

# HISTORY, IMPACT, AND GUIDE FOR FUTURE PROGRESS

1970

## THE CHICAGO COUNCIL OF LAWYERS CREATES FUND FOR JUSTICE

In 1970, the Chicago Council of Lawyers - Chicago's first public interest bar association - founded the Fund for Justice to focus on community interests and social justice projects.

1997

## FUND FOR JUSTICE + THE APPLESEED NETWORK PARTNER

In 1997, the Fund for Justice became an independent Chicago affiliate of the Appleseed Foundation (Chicago Appleseed Fund for Justice), and the programmatic partnership - the "Collaboration for Justice" - between the Chicago Council of Lawyers and Chicago Appleseed began.

2003

## JUDICIAL CAMPAIGN FINANCE REFORMS

Chicago Council of Lawyers and Chicago Appleseed released *Electing Judges in Cook County: The Role of Money, Political Party, and the Voters*, which utilized quantitative data to identify the determinants of judicial election outcomes in Cook County. Findings showed that candidates slated by their party win at far higher rates than those who fail to obtain such endorsements.

2005

## CASE STUDY OF THE CHICAGO IMMIGRATION COURTS

Chicago Appleseed and Legal Aid Chicago (formerly the Legal Assistance Foundation of Metropolitan Chicago) released *Videoconferencing in Removal Proceedings: A Case Study of the Chicago Immigration Court*, which showed that videoconferencing is a poor substitute for in-person hearings. Among other problems, we observed deficiencies related to access to counsel, presentation of evidence, and interpretation.

2007

## CASE STUDY OF CHICAGO'S FELONY COURTROOMS

Chicago Appleseed and our pro bono partners published one of the first comprehensive reports on felony courts in Cook County, *A Report on Chicago's Felony Courts*, which found significant barriers to justice for self-represented litigants and people dealing with mental health and/or substance use issues. In 2008, the Circuit Court implemented some of our recommendations, such as replacing videoconferenced bond hearings with in-person proceedings and creating a pretrial services program.

2009

## ASSEMBLY LINE INJUSTICE

Chicago Appleseed and the national Appleseed Network, with its pro bono partners, released a comprehensive report on the immigration courts, *Assembly Line Injustice*. Some recommendations from this report were implemented, including hiring new, more diverse immigration court judges, designating a specific judge to be responsible for training, and creating a website for public complaints about unprofessional judicial conduct.

2010

## CREATION OF VOTE FOR JUDGES + THE JUDICIAL PERFORMANCE COMMISSION

Chicago Appleseed created VoteForJudges.org to help voters in Cook County make informed decisions about local judicial elections. We also created the Judicial Performance Commission, which ran in 2010 and 2012, and used court-watching and specially designed judicial evaluations to help improve the quality of the judiciary through research-based reports that included discussions of judges' performances and proposed improvement plans.

2011

## COURT-WATCHING COOK COUNTY'S CENTRAL FELONY BOND COURT

After the Cook County Circuit Court implemented some of Chicago Appleseed's pretrial-related recommendations from the 2007 report, we utilized pro bono lawyers and law students to systemically observe Central Bond Court to determine what changes had taken place. The resulting report showed that the atmosphere of felony Bond Court emphasized speed over accuracy and interfered with litigants' rights.

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## 2012

### REIMAGINING THE IMMIGRATION COURT ASSEMBLY LINE

Chicago Appleseed and the national Appleseed Network, along with pro bono partners and the law schools at George Washington University and IIT Kent released an updated of our 2009 report, *Reimagining the Immigration Court Assembly Line: Transformative Change for the Immigration Justice System*, and noted that while some improvements were made, the patently unfair use of videoconferencing remained, and the government "barely nods in the direction of trying to ensure fair treatment for all."

## 2013

### CREATION OF THE ACCESS TO COMMUNITY TREATMENT COURT

Chicago Appleseed worked with Adult Redeploy Illinois to create the ACT (Access to Community Treatment) Court in Chicago, which focuses on providing community-based treatment services in felony cases to work toward a permanent reduction of the Cook County Jail population. In 2013, we staffed the ACT Court with a focus on providing community-based treatment services in felony cases.

### ENDING SEPARATE BUT UNEQUAL CHILD SUPPORT SYSTEMS

We conducted a *Constitutionality Analysis* of the bifurcated child support court in Cook County. As a result of that report, Chicago Appleseed worked with Presiding Judge Grace Dickler on her Domestic Relations Task Force to ensure that the court ended the bifurcated system and treated children with married and unmarried parents fairly and equally.

## 2014

### INFORMATION ACCESS FOR PEOPLE IN IMMIGRATION COURTS

Working with U.S. Senator Chris Coons, the national Appleseed Network and Chicago Appleseed - with our pro bono partner Akin Gump - successfully saw the approval of an Amendment to S.744, which incorporated our longstanding position that people going through immigration proceedings should not be required to file Freedom of Information Act (FOIA) requests to access their own records from Immigration Court.

## 2016

### THE CASE FOR RECORDING DEVICES IN COOK COUNTY EVICTION COURTS

As a result of a budget deficit, Cook County provided fewer court reporters to transcribe the proceedings in its eviction courtrooms. Therefore, people have had to hire private court reporters, but that's not economically feasible for the majority of pro se litigants. Our report, *The Case for Recording Devices in Cook County Eviction Courts*, brought to light the issues stemming from a lack of a court record, which are particularly salient in eviction courts where many tenants lack financial means for legal representation.

### GETTING OFF THE ASSEMBLY LINE: OVERCOMING IMMIGRATION COURT OBSTACLES IN INDIVIDUAL CASES

Our third report with the national Appleseed Network Immigration Collaborative, *Getting Off The Assembly Line: Overcoming Immigration Court Obstacles in Individual Cases*, was published as a practice guide for attorneys to better navigate representing clients in Immigration Courts.

### FOUNDING OF THE COALITION TO END MONEY BOND

In 2016, more than 90% of the people detained in Cook County Jail were there awaiting trial and thus presumed innocent—a considerably higher rate than the national average of 67%. Chicago Appleseed was and remains an original member of the Coalition to End Money Bond, and helped to convene and lead a group of diverse organizations dedicated to reducing the number of people imprisoned pretrial.

## 2017

### POLICE STATION REPRESENTATION UNIT (PSRU)

Working with the Cook County Public Defender and First Defense Legal Aid, we successfully advocated for and helped implement the Chief Judge's administrative order to authorize the PSRU, which allows public defenders to represent people at the point of arrest at police stations. Wrongful convictions and coerced confessions is a longstanding issue in Chicago, specifically, and timely access to legal representation can help mitigate potential police abuse and ensure access to 5th and 6th Amendment rights.

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## 2018

### **BAIL REFORM + COOK COUNTY GENERAL ORDER 18.8A**

The Coalition to End Money Bond successfully advocated for the Circuit Court of Cook County's Chief Judge, Timothy Evans, to implement General Order 18.8A, which ordered that all monetary bonds be affordable and that no one be incarcerated solely because they cannot bail out of jail. In the months after General Order 18.8A was implemented, the number of people incarcerated due to an unpaid money bond decreased but Black people, specifically, continued to comprise an average of 73% of the people still incarcerated because they could not pay.

## 2019

### **CRIMINAL + TRAFFIC ASSESSMENTS ACT**

Chicago Appleseed leads the coalition which helped enact the Criminal and Traffic Assessments Act (CTAA), legislation that created a court costs and fees waiver for people experiencing the criminal legal system. We continue to work to end unaffordable fines, fees, and court costs for people in Illinois.

### **LICENSE TO WORK ACT**

The License to Work Act passed in 2019 and became effective in 2020. We are members of the Transit Table Coalition, which advocated for this legislation to end driver's licenses suspensions as a penalty for nonmoving violations like parking tickets and expired City stickers.

### **CENTRAL PANELS OF ADMINISTRATIVE LAW JUDGES**

We issued a major research report, *The Need for a Central Panel Approach to Administrative Adjudication: Pros, Cons, and Selected Practices*, on the use of centralized administrative agencies designed to increase the independence of administrative hearing officers. Based on our report, the American Bar Association adopted Resolution 100A, recommending the allocation of independent funding to central panels directly from state legislatures.

### **REINSTATING EVICTION COURT RECORDING**

Because hearings happen so quickly and so few people have legal representation, the ability to appeal an eviction is especially important. Since 2019, Chicago Appleseed has led a coalition that successfully advocated for court recording to be installed in five Cook County eviction courtrooms for the first time in decades. Without this record of eviction proceedings created, people - unrepresented tenants essentially - have no means to appeal an eviction order.

## 2020

### **COURT COSTS + FEES ARE BAD POLICY**

Over ten million people in the U.S. owe, collectively, \$50 billion in unpaid court fines and fees. These debts add up quickly and often prevent people from ever escaping involvement in the system or the myriad collateral consequences that system involvement brings. In July 2020, Chicago Appleseed released a report, *Court Costs, Fines, and Fees Are Bad Policy*, examining the growing body of evidence proving, by every reasonable metric, that these monetary sanctions are ineffective, racist, and harmful.

### **COVID-19 PANDEMIC + PROTECTING PUBLIC HEALTH**

We have provided backbone work for advocates in and around Chicago dealing with the impact of the COVID-19 pandemic on the people awaiting trial and incarcerated in the state's jails and prisons. Together with community partners, we consistently pressured the stakeholders to undertake a coordinated effort to decarcerate the Cook County Jail. In December of 2020, our advocacy helped push the Illinois Department of Public Health (IDPH) to prioritize incarcerated people in the rollout of COVID-19 vaccine distribution.

### **RECORD NUMBERS OF JUDICIAL VOTERS**

Although more than 90% of the people incarcerated in Cook County Jail are Black or Latine, the judiciary is overwhelmingly white; in 2018, more than 70% of judges were white and 59% were men. For over a decade, Chicago Appleseed has worked to educate hundreds-of-thousands of voters on the election and selection process for the Illinois judiciary to help improve the quality and diversity of the bench. In 2020, some of that work paid off when votes for judicial ballots in Cook County were cast in historic numbers.

### **CHICAGO POLICE + INCOMMUNICADO DETENTION**

About 33% of the Cook County Public Defender's clients surveyed from April to June 2020 were never offered access to a phone after being arrested; those who did receive a phone call waited over 4 hours on average for access. In December 2020, we conducted a quantitative analysis of over half-a-million Chicago Police Department (CPD) arrest records, which, among other things, showed over 11,000 cases of people apparently held by CPD longer than 36 hours before ever being charged with a crime.

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### 2021

#### **BECOMING THE CENTER FOR FAIR COURTS**

The Chicago Council of Lawyers founded the Fund for Justice in 1970 and in 1997, Fund for Justice began its collaboration with the Appleseed Network as "Chicago Appleseed Fund for Justice." In 2021, we changed our name to Chicago Appleseed Center for Fair Courts to more effectively reflect the mission of our organization.

#### **SAFE-T ACT + ABOLITION OF MONEY BAIL**

Public Act 101-0652, the SAFE-T (Safety, Accountability, Fairness and Equity – Today) Act, created reforms in several areas of the Illinois legal criminal system—many of which Chicago Appleseed had long championed. As a founding member of the Coalition to End Money Bond, we were integral to the passage of Pretrial Fairness Act, which is the piece of the SAFE-T Act that, along with abolishing money bond in 2023, will create a fairer pretrial system.

#### **JOE COLEMAN MEDICAL RELEASE ACT**

The Joe Coleman Medical Release Act allows for the release of medically incapacitated and terminally ill people from Illinois prisons to Medicaid-approved care facilities. We partnered with the Illinois Prison Project to advocate for this compassionate release bill, which addresses the lack of resources the state has to adequately care for the immense number of seriously ill prisoners.

#### **FACTS ABOUT PRETRIAL ELECTRONIC MONITORING**

We published a report, *10 Facts about Pretrial Electronic Monitoring in Cook County*, to help the public understand the impact of house arrest and determine whether it is worth the millions of dollars we spend each year to maintain it. Our findings showed, at the time, that over 8,700 people in Cook County were on electronic monitoring or in the jail, with people being surveilled longer than ever although most people do not violate pretrial conditions.

#### **"SOLUTIONS RATHER THAN OBSTACLES" FOR PARENTS**

Our report, *"Solutions Rather than Obstacles" – An Evaluation of the Hearing Officer Program in Cook County*, showed that the Hearing Officer Program delivers value to the family court system by allowing judges to spend time on complex cases and providing many self-represented litigants the ability to understand, participate in, and quickly resolve cases.

#### **MONITORING THE COVID-19 BACKLOG**

Courtrooms were shuttered for all but limited proceedings due to the COVID-19 pandemic. Courts have started to reopen, but because of the case backlog that existed even prior to the pandemic, this has resulted in delays for litigants, including those incarcerated pretrial. Chicago Appleseed is one of (if not the) only public interest organization looking into the effects and likely aftermath of the court's closure.

### 2022

#### **"SLIPPING THROUGH THE CRACKS" IN DOMESTIC VIOLENCE COURT**

From 2020 to 2022, Chicago Appleseed and the Chicago Council of Lawyers interviewed over 35 attorneys, advocates, service providers, court staff, and judges, and observed 188 court hearings to complete the first comprehensive evaluation of Cook County's Domestic Violence Division. Our findings showed a general disconnect between judges, court staff, and litigants; issues with judicial culture and bias, lack of trauma-informed practice, and training needs; and consistent and pervasive barriers created by the Clerk of the Court's Office.

#### **IMMIGRATION COURT "KNOW YOUR RIGHTS" WORKSHOPS**

We collaborated with immigrant rights organizations in the neighborhoods of Albany Park, Brighton Park, Little Village, Pulaski Park, Ravenswood, and Downtown, and went as far as the northwest suburbs of Chicago (Mount Prospect), to deliver "Know Your Rights" (Conozca Sus Derechos) presentations to community members in English and in Spanish. We were able to provide workshops to a total of 193 participants in and around Chicago.

#### **COMMUNITY COURT-WATCHING PROGRAM**

Throughout our 25-year history, Chicago Appleseed has engaged in court-watching to assist our research and advocacy. In 2022, we created a volunteer-led court-watching program and trained over 150 people to observe courtrooms in Cook County (with another 50+ volunteers scheduled for future trainings). Volunteers observe Cook County Courtrooms as a means to demystify the judicial process, hold judges and other court stakeholders accountable, and help strengthen our research and advocacy. Observations are project-specific, but generally, a court-watcher's purpose in the courtroom is to assess the atmosphere, culture, and character of the courtroom to understand how judges influence the environment.