ILLINOIS STATE BAR ASSOCIATION

JANUARY 2025 VOL 55 NO. 3

Environmental Law

The newsletter of the Illinois State Bar Association's Section on Environmental and Natural Resources Law

Editor's Note

BY WILLIAM J. ANAYA

SAVE THE DATE—the Illinois State Bar Association's Environmental and Natural Resource Section Council's Spring 2025 Conference is scheduled for May 22-23, 2025, at Chicago-Kent College of Law, 565 West Adams Street, Chicago, Illinois 60661-3691.

With the new administration taking office this month, this program is a MUST ATTEND PROGRAM for all Illinois lawyers with clients involved in any regulated or cleanup liability activity—such as sales, compliance, purchases, mergers, acquisitions, and ownership (individually, or in a corporation or limited liability company).

There is something for everyone this year.

As in the past, we have speakers from the Office of the Illinois Attorney General, the Illinois Environmental Protection Agency, the Illinois Department of Natural Resources, and the U.S. Environmental Protection Agency, Region V—each providing an annual update of Agency activities and priorities. In addition, other topics include: Waters of the United States (a primer of sorts) treaties with the Potawatomi Tribe, Carbon Sequestration, Climate Legislation, Emergency Response, Due Diligence, Extended Producer Liability ("EPR") Statutes, PFAS, ESG, and Micro Plastics.

Mark the Date Now.

The program is presented in conjunction with the Chicago Bar Environmental Law Committee and

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Extended Producer Responsibility Laws in 2025

BY SYDNEY WEISS AND EMILY N. MASALSKI

EXTENDED PRODUCER RESPONSIBILITY ("EPR") laws represent a pivotal shift in environmental policy, encouraging producers to take responsibility for the entire lifecycle of their products, including post-consumer waste. EPR laws are designed to reduce landfill waste; promote recycling, composting, and use of post-consumer recycled content ("PCR"); and require manufacturers to address the environmental impact of their products. These laws require "producers" (typically defined as those who manufacture the package) to manage the collection, recycling, or disposal of products after they have reached the end of their useful lives, typically by financing recycling programs or implementing take-back programs.

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Editor's Note

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the Chicago Bar Young Lawyers Environmental Committee.

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In this issue we have a very thoughtful piece on the **Extended Producer Liability Laws** written by **Sydney Weiss and Emily Masalski.** The statutes appear to be a new trend in statutory environmental programs.

We also have an update on **Carbon Capture in Illinois** written by **Laura Harmon.**

In addition, **Eric Berry** reports on the latest in PFAS litigation.

Finally, we have added a very thoughtful piece by **Justice Michael B. Hyman** on the subject of **Justice.**

I like this article because it affirms my idea of *justice* as an active verb and not a noun or a destination. I think you will enjoy reading this piece, and hopefully, it will assist you in continuing to fight the good fight for our clients no matter what. There is a great deal of wisdom in this piece. ■

Extended Producer Responsibility Laws

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Over the last decade, EPR laws have gained traction in various states. California, Colorado, Maine, Minnesota, and Oregon have pioneered adoption of EPR laws. Here, we explore EPR laws in those states and discuss other states that have adopted exploratory laws or are likely to soon adopt full-fledged EPR legislation.

The key stakeholders of an EPR program include: 1) producers; 2) the producer responsibility organization ("PRO") or stewardship organization ("SO") that manages the producers and is the liaison between producers and the state environmental agency; 3) an advisory board or council that helps guide state or administrative rulemakings to enable the provisions of the enabling EPR law; and 4) the state environmental agency that adopts rules, oversees the program, and enforces the EPR law.

Often times, prior to adopting comprehensive EPR legislation, a state will pass "Needs Assessment" legislation, which provides the state authorization to explore issues such as 1) recycling capability, 2) waste infrastructure, and 3) current disposal rates to set the stage to eventually adopt a comprehensive program. This has occurred in both Illinois and Maryland. Other states have passed EPR legislation that first requires completion of a Needs Assessment before determining the bounds of the EPR law.

Rather than managing end of life for packaging through recycling or composting, some states have enacted laws that require producers to reduce source material. This means if a producer, for example, creates 1,000 pounds of packaging per year, the producer will be required to reduce the amount of total packaging they put into commerce overall by a fixed percent over a prescribed period. If the state enacted a 25% source reduction requirement over a 10-year period, our example above, would allow the producer to only introduce 750 pounds of packaging material into commerce.

California

Unsurprisingly, California has enacted some of the most aggressive EPR legislation in the country. California's SB 54 "Plastic Pollution Prevention and Packaging Producer Responsibility Act" imposes minimum content requirements for single-use packaging and plastic food service ware to be achieved through their EPR program. California expects its

Environmental Law

This is the newsletter of the ISBA's Section on Environmental Law. Section newsletters are free to section members and published at least four times per year. Section membership dues are $35 per year.

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comprehensive program will regulate more than 13,000 producers. Under Section 42064(e)(1) of the Act, a PRO shall pay an environmental mitigation surcharge as assessed by California's Department of Tax and Fee Administration to total $500 million each year beginning in 2027 for 10 years. The $5 billion dollar surcharge (over 10 years) will be deposited into the California Plastic Pollution Mitigation Fund. The PRO will establish and impose an environmental surcharge upon the producers based on each producer's market share. The law requires producers to ensure that by 2032: 1) 100% of single-use packaging and plastic food service ware sold in the state is recyclable or compostable; 2) 65% of single-use plastic packaging and food service ware is recycled; and 3) 25% less single-use plastic packaging and food service ware is sold.

Colorado

On June 3, 2022, the "Producer Responsibility Program for Statewide Recycling Act" (House Bill 22-1355) was signed into law.
Colorado requires producers to register with the PRO. In Colorado, the PRO is Circular Action Alliance ("CAA")—also the PRO in Oregon and California. CAA is a nonprofit, producer-led organization that was founded in 2022 by 20 producers representing the food, beverage, consumer goods, and retail industries. The deadline for producers to register with CAA has already passed in Colorado, and a sales prohibition will occur on July 1, 2025, if a producer has still failed to register.

Recycling rates have yet to be established in Colorado, but CAA will determine the appropriate targets for Colorado producers to meet and will release those target recycling rates sometime in 2025. Colorado's program focuses on business-to-consumer packaging and does not include business-to-business packaging, however, the potential for program expansion remains. Producers will be required to pay their first fee to the PRO in January 2026.

As the program stands today, CAA will submit a PRO plan by February 3, 2025, for the advisory board to consider. The PRO plan will detail program operations, material collection/processing strategies, funding/reimbursement mechanisms, education and outreach, and end-market development for recycled materials.

Maine

Maine is a leader in EPR, passing its landmark legislation in 2021, "An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money." This law made Maine the first state in the U.S. to pass a comprehensive EPR program for packaging. The program is anticipated to be fully operational in 2027 and will be operated by a Stewardship Organization (SO) selected by the Maine Department of Environmental Protection ("MDEP") following a competitive bidding process. MDEP will provide its first update on its progress in implementing the EPR program to the legislature in February 2025.

Maine's program has an ambitious recycling rate of 75% by 2045. Maine's program also has a limited scope—focusing on business-to-consumer packaging, rather than on business-to-business packaging. Unlike other states, Maine does not require producers to change their packaging—*e.g.* there is no requirement that a package be recyclable or compostable. However, over time the SO will likely continue to increase fees producers are required to pay as leverage to push producers to make physical packaging changes.

Minnesota

In 2024, Minnesota became the fifth state to pass EPR for packaging through the "Packaging Waste and Cost Reduction Act." The program requires all packaging and paper products to be refillable, reusable, recyclable, or compostable by 2032. Minnesota expects the program will increase curbside services for recyclables and compostables will be expanded where services are currently limited or unavailable. It is anticipated that there will also be more drop-off location options for packaging that does not work well in curbside programs.

Minnesota's program is all encompassing, including packaging and packaging components, food packaging, and paper products sold, offered for sale, distributed, or used to ship a product within or into Minnesota, including online purchases and shipments.

Currently, the Minnesota Pollution Control Agency ("MPCA") is working to develop the Needs Assessment to set requirements for the PRO to reduce material use, establish refill and reuse systems, expand recycling and composting, and use more recycled content in their products.

Minnesota has yet to appoint a PRO, but CAA is preparing documentation to register with the Commissioner of MPCA by January 1, 2025. Producers must be a member of a PRO that is registered with MPCA by July 1, 2025.

Oregon

On November 24, 2024, the Environmental Quality Commission adopted rules to clarify and implement the "Plastic Pollution and Recycling Modernization Act of 2021."

The Oregon EPR program has many of the same key features as other programs. However, Oregon's program has the unique feature of sharing the responsibility of managing materials between the PRO and municipalities. By 2050, Oregon requires 70% of plastic materials to be recycled in the states.

Oregon's implementing Act also established the Truth in Labeling Taskforce. The Task Force studied and evaluated misleading or confusing claims regarding the recyclability of products made on a product or packaging. The Task Force considered issues affecting accessibility for diverse audiences. The Task Force published its final report published in June 2022, and included recommendations for the Oregon Legislature to adopt labeling practices to reduce consumer confusion and reduce instances of greenwashing.

Illinois

While Illinois has yet to pass comprehensive EPR legislation dealing with plastic packaging, the state did pass "Needs Assessment" legislation. On July 28, 2023, Governor Pritzker signed Public Act 103-0383 which established the Statewide

Recycling Needs Assessment Advisory Council. The Advisory Council will evaluate the capacity of Illinois' recycling systems, while also offering recommendations about the necessity and feasibility of creating a permanent statewide EPR program. The Advisory Council met on December 9, 2024. The next meeting will be held on March 10, 2025.

On February 9, 2024, Illinois State Senator Adriane Johnson introduced SB3795 (2024) which establishes a full EPR program, rather than just a Needs Assessment. SB3795 was referred to Assignments but did not progress. The 104th Illinois General Assembly will reconvene in January 2025, when a similar bill is likely to be introduced again.

Also, Illinois established the Paint Care Program e at 415 ILCS 175, which provides for an Extended Producer Responsibility ("EPR") plan for the collection and recycling of post-consumer household paint. The law requires each paint producer of household paint to join Paint Care and submit a plan to the Illinois EPA establishing a program that includes the agency's oversight and an assessment of paint manufacturers to fund the program. In essence, leftover paint is collected at collection sites and then recycled. And, Public Act 103-470 (415 ILCS 80/5) requires that "compostable food ware containers" are to be used by state agencies.

And, somewhat related, 715 ILCS 5/13.10 amends the Illinois Environmental Protection Act and requires Illinois EPA to make available information 1) describing micro-plastics and their effects on aquatic and human health; 2) any federal or state regulatory action taken to address micro-plastics and their effects on aquatic and human health; 3) contact information for an employee of Illinois EPA who can respond to questions from the public on micro-plastics; and 4) additional resources. Thereafter, the Illinois EPA shall report to the Governor and the General Assembly on the Illinois EPA's actions concerning micro-plastics, and a comparative analysis of actions taken in other states as well as any guidance from the EPA.

Other States

Several other states have proposed legislation, including Hawaii, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Rhode Island, Tennessee, and Washington. While not confirmed, experts expect legislation to pass in New York in 2025, which will likely lead to a cascade of adoption of EPR legislation across the northeast. Additionally, as we move into a new Presidential Administration, more states may pursue rapid ratification EPR laws due to regulatory uncertainty at the federal level.

Conclusion

As more states embrace EPR, the framework is likely to evolve and expand to cover additional product categories, such as textiles and food waste. For EPR laws to be successful in the long term, it will be essential for states to work collaboratively, share best practices and lessons learned, and establish consistency. CAA seeks to unify state programs through applying to be the PRO in states with EPR laws. The EPR framework is continuously changing and there is added uncertainty for the regulated community due to the patchwork landscape. However, there is an opportunity to develop best practices with future adoption of EPR legislation in other states by using experience from the five early adopter states. ■

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Is PFAS the Next Asbestos?

BY ERIC BERRY

PFAS (PER- AND POLYFLUOROALKYL SUBSTANCES) are a group of thousands of chemicals manufactured since the 1940s for use in consumer products and industrial processes. This article presents an overview of the PFAS phenomenon.

PFAS are very effective at doing what they do—for example, resist grease, oil, water, and heat, and put out flammable liquid fires such as fuel fires. Their useful properties have resulted in their use in, to name only a few, nonstick cookware; water-resistant clothing; cosmetics; coatings on carpets and upholstery to prevent stains; grease-resistant paper (think pizza boxes and other take-out food containers, for example, although the FDA announced this year that PFAS-containing grease-proofing substances for food packaging had ceased to be sold in the U.S.); and certain fire suppressants. However, nothing comes without a cost.

- **Pervasive:** Their common uses have led to PFAS being found in the environment everywhere around the world—including in the far Arctic reaches of Earth. They are ubiquitous.
- **Pernicious:** Scientists and doctors have found that PFAS bioaccumulate within organisms in the environment, and are toxic, including to humans. EPA has called PFAS "an urgent threat to public health and the environment."
- **Perpetual:** Part of what makes PFAS so useful in daily life is their durability—their extreme durability. Due to their tendency not to break down naturally in the environment, they have been termed "forever chemicals."

PFAS' pervasiveness and perpetuality, combined with the health risks they present, have led to extensive litigation (PFAS have been dubbed "the next asbestos" or "the next tobacco" by some), a sharp increase in regulation, non-stop news articles, and even a Hollywood movie starring Mark Ruffalo and Anne Hathaway ("Dark Waters").

Litigation

With a mixture of factors like those above, litigation is sure to follow, and it has. To pick just a few instances, all of the following have been filed in 2024:

- **Coca-Cola**—Hit with a proposed class action over PFAS allegedly found in "Simply Orange" products. This lawsuit states that Coca-Cola's use of such terms as "pure filtered water" and "all natural" in labels and advertising are rendered false and misleading where those products contain PFAS.
- **BIC USA**—Hit with a proposed class action for the failure to disclose that PFAS are present in the lubricating strips on some BIC razors. The California plaintiffs learned of the presence of PFAS in BIC lubricating strips through a public records request to the State of Maine, following a Maine law requiring manufacturers of products sold in that state to submit information about intentionally-added PFAS. In what is certain to become a trend, plaintiffs' counsel were able to mine publicly available PFAS disclosures and use that information to find deep-pocketed defendants to sue.
- **Kimberly-Clark Corp.**—A proposed class action claims that a Kleenex manufacturing facility is the source of PFAS in the environment.
- **Johnson & Johnson**—Sued over the alleged presence of PFAS in Band-Aids.
- **3M, DuPont, and others**—Sued by Connecticut firefighters claiming dangerous levels of dermal exposure to PFAS through their protective gear manufactured and sold by those companies.
- **Costco**—A proposed class action claims that Costco's Kirkland-brand fragrance-free baby wipes contain PFAS.
- **The Hershey Company**—Hit with a proposed false advertising class action claiming that Bubble Yum bubblegum and its wrappers contain organic fluorine, an "indicator" of PFAS. Gum test results found as high as 197 parts per million, which is equal to 197,000,000 parts per trillion.
- **The Hershey Company**—Hit with another proposed class action in another state claiming that the company's Hershey's Chocolate Bar, Hershey's Kisses, Reese's Peanut Butter Cups, Reese's Pieces, and Almond Joy wrappers contain "alarmingly high levels" of PFAS.
- **Edgewell Personal Care**—Suit claims that Carefree menstrual liners contain PFAS.

In addition, Procter & Gamble was hit last year with a suit claiming that Tampax Pure Cotton tampons contain undisclosed PFAS.

Further, all of the following large PFAS settlements were reached or received court approval in 2024:

- **3M**—$10.3 billion
- **DuPont and related companies**—$1.1 billion
- **Johnson Controls**—$750 million
- **Carrier Global**—$730 million
- **BASF Corp.**—$316.5 million

Regulation

Regulations concerning PFAS have also proliferated. Below are just a few:

- **Safe Drinking Water Act**—In April of this year, EPA finalized PFAS drinking water standards applicable to all public water systems in the country – approximately 66,000 systems. EPA set the standard at a very low 4.0 ppt (parts per trillion) for two PFAS, even while saying that this level represents the lower edge of detectability, and that even at those levels, the two PFAS are

not safe to humans ("[T]here is no dose below which either chemical is considered safe"). For perspective, consider that per EPA, in terms of time, 1 ppt represents 1 second out of almost 32,000 years. And keep in mind that, meanwhile, the CDC has reported that the "General U.S. Population" in 2017-2018 had 1,400 ppt and 4,300 ppt of those same two PFAS already in their blood.

- **CERCLA**—Two PFAS have been designated as "hazardous substances" under CERCLA, giving EPA additional enforcement powers and causing parties to worry not only about new Superfund sites due to the presence of PFAS, but whether old, closed Superfund sites could be resurrected. Further, environmental Phase I assessments will deem releases of, and the presence of, PFAS as Recognized Environmental Conditions.
- **Toxic Substances Control Act (TSCA)**—There is a new required one-time certified report to EPA of all PFAS that a party manufactured or imported in each calendar year from 2011 through 2022. Most companies are required to report by no later than January 11, 2026, and unlike some other reporting schemes, there are no threshold quantities, and the coincidental manufacture of PFAS as byproducts or impurities is in-scope.
- **EPA National Enforcement and Compliance Initiatives (NECI)**—EPA included "Addressing Exposure to PFAS" as one of six areas to receive its highest focus for the years 2024 to 2027.

Conclusion

This article merely scratches the surface of the PFAS phenomenon. For example, layered on top of the items discussed here, individual states are also crafting and enforcing PFAS rules and standards. With all of this activity, litigation, and dollars at play, PFAS matters, like PFAS themselves, are here to stay. UB Greensfelder is ready to help guide its clients—expect more PFAS updates going forward. ■

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New Carbon Capture and Sequestration Act & CCS Project Update

BY LAURA HARMON

ON JULY 18, 2024, GOVERNOR PRITZKER signed SB1289 creating the Safety and Aid for the Environment in Carbon Capture and Sequestration Act (SAFE CCS Act), which addresses environmental and safety regulations, prohibition of the injection of CO2 for enhanced oil recovery, ownership of pore space, integration and unitization of pore space for CO2 sequestration before the Illinois Department of Natural Resources (IDNR). The 104-page Safe CCS Act also included a moratorium on approval of CO2 pipelines by the Illinois Commerce Commission (ICC) for two years or until the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) adopts new safety regulations for such pipelines.

On February 1, 2024, the PHMSA submitted its notice of proposed rulemaking (NRPM) for CO2 pipelines to the Office of Management and Budget (OMB) for review. The proposed rules are supposed to address the deficiencies identified by PHMSA involving the 2020 pipeline failure in Satartia, Mississippi. The proposed rules are not made public until the OMB completes its review and then the NPRM will be published in the Federal Register which will include a public comment period. According to PHMSA's website, the NRPM will be published in the Federal Register before this article goes to print. You can track the status of the NPRM for CO2 pipelines here: PHMSA NPRM Chart Carbon Dioxide Pipeline.

Key Provisions of the SAFE CCS Act which impact landowners:

Section 10: Ownership of pore space is vested in the surface owner.

Section 15:

Integration and Unitization requires 75% voluntary easements/leases of proposed CO2 sequestration facility before IDNR can issue a permit. Any integration/unitization order issued by IDNR is not effective until USEPA issues a Class VI permit and IEPA issues a carbon sequestration permit.

Notice and hearing are required prior to issuance of any integration/unitization order.

Non-consenting pore space owners are entitled to just compensation for use of the pore space and use of the surface for Class IV well permit required activities but, such compensation shall exclude any incentives, such as signing bonuses provided to consenting pore space owners prior to the initiation of injection. In addition, compensation paid to consenting pore space owners for operations term or injection term payments which are made upon or after the initiation of the injection of CO2 will be considered as part of the just compensation for non-consenting landowners-but this does not include payments made prior to the injection of CO2. We know that some pore space developers provide all compensation prior to the injection of any CO2, and this provision encourages all developers to front load compensation packages to consenting landowners prior to the injection of CO2 to avoid paying just compensation to nonconsenting pore space owners. We anticipate that this provision will be challenged as an unconstitutional taking.

Section 20: Surface access for pore space owners is limited to emergency situations unless the owner gives written consent.

Section 25: Compensation for damages to the surface including crop loss and restoration of soil productivity and drainage.

Sections 45 and 50 Amendments to Public Utilities Act (PUA):

Amends the PUA to clarify that an operator seeking a certificate for a CO2 pipeline under the Carbon Dioxide Transportation and Sequestration Act (CDTS) does not need to also obtain a certificate to operate as a common carrier under the PUA.

Requires the applicant to host two prefiling public meetings in all counties impacted by CO2 pipeline and have a project website.

Essentially removes the 11-month deadline for ICC to issue an order, since the applicant must have obtained all federal permits before it files an application with the ICC.

Clarifies that landowner intervenors may testify on any relevant issue (already allowed in the CDTS Act).

Excludes use of CO2 for enhanced oil recovery from approval of a pipeline under the CDTS provision of the PUA.

Section 59 creates a new carbon capture and sequestration permit requirement with IEPA which goes beyond the requirements of USEPA's Class VI well permit requirements.

After the enactment of the SAFE CCS Act, the sole CO2 pipeline project pending before the ICC was dismissed as required by the Act. On September 19, USEPA issued a notice of violation and proposed an enforcement order to ADM after injected fluid migrated into an unauthorized zone approximately 5,000 feet deep. Information regarding EPA's action including the proposed consent order are available here: EPA Class VI Permit Violation ADM.

For those readers who are interested in keeping up to date on the latest developments in CCS the websites below contain valuable information on this topic.

EPA's Current Class VI Projects under Review (main dashboard): USEPA Current Class VI Projects Main Dashboard

EPA's UIC Class VI Wells permit tracker: USEPA Class VI Well Tracker

Actual permit applications and permit documents are available here:

EPA's Class VI Data Repository Permits

Prairie Research Institute website and CCUS Report: https://prairie.illinois.edu/research/carbon-management/ ■

This article was originally published in Mineral Law (December 2024, Vol. 51, No. 2), the newsletter of ISBA's Section on Mineral Law.

Justice Is in the Doing

BY JUSTICE MICHAEL B. HYMAN

JOE BOOKER WORKED IN THE dim glow of his laptop. He had spent another long day at the Leighton Criminal Courthouse for a client who'd already lost everything but hope, and that too might be lost when the trial resumed in the morning.

Joe leaned back in his chair, worried about what the jury might be thinking. His eyes wandered to the portrait of Abraham Lincoln on the far wall, which had watched over him in quiet judgment since he started practicing 18 years ago. Tonight, though, Lincoln's penetrating gaze appeared heavier, more insistent.

"Mr. Lincoln," Joe muttered, almost in defeat, "The quest for justice feels overwhelming. How did you keep going?"

To Joe's astonishment, like a shadow coming to life, a figure stepped out from the portrait: tall, gaunt, a face etched with deep lines, and with eyes filled with a tired wisdom of having been through so much.

"You're asking the wrong question, Joe," said Lincoln, his voice gentle. "The question isn't how I kept going. The question is what kept me going."

Joe blinked, waiting for Lincoln to say more.

"I held to the belief that right will triumph in the end," said Lincoln with a sadness in his tone. "No great cause is won in a single moment, nor achieved without enduring setbacks. I resolved not to let disappointment deter me but rather to use it to embolden my determination to push forward."

Joe paused before responding. "But the challenges are relentless. It's like swatting a swarm of hornets. Even if I get rid of one, another appears, and then another. I can't help wondering whether trying to attain justice is worth the sacrifices."

"Justice is in the struggle itself," Lincoln answered. "The law, as you know, does not always yield a just outcome. Yet justice is there, in the effort, in the commitment, in the resisting of misgivings that seek to weaken our spirit."

"So you're saying it's not about the result?"

Lincoln's eyes widened with recognition. "More than the result, it's about showing that someone or something is worth fighting for. You've done it—when you stand up for a client and advocate for them. Every time you tell a judge or jury, 'This person deserves justice,' you've already altered the course."

"Clients do not come to you because they believe in the law; they come because they believe in you. They don't know the law. What they do know is that you're there for them. That's justice, Joe. It's not some grand, noble thing handed down from on high. Justice happens when lawyers manifest principled ideals driven by a sense of purpose."

"Tell me—" Joe hesitated a moment. "How do I keep believing in justice?" Lincoln looked straight at Joe. "The probability that we may fail in the struggle ought not to discourage us from a cause we believe is just. Indeed, in that struggle, we become part of something bigger. And if you ever doubt it—remember, you're not alone and that the struggle for justice calls for guiding strength. The law is just words on paper until someone like you steps in and gives it voice and meaning."

Then, for the first time, Lincoln gave a friendly smile. "Justice is in the doing. Heed my words, justice is in the doing."

With that, Joe Booker was alone again, staring at the portrait once more. He didn't feel as hopeless, knowing that justice resides in pursuing what is just. That was enough for Joe. ■

This article was originally published in CBA Record for Nov/Dec 2024. It is republished here with permission.

Justice Michael B. Hyman, a member of the Bench & Bar Section Counsel, sits in the First District Illinois Appellate Court.