



Via email at RulesCommittee@illinoiscourts.gov

Administrative Office of the Illinois Courts
Supreme Court Rules Committee
Attn: Committee Secretary
222 N. LaSalle Street, 13th Floor
Chicago, Illinois 60601

Re: Proposed Supreme Court Rules
Proposal 26-06 (P.R. 000356)

Dear Supreme Court Rules Committee:

On behalf of Land of Lincoln Legal Aid, I write in support of the above-referenced proposed Supreme Court Rules.

Land of Lincoln Legal Aid is a non-profit civil legal aid organization whose mission is to provide free high quality legal assistance to low-income and senior residents in 65 counties of Central and Southern Illinois. For more than 54 years, Land of Lincoln has represented individuals and families facing financial hardship in collection actions, bankruptcy proceedings, and other matters affecting their ability to meet basic needs. Through advice and representation, Land of Lincoln has assisted thousands of individuals seeking to assert their exemption rights and bankruptcy protection to prevent the loss of homes, maintain essential utilities, and preserve the limited income and property necessary for daily living. As a result, Land of Lincoln has extensive experience with Illinois exemption laws and other legal protections that safeguard vulnerable debtors and their families.

Based on our experience we recommend and support Proposal 26-06 but offer the following comments.

With regard to the amendment to Supreme Court Rule 278(f), we are concerned that the language is confusing. Reading paragraphs 278(f)(1) and 278(f)(2) together, the wild card exemption is continuous and ongoing and not limited to a single use during the period the judgment is being enforced. This indicates to us that a debtor claiming the \$4,000 collectively from a checking account and a savings account, may continue to claim that \$4,000 again in the future even if some money was used to pay bills and the account replenished with income. In other words, the court analyzes the exemptions available each time the debtor appears.

The proposed amendment to Supreme Rule 286(b) changes the wording but not the substance. Our comment is that judges in some counties always require an answer to be filed in small claims and in eviction cases. This can be a trap for the unwary self-represented litigant. The defendant may be ordered to file an answer but be given no further instruction or guidance. As such, it is not uncommon for no answer to be filed within the allotted time frame.

In the eviction context, we have seen defendants show up for trial without having filed the answer and be defaulted even when standing in front of the judge. And we have seen judges refuse to vacate a default for failure to file a written answer.

Our comment is that further guidance for the court and self-represented litigants would be helpful when the court orders a written answer to be filed and when exercising its discretion as to whether a written answer or appearance is necessary to promote fair adjudication on the merits.

Thank you for your consideration of these comments. If you have any questions or need additional information, please do not hesitate to contact me at 618-398-0574 ext. 1221 or ssimone@lincolnlegal.org.

Very truly yours,



Susan M. Simone
Director of Litigation and Advocacy