

ALERT

to Judges & Attorneys

New Illinois Law Directs *Cy Pres* Awards To Legal Service Organizations

In response to the tremendous and well-documented need for legal services among low-income families, the Illinois General Assembly enacted a new law to ensure that legal service organizations receive at least 50% of each *cy pres* award.

By designating **Equip for Equality** as the recipient of a *cy pres* award, you ensure that the funds will be used as the law intends — to provide equal access to justice for low-income people in Illinois, including people with disabilities.

What is a *Cy Pres* Award?

Cy pres, meaning “next best use,” allows for the reallocation of court awards for a purpose as near as possible to the interests of a class or intended use of an estate or trust, and are most typically associated with the following:

Class Action Settlement Residual Funds

Under the *cy pres* doctrine, courts must now direct at least 50% of *cy pres* funds not distributed to the class to legal service organizations like **Equip for Equality** as the “next best use.”

Unclaimed Estates and Trusts

In cases where the stated beneficiary no longer exists, cannot be located, or the original bequest cannot be honored, courts may now reallocate remaining funds to legal service organizations like **Equip for Equality**.

Negotiated Settlement Funds

Often, in addition to the amount paid to the plaintiffs, a negotiated settlement requires the defendant to make a charitable, tax-deductible contribution to organizations like **Equip for Equality**.

Sanction Awards

In cases where the court has sanctioned one or both counsel appearing in a case, the court may decide to direct the funds from the financial penalty to an organization like **Equip for Equality**.

White Collar Criminal Cases

Courts may order defendants in white collar criminal cases to pay a penalty to organizations that represent low-income clients with disabilities, like **Equip for Equality**.





Why Equip For Equality Is an Ideal Recipient of *Cy Pres* Awards

- Our unique and compelling mission safeguards and advances the human and civil rights of children and adults with all types of disabilities.
- We are one of the largest providers of legal services in Illinois — our talented and creative team includes nearly 50 attorneys and other staff at offices in Chicago, Carbondale, Rock Island and Springfield.
- Our new Pro Bono Initiative includes a Parent Helpline and provides free legal representation to students in special education and their low-income families, who are among the most in need of skilled, effective legal services.
- We have achieved a high rate of success for our clients — securing positive, life-changing outcomes for individual clients and the broader disability community.
- We enjoy an outstanding reputation within the legal and business communities, as demonstrated by support from leading private foundations such as the Illinois Bar Foundation and the Chicago Bar Foundation.
- We maintain solid financial practices and program accountability and adhere to best practices throughout our organization.

Make Equal Access to Justice a Reality for People with Disabilities in Illinois by Directing a *Cy Pres* Award to Equip for Equality.

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