago County). The client and her husband purchased a mobile home, with a mortgage, later refinancing the loan with Bank One (Chase's predecessor). The client fell behind in her mortgage payments after her husband became disabled from a motorcycle accident, and their son died in an automobile accident. Chase filed a Complaint against our client in court, but the Complaint was a mess: it mis-stated the original indebtedness by a significant amount; it failed to say how or when the default occurred; it asked for both possession of the mobile home and a money judgment for the purported value of the mobile home. Furthermore, there were problems with documents attached to the Complaint. The promissory note did not list the mobile home as collateral, the Disclosure Statement did not describe the mobile home, and the certificate of title was not signed by the clients. The issues included: 1) whether the clients owed anywhere close to the amounts being sought; 2) whether Chase had a lawful security interest in the mobile home; 3) whether there was a "waiver" when Chase kept accepting payments from the client; and 4) whether there were Truth in Lending Act violations. After we filed an Answer and the Rule 222 Disclosure Statement, the judge removed the case from arbitration to chancery. After receiving some responses to our discovery, we started hearing settlement overtures from Chase. After a process of negotiation, we reached a settlement on terms extremely favorable to the client. *(Cathy Ritts, Rockford Office)*

DISABILITY/ SOCIAL SECURITY

1. In re W.K. (Social Security Administration). Our client was denied Social Security disability benefits after a hearing. We appealed to the Appeals Council, contending that the ALJ had abused his discretion and that his findings were not supported by substantial evidence. The ALJ had adopted the opinion of the state agency medical expert, who had not had a chance to review various exhibits in the record. We also had the client file a new application seeking to be found disabled as of the day after the hearing. Although SSA approved the new application, the Appeals Council remanded both the new and old cases to another ALJ because there were alcoholism issues not known to the adjudicator who had approved the new application, and because that adjudicator had not made the necessary determination of whether such abuse was a contributing factor material to the determination of disability. At the new hearing, we disputed the original ALJ's findings that the client still had the mental residual functional capacity to perform his past work as a maintenance person. The client suffered from depression and panic attacks, causing him to lose his last job as a maintenance worker. His former employer had accommodated the disability, but finally had to fire the client for missing too much work. We also provided evidence that the client was still receiving counseling for his severe panic attacks and his depression, and that his alcohol use was sporadic. A consultative examination from a psychiatrist showed that the client actually got worse when his alcohol consumption ceased. The new ALJ ruled for client on the record we had made, without the need for another hearing, and allowed benefits back to November, 1999. *(Sandy Heim, Rockford Office)*

2. In re V.P. (Social Security Administration). We represented a client in a Social Security overpayment case. Social Security found the client, 69 years old, was overpaid over a 4+ year period in the sum of \$17,240, due to the simultaneous receipt of benefits under the records of two different wage earners. Specifically, she received retirement benefits under her own record and wife's benefits based on her first marriage and divorce. The client was unaware that she was not entitled to this double benefit. Moreover, the Social Security checks were directly deposited into her accounts, so the client presumed they were correct. We filed a request that Social Security waive recovery of the overpayment, arguing that client was without fault. Not only had SSA computed her benefits, but the client could not have known or understood they had made an error, she relied on SSA to pay her correctly, and it took SSA nearly 5 years to find the error. In a rare action, the claims representative, at a case conference taking place at the local office, allowed the waiver. Although the client's benefits were reduced, she did not have to pay back the overpayment. (*Joyce Bingham, Rockford Office*)

3. In re L.H. (Social Security Administration). We represented a 19 year old in her claim for SSI. She had been diagnosed with grade I spondylolisthesis of L5 on S1 with leftward spondylolysis. Her severe back pain had begun when she was only 12 years old. As a result of a dog bite, the client sustained significant injuries to her left and right legs resulting in over 150 sutures. Since the accident, she has decreased range of motion of the left leg, loss of muscle strength and left ankle pain. When client contacted our office, a hearing before an Administrative Law Judge had already been scheduled. After obtaining a continuance of the hearing, we obtained medical records and investigated the client's claim. We submitted the results of an assessment by a consulting physician. We prepared a written argument on behalf of the client outlining her claim and provided supplemental records. At the start of the hearing, the Administrative Law Judge ruled based upon the assessment, written argument, and supplemental records to find the client disabled as of her 18th birthday. (*Stacey Tutt, Bloomington Office*)

4. In re M.B. (Social Security Administration). We represented an obese 45-year old man with depression, back problems, osteoarthritis, arthritis, and hypertension, as well as heart and breathing problems. The client appealed the SSA denial of his claim for Supplemental Security Income (SSI), and waited almost two years for an ALJ hearing. Late in this period, we entered the case, collected medical records, submitted them to the ALJ., and asked the judge for an expedited hearing. That request was granted, due to the client's attempts at suicide and the depletion of his funds for living expenses. The Judge awarded him benefits at the hearing, on the record. As a result, the client now has a fixed income for living expenses and also receives proper medical care since he is automatically eligible for Medicaid due to SSA's finding of disability. (*Lori Luncsford, Peoria Office*)

5. In re G.D. (Social Security Administration, Office of Hearings and Appeals). We represented a 52 year old resident of a skilled nursing facility who had been diagnosed with myotonic muscular dystrophy (MMD), a degenerative disease that affects muscles and many other body systems. MMD caused him many problems including a weak grasp, muscle weakness, atrophy, weakness in the extremities, obstructive sleep apnea, insomnia, and chronic respiratory failure. When the client contacted us, a hearing before an Administrative Law Judge had already been scheduled. Our office then worked quickly to obtain as much information as possible to support his claim, including a detailed assessment from his treating physician. We appeared with the client at the ALJ hearing and presented a written argument that included additional records and his doctor's assessment. The ALJ issued a favorable decision on the record, prior to taking any oral testimony. However, the ALJ ruled that the evidence supported a finding of disability as of the client's 50 birthday. The client then testified as to his limitations prior to his 50th birthday. We were then granted 14 days to supplement the record and additional argument specific to his circumstances prior to his 50th birthday. (*Stacey Tutt, Bloomington Office*)

6. In re S.K. (Social Security Administration). We represented a client who suffers from heart problems, obesity, depression and stress. SSA had denied the client's application for disability benefits, but she never filed a request for reconsideration or an appeal. We advised her to re-apply immediately, and advocated with the adjudicator deciding her claim. The next month her disabled husband died, leaving her with no income except for her disabled daughter's survivor's benefits. The client had a mortgage and second mortgage on her home, and needed disability benefits to survive financially. Our office helped the client complete paperwork she received from SSA. We helped her file a request for Veterans Administration survivor benefits for herself and her daughter. When the client was hospitalized again for heart problems, we made sure to add that information to her SSA claim. Because one of the client's medications was very expensive and not covered under Medicaid, we helped her complete paperwork needed to continue receipt of this medication under a special drug program available through the manufacturer. Unfortunately, there were major delays getting a decision from the adjudicator on her disability claim. The file kept going back and forth between Chicago and Springfield for various reviews. By then, the client's financial status was in complete ruin. Her mortgage payments were behind, her utilities late and there was no money to buy food. We enlisted the help of Congressman Manzullo who pushed SSA for a decision after we sent him a detailed statement of the facts and the client's financial situation. Shortly thereafter, SSA notified the client that her claim for disability and disabled widow's benefits was approved. Her monthly benefit includes \$675 for her own disability plus \$821 in widow's benefit. SSA back-dated her disability, and her back award totaled \$11,909. (*Janet Douglass, Woodstock Office*).

7. In re A.O. (Social Security Administration). Our client, a ten year old girl, suffers from severe Type I diabetes. The mother, who speaks very little English, applied in November, 2002, for SSI benefits for the child. When SSA denied the application, she failed to file a timely request for an ALJ Hearing due to her inability to understand English well. The client's mother re-filed for SSI benefits in 2004, was denied again, and was at the ALJ Hearing level when she applied for our assistance. We helped obtain additional medical reports documenting the Type I diabetes from Children's Memorial Hospital in Chicago. We contacted SSA's Office of Hearings & Appeals to secure a Spanish translator at the Hearing. At the hearing, we argued that the child met Listing 109.08 (b) under the Endocrine System --- "recent, recurrent episodes of hypoglycemia." The ALJ said she had not even considered that Listing, had not reviewed it for "quite a while," and "forgot it was there." After the ALJ reviewed the listing, both the ALJ and our advocate examined the client and her mother through the Spanish translator. The ALJ then and there issued a fully favorable decision, awarding child's SSI benefits back to the date of the most recent SSI application (April 2004). Moreover, due to the mother's limited English proficiency, the ALJ determined that the mother had made a good faith effort to pursue the November, 2002 application for SSI benefits and agreed not only to re-open that application, but awarded benefits retroactive back to that date. The considerable retroactive SSI benefits and on-going SSI benefits will help the client's mother better care for her very ill young daughter. (*Larry McShane, Waukegan Office*)

8. In re J.M. (Social Security Administration, Office of Hearings and Appeals). Our client has chronic pancreatitis, major depression with psychotic features, anxiety, fibromyalgia and hiatal hernia. She was denied Social Security disability and Supplemental Security Income benefits. She required hospitalizations on numerous occasions for her pancreatitis and abdominal pain and had extensive treatment for depression and anxiety. We represented her at her hearing before an administrative law judge. At the hearing, her case manager at the Human Services Center testified concerning her limitations in activities of daily living, social functioning, and concentration. The judge found her to be disabled and awarded 3 years back benefits totaling over \$20,000. (*Daniel Smith, Peoria Office*)

9. In re T.L. (Social Security Administration; Illinois Department of Human Services/Public Aid; Lake County Housing Authority). We represented a client who had been denied SSI disability benefits. The client injured her back and suffered residual pain from several car accidents, but also has mental impairments including severe depression and borderline intellectual functioning. At the hearing before an ALJ, we presented significant evidence establishing the client's impairments, but the client had only been in treatment for depression for a short time and her IQ had not been tested. We appealed an adverse ruling, and arranged for an IQ test and psychological evaluation. We submitted those materials and briefed the issues to the Appeals Council, which remanded the case back to the ALJ. In preparation for the new hearing, we obtained extensive evidence from the client's treating psychiatrist regarding the client's limited intellectual function. Both a medical expert and a vocational expert testified at the hearing. When the decision was adverse again, we appealed and briefed the issues again to the Appeals Council. Our argument focused on a number of legal errors the ALJ made, including the failure to give appropriate credence to the opinion of the treating physician and the failure to consider the client's application for Social Security disability benefits in addition to SSI benefits. The Appeals Council remanded the case once again. A new ALJ heard extensive testimony, along with updated medical evidence and argument. This time, the ALJ issued a decision fully favorable to our client, awarding both regular Social Security disability and SSI benefits. We also handled a termination of the Medicaid benefits the client had received as a mother with minor children. When the children reached the age of majority, DHS terminated her Medicaid benefits. We appealed the termination and convinced DHS, without necessity of a hearing, that the client was disabled, and thus qualified for Medicaid on that basis. In addition, because the children reached the age of majority, the Housing Authority told the client she was no longer entitled to remain in the home she had rented for many years through the Scattered Site Public Housing Program. The housing authority offered her an apartment in a housing complex far from the area in which she lived. As the client is very dependent upon her family and suffers severe depression, this move would have had a terrible impact on the client. We therefore submitted a request for a reasonable accommodation to the Housing Authority, asking that the client be transferred to the Section 8 Voucher Program so that she could rent an apartment from a private landlord near her longtime home with a portable subsidy. The Housing Authority approved the request. (*Linda Rothnagel, Waukegan Office*)

EDUCATION

1. In re M.M. We represented a child ward of DCFS who had been suspended from school numerous times and has poor academic performance. DCFS requested a case study evaluation to determine the child's eligibility for special education and related services. Following another fight in which the child was suspended again, the school district began expulsion proceedings. We advocated for the client at a multi-disciplinary conference/ IEP meeting, where it was determined that the client is eligible for special education. Because the client's conduct was deemed related to her disability, no expulsion occurred. The client is now receiving appropriate special education services. (*Lisa Wilson, Peoria Office*)

2. **In re E.W.** Our client, a special education student, faced expulsion from school as a result of an altercation with another student. We requested a due process hearing, given defects in the school's manifestation determination and IEP. We negotiated extensively with counsel for the school district to settle the case short of a due process hearing. We advocated for the client at an IEP meeting to rewrite the IEP, given the student's severe mental/emotional issues. The IEP team decided, rather than to expel her, to transfer the student to an alternative school, a different special education placement that could better address her emotional issues. For example, the alternative school had staff better trained in the kinds of interventions the student needs and had smaller classes. (*Cathy Ritts, Rockford Office*)

3. **In re S.C.** The school district had expelled student for the entire school year because she brought a knife to school. The district had never screened the client for eligibility for special education services, although there were indications she needed them. We requested a special ed evaluation and negotiated with the district to have the expulsion decision reversed. The district agreed to lift the expulsion and allowed her to attend summer school to compensate for education time lost during removal from school. The district also performed the special education evaluation and determined the child to be eligible. (*Mike O'Connor, Executive Director*)

4. **In re P.H.** The client was facing expulsion from school without any prior history of serious behavioral problems. The district asked the foster parent to sign a probation agreement as an alternative to expulsion. If the foster parent refused to sign it, expulsion would result. We advised the foster parent not to sign the agreement as it contained punitive measures, and we believed the client, who was receiving special education services, was protected under various special education laws. As a result of our advocacy, the school decided not to pursue expulsion, and subsequently, the client's grades improved. (*Lisa Wilson, Peoria Office*)

5. **In re E.A.** Our client was a special education student facing expulsion and a manifestation determination review meeting to decide whether his conduct (flashing of gang signs) was related to his disability. We advocated for the client at the manifest determination meeting, which also gave us an opportunity to discuss ways to address the student's impairments and disabilities, as well as how to improve educational services. The IEP team decided that his conduct was a manifestation of his disability. As a result, the school could not proceed with the expulsion and it began to better address the student's educational issues. (*Linda Rothnagel, Waukegan Office*)

ELDERLY

1. **In re J.P.** We were contacted by the area ombudsman on behalf of senior client in a skilled nursing facility. The client had a broken hip and clavicle which resulted in her being placed in a residential facility. In addition, the client had breast cancer and other health problems. The Ombudsman had met with the client several times and with client's permission contacted PSLs. The client did not want to return to live with her daughter and indicated that she was afraid of her. During our initial meeting with the client at the facility, a Social Worker informed us that the client's daughter was coming to pick up the client in a hour to remove her from the facility. The client was adamant that she did not want to leave and wanted to revoke the powers of attorney naming her daughter as agent. We then drafted a revocation of the POAs on the spot, the client signed them, our staff attorney witnessed and we gave a copy to the facility administrator. After being assured by the facility administrator and their attorney that the revocation would be honored, we informed the daughter of the revocation. Since then, we have met with client several times at the facility to discuss her options in handling healthcare and financial decisions. (*Stacey Tutt, Bloomington Office*)

2. **B.G. v. K.G. (Rock Island County Circuit Court)**. Our client gave a power of attorney to his daughter. She told the client that she was using the POA to refinance the home and had client sign some papers. The daughter did refinance, but she also had the client unknowingly sign a quitclaim deed transferring ownership of the home from the client to the client and daughter in joint tenancy. When things soured between them, she threatened to sell client's home. On behalf of the client, we revoked the POA and drafted new documents giving a POA to a more trusted daughter. We rewrote client's will. We filed an action to quiet title in order to protect client's home. The lawsuit raised claims of breach of fiduciary duty, fraud, and constructive fraud. The court entered an order declaring our client the sole owner of the property and a judicial deed was filed with the county recorder's office. (*Robert McCoy, Rock Island Office*)

3. **T.T. v. Watseka Health Care.** An elderly client came to us through his niece acting as Power of Attorney. The client had just received a letter from his residential nursing home stating their intent to issue an involuntary discharge notice due to an unpaid bill. The client's niece was behind in paying the client's bills and had difficulty understanding and complying with the Department of Human Services application requirements to enable the client to obtain Medicaid. We negotiated with the facility to allow the client additional time to resolve the bill and to enable us to assist the niece with the completion of the DHS application. We contacted the DHS caseworker, assessed the situation and worked with DHS to assure that the niece submitted proper documentation for Medicaid. As a result, the niece submitted the needed materials in a timely manner. DHS approved the client's application for benefits and agreed to cover all nursing home expenses that were the basis of the possible involuntary discharge. The client never received notice of involuntary discharge and his nursing home placement was not disrupted. (*Kathleen Fuhrmann, Kankakee Office*)

4. In re W.P. The client, a 76 year old woman, had suffered a stroke. She was still of sound mind, although the stroke had taken a toll on her body. She could not speak, and she was now a resident of a nursing home in Canton, Illinois. Her Social Security was paying for her nursing care, but she was starting to run out of funds. Her daughter was in the process of applying for Medicaid to help with the cost of her mother's care. The daughter sought our help in assisting her mother in preparing a Power of Attorney for Property so the daughter could sell her mother's home. We met with the client to determine if she wanted to sign a POA and whether she wanted to sell the home. We determined that was exactly what she wanted, and we brought in a nurse from the facility to verify that the client understood what was happening and her desires in the matter. We prepared a POA and the client signed. As a result, the client's daughter was able to handle the sale of the client's home. This action enabled the client to remain in the nursing home. (*Tracey Mergener, Galesburg Office*)

5. Professional Property Management v. E.N. (Livingston County Circuit Court). A management company sent the client, a senior citizen in public housing, a 5 day notice terminating his tenancy based on non-payment of rent. The client was served just prior to falling ill and going into the hospital. When he got out of the hospital, management served him with a 10 day notice to quit based upon his failure to pay rent. During the 10 day notice period, the client attempted to pay the past due rent and attendant late charge. The landlord's attorney returned the payment to him and filed an eviction action. We appeared and moved to dismiss the complaint on the basis that the landlord had waived its right to proceed on the 5 day rent demand by serving the 10 day notice to quit. Illinois law allows cure of a 10 day notice to quit for non-payment of rent, and the tender by the client of the amount of rent due cured the alleged breach. The court granted our motion, the case was dismissed, and the client was allowed to stay in his home. (*George Boyle, Bloomington Office*)

6. Pleasant View Luther Home v. W.G. (Illinois Department of Public Health). We represented an elderly nursing home resident who was being discharged involuntarily. While receiving certain medication, the client's blood levels had to be frequently monitored, which was done through painful, frequent blood tests. As a result, the client had refused further administration of this medication. The nursing home insisted the client had no right to refuse it. The client became agitated when he was not allowed to refuse the medication. The nursing home decided to discharge him because of his behavior and because they claimed that client's refusal to take the medication rendered them unable to properly provide for the client's care. We obtained a continuance of the hearing, which gave the client time to find a new doctor who prescribed a different medication which did not require the painful blood tests. Before the hearing, the nursing home withdrew its request for involuntary discharge and the client was allowed to remain at the nursing home. (*Don Dirks, Ottawa Office*)

7. **In re C.S.** This senior client has agoraphobia, which prevents her from going out among the public. She has not left her apartment in years. Her physician actually does house calls. As her condition has progressed, she has retreated into smaller areas of the apartment, abandoning the bed room and sleeping in an area of the living room. Her world continues to get smaller. Things did not get better when she lost an assistant who previously handled her finances. When the client called a bank to open an account for automatic deposit of her Social Security check, the bank required a state-issued ID card. However, the Secretary of State's Office required her to appear in person to get the card. The client sought our assistance obtaining a State ID card without having to appear in person to get it. We learned the Secretary of State has mobile units that take applications and photos for ID cards, and that such units visit group locations, but never a disabled person's home. Despite our request for a reasonable accommodation under law, the Secretary of State still refused to go to her home. Because the end of the month was nearing and the client would not be able to pay her rent on time if she was unable to deposit her check, we changed our approach. We found a different bank that would open an account for this client over the telephone and permit signature by mail. Further, this bank helped set up direct deposit of her Social Security check so that the client could write checks from her account to pay her rent and other bills. In addition the bank agreed to start the account with a gift deposit of \$9.99. Our client, who lives in an isolated environment and is seldom cheery, was (nearly) bubbly in expressing her gratitude. We have advised the client that if she wants to pursue the lack of accommodation from the Secretary of State in obtaining an ID card, we may assist her with that issue. (*Charlene Riefler, Batavia Office*)

8. **In re V.K. (Illinois Department of Public Health).** We represent an 83 year-old woman in a nursing home discharge proceeding. The client has become comfortable in the facility where she has lived for approximately one year. The nursing home initiated a discharge of the resident after her son, who is managing her affairs, failed to pay. At the request of the Long Term Nursing Care Ombudsman, we appeared in the matter, participated in a pre-trial conference, and arranged a continuance to provide time to investigate and straighten out the client's financial affairs. We discovered the son had been using the resident's monthly Social Security money to pay pharmaceutical expenses Medicaid would have paid, rather than paying the resident's share of the nursing home charges. We obtained a record of those payments and arranged Medicaid reimbursement of that money, which was then applied to the resident's nursing home account. We also obtained an indefinite continuance to arrange a review of the original calculation of the mother's spend down by the Illinois Department of Human Services. It appears we have persuaded DHS to authorize the use of the resident's future monthly Social Security benefit to satisfy the entire outstanding balance owed on her nursing home account, incurred at a time she was ineligible for Medicaid. This arrangement will allow the client to retain her only remaining asset, approximately two thousand dollars in a checking account. That money, ordinarily an exempt asset under Medicaid rules, would otherwise have to be used by the client to settle her account so she could remain at the facility. The client will then be able to use the money for future necessities. (*Jim Dilworth, Galesburg Office*)

9. L.S. v. R.S. (McLean County Circuit Court). The client was an elderly woman who lived with her adult son, who had psychological problems for which he took psychotropic medication. The son stopped taking his medication and, on several occasions acted in a threatening and intimidating way toward the client. We represented the client in obtaining a plenary order of protection allowing her exclusive possession of the residence, and restraining her son from coming to the residence, threatening or harassing her. (*George Boyle, Bloomington Office*)

EMPLOYMENT/ UNEMPLOYMENT

1. In re M.N. (Illinois Department of Employment Security and Board of Review). The client was discharged from her job as a nurse at a local medical office. The client denied allegations that she had been rude to fellow workers and to patients. She appealed a denial of unemployment benefits and went to a hearing. The referee upheld the denial, at which point the client came to us. We reviewed the transcript and represented her before the Board of Review on appeal. Our argument was that there was no actual evidence that the client was rude. We filed a brief essentially pointing out the places in the record which demonstrated that rather than being rude, the client was simply painfully shy. The client had asked the referee to allow her to have her prior employer (a pediatrician) testify at the hearing but the referee had refused since that employer was not aware of the circumstances of her firing from the job at issue. We obtained an affidavit from the pediatrician explaining that the client is very shy but not rude and argued to the Board of Review that the pediatrician should have been allowed to testify. In the brief, we went through the record very carefully, pointing out that although the employer repeated over and over again that the client was rude, he gave no examples of her rudeness. We argued that the employer's testimony consisted of conclusions but not evidence, and that no matter how many times the employer claimed the client was rude, without specific examples there was no proof. The Board of Review ruled for our client. The employer did not file an appeal to court, and the client received unemployment benefits. (*Linda Rothnagel, Waukegan Office*)

ENERGY/ PUBLIC UTILITIES

1. K.M. v. Commonwealth Edison. We represented a client, married with four children, pregnant, and unable to work since the second month of pregnancy due to complications, including hemorrhage. Her husband was laid off work following an incident in which he broke his hand in 7 places. When they fell behind in paying electric bills and were threatened with a shut-off, they set up a payment plan with ComEd to repay the past due amounts. When they returned from grocery shopping, where they had purchased a substantial amount of perishable foods, they found that ComEd had shut off electric service. It was a hot August, and ComEd had left the family and this pregnant woman with no refrigeration and no air conditioning. The client asked her physician to send a medical certificate to ComEd by facsimile. When the client contacted ComEd, she was told the utility had no record of any payment plan and they had not received the fax from the physician. The physician sent it again. At that point, the client called PSLs. We filed an informal complaint with the Illinois Commerce Commission, and learned that Com Ed considered the medical certificate to be defective, lacking certain required information. Around this time, the client was in the hospital delivering a healthy baby girl. At our direction, the physician rewrote a proper medical certificate with all the necessary information and electric services were restored by the time mother and child were released to home. We referred the client to agencies for financial assistance and to a food pantry for replacement food. (*Charlene Riefler, Batavia Office*)

FAMILY LAW/ DOMESTIC VIOLENCE

1. C.C. v. M.B. (Circuit Court of DuPage County). With a HUD grant for legal services to the homeless, we represented a client who had obtained a child support order for \$404 a month. The obligor was approximately \$4,000 in arrears. We filed a petition to have the obligor held in contempt for non-payment of support. The Court found the obligor in contempt, and committed the obligor to jail and prison until the arrears were paid, along with the ongoing support obligation. The obligor paid the 4,000 to be released from jail, and the money was forwarded to the client. (*Kerry O'Brien, Carol Stream Office*)

2. P.R. v. M.R. (Circuit Court of Peoria County). This case involved a long history of domestic violence perpetrated on our client by her husband. The last incident involved a police stand-off, in which the husband presented and threatened the use of guns and other weapons from his military career, directly threatening the client and a minister. The police persuaded him to give up, and charged him criminally. We filed for an order of protection and for a divorce. We obtained both an emergency and plenary order of protection. In addition, we reached a marital settlement agreement with the husband and obtained a divorce for the client. (*Lori Luncsford, Peoria Office*)

3. In re M.V (Circuit Court of Kane County). For a brief period of time, our client's twin sons were under the legal guardianship of the presumed paternal grandmother.

After a successful petition to have the guardianship terminated, our client regained custody. The children then revealed that grandmother was sexually abusing them while they were in her care. The trauma resulted in one child being hospitalized. Although DCFS indicated the grandmother for sexual abuse, the grandmother was harassing the client to see the children. The client sought an order of protection. After the emergency order of protection was granted, the grandmother moved for visitation with the children in the guardianship case. We obtained the plenary order of protection and filed a response to motion for visitation stating that because paternity was never established for the children, the grandmother did not have standing to seek visitation under the statute. Moreover, because the guardianship had terminated, the court lacked subject matter jurisdiction. The court found in favor of the client, finding specifically that no paternity established, no standing to seek visitation, and no subject matter jurisdiction. (*Anne Sherman, Batavia Office*)

4. L.K. v. J.G. (Circuit Court of DuPage County). The client was an unmarried mother of a toddler, both living with the father in the client's home. Both the client and father were from eastern Europe, and father did not have legal status in the U.S.. The client and child left him, over his alcohol abuse and an attempted suicide. However, she let him have visitation, but he then refused to return the child. The client came to us when the police would not help, and when the father threatened to return to Europe with the child. We filed for an emergency and plenary order of protection, to keep the child in the United States, return custody of the child to the client, and to restore client to the possession of her home. The Court granted an emergency and plenary order of protection, and issued an order returning the child, prohibiting the removal of the child, and granting child support to the client. (*Kerry O'Brien, Carol Stream Office*)

5. J.F. v. R.F. (Circuit Court of Lake County). Our client's husband was in prison for sexually molesting her daughter from a previous relationship. We obtained a divorce on the grounds of commission of a felony, because this was the most straight-forward ground to prove over the husband's objection. We presented a certified copy of the conviction to the judge. After the husband's release from prison, we had to resolve a visitation issue because the ex-husband wanted to have visitation with his own child while on probation. The client was petrified that this man might come near any of her children. Through a Request to Admit, we obtained admissions regarding the conviction and the probation. We then filed a Motion for Summary Judgment, very unusual in a visitation/custody case, citing 750 ILCS 5/607e which states that while an individual is in prison or on probation/ conditional release for a sex offense against a child, that an individual may not have visitation. The court agreed, and denied any visitation for as long as the ex-husband remains on probation. We also resolved child support issues with ongoing support to the client. (*Linda Rothnagel, Waukegan Office*)

6. M.N. v. J.N. (Circuit Courts of Winnebago and Boone Counties). The client came to PSLS seeking a divorce and custody of her four year old son. The parties

separated in February 2006, when the client moved out because the husband was increasingly drunk, verbally abusive and mean, and bringing illegal drugs into the home. There was a history of domestic violence going back to 2003 when he left choke marks on her neck. He had previously been incarcerated for kicking a former girl friend in the face. The husband smoked pot daily and used cocaine weekly. Shortly before coming to PSLS, he threatened to beat the client and "throw her to the hogs where no one would find her." She lived with relatives temporarily in another county, but wanted the child to continue to attend his then current pre-school. For this reason, the client agreed to leave the son with the husband during the week, and she had him on the weekends.. The client wanted a divorce, but not an order of protection.

Before we could file the divorce, the father filed for and obtained an emergency order of protection against the client, alleging that she had pushed him around and "blocked" his exit to their apartment during an argument. Although the court order did not grant temporary custody, it did prevent our client from contacting the husband or going to his residence. As a result, she could not get her son back, and the police would not help. We filed a motion to vacate the Emergency Order of Protection, which was granted. She then got her son back and we filed a Divorce Petition in the neighboring county where she and the child then resided. We succeeded in dismissing the husband's order of protection case. In the divorce case we obtained temporary custody and child support (\$50/week) and garnished his paycheck. The divorce ultimately was granted as a default, with full custody given to client. After the husband changed jobs, we were able to get the child support increased to \$84 per week in the final judgment, and we continued to garnish his paychecks. The husband did not take the required class for divorcing parties with children. As a result, the final divorce judgment states that defendant may not file any post decree matters regarding child custody until he completes the class. (*Rose Willette, Rockford Office*)

7. C.F. v. J.F. (Knox County Circuit Court). The client's husband allowed a registered sex offender to live with them. While the client was at work, this offender had sexual contact with their son. The child was 14 years old at the time. Following the molestation, the 14 year old child repeatedly acted out and subsequently molested a cousin. As a result of his conduct, the child was placed in foster care. We filed for divorce and obtained custody of the remaining 2 children. The Court denied the husband any visitation rights. (*Tracey Mergener, Galesburg Office*)

8. S.L. v. L.F. (Circuit Court of Lake County);

In re S.L. (Illinois Secretary of State). After separating from her husband, the client and their three daughters resided in a Catholic Charities transitional housing program. Their son, age 13 and too old to reside with the family in the program, was living with his grandparents. The husband had recently obtained a divorce without informing the court of our client's whereabouts and without informing the court that the parties were the parents of four children. Representing the client with a HUD homeless grant, we immediately filed a motion to vacate the divorce judgment, which was granted. We filed a counter petition for divorce. The court granted that divorce and ordered the husband to pay child support. He eluded service of the child support order and we were unable to discover the identity of his employer. Child Support Enforcement services in the State's Attorney's office took over enforcement efforts. We worked with the State's Attorney to get the father listed on the Statewide deadbeat dad profile. Meanwhile, our client had found a good job, but needed to remove a suspension on her driver's license to hold that job. We discovered the reason for the suspension was a December 2001 accident when she had driven without insurance. We prepared an affidavit to the Secretary of State stating that the statute of limitations to prosecute a legal action against her for the accident had expired and she was no longer obligated to pay damages stemming from that accident. We also proved that our client was currently covered under a policy of high risk automobile insurance. The Secretary of State restored her license and Catholic Charities gave her a car. The mother and four children have been reunited in permanent rental housing and the family is supported by our client's full time employment at \$18 per hour. (*Elizabeth Shay, Waukegan Office*)

9. R.W. v. F.P. (McLean County Circuit Court). The client fled with her son to McLean County from Marshall County, where she had previously resided with her son's father. He had been abusive throughout their ten year relationship. Client had attempted to leave numerous times, but was financially dependent upon the father because of her disability and pending Social Security claim. We filed for an Order of Protection. There already was a standing agreed custody order in Marshall County giving custody to the client. We obtained an Interim Order of Protection, providing for both supervised visitation and child support. Subsequently, the court entered a Plenary Order of Protection. However, in court, the client was served with a Motion to Modify Custody, filed in the Marshall County custody case. We then filed a motion in Marshall County to transfer venue to McLean, which motion was granted. Unfortunately, the client also was served with a summons to appear in a juvenile abuse and neglect case filed in McLean County. Since leaving the father, the client has done much to improve her circumstances. She obtained her Social Security benefits and was able to move out of a shelter into permanent housing. She attended parenting classes, substance abuse assessment and treatment, domestic violence counseling and regularly takes drug tests as proof of her sobriety. The State's Attorney has offered court supervision to client and if she continues to comply, the juvenile case should be resolved soon. (*Stacey Tutt, Bloomington Office*)

10. T.W. v. J.W. (Circuit Court of Kankakee County). We filed for

divorce and an order of protection for an abused client. The husband was not the biological father of the parties' child since the child was conceived during a period of separation. The parties reconciled after the client discovered that she was pregnant and the husband indicated that he wanted to raise the child as his own. Although the client thought the husband might disavow the child in the divorce to avoid child support, that did not happen. At the hearing for the plenary order, the husband stated that he knew he was not the biological father, but wanted to remain in the child's life. We impressed upon the husband the need to maintain a consistent visitation schedule, due to the fact that the child was autistic and could not understand why his "father" would sometimes not show up. A temporary order was entered allowing visitation between the husband and the child and establishing temporary child support. (*Kathleen Finn, Kankakee Office*)

11. B.P. v. J.P. (Circuit Court of Kane County). This was a case that secured a protection order for the client and a disabled child, but also involved the use of the Victim's Economic Safety and Security Act ("VESSA") to secure needed energy assistance from a public agency. Both the client and the daughter had mental illnesses, and were vulnerable to repeated abuse by the client's husband. The abuse included pushing them, knocking them down, pulling their hair and preventing the client from calling 911. We obtained a plenary order of protection, granting the client exclusive possession of the marital residence and possession and custody of the minor children, as well as child support in the amount of \$100.00 per week. Subsequently, the client lost her heat because the furnace in the marital residence was broken. She had applied for energy assistance through LIHEAP in order to have the furnace repaired, but the local agency denied assistance because the house was solely in her husband's name. The agency told our client that without his cooperation, they would not extend funding to her to repair the furnace. Knowing that her husband was not likely to cooperate because he did not wish her to have possession of the home, the client was in a serious situation. We negotiated with the local agency, arguing the client's rights under VESSA. Section 30 of that Act specifies that a "...public agency shall not deny, reduce, or terminate the benefits of... or otherwise discriminate against any individual with respect to the amount, terms or conditions of public assistance of the individual... because the individual is or is perceived to be a victim of domestic violence". Using that section and various other provisions of the Act, we convinced the LIHEAP worker to contact her legal department and to meet with the client again. The following day, the needed funds were authorized and the client had her furnace repaired shortly thereafter. (*Annette Cavanaugh, Batavia Office*)

12. M.M. v. M.W. (Circuit Court of Mercer County). The Respondent was stalking Petitioner nearly every day by driving past the client's house and place of employment. He continued to do so even after entry of the emergency order of protection. After we obtained a plenary order of protection, the respondent was seen in the neighbors' bushes attempting to look into the client's house. He also sent her flowers and vitamin supplements, and continued to drive by her house. We filed a Rule to Show Cause (pending) because the local State's Attorney's Office would not prosecute. (*William Detrick, Rock Island Office*)

13. A.M. v. R.C. (Circuit Court of Kane County). We obtained a two year order of protection against the client's former boyfriend/father of her son. The parties began a relationship when our client was 16 years old, and the respondent 35 years old. The respondent had punched and kicked the client, which resulted in bruises, sprains and a broken nose, and threatened to kill her. He came to her parents' home, refusing to leave. He repeatedly waited outside the client's home. He called client and other family members repeatedly. At the hearing, the mere presence of respondent (who was physically imposing) was so intimidating, the client had a very hard time verbalizing the abuse that had occurred. The order of protection provided for child support and visitation to be supervised by a social service agency. Several months later, the respondent filed motions to lift the restrictions on his visitation, to require DNA testing to establish paternity of the child, and to abate child support.

We successfully represented the client to defeat these motions. The former boyfriend was ordered to participate in several evaluations and treatment programs in an effort to work towards lifting the restrictions on his visitation. The court denied DNA testing because he had signed a voluntary acknowledgment of paternity at the time the child was born. Some months later, as respondent had failed to pay his court ordered child support, we sought, and ultimately received, a finding of contempt for his willful failure to pay support. The court suspended a jail sentence pending his compliance with court orders to pay money towards the back amount of support owed as well as his ongoing child support obligation. Faced with the prospect of jail time if he failed to pay child support, respondent began making regular support payments and continues to do so to this day. Respondent never complied with the required evaluations and treatment programs and did not participate in most scheduled visits, so we succeeded in having his visitation suspended. Our representation of the client continued for almost 18 months. She and her son live a life free of violence from respondent. (*Katherine Bettcher, Batavia Office*)

14. H.C. v. J.C. (Circuit Court of Lake County). The client came to us for help with a dissolution of marriage. She was a permanent legal resident from Sweden and the mother of four children all under the age of five. Her abusive husband had developed a very serious mental illness and refused medical treatment. By the time she came to us for help, she had an order of protection and was living at the home of her husband's brother. We referred the case to volunteer attorney June Peterson Gleason. The husband did not appear at trial. The Court entered a judgment for dissolution, giving the client sole custody of the children, and maintained supervised visitation as provided in the order of protection. The court granted the client permission to remove the children to her home country, Sweden, where the client had a strong family support system and would be able to work and support her family: At the time of the judgment, the marital home was in foreclosure. The judgment required the respondent alone to be responsible for any deficiency judgment. (*Susan Perlman, PAI Coordinator, Waukegan Office*).

15. C.N. v. Babysitter (Circuit Court of Boone County). A babysitter

abducted our client's 8 year old son while the client was at work. The babysitter was the current girlfriend of the child's natural father, who was in prison. The client had known this woman for about 8 months, and mistakenly believed she could trust her with her child. When neither the police nor the States Attorneys Office would assist her, the client located the babysitter in Tennessee. She drove there, but could get no help from the local police either, without a court order. We obtained an emergency order of protection for the client and sent it to the McNairy County Sheriff in Tennessee, who refused to honor it because it was from Illinois. However, such orders are enforceable in all 50 states per the Violence Against Women Act, 18 U.S.C. 2265. We then contacted an attorney with West Tennessee Legal Services who intervened for the client. The Tennessee court ordered the Sheriff to assist with returning the child to our client. The client returned to Tennessee, and this time was able to retrieve her child. We subsequently obtained a plenary order of protection against the babysitter who is ordered to have no contact with the child for the duration of the order. The babysitter has been criminally charged with endangering the life/health of a child and with residential burglary. (*Lucinda Bugden, Rockford Office*)

16. S.T. v. R.T. v. Social Security Administration (Circuit Court of Winnebago County; Second District Appellate Court). At the request of the client's ex-wife, SSA was garnishing \$479 per month from client's Social Security check to pay an old child support arrearage. This left the client with just \$257 per month for housing, food, and all other expenses. We filed a Petition against SSA in the divorce case, which resulted in a court order directing SSA to cease garnishing his check entirely. We then filed a Petition to Offset Arrearage, requesting a credit of \$7,425, because the ex-wife had received a cash settlement of twice that amount following the wrongful death of one of their children, and our client received nothing. Under Illinois law at 740 ILCS 180, our client should have taken from this settlement equally with his ex-wife. Rather than giving us a hearing on our Petition, the court ordered our client to pay \$200 per month toward the child support arrearage, without holding any hearing. We filed a Motion to Reconsider which the court denied. We then filed an appeal in the 2nd District, which the court dismissed based on lack of jurisdiction for lack of a final order. The court has finally scheduled a hearing on our petition for offset. (*Lucinda Bugden, Rockford Office*)

GUARDIANSHIPS

1. In re W.S. (Circuit Court of Peoria County). Our client wanted guardianship of her 75-year old grandmother. For ten years, she had lived with and cared for her grandmother, who has schizophrenia and numerous physical problems, requiring several hospitalizations. She could not make medical decisions for herself. There was no Power of Attorney for Health Care and grandmother was not competent to execute one. We filed a guardianship action after obtaining the statutorily required report from a physician. The court appointed a Guardian ad Litem to look out for the ward's best interests and to report to the Court. The court granted our client a temporary guardianship and eventually a plenary guardianship. The grandmother is still living and receives better medical care as a result of the guardianship. (*Lori Luncsford, Peoria Office*)

2. In re S.I. (Circuit Court of Peoria County). Our client is the grandmother of an eleven year old boy. They live together in Peoria, where she has taken care of this child since he was six months old, but had never obtained a guardianship. The client decided she wanted a guardianship now to ease issues relating to school and medical needs. The boy had not had much contact with his mother in Chicago until recently. Last summer, he spent several weeks with his mom, and enjoyed being with his new-found brothers. We filed a guardianship action, and the mother appeared to contest it. After a trial, consistent with the child's wishes, the court appointed our client the guardian, and awarded visitation rights to the mother. (*Lori Luncsford, Peoria Office*)

3. In re L.M., Jr. (Circuit Court of Knox County). The clients are the grandparents of a 14-year old girl. The child has lived with and been under the care of our clients for a long time. The child's mother disappeared and the child's father had little or no contact with the child. We filed a petition for guardianship. Following a hearing, the court approved the guardianship. Our clients are now able to consent to medical care for the child and can more easily enroll the child in school. The clients are unusual in that they now have custody of two other grandchildren and they are in the process of adopting those other grandchildren as well. They have managed to provide a stable home for three grandchildren whose parents have virtually abandoned them. (*Tracey Mergener, Galesburg Office*)

HEALTH/ MEDICAL/ NURSING HOMES

1. **In re M.S. (Illinois Department of Human Services)**. We appealed a denial of Medicaid, for a 60 year old client with chronic pancreatitis, osteoarthritis, gout and depression. She had 4 inpatient hospitalizations in the previous 5 months. The CAU unit of DHS determined that her condition was severe and prevented her from working, but stated that she would be able to do most routine activities within 12 months. We obtained medical records and submitted a brief to CAU, establishing disability based on the combination of impairments as well as on the grid. Amazingly, as a result of our advocacy, CAU found her disabled and eligible for Medicaid. They even quoted a rather significant portion of our brief in their decision. The CAU finding of disability is significant because it happens so rarely. DHS then covered back medical bills of approximately \$160,000.00. One month later the Social Security Administration determined the client was disabled and eligible for SSI. (*Joyce Bingham, Rockford Office*)

2. **In re G.B. (Illinois Department of Public Health)**. A nursing home was attempting to involuntarily discharge our client, who has dementia, based on non-payment. We appealed. The client's position is that his private pay insurance should have paid the bill. We also pursued appeal procedures within the insurance company to obtain payment under the client's policy. We helped client apply for Medicaid, which had not previously been done, and expect the application to be approved. After the discharge hearing began, we succeeded in deferring a decision and in developing plans to keep him in the nursing home. Eventually, the family put the client's house up for sale. The nursing home withdrew the discharge and IDPH dismissed the discharge proceedings. (*Lori Luncsford, Peoria Office*)

3. **In re T.F. (Illinois Department of Human Services)**. We represented a client in an appeal of a Medicaid denial. The client also had an appeal pending for denial of Social Security disability benefits, for which she had a private attorney. The client suffered from numerous physical and serious emotional problems. We helped gather medical records relating to her hepatitis, associated skin problems including pain, itching and discomfort, arthritis pain, and a voluntary hospitalization for an episode of severe depression and other mental illness. We worked with her psychiatrist who provided documentation showing that the client met the listings for mental impairment. We submitted this evidence at the appeal hearing. Several weeks later, the client received notice of a favorable decision approving her for Medicaid retroactive to the date of the episode of mental illness. We forwarded the same medical evidence to the client's private attorney who was assisting her with her Social Security Disability claim and the client was subsequently approved for those benefits as well. (*John Quintanilla, Waukegan Office*)

4. L.K. v. Snow Valley Rehabilitation Center; In re L.K. (Illinois Department of Human Services). DHS terminated our client's Medicaid coverage, when the client's son sold the client's house but failed to provide verification on how he applied the proceeds. Our quadrapalegic client has end stage Multiple Sclerosis, and had named the son as her Power of Attorney. The son informed DHS and Snow Valley that he applied the proceeds to settle the client's numerous financial obligations, but failed to provide documentation of same to DHS and Snow Valley. At some point, he stopped visiting his mother and his current location is unknown. Given the lack of documentation on the disposition of the proceeds from the sale of her home, DHS claimed that there was an improper transfer of assets to qualify for Medicaid. Snow Valley informed her that as a result of the Medicaid termination, she would become a private pay patient and if she didn't pay, they would seek to have her involuntarily discharged. Unfortunately, the client failed to file a timely appeal to the DHS action terminating her Medicaid. At that point, the client came to us. Although unsuccessful in attempts to locate the son, we identified his bank, and obtained copies of the bank statements for the relevant time period. We requested that DHS grant a Hardship Waiver under a relatively new law, which permits DHS to waive the transfer of assets rules where undue hardship exists. There is an undue hardship when application of the transfer of assets provision would deprive the individual of medical care such that the individual's life or health would be endangered, or would deprive the individual of food, clothing, shelter, or other necessities of life. We provided DHS with the documentation we obtained. In reviewing the account history, it was clear that the son had indeed paid off a number of large debts. According to the client and her family, there were several collection agencies trying to collect debts. Moreover, since the time the son handled the client's affairs, there had been no further contact from the collection agencies. In addition, we argued the applicability of the hardship waiver because the nursing home made it clear that the client would be discharged and deprived of medical care, thereby endangering her health/life. Our position was that, absent evidence to the contrary, the transfer was done for purposes other than to qualify for Medicaid. Ultimately, we did not need to proceed to a hearing because the DHS supervisor granted the client a Hardship Waiver with no penalty period assessed. The family agreed to allow DHS to conduct their own further investigation regarding the disposition of the proceeds of the home sale, but the client's Medicaid benefits will continue undisturbed. (*Ana Collazo, Carol Stream Office*)

5. In re D.C. (Illinois Department of Public Health). We appealed an involuntary discharge from an assisted living facility. The facility dropped the client during a transfer, failing to use a transfer belt as required by the client's service plan. The client was hospitalized as a result. While she was still in the hospital, the assisted living facility told her that she could not return because she was now a "two person transfer." Of course, our client's condition would not have worsened except for the injuries resulting from the facility's negligence. The facility gave the client's room to another resident while the client was recuperating in a different facility. At the hearing, we established that she was a one person transfer except during the recovery period. At the close of our evidence, the assisted living facility backed down and settled, agreeing to give the client the first available room. She is back in her old room, where she wanted to be. (*Robert McCoy, Rock Island Office*)

6. J.B. v. Walgreens. Our 65-year old client's pharmacy overcharged for certain medications, and denied another. In January 2006, when Medicare Part D took effect, he signed up for drug coverage through Pacifica Care. His local Walgreens pharmacy did not find proof of his enrollment and charged him \$697 for 15 days of needed medicines. Moreover, Pacifica did not cover a specific drug (Valium) he needed for blinding headaches that resulted from a car accident. No other drug worked for his headaches. Our telephone counseling attorney advised the client that Walgreens should not have made him pay \$697 for his drugs. The Governor had announced a program to help people in his situation having problems with their new Part D coverage. Under this program, the pharmacy should have given client his drugs and billed the State of Illinois, which could later seek reimbursement from Pacifica. We gave the client the phone number to contact Walgreens' corporate headquarters and request a refund of his money. Armed with the number and the advice, the client made the request and reported to us that Walgreens refunded his money. We also advised the client that although Valium was one of the Medicare Part D excluded drugs, it was covered under Medicaid for dual-eligible clients such as the client (eligible for both Medicare and Medicaid). The client reported that Walgreens gave him the drug he needed for his headaches and submitted the bill to Medicaid. (*Catherine Herrmann, Telephone Counseling Service, Waukegan Office*)

7. In re S.F. (Illinois Department of Human Services). We represented a 56 year old woman in an appeal of a Medicaid termination. She had not been able to work since 2003 when she suffered a massive stroke. Subsequently, she developed a blood clotting problem in her legs from periphery arterial disease. On Medicaid for a period of time, she received a notice in April 2006 that her medical assistance would be terminated. Without Medicaid, she could not afford needed blood-thinning prescription medications and follow-up visits at her primary health care provider, and was becoming increasingly stressed with severe pain in her legs. We advocated for the client at a pre-hearing conference. We persuaded the physician to complete an assessment of the client's physical abilities and a summary report. We submitted the report to the hearing officer, who forwarded it to the Client Assessment Unit (CAU) in Springfield for review. The CAU approved the client's appeal, awarding medical benefits back to the date of termination of April 1, 2006 and in an unusual instance approved ongoing medical benefits through May 2009. (*Larry McShane, Waukegan Office*)

8. J.F., as guardian for D.F. v. Illinois Department of Public Aid (Circuit Court of Lake County). Our client was the guardian of his adult, disabled daughter, D.F., who had been diagnosed with a developmental disability at a young age. Those disabilities included LD, ADHD, borderline IQ, Dependent Personality Disorder, mixed personality disorder with schizotypal and dependent features, and pervasive developmental disorder with attention deficit disorder. She had numerous problems which made it impossible for her to live on her own, or even with family. She needed 24 hour residential care because of her inability to take care of her own extremely poor hygiene, self-inflicted wounds, inability to make even minor daily decisions, inability to turn on and off gas or water, inability to take medications without supervision, and an inability to handle money, among other things.

When D.F. became an adult, the guardian applied on her behalf for residential services under the Medicaid Home and Community Based Waiver Program for Individuals with Developmental Disabilities. That program found her ineligible on the grounds that she did not present as a person with a developmental disability. The guardian appealed. The program upheld their denial, despite evidence from the treating physician that D.F. did have a developmental disability. The guardian appealed again and IDPA held an administrative hearing. The state agency concluded that D. F. had a developmental disability, but affirmed the decision on a finding that her deficits “are a result of mental illness.” The guardian filed a Complaint in circuit court appealing the Final Administrative Decision.

At this point, the guardian approached Prairie State and we agreed to represent the client in this action. Unfortunately, soon thereafter, the guardian passed away, leaving us without a client. We located another relative to serve as guardian. We briefed the matter and presented oral arguments to the court. We proved that IDPA ignored key evidence from D.F.'s treating physician, erred when it focused on D.F.'s lack of mental retardation and relatively high level of cognitive functioning, and that it failed to correctly apply the requirements of the Illinois Administrative Code. The Code requires, not a finding of mental retardation, but either mental retardation or a condition other than mental illness resulting in intellectual functioning or adaptive behavior similar to that of persons with mental retardation and requiring services similar to those required for persons with mental retardation. Based on our briefs and arguments, the court reversed the administrative decision, making D.F. immediately eligible for services under the Medicaid Home and Community Based Waiver Program for Individuals with Developmental Disabilities. (*John Quintanilla, Waukegan Office*)

HIV/ AIDS

1. **D.B. v. O.P.** Our client's ex-boyfriend posted on the internet (at a public blog and at the "gay bear" chat-line) information defaming the client. The postings alleged that the client participates in criminal activity including theft, drug use, and fraud and alleged that the client lies about his "status". Moreover, tThe postings alleged that the client was a bad person and encouraged others in the community to avoid him. We threatened suit against this individual, and planned to seek both injunctive and damage remedies under civil order of protection statutes and under the AIDS Confidentiality Act. The adverse party agreed to take the information off the internet and the client was satisfied with this relief. (*Adrian Barr, Batavia Office*)

2. **In re F.I. (Social Security Administration)**. Our client received a notice of overpayment from SSA in an amount over \$13,000. The notice was very vague as to why the overpayment occurred. We tried to locate the SSA file to determine the cause, but the local SSA office could not locate the file, and could not tell us the reason for the overpayment. Before meeting with us, the client had filed a request for waiver of the overpayment, but unfortunately missed the deadline to appeal the overpayment decision itself. We represented the client in connection with his waiver request. We compiled receipts showing his expenses and submitted written argument to persuade SSA that the waiver should be granted. We demonstrated how the overpayment was not client's fault and that he could not afford to pay it back. However, SSA subsequently denied the waiver request, on the grounds that the client was at fault in creating the overpayment because he allegedly did not report his earnings. We then viewed the SSA file, which had now become available. After reviewing the file, we were able to prove that the client had reported his income on several forms during the relevant time period, and that the mistake was Social Security's and not the client's fault as he had complied with the reporting requirements. SSA then issued a decision to waive the overpayment. (*Laura Myers, Carol Stream Office*)

HOMELESSNESS

1. **D. H. v. Local Public School**. Our homeless client placed her minor child with her father in a different school district until she could find housing. The local elementary school refused to enroll the child, without proof of residency. The grandfather's landlord would not amend the lease to show the child's residency. We assisted the client to obtain grandfather's temporary guardianship of the child. The school respected the guardianship and enrolled the child. (*Kerry O'Brien, Carol Stream Office*)

2. In re M.I. (Social Security Administration). Our client was a 52 year old homeless man living in an emergency shelter. He suffered a frontal lobe injury when he was hit in the head with a pulley on the job at age 22. He had received Social Security disability payments from 1995 until 2001. Although his disability payments ceased, he was supported by his wife. Subsequently, he began experiencing seizures which resulted in the dislocation of his dominant right arm. Corrective surgery failed to correct the dislocation and he was unable to use his arm. When we met in the shelter, he was recently divorced and was trying to reestablish his eligibility for disability but Social Security had denied him twice. His seizures were successfully controlled with medication but he still had frequent migraine headaches, as well as memory loss, cognitive deficits and the inability to use his right arm. In the eight months between our initial meeting and the disability hearing we worked with his treating physicians to develop the medical evidence and to present a complete and accurate picture of his mental and physical limitations. We successfully represented the client at the ALJ hearing. The ALJ issued a decision finding him disabled and entitled to \$836.40 in monthly disability insurance benefits. This client is now residing in permanent rental housing and enjoys increased financial security and stability. (*Elizabeth Shay, Waukegan Office*)

3. A.G. v. Chicago Housing Authority. Client held a Section 8 voucher, and searched for available Section 8 housing. However, the Chicago Housing Authority terminated the voucher when client failed to obtain such housing before the voucher expired. Although the client was beyond her date to request an administrative hearing, we advocated for reinstatement of the voucher because the termination notice failed to indicate that she was entitled to a hearing. Moreover, we discovered an entry in the CHA's records which proved that the client had requested that the voucher be changed from a one bedroom voucher to a two bedroom voucher to accommodate her adult child. This request should have extended the expiration date for the voucher. CHA refused both the one bedroom and the two bedroom voucher. When we demanded a hearing, the CHA agreed to reissue the voucher on a one bedroom basis, with an option for a two bedroom, provided that her son sign the necessary certification. (*Kerry O'Brien, Carol Stream Office*)

HOUSING

1. Elgin Housing Authority v. R.H. (Circuit Court of Kane County). The EHA was evicting client from public housing due to alleged criminal activity and allegedly having guests who engaged in drug-related criminal activity. The client, who has a mental illness, denied that he or his guests had been involved in any criminal activity. At an administrative hearing, the EHA failed to present any admissible proof of criminal activity by the client or by his guests. Nevertheless, the client lost the hearing because the hearing officer relied on inadmissible hearsay. We then defended an eviction case in court, but the EHA had no better proof in that venue. As a result, the court ruled for our client and he was not evicted from his subsidized home. (*Adrian Barr, Batavia Office*)

2. N.B. v. Enterprise Investment Corporation, et. al. (Circuit Court of DuPage County). We filed a 30 page, 8-count Complaint against multiple defendants in a mortgage rescue scam case. We represent a low-income homeowner whose home and entire equity (approximately \$100,000.00) was stolen by a fraudulent "mortgage rescue" scam. The Complaint seeks to quiet title to her real estate and invalidate the interests of those involved in the scam. In addition, the suit seeks to recover damages for the client's financial loss in connection with the fraud. Because these scams are becoming more prevalent, the facts are instructive.

After falling on hard financial times, the client fell behind on her mortgage payments and the mortgagee (not named in the suit) filed a foreclosure action against her home. One of the defendants paid an unsolicited call on the client to "rescue" her from the foreclosure. That defendant represented to our client that they could help her pay-off the mortgage and refinance a new mortgage at a lower interest rate and at a lower monthly payment than she had been paying, so that she could get out of foreclosure and save her home. Although there was never any discussion of our client selling or transferring ownership in her home to anyone, the defendant, rather than executing a new mortgage, took a quitclaim deed from the client. The client did not willingly or knowingly sign the Quitclaim Deed, nor had she any knowledge of its preparation or creation. Her signature on it was forged, fraudulently affixed, or fraudulently obtained. The client never had any intent to sell her home. The lender began charging the client a higher monthly payment (in an amount greater than her current mortgage) for a period of 15 months through the filing of the Complaint. The lender had misled the client into thinking that she still owned the property and that the lender held a new mortgage, and that her monthly payments were to pay off her new mortgage loan with the lender. The lender later paid off the first mortgage, then transferred the property to its Chief Executive Officer by way of warranty deed, who further encumbered the property with a new mortgage loan in his name, the proceeds from which went to benefit the lender, not the client. The new mortgage was in a sum substantially greater than the client's mortgage amount had been. At the time CEO obtained that mortgage loan on the property, up through the present time, the client still resided in the property. The client fell behind in her payments to the lender because she could not afford the size of those payments, a fact that was known to the lender at the time they became aware of the foreclosure action filed by the client's original mortgagee. After we filed suit, on our advice, the client stopped paying.

The lender, relying on a lease we believe to be invalid, filed an eviction lawsuit against the client. Our motion to consolidate the cases was granted, and the eviction proceedings stayed. The lender's motion asking the court to order our client to pay "use and occupancy" pending the suit was denied. We are currently in discovery. (*Laura Myers, David Wolowitz, Carol Stream Office*)

3. J.J. v. M.K. (Circuit Court of Kankakee County). We represent a 77 year old, blind senior who lived for 9 years in an apartment originally purchased under a FmHA loan. The rent was subsidized so that she would not pay greater than 30% of her adjusted net income. The owner prepaid the FmHA loan and sold the property to his son. However, as required by the mortgage, as a condition of pre-payment, the son was subject to a restrictive use covenant, whereby the terms and conditions of the subsidized housing program remained in effect for each current senior in the building until the end of the useful life of the project or until the senior voluntarily moved. Despite the restrictive covenant, the son immediately started charging the seniors market rent (about 3 times client's subsidized rent). When client tendered only the subsidized rent, the son served the client with a 5 day notice, and subsequently filed an eviction suit against her. We appeared for the client and filed a responsive pleading which included the affirmative defense of "promissory estoppel." The case is pending in Kankakee Circuit Court.

There are eleven other seniors at this apartment complex affected by the landlord's unlawful rent increase. We met with all of them and explained the eviction procedure to them. We agreed to represent not only M.K., but all the other seniors. We contacted the federal agency responsible for FmHA loans (Office of Rural Development of USDA) on behalf of the clients. We set up a client trust account for each tenant to enable them to tender their monthly rent and avoid becoming over asset for the various government benefit programs which they participate in and to assure that the money rent is available when it is needed. We filed a FOIA request with the Office of Rural Development to secure copies of the Restrictive Use Agreements executed by the original owner and his son as well as copies of correspondence between the son and the USDA wherein he explains in detail his understanding of his obligations under the agreement and his intention to honor that agreement. We also secured copies of the mortgage and the mortgage release containing the recording of the restrictive use agreement from the County Recorder's Office. In addition, we have sought and cooperated with a USDA and DOJ investigation of this matter. As a result, the DOJ is prepared to file a complaint for breach of contract in federal court and a motion for a temporary injunction if the landlord proceeds with the eviction action in our case. (*Kathleen Furhmann, Kankakee Office*)

4. Peoria Housing Authority v. T.W. (Circuit Court of Peoria County). The Peoria Housing Authority filed an eviction case against our client including a claim for \$4,378 in damages, which our client denied owing. We appeared, and following negotiations, the PHA agreed to dismiss the case and held an informal grievance hearing. At the hearing, we asserted that the client had not been advised of her right to request a financial hardship exemption from rent charged when she had no income. The PHA not only wrote off all charges, but credited our client's account with \$900 in overcharged rents and \$340 in overcharged late fees. (*Daniel Smith, Peoria Office*)

5. Alpha Property Management v. E.B. (Circuit Court of DuPage County). We represented a tenant in project-based Section 8 housing. The project contains a mixture of Sec. 236 and Sec. 8 tenants. The 236 tenants pay a fixed amount of rent, while the Sec. 8 tenants generally pay a lower rent based on their income. Project management led client to believe that she was a Sec. 8 tenant, and corroborated that fact by letter. The client paid the lower rent. However, management had misinformed her, and the client was actually on the Sec. 236 program instead. As a result, she had accrued a high rental arrearage which the project calculated over a year's time. When the client was unable to pay that arrearage, Alpha filed an eviction action. We prepared for trial on the theory that management had not properly terminated her from the Sec. 8 program. Given serious consequences should trial not come out favorably, we negotiated a settlement. By its terms, the client would pay the higher rent only as of the date she was informed that she had been placed mistakenly on Sec. 8; Alpha would give her the first Sec. 8 slot to become available, but in no event later than 2 months; and Alpha would give her one year in which to repay the arrearage. We arranged for several rental assistance agencies to help the client pay off the arrearage. The result is that her current rental payment is zero because she does not work (she takes care of 3 children under the age of 3) and she is well on her way to paying off the arrearage. (*Eliot Abarbanel, Carol Stream Office*)

6. R.W. v. Warren County Housing Authority (Administrative Hearing). The Warren County Housing Authority (WCHA) terminated the client's "Section 8" housing subsidy voucher due to "non-cooperation." Because client had no income, WCHA rules required her to verify each month, in-person, at the housing authority's office, that she still had no income. This requirement created a hardship for the client because she lived 20 miles from the WCHA office, had no car, and there was no public transportation. She also had no phone, so when she missed a meeting because her ride did not show up, she could not promptly notify the WCHA. The client requested an administrative hearing to appeal the termination of her subsidy, and sought counsel from PSLs. At the hearing, we presented evidence and argued that she had not materially failed to cooperate with the WCHA and that the monthly in-person reporting requirement was unreasonable given that the client could fill out the required forms at home and mail them to the office. We proposed that the client be allowed to submit to an in-person interview quarterly, instead of monthly, and in between, submit the forms by mail. The hearing officer issued a decision in the client's favor, maintaining her housing subsidy conditioned on her compliance with the terms of our proposal. (*Mark Kelly, Galesburg Office*)

7. H.P. v. F.A. We represented a senior citizen victim of mortgage rescue fraud. The client fell behind on her mortgage and the mortgagee referred her to an independent broker to arrange a refinance. Expecting a refinanced mortgage, she hired contractors to do home repair and remodeling. She received a letter telling her that her new “mortgage” was ready and that she should come to the broker’s office to sign the necessary papers. On arriving at the broker’s office, located some hours from the client’s home, she discovered that the financing arrangement was not a mortgage, but rather a sale to a third party for an amount that would pay off the amount owed on the mortgage and the construction work done. This amount was some \$35,000.00 below the market value of the home. The client, without advice or representation, signed the papers effectuating this sale, and entered into a lease agreement that allowed her to rent her home from the buyer.

The client came to Prairie State when the broker, acting on behalf of the third party, had threatened to evict her. We advised the client regarding the strengths and weaknesses of her legal position. We referred her to the Central Illinois Organizing Project, a faith-based community advocacy organization that coordinates a project designed to preserve home ownership in cases involving rescue fraud or predatory lending. We also referred the client to an agency that helped her arrange a low- interest loan. Prairie State advised the client and her advocates regarding various legal strategies involving a repurchase of the home for a fair and affordable price. We settled the case without court proceedings. Ultimately, the client was able to repurchase her home with the low interest loan she had obtained. The cost of the repurchase agreement was roughly equivalent to the amount the client had obtained from the sale of her home. (*George Boyle, Bloomington Office*)

8. Wells Fargo Bank v. M.L.S. (Circuit Court of DuPage County); Condominium Association v. M.L.S. (Circuit Court of DuPage County). The client was a defendant in a mortgage foreclosure action concerning a DuPage County property. The client lived in Chicago, never owned real estate and never lived in DuPage. She was a victim of identity theft and someone had used her Social Security number to obtain a mortgage and to assume her identity at the closing. Initially served through the telephone counseling service, the client followed our advice by filing an appearance and answer in the foreclosure action, using forms we provided, including in her answer information about the identity theft. We later assisted the client to prepare an affidavit disclaiming any interest in the property. Upon receipt of the affidavit, the bank dismissed the client from the case and proceeded against the "Jane Doe" who signed client's name. We also represented the client in another action brought by the condominium association governing the same subject property. The association sued the client in a forcible entry and detainer action for unpaid association fees. We negotiated with the attorney for the condominium association, resulting in the dismissal of the client as a defendant in the forcible entry and detainer case. (*Elizabeth Jahoda, Carol Stream Office*)

9. Batavia Apartments v. A.K. (Circuit Court of Kane County). We defended an eviction case for a pregnant 19 year old single mother, living in Section 8 project-based housing. Although the client's income fluctuated, she always reported her income changes in a timely manner as required by the lease, and paid her rent on time, as well. Nevertheless, the suit was based on non-payment of rent in the amount of \$1,992. Based on the changes in the client's income, the landlord had retroactively increased the client's rent without having provided any notice to the client regarding a rent increase, until just shortly before filing suit. After appearing in the case and conducting court enforced discovery, we obtained documentation that supported the client's position that such retroactive increase was unlawful. Our case was also supported by federal regulations and the HUD Handbook. The landlord refused to dismiss the case until 5 minutes before the trial at which time they agreed to non-suit. The case was dismissed without prejudice, and the client has not heard from the landlord regarding rent since that time. (*Adrian Barr, Batavia Office*)

10. S.E. v. F.G. (Circuit Court of Kane County); F.G. v. Aurora Housing Authority (Circuit Court of Kane County). A Section 8 landlord evicted our client and her 8 children for nonpayment of rent. The Aurora Housing Authority then held a hearing and terminated the client's Section 8 voucher due to the eviction. The client was unrepresented in both proceedings. We first filed a motion to vacate the landlord's judgment because the landlord had filed its case before the 5 day notice period for payment of rent had elapsed. The court granted the motion so the eviction was removed of record, but client had already left the premises. Next, we filed a new lawsuit against the Housing Authority based on their voucher termination. We sought to have the case remanded back to the administrative level to consider new evidence, i.e., the fact that the judgment of eviction had been vacated. Eventually, the Housing Authority agreed to reinstate the client's Section 8 Voucher. The client and her children found a new house with a new landlord. (*Adrian Barr, Batavia Office*)

11. K.S. v. Housing Authority of Elgin (Circuit Court of Kane County). The Housing Authority of Elgin (HAE) terminated our client's Section 8 voucher finding that the client had a residence in Chicago, and therefore violated the rule that she have no other residence other than her subsidized Elgin home. This finding was based on documents that the client herself gave to HAE, showing that her children were enrolled at and attending a school in Chicago, and that the children were living with a caretaker in Chicago. We represented the client at an administrative hearing. At the hearing, the HAE relied exclusively on the school documentation and a U.S. Post Office document that listed the client's address as the caretaker's address in Chicago. We objected to this evidence as being hearsay and without the proper foundation. Based solely on this improper evidence, the hearing officer ruled against our client. We then filed suit - a complaint for review of administrative decision by certiorari, and we asked the court for a stay of the HAE's decision to terminate the client's subsidy. After some negotiation, the HAE agreed to reinstate client's Section 8 Voucher Subsidy. (*Adrian Barr, Batavia Office*)

12. A.P. v. Aurora Housing Authority (Administrative Hearing). The Aurora Housing Authority terminated our client's tenancy in subsidized public housing, and we appealed. The client is a single mother of 10 children, living in an 8 bedroom apartment. The client's work schedule was sporadic due to her responsibilities to her large family, and she fell behind in her electric bills. Despite assistance from LIHEAP, the client owed over \$2,000 to ComEd, which shut off her service. The Housing Authority served the client with a notice that they would terminate her tenancy unless she restored electric service to the unit. We negotiated with ComEd for restoration of service through a payment plan, but the utility demanded full payment, and had lawful reasons for that position. A local church paid off the debt, and utility service was restored, but not before the Housing Authority terminated the client's tenancy, based on failure to maintain utility service as required by the lease. Our client immediately filed a request for a hearing and we represented her in that proceeding. The consequences of being evicted were severe: loss of the subsidy, difficulty in finding future subsidized housing, homelessness and the possibility of losing her children. A defense to the case required a plan to assure the Housing Authority that the client would be able to meet her future needs for utilities. We also were able to obtain child support payments for the client through a court order. At the hearing, we established the fact that the client did have electric service to her apartment. The Housing Authority offered the client a six month probation period in which she would provide proof of payment to ComEd each month for the six months. The client accepted the offer and preserved housing for her family. (*Charlene Riefler, Batavia Office*)

13. In re M.C. We represented a hurricane Katrina victim. Her Section 8 landlord threatened to evict her from her DuPage County apartment for non-payment of rent. While visiting family in Louisiana, the client mailed the March rent to her landlord in the form of a money order. When the client returned to Illinois, the landlord notified her that she did not receive that rent payment. The client paid the March rent again (including late fees) with another money order. The following day, the landlord told her that she had received the original money order and would apply it to client's account for the next month. In reliance, the client did not pay April rent, but then promptly received a 5 day notice of termination of tenancy. The landlord claimed to have no record of the original money order and demanded that client pay the full amount of rent. The landlord told the client if she did not voluntarily vacate the apartment by the following week she would be forcibly put out. We assured the client that the landlord must file an eviction action to put her out of the apartment. Moreover, the client had paid an additional \$70 to the landlord after receiving the 5 day notice and we explained that by accepting the payment, the landlord waived her right to evict the client. We traced the original money order, which had not been cashed. We assisted the client to pursue a refund of the lost money order, and it was refunded. Client successfully brought her rent up to date, and no eviction action was ever filed. (*Elizabeth Jahoda, Carol Stream Office*)

14. In re T. H. Our client lived in a house for a number of years with her mother, and was buying the house on contract from a private seller. The seller sold his interest to First National Acceptance Bank. Over the years, the house had fallen into disrepair, but the Bank would not repair the property. Following the death of the client's mother, an inspector from the City of Rock Island housing department informed the client that the City considered it to be rental property and that the bank owned it. Consequently, the City determined that it was the bank's responsibility to make the needed repairs, and that the property would be condemned if the repairs were not made. We referred the client to volunteer Attorney James D. Mowen who verified the client's interest in the real estate through contract to purchase and recorded the Notice of Interest in Real Estate with the county recorder's office. That action will enable our client seek public assistance to obtain repairs to the property. (*Cherie Myers, PAI Coordinator, Rock Island Office*)

15. In re K.E. Our client was being evicted in retaliation for complaints to the City about code violations. The apartment had a broken window and mice infestation when the client called code enforcement. After the city inspected and cited the landlord, the landlord repaired the window but in retaliation turned the hot water off for 5 days, and then set it to luke warm. Before any rent was due, the landlord gave her a 5 day notice because he was tired of having her complain about needed repairs. Nine days later, he gave her a second 5 day notice, but filed the eviction lawsuit that same day. Caller sought advice on how to represent herself in this action. We advised her what to bring to court, and to assert the defense of retaliatory eviction. We also advised her to ask the court to have the case dismissed because of legal defects associated with the 5 day notices. The client followed our advice, and the Court dismissed the case. This gave the caller the time she needed to move out of the apartment. (*Lisa Thiede, Telephone Counseling Service, Carol Stream Office*)

16. C.R. v. Peoria Housing Authority. The Peoria Housing Authority threatened to evict our client due to nonpayment of rent. However, she had no income and the PHA violated the law by failing to advise her that she could request a financial hardship exemption from the rent charged. We requested an informal grievance hearing. At the hearing, the PHA agreed to drop the planned eviction and write off \$873 in charges for rent and late fees. Our client had become employed, and entered into a repayment agreement for the balance of rent owed. The PHA also agreed to move her to another apartment due to adverse living conditions in her former apartment. (*Daniel Smith, Peoria Office*)

PUBLIC ASSISTANCE/ FOOD STAMPS

1. **In re J.C. (Illinois Department of Human Services)**. IDHS charged the client with an overpayment of over \$5,000 in food stamps, due to unreported income. The client had not been employed, and the unreported income was a result of identity theft. We called the employer involved to ask for a release of records, citing possible identity theft. Although we learned that the client's signature did not match the signature on file with the employer, the employer refused to release documents including photo identification. Because we lacked subpoena power without a lawsuit, we persuaded a detective at the local police department to investigate. The detective was able to get helpful documentation, including the employee's photo, and provided it to PSLS and IDHS. The photo portrayed an employee who was obviously a different person. Based on this evidence, IDHS determined that there was an identity theft, that the client had not received the unreported income and as a result there was no overpayment. (*Adrian Barr, Batavia Office*)

VOCATIONAL REHABILITATION/ HOME SERVICES

1. **G.S. v. Maram, (U.S. District Court, Central District of Illinois)**. We represent a young client who requires round the clock nursing care to survive. She contracted meningitis and suffered a brain stem stroke when she was 15 years old. She is on a ventilator, is almost totally paralyzed except for her eyes and mouth, and has other medical complications. She cannot speak. She received 20 hours skilled nursing services in her home daily under the Medically Fragile Technology Dependent Children's waiver program, as a cost-effective alternative to the hospital care the State otherwise would have covered. When she turned 21 in December, 2004, she no longer qualified for the MFTD waiver program and if she were to remain at home and not be institutionalized she would have to have her needs met through HSP. In HSP, the State reduced her care by half. We filed suit in January 2005, alleging violations of Title II of the Americans with Disabilities Act and section 504 of the Rehabilitation Act basically on the basis of the Supreme Court's decision in Olmstead v. L.C. We sought a temporary restraining order and preliminary injunction to prevent the reduction in life saving nursing services pending the outcome of the litigation. The District Court granted the preliminary relief and the case proceeded to the discovery phase. Equip for Equality is our co-counsel in this case. Since October, 2005, we concluded discovery and the State filed a Motion for Summary Judgment. That motion was denied and the case was set for trial in February, 2007, but later postponed. (*Sarah Megan, Bernie Shapiro, Director of Litigation Office*)

2. **In re L.D. (Illinois Department of Human Services)**. The client

is 20 years old and has a traumatic brain injury. She received home services from DHS under the Home Services Program. However, DHS terminated the client from that program after the client's parents entered into a substantial financial settlement agreement with the client's School District. The parents/guardians had sued the school district under the Individuals with Disabilities Education Act for their failure to provide the client with a free, appropriate, public education. By the terms of the settlement, the funds were to be used to provide the client with additional education she should have otherwise received through the district. Nevertheless, DHS terminated the home services the client had been receiving because it deemed all the settlement funds as disqualifying "income" to the client. We filed an administrative appeal. The client's parents/legal guardians agreed to have the funds transferred into a Medicaid qualifying trust. We arranged for the law firm that obtained the initial settlement to prepare the trust document, *pro bono*. At that point, DHS agreed that the funds in trust are an exempt asset and that said funds were not be counted towards the client's asset limit, thus rendering her eligible for continued HSP services. (*Ana Collazo, Carol Stream Office*)

3. In re L.A. (Illinois Department of Human Services). Client is a 60 year old who lives alone and has been an Home Services Program (HSP) customer since April 1, 2001. She had coronary bypass surgery in 1995 and 1996, and has been diagnosed with congestive heart failure, advanced lung disease, chronic obstructive pulmonary disease, and Asthma. She requires a defibulator. DHS reassessed her eligibility for HSP by conducting a new Determination of Need (DON) test. When she failed to meet the requisite score on the test, DHS terminated her home service program eligibility. The client was at risk of losing 155 hours of Personal Assistant (PA) service paid for by the program. We appealed the decision. We obtained medical records on her behalf. We negotiated with DHS counsel and agreed that a new DON would be administered with a new DON administrator. We fully counseled the client, the PA, and advocated with the DON administrator. The new DON score resulted in a favorable determination on eligibility and the client remained qualified for HSP services. As a result, we dismissed the appeal, and services were not terminated. Our advocacy assisted the client to retain 155 hours of personal assistance in her life. (*Alicia Washington, Peoria Office*)

OTHER

1. People of the State of Illinois v. C.R. (Circuit Court of DuPage County). Our client's friend used her car, without permission, while client was in the shower. The friend was arrested for driving under the influence of alcohol, and the police impounded the car. The States Attorney filed a forfeiture action against the vehicle and the client. We appeared and contested the matter on the basis that the State had not contacted the client prior to filing the forfeiture action in order to investigate whether she was an innocent party, as required by law. The State agreed to return the car to our client upon payment of the towing costs, and the case was dismissed. (*Kerry O'Brien, Carol Stream Office*)

2. In re S.M. Our client, a single mother of seven children, contacted the telephone counseling service because her criminal record was causing her problems in obtaining and maintaining employment. That record showed a conditional discharge for a misdemeanor

weapons charge. Because the client believed the charge had been dismissed, she had not been stating it on her applications for employment. As a result, she lost a job. She wanted our assistance in clearing up her criminal record. The client's telephone counselor advised the client that although the kind of criminal conviction involved could not be expunged, it was a type of misdemeanor conviction that can be sealed, or the client could seek clemency. Our counselor arranged for the client to receive further advice directly from the expert at the State Appellate Defender's Office who had conducted a recent training on these subjects attended by the counselor. The caller is closer now to clearing up her criminal record so she can obtain and maintain steady employment in the future. (*Kathleen Schlueter, Telephone Counseling Service, Waukegan Office*)

3. In re O.B. (Circuit Court of Peoria County). Our client's father left her one-third of his substantial estate in his will. The client has a history of schizophrenia and is incapable of handling her own affairs. Her only income is from SSI. A local social service agency is her representative payee. They asked that we help in setting up some kind of trust that would assure her continued eligibility for SSI and other government benefits. Other family members were contesting the will as they felt our client was not competent to receive the money. Attorney Karen Stumpe of Kavanagh, Scully, Sudow, White & Frederick agreed to represent the client on a *pro bono* basis. She made contact with an attorney in California handling the probate of the estate. She filed a Petition to Establish an OBRA 93 Trust. Associated Bank agreed to act as the Trustee. The OBRA 93 Trust was successfully established and the client received an inheritance of over \$43,000 pursuant to a Will Contest Settlement Agreement. The trust required Associated Bank as Trustee to purchase only supplemental goods and services on the client's behalf and not to distribute cash or securities to her or to otherwise duplicate the client's governmental benefits. Upon the client's death, any remains of the Trust will reimburse an amount equal to the total medical assistance paid on her behalf. As a result of the trust, the client's current government benefits will not be affected. (*Sandy Crow, Pro Bono Coordinator, Peoria Office*)

4. E.S. v. Illinois Secretary of State (Circuit Court of Cook County).

Our client has held a driver's license for over 20 years, in the States of Illinois, Minnesota and California. During that time, he was never once issued a ticket or cited for any moving violation. He did, however, fall behind in his California, court-ordered child support, after being laid off from his job. Although he was not held in contempt by the Court, his license was suspended in California for non-payment of child support, pursuant to California law. He moved back to Illinois, and he was refused an application for a driver's license, due to the California suspension. We petitioned the Illinois Secretary of State for an Illinois license. The Secretary denied relief, under the theory that denial was authorized by the Driver's License Compact. The Compact is an agreement between a number of States, under which the participating States respect license suspensions of other participating States. Illinois' participation in the Compact is found at 625 ILCS 5/6-700 *et seq.* We advocated that the statute limits Illinois' participation in the contract to license suspensions and revocations based on convictions for moving violations, and that a suspension for non-payment of child support is not a basis for license denial under the statute. The case is pending in administrative review in Circuit Court. (*Kerry O'Brien, Carol Stream Office*)

5. In re T.I. (Circuit Court of Peoria County). Our client lived with her divorced husband's brother for 10 years, when the brother (TI) died intestate. An insurance policy paid off TI's home, where the client lived with two children she had with TI. Her ex-husband forced her from the house and then sold it, keeping the proceeds in a bank account under his own name. However, the children remained with the client, and she wanted access to the money for the children. Attorney Denise Conklin agreed to represent the client on a *pro bono* basis. She filed a Petition to Terminate Independent Administration. After lengthy negotiations with the ex-husband's attorney, the case settled. Under the terms of the Agreed Order, over \$39,000 was distributed to the client's two sons, as heirs of the estate additional funds went to a 529 College Savings Program for each child; another sum went to our client as surviving parent for the benefit of the heirs; and over \$36,000 was put in an Automatic Payment Account at South Side Trust and Savings Bank in the client's name for the benefit of the heirs. The Court ordered that the Automatic Payment Account transfer a certain sum each month to the client's checking account, but permitted no other withdrawals or transfers from that account. Because the client's only income is from SSI, this will allow her and her three children to have a better standard of living. (*Sandra Crow, Pro Bono Coordinator, Peoria Office*)

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:

Connie Peterson, Administrative Secretary. Connie is 2006-2007 President of the Winnebago County Association of Legal Secretaries. The Association offers the opportunity to network with others in the legal field, provides members with workshops and speakers, continuing legal education, community service projects, member recognition, and socialization. Over the years, Connie has been Chair of the following committees: Constitution/Bylaws, Bulletin, Program, Sunshine, Publicity, and Historian. She has also served on the Board of Directors as Corresponding Secretary and Vice-President. The Association has monthly dinner meetings (former Executive Director Joe Dailing has been a guest speaker) and monthly Legal Education/Mini-Seminar lunch meetings (Rockford Paralegal Joyce Bingham and Executive Director Mike O'Connor have been guest speakers). Connie reports that it has been a great opportunity to meet people and share information about Prairie State in order to raise awareness of the important work that we do in the community. It's been a public relations tool to raise awareness of our services and the volunteer possibilities for private attorneys. She strongly encourages everyone to get involved with similar professional organizations locally.

Marcy Heston, PAI Coordinator, Batavia Office. Marcy Heston is a member of the Delivery of Legal Services committee of the Kane County Bar Association. The committee explores new methods of providing legal services to the indigent of the county. It also looks for ways to recruit attorneys. Marcy is also a member of the Family Law Committee and the Paralegal Committee. After seven years, she "retired" as the chair of the latter committee. She is a member of the Illinois Paralegal Association and the Elgin Community College Paralegal program advisory board.

Laura Myers, Staff Attorney, Carol Stream Office. Laura Myers continues to serve on the Board of Directors for Parents Alliance Employment Project, a non-profit seeking to help the disabled find suitable employment. She was recently appointed Secretary of the Board of Directors.

Larry McShane, Paralegal, Waukegan Office. Larry was publicly elected to a non-partisan position as member of the Lake County Regional Board of School Trustees. With a total of seven such members, the Board acts as a Hearing Board for boundary disputes between school districts in the County of Lake and parts of several adjoining counties. Meetings are held quarterly when a dispute is filed. The Board's Decisions may be appealed to Circuit Court. By participation as a Member of this public Board, Larry helps assure that children receive the best educational and developmental venue termed by law as the child's "community of interest."

Tracey Mergener, Managing Attorney, Galesburg Office. Tracey is a member of the Safe Harbor Family Crisis Center's Board Of Directors. Safe Harbor is a Galesburg domestic violence agency that assists victims of domestic violence. As a Board member, Tracey assists with their fund-raising projects, and helps PSLs to maintain a close relationship with the agency and to better serve clients who require the services of both Safe Harbor and Prairie State. We are able to work together to develop ways to assist our clients more effectively and efficiently.

Lori Luncsford, Staff Attorney, Peoria Office. For the past 6 years, Lori has served on the board of TRIAD, a partnership between the City of Peoria Police Department, the Sheriff's Department, and local senior organizations. TRIAD is involved with crime prevention and safety programs that aid and support senior citizens to enhance their lives, such as the File of Life program which educates seniors to be prepared in case of emergency. An emergency medical card is placed on the refrigerator to assist emergency responders. TRIAD holds a Speakers' Bureau on various subjects such as identity theft, and scams of various sorts. Seniors are often targets of scams, identity theft, criminals, and medical crises.

Stacey Tutt, Staff Attorney, Bloomington Office. Stacey was recently appointed to the Board of Directors of Illinois Legal Aid Online, a groundbreaking statewide technology center for legal services. Illinois Legal Aid Online develops technology and information to increase access to justice for Illinois residents. All Board members are passionate about serving the legal needs of the poor through the innovative use of technology.

CLINICS

(The work described in the examples below is indicative of other work that Prairie State does in communities throughout the 35- county Prairie State service area.)

1. Power of Attorney Clinic. We assisted seniors in preparing powers of attorney at a church in Fulton County. A church coordinator set up appointment times for us to meet with approximately 10 seniors for a one-day event, where we prepared powers of attorney or reviewed their existing powers of attorney. By setting up this session, we were able to assist more individuals than if we had set up individual appointments in our office to meet with the seniors. Because the seniors were all from the area, they did not have to travel a long distance to our Galesburg office to obtain service. *(Tracey Mergener; Julie Mackey, Galesburg Office)*

2. Powers of Attorney/Living Wills Clinics. We prepared Powers of Attorney for Health Care and Living Wills for 122 clients at 18 different clinics held at numerous locations in the six counties served by the Peoria office. We made 43 presentations on these subjects to groups with a total audience of 1,248 people. Our clients and trainees are concerned with end-of-life issues, and often desire documents providing directives for these issues. *(Lori Luncsford; Henry VanderHeyden, Peoria Office)*

3. Pro Se Divorce Clinic. These clinics are a component of the Kane County Pro Bono Program. When we interview a client, we determine whether their case is appropriate for the clinic. The clinic serves clients who: (1) are victims of abuse or there are children of the marriage living with the client; (2) have children and a child support order has already been entered; and/or (3) have a spouse who is incarcerated or whose whereabouts are unknown. We conduct the clinics every 4 to 6 weeks depending on how many clients fit the criteria. We give each client a packet of materials that includes all the documents required to complete a default divorce in Kane County, as well as a set of very specific set of instructions on how to complete the case. A pro bono attorney goes through the packet, helps the clients complete all required information, explains the process of filing the case, obtaining court dates, and registering for the KIDS program (a requirement of all parents in a divorce case in this county). We have had 191 clients attend the pro se clinics. To date, 111 clients have received Judgments of Dissolution of Marriage. About 14 cases are still in process. It is a very effective means of shortening the waiting list for clients wanting divorces. It also gives a pro bono attorney an opportunity to assist several clients in a relatively short period of time. *(Marcy Heston, Batavia Office)*

COMMUNITY INVOLVEMENT AND OUTREACH

(The work described in the examples below is indicative of other work that Prairie State does in communities throughout the 35-county Prairie State service area.)

1. Hospital Outreach. It is a certainty that there are many patients in hospitals who need legal help but don't know who to ask or what to do. Sometimes, hospital personnel don't have any idea about the services available from PSLS. We have project where we make courtesy visits to local hospitals, networking and building relationships with social workers, discharge officers, case managers, and head nurses. We secure their help disseminating information, identifying patients in need and serving clients. In this manner, we have worked with seven DuPage County hospitals to date, and have established good connections and contacts. In addition, the Project has generated two general presentations and one legal presentation to senior groups affiliated with the hospitals. *(Maria George, Carol Stream Office)*

2. Library Connections. Libraries are an influential place for people who want to research and improve their knowledge on different issues. With the cooperation of 21 local libraries, we have hung PSLS posters for public information, and have left a supply of brochures for visitors to take. We are working to secure invitations to address senior/adult groups that meet at the library. *(Maria George, Carol Stream Office)*

3. Outreach at Homeless Shelters. With funding from a HUD homeless grant, our project attorney visits homeless shelters in DuPage County for client intake and consultation. He visits two different homeless shelters each week, including one visit to an overnight shelter. This attorney visits over 20 different shelter locations annually. Since this outreach began five years ago, our client intake for the homeless has more than doubled. *(Kerry O'Brien, Carol Stream Office)*

4. Back to School Fair. Nancy Hinton, Executive Secretary in the Kankakee Office, was on the planning committee for the "Back to School Fair" in both Iroquois and Kankakee Counties. Low Income children received free school supplies valued at approximately \$15. Nearly 2000 children were served at these two fairs. The fair provided parents/guardians the opportunity to meet with many social service agencies for possible assistance in a variety of issues that families encounter as the school year begins. Prairie State had a booth at both fairs. We were able to help several families with school enrollment problems. *(Nancy Hinton, Kankakee Office)*

5. Improved Services for Immigrants and Spanish-speaking Callers.

In 2006, we created a full-time attorney position with the Telephone Counseling Service for a Spanish-speaking attorney. The focus of this position is to go beyond the advice only traditional role of the Telephone Counseling Service and provide brief services for LEP Spanish-speaking clients. This is responsive to the findings in the national study of outcomes of legal advice hotlines which found LEP among the least likely to have a favorable outcomes. This attorney, Michelle Valiukenas, reviews papers that the caller does not understand because they are written in English. She contacts third parties on behalf of the caller to gather facts and to solve the client's legal problem. She is also able to make sure that the caller understands what the issue is and knows what steps need to be taken next.

We are in the process of adding a full-time Spanish-speaking paralegal to the Telephone Counseling Service to conduct intake for Spanish-speaking persons with a focus on domestic violence victims. The goal is to help such victims link to local resources (including the local Prairie State office attorneys, shelters, and law enforcement) and arrange for interpreters as necessary. This paralegal will also conduct eligibility screening for other Spanish-speaking callers. Using a bi-lingual paralegal to conduct initial eligibility screening will allow our brief services attorney, Michelle Valiukenas, to focus her time on resolving legal problems of eligible callers. In 2006, we also added a part-time Spanish-speaking outreach worker in Kane County who will focus on outreach to elderly. Prairie State also entered into a formal partnership with the National Immigrant Justice Center (of Heartland Alliance), as part of our Legal Assistance for Victims Project funded under the Violence Against Women Act. We have committed \$60,000 over two years for NIJC costs in serving the immigration-related needs of immigrant victims referred by Prairie State. NIJC also will present training programs on immigration issues for victims for the benefit of PSLS staff and volunteers and social service agency staff. Under the agreement, clients referred will not be charged for services. The VAWA grant contains limited funding for hiring interpreters to assist LEP victims. One aspect of this is to hire interpreters to work with volunteer attorneys so we may refer more LEP victims to volunteers for divorces.

6. County Self-Help Centers.

Through Prairie State's collaboration with Lake and Kane Counties and with funding from the Illinois Equal Justice Foundation, both of these counties now have operating self help centers. These centers have grown out of a concern that courts seem too complicated for people to use without a lawyer's help, yet the number of people who use the courts without a lawyer multiplies every year. There is no substitute for competent legal counsel, but at the same time, there is a recognition of the need to help people represent themselves. More than ever, judges and court staff are committed to making the courts more user friendly and to make equal access to justice a reality, not just a slogan. The new centers are designed to take advantage of the latest web-based technology to help people navigate through the court system when they need to represent themselves. We have secured funding for Winnebago, Kankakee and McLean counties to begin development of such centers in 2007. We are working with Joe Dailing (Illinois Coalition for Equal Justice) and many other

partners to facilitate the development of self-help centers to ease access to the courts. (*Gail Walsh, Administrative Office*)

INTER-AGENCY ACTIVITIES

1. HIV/AIDS Workshop. Prairie State's HIV/AIDS Legal Services Project provides important civil legal assistance to those clients and families that suffer from HIV and AIDS. The eight counties covered under Ryan White CARE Act Title I funding include DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Lake and Will. The Project hosted a Workshop for HIV/AIDS case managers, clients and staff attorneys on February 22, 2006 in Elgin. The day long workshop provided legal information on Housing, Social Security Disability claims, and confidentiality rights. (*Janet Douglass, Woodstock Office*)

2. Q & A Sessions at Transitional Housing Programs. We began conducting quarterly question and answer sessions at three transitional housing programs: Samaritan House, A Safe Place Transitional Housing and the Mary Pat Maddux Safe Housing Program. Most of the women and children residing in these housing programs are preparing to enter the rental market, many for the first time, and much of our presentation deals with the rights and obligations of tenants and landlords. We distribute copies of the *PSLS Renter's Handbook* and encourage the women to keep it someplace safe and refer to it when dealing with landlords. The women are also very interested in finding out which of their criminal records may be eligible for expungement and sealing since these criminal offenses are in many cases holding them back from employment and limiting their housing opportunities. These quarterly meetings strengthen the relationship between the agencies running the housing programs and PSLS and also between this population of families and our agency. They increase our visibility in the community. (*Beth Shay, Waukegan Office*)

3. College of Lake County Paralegal Program. CLC recently started a paralegal program. The program offers internships and last fall Prairie State hosted two student interns. They worked 15 to 20 hours per week during the semester. They helped with fact finding, legal research, and other tasks such as development of argument or very simple negotiations. This program is helping the students while at the same time helping expand services to our clients. (*Linda Rothnagel, Waukegan Office*)

4. Paralegal Interns in Galesburg Office. Last summer, we used three paralegal students as interns who assisted the attorneys. We gave the interns a broad range of experience, handling tasks from intake to document preparation, client interviews and legal research. The experience was of great benefit to the students helping them to secure a future in the field, but was also of great benefit to the attorneys helping them keep up with the ever increasing demand for services. (*Tracey Mergener, Galesburg Office*)

5. Partnership with Caterpillar Corporation Corporate Law

Department. In the fall of 2006, after an extended study process, Caterpillar Legal Services Division began a pilot project with Prairie State to provide pro bono assistance for PSLS eligible clients. This project consists of a team of paralegals and attorneys who developed the pilot project using the Six Sigma system, a rigorous evidence based planning process used to improve performance and ensure quality. PSLS is working with several volunteers in private practice who are aiding us in training the Caterpillar volunteers. At this time 84 members of the legal division have joined this effort. The attorneys are interested in representing clients who are in need of advanced health care directives, divorces and foreclosure cases. The paralegals and attorneys will meet with clients in our office, and we will provide support services and additional training as needed. A paralegal designated as the pro bono coordinator for Caterpillar's Legal Services Division will work closely with the Prairie State Volunteer Attorney Project Coordinator with respect to referrals of cases and any issues that may arise in a case. This is an exciting opportunity for Prairie State to build a model for larger scale corporate pro bono programs in our service area. (*Sandy Crow; Lisa Wilson, Peoria Office*)

PRIVATE ATTORNEY INVOLVEMENT

(Volunteer attorneys throughout our 35 county service area help provide legal services and meet critical needs. Here are just a few highlights of that work).

1. Kane County Pro Bono Awards. The Kane County Bar Foundation gave its 2006 Pro Bono Award to Lisa Nyuli, nominated by Prairie State Legal Services. We sought recognition for Lisa's commitment to the indigent of Kane County and to the belief that they deserve the best possible legal representation. Lisa has accepted numerous cases in family law and bankruptcy. We are proud to recognize the Kane County attorneys who so willingly give of their time and talents to assist the indigent of the county. (*Marcy Heston, Batavia Office*)

2. Kankakee County Bar Association Pro Bono Awards. On May 5, 2006, at the Kankakee County Bar Association meeting/luncheon, we presented Pro Bono awards to 21 attorneys for their outstanding *pro bono* work performed over the past year. Mr. Ronald J. Gerts was awarded the "Volunteer Attorney for the Year." He has been a member of the Volunteer Lawyer Project since 1993. He has handled over 15 cases during that time. He was presented with a plaque. We had media coverage, and Ron's picture and a story about his *pro bono* work was printed in the local newspaper. (*Nancy Hinton, Kankakee Office*)

3. Rock Island Law Day Luncheon. Law Day Luncheon was held on Friday, May 5, 2006. Cherie L. Myers, Project Coordinator for the Volunteer Lawyer Project assisted by Supreme Court Justice Thomas L. Kilbride, presented the Volunteer Law Firm of the Year award. We presented the award to the legal department of Deere and Company for their hard work and dedication to representing our clients. Justice Kilbride also spoke on the importance

of private attorneys volunteering their time and efforts through the Volunteer Lawyer Project. (*Cherie L. Myers, Rock Island Office*)

4. McHenry County Legal Aid Program Volunteer Awards. For the 2005 - 2006 year, PSLS and the McHenry County Bar Association recognized thirty volunteer attorneys who so generously donated their time and talents. They selected two attorneys to receive awards for their exemplary service, Linda Cunabaugh and H. Joseph Gitlin. Linda has been the Chairperson for the Legal Aid Committee as well as Co-Chairperson of the Campaign for Legal Services since 2003. Besides taking on individual *pro bono* divorce and family law cases, Linda helped to facilitate the first Pro Se Divorce Clinic in the county. The success of the Legal Aid Program is due to Linda's leadership and unselfish work to help the indigent of McHenry County receive legal assistance. The Legal Aid Program has only one attorney to take difficult custody cases and that special volunteer is H. Joseph Gitlin. This past year, The Gitlin Law Firm worked on a heart wrenching case involving the removal of a father's three children from Illinois without his permission. With the legal expertise of Joe Gitlin and his law firm, the father now has his children back in his custody in Illinois and an Illinois court order prohibiting the mother from removing the children from the state. Joe Gitlin has generously supported the Legal Aid Program from the very beginning, setting an exemplary standard of *pro bono* service to the community. (*Janet Douglass, PAI Coordinator, Woodstock Office*)

5. Volunteer Lawyers Program in Lake County Assists Victims of Domestic Violence. With a grant that PSLS obtained under the Violence Against Women Act, A Safe Place, the domestic violence program in Lake County will be conducting a training session to be attended by 5 of our active family law volunteers. The training will cover the dynamics of domestic violence and safety planning issues. With grant funds, we also have arranged to match some of our Spanish speaking domestic violence victim clients with a Spanish speaking interpreter and a volunteer non Spanish speaking family law attorney. (*Susan Perlman, VLP Coordinator, Waukegan Office*)

PLANNING, PRACTICES, AND TECHNOLOGY

1. Upgrades to Database System. This year has been a busy one for new technology applications in Prairie State. Gail Walsh and Chris Weygand of our Administrative office have worked on various technology projects which are designed to improve the quality of services we provide to our clients. Some of these projects include: (1) the Grants Package, which provides a more efficient way of monitoring and reporting our grants; (2) the Document Tracking feature which allows staff to attach related documents to the case electronically or to move them down to their own desktop; and (3) the Prairie Fire feature which gives staff a quick and easy way to submit the stories for this docket. Technology doesn't stop. Future projects will include making our database system work with a screen-reader software for sight-impaired persons and a Views feature which will allow limited access for law students and pro bono attorneys. These enhancements to our database system make it faster and more efficient for our staff to serve their clients. Our environment in Legal Services is constantly growing and changing. We can best serve our clients and be a helpful resource to our communities by

keeping our offices and staff on the cutting edge of technology. (*Chris Weygand; Gail Walsh, Administrative Office*).

TRAINING

1. Prairie State Legal Services Basic Litigation Skills Training.

Sometimes known as “New Lawyer Training,” this is an irregularly scheduled (but usually bi-annual) event where Prairie State’s latest class of new lawyers have an opportunity to get out of the office and into a retreat setting for 4 straight days of intensive “how to do it” skills training. Held at Bishop Lane Retreat House outside of Rockford, we conducted the training this past November for our class of new attorneys and some more experienced attorneys who never had the training). Led by Bernie Shapiro and Dave Wolowitz, the trainees had the benefit of many additional, experienced Prairie State advocates who came in to help train at various points over the course of the four days. The training covers such diverse topics as client interviewing, case planning, motions, depositions, negotiations, evidence foundations, objections, and direct and cross examination. The training requires the active participation of the trainees. Using hypothetical case materials and exercises, they must perform many, many times. They have the opportunity for lots of personal contact with the trainers and receive significant feedback and instruction from them. (*Bernie Shapiro, Dave Wolowitz, Administrative Office*)

2. National Institute of Trial Advocacy (NITA). Several staff attended NITA training in Louisville, Colorado and in Indianapolis, Indiana. They participated in a one week trial advocacy training in which trainees gave opening statements, made closing arguments, conducted direct and cross examinations and other components of a trial. Judges and accomplished trial lawyers observed trainees and gave feedback as to their strengths and weaknesses. All exercises were videotaped so that participants could see themselves perform. (*Adrian Barr, Laura Myers, Amy Weiss*)

3. Presentation to Kane County Bar Association. At their request, we gave a presentation to the KCBA on public benefits and other programs available to meet low-income client's basic needs. The training included information on disability benefits, food stamps, rental assistance, energy assistance, and emergency shelter, among other things. (*Adrian Barr, Batavia Office*)

4. Fair Housing Education and Outreach. With a HUD grant, three PSLS attorneys highly experienced in fair housing law (one of whom is bi-lingual in Spanish) and a training coordinator engaged in education and outreach activities during calendar 2006 to inform our target groups about housing discrimination prohibited by the Fair Housing Act, and how to address and remedy such discrimination. In achieving our goals, we worked with 5 new partnership organizations, i.e., Housing Action Illinois, Neighborhood Partners of Kankakee, P.A.D.S. of Elgin, The Corporation for Affordable Homes in McHenry County, and The Knox County Area Project. Accomplishments included: (1) We conducted 27 informal legal education presentations, targeted to specific community based agencies that provide support, advocacy or other assistance to protected classes, training a total of 385 persons. Among the groups we trained were those focusing on the needs of racial minorities, women, persons with disabilities, specific religious and ethnic groups, senior citizens, and low-income persons; (2) We conducted 4 public workshops (more extended formal training sessions), addressing fair housing information and affordable housing programs, training an additional 130 persons; (3) We updated our Housing Discrimination Complaint Packet and our Trainee Manual and distributed these materials to 515 persons attending our public workshops and informal training events; (4) Our telephone counselors distributed 85 more Complaint Packets to Prairie State clients; (5) We developed informational material relating to available affordable housing programs in Illinois and distributed the material to the 515 persons attending training events; (6) We used electronic, broadcast and print media to broaden the target audience through placement of updated fair housing information and affordable housing program information on the internet, by appearing on 4 local radio talk shows, and by developing 3 public service announcements published or aired by many local newspapers and radio stations. All project materials are available in both English and Spanish. (*Mark Kelly, John Quintanilla, Cindy Andrews, David Wolowitz*)

5. Assessing Diminished Capacity in Elderly Clients. In September 2006, Prairie State brought in nationally recognized leaders from the ABA Law and Aging Commission to present a full day program on assessing diminished capacity in elderly clients and exploring issues of undue influence. Charles Sabatino, Director of the Commission and Lori Stiegel, an associated director and specialist in elder abuse along with Michelle Braun, PhD presented a full day program to an audience of approximately 80 persons including PSLS staff, elder abuse investigators, and staff of other Illinois legal services programs, as well as private attorneys and various senior service agency staff. This is the third program in which Prairie State has secured funding to bring in national experts to conduct training for legal services staff along side key social service staff. The earlier trainings were on Long Term Care issues for elderly. Each time we offer such training, we build relationships with other providers of service and this helps facilitate our coordination of effort in serving vulnerable persons. (*Gail Walsh*)

SPECIAL PROJECTS AND SERVICES

THE TELEPHONE COUNSELING SERVICE

The Telephone Counseling Service provides most of Prairie State's advice and intake services, and all new clients are directed to it. The service is staffed by lawyers. At the present time, one of the lawyers is fluent in Spanish. 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 a 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. Although the demand for the Counseling Service often exceeds our current capacity, 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.

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, or who are being excluded from school. 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. The project includes 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 (at or under 300% of poverty level in the suburban collar counties), must document their medical serostatus, and be a resident of any PSLS county. Project funding comes from Title I and Title II of the federal Ryan White HIV CARE 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. 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. 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 DRS 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 Division of Rehabilitation Services (DRS), a division 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 Home Services Program (HSP).

All clients eligible for legal services under this project are collectively referred to as “DRS 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 DRS, which is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for DRS customers. The legal services available from this project allows CAP to appropriately meet this legal mandate. It allows DRS 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 DRS customers, the normal financial eligibility criteria does not apply in the determination of eligibility for PSLs services. The scope of work under the Project includes: (1) providing legal information, counsel and advice; (2) advocacy and negotiation services directed to DRS counselors, supervisors, service providers, or other interested or involved parties; (3) representation at Hearing Appeals; (4) representation at the Director’s Review Level; and (5) court action, including Complaints for Review by Common Law Certiorari. We also provide program advice to CAP and DRS on systemic problems and issues that adversely affect clients.

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.

FAIR HOUSING INITIATIVES PROGRAM (FHIP).

With a grant from the U.S. Department of Housing and Urban Development (HUD), the FHIP project provides broad education and outreach activities with respect to rights under the Fair Housing Act and how to enforce those rights. Funding from HUD is year to year. Our very successful initial project ran from April 1993 to April 1994. Since then, HUD has awarded Prairie State grants to conduct a Fair Housing Education Project in the 35-county Prairie State service area for calendar years 2005, 2006 and 2007. The project delivers a series of informal legal education presentations to community-based organizations which work with populations protected by the Fair Housing Act. We also annually conduct four broad-based public workshops (more extended formal training sessions), located in different cities each year. These sessions, geared to be interactive with the audience, cover fair housing issues as well as other related issues, such as renter's rights, affordable housing or predatory lending. The project produces and disseminates various resources designed to promote fair housing rights. Each year, the project identifies new methods of fair housing education, and targets new groups to receive training. Also available to the general public is updated fair housing information we have placed on two important statewide legal information websites, www.pslegal.org, and www.illinoislegalaid.org.