



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2076

Introduced 2/14/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.708 new

Creates the Public Interest Attorney Assistance Act to encourage qualified individuals to enter into and continue in employment in this State as assistant State's Attorneys, assistant Public Defenders, civil legal aid attorneys, Illinois assistant Attorneys General, and assistant Public Guardians. Provides that the Illinois Student Assistance Commission shall establish and administer the Public Interest Attorney Loan Repayment Assistance Program for the primary purpose of providing loan repayment assistance to practicing attorneys to encourage them to pursue careers as public interest attorneys. Provides for the distribution of funds in the form of a forgivable loan. Sets forth provisions concerning the application process, eligibility requirements, the maximum amount of assistance, and prioritization. Amends the State Finance Act to create the Public Interest Attorney Loan Repayment Assistance Fund. Effective immediately.

LRB095 18301 RCE 44385 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public interest attorneys.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Public
5 Interest Attorney Assistance Act.

6 Section 5. Legislative findings. The General Assembly
7 finds the following:

8 (1) Equal access to justice is a basic right that is
9 fundamental to democracy in this State, and the integrity
10 of this State and this State's justice system depends on
11 protecting and enforcing the rights of all people.

12 (2) Equal access to justice is an integral part of the
13 general public welfare.

14 (3) Vulnerable citizens of this State are unable to
15 protect or enforce their rights without legal assistance
16 from public interest attorneys.

17 (4) Practicing attorneys increasingly are unable to
18 continue in public interest attorney positions because of
19 high student loan debt.

20 (5) Assisting public interest attorneys with loan
21 forgiveness is a major step toward ensuring quality legal
22 representation for this State's most vulnerable citizens.

23 (6) The collection and distribution of funds under this

1 Act promotes equal access to justice and is in the public
2 interest.

3 (7) The use of funds for the purposes prescribed by
4 this Act is consistent with providing equal access to
5 justice.

6 Section 10. Purpose. The purpose of this Act is to
7 encourage qualified individuals to enter into and continue in
8 employment in this State as assistant State's Attorneys,
9 assistant Public Defenders, civil legal aid attorneys,
10 Illinois assistant Attorneys General, and assistant Public
11 Guardians and to protect and enforce the rights of this State's
12 most vulnerable citizens.

13 Section 15. Definitions. For the purposes of this Act:

14 "Assistant State's Attorney" means a full-time employee of
15 a State's Attorney in Illinois or State's Attorneys Appellate
16 Prosecutor who is continually licensed to practice law and
17 prosecutes or defends cases on behalf of the State or a county.

18 "Assistant Attorney General" means a full-time employee of
19 the Illinois Attorney General who is continually licensed to
20 practice law and prosecutes or defends cases on behalf of the
21 State.

22 "Assistant Public Defender" means a full-time employee of a
23 Public Defender in Illinois or the State Appellate Defender who
24 is continually licensed to practice law and provides legal

1 representation to indigent persons, as provided by statute.

2 "Assistant Public Guardian" means a full-time employee of a
3 Public Guardian in Illinois who is continually licensed to
4 practice law and provides legal representation pursuant to
5 court appointment.

6 "Civil legal aid" means free or reduced cost legal
7 representation or advice to low-income clients in non-criminal
8 matters.

9 "Civil legal aid attorney" means an attorney who is
10 continually licensed to practice law and is employed full time
11 as an attorney at a civil legal aid organization in Illinois.

12 "Civil legal aid organization" means a not-for-profit
13 corporation in Illinois that (i) is exempt from the payment of
14 federal income tax pursuant to Section 501(c)(3) of the
15 Internal Revenue Code, (ii) is established for the purpose of
16 providing legal services that include civil legal aid, (iii)
17 employs 2 or more full-time attorneys who are licensed to
18 practice law in the State of Illinois and who directly provide
19 civil legal aid, and (iv) is in compliance with registration
20 and filing requirements applicable pursuant to the Charitable
21 Trust Act and the Solicitation for Charity Act.

22 "Commission" means the Illinois Student Assistance
23 Commission.

24 "Committee" means the advisory committee created under
25 Section 20 of this Act.

26 "Eligible debt" means outstanding principal, interest, and

1 related fees from loans obtained for undergraduate, graduate,
2 or law school educational expenses made by government and
3 commercial lending institutions or educational institutions.
4 The term 'eligible debt' does not include loans made by a
5 private individual or family member.

6 "Program" means the Public Interest Attorney Loan
7 Repayment Assistance Program.

8 "Public Interest Attorney" means an attorney who is an
9 assistant State's Attorney, assistant Public Defender, civil
10 legal aid attorney, assistant Attorney General, or assistant
11 Public Guardian in Illinois.

12 "Qualifying employer" means (i) an Illinois State's
13 Attorney or State's Attorneys Appellate Prosecutor, (ii) an
14 Illinois Public Defender or the State Appellate Defender, (iii)
15 an Illinois civil legal aid organization, (iv) the Illinois
16 Attorney General, or (v) an Illinois Public Guardian.

17 Section 20. Public interest attorney loan repayment
18 assistance program.

19 (a) The Commission shall establish and administer the
20 Program for the primary purpose of providing loan repayment
21 assistance to practicing attorneys to encourage them to pursue
22 careers as public interest attorneys to protect and enforce the
23 rights of this State's most vulnerable citizens. The Commission
24 shall create an advisory committee composed of representatives
25 from organizations with relevant expertise, including one

1 person from each of the following:

- 2 (1) The Illinois State's Attorneys Association.
- 3 (2) An office of the Public Defender in Illinois.
- 4 (3) An office of a Public Guardian in Illinois.
- 5 (4) The Office of the Illinois Attorney General.
- 6 (5) The Illinois Coalition for Equal Justice.
- 7 (6) The Chicago Bar Association.
- 8 (7) The Illinois State Bar Association.
- 9 (8) A public law school in this State.

10 (b) The Public Interest Attorney Loan Repayment Assistance
11 Fund is created as a special fund in the State treasury. The
12 Fund shall consist of all moneys remitted to the Commission
13 under the terms of this Act. All money in the Fund shall be
14 used, subject to appropriation, by the Commission for the
15 purposes of this Act.

16 (c) Subject to the availability of appropriations and
17 paragraphs (d), (e) and (f), the Commission shall distribute
18 funds to eligible applicants.

19 (d) The Commission is authorized to prescribe all rules,
20 policies, and procedures necessary or convenient for the
21 administration of the Program and all terms and conditions
22 applicable to payments made under this Act. This shall be done
23 with the guidance and assistance of the Committee.

24 (e) The Commission shall administer the Program,
25 including, but not limited to establishing and implementing the
26 following:

1 (1) An application process. Subject to the
2 availability of appropriations, the Commission shall, each
3 year, consider applications by eligible public interest
4 attorneys for loan repayment assistance under the Program.

5 (2) Eligibility requirements. The Commission shall, on
6 an annual basis, receive and consider applications for loan
7 repayment assistance under the Program if the Commission
8 finds that the applicant:

9 (i) is a citizen or permanent resident of the
10 United States;

11 (ii) is a licensed member of the Illinois Bar in
12 good standing;

13 (iii) has eligible debt in grace or repayment
14 status; and

15 (iv) is employed as a public interest attorney with
16 a qualifying employer in Illinois.

17 (3) A maximum amount of loan repayment assistance for
18 each participant, which shall be \$6,000 per year, up to a
19 maximum of \$30,000 during the participant's career.

20 (4) Prioritization. The Commission shall develop
21 criteria for prioritization among eligible applicants in
22 the event that there are insufficient funds available to
23 make payments to all eligible applicants under this Act.
24 The prioritization criteria shall include the timeliness
25 of the application, the applicant's salary level, the
26 amount of the applicant's eligible debt, the availability

1 of other loan repayment assistance to the applicant, the
2 applicant's length of service as a public interest
3 attorney, and the applicant's prior participation in the
4 Program.

5 (f) The distribution of funds available after
6 administrative costs shall be made by the Commission to
7 eligible public interest attorneys in the following manner:

8 (1) Loan repayment assistance must be in the form of a
9 forgivable loan.

10 (2) To have the loan forgiven, the participant shall
11 (i) complete a year of employment with a qualifying
12 employer and (ii) make educational debt payments (interest
13 or principal or both) that equal at least the amount of
14 assistance received under the Program during the
15 assistance year.

16 (3) Each loan shall be documented by means of a
17 promissory note executed by the borrower in a form provided
18 by the Commission and shall be forgiven when an eligible
19 participant meets the requirements set forth by the
20 Commission.

21 Section 25. Ineligibility and termination of funds;
22 procedures.

23 (a) If a participant becomes ineligible during the term of
24 a loan, he or she must repay the outstanding amount of any loan
25 received from the Commission.

1 (b) The Commission may in its discretion forgive the loan
2 of a participant in whole or in part in certain circumstances
3 as set forth in its written policies and guidelines.

4 Section 30. Other powers. The Commission may make, enter
5 into, and execute contracts, agreements, leases, and other
6 instruments with any person, including without limitation any
7 federal, State, or local governmental agency, and may take
8 other actions that may be necessary or convenient to accomplish
9 any purpose authorized by this Act.

10 Section 90. The State Finance Act is amended by adding
11 Section 5.708 as follows:

12 (30 ILCS 105/5.708 new)

13 Sec. 5.708. The Public Interest Attorney Loan Repayment
14 Assistance Fund.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.