

April 2009 Volume LV Number 10



*May, 2009*

# *The Lawyer*

BY DAN WILLIAMS

*I think that individual lawyers, and the bar collectively, have a responsibility to maintain the integrity of the institutions before which they practice.*

Prentice H. Marshall

The mentor program initiated by the Supreme Court, and which is being tested here in Winnebago County, is off to a successful start. Initial reports from the participants has been, in general, quite favorable, with helpful suggestions to improve the process. Clearly, the Supreme Court shared Judge Marshall's opinion that more professional and better trained attorneys will assist in promoting the integrity of the court system and the rule of law as an institution. If you are an experienced practitioner and have not already attended one of the mentor training sessions, please plan to do so when the next session is scheduled.

Several months ago, I was in court waiting for my client's case to be called. Ahead of me was a disputed motion which being argued by two attorneys who will be nameless here. There were several other attorneys in the room, as well as a handful of lay people in the gallery. As I observed the ongoing arguments on the motion, I became dismayed and embarrassed by the behavior of the two attorneys as they made their arguments. They regularly interrupted each other, frequently with snide and sometimes insulting comments, spoke over each other (I can't imagine how the remote transcription system will handle that situation), and addressed asides to each other and not the Judge. I thought that I was watching a political talk show. I wish that the Judge had taken stern action to control the lawyers, but did not. I was baffled, both by what I witnessed from the lawyers (could they possibly believe that this was effective advocacy?), but also by the mild admonition of the Judge to the lawyers which failed to result in any appreciable change in their behavior.

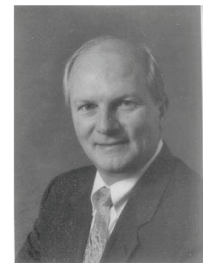
For some reason, inappropriate lawyer courtroom conduct does not seem to cross over to the Federal building. Perhaps there are invisible conduct improvement rays that radiate down upon Elm Street. I sincerely hope that the creation of the panel in pursuit of the Professionalism initiative will have a palliative effect on lawyer conduct.

I am in the category of lawyers who are required to report MCLE hours by July 1. I checked my list of hours twice to be sure that I had already fulfilled my quota, and, in fact, was pleased that I was oversubscribed. Consequently, I have had guilt-free time to ponder the dozens of incoming emails, junk mail, and telephone voice messages from salespeople offering me an unlimited selection of CLE courses before July 1. It seems that the Supreme Court has created its own stimulus package in the

CLE industry and new jobs for telephone securities solicitors who were put out of work last fall.

For those of you disenchanted with the law and considering a new career, I want to alert you to a no muss, no fuss way to obtain another college degree. According to an email I received from someone named (I am not making this up) Adam Billie, a person can obtain "affordable online Bachelors, Masters and Doctorate degrees", featuring "no examination", "no class", and, best of all, "no study." Yes, that's right! A degree based just on "your prior knowledge and life experience", and all "within 7 days"!! Even better, the ad touts "No Experience? No Problem!", so apparently you don't even need life experience to receive a degree based on "prior knowledge and life experience." Does this mean that someone might be able to qualify for a degree simply by claiming that they watch Jeopardy and get some answers correct before the contestants do? At least half of my law school classmates would have qualified for a doctorate in history, English or American literature, and music had this degree been available then. Who knows where they might be and what they might be doing now instead of practicing law? But, if you tend toward the cynical, as I do, pretty soon these "no study" doctoral degree earners might start to show up as retained opinion witnesses, and the number of Frye hearings conducted in our circuit court will begin to increase exponentially. Imagine what Moliere could have written about that scenario.

*Dan Williams is a partner in the firm of McGreevy Williams, P.C. A graduate of the University of Illinois College of Law, he was admitted to the practice of law in Illinois in 1971. He is the 2008-2009 President of the Winnebago County Bar Association.*



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## **CARPENTER'S PLACE WCBA COMMUNITY SERVICE**

The Carpenter's Place is an organization that works with homeless men and women providing the tools for rebuilding their lives. They are located at 1149 Railroad Ave. The Community Service Committee is now serving and providing lunch **on a quarterly basis**. Carpenter's Place is currently serving lunch to 100 homeless guests daily. If you wish to make a contribution to help cover the cost of feeding guests of the Carpenter's Place, please send checks to the WCBF c/o of the Bar Office.

The remaining dates for 2009 are: **June 11, 2009, September 10, 2009 and December 10, 2009.**

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## **WCALS**

The Winnebago County Association of Legal Secretaries will present a mini-seminar on Thursday, May 21, 2009 from Noon to 1:00 P.M. at the law offices of Hinshaw & Culbertson LLP, 100 Park Avenue in Rockford. The speaker will be Anne Elizabeth Helle, the founder and owner of Human Impact Group, Inc., who will speak on "Fine-Tuning Your Communication Skills." Participants will discover the keys to graceful and effective communications. Bring your own lunch; soda and water will be available. Cost for the seminar is \$1.00. Reservation deadline is May 20, 2009. For more information or to make a reservation, please contact Alice Field or Ninette Cooney at 815-968-7591.

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## **WEEKLY E-NEWSLETTER**

The WCBA has begun to send a weekly e-newsletter. **If you are not receiving it we may have an incorrect email address.** Due to convenience and cost we are relying on communicating with our membership via email. Please be sure we have your current email.

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## **CHANGES**

**Michelle Rock** is now the 17<sup>th</sup> Circuit Specialty Courts Administrator/Special Projects. Her address is 400 W. State Street Suite 215, Rockford, IL 61101. Her phone is 815-319-4805, fax 815-963-2755 and email [mrock@co.winnebago.il.us](mailto:mrock@co.winnebago.il.us).

**Gilbert R. Dizon** is with the office of James H. Moore, 416 E. State Street, Rockford, IL 61104. His phone is 815-968-2855, fax is 815-968-3642 and email is [gdizon@jhmllegal.com](mailto:gdizon@jhmllegal.com).

## **CALENDAR JUNE 2009**

- 1 Editorial Board-Noon Bar Office
- 4 Annual Meeting-5:30 p.m. Forest Hills
- 9 Worker's Compensation CLE Noon-Giovanni's
- 11 Community Service serves lunch at Carpenter's Place
- 23 Board of Directors Noon Bar Office
- 26 Arbitrator Training 1:00 p.m. to 4:00 p.m ADR Center

## **JULY 2009**

- 3 Holiday Bar Office closed.
- 6 Editorial Board-Noon Bar Office
- 28 Board of Directors-Noon Bar Office
- 30 Firewatch-Macktown
- 31 Clambake

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## **VOLUNTEER LAWYER HONOR ROLL**

Even in these difficult economic times, the private attorneys who practice in Winnebago County and the surrounding areas, continue to answer the call for pro bono representation to low income individuals in our community! We want to acknowledge and celebrate their involvement in the delivery of legal services to those who cannot afford legal assistance. On behalf of Prairie State Legal Services, **thank you** to the following attorneys who accepted a new case in the month of March.

**Peggy Gerkin, Donald Sullivan, Bernard Natale,  
Bhavika Amin, Craig Willette, Laura Hunt,  
Margaret Kreitlow & Theresa Campbell**

There is always a need for additional attorneys willing to provide pro bono services. Many of you already give generously of your time and expertise. **We invite those not yet involved to give it a try!** Join the many local attorneys who have made the commitment to work with the Volunteer Lawyer Program

Please consider assisting those in our community who are most in need of the legal support only an attorney can provide. Contact **Wendy Crouch, VLP Coordinator** at [wrcrouch@pslegal.org](mailto:wrcrouch@pslegal.org) or by phone at **815-965-2902** for more information.

**SAVE THE DATE!**

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AUGUST 27, 2009  
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AT 12:30 P.M.**

## CRIMINAL

### SUPREME COURT OF ILLINOIS

**People v. Klepper**, \_\_ Ill.2d \_\_ (No. 105719, filed March 19, 2009, Kendall County) Defendant found guilty of disorderly conduct. Direct appeal from the county. Opinion by Chief Justice Fitzgerald.

**FACTUAL BACKGROUND:** Defendant was found guilty of disorderly conduct for making a false report to the police, following a bench trial. These allegations arose in 2006 when the defendant made false claims that a resident of his neighborhood had tried to run him over with a truck. The allegations concerned statement's made in a 911 call and subsequent statement's she made to a police officer. The offense charged was a felony. Defendant was not charged under the statute that classified the making of a false 911 call a misdemeanor.

**SENTENCING AND CONSTITUTIONALITY:** As to sentencing, the defendant argued that these two offenses were identical and that, therefore, there was an unconstitutional disproportionality in imposing a felony sentence for false reports to police. The trial judge agreed and sentenced the defendant to one year of probation under the misdemeanor statute. In this direct appeal to the Illinois Supreme Court, the prosecution did not challenge the sentence imposed but did challenge the judge's ruling as to statutory unconstitutionality. In this decision, the supreme court agreed with the State because the elements of the two offenses are not in fact the same. The circuit court's ruling of unconstitutionality was reversed.

However, the defendant's sentence can stand because either provision allows probation as one of the available options.

### APPELLATE COURT DECISIONS

**People v. Daniels**, \_\_ Ill. App.3d \_\_ (No.2-07-0162-63, filed March 26, 2009, DuPage County) Defendant convicted of burglary and forgery. Opinion by Justice O'Malley.

**MANDATORY SUPERVISED RELEASE:** Although *Whitfield*, \_\_ 217 Ill.2d \_\_ (2005) requires only substantial compliance with Rule 402, the defendant was not adequately informed of the imposition of the MSR term where, prior to accepting the pleas, the court noted the minimum and maximum and that an MSR term applies. In stating the specific terms of the plea agreement, the State didn't include the MSR term. The court relied it's holding in *Mendez* 387 Ill.App3d311 (2008), that the information regarding the MSR term has to be lined to the defendant's plea. The court also rejects any implication in *Jarrett* 372 Ill.App3d 344 (2007) that including this information at the time sentence is pronounced would suffice. Since the defendant already received minimum terms, his sentence could not be reduced *ala Whitfield* and he would be allowed to withdraw his pleas.

**People v. Lynn**, \_\_ Ill.App3d \_\_ (No.04-07-0923, filed February 27, 2009) Defendant convicted of aggravated DUI. Opinion by Justice Steigmann.

**EVIDENCE - Breathalyzer Test-** The Fourth District rejected defendant's assertion that the trial court erred by admitting evidence of the civil penalties imposed for refusing to submit to a Breathalyzer test. Declining to follow the Second District's decision in *City of Rockford v. Elliott* 308 Ill.App3d 785 (1999) the Fourth District concluded that the prejudicial effect of admitting evidence regarding the civil penalties imposed for refusing to submit to a Breathalyzer test does not substantively outweigh its probative value. Defendant failed to specify how he was prejudiced by the admission of such evidence other than relying on the *Elliott* court's decision that such evidence was prejudicial.

The Fourth District also rejected defendant's claim that he had a right to refuse to submit to a Breathalyzer test. A person arrested for DUI has no constitutional or statutory right to refuse to submit to a Breathalyzer test.

**EVIDENCE - Cross Examination:** The trial court did not improperly admit evidence that the arresting officer did not routinely arrest everyone he stopped because defense counsel opened the door when he cross-examined the arresting officer regarding the number of stops he had made since defendant's arrest.

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***People v. Angarola***, 387 Ill.App3d 732(2nd Dist., 2009) Defendant convicted, after a bench trial in DuPage County of two counts of forgery and one count of deceptive practices. Opinion by Justice O'Malley.

Holdings:

- (1.) counsel was not ineffective in conceding guilt of forgery while preserving defense to theft charge;
- (2.) conviction of defendant of both forgery and deceptive practices was precluded under the one-act, one-crime rule;
- (3.) conviction of defendant of both making the forged checks and delivering them was not precluded under the one-act, one-crime rule; and
- (4.) mootness barred post-conviction claim that counsel was ineffective.

This case provides an in depth discussion of the one act/one crime rule and addresses ineffective assistance of counsel and that rule and post-conviction claims. The opinion states that a defendant may be convicted of separate offenses as long as there are multiple acts, their interrelationship does not preclude multiple convictions.

*Lawrence Bauer is the director of the Office of the State's Attorney Appellate Prosecutor-Second District. He is a graduate of the Valparaiso University School of Law. Mr. Bauer was admitted to the practice of law in Illinois in 1976.*



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**BY TOM WARTOWSKI**

Tick...tick...tick... The clock keeps ticking and June 30<sup>th</sup> is rapidly approaching.

While those of us with surnames in the last half of the alphabet scramble to gather the minimum number of required MCLE hours by that date, there's one person who has undoubtedly attended more MCLE classes than anyone else in Winnebago County – and she's not even an attorney!

Holly Nash, WCBA's own Executive Director, estimates that she has attended more than 60 MCLE courses, totaling over 200 hours since the WCBA began offering MCLEs in 2005.

What does Holly have to say about the classes? For instance, which topic was the best attended? Ethics, Holly said.

The least attended? "The ones that weren't scheduled at least a month in advance," she said with a tone of admonishment.

Which speaker appeared to be the most entertaining? Holly couldn't decide between Bill Reilly and Shawn Fulbright. "All of our presenters are very knowledgeable and most of them are very engaging but Bill and Shawn are exceptional. So is Mike Shalbrack. His presentation on IRS Circular 230 is so interesting I don't think I could listen to it too often."

Funniest presenter? No contest: Troy Haggstedt.

"He holds everyone's attention with his humorous experiences with depositions."

Which topic did she find most interesting? "I've still got a soft spot for real estate," Holly notes, "but I can honestly say I found something interesting in every course."

Holly is proud of the work the WCBA and individual presenters and organizers have performed in putting together the various MCLEs. "I believe we are offering quality classes at reasonable prices," she said.

The MCLEs provide members with updated information on various areas of the law not only to the practitioners within those areas but also to those in practicing in other specialties. And for those practitioners in the area being lectured, the MCLE offers an opportunity to raise issues or pose questions of an expert in the field.

The social aspect of MCLEs is an unintended consequence of MCLEs, Holly said. "These classes give attorneys the chance to socialize in a smaller circle and meet others with a common interest."

The bottom line, of course, is the bottom line. MCLEs are also a profit center for the WCBA and now represent a major source of income that reduces the pressure to raise revenue solely from membership dues.

So, what does MCLE stand for?

From Holly Nash's perspective, it stands for **MAXIMUM** Continuing Legal Education.



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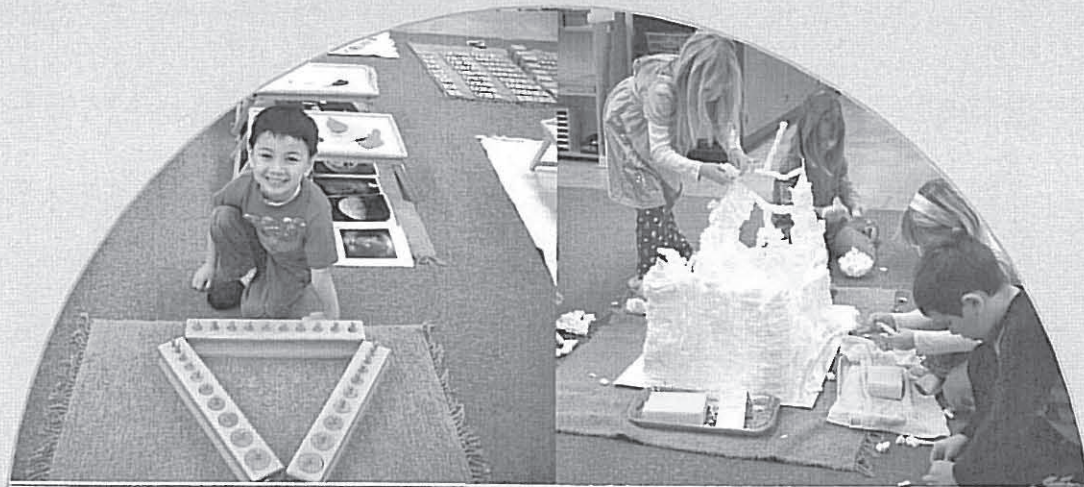
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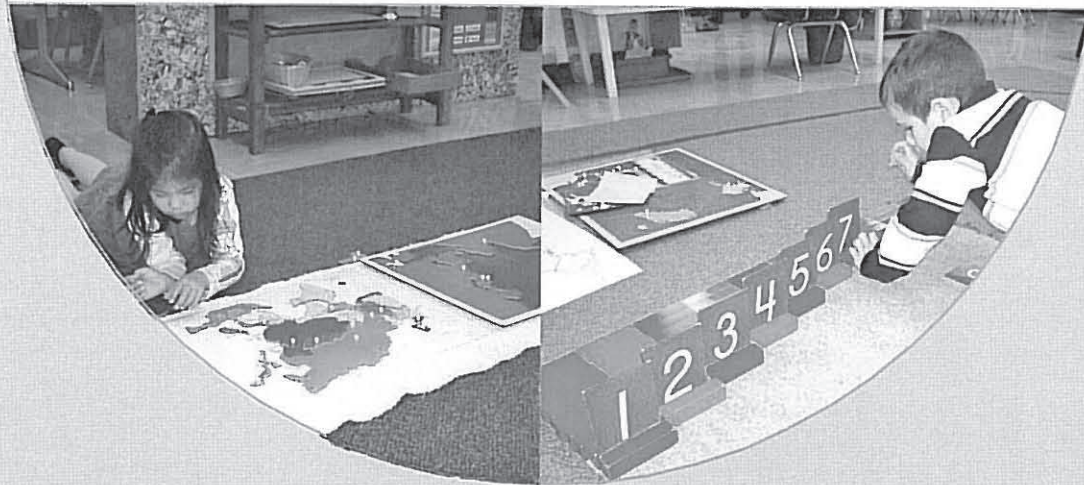
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# TWO INTERESTING VISITS TO THE WINNEBAGO COUNTY COURTHOUSE LEGAL SELF-HELP CENTER

by Susan K. Riege, J.D., L.L.M.

## *Preface:*

This is a two-part article. Part I appears below. Part II will be published in the next issue of *The Lawyer*. I hope that readers will gain a better understanding of The Winnebago County Legal Self-Help Center's purpose and operation as a result of having read and reflected upon this two-part article. I would like to give special thanks to Deputy Court Administrator Tom Jakeway and Winnebago County Courthouse Legal Self-Help Navigator Barbara Wells for their assistance to me in researching the article.

## *Part I: An Introduction to the Winnebago County Courthouse Legal Self-Help Center*

At our most recent meeting, we members of the *The Lawyer* Editorial Board decided that an article about the Winnebago County Courthouse Legal Self-Help Center (the Center) would be informative for our readers. When I volunteered to prepare the article, I knew absolutely nothing about the Center. Our editor, attorney Paul Carpenter, suggested that I contact Deputy Court Administrator Tom Jakeway to find out more about the Center. Mr. Jakeway was kind enough to consent to be interviewed. I visited him at the courthouse. He spent considerable time explaining the concept of the Center to me. He also provided me with some introductory information about the Center's debut. At the end of our interview, he gave me some written information about the Legal Self-Help Center. He also took me on a tour of the Center and explained briefly its various resources. At that time, I also met Ms. Barbara Wells, Legal Self-Help Center Navigator, who helps those who use the Center understand how to utilize its resources. Last week, I returned to the Center to peruse its collection of legal forms, explore its computer resources, and obtain a greater feel for how it works. At that time, I spoke quite extensively with Ms. Wells about her role at the Center. She also helped me understand more about how the Center functions and what specific kinds of legal information it makes available to the public.

After talking to Mr. Jakeway and Ms. Wells, I became convinced that residents of Winnebago County are really quite fortunate to have the Center. The need for it was, and is, very real. The Center opened in May, 2007. Initially funded by two grants from, respectively, the Illinois Equal Justice Foundation and the Community Foundation of Northern Illinois, the Center's purpose, according to the May 9, 2007 Seventeenth Judicial Circuit press release announcing its opening is "to provide legal information to individuals who are not able to retain the services of an attorney for representation in court." The *raison d'être* behind the Center's creation was further explained in that press release by Joe Dailing, Executive Director of the Illinois Coalition for Equal Justice, as

follows: "While the Legal Self-Help Center is not a substitute for representation for an attorney, the reality is that many individuals show up in court unrepresented. Most of those people have few or no resources to hire counsel. They attempt to navigate the court system on their own without correct information and with an often incomplete understanding of the workings of the court system. The Legal Self-Help Center will make available correct and current information on Illinois law and court proceedings in less complex, largely civil, legal matters."

When I visited the Center, no members of the public happened to be using it to prepare their cases but the statistics Mr. Jakeway and Ms. Wells have kept on the public's use of the Center demonstrate clearly that it is used frequently by Winnebago County residents. Increasingly, moreover, they have found, the people the Center serves come from all walks of life. The drive to establish the Center began over a year before its opening when the Seventeenth Judicial Circuit Court and the Winnebago County Circuit Clerk agreed to make a joint-effort to make the Center a reality. The original goal, according to the May 9, 2007 Seventeenth Judicial Circuit press release quoted above, was to "centralize, relocate, and make more accessible legal resources available to the public in the Circuit Clerk's Office." Among the other organizations working in collaboration to help make the Center a reality were Prairie State Legal Services, the Illinois Coalition for Equal Justice, Illinois Legal Aid Online, the Zeke Giorgi Legal Clinic and the Winnebago County Bar Association. The Illinois Equal Justice Foundation played a key role in the Legal Self-Help Center's creation. The Illinois Equal Justice Foundation (the Foundation) has an interesting origin. The Foundation established by the Illinois General Assembly and receives its funding from it. Its purpose is to provide legal information to lower income individuals through nonprofit legal organizations. The Foundation provided a \$35,300 start-up grant award for the express purpose of funding the Winnebago County Self-Help Center (the Center) was sent to Prairie State Legal Services.

At the opening ceremony for the Center, then-Chief Judge Kathryn Zenoff emphasized the importance of the Legal Self-Center for Winnebago County in her remarks to the audience. Thus, she stated, "We are particularly pleased that Winnebago County has been selected as the first site in the state outside of Cook County for this new generation of internet-based legal self-help centers." Chief Judge Zenoff also stated in her remarks that the Center's initial focus would be to provide victims of domestic violence with access to a computer-based automated system that would assist them in completing

their court forms. The computer's specially designed program asks users simple interview questions that facilitate their filling out the forms correctly. Upon completion of the computer interview, Chief Judge Zenoff said, the domestic violence victims would be able to produce the necessary legal forms "with the push of a button." As time is often of the essence in domestic violence matters, the Center's computer programs were able to be a big help to both the victims of domestic violence and to the courts. Domestic violence victims were not the only intended beneficiaries of the Center's resources, however. The Center's target clientele was actually much broader. Thus, the ultimate goal of the Legal Self-Help Center, in Judge Zenoff's words, was to "improve the administration of justice and make the courts more accessible to those individuals who are forced to represent themselves in court." (May 9, 2007 Seventeenth Judicial Circuit Press Release)

Ms. Wells' official job title, as stated above, is Winnebago County Legal Self-Help Center Navigator. Her job is to help people understand how to use the Center's resources. The Center currently has two computers and a printer. It also has legal forms and notebooks containing instructions for the forms, an overview of the legal system, and a little bit about the relevant substantive and procedural law. Currently, the WAVE (Working Against Violent Environments) courthouse office has its own computer and printer and is staffed by professionals trained in helping victims of domestic violence. It was my impression that WAVE staff, rather than the Center, now are more frequently the ones to help domestic violence victims fill out their court forms. Sometimes, however, the Center does assist in that.

The Center computers are loaded with Microsoft Office applications as well as programming supplied by Illinois Legal Aid Online and the Seventeenth Judicial Circuit. The information provided is purposely geared towards those who must appear in court in Winnebago County. Having Microsoft Office applications on the computers is really beneficial. Sometimes even attorneys come to the Center to use the computer's resources when pressed for time. Boone County has its own Legal Self-Help Center which opened last year. When I visited the Center, I listened briefly to the computer-loaded introduction to the Seventeenth Judicial Circuit court system and the legal information available on the Center's computers given by now-Chief Judge Janet Holmgren. I also listened to information about how to fill out the various legal forms. It was my impression that the narrated self-help guides to the legal system provided by the Legal Self-Help Center's computer program ask the type of questions that an attorney would ask during an initial consultation. That is done so that a user can be guided to the correct legal forms for their legal matter and have some general idea of their legal rights and obligations.

Where is the Center located? Currently, it is located in a small room at the left hand side of the Circuit Clerk's Office, which is located in Room 101 of the first floor of the Courthouse. According to Mr. Jakeway and Ms. Wells, however, it will be moved to inside the Winnebago County Law Library before too long. Both times I visited the Center, Ms. Wells was there. It was only the second time I visited the Center, however, that I realized just how vital a role Ms. Wells plays in the smooth functioning of the Center. She truly does help one 'navigate' through the Center's resources. It was Ms. Wells, too, that told me that the Center's funding now is included within the Winnebago County Law Library's budget. Whenever she has a question or concern, Ms. Wells is able to turn to Deputy Court Administrator Jakeway and Winnebago County Courthouse Law Librarian Brian Buzzard for assistance. She works a substantial number of hours at the Center. Her hours are from 9:00-4:00 Monday-Friday and from 8:00-3:00 on Friday. Ms. Wells explained well to me how the Center is organized and was professional in demeanor. As I was curious, I asked her what type of training she had for this position. She told me that she has paralegal training. She also has a business management degree. Both help her in helping the Center function well, she told me. Her primary roles, as the Center navigator she told me, are to assist people in using the computers and to explain to them exactly how the wide range of legal forms the Center has available are number-coded and matched to the notebooks which explain the directions for filling out the forms.

I asked Ms. Wells whether she finds working at the Legal Self-Help Center fulfilling. She does as she likes to help people and has always had a passion for the law. As the Center is quite small, however, sometimes it is hard for her to effectively help the people who come to use it as the Center has only two computers and minimal seating. Of course, people utilizing the Center's forms can sit outside the Legal Self-Help Center room in the Winnebago County Clerk's office at the tables and chairs the Clerk's office provides for record reviewing. In our conversation, Ms. Wells stressed to me above all that the Center provides only legal information to the public *not* legal advice. To emphasize that point, she showed me the two framed posters on the wall of the Center. She regularly has Center users read it who try to seek legal advice from her. One poster reads, "**HELP yourself. We CAN give legal information, show you to use the website, explain how the court works, explain where to file court papers, show you how to find a lawyer, and answer general questions.**" Winnebago County LEGAL SELF-HELP CENTER. " The other reads, "**HELP yourself. We**

**CANNOT give legal advice, tell you what problem(s) to bring before the court, tell you what remedy to seek, talk to the judge for you, go to court with you, tell you what to say in court. Winnebago County LEGAL SELF-HELP CENTER.**” It is really crucial, both Mr. Jakeway and Ms. Wells told me, that Center users understand the full implications of the posters’ statements. I asked her whether she thought the public understood the distinction between legal advice and information. Her response was to reverse the question and ask me. Did I think that the general public would really understand the distinction? Thinking back to the mindset of clients I helped when I did a social work field placement in the intake department of a multidisciplinary health care facility, I told her that I doubted that they’d grasp the distinction. I asked her again whether she thought people using the Center understood the distinction. In her opinion, often times they do not even after the difference has been explained to them.

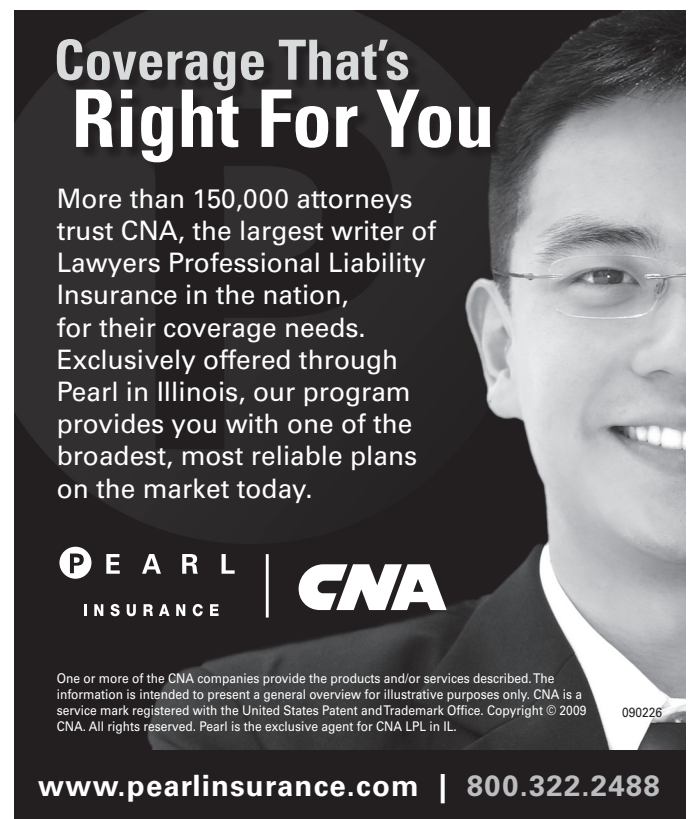
I also asked Ms. Wells whether those that utilize the Center are primarily low-income with little education. She told me that increasingly people from all walks of life utilize the Center but that many lower income people do utilize it. What the Center’s clients have in common is the inability or unwillingness to pay for legal representation by counsel. Has the Center been well received in Winnebago County? Generally, yes, Mr. Jakeway and Ms. Wells both told me, although some people are dismayed that it cannot provide legal advice or a wider variety of legal information. They emphasized that there was, and is, a great need for the Center as many residents of Winnebago County simply cannot afford an attorney. Prairie State Legal Services and Northern Illinois University’s Zeke Giorgi Legal Clinic help as many who cannot afford legal services as they can but they are restricted by their mandate in the clients they serve by strict income limit guidelines. They also only handle certain types of cases.

In the course of my own legal studies, I came to realize that many individuals earn too little to truly afford legal services but too much to qualify for help from nonprofit legal assistance organizations. For many years, unfortunately, the cost of attorney representation has been beyond the reach of even most of the working poor and lower middle class. Many young adults, disabled and elderly also figure among those that cannot afford traditional legal services. Since the recession began, even more people are unable to afford legal services. Indeed, the Illinois Coalition for Equal Justice has started working with five other court jurisdictions throughout Illinois to establish additional model self-help centers for lower income individuals. The need is great.

Why should our legislature and court system have to foot the bill for providing legal self-help centers to the public, some members of the public and the legal

profession ask, when lawyers are required to do *pro bono* work and organizations like Prairie State Legal Services already help the poorest of the poor who have a critical need for legal help? The principles of equal justice for all and the right to due process are enshrined in our nation’s legal heritage and guaranteed by the U.S. Constitution’s Fifth Amendment Due Process Clause and the Fourteenth Amendment’s Due Process and Equal Protection of the Law Clauses. Specifically, the Fifth Amendment Due Process Clause reads, in pertinent part, “Nor shall [any person] be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.” Providing due process of law to all is not optional but obligatory. So is providing equal justice under law. Thus, the Fourteenth Amendment’s Due Process Clause reads in pertinent part, “nor shall any State deprive any person of life, liberty or property, without due process of law.” Its Equal Protection under the Law Clause reads: “nor deny to any person within its jurisdiction the equal protection of the laws.” These constitutional mandates cannot, in practice, just be hollow words. In other words, just providing equal access to the legal system in the abstract, however, does not satisfy constitutional due process and equal protection under the law requirements.

(Continued Page 16)



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This training seminar is open to all attorneys interested in becoming an arbitrator in the 17<sup>th</sup> Judicial Circuit (Boone and Winnebago Counties) court-annexed mandatory arbitration program and who qualify according to Supreme Court Rule 87 and Local Rule 2(a). *Attorneys who want to gain additional knowledge concerning the operation of the arbitration system may also attend.*

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BAR ASSOCIATION  
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The following persons were nominated for positions for 2009-2010

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Second Vice-President Tom Laughlin

Secretary Brendan Caver

Assistant Treasurer Chantel Bielskis

**Directors:**

Three year term Paul Carpenter

Three year term Dana Hughes

Three year term Troy Haggstad

**Bar Foundation Directors:**

Three year term Shawn Fulbright

Three year term Sherry Harlan

Respectfully submitted Bruce Ross-Shannon, Nominating Committee Chair



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**SELF HELP CENTER**  
 (Continued from Page 13)  
 In Part II of this article, which will be published in the next issue of *The Lawyer*, we will consider the Center's success in helping Winnebago County satisfy its responsibilities to help Winnebago County residents of limited means achieve meaningful access to the court system. We will also discuss in greater depth the organization and function of the Center.



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