

# FAIR ACT

## Funded Advocacy & Independent Representation

**HB 5842 – 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.*

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## **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

