

The Challenge

The newsletter of the Illinois State Bar Association's Standing Committee on Racial and Ethnic Minorities and the Law

Should you seek admission to practice before the Supreme Court of the United States of America?

BY KHARA COLEMAN

Every attorney dreams of practicing in the Supreme Court of the United States, right?

No?

Maybe it's just me. Leagle eagle that I

am, I have always dreamed of practicing before the Supreme Court of the United States of America.

Long before I knew I would make

Continued on next page

Recent SCOTUS opinion raises hope for municipalities struggling to recover from effects of predatory lending practices

BY SHARON EISEMAN

The Opinion of the Supreme Court of the United States in *Bank of America Corp. et al. v. City of Miami, Florida*, No. 15-1111, was released on May 2, 2017. I

know that because I was right there in the Courtroom—with fellow REM member and Newsletter Editor Khara Coleman—as

Continued on page 4

Should you seek admission to practice before the Supreme Court of the United States of America?

1

Recent SCOTUS opinion raises hope for municipalities struggling to recover from effects of predatory lending practices

1

Pro bono opportunities: Plan on serving in 2017

6

***Housing Justice v. Housing Injustice* CLE program summary**

8

Spotlight on REM members: What a phenomenon—She never stops moving and giving!

12

Upcoming CLE programs

13

Should you seek admission to practice

CONTINUED FROM PAGE 1

a career as a litigator, I was completely fascinated with the work that judges do. Imagine – when the written word (statutes or contracts) isn't clear enough to help citizens resolve disputes on their own, our democracy has trusted the resolutions of disputes of all sizes to those it presumes to be the wisest and most studied men (and, much later, women). Of course, as a minority woman, the part of this history that most fascinated me is that these wise and studied people—these judges—have historically had a hard time seeing me as more than three-fifths of a white man. (And, I suppose, something less than half of a white woman.) I needed to understand who these people were, how they think, how they work. In law school, I sought a judicial clerkship before I sought a job at a law firm. Ultimately, I clerked for two years on the United States Court of Appeals for the Eighth Circuit, where at least some of these questions were answered. I never imagined at the time that I would enjoy being a litigator, but I still harbored a hope



of visiting the Supreme Court of the United States. Over a decade later, I got my wish.

For a Justice Nerd like myself, the experience of SCOTUS admission is weighted and somewhat somber. As I walked the marble halls of the courthouse, I was keenly aware that every cause that



The Challenge

Published at least four times per year. Annual subscription rates for ISBA members: \$25.

To subscribe, visit www.isba.org or call 217-525-1760.

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matters to a modern black woman was argued there. My right to vote. My right to own property. My right to choose my spouse. My freedom from perpetual forced servitude. My right to an adequate education. My basic humanity—my recognition as a human being entitled to the rights set for in the Declaration of Independence. All of these issues were argued—and generally lost before they were won—in the Supreme Court of the United States.

It's 2017, but I am just as fascinated with the work that judges do as I was as a teenaged scholar. It would be an understatement to say that I was excited about this admission ceremony. The opportunity to meet the Honorable Justice Ruth Bader Ginsberg was merely icing on

the judicial cake.

I was honored to join REM chairwomen Sharon Eiseman as an admittee, and to have my mother, Clara Coleman, and my aunt/godmother, Audrey Collins Hudson, there to support me.

The experience of being sworn in to practice before the Supreme Court of the United States is available to you, too. Although Sharon and I traveled with the Womens' Bars Association of Illinois, the ISBA offers a similar opportunity to travel to Washington, D.C. for admission every couple of years. The next ISBA trip is scheduled for the spring of 2018. The requirements for admission are not incredibly daunting – one must simply follow the instructions available at <https://www.supremecourt.gov/bar/baradmissions.aspx>.

The application fee is currently \$200. There is no age requirement—admission is available to any lawyer admitted to practice in one of the United States, young or old. Each applicant must identify two sponsors who have already been admitted to the SCOTUS bar. And you already know three such persons—the current REM chair, Sharon Eiseman, former REM chair Athena Taite, and your present REM newsletter editor – yours truly, Khara Coleman. If you have any questions, please do not hesitate to contact us.

In the meantime, take a look at photos from the ISBA's 2015 SCOTUS admission trip at <https://iln.isba.org/blog/u.s.-supreme-court>, and watch out for information on the next ISBA-sponsored SCOTUS admission trip. ■



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Recent SCOTUS opinion raises hope

CONTINUED FROM PAGE 1

Justice Breyer, the author of the majority Opinion, announced and explained the Court's ruling—and the ruling in a second case—as the Court's first order of business for the day. The next order of business was administration of the oath by Chief Justice John Roberts to several groups of lawyers seeking certification of admission to the U.S. Supreme Court, including a group from the WBAI of which Khara and I were a part. It was truly a thrilling experience to know that those of us who were present on this meaningful morning were the very first people to learn of the decisions in these two cases...even before SCOTUSblog or other legal news sites announced the decisions.

The *Bank of America* ('BOA') case was decided on Cert to the U.S. Court of Appeals for the 11th Circuit. The initial lawsuit was instituted by a complaint the City of Miami filed against both BOA and Wells Fargo alleging violations of the Fair Housing Act arising from their predatory lending practices in minority communities and consequent financial damages to the City. In the SCOTUS Opinion, written by Justice Breyer, the Court held that Miami does have a cognizable claim for damages related to the discriminatory effects of such lending practices in which the two Appellant Banks engaged and so the case remains alive. The issue the Court did not reach is whether sufficient evidence exists to show that the discriminatory conduct of the Banks that purportedly resulted in higher numbers of foreclosures and housing vacancies in minority communities was the cause of the economic damages that Miami alleges it suffered as well as of impairment of the City's efforts to achieve racial integration.

This second part of the matter—that of 'proximate cause' or causal connection—wasn't fully explored in the lower courts because (1) the District Court found that the injuries asserted by Miami were not covered by the FHA and thus it dismissed the action; and (2) on appeal, the Eleventh Circuit reversed the District Court on the issue of FHA coverage and, in reviewing the City's asserted damages,

applied the standard of 'foreseeability' alone for determining causation. Finding that standard to be insufficient, SCOTUS vacated and remanded the case to the Eleventh Circuit Court of Appeals for further action but in its Opinion gave guidance to the lower court—almost in the form of a formula—as to what standard would suffice.

In reaching its conclusion that the City met its initial requirement of being an 'aggrieved party' under the FHA, the Court applied the FHA standard set forth in *Holmes v. Securities Investors Protection Corp.* and also analogized the subject action to tort actions, as exemplified by *Curtis v. Loether*, in which a claimant must establish "some direct relation between the injury asserted and the injurious conduct alleged." Thus, as stated in the case Syllabus, the Eleventh Circuit must define, in the first instance, "the contours of proximate cause under the FHA and decide how that standard applies to the City's claims for lost property-tax revenue and increased municipal expenses."

While Miami has a long and difficult road to travel, there is some promise of recompense for Miami and for similarly situated communities and their units of local government that could help to ameliorate the devastation in those communities. If Miami is able to show that the disproportionate numbers of defaults and foreclosures arising from the discriminatory lending practices of the Banks concentrated in segregated communities are "directly related" to the City's loss of property tax revenues and the need for increased municipal services to assist those devastated communities, then monetary damages may be its reward. Such an outcome could certainly help tip the scales toward the victims in these seemingly commonplace neighborhood scenarios that have been taking place throughout the country.

This author hopes that other municipalities with similar experiences decide to file amicus briefs on behalf of their own struggling communities. Additionally,

various prominent NFP entities that work to make affordable, safe, quality housing available to distressed minority communities, such as the Shriver Center on Poverty Law, the Lawyers Committee for Better Housing, CVLS and the DePaul University Institute of Housing Studies might be especially persuasive on this issue given the clientele they serve and the research that some of them have published which reflects the kind of causal connection that the *Bank of America v. Miami* case addresses.

Even informally, many of us 'on the ground' have witnessed the effects on a community of abandoned homes and multi-unit buildings and, as lawyers, we also know of individuals and families that require representation in housing matters from legal aid agencies. Such knowledge in a legal context was shared with ISBA members over the past several months in a four-part CLE series on 'Housing Justice v. Housing Injustice'. If you weren't in the audience, you can learn about the programs in this Newsletter's overview of that series which concluded on April 26 with 'Resources for Rebuilding Communities'. Additionally, if your interest is piqued, you can access all four programs in ISBA's CLE webinar archives. ■



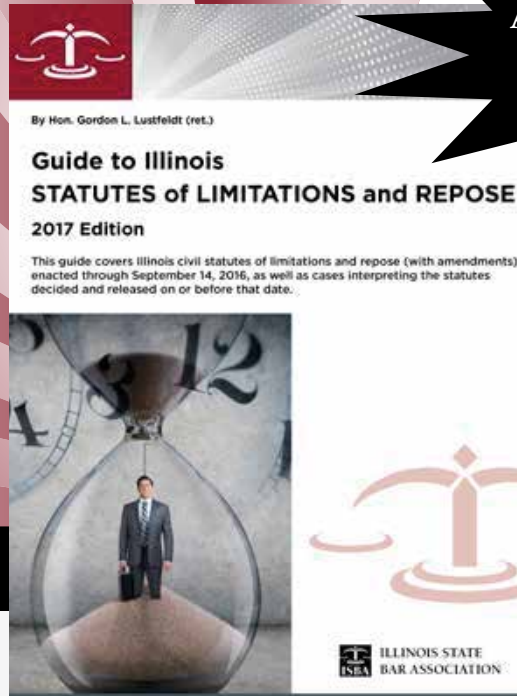
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Illinois has a history of
some pretty good lawyers.
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Pro bono opportunities: Plan on serving in 2017

BY J. DAMIAN ORTIZ

Pro Bono Month in Illinois is in October. However, there is no need to wait until October if you are interested in providing services to our communities. We will discuss answers to the following questions, in hopes to lead you to providing your time and service to our community: What is pro bono? Why should we provide such services? Do I have the time? These are just some of the questions you may be asking yourself. Below are locations where you can provide your much needed time and efforts.

What is Pro Bono?

You likely already know the need for *pro bono* services, if not, let me remind you. *Pro bono* are “services performed, without charge or expectation of a fee” particularly to “persons of limited means or organizations that serve persons of limited means.”¹ *Pro bono* service does not include: legal services performed to develop a paying client (e.g. a free initial consultation to a potential paying client) or legal services for which payment was expected, but not collected. It also does not include free legal services provided for family or friends who are not of limited means. And, it does not include *pro bono* activities you performed as part of your paying job responsibilities.

I have sat in 30 or more law school graduations, and every year the message by honorary speakers has been the importance of participating in *pro bono* service and the need of our community. *Pro Bono* is short-hand for the Latin phrase *pro bono publico*, meaning “for the public good.”² *Pro Bono* work is not just beneficial to the specific clients that are helped. It helps reinforce and reinvigorate our community by ensuring access to justice and the protections of the law, even for those who cannot afford to pay for counsel.

How Pro Bono benefits you

There are also benefits to attorneys who engage in *pro bono* practice.

Experienced attorneys often specialize

in discrete areas of the law, *pro bono* practice is an excellent way for these attorneys to experience areas of the law they would normally not handle.

Newer attorneys often do not have the experience from the firm to allow them to take the lead at trial. *Pro bono* practice can provide experience in motion practice, drafting, and arguing either before the judge or at trial, and allow these attorneys to take the lead on cases to foster independence.

Pro Bono practice provides an opportunity for attorneys of all practice areas to handle novel legal issues and theories they might not normally experience.

The misconception is that *Pro Bono* involvement takes too much time or that it interferes with work or a busy schedule. However, there are many small matters which have a great impact on a person in need. Some *Pro Bono* work can even be done over the phone or internet like Skype! Helping a client fill out forms, find out where they need to file a document, or look up technical requirements for filing can be quickly addressed utilizing technology without requiring the time-commitment of scheduling an in-person appointment.

The Illinois Supreme Court has altered the rules to allow limited scope agreements with clients who cannot, or choose not, to pay for all services in a case.³ Supreme Court Rule 13(c)(6) permits and describes the procedures for attorneys to engage in limited scope appearances in civil proceedings only. This opens up avenues for attorneys who may be able to assist preparing briefs (which does not even require filing an appearance by the attorney, under Rule 137(e)), representing a *pro bono* client for specific hearings, or who otherwise could not take on the burden of fully representing the client in the case, but can provide service for part of the matter.

Why Pro Bono Matters:

Let’s face it, legal services are *expensive*. Even simple matters that take just a couple hours can be more than families in need can reasonably afford.

Just in Cook County alone, over 1.4 million residents qualify for legal aid today, and close to half are expected to require legal services within the next year.⁴ Clinics and legal aid services can handle some of this load, but the sheer volume of possible meritorious cases for those in need is just too large for legal aid and clinics to handle alone.

There is no one area that *Pro Bono* work falls into. From criminal defense, prisoner’s rights cases, contract disputes, and property disputes, there is a place for every attorney to contribute in providing *pro bono* service. You just have to look for the right fit.

While many large firms have systems in place to encourage *pro bono* work, there is simply more to be done. Which is why we need your help. Not every attorney or firm is capable of running and maintaining a full *pro bono* program, but all attorneys have the training and skills necessary to provide much-needed assistance to the less fortunate among us.⁵ The John Marshall *Pro Bono* Clinic is attempting to bridge this gap.

Why and how you can help

WHY: The ABA’s Model Rule 6.1⁶ states:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono (public) legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means

or

- (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means

Additionally, Illinois Supreme Court Rule 756(f)⁷ Disclosure of Voluntary Pro Bono Service states:

As part of registering under this rule, each lawyer shall report the approximate amount of his or her pro bono legal service and the amount of qualified monetary contributions made during the preceding 12 months.

- (1) Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:
- (a) legal services rendered to a person of limited means;
 - (b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;
 - (c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and
 - (d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

By registering with the *Pro Bono* Clinic, we can use our resources to find *Pro Bono* clients suited to you. Whether it is transactional work, litigation, or something else, we should be able to help find *pro bono* work for any attorney looking for a way to give back to the community.

There are also other great *pro bono* programs listed below that you can directly contact for additional opportunities.

Why we need you

Because of the diverse cases and issues brought to the clinic from people in need, we believe every attorney is needed to answer the call and provide the legal services so desperately needed by those who cannot afford proper counsel.

Every day dozens of cases must be referred out to other agencies or sources because we simply do not have the staff or capability to assist every person in need of legal assistance. However, with your help we might be able to put a dent in this issue. The *Pro Bono* Clinic already has a dedicated infrastructure for taking in and aggregating cases from people all over the state. By contacting the *Pro Bono* Clinic, you can directly find *pro bono* work that comes through our system.

In particular, The John Marshall Law School's *Pro Bono* Program & Clinic would like to reach out to attorneys for whom conflict issues, or institutional clients make it difficult to find *pro bono* work that doesn't violate policy guidelines restricting representation.

All attorneys have valuable skills and a desire to assist the public. It is our hope that we can provide attorneys with matters they can resolve without raising conflict issues or violating their other obligations. With so many people in need of help, we cannot afford to have such talent sidelined.

Judges can help too

Even Judges, who are prohibited from engaging in legal work under Canon 5F of the Illinois Code of Judicial Conduct, can play a crucial role.⁸ Canon 4A expressly permits Judges to write, teach, and speak about the law, and it is in this capacity that they can help.⁹

Pro Bono work as defined by the Illinois Supreme Court Rules includes *pro bono* training intended to benefit legal services organizations or lawyers who provide *pro bono* services. There are dozens, perhaps hundreds, of students and attorneys engaged in *pro bono* practice who could benefit from the experience of active and former judges.

More than anyone else in the legal system, Judges understand the requirements and reasons why motions and

other arguments will or will not be allowed, and what steps *pro bono* lawyers can take to ensure their *pro bono* clients have the best opportunity to succeed under the law. Even just by lecturing on common procedural mistakes that defeat cases regularly, Judges can help *pro bono* attorneys by teaching them how to avoid the pitfalls that commonly keep otherwise meritorious cases from being heard.

Further, Judges are in a unique position to notice which kinds of cases are most litigated *pro se* and where the presence of a *pro bono* attorney might have saved a case by utilizing their professional skills and talents, and bring attention to *pro bono* clinics and providers of the kinds of cases that most need the attention so that we can provide better legal services to the community.¹⁰

Finally, we need Judges to continue participating in the Bar Associations, providing guidance and dialogue to make our system better.¹¹

Additionally there are other great services available:

These are just a few organization in need of your help. Pick the best fit for you.

- ABA Center for Pro Bono; at <https://www.probono.net/aba_oppsguide/>
- PSJD; at <https://www.psjd.org/Pro_Bono>
- Equal Justice Works; at <<http://www.equaljusticeworks.org/>>
- Military Pro Bono Project; at <<https://www.militaryprobono.org/>>.
- ILAO (Illinois Legal Aid Online); at <<https://www.illinoislegalaid.org/for-legal-professionals/volunteer-opportunities>>
- PILI; at <<http://pili.org/pro-bono>>
- The John Marshall Law School's *Pro Bono* Program & Clinic, <<http://www.jmls.edu/clinics/pro-bono/>>

Conclusion

The modern age and technological advancements have brought society closer together than ever before. It is time for us to create the tools necessary to ensure that any attorney or judge who has the desire to help has access to the means to do so. The *Pro Bono* Clinic and many other legal

aid providers open their arms to the legal community, so that you can do your part in helping others in need of legal service. ■

J. Damian Ortiz, is a professor and the director of The John Marshall Law School's *Pro Bono* Program & Clinic. He is also a long time member of the ISBA and active member in the Racial & Ethnic Minorities & the Law Diversity and the Judicial Evolutions committees.

1. Illinois Supreme Court Rule 756(f).
2. <<http://thelawdictionary.org/pro-bono/>>
3. Illinois Supreme Court Rules 11, 13, and

137 and Illinois Rules of Professional Conduct 1.2 <http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_I/ArtI.htm#11>, <http://www.illinoiscourts.gov/supremecourt/rules/Art_I/ArtI.htm#13>, <http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_II/ArtII.htm#137>, <http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_VIII/ArtVIII_NEW.htm#1.2>

4. Chicago Bar Foundation's 11th Investing in Justice Campaign <<https://chicagobarfoundation.org/wpcbf/wp-content/uploads/2017/03/Campaign-Press-Release-3.7.16.pdf>>

5. <<http://pili.org/resources/for-law-firms>>

6. <http://www.americanbar.org/groups/probono_public_service/policy/aba_model_

rule_6_1.html>

7. <http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_VII/artVII.htm#Rule756>

8. <<https://www.illinois.gov/jib/Documents/CODE%20OF%20JUDICIAL%20CONDUCT.pdf>>

9. *Id.*

10. <<http://www.chicagotribune.com/suburbs/glenview/community/chi-ugc-article-glenview-judges-and-lawyers-volunteer-time-to-2017-02-07-story.html>>

11. <<http://www.ncsc.org/~media/Files/PDF/Topics/Center%20for%20Judicial%20Ethics/Publications/AttendingEvents.ashx>>

***Housing Justice v. Housing Injustice* CLE program summary**

BY SHARON EISEMAN

Dear Readers:

Following is the 'syllabus' that the CLE Planning Committee of REM developed for the CLE Program Series on Housing Justice v. Housing Injustice. The four parts were presented monthly as two hour webinars beginning in January of 2017 and concluding with the fourth segment in April which was Fair Housing Month. The Diversity Leadership Council graciously served as a program co-sponsor along with the Standing Committees on Women and the Law and Disability Law and the Human Rights Section Council. We believe our readership will appreciate the syllabus as a means for understanding the current relevance of the program to our legal community and to the residents of the communities who face barriers in their quest for safe, affordable housing, and will also recognize the important social justice issues we addressed in our four segments.

This syllabus identifies the topics and issues covered and includes the list of the Program's impressive, knowledgeable speakers and moderators whom we thank for sharing their wisdom and insights

concerning the challenges faced by minorities in many communities. This effort shed light on the varied problems and the laws that offer useful tools to address the problems. From these discussions, we might collectively explore and figure out how to implement solutions and interventions.

We also hoped to generate interest among lawyers for serving as advocates for the people and their communities that are in desperate need of support and access to legal remedies, economic support and social justice resources.

All segments are or soon will be available to view through the ISBA's archives of previously recorded webinars. They are well worth two hours of your time—even eight hours for all four webinars. Please search for the program series on-line or call Jeanne Heaton or the knowledgeable CLE Staff at the ISBA Springfield Office for information about viewing these informative panel presentations.

And now.....HERE IS THE SERIES WE PRESENTED:

HOUSING JUSTICE vs. HOUSING INJUSTICE: HOW UNFAIR HOUSING PRACTICES KEEP SEGREGATION INTACT

A CLE PROGRAM SERIES EXAMINING THE IMPACT ON MINORITY INDIVIDUALS AND COMMUNITIES* OF HOUSING DISCRIMINATION, MORTGAGE FRAUD, THE FORECLOSURE CRISIS and the HOUSING VOUCHER SYSTEM

PART ONE: SCOTUS Opinion, Fair Housing Policies and Housing Voucher Programs

- In *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project* (Doc. No. 13-1371), decided by a 5-4 vote in June of 2015, the U. S. Supreme Court recognized the validity of the disparate impact theory for claims brought under the federal Fair Housing Act against owner/operators of government rental housing developments. However, the court also held that in a discrimination claim seeking liability under that

Act, a plaintiff must show not only compelling data of disparate impact but that the data resulted from a particular policy enforced by the housing entity. How will this case impact the cause of access to affordable, quality housing by low-income minority residents?

- **Related issues to be addressed:**

Impact of housing voucher programs and other affordable housing initiatives on individuals and communities: which ones work and which ones do not but instead maintain and even promote racial, ethnic and socio-economic class segregation. How can we measure whether government-funded programs “affirmatively further fair housing” as promised in policy statements? What should we make of HUD’s 2015 guidance which states that “adverse housing decisions may constitute racial discrimination”? How can we factor in the often profound impact on children’s education—or lack thereof—as a result of constant residence changes and schools’ residency requirements?

- **Speakers:** Kimberly Nevels, HUD, Director of Region 5; Marisa Novara, Vice-President of the Metropolitan Planning Council; Ngozi Okorafor, IDHR General Counsel; and Attorney Kate Walz, Sargent Shriver National Center on Poverty Law.

- **Moderator:** Sharon Eiseman

- **Synopsis:** In this segment, we learned about the laws and regulations pertaining to eligibility for affordable housing and enforcement of the anti-discrimination provisions (covering all the protected groups) by HUD at the federal level and by the Department of Human Rights at our State level. We also learned from our speaker from the Shriver Center on Poverty Law about ways to overcome the potential obstacles to filing a discrimination claim under the Fair Housing Act against owners or operators of affordable housing developments after

the Texas Dept. of Housing SCOTUS Opinion holding that proof of a policy of discrimination is a necessary element of proof. In this session, the Vice-President of the Metropolitan Planning Council shared her agency’s research on how inadequate housing opportunities can reinforce segregation and all the societal ills that can befall communities without supportive resources for individuals, families and businesses.

*As used in the program title, “Minority Individuals and Communities” is intended to be inclusive of the broad range of minority or ‘diversity’ groups.

PART TWO: Landlord Privileges/ Defenses; Tenant Rights/Remedies

- Housing rights for victims of domestic and sexual violence under VAWA (Violence Against Women Reauthorization Act of 2013) and Illinois’ Safe Homes Act of 2007, both of which are intended to protect residents of rental housing.

- Barriers created for persons with arrest records or convictions for minor offenses; ‘Ban the Box’ laws across the country that help improve access to employment opportunities—and thus to housing—for the population with criminal records who are generally racial and ethnic minorities; use by landlords of background checks to screen out undesirable tenants: how abuse of due process rights by landlords leads to rejection of applicants and eviction of tenants; the disparate impact of such practices on minorities; and efforts to educate the public about the legal remedies of expungement and sealing of criminal history records. HUD’s April 4, 2016 guidance to “providers of housing and real estate-related transactions” on the “Application of Fair Housing Act Standards to the Use of Criminal Records” for screening rental applicants as well as in the sale and financing of various forms of real estate.

- When can landlords legally exercise their right to evict tenants? What

remedies can wrongfully evicted tenants pursue? How does the displacement of families from their housing—and often from the children’s neighborhood schools and their friendship circles—affect the quality of life in the communities where this phenomenon is prevalent?

- **Speakers:** Matthew Hulstein, Supervisor of Chancery Court Access to Justice and Mediation Programs for CVLS; Co-Director Danielle McCain, JMLS Fair Housing Legal Support Center; Kate Walz, Sargent Shriver National Center on Poverty Law.

- **Moderator:** Masah S. Renwick, Renwick Firm, Inc.

- **Synopsis:** Registrants heard about challenges faced by tenants, including when the landlord as owner is facing foreclosure of the property where the tenant resides; other tenant rights; and what landlords must do to legally evict a non-complying tenant. The audience also learned where tenants can find help, including at the JMLS Housing Clinic where one of the panelists serves as a co-director. Another topic vetted was the recent enactments by cities and villages of ‘crime-free’ ordinances that facilitate evictions of tenants deemed as nuisances or as creating a nuisance for other tenants through no fault of their own (such as when a victim of domestic violence calls 911 for emergency help and police cars arrive with lights flashing) and how those ordinances are being challenged with some success. In Chicago and Cook County there may be more resources for tenants in such circumstances.

PART THREE: Mortgage Fraud, Subprime Lenders & the Foreclosure Crisis: Abandoned Residences, Deteriorating Neighborhoods, Decrease in Housing Options and Increased Violence

- How discriminatory practices of sub-prime lenders in minority neighborhoods have contributed to

destruction of communities, especially of minority populations, and also occasioned gentrification to the detriment of those populations; how city and county resources and advocacy can help restore these areas.

- How does the foreclosure process work and how can the process be abused and by what entities? What kind of relief is available to the homeowner during the foreclosure process? What is likely to happen to the property that is the subject of the proceeding? If a community or neighborhood is experiencing a high volume of foreclosures, and thus many abandoned homes that will deteriorate over time, how might that affect the value of the homes (and possibly even small condo developments) and ultimately the community at large, including commercial uses in the area and the availability of home ownership for a low and moderate income population?
- Is anyone holding the lenders accountable? Weighing the impact of predatory and sub-prime lenders on the integrity of neighborhoods; analyzing the lawsuits filed against lenders by the Illinois Attorney General that, through settlements, have brought consumer relief and effected industry change; actions that municipalities, small and large, might take to assist foreclosure victims and help to heal devastated neighborhoods; what new, legitimate opportunities for financial incentives/assistance might be available for first-time low to moderate income homebuyers. Are particular populations, such as minorities, the disabled, women and single mothers, more vulnerable to abusive or predatory lender practices in the home-buyers' market?
- Municipal ordinances providing for percentage set-asides for subsidized housing units in new multi-residential developments and the rationale for developer exemptions from such requirements through the payment of a set fee; what are benefits and drawbacks

from the “gentrification” that might result from such developments?

- **Speakers:** Chicago's Fifth Ward Alderwoman Leslie Hairston; Joel L. Chupak of Heinrich & Kramer PC; Assistant Attorney General Andrew Dougherty; Carina Segalini, Case Manager for the Cook County Circuit Court's Mortgage Foreclosure Mediation Program
- **Moderator:** Yolaine Dauphin, Adm. Law Judge and REM Vice-Chair
- **Synopsis:** The audience for this segment was given a primer in how litigants can navigate the foreclosure process and what rights are afforded and what obligations are imposed upon both sides in the court proceedings. Also reviewed were the potential outcomes and the resulting consequences, and what impacts are seen in communities where foreclosures are commonplace. It was uplifting to hear about the major—and very successful—litigation brought by the Illinois Attorney General and Attorneys General in other states against numerous ‘predatory’ lenders for the harm they caused to many persons and families in Illinois and other states. The complaints identified the intentionally unlawful lending practices that led families to default on their payments for mortgages they could not afford and then into foreclosure. This process resulted in a surplus of abandoned homes that in turn led to vandalism and the deterioration of large areas of many urban communities. The success of the lawsuit in Illinois, reported on by the Assistant Attorney General who was part of the litigation team, was a huge monetary settlement of benefit to the victims who were able to experience some recovery through access to some of the funds and to counselling resources for ‘rebuilding’ their lives. The audience also learned about the Foreclosure Mediation Program created by the Cook County Circuit Court and overseen by one of the panelists, a program that gives defendant owners in

foreclosure proceedings the chance to find a way to refinance their mortgages and maintain their homes. In addition, a well-known Chicago Alderwoman gave the attendees an overview of some City programs benefitting communities that found themselves devastated by the 2008 recession and all it wrought, including funding and other resources for selling ‘zombie’ properties and providing financial support to new owners for rehabbing or rebuilding so the affected communities can recover. However, we were reminded that such work takes time and continued support.

PART FOUR: Resources for Rebuilding Communities:

- One response to the foreclosure crisis caused by predatory lending is a movement called The Anti-Eviction Campaign. Its leader and adherents promote taking over, fixing up, and “moving homeless people into the people-less homes” left in the wake of the housing crash. However, that approach does not end with the occupants having a legal right to occupy the premises—although such advocacy has brought attention to bear on the dual problem of abandoned housing units and people in need of housing.
- Issues/interventions to be addressed in this final segment include: plans for reviving and rescuing decimated areas from neglect through financial investment, reinvestment, and new construction projects in partnership with small developers; improving availability of resources necessary for daily life such as accessible public transportation services to help connect residents with their places of employment and families to their children's schools, and open space and grocery and other retail stores; assuring sufficiency of law enforcement for protection and other community services; and programs to provide financial assistance for residential access for low and middle-income families, especially women and single mothers, persons with disabilities who

are more vulnerable to abuse, fraud and employment challenges and a population that, due to 'brushes' with the law, have difficulty finding a job so they can find housing.

- **Speakers:** Steven Quaintance McKenzie, Senior Assistant Corporation Counsel with the Building and License Enforcement Division of Chicago's Law Dept.; Staff Attorney Ryann Moran from Cabrini Green Legal Aid; Britt Shawver, CEO and Exec. Dir. Of Housing Opportunities for Women (H.O.W.); and Geoff Smith, Exec. Dir. Of the DePaul Institute of Housing Studies
- **Synopsis:** It is tempting to say: "just check out the webinar" because you will feel disheartened yet intrigued by the astounding research data from the DePaul Institute of Housing Studies about age and racial distributions in housing and home ownership across Chicago's neighborhoods and where certain populations are concentrated, but also hopeful for those people who are disconnected from what we consider the normal activities and supportive services and resources we all take for granted. You will feel hopeful because you will hear four impressive speakers from equally impressive legal and NFP social service agencies explain in helpful detail what programs are available to assist individuals who are traumatized and communities that must rebuild—and there are many despite the terrible budget crisis Springfield has been unable to resolve. Such programs support residents who are in need of safe and affordable housing, in need of clearing their records of inconsequential criminal postings so they can find employment, and in need of finding other connections in their communities to sustain them. You'd also hear about families eagerly trying to re-establish their family stability through home ownership that is reachable for them because of some visionary government programs and public-private partnerships. One special program is the Cook County

Land Bank which was explained in this segment. Its benefits will surprise and delight you because who doesn't benefit when one's neighbors are healthy and happy and where they want to be. IF ONLY WE STILL DIDN'T HAVE TO WRESTLE WITH THE PROBLEM OF SEGREGATED AND UNDERSERVED COMMUNITIES AND WITH AREAS WHERE LONG-TIME RESIDENTS ARE BEING DISPLACED BY GENTRIFICATION! STILL—WE NEED TO CELEBRATE EVERY STEP OF PROGRESS WE TAKE IN THE RIGHT DIRECTION.

*As used in the program title, "Minority Individuals and Communities" is intended to be inclusive of the broad range of minority or 'diversity' groups.

Thanks for your attention...to the very end... ■

Sharon Eiseman, soon-to-be Ex-Officio of the Standing Committee on Racial and Ethnic Minorities and the Law for which I was so honored to serve as Chair for the 2016-17 Bar Year. It has been a very supportive, engaged and respectful group of lawyers whose contributions to the ISBA's diversity initiatives are of continual and continuing value.



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Spotlight on REM members: What a phenomenon— She never stops moving and giving!

BY SHARON EISEMAN

REM member **Masah Renwick** is new to the Committee this term, and ‘NEW’ seems to be the theme for this stage of her 11-year legal career as well. At the end of 2016, Masah, a divorce and family law practitioner in Homewood, established the Renwick Firm, Inc., a new version of her previously successful law firm, and she just “rolled it out” at the start of 2017. So while everyone else was shopping and preparing for and then celebrating the holidays, Masah was putting the finishing touches on her new office plan and on her marketing campaign.

To be clear, Masah is not starting a new practice but is transforming her earlier firm, Lakeside Law Group, into a new business with a more concentrated approach to family law and to solving the challenging problems that parents often face in resolving marital and custody disputes. Such disputes can have a devastating impact on everyone, but especially on the children, and that is where Masah’s heart and legal mind and talents are focused: on the children. Possibly her passion for this focus arose in part from her undergrad career at the Indiana University where she majored in Psychology.

And speaking of children, Masah has several of her own from very young to less young and she also squeezes special amounts of special time from each day to pay attention to her family. For such devotion, we applaud and are amazed by Masah as we should be for any parent who finds a way to balance different crucial components of their lives without falling apart at the seams or falling down or falling in arrears in paying bills or falling out of step with their goals and dreams and ambitions, expressions of love for their family members, friends and colleagues, and regard for their clients’ needs.

For the Racial and Ethnic Minorities and the Law Committee (‘REM’), Masah



also delivered superbly on her promise to serve as moderator for one of the four parts of our recent and very successful CLE Program Series on Housing Justice v. Housing Injustice. For February’s part two of that webinar series, she blew into town 15 minutes before the start of the program, warmly greeted the four program panelists, re-examined the program materials and ISBA ‘instructions’ for moderators, took her place in the middle of the table, flanked on each side by two panelists, and then ‘took off’ with a generous and engaging introduction to the webinar topic and of the participants. In other words, like a finely tuned instrument but much more interesting, Masah took control and, for the next two hours, she glided adeptly and with grace through the questions to the panelists and also helped to spark interaction among the four of them about shared issues, concerns and goals for protecting the rights of both tenants and landlords. Her smooth, confident approach to her role seemed to energize the participants and encourage their sharing of insights. Additionally, this bar year Masah has been a regular presenter on the Family Law Section Council CLE Table Clinic Series. By June, Masah will have served as a panelist on a total of nine programs, including a panel that addressed Illinois’ new child support laws. So it

appears there is no stopping her – nor will we try.

Masah brings to all of the parts of her current life a treasure chest of rich experience initiating projects and serving as a leader for other women lawyers. Besides being an active member of the WBAI, the ISBA and the CCBA, Masah is the co-founder and current Treasurer of the Black Bar Association of Will County and, for the Black Women Lawyers’ Association of Greater Chicago, she served as the 2014, 2015 and 2016 Co-Chair of the Small and Solo Firm Committee. For the Cook County Bar Association, Masah is the 2016-2017 Chair of the Family Law Section and she previously held the position of Chair of the Family Strengthening Committee for Alpha Kappa Alpha Sorority, Incorporated, Theta Omega Chapter—an appropriate role for Masah, given her career focus. We hope that SHE feels strengthened, too, so she can continue contributing her talents to these fine organizations and their members.

Are we finished yet? NO. Recently, Governor Rauner wisely appointed Masah to serve on the Board of Trustees of Governor’s State University. AND she found time to be a Judge for the American Mock Trial Association Rounds that took place at the University of St. Francis. Given her own substantial trial experience, we can assume that the student teams, which Masah generously praised, learned a great deal from her about trial practice and trial strategy.

Whew! I am done for now—even though, as I write, she could be out there doing great work. Maybe there will be a sequel. But I’ll end with THANKS, Masah, for your great contributions to the profession and to your colleagues.

Understandably, REM members are grateful that Masah chose to serve the ISBA through her participation as a member of the REM Committee. ■

Upcoming CLE programs

TO REGISTER, GO TO WWW.ISBA.ORG/CLE OR CALL THE ISBA REGISTRAR AT 800-252-8908 OR 217-525-1760.

July

Thursday, 07-06-17 - Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Tuesday, 07-11-17 Webinar— Word for Mac. Practice Toolbox Series. 12:00 -1:00 p.m.

Thursday, 07-13-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 07-20-17 - Webinar— Fastcase Boolean (Keyword) Searches for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Tuesday, 07-25-17 Webinar— Getting Ready for E-filing and PDFing. Practice Toolbox Series. 12:00 -1:00 p.m.

August

Thursday, 08-03-17 - Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 08-10-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 08-17-17 - Webinar— Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

September

Thursday, 09-07-17 - Webinar—

Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday and Friday 09-7 & 8, 2017 – Chicago, ISBA Regional Office— ISBA Guardian Ad Litem and Child Representative Training. Presented by Family Law.

Friday, 09-08-17 – Lincoln Heritage Museum, Lincoln, IL— 1st Annual Lawyer Lincoln's Legacy: Lessons for Today. 9 a.m.-4:30 p.m.

Wednesday, 09-13-17 – LIVE Webcast— Sexual Orientation Protected as Sex Discrimination Under Title VII: Hively V. Ivy Tech Community College 15-1720 7th Cir. April 4, 2017. 12-2 pm.

Thursday, 09-14-17 – LIVE Webcast— Environmental Due Diligence in the Era of President Trump: Revisiting Caveat Emptor, the Role of Government, Tort Liability and Statutory Environmental Cleanup Liability under State and Federal Law. Presented by Real Estate. 12-1 p.m.

Thursday, 09-14-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 09-15-17 – Fairview Heights, Four Points by Sheraton— Solo and Small Firm Practice Institute. All Day.

Wednesday, 09-20-17 – LIVE Webcast— Construction Escrow, Lien Waivers and Sworn Statements: Best Practices. Presented by Construction Law. 12-1 p.m.

Thursday, 09-21-17 - Webinar— Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State

Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm

Wednesday, 09-27-17 – LIVE Webcast Webinar— HIPAA and How It Applies To YOU. Presented by Employee Benefits. 12-1 p.m.

Thursday, 09-28-17 – LIVE Webcast— How Secure Are you? Cyber for the Illinois Practitioner. Presented by Insurance Law. 12-2:15 p.m.

October

Wednesday, 10-04-17 LIVE Webcast— Issues to Recognize and Resolve When Dealing With Clients of Diminished Capacity. Presented by Business Advice and Financial Planning. 12-2 pm.

Thursday, 10-05-17 - Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 10-06-17 – Holiday Inn and Suites, East Peoria— Fall 2017 Beginner & Advanced DUI and Traffic Program. Presented by Traffic Law. Time: 8:55 am – 4:30 pm.

Friday, 10-06-17 – Chicago, ISBA Regional Office— Pathways to Becoming Corporate General Counsel and the Issues You Will Face. Presented by Corporate Law. Time: 9:00 am – 12:30 pm

Monday, 10-09-17 – Chicago, ISBA Regional Office— Workers' Compensation Update – Fall 2017. Presented by Workers' Compensation. Time: 9:00 am – 4:00 pm.

Monday, 10-09-17 – Fairview Heights— Workers' Compensation Update – Fall 2017. Presented by Workers' Compensation. Time: 9:00 am – 4:00 pm.

Wednesday, 10-11-17 – LIVE Webcast— Enforcing Illinois' Eviction

Laws: A Basic Guide to Landlord Remedies and Tenant Rights. Presented by Real Estate Law. 12-1 pm.

Thursday, 10-12-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Monday-Friday, 10-16 to 20, 2017 – Chicago, ISBA Regional Office—40 Hour Mediation/Arbitration Training Master Series. Master Series

Thursday, 10-19-17 - Webinar— Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 10-19-17 – Bloomington— Real Estate Law Update – Fall 2017. Presented by Real Estate.

Friday, 10-27-17 – Chicago, ISBA Regional Office—Solo and Small Firm Practice Institute. All Day.

November

Wednesday, 11-01-17 – ISBA Chicago Regional Office—Anatomy of a Medical Negligence Trial. Presented by Tort Law. All Day.

Thursday, 11-03-17 - Webinar— Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Thursday, 11-03-17 – NIU Naperville—Real Estate Law Update – Fall

2017. Presented by Real Estate.

Thursday, 11-09-17 - Webinar— Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members only. 12:00-1:00 pm.

Friday, 11-10-17 – Chicago, ISBA Regional Office—Profession Under Pressure; Stress in the Legal Profession and Ways to Cope. Presented by Civil Practice and Procedure. 8:15 am-4:45 pm.

Wednesday and Thursday, 11-15 and 11-16, 2017 – Chicago, ISBA Regional Office—Microsoft Word in the Law Office: ISBA's Tech Competency Series. Master Series with Barron Henley. All Day. ■



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- The legal framework that currently exists in the law regarding non-competition agreements;
- Employer best practices regarding the use of non-competition agreements; and
- Much more!

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