



## IDES Legal Services Program Facts and Frequently Asked Questions

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IDES contracts with private law firms to provide limited free legal services (consultation and/or representation at IDES administrative hearings) to claimants and small employers who are eligible for this service. These are independent law firms and are not part of IDES. Representation at your hearing is not automatic and depends, in part, upon the facts in your case. Below are the IDES Legal Services Program (LSP) facts and frequently asked questions.

- **What is the IDES Legal Services Program (LSP)?**
  - It's a program that provides **free** legal services to eligible claimants and small employers, regarding an Appeal hearing or Board of Review matter concerning a decision, determination, order or ruling by IDES. Typically, the decisions and orders that are appealed relate to eligibility for unemployment insurance benefits as well as unemployment insurance tax matters.
  - IDES currently contracts with four independent law firms to provide this service---two to provide free legal services to claimants and two for small employers. The lawyers are **not** IDES employees.
  - If you are interested in this legal service, call whichever of the following toll-free phone numbers applies to you **immediately** after receiving a ruling against you or after receiving a notice of appeal. (Keep in mind that the opposing party may file an appeal of an initial decision in your favor.) One requirement for participation in this program is that you contact the appropriate law firm **no less than three business days** before your hearing.
- **I'm a claimant. How do I know which of the two "claimant" law firms to contact?**
  - If your Social Security number ends in a **0 through 4**, call toll-free (800) 884-6591. If you're calling from out of state, call (847) 991-9240, although this is not a toll-free number. The toll-free TTY number is (866) 848-5609.
  - If your Social Security number ends in a **5 through 9**, call toll-free (888) 430-1776. If you're calling from out of state, call (312) 640-1776, although this is not a toll-free number. The TTY number (not toll-free) is (312) 640-1264.
- **I'm a small employer. How do I know which of the two "small employer" law firms to contact?**
  - If your Unemployment Insurance Account Number ends in a **0 through 4**, call toll-free (866) 641-4288. The toll-free TTY number is (312) 641-6403.
  - If your Unemployment Insurance Account Number ends in a **5 through 9**, call toll-free (877) 849-2007. The toll-free TTY number is (866) 802-8732.



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- **What does “small employer” mean?**
  - “Small employer” means an employer that has reported wages for less than 20 employees, either full- or part-time, during each of any two of the four calendar quarters preceding the quarter in which the employer is requesting to participate in the LSP.
  
- **What exactly does “free legal services” mean?**
  - An eligible claimant or small employer is entitled to receive up to one hour of free consultation with an LSP attorney regarding his/her case (think of this as the **first** level of free legal service), and, if the attorney determines that the claimant or small employer has a valid claim or defense, the LSP attorney will also represent the claimant or small employer in an appeal hearing and/or at the Board of Review (think of this as the **second** level of free legal service).
  
- **What is meant by a “valid claim or defense?”**
  - IDES Rule 2712.201 states, “A “valid claim or defense” is one which, to the best of the provider’s or attorney’s knowledge, information and belief formed after reasonable inquiry, within the necessary time constraints, is well grounded in fact and is warranted by existing law, is not interposed for any improper purpose (i.e., for the purpose of harassment or delay) and, if proven by a preponderance of the legally competent evidence of record at a hearing on that issue, would require the proponent of the claim or defense to prevail.”
  
- **What if I think I have a valid claim or defense but the LSP attorney doesn’t agree?**
  - You will still be entitled to receive the first level of free legal service, i.e., up to one hour of legal consultation regarding your case. (Time spent by the attorney in initially determining validity is applied toward the one-hour limit.) Each of the four law firms also has an internal review process in place; upon your request, another of the firm’s attorneys will review the facts of your case to determine if the first lawyer’s conclusions are appropriate. Additionally, if a claimant or small employer is denied the second level of legal service under this program (i.e., representation before a Hearings Referee or the Board of Review) and then hires a private attorney who prevails at the Appeals or BOR level, he/she can be reimbursed for up to \$300.00 of the private attorney’s costs. Adequate documentation of private attorneys’ costs would first have to be provided to IDES.
  
- **What are the other qualifications for participation?**
  - You must apply for participation in the LSP **at least three work days prior to the date of a scheduled hearing** unless the reason you were unable to call within this time frame would be good cause for a continuance. Additionally, small employers must not be delinquent in the payment of any UI taxes except regarding a matter which is the subject of the appeal at issue.



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- **Are the four participating law firms paid and, if so, who pays them?**
  - IDES reimburses the law firms for services provided under this program, up to a fixed dollar amount each year. The money to pay the law firms comes out of the agency's Special Administrative Account fund.
- **Is there a limit on the number of times my company can use this service?**
  - We have a general limitation of seven times in a fiscal year that a claimant or small employer can use the LSP, although exceptions can be made if warranted.
- **What if I'm not satisfied with the service I receive from an LSP firm?**
  - Any complaints, comments or suggestions for improvement of the LSP should be directed to Barry Isaacson at 312-793-9728 (email: [Barry.Isaacson@illinois.gov](mailto:Barry.Isaacson@illinois.gov)) or Tom Conway at 312-793-2860 (email: [Thomas.Conway@illinois.gov](mailto:Thomas.Conway@illinois.gov)).
- **Where can I find more information regarding this program?**
  - The Legal Services Program is addressed in IDES Rules 2712.201 through 2712.210. You can also contact Mr. Isaacson or Mr. Conway at the above phone numbers or email addresses for more information.