
**DON'T DIS' THE SMALL STUFF
OR
HOW ATTORNEYS CAN ACHIEVE SOCIAL
JUSTICE IN TEN MINUTES A DAY**

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INTRODUCTION

Social justice has traditionally been viewed as big work for big causes with big results. Achieved only through impact litigation or groundbreaking legislation, social justice demands teams of lawyers and thousands of hours, takes years to resolve or pass and benefits entire classes of people. However, in most cases, social justice cannot be fully realized until people are able to access the legislation and case law enacted to protect them. And, in most cases, they need attorneys to help them do that. All too often, low-income people cannot afford that critical representation. Attorneys, however, can resolve this dilemma with the investment of very little time by handling simple *pro bono* cases. Most lawyers will never have the opportunity to work on landmark legislation or litigation. However, by spending just ten minutes a day handling a *pro bono* case, every attorney can achieve social justice.

THE UNMET LEGAL NEEDS OF LOW-INCOME INDIVIDUALS

In 1972, the United States Supreme Court ruled that unwed father, Peter Stanley, had the same constitutionally protected

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parental rights as his children's mother, Joan.¹ Because the state did not automatically remove children from the custody of unwed mothers, it could not summarily deprive him of his children simply because he was not married to their mother. The court concluded that all parents, male and female, are constitutionally entitled to a fitness hearing before their children are removed from their custody. This landmark parental rights case ensured that putative fathers had the same constitutionally protected rights to custody of their children as unwed mothers. Is this social justice?

Yes—at least in cases where the state is a party. If the state seeks to terminate parental rights or to remove children from the custody of a parent, both mothers and fathers now have the right to a fitness hearing, and thanks to subsequent decisions, court-appointed counsel as well.² But, what if the state is not a party to the litigation? What if instead of state action, the mother, or another individual, seeks custody? In that case, neither parent has a right to court-appointed counsel. Parents who fight for custody of their children in civil courts must either retain attorneys on their own or represent themselves. If Peter Stanley were fighting his children's mother in parentage court today, he would have to pay a lawyer to represent him. If he could not afford one, he would have to try to find a legal aid or *pro bono* attorney. Either way, the state would not provide him with a free attorney. Let's assume that Joan and her three children had been living with her mother while she succumbed to a terminal illness and that after Joan's death the grandmother petitioned the court to become guardian of the children. Peter would have the right to appear in court and object to the petition. Illinois law gives parents superior rights to custody.³ However, despite this legal advantage, his custody claim would not

¹ Stanley v. Illinois, 405 U.S. 645, 658 (1972).

² See Lassiter v. Dep't of Soc. Services of Durham County, 452 U.S. 18, 334 (1981); see also In re Adoption of KLP, 763 N.E.2d 741, 754 (2002).

³ In re R.L.S., 844 N.E.2d 22, 29 (2006).

be open and shut. As long as the grandmother could establish a *prima facie* case for guardianship (not improbable given the facts provided in the Supreme Court case), Peter could be forced to litigate the issue.⁴ Although he would obviously have the right to appear with his own attorney, would he, as a practical matter, actually have counsel? Probably not. The Supreme Court opinion makes it clear that Peter could not have afforded to hire an attorney to wage a custody fight.⁵ Peter could have tried to find free legal assistance, but his chances of obtaining it would be slim. Why is the landmark Supreme Court case of *Stanley vs. Illinois* considered social justice, but not the custody case of *Stanley vs. Stanley*?

According to *The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans*, low-income households in Illinois had legal assistance for only one out of every six (16.4%) legal problems encountered in 2003, leaving them without help for more than 1.1 million legal issues.⁶ Furthermore, many people who were financially eligible for free representation could not get it. The report states, "For every person who received free legal assistance, an additional 1.4 people sought help, but were unable to secure any form of legal services – paid or free. In 2003, low-income Illinoisans sought, but did not receive, legal assistance for approximately 140,000 distinct, legal problems."⁷

When faced with a legal problem, most people tried, initially at least, to fix the problem on their own. Although respondents, in fact, tried to resolve the problem by themselves more than twice as often as they sought legal help, self-help often causes its own set of difficulties. Many of the legal problems encountered

⁴ *Id.* at 31.

⁵ *Stanley*, 405 U.S. at 648. Neither can we ignore that in the proceedings from which this action developed. Stanley, unmarried and impecunious as he is, could not now expect to profit from adoption proceedings. *Id.*

⁶ Lawyer's Trust Foundation of Illinois, *THE LEGAL AID SAFETY NET: A REPORT ON THE LEGAL NEEDS OF LOW-INCOME ILLINOISANS*, 1-2 (2004) [hereinafter *LEGAL NEEDS STUDY*].

⁷ *Id.* at 15.

by low-income individuals are complicated and involve court action. Most have “potentially devastating legal consequences.”⁸ Peter’s chances of succeeding in his *pro se* attempt to win custody of his children would be improbable. Unfortunately, his chances of getting free legal counsel would be similarly unlikely. Only 26% of the low-income people who sought assistance were able to get free legal assistance.⁹

So, was social justice achieved when the U.S. Supreme Court confirmed Peter Stanley’s parental rights? Only partially. While the Court recognized Stanley’s rights when facing action by the State, it failed to protect low-income individuals’ need for representation when the State is not a party. Complete social justice cannot exist until people like Peter have equal access to the laws that protect them.

SOCIAL JUSTICE DEMANDS EQUAL ACCESS TO THE LAW

America is a nation of laws. Laws permeate every aspect of American life, from creating and dissolving family relationships, to securing appropriate housing and employment, to establishing a decent standard of living. People access the law when they are born, when they die and at every stage of life in between. People who cannot afford attorneys do not have access to the legislation and case law enacted to protect them. Representing low-income individuals in routine cases constitutes social justice in three ways:

It benefits people. Laws and social justice policies are mere words unless people can make use of them. An attorney achieves social justice when he or she helps one person enforce a protective law or use the court system toward a better end. Social justice is about people—not groups or classes, but people.

⁸ *Id.* at 27.

⁹ *Id.* at 34.

It benefits the courts and our legal system. Courts clogged with *pro se* litigants are inefficient and ineffective and, all too often, unjust. The law and our legal system are designed by and for attorneys. Although the courts are working at becoming user-friendly, they have a long way to go. Attorneys are necessary to keep the courts running smoothly and fairly for everyone, not just the wealthy.

It benefits society. The law is society's greatest stabilizing force. By giving people a forum to seek redress of grievances, it protects all of us from "self-help" remedies, which instigate violence. However, the law is ineffective if one side of a dispute is routinely denied access to seek its protection.

Nearly all attorneys can work toward achieving social justice by representing individuals in routine legal problems. Although most lawyers do not have the time, ability or interest to work on impact matters, every attorney can spend a few minutes a day helping a client *pro bono*. One *pro bono* case per year for a low-income client—whether it is a divorce, a mortgage foreclosure defense or an adoption will help bring about social justice.

Representation of Low-Income Individuals Benefits People

What is social justice anyway? Entire books have been written about this subject, but for the purposes of this article, social justice includes legal efforts to protect society's most vulnerable communities. Social justice includes the protection of racial and ethnic minorities, the elderly, disabled and children, immigrants and people who live on a poverty-level income. In other words, social justice means helping people, particularly ones in a weaker legal position.

People are never more helpless than when they are forced to confront the legal system alone. Too often, low-income people lack the language skills, the education or the financial resources to adequately understand or access the system. They cannot use the law to protect themselves or their families. Although law-

yers are constitutionally guaranteed in criminal cases, the average American needs help in civil matters, like divorce, foreclosure and bankruptcy, all areas of law in which the government does not provide counsel. Without the financial resources to secure counsel or a working knowledge of American jurisprudence to help them navigate the legal system, low-income individuals are, too often, at a disadvantage.

One clear example of this problem is mortgage foreclosure and related real property cases. Mortgage foreclosure fraud is on the rise.¹⁰ As noted by the National Consumer Law Center in its 2005 report, *Dreams Foreclosed: The Rampant Theft of Americans' Homes Through Equity-Stripping Foreclosure Rescue Scams*, homeowners facing foreclosure are by definition short of money and vulnerable.¹¹ Significant numbers of low-income homeowners find themselves at risk of losing their property and their equity in foreclosure lawsuits.¹²

Not every foreclosure case has fraud at its base. Sometimes, the problems are purely economic. Typically, low-income clients run into financial problems for a variety of reasons. A brief lay-off or sudden trip to the emergency room can throw off a to-the-penny budget. Mortgage companies have less patience than they had in the past. These days, a suit to foreclose is often initiated after only one or two missed payments.¹³ Once that happens, added attorneys fees and extra costs convert a formerly manageable debt into one impossible to pay.¹⁴ Clients tend to be unsophisticated. Sometimes, the mortgage company is wrong, and

¹⁰ Josh Funk, *Foreclosure Fraud on Rise: "Helpers" End Up with Title to Home*, CHI. TRIB., Feb. 11, 2007.

¹¹ National Consumer Law Center, *DREAMS FORECLOSED: THE RAMPANT THEFT OF AMERICANS' HOMES THROUGH EQUITY-STRIPPING FORECLOSURE 'RESCUE' SCAMS*, 7 (2005). [hereinafter *FORECLOSED REPORT*].

¹² *Id.*

¹³ U.S. Department of Housing and Urban Development, U.S. Housing Market Conditions, available at <http://www.huduser.org/periodicals/ushmc/fall95/fall95.html> (last visited Aug. 21, 2007).

¹⁴ *Id.*

the client is not, in fact, delinquent, or the delinquency is the result of the lender's error. In other cases, the delinquency is correct, but the client, given time and counsel, would be able to make the payments and regain sound financial footing. In still other cases, the client simply can no longer afford the mortgage, but, aided by an attorney, could sell the home and recover the equity.¹⁵

Then again, not all mortgages are created equal. Some are obtained through fraud. Homeowners may not discover these mortgages until they are served with foreclosure papers.¹⁶ In extreme cases, they do not discover the scam until the sheriff shows up to evict them. According to the National Consumer Law Center, any homeowner who has been paying down a mortgage for years and has significant equity is a potential target for mortgage fraud.¹⁷

Whether homeowners are the victims of predatory behavior or simply harsh economic times, very few individuals have the legal ability to defend themselves. There are no simplified processes or standardized forms in foreclosure cases, the law is complex, and court procedures are intricate. Clients are often unable to understand either the financial records or the complicated legal maneuvers employed by plaintiffs and their attorneys.

In response to the reported increases in fraud cases, attorneys general nationwide are enacting laws to stop the predators and to reform the loan process.¹⁸ In addition, federal truth-in-lending legislation, quiet title suits and other common law remedies are available to help these vulnerable clients.¹⁹ However, laws

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ FORECLOSED REPORT, *supra* note 11, at 7.

¹⁸ Center for Responsible Lending, <http://www.responsiblelending.org/policy/> (discussing all of the national legislation being enacted to prevent predatory lending) (last visited Aug. 22, 2007).

¹⁹ *Id.*

alone will not help people whose homes are in foreclosure unless attorneys are available to represent the homeowners in court. As the National Consumer Law Center noted, “[d]istressed homeowners often cannot pay their attorneys to handle these cases. . . .”²⁰ Attorneys achieve social justice by helping low-income individuals access the laws aimed at providing them with relief.

Representation of Low-Income Individuals Benefits the Courts and the Legal System

Pro se litigants clog the courts and delay justice. Any divorce court judge will admit, at least in an unguarded moment, that *pro se* litigants are the bane of their existence. A joint task force of the Conference of Chief Justices and the Conference of State Court Administrators studied the issue of *pro se* litigants, in depth. The resulting report, issued in 2002, confirmed that “recent increases in the number of self-represented litigants—although limited primarily to family law, small claims and misdemeanor cases—make significant demands on both court resources and on the ability of judicial officers and court staff to provide an opportunity for a fair hearing while maintaining ethical requirements of judicial neutrality and objectivity.”²¹ The report discussed the myriad of procedural and legal barriers that cause problems for lay people and, therefore, for the court system.

Court clerks often find themselves at the forefront of this problem. People who want to file a case or respond to one, expect simple forms and instructions. When those are not available, which is common, they ask the clerks for help. Clerks cannot fill out forms for people or give legal advice. People get angry and frustrated, especially when the clerks reject improper

²⁰ FORECLOSED REPORT, *supra* note 11, at 45.

²¹ Conference of Chief Justices & Conference of State Administrators, FINAL REPORT OF THE JOINT TASK FORCE ON PRO SE LITIGATION, 1-2 (2002).

forms or pleadings. Once a case is initiated or at issue, administrative and procedural errors often create additional paperwork and problems. Service of process is complicated, and a case cannot proceed until service is properly effected. Judges have to decipher complaints or responses in order to determine if allegations meet even a minimum legal standard. Motion practice is confusing, and many *pro se* litigants do not understand legal and court procedures. Discovery offers a minefield of potential problems and more delays. If the case proceeds to trial, judges have to try to juggle the right of the unrepresented party to a fair hearing, against the court's responsibility to be objective and impartial.²²

Although the total number of *pro se* court filings in Illinois is not available, the Illinois Legal Needs Study pointed to evidence that suggests that the number is increasing.²³ The Study pointed to a Chicago Tribune article in 2004, which noted that 2003 *pro se* divorce filings constituted nearly 20% of total filings.²⁴ The study also reported that most self-represented people would prefer to have an attorney and are representing themselves only because they do not have access to a reasonable alternative.²⁵

The complexity of family law cases and the difficulties of *pro se* representation become apparent when dealing with domestic violence situations. The Illinois Domestic Violence Act of 1986 (IDVA) is an example of social justice through legislation.²⁶ The Act's purposes include recognizing "domestic violence as a serious crime against the individual and society which produces family disharmony in thousands of Illinois families . . . and creates an emotional atmosphere that is not conducive to healthy childhood development."²⁷ Another purpose of the Act is to ad-

²² *Id.* at 4.

²³ LEGAL NEEDS STUDY, *supra* note 6, at 105.

²⁴ *Id.* at 105.

²⁵ *Id.* at 108.

²⁶ 750 ILL. COMP. STAT. 60/101.

²⁷ 750 ILL. COMP. STAT. 60/102.

dress related issues such as child custody and economic support, “so that victims are not trapped in abusive situations by fear of retaliation, loss of a child, financial dependence or loss of accessible housing or services.”²⁸

The Act’s primary remedy is a Plenary Order of Protection, which can remain in effect for two years.²⁹ The court can, with this order, award one party exclusive possession of a residence and temporary custody of a minor child. The court can also award a party his or her personal property.³⁰ However, the IDVA does not provide for the termination of a marriage, an award of permanent custody or title to property such as the family home and pensions.

The IDVA is a fairly narrowly drawn statute and was never meant to permanently resolve all of a family’s legal issues. It provides for summary proceedings to protect victims of domestic violence. Victims can walk out of the Domestic Violence Court with a two-year order of protection. The order may include exclusive possession of the family home, temporary custody of the children and temporary support, but only for two years. In order to get a permanent resolution of issues surrounding their children and property, victims have to file for divorce under the Illinois Marriage and Dissolution of Marriage Act or for custody and support pursuant to the Illinois Parentage Act.³¹ And therein lies the problem.

Most people cannot and should not handle their own divorce cases, especially when the case involves custody, visitation, support and property issues, because they are complex. More importantly, the cases often generate incredibly intense, sometimes volatile emotions. Family finances are usually entangled, and even low-income parties may have homes, pensions and non-salaried income issues to discover, understand and divide. Cases

²⁸ *Id.*

²⁹ 750 ILL. COMP. STAT. 60/219.

³⁰ *Id.*

³¹ *Id.*

that include children often bring psychological, medical and educational problems to the table.

This is the area of law that is the most difficult for low-income people to find representation. Statewide, the demand for free or low-cost legal services in contested family law cases far outweighs availability. The Illinois Legal Needs Study reported child custody was the number one problem for which people unsuccessfully sought legal help. Divorce was the third highest while child support and visitation were numbers four and seven, respectively.³²

After the victims leave the domestic violence court with that two-year plenary order of protection, they have to then find an attorney to represent them in a divorce or custody case that will, most likely, take at least a year and involve numerous court appearances. Most victims will not be successful in that search. Is that social justice? What about litigants who need the protection of the divorce or parentage laws but are neither victims nor perpetrators of domestic violence? They cannot get a temporary custody or support order unless they try to navigate the court system on their own. There are many low-income individuals struggling with serious family issues that fall short (often just barely) of violence.

Attorneys are important in family law cases for reasons that go beyond legal and procedural issues. Battered spouses need the protection that attorneys provide. They may not be able to directly confront their abusers in a civil divorce, custody or support case. Cases that do not involve violence also benefit from the objectivity that third-party professionals provide. Attorneys will urge mediation or counseling. They arrange visitation so that parties at war do not have to meet or talk, at least until anger blows over. Children are protected when their parents have detached, trained counsel guiding them. In addition, the presence of an attorney aids the already burdened court system.

³² LEGAL NEEDS STUDY, *supra* note 6, at 42.

Advocates experienced with court procedure handle cases more efficiently, avoiding untimely delays that can substantially impact an individual's rights or access to the law's protections.

Representation of Low-Income Individuals Benefits Society

In 1986, the Chicago City Council passed a landmark law known, informally, as the "Tenants Bill of Rights."³³ Officially called the Residential Landlord Tenant Ordinance, the law defines the rights, duties, obligations and remedies of both property owners and tenants.³⁴ Along with other provisions, this ordinance gives the tenant the right, under certain circumstances, to make minor repairs to the premises and deduct the cost from the next month's rent.³⁵ If a major problem occurs in an apartment, the tenant can legally withhold rent, after appropriate notice is given, if the landlord does not fix the problem in a timely fashion. The tenant can legally pay the reduced value of the apartment as long as the problem is not repaired.³⁶ The ordinance also set out strict provisions regarding security deposits, including the requirement that they be kept in interest-bearing accounts for the benefit of the tenant.³⁷

The ordinance's stated purpose is "to protect and promote the public health, safety and welfare of its citizens, to establish the rights and obligations of the landlord and the tenant in the rental of dwelling units, and to encourage the landlord and the tenant to maintain and improve the quality of housing."³⁸ This reflects the significance of the parallel rights involved in every

³³ CHICAGO, IL, CODE 5 Ch. 12 (1986).

³⁴ *Id.*

³⁵ CHICAGO, IL, CODE 5 Ch. 12 (110)(c).

³⁶ CHICAGO, IL, CODE 5 Ch. 12 (110)(d).

³⁷ CHICAGO, IL, CODE 5 Ch. 12 (080)(a). There are other relevant statutes that provide protection for tenants and landlords in eviction cases, including The Forcible Entry and Detainer Act, 735 ILL. COMP. STAT. 5/9, et seq.; the Retaliatory Eviction Act, 765 ILL. COMP. STAT. 720/1, et seq.; the Condominium Property Act, 765 ILL. COMP. STAT. 605/1, et seq.

³⁸ CHICAGO, IL, CODE 5 Ch. 12 (010).

landlord tenant relationship: the tenant's right to the use and enjoyment of one's home and the landlord's right to control one's property.

These rights are not only important to the individuals involved, but also to society. The protection of the home promotes stability for individuals and families. Children cannot learn or thrive without a stable home. Adults cannot work. Homelessness destabilizes a community. At the same time, landlords have to be able to maintain and protect their property. They need tenants who pay rent. Properties that are vacant or in disrepair endanger communities and erode the tax base.

While the ordinance was meant to guard both sides of this relationship, tenants are less likely to have access to the ordinance's protections. In 2003, the Lawyers Committee for Better Housing published a study of Chicago's eviction court.³⁹ Several significant findings were made. Perhaps the most notable finding was that the average eviction court case lasted one minute and 44 seconds.⁴⁰ In too many cases, the judges did not ask or expect the landlord to establish a *prima facie* case and the tenant was not offered an opportunity to state a defense. The study noted:

Although judges are solicitous in helping landlords establish their *prima facie* cases, if required at all, the eviction court judges do not likewise assist tenants in representing themselves Although tenants were frequently asked whether they paid rent, judges only asked tenants if they had a defense in 27% of the cases monitored.⁴¹

The study also found that the vast majority, as many as 95%, of tenants were unrepresented.⁴² How many of the tenants ob-

³⁹ Chicago-Kent College of Law, Class of 2004 Honors Scholars, NO TIME FOR JUSTICE: A STUDY OF CHICAGO'S EVICTION COURT, 6 (2003) [hereinafter EVICTION COURT STUDY].

⁴⁰ *Id.* at 4.

⁴¹ *Id.* at 16.

⁴² *Id.* at 14.

served by study monitors had defenses to the eviction action? We'll never know because they never had an opportunity to articulate a defense.⁴³

The study showed that tenants with counsel were given continuances more often—32% for represented tenants versus 13% for *pro se* defendants and their hearings lasted nearly three times longer.⁴⁴ These are small differences, but not insignificant. When tenants had attorneys, they had more time before the eviction hearing, and the judge gave them more time at the hearing.⁴⁵

The most disturbing fact of this study, however, is the fact that only five percent of tenants were represented.⁴⁶ Although Chicago's Residential Landlord Tenant Ordinance offers sound protection for tenants, most are not able to take advantage of it. The inability of tenants to access laws passed to safeguard them and their right to enjoy safe, well-maintained homes is not socially just. The study reported:

The very purpose of conducting hearings in eviction cases is to provide tenants with substantive and procedural justice. In so far as procedural justice is concerned, Chicago's eviction courts are nowhere near to achieving their goal.⁴⁷

Society benefits when tenants have attorneys to help them enjoy the protections of Chicago's Residential Landlord Tenant Ordinance and other laws enacted for their benefit.

⁴³ *Id.* at 17. One odd finding of the study was that representation did not protect a tenant from a ruling in favor of the landlord. The most likely explanation was that most cases where tenants had attorneys were settled by agreed orders. *Id.*

⁴⁴ *Id.* at 18.

⁴⁵ *Id.* at 12.

⁴⁶ *Id.* at 13.

⁴⁷ *Id.* at 7.

**ATTORNEYS CAN ACHIEVE SOCIAL JUSTICE IN JUST TEN
MINUTES A DAY**

Despite the significant need for legal representation in low-income communities, attorneys can help combat this problem through the investment of very little time. The American Bar Association recommends that attorneys provide at least 50 hours of *pro bono* legal services annually.⁴⁸ Model Rule 6.1 states that a “substantial majority” of these services should be provided to persons of limited means or to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of such persons.⁴⁹

Fifty hours a year is less than ten minutes a day. That's all it takes to meet the ABA's recommended minimum *pro bono* service guidelines.

What can an attorney accomplish on a mere ten minutes a day? A lot. The average eviction case only takes five or six hours, if that. These cases rarely go to trial and are completed within a few months, at the most. Divorce proceedings may last longer, but they do not necessarily eat up more of an attorney's time over the course of a year. There are a myriad of similar cases that attorneys can handle *pro bono*, which would provide much needed social justice for low-income individuals. Something as simple as an adoption promotes family stability. The defense of a debt collection matter gives a client access to truth-in-lending laws enacted to protect people from unfair creditor practices. Immigration cases, whether simply helping an immigrant family apply for permanent residence, defending a deportation or pursuing an asylum case, is social justice.

On June 14, 2006, the Illinois Supreme Court issued a new rule that requires licensed attorneys to annually report the num-

⁴⁸ American Bar Association, *ABA Model Rule 6.1 Voluntary Pro Bono Publico Service*, available at <http://www.abanet.org/legalservices/probono/rule61.html> (last visited on Mar. 10, 2007).

⁴⁹ *Id.*

ber of *pro bono* hours they perform.⁵⁰ That number can be zero—the rule does not mandate *pro bono*, but attorneys have to report a number, no matter what it is. The rule also requires that they report any financial contribution they make to a *pro bono* or legal services organization.⁵¹

The Illinois Supreme Court Rule defines *pro bono* as “the delivery of legal services or the provision of training without charge or expectation of a fee.”⁵² The rule further states that the legal services may be provided to persons of limited means or to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means. Acceptable *pro bono* service also includes legal services to those same types of organizations in furtherance of their mission and training intended to benefit legal services organizations or lawyers who provide *pro bono* services.⁵³

The Supreme Court went on to further define “limited means” as including not only people with incomes below the federal poverty guidelines, but also the “working poor.”⁵⁴ Many legal problems cannot hurt a person at the bottom of the financial rung. People surviving on public assistance or social security disability may be judgment-proof and losing a lawsuit would not affect them financially. However, an employed person with a judgment is subject to a wage garnishment, which leads to the loss of income. That smaller paycheck may mean the inability to make car payments. The loss of the family car means the inability to drive to work and the loss of a job. This can lead to the loss of the family’s home. Families suffer and break up. A working person needs an attorney when confronted with a legal problem.

⁵⁰ ILL. SUP. CT. R. 756(f).

⁵¹ ILL. SUP. CT. R. 756(f)(1).

⁵² *Id.*

⁵³ ILL. SUP. CT. R. 756(f)(1)(b)-(d).

⁵⁴ ILL. SUP. CT. R. 756(f)(2).

In 2004, more than 28 million people, about a quarter of the workforce between the ages of 18 and 64, earned less than \$9.04 an hour, which translates into a full-time salary of \$18,800 per year – the income that marks the federal poverty line for a family of four. Overall, 63% of U.S. families below the federal poverty line had one or more workers.⁵⁵ Pulitzer Prize-winning author David K. Shipler described the working poor as the “forgotten America” where “millions live in the shadow of prosperity, in the twilight between poverty and well-being.”⁵⁶ Struggling to simply survive, they live so close to the edge of poverty that a minor obstacle, such as a car breakdown or a temporary illness, can lead to a downward financial spiral that can prove impossible to reverse.⁵⁷

Let us assume that once the United States Supreme Court established Peter Stanley’s parental rights, he successfully fought for custody of his children. Once his children came to live with him, he probably continued to struggle financially. As a low-income parent, he could have needed free legal assistance for any number of problems, from appealing a denial of public benefits or special education services for a child, to getting a landlord to provide adequate heat or water in an apartment. He may have considered filing for bankruptcy or, upon remarriage, wanted his new wife to adopt the children. Peter Stanley’s need for social justice, his need for access to the courts and the law, did not end with his landmark Supreme Court decision.

Legal representation empowers clients and allows them to direct the course of their own lives. *Pro bono* attorneys are often indignant, even angry, when they see how cavalierly low-income clients are treated by the haves of the legal world. This is especially true of entities that prey on immigrants, minorities, the

⁵⁵ Aaron Bernstein & Michelle Conlin, *Working . . . And Poor*, BUSINESS WEEK, May 31, 2004.

⁵⁶ DAVID K. SHIPLER, *THE WORKING POOR: INVISIBLE IN AMERICA* 3 (2004).

⁵⁷ *Id.* at 4.

uneducated and the mentally ill. Vulnerable clients gain strength when they have their own lawyers. Most attorneys will never have the opportunity to work on landmark legislation or litigation. However, all attorneys can bring social justice to low-income individuals by handling a *pro bono* case today. In just ten minutes a day, every attorney can achieve social justice.