



Improving Access to Justice in the Northern District of Illinois With Residual Funds in Federal Court Class Action Cases

Support Pro Bono, Legal Aid and Access to Justice in the Chicago Area

- Federal courts in Chicago can advance this goal by directing awards of residual funds to The Chicago Bar Foundation (CBF) or one or more of the many outstanding pro bono and legal aid organizations the CBF supports. A list of CBF-supported organizations appears on the reverse side of this fact sheet, along with information about other organizations providing similar services outside of Cook County.
- In addition to the CBF being an effective vehicle where the court can support all of the major pro bono and legal aid organizations serving the Chicago area, *cy pres* awards enable the CBF to provide ongoing support for a number of successful projects right here in the Northern District.
- Among the federal court projects that *cy pres* awards have made possible and continue to support through the CBF are the Hibbler District Court Pro Se Program and the Bankruptcy Court Help Desk. These awards also provide support for the Settlement Assistance Program, through which pro bono attorneys represent pro se litigants in settlement conferences in federal cases, and help make it possible for the CBF to provide steady support for the major pro bono and legal aid organizations that serve clients in federal court and many other related initiatives that improve access to the courts.

Awards of Residual Funds in Class Actions, or *Cy Pres* Awards, are a Recognized and Proven Way to Promote Access to Justice for the Growing Number of People in Need

- Federal courts in Illinois and elsewhere in the country have long recognized that under the *cy pres* doctrine, courts can distribute these residual funds to appropriate charitable causes, including pro bono and legal aid organizations and related access to justice initiatives.
- As the District Court has recognized in dozens of cases over the past 12 years, awarding residual funds in class action settlements or judgments to organizations that improve access to justice for low-income Illinoisans is an appropriate use of the *cy pres* doctrine, as one underlying premise for all class actions is to make access to justice a reality for Illinois residents who otherwise would not be able to obtain the protections of the justice system.
- In addition to a large body of case law supporting the use of *cy pres* awards to advance access to justice, Illinois is one of a growing number of states that have adopted statutes or court rules at the state level codifying the principle that organizations which promote legal aid and access to justice are always an appropriate use for residual funds in class action cases. *See* 735 ILCS §5/2-807. While not binding in federal court, the Illinois statute is persuasive authority, and along with similar statutes and rules in other states underscores that legal aid/access to justice is distinct from other charitable causes far unconnected from the interests of the class members that have drawn concerns from the courts and some commentators.

***Cy Pres* Awards Help Close the Huge Gap in Access to our Justice System**

- *Cy pres* awards have proven to be one of the best means available to help thousands of people in need get access to critical legal assistance, helping to expand the capacity of the pro bono and legal aid system and providing the “venture capital” for a number of groundbreaking access to justice initiatives in the Northern District and in the state courts.

For more information about how you can make an impact by directing an award of *cy pres* or residual funds to advance access to justice, contact Bob Glaves of The Chicago Bar Foundation at (312) 554-1205 or bglaves@chicagobar.org.

**Class Action Residual Funds To Promote Access to Justice:
Qualifying CBF-Supported Pro Bono and Legal Aid Organizations****

The following pro bono and legal aid organizations receive organizational support grants from The Chicago Bar Foundation, and thus have been carefully vetted through a comprehensive grant review process. Awards of residuals funds to The Chicago Bar Foundation and to any of the organizations listed below alphabetically can help advance access to justice in the Chicago area. (For those organizations where CBF support is limited to a specific project--noted in italics--only awards that support that particular project would qualify). More information on each of these organizations is available on the CBF website, www.chicagobarfoundation.org.

Access Living – *Legal Services Department*
AIDS Legal Council of Chicago
Cabrini Green Legal Aid (CGLA)
CARPLS (Coordinated Advice & Referral Program for Legal Services)
Catholic Charities of the Archdiocese of Chicago – *Legal Assistance*
Center for Conflict Resolution (CCR)
Center for Disability & Elder Law (CDEL)
Center for Economic Progress – *Tax Clinic*
Centro Romero – *Latin American Legal Assistance Services*
Chicago Alliance Against Sexual Exploitation
Chicago Coalition for the Homeless – *Law Project*
Chicago Lawyers' Committee for Civil Rights Under Law/ The Law Project
Chicago Legal Clinic (CLC)
Chicago Volunteer Legal Services (CVLS)
Domestic Violence Legal Clinic (DVLC)
Equip for Equality
The Family Defense Center
First Defense Legal Aid (FDLA)
Illinois Legal Aid Online (ILAO)
Indo-American Center – *Citizenship & Immigration Services*
James B. Moran Center for Youth Advocacy
LAF
Latinos Progresando – *Immigration Legal Services*
Lawndale Christian Legal Center
Lawyers' Committee for Better Housing (LCBH)
Lawyers for the Creative Arts (LCA)
Legal Aid Society of Metropolitan Family Services (LAS)
Life Span – Center for Legal Services & Advocacy
National Immigrant Justice Center (NIJC)
The Roger Baldwin Foundation of the ACLU – *Children's Initiative*
Sargent Shriver National Center on Poverty Law
Uptown People's Law Center
World Relief - Chicago – *Immigrant Legal Services*

***** The organizations on this list represent the major pro bono and legal aid organizations providing services in Cook County, but this is not an exclusive list of the organizations that promote access to justice for Illinois residents. In addition, there are several legal aid organizations providing services outside of Cook County, including Prairie State Legal Services, Land of Lincoln Legal Assistance Foundation, DuPage Bar Legal Aid Service, ElderCare Options (Decatur), the Immigration Project (Normal), and Dispute Resolution Institute (Carbondale). The Illinois Bar Foundation also provides funding for these services throughout the State.***