



# John Howard Association of Illinois

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## REPORT

**DELIVERED AT THE ANNUAL MEETING AND LUNCHEON**

Chicago Cultural Center  
18 September 2008

Working for Corrections Reform since 1901

John Howard Association is a member of the United Way of Metropolitan Chicago

## Mission Statement

*The John Howard Association of Illinois provides public oversight of the state's prisons, jails, and juvenile correctional facilities. As it has for more than a century, the Association promotes fair, humane, and effective sentencing and correctional policies, addresses inmate concerns, and provides Illinois citizens and decision-makers with information needed to improve criminal and juvenile justice.*

### Staff

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*Our staff and our mission has benefited greatly from the assistance provided by an exceptional group of dedicated interns, including: Northeastern Illinois University students **Patricia Krysztopa** and **Catrina Toney** and Governor's State University student **Stephanie Marines** who participated in institutional visits, prepared reports of their observations, and tabulated pages of data; Summer 2008 PILI Fellow **Stephanie Steines** who also visited a number of adult and juvenile facilities and represented a C-# prisoner in his successful application for parole; and, William Mitchell College of Law legal intern **Sarah Karan** who joined in visits and applied a passion for prisoner's rights to prepare a comparative analysis of Tamms ("Supermax") Prison.*

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**JOHN HOWARD ASSOCIATION OF ILLINOIS**

**18 September 2008  
Chicago Cultural Center**

Dear Friends, Colleagues, Sponsors and Guests:

This has been a year of accomplishment, growth, and, as always, of challenge, for the John Howard Association of Illinois.

We begin by heralding the remarkable exhibit, **“LIGHT FROM INSIDE: ART FROM ILLINOIS PRISONS”** which is on display, here, at the Chicago Cultural Center. Since the exhibit’s opening a month ago, hundreds have seen the drawings, paintings, and sculptures of 51 Illinois prisoners. Judging by the powerful comments written by guests, this exhibit has accomplished its purpose. It has advanced our mission by showing to a varied and curious audience that many of those who are behind bars retain or find their humanity, their ability to express themselves, even from within prison.

The drive behind this exhibit came from Board Members Aviva Futorian, Cynthia Kobel, and Frank Nicholas. They led a subcommittee of the Board and volunteers through months of visiting prisons, selecting pieces, transporting and readying them for display. The Illinois Department of Corrections’ leadership and staff helped the John Howard Association bring this exhibit together. The City of Chicago’s Cultural Center provided the space without charge.

The exhibit closes at the Cultural Center on 28 September 2008, but it is memorialized in a Catalogue created and sold by the John Howard Association.

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Every working day, and on many holidays and weekends, the John Howard Association of Illinois strives to improve the lot of Illinois’ adult prison inmates and Cook County jail inmates through the **PRISONS AND JAILS PROGRAM**, directed by Charles Fasano:

- Hundreds of inmates write to us, or had friends or relatives call, for information, advice, referral to legal counsel or service agencies, or to complain of problems in medical care, abusive treatment, poor or dangerous living conditions, unfairness in discipline, and lack of access to programs, the law library, or treatment services. Our staff and volunteers for the Prison Assistance, Information and Referral (“PAIR”) project respond to these hundreds of communications, often intervening with prison or jail officials to remedy complaints, sometimes referring a newly-released inmate to a residential program or an employment services, sometimes referring a serious allegation to legal counsel. As a result, we make some things better: assurance that an inmate is receiving the correct medication; more heat in the winter in a cold cell; credit given to an inmate for the portion of the sentence that was served in his local jail; easing visiting for a mother who wants to bring a child to see her father.

- Over the last twelve months we conducted several special visits to Illinois Department of Corrections prisons. At Decatur, we reviewed a new program in which the infants and children of incarcerated mothers are allowed to live together in the prison, and to have extensive contact. At Sheridan, we assessed that prison's expanding substance abuse program which incorporates vocational training and post-release follow-up services to improve success after release. At Dwight, we conducted a unique visit at the behest of the Department of Corrections. After a sexual assault by a staff member against an inmate, we sent experienced volunteer teams with at least one woman on each to meet privately with every inmate who wished to speak to us about any issue of concern. We were given access to living units, confidentiality, and leave to follow up on any allegations that we received. We have given the Department our initial findings and are following up on the more significant concerns given us by the women we interviewed. Our latest special visit was to the new, and largely unopened state of the art maximum security prison at Thomson in pursuit of information that would help us advise inmates and their families, and political leaders, about the state government's proposals to move maximum security prisoners from Stateville or Pontiac, which would be closed, to Thomson.
- This past year a federal judge appointed the John Howard Association of Illinois as Court Monitor in King v. Walker, a class action lawsuit which revamps Cook County's and Illinois' Department of Corrections methods of handling preliminary hearings for inmates against whom petitions for violations of parole or terms of conditional release have been filed. We reported to the court on the sufficiency and timeliness of the new hearings, the quality of information provided inmates, and the fairness of the proceedings. Equally challenging, Charles Fasano helped the Prisoner Review Board, the Illinois Department of Corrections, the Cook County Department of Corrections, and the Department of Juvenile Justice figure out the timing and method by which inmates involved in these hearings are transported between courts, the Cook County jail, prisons and juvenile facilities, and by which attorneys or witnesses who will speak for the inmate are brought to the hearings. The arrangements had the unintended consequence of temporarily transferring hundreds of inmates from Cook County to state custody, which reduced jail overcrowding but necessitated their being bussed back to Cook County daily to attend other court hearings. In turn, this consequence may have contributed to a decision by state officials to issue fewer parole revocation warrants for minor infractions. Most remarkably, because of the problem-solving approach taken by the John Howard Association and the parties, this federal litigation ended within the year to the satisfaction of plaintiff prisoners and the correctional defendants.
- As Court Monitor in Duran v. Dart, the federal civil rights case which requires Cook County to address overcrowding and unconstitutional conditions at its jail under terms of a consent decree entered in 1982, the John Howard Association of Illinois was recently able to report a significant decrease in the inmate population, due in large part to decreased jail admissions, so that for the first time in almost 20 years, no inmates have been sleeping on mattresses on the jail floor. We documented a decrease in administratively-reported allegations of abuse of inmates and injuries to staff at the jail. Our report followed the release of a report by the United States Department of Justice which credibly described a number of incidents of abuse, failures in supervision leading to inmate injury, and serious medical problems most of which appear to have occurred before the decrease in violence that we had observed. But we also criticized a series of transfers of inmates among several divisions for the purpose of putting vacant jail beds to use because they placed women and medically and mentally ill male inmates in units not appropriately equipped or staffed for their needs. We made recommendations for corrective actions which the Court enforced. Because we see that inmates are endangered by inadequate health services, we are pressing Cook County officials for a restoration of health services to adequate levels. The jail suffers serious maintenance problems and, despite past Court orders to increase staffing, is short by more than

150 security staff. We have urged that the Sheriff use his electronic home monitoring program to reduce the jail population even as the Sheriff and Cook County court officials are stalemated arguing that the other should take responsibility for deciding which inmates should be released on electronic monitoring. Unfortunately, it now appears that in the midst of these policy debates, the jail population, at best in a precarious state of equilibrium, is again increasing.

- Staff members are often asked to address policy issues that affect Illinois prisoners and corrections. For example, we testified on before the Illinois House of Representatives Prison Reform Committee on Illinois Department of Corrections staffing levels in October 2007 and about our observations of Tamms “Supermax” Prison in April 2008.

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The **LONG TERM PRISONER POLICY PROJECT (“LT3P”)**, directed by Shaena Fazal, is committed to increasing access to programs and intellectual challenge for prisoners whose very existence, never mind humanity, might otherwise be forgotten. The LT3P started the Stateville Book Club led by volunteers at the maximum security prisons at Stateville. The Book Club received the Illinois Humanities Council’s Lawrence W. Towner Grant Award for Imaginative Use of the Humanities earlier this year. The LT3P helps produce Illinois’ only prisoner newspaper, Stateville Speaks. The LT3P advocates for programs and services which will help prepare inmates for life outside prison. Many of the artists whose works are shown in the exhibit, “Light from Inside” are long term prisoners with whom the LT3P has worked to improve life on the inside.

The LT3P recently published a research and policy paper written by James Sayles before his death in March 2008. “To Set the Record Straight: a John Howard Association Report on the Parole Rates of Indeterminately Sentenced Prisoners” documents that less than 5% of the prisoners entitled to be considered for release on parole because they were sentenced before 1978 are actually being paroled and calls upon the Prisoner Review Board to place greater weight on rehabilitation when it makes parole decisions.

The LT3P conducts a major pro bono effort which introduces volunteer lawyers to representing parole-eligible prisoners before the Prisoner Review Board. More than 25 lawyers have collected the facts and advocated for the release of individual long term prisoners. We are proud that Shaena Fazal represented one of the most recent successful parole applicants, and that nearly all of the long term prisoners who have made parole were represented by an attorney brought to the task by the LT3P.

The LT3P also advances the John Howard Association of Illinois’ longstanding challenge to life sentences that have been imposed on more than 100 Illinois offenders for crimes in which they participated before their 18<sup>th</sup> birthday. On our own, and together with the Illinois Coalition for the Fair Sentencing of Children, we began the dialogue on this issue by publishing reports, editorializing, leading legislative discussions and hearings, and giving speeches. Shaena Fazal contributed her expertise to principal and amicus curiae briefs, and successfully opposed the State’s procedural objections to appeals seeking relief, for two life-sentenced juvenile offenders.

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Our concerns for the welfare of incarcerated youth drive our **JUVENILE JUSTICE PROGRAM**. Pat Connell serves as consulting director for it and Jannifer Nevilles coordinates the program.

- With the support of the Charles and M. R. Shapiro Foundation and individual contributors and with the involvement of experienced volunteers unwilling to abandon the 400 juveniles

incarcerated in Cook County, the John Howard Association has continued its advocacy for reform at the Cook County Juvenile Temporary Detention Center. We were early proponents of the appointment of a Receiver, titled "Transition Administrator," with the power to address staffing shortcomings and inadequacies in health services and programs. Problems continue, as Professor Thomas Geraghty warned us they would when he spoke to us last year. We are continuing our oversight visits, our communication with the parties in Doe v. Cook County, the federal civil rights suit brought on behalf of children at the Detention Center, and our review of the nearly-closed public school that is supposed to serve detained youth. We continue to closely watch the situation at this perennially troubled institution.

- With program support from the John D. and Catherine T. McArthur Foundation's Models for Change Initiative, staff and volunteer teams from the John Howard Association are visiting, observing, documenting and evaluating the new Illinois Department of Juvenile Justice's efforts to bring reform to its eight Youth Centers where more than 1,200 youth are incarcerated. There is progress. Among the Youth Centers are stellar, if isolated, programs and dedicated staff working hard for youth in their care. We visited the Youth Centers and analyzed Department data. The Department has decreased the use of confinement and the application of rigorous discipline. It has ended a much-criticized, haphazard system of classifying and assigning youth to facilities. It has improved responses to youth grievances. Most Youth Centers now have a lighter and friendlier environment. There is an appreciation of the value of recreation and diverse programming. The Department has introduced a system of internal monitoring and evaluation. But shortages of teachers (including librarians and administrators) and below-minimal levels of security staff, vocational and recreational instructors, and counselors, inadequate repair and maintenance are hamstringing the Department. The John Howard Association of Illinois has spoken out in the media and testified at legislative hearings and there has been some improvement in the hiring process run by the Governor's office. The appointment of Lane Walls as Superintendent of the independent School District No. 428 serving youth at the Department of Juvenile Justice may help the school program.

On the other hand, the administrative staff, which last year we found to be almost non-existent, is still less than is needed to oversee the Department, train staff, and promote reforms. A marginally adequate Departmental budget approved last spring by the Illinois House of Representatives was reduced in the highly politicized state budget battles over the summer without reference to the merits and despite the John Howard Association's advocacy for specific additions. The budget now in place lacks funds for staff training, recreation for youth, or staff for an "aftercare" program. There are still shortages in teaching positions. Unless the Executive branch and legislature can cooperatively correct these deficiencies, they threaten the Department's ability to implement the reforms for which it was created only two and a half years ago.

With budget problems in mind, we recently completed a set of recommendations for specific, concrete steps that existing staff can take to improve "aftercare" services for youth. Many of our recommendations can be implemented with minimal additional funds and demands upon staff but will greatly improve the chances youth have to succeed in their own communities following release from the Department of Juvenile Justice. We are also working to develop a youth "ombudsman" program that will listen to the concerns of detained youth, guarding against abuse by staff or other detainees, and to address other problems and issues such as the difficulty parents have in visiting youth and the lack of recreational equipment and activities for incarcerated youth.

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The John Howard Association of Illinois' work will have its greatest positive impact if we draw upon our research, our observations, and our expertise to inform Illinois citizens and decision-makers about necessary reforms. In January 2008, with substantial support from the Public Welfare Foundation, we initiated our **PUBLIC AND POLICY-MAKER INFORMATION PROGRAM** to advance this part of our mission. Since then, the exposure of our work in Illinois news media has increased considerably and contributed to the public debate:

- Reconsideration of juvenile life without parole,
  - *"Human rights groups and juvenile justice advocates in Illinois have seized on [Marshan] Allen's case as part of a growing campaign to eliminate the sentence of natural life for youthful offenders," Gary Marx reporting Shaena Fazal's efforts around Allen's case in State sentencing law facing a test: inmate serving life to get new hearing Chicago Tribune 3 December 2007, Metro Section p. 1*
  - *On April 8 & 9, 2008, Chicago's NPR station WBEZ presented a compelling two-part series about Adolfo Davis, sentenced to life without parole for a crime committed at the age of 14. The producer described Shaena Fazal's role in shaping the article: "She never failed to get back to me with some idea I could pursue, to try to take things a step further. This is just essential when you're trying to work a story. And she's a darn good teacher when it comes to describing legal concepts."*
- In the context of the Governor's serial proposals to close Stateville and then Pontiac Prisons, a call to review prison closures strategically, carefully, and with an eye toward reducing prison populations
  - *"Illinois needs to close antiquated prisons, like Stateville, Pontiac and Vandalia. But the selection, closure, and prisoner transition process must be more thoughtful than the lottery approach of the last few months" Malcolm C. Young, Transition process must be more thoughtful Morris Daily Herald May 31, 2008 Op Ed page and other Illinois daily papers..*
  - *"Nationally, and Illinois is a good example, since the mid-90's there's been a realization that we're locking up a lot of people at great costs with very little benefit." Kartikay Mehrotra quoting Malcolm C. Young in Less people finding their way behind bars in Illinois Pantograph Publishing June 9, 2008.*
  - *"We believe there are still people in prison who don't need to be there, and by concentrating on them we might be able to relieve some of the (overcrowding) pressure..." Charles A. Fasano, interviewed for Chicago's Channel 7 ABC News May 6, 2008.*
  - *"[Malcolm] Young, executive director of the John Howard Association, an inmate advocacy group, said that Illinois prisons are overpopulated because of the large number of inmates that go to prison for short periods of time for petty charges." Katie O'Connell, Prison closures threaten jobs, communities, Daily Illini 25 June 2008*
- In the context of the U. S. Attorney's highly critical investigation of the Cook County Jail and our own crucial Court Monitor's Report, a reminder that police, courts, prosecution and finally the County government which controls budgets for repairs and medical services all contribute to overcrowding and unconstitutional conditions at the Jail.
  - *"Blame has to be shared not only among various sheriffs, but among County Board Presidents, County Board members, now in the last few years Bureau of Health*

*Services that made budget cuts that were unconscionable in a system that was understaffed to begin with.” Charles A. Fasano, interview broadcast on CLTV Chicago Channel 10 on 17 July 2008.*

- *“Continued overcrowding and violence at the Cook County Jail are the result of systemic problems caused by many agencies, not just the sheriff’s office, according to a report filed Thursday by a federal court-appointed monitor.” Hal Dardick, Report finds many causes for Cook County jail ills Chicago Tribune 16 August 2008, Metro Section p. 5.*
- *“...the county is not dealing with the fact that it has a jail that is operating at capacity.” – Malcolm C. Young, Chicago Public Radio City Room 16 August 2008*
- In the context of the Duran litigation and the dispute between the Sheriff and local court judges about electronic monitoring and bond court, publicizing our position that more people than need be are sent to jail in the first instance,
- *“Depending what happens on the streets with the police departments and crime on the streets, ... we could be in a situation in a very short time where the numbers might start going back up again,” – Charles Fasano, Chicago Public Radio City Room 15 August 2008*
- On-going attention to the problems at the Cook County Juvenile Temporary Detention Center
- *“In the past there has been totally inappropriate hiring and retention of staff. People were hired who were not educationally or temperamentally qualified to be working with troubled kids,” Malcolm C. Young describing problems underlying disturbances at the Cook County Juvenile Temporary Detention Center, Better training, more staff sought for troubled juvenile detention center Chi Town Daily News March 10, 2008*

On September 15, 2008 we released a short research paper on a contentious topic, “To Set the Record Straight: a John Howard Association Report on the Parole Rates of Indeterminately Sentenced Prisoners” at simultaneous press conferences in Chicago and in Springfield, Illinois. As a result, our findings, that the Prisoner Review Board restrictively grants parole to long term (“C-#”) prisoners, and our perspective on rehabilitation, was reported by the Associated Press and published across the state:

- Shaena Fazal describing C-# prisoners for WBEZ, Chicago’s public radio station: *“They’re pretty safe to be around right now even if they’ve committed some heinous crimes. The point is that they’ve rehabilitated themselves over the years and there’s no longer a point in keeping them incarcerated.”* “Parole Board too Hard on Inmates?” WBEZ City Room on 16 September 2006.

We have taken every opportunity to present the message of sentencing and corrections reform directly to legislative, professional and general audiences. For example:

- Pat Connell addressed the 1<sup>st</sup> Annual Collaborative Juvenile Justice Conference in Springfield, Illinois about youth in secure confinement and the Chicago Area Foundation for Women about medical and mental health care for incarcerated girls, both in November 2007
- Jannifer Nevilles appeared frequently before many community groups to talk about juvenile corrections and reentry to the community following release

- Charles Fasano spoke to a committee of the Union League Club of Chicago on health services at the Cook County jail in June 2008, and to corrections and student groups on a host of topics throughout the year
- Malcolm C. Young delivered the keynote address, “Research, Advocacy and the Pursuit of Juvenile Justice: Why is Juvenile Justice System Reform so Difficult to Achieve?” analyzing opposition to an end to juvenile life sentences for the Spring Institute of the Illinois Academy of Criminologists in April 2008.

The John Howard Association of Illinois has always been a respected voice for sentencing and corrections reform. This year, we have built upon that record. Next year, we expect to do so again.

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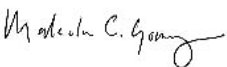
Two hundred fifty years ago John Howard, an English gentleman of humanitarian convictions, undertook a crusade against unjust incarceration. We bear his name, and for 108 years we have been chartered to continue his work.

The kind of independent oversight of secure jails and prisons that the John Howard Association of Illinois provides almost uniquely in the United States is more common in European countries, but it is becoming increasingly recognized here. This past year, the American Bar Association passed a resolution urging that “federal, state, tribal, and territorial governments ...establish public entities that are independent of any correctional agency to regularly monitor and report publicly on the conditions in all prisons, jails, and other adult and juvenile correctional and detention facilities operating within their jurisdiction.”<sup>1</sup> Here in Illinois, this is what we are already doing.

We have made progress. Yet there is resistance. Despite satisfaction with our accomplishments, we know how much remains to be done in sentencing and corrections reform. Our juvenile facilities, jails and prisons are over-loaded, under-resourced, and conflicted, at best, in their mission. Abuses and violence within correctional facilities still occurs.

The goals of the John Howard Association of Illinois will, however, be achieved. They may not be achieved in the coming year or even the next decade. But they will be achieved. It is absolutely necessary to our sense of justice and liberty that we achieve them. That is exactly what we have tried to do this past year, and, with the support of many, what we will continue to do in the year ahead.

Respectfully Submitted,



Malcolm C. Young  
Executive Director

18 September 2008

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<sup>1</sup> Resolution 105B, drafted by a subcommittee of the American Bar Association’s Criminal Justice Section chaired by Professor Lynn Branham, and of which Malcolm C. Young was a member, passed by a unanimous vote of the ABA’s House of Delegates on August 11, 2008. Additionally, in its 2006 report, “Confronting Confinement,” the Commission on Safety and Abuse in America’s Prisons endorsed independent public oversight of correctional facilities and referred to the John Howard Association of Illinois as a program model. See p. 96; also pp. 79-82.

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