FAIR ACT

Funded Advocacy & Independent Representation

HB3363 - Rep. Dave Vella, Rep. Justin Slaughter, & Rep. Kevin Olickal

Illinois has a constitutional obligation to provide a vigorous defense to people who cannot afford to hire private lawyers—but it is one of only seven states with no statewide body to ensure it fulfills this duty.

Multiple reports and investigations from 2019-2023 have revealed Illinois' public defense crisis:

- Illinois has not significantly changed its public defense structure since 1949, 14 years before the modern right to state-provided counsel.
- About 60% of Illinois counties have no government office of public defense and instead contract with private attorneys, often on a part-time basis.
- Judges appoint and remove county chief defenders in every county except Cook—despite professional standards prohibiting these practices.



The FAIR Act will:

- Immediately bring Illinois into compliance with American Bar Association (ABA) standards for defender independence from judicial and political interference.
- Allow for a two-year planning process for a hybrid state-plus-county defender system based on client and defender needs and input.
- Maintain state funding to county defenders without interruption.
- Facilitate Illinois' reliable and equitable fulfillment of its Sixth Amendment obligations.

Funded Advocacy

Many individual public defenders currently carry caseloads that should be handled by multiple full-time lawyers while simultaneously performing additional investigation, case management, and administrative duties due to having insufficient support staff. Rural, Black, and Latinx clients are disproportionately impacted by underinvestment in public defense.

The FAIR Act creates an Office of the State Public Defender to:

- Assess, with client communities and local public defenders, client needs and defense office staffing, resources, and workloads around the state.
- Distribute state funds to county defenders and supplement their work with state purchasing and staffing.
- Improve recruitment, hiring, contracting, and training of public defenders statewide.

Independent Representation

Judges have removed public defenders after they spoke out about insufficient office resources and client services. Judicial appointment and removal of public defenders creates a conflict of interest with client needs and prevents defenders from informing the public about the defense crisis.

The FAIR Act creates a State Public Defender Commission to:

- Appoint and remove county defenders independent of the judiciary, in alignment with national standards.
- Provide transparent oversight of the Office of the State Public Defender and defense expenditures.

See reverse for a complete list of more than 45 endorsing organizations.

Contact: Sharlyn Grace, Cook County Public Defender's Office:
773-946-8535 or sharlyn.grace@cookcountyil.gov

The FAIR Act has been endorsed by:

Access Living
A Just Harvest
AIDS Foundation Chicago
Ascend Justice
Asian Americans Advancing Justice - Chicago
Better Government Association
Cannabis Equity IL Coalition
Champaign County Bailout Coalition
Change Peoria
Chicago Appleseed Center for Fair Courts
Chicago Community Bond Fund
Chicago Council of Lawyers
Chicago Urban League
Chicago United Solidarity Project (CUSP)
Children's Best Interest Project
Color of Change
Faith Coalition for the Common Good
Farmworker and Landscaper Advocacy Project (FLAP)
Greater West Town Community Development Project
Health & Medicine Policy Research Group
Illinois Coalition Against Domestic Violence
Illinois Collaboration on Youth
Illinois Harm Reduction & Recovery Coalition
Illinois National Organization for Women (NOW)
Illinois Network for Pretrial Justice
Illinois Prisoner Rights Coalition
Illinois Social Justice Alliance
Interfaith Criminal Justice Task Force
League of Women Voters of Illinois
Liberation Library
Metro East Organization
NAMI Illinois
National Lawyers Guild - Chicago
Nikkei Uprising
Prison Policy Initiative
The Center for Empowerment and Justice
The People's Lobby
The Porchlight Collective SAP
Restore Justice
The Resurrection Project
Shriver Center on Poverty Law
Smart Decarceration Project, University of Chicago
Southsiders Organized for Unity and Liberation (SOUL)
TASC (Treatment Alternatives for Safe Communities)
Trinity United Church of Christ Chicago
Unitarian Universalist Advocacy Network of Illinois
Unitarian Universalist Prison Ministry of Illinois
Youth Empowerment Performance Project (YEPP)
YWCA Champaign County
YWCA McLean County

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