

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered June 18, 2013.

(Deleted material is struck through and new material is underscored, except in Rule 719, which is entirely new.)

Effective July 1, 2013, Supreme Court Rules 63, 707, 711, 718 and 756 are amended, and Rule 719 is adopted, as follows.

Amended Rule 63

Rule 63

CANON 3

**A Judge Should Perform the Duties of Judicial
Office Impartially and Diligently**

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and

others subject to the judge's direction and control.

(4) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.

(5) A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

(a) Where circumstances require, *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond.

(b) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(c) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(d) A judge may initiate or consider any *ex parte* communications when expressly authorized by law to do so.

~~(5)~~ (6) A judge shall devote full time to his or her judicial duties, and should dispose promptly of the business of the court.

~~(6)~~ (7) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This paragraph does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

~~(7)~~ (8) Proceedings in court should be conducted with fitting dignity, decorum, and without distraction. The taking of photographs in the courtroom during sessions of the court or recesses between proceedings, and the broadcasting or televising of court proceedings is permitted only to the extent

authorized by order of the supreme court. This rule is not intended to prohibit local circuit courts from using security cameras to monitor courtrooms, provided that cameras are controlled by designated court personnel. For the purposes of this rule, the use of the terms “photographs,” “broadcasting,” and “televising” include the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices.

~~(8)~~ (9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge’s direction and control to do so.

~~(9)~~ (10) Proceedings before a judge shall be conducted without any manifestation, by words or conduct, of prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, by parties, jurors, witnesses, counsel, or others. This section does not preclude legitimate advocacy when these or similar factors are issues in the proceedings.

B. Administrative Responsibilities.

(1) A judge should diligently discharge the judge’s administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require staff, court officials and others subject to the judge’s direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) (a) A judge having knowledge of a violation of these canons on the part of a judge or a violation of Rule 8.4 of the Rules of Professional Conduct on the part of a lawyer shall take or initiate appropriate disciplinary measures.

(b) Acts of a judge in mentoring a new judge pursuant to M.R. 14618 (Administrative Order of February 6, 1998, as amended June 5, 2000) and in the discharge of disciplinary responsibilities required or permitted by canon 3 or article VIII of the Rules of Professional Conduct are part of a judge’s judicial duties and shall be absolutely privileged.

(c) Except as otherwise required by the supreme court rules, information pertaining to the new judge’s performance which is obtained by the mentor in the

course of the formal mentoring relationship shall be held in confidence by the mentor.

(4) A judge should not make unnecessary appointments. A judge should exercise the power of appointment on the basis of merit, avoiding nepotism and favoritism. A judge should not approve compensation of appointees beyond the fair value of services rendered.

(5) A judge should refrain from casting a vote for the appointment or reappointment to the office of associate judge, of the judge's spouse or of any person known by the judge to be within the third degree of relationship to the judge or the judge's spouse (or the spouse of such a person).

C. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

(c) the judge was, within the preceding three years, associated in the private practice of law with any law firm or lawyer currently representing any party in the controversy (provided that referral of cases when no monetary interest was retained shall not be deemed an association within the meaning of this subparagraph) or, for a period of seven years following the last date on which the judge represented any party to the controversy while the judge was an attorney engaged in the private practice of law;

(d) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than *de minimis* interest that could be substantially affected by the proceeding; or

(e) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have a more than *de minimis* interest that could be substantially affected by the proceeding; or,

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.

D. Remittal of Disqualification.

A judge disqualified by the terms of Section 3C may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. This agreement shall be incorporated in the record of the proceeding.

Adopted December 2, 1986, effective January 1, 1987; amended June 12, 1987, effective August 1, 1987; amended November 25, 1987, effective November 25, 1987; amended August 6, 1993, effective immediately; amended October 15, 1993, effective immediately; amended March 26, 2001, effective immediately; amended April 1, 2003, effective immediately; amended December 5, 2003, effective immediately; amended April 16, 2007, effective immediately; amended June 18, 2013, eff. July 1, 2013.

Amended Rule 707

Rule 707. ~~Pro Hac Vice~~ Permission for an Out-of-State Attorney to Provide Legal Services in Proceedings in Illinois

~~Anything in these rules to the contrary notwithstanding, an attorney and counselor-at-law from any other jurisdiction in the United States, or foreign country, may in the discretion of any court of this State be permitted to participate before the court in the trial or argument of any particular cause in which, for the time being, he~~

or she is employed.

(a) Permission to Provide Legal Services in a Proceeding in Illinois. Upon filing pursuant to this rule of a verified Statement by an eligible out-of-state attorney and the filing of an appearance of an active status Illinois attorney associated with the attorney in the proceeding, the out-of-state attorney is permitted to appear as counsel and provide legal services in the proceeding without order of the tribunal. The permission is subject to termination pursuant to this rule.

(b) Eligible Out-of-State Attorney. An out-of-state attorney is eligible for permission to appear under this rule if the attorney:

(1) is admitted to practice law without limitation and is authorized to practice law in another state, territory, or commonwealth of the United States, in the District of Columbia, or in a foreign country and is not prohibited from practice in any jurisdiction or any other jurisdiction by reason of discipline, resignation with charges pending, or permanent retirement;

(2) on or after January 1, 2014, has not entered an appearance in more than five other proceedings under the provisions of this rule in the calendar year in which the Statement is filed;

(3) has not been enjoined or otherwise prohibited from obtaining permission under this rule; and

(4) has not been admitted to the practice of law in Illinois by unlimited or conditional admission. The admission of an attorney as a house counsel pursuant to Rule 716, as a legal services program lawyer pursuant to Rule 717, or as a foreign legal counsel pursuant to Rules 712 and 713 does not preclude that attorney from obtaining permission to provide legal services under this rule.

(c) Proceedings Requiring Permission. The following proceedings require permission under this rule:

(1) a case before a court of the State of Illinois;

(2) a court-annexed alternative dispute resolution proceeding; and

(3) a case before an agency or administrative tribunal of the State of Illinois or of a unit of local government in Illinois, if the representation by the out-of-state attorney constitutes the practice of law in Illinois or the agency or tribunal requires that a representative be an attorney.

The appeal or review of a proceeding before a different tribunal is a separate proceeding for purposes of this rule.

(d) Statement. The out-of-state attorney shall include the following information

in the Statement and shall serve the Statement upon the Administrator of the Attorney Registration and Disciplinary Commission, the Illinois counsel with whom the attorney is associated in the proceeding, the attorney's client, and all parties to the proceeding entitled to notice:

(1) the attorney's full name, all addresses of offices from which the attorney practices law and related email addresses and telephone numbers;

(2) the name of the party or parties that the attorney represents in the proceeding;

(3) a listing of all proceedings in which the attorney has filed an appearance pursuant to this rule in the calendar year in which the Statement is filed and the ARDC registration number of the attorney, if assigned previously;

(4) a listing of all jurisdictions in which the attorney has been admitted and the full name under which the attorney has been admitted and the license or bar number in each such jurisdiction, together with a letter or certificate of good standing from each such jurisdiction, except for federal courts and agencies of the United States;

(5) a statement describing any office or other presence of the attorney for the practice of law in Illinois;

(6) a statement that the attorney submits to the disciplinary authority of the Supreme Court of Illinois;

(7) a statement that the attorney has undertaken to become familiar with and to comply, as if admitted to practice in Illinois, with the rules of the Supreme Court of Illinois, including the Illinois Rules of Professional Conduct and the Supreme Court Rules on Admission and Discipline of Attorneys, and other Illinois law and practices that pertain to the proceeding;

(8) the full name, business address and ARDC number of the Illinois attorney with whom the attorney has associated in the matter; and

(9) a certificate of service of the Statement upon all entitled to service under this rule.

(e) Additional Disclosures. The out-of-state attorney shall advise the Administrator of new or additional information related to items 4, 5 and 8 of the Statement, shall report a criminal conviction or discipline as required by Supreme Court Rule 761 and Rule 8.3(d) of the Illinois Rules of Professional Conduct, respectively, and shall report the conclusion of the attorney's practice in the proceeding. The attorney shall make these disclosures in writing to the Administrator within 30 days of when the information becomes known to the attorney. The out-of-

state attorney shall provide waivers upon request of the Administrator to authorize bar admission or disciplinary authorities to disclose information to the Administrator.

(f) Fee per Proceeding. At the time of serving the Statement upon the Administrator, the out-of-state attorney shall submit to the Administrator a nonrefundable fee in the amount of \$250 per proceeding, except that no fee shall be due from an attorney appointed to represent an indigent defendant in a criminal or civil case, from an attorney employed by or associated with a nonprofit legal service organization in a civil case involving the client of such a program, from an attorney providing legal services pursuant to Rule 718, or from an attorney employed by the United States Department of Justice and representing the United States. Fees shall be deposited in the disciplinary fund maintained pursuant to Rule 751(e)(6). The Attorney Registration and Disciplinary Commission shall retain \$75 of each fee received under this section to fund its expenses to administer this rule. The \$175 balance of each such fee shall be remitted to the Court's Access to Justice Commission and used at the Court's discretion to provide funding for the work of the Commission on Access to Justice and related Court programs that improve access to justice for low-income and disadvantaged Illinois residents, as well as to provide funding to the Lawyers Trust Fund of Illinois for distribution to legal aid organizations serving the State.

(g) Administrator's Review of Statement. The Administrator of the Attorney Registration and Disciplinary Commission shall conduct an inquiry into the Statement. It shall be the duty of the out-of-state attorney and Illinois attorneys to respond expeditiously to requests for information from the Administrator related to an inquiry under this section.

(h) Registration Requirement. An out-of-state attorney who appears in a proceeding pursuant to this rule shall register with the Attorney Registration and Disciplinary Commission and pay the registration fee required by Rule 756 for each year in which the attorney has any appearance of record pursuant to this rule. The attorney shall register within 30 days of the filing of a Statement pursuant to this rule if the attorney is not yet registered.

(i) Duration of Permission to Practice. The permission to practice law shall extend throughout the out-of-state attorney's practice in the proceeding unless earlier terminated. The Supreme Court, the Chief Judge of the Circuit Court for the circuit in which a proceeding is pending, or the court in which a proceeding is pending may terminate the permission to practice upon its own motion or upon motion of the Administrator if it determines that grounds exist for termination. Grounds may include, but are not limited to:

(1) the failure of the out-of-state attorney to have or maintain qualifications required under this rule;

(2) the conduct of the attorney inconsistent with Rule 5.5 or other rules of the Illinois Rules of Professional Conduct, the Supreme Court Rules on Admission and Discipline of Attorneys or other rules of the Supreme Court, or other Illinois law and practices that pertain to the proceeding;

(3) the conduct of the attorney in the proceeding;

(4) the absence of an Illinois attorney who is associated with the out-of-state lawyer as counsel, who has an appearance of record in the proceeding, and who participates actively in the proceeding pursuant to Rule 5.5(c)(1) of the Illinois Rules of Professional Conduct;

(5) inaccuracies or omissions in the Statement;

(6) the failure of the attorney or the associated Illinois lawyer to comply with requests of the Administrator for information; or

(7) the failure of the attorney to pay the per-proceeding fee under this rule or to comply with registration requirements under Rule 756.

(j) Disciplinary Authority. The out-of-state attorney shall be subject to the disciplinary and unauthorized practice of law authority of the Supreme Court. The Administrator may institute disciplinary or unauthorized practice of law investigations and proceedings related to the out-of-state attorney. The Administrator may seek interim relief in the Supreme Court pursuant to the procedure set forth in Rule 774. The Administrator may also refer matters to the disciplinary authority of any other jurisdiction in which the attorney may be licensed.

Amended June 12, 1992, effective July 1, 1992; amended October 2, 2006, effective July 1, 2007; amended June 18, 2013, eff. July 1, 2013.

Amended Rule 711

Rule 711. Representation by Supervised Senior Law Students or Graduates

(a) Eligibility. A student in a law school approved by the American Bar Association may be certified by the dean of the school to be eligible to perform the services described in paragraph (c) of this rule, if he/she satisfies the following requirements:

(1) He/She must have received credit for work representing at least ~~three-~~

~~fifth~~ one-half of the total hourly credits required for graduation from the law school.

(2) He/She must be a student in good academic standing, and be eligible under the school's criteria to undertake the activities authorized herein.

A graduate of a law school approved by the American Bar Association who (i) has not yet had an opportunity to take the examinations provided for in Rule 704, (ii) has taken the examinations provided for in Rule 704 but not yet received notification of the results of either examination, or (iii) has taken and passed both examinations provided for in Rule 704 but has not yet been sworn as a member of the Illinois bar may, if the dean of that law school has no objection, be authorized by the Administrative Director of the Illinois Courts to perform the services described in paragraph (c) of this rule.

For purposes of this rule, a law school graduate is defined as any individual not yet licensed to practice law in any jurisdiction.

(b) Agencies Through Which Services Must Be Performed. The services authorized by this rule may only be carried on in the course of the student's or graduate's work with one or more of the following organizations or programs:

(1) a legal aid bureau, legal assistance program, organization, or clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association;

(2) the office of the public defender; or

(3) a law office of the State or any of its subdivisions.

(c) Services Permitted. Under the supervision of a member of the bar of this State, and with the written consent of the person on whose behalf he/she is acting, ~~which shall be filed in the case and brought to the attention of the judge or presiding officer,~~ an eligible law student or graduate may render the following services:

(1) He/She may counsel ~~with~~ and advise clients, negotiate in the settlement of claims, represent clients in mediation and other nonlitigation matters, and engage in the preparation and drafting of legal instruments.

(2) He/She may appear in the trial courts, courts of review and administrative tribunals of this State, including court-annexed arbitration and mediation, subject to the following qualifications:

(i) Written consent to representation of the person on whose behalf the law student or graduate is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(ii) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the student or graduate and may be signed by him with the accompanying designation “Senior Law Student” or “Law Graduate” but must also be signed by the supervising member of the bar.

(iii) In criminal cases, in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the student or graduate may participate in pretrial, trial, and posttrial proceedings as an assistant of the supervising member of the bar, who shall be present and responsible for the conduct of the proceedings.

(iv) In all other civil and criminal cases in the trial courts or administrative tribunals, the student or graduate may conduct all pretrial, trial, and posttrial proceedings, and the supervising member of the bar need not be present.

(v) In matters before courts of review, He/She the law student or graduate may prepare briefs, excerpts from the record, abstracts, and other documents filed in courts of review of the State, which may set forth the name of the student or graduate with the accompanying designation “Senior Law Student” or “Law Graduate” but must be filed in the name of the supervising member of the bar. Upon motion by the supervising member of the bar, the senior law student or law graduate may request authorization to argue the matter before the court of review. If the law student or law graduate is permitted to argue, the supervising member of the bar must be present and responsible for the conduct of the hearing.

(d) Compensation. A student or graduate rendering services authorized by this rule shall not request or accept any compensation from the person for whom he/she renders the services, but may receive compensation from an agency described in paragraph (b)-above in accordance with an approved program.

(e) Certification and Authorization.

(1) Upon request of a student or the appropriate organization, the dean of the law school in which the student is in attendance may, if he/she finds that the student meets the requirements stated in paragraph (a) of this rule, file with the Administrative Director a certificate so stating. Upon the filing of the certificate and until it is withdrawn or terminated the student is eligible to render the services described in paragraph (c) of this rule. The Administrative Director shall authorize, upon review and approval of the completed application of an eligible student as defined in paragraph (a) and the certification as described in paragraph

(e), the issuance of the temporary license. No services that are permitted under paragraph (c) shall be performed prior to the issuance of a temporary license.

(2) Unless otherwise provided by the Administrative Director for good cause shown, or unless sooner withdrawn or terminated, the certificate shall remain in effect until the expiration of ~~18~~ 24 months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. The certificate of a student who passes that examination shall continue in effect until he/she is admitted to the bar.

(3) The certificate may be withdrawn by the dean at any time, without prior notice, hearing, or showing of cause, by the mailing of a notice to that effect to the Administrative Director and copies of the notice to the student and to the agencies to which the student had been assigned.

(4) The certificate may be terminated by this court at any time without prior notice, hearing, or showing of cause. Notice of the termination may be filed with the Administrative Director, who shall notify the student and the agencies to which the student had been assigned.

(f) Application by Law Graduate. A law school graduate who wishes to be authorized to perform services described in paragraph (c) of this rule shall apply directly to the Administrative Director, with a copy to the dean of the law school from which he/she graduated.

Amended effective May 27, 1969; amended July 1, 1985, effective August 1, 1985; amended July 3, 1986, effective August 1, 1986; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended October 10, 2001, effective immediately; amended December 5, 2003, effective immediately; amended February 10, 2006, effective immediately; amended June 18, 2013, eff. July 1, 2013.

Committee Comments

(June 18, 2013)

This rule was amended effective July 1, 2013, to clarify that students and law graduates may perform nonlitigation legal services under this rule. Nothing in this rule should be construed to require law students or law graduates to be certified under this rule for work, including but not limited to transactional, pretrial, and policy work, that properly may be performed by a law student or other nonlawyer under Rule 5.3 of the Illinois Rules of Professional Conduct.

Amended Rule 718

Rules 718. Provision of Legal Services Following Determination of Major Disaster

(a) Determination of existence of major disaster. Solely for purposes of this rule, this Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster has occurred.

(b) Temporary practice in this jurisdiction following major disaster. Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (a) of this rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of pro bono services and the assistance of lawyers from outside of this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a *pro bono* basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be assigned and supervised through an established not-for-profit bar association, *pro bono* program or legal services program or through such organization(s) specifically designated by this Court.

(c) Temporary practice in this jurisdiction following major disaster in another jurisdiction. Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

(d) Duration of authority for temporary practice. The authority to practice law in this jurisdiction granted by paragraph (b) of this rule shall end when this Court determines that the conditions caused by the major disaster in this jurisdiction have ended except that a lawyer then representing clients in this jurisdiction pursuant to paragraph (b) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients. The authority to practice law in this jurisdiction granted by paragraph (c) of this rule shall end 60 days after this Court declares that the

conditions caused by the major disaster in the affected jurisdiction have ended.

(e) ~~Court appearances~~ Legal services in proceedings in Illinois. The authority granted by this rule ~~does not include appearances in court except~~ permits the provision of legal services in proceedings within Illinois only as follows:

(1) ~~pursuant to that court's *pro hac vice* admission rule and, if such authority is granted, any fees for such admission shall be waived~~ by permission under Rule 707; or

(2) if this Court, in any determination made under paragraph (a), grants blanket permission to ~~appear~~ provide legal services in all or designated ~~courts of proceedings in~~ this jurisdiction to lawyers providing legal services pursuant to paragraph (b). ~~If such an authorization is included, any *pro hac vice* admission fees shall be waived.~~

(f) Disciplinary authority and registration requirement. Lawyers providing legal services in this jurisdiction pursuant to paragraphs (b) or (c) are subject to this Court's disciplinary authority and the Rules of Professional Conduct of this jurisdiction as provided in Rule 8.5 of the Rules of Professional Conduct. Lawyers providing legal services in this jurisdiction under paragraphs (b) or (c) shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Clerk of this Court, unless all of the lawyer's legal services authorized under this rule are also permitted under Rule 707, in which case the attorney need only register annually with the ARDC. The registration statement shall be in a form prescribed by this Court. Any lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.

(g) Notification to clients. Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule shall inform clients in this jurisdiction of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this jurisdiction except as permitted by this rule. They shall not state or imply to any person that they are otherwise authorized to practice law in this jurisdiction.

Adopted April 4, 2012, eff. immediately; amended June 18, 2013, eff. July 1, 2013.

New Rule 719

Rule 719. Admission of Military Spouse Attorneys From Other Jurisdictions

(a) Eligibility. A lawyer admitted to the practice of law in another state or the District of Columbia who meets the educational requirements of Rule 703 may receive a license to practice law in this state if the lawyer is:

(1) identified by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security) as the spouse of a service member of the United States Uniformed Services; and/or is a party to a civil union with a service member pursuant to the Illinois Religious Freedom Protection and Civil Union Act; and

(2) is residing—or intends, within the next six months, to be residing—in Illinois due to the service member’s military orders for a permanent change of station to the State of Illinois.

(b) Application Requirements. To qualify for the license the applicant must file with the Board of Admissions to the Bar the following:

(1) a completed application for license and a completed character and fitness registration application in the form prescribed by the Board;

(2) a certificate of good standing from the highest court of each jurisdiction of admission;

(3) a certificate from the disciplinary authority of each jurisdiction of admission which:

(a) states that the applicant has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending; or

(b) identifies any suspensions, disbarments, or disciplinary sanctions and any pending charges;

(4) a copy of the service member’s military orders reflecting a permanent change of station to a military installation in Illinois; and

(5) such other affidavits, proofs and documentation as may be prescribed by the Board.

(c) Fee Waiver. The requisite fees in accordance with Rule 706 will be waived for all lawyers complying with the requirements of Rule 719.

(d) Character and Fitness Approval. Each applicant for a license under this rule must receive certification of good moral character and general fitness to practice law by the Committee on Character and Fitness in accordance with the provisions of Rule 708.

(e) Certification by the Board. In the event the Board of Admissions to the Bar shall find that the applicant meets the requirements of this rule and has received from the Committee on Character and Fitness its certification of good moral character and general fitness to practice law, the Board shall certify to the Court that such applicant is qualified for licensure.

(f) Duration and Termination of License. The license and authorization to perform legal services under this rule shall be limited by the earliest of the following events:

(1) the service member is no longer a member of the United States Uniformed Services;

(2) the military spouse attorney is no longer married to the service member;

(3) a change in the service member's military orders reflecting a permanent change of station to a military installation other than Illinois, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependants authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the service member is assigned to a location with dependants authorized; or

(4) the lawyer is admitted to the general practice of law under any other rule of this Court.

In the event that any of the events listed in subparagraph (f)(1)-(3) occur, the attorney licensed under this rule shall notify the clerk of the Supreme Court of the event in writing within one year of the date upon which the event occurs and upon such notification, the license and authorization to perform services under this rule shall be terminated.

(g) Annual Registration. Once the Court has conferred a license to perform legal services under this rule, the lawyer must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 for the year in which the license is conferred and for any subsequent year into which the license extends.

(h) Discipline. All lawyers licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.

(i) Credit Toward Admission on Motion. The period of time a lawyer practices law while licensed under this rule shall be counted toward his or her eligibility for admission on motion under Rule 705.

Adopted June 18, 2013, eff. July 1, 2013.

Amended Rule 756

Rule 756. Registration and Fees

(a) Annual Registration Required. Except as hereinafter provided, every attorney admitted to practice law in this state shall register and pay an annual registration fee to the Commission on or before the first day of January. Every out-of-state attorney permitted to appear and provide legal services in a proceeding pursuant to Rule 707 shall register for each year in which the attorney has such an appearance of record in one or more proceedings. Except as provided below, all fees and penalties shall be retained as a part of the disciplinary fund. The following schedule shall apply beginning with registration for 2013 and until further order of the court:

(1) No registration fee is required of an attorney admitted to the bar less than one year before the first day of January for which the registration fee is due; an attorney admitted to the bar for more than one year but less than three years before the first day of January for which the registration fee is due shall pay an annual registration fee of \$105; an out-of-state attorney permitted to appear and provide legal services pursuant to Rule 707 shall pay a registration fee of \$105 for each year in which the attorney's appearance is of record in one or more such proceedings if a per-proceeding fee is required in any such proceeding under Rule 707(f); an attorney admitted to the bar for more than three years before the first day of January for which the registration fee is due shall pay an annual registration fee of \$342, out of which \$7 shall be remitted to the Lawyers' Assistance Program Fund, \$95 shall be remitted to the Lawyers Trust Fund, \$15 shall be remitted to the Supreme Court Commission on Professionalism, and \$25 shall be remitted to the Client Protection Program Trust Fund. For purposes of this rule, the time shall be computed from the date of the attorney's initial admission to practice in any jurisdiction in the United States.

(2) An attorney in the Armed Forces of the United States shall be exempt from paying a registration fee until the first day of January following discharge.

(3) An attorney who has reached the age of 75 years shall be excused from the further payment of registration fees.

(4) No registration fee is required of any attorney during the period he or she is serving in one of the following offices in the judicial branch:

(A) in the office of justice, judge, associate judge or magistrate of a court of the United States of America or the State of Illinois; or

(B) in the office of judicial law clerk, administrative assistant, secretary

or assistant secretary to such a justice, judge, associate judge or magistrate, or in any other office included within the Supreme Court budget that assists the Supreme Court in its adjudicative responsibilities, provided that the exemption applies only if the attorney is prohibited by the terms of his or her employment from actively engaging in the practice of law.

(5) An attorney may advise the Administrator in writing that he or she desires to assume inactive status and, thereafter, register as an inactive status attorney. The annual registration fee for an inactive status attorney shall be \$105. Upon such registration, the attorney shall be placed upon inactive status and shall no longer be eligible to practice law or hold himself or herself out as being authorized to practice law in this state, except as is provided in paragraph (j) of this rule. An attorney who is on the master roll as an inactive status attorney may advise the Administrator in writing that he or she desires to resume the practice of law, and thereafter register as active upon payment of the registration fee required under this rule and submission of verification from the Director of MCLE that he or she has complied with MCLE requirements as set forth in Rule 790 *et seq.* If the attorney returns from inactive status after having paid the inactive status fee for the year, the attorney shall pay the difference between the inactive status registration fee and the registration fee required under paragraphs (a)(1) through (a)(4) of this rule. Inactive status under this rule does not include inactive disability status as described in Rules 757 and 758. Any lawyer on inactive disability status is not required to pay an annual fee.

(6) An attorney may advise the Administrator in writing that he or she desires to assume retirement status and, thereafter, register as a retired attorney. Upon such registration, the attorney shall be placed upon retirement status and shall no longer be eligible to practice law or hold himself or herself out as being authorized to practice law in this state, except as is provided in paragraph (j) of this rule. The retired attorney is relieved thereafter from the annual obligation to register and pay the registration fee. A retired attorney may advise the Administrator in writing that he or she desires to register as an active or inactive status lawyer and, thereafter so register upon payment of the fee required for the current year for that registration status, plus the annual registration fee that the attorney would have been required to pay if registered as active for each of the years during which the attorney was on retirement status. If the lawyer seeks to register as active, he or she must also submit, as part of registering, verification from the Director of MCLE of the lawyer's compliance with MCLE requirements as set forth in Rule 790 *et seq.*

(7) An attorney who is on voluntary inactive status pursuant to former Rule

770 who wishes to register for any year after 1999 shall file a petition for restoration under Rule 759. If the petition is granted, the attorney shall advise the Administrator in writing whether he or she wishes to register as active, inactive or retired, and shall pay the fee required for that status for the year in which the restoration order is entered. Any such attorney who petitions for restoration after December 31, 2000, shall pay a sum equal to the annual registration fees that the attorney would have been required to pay for each full year after 1999 during which the attorney remained on Rule 770 inactive status without payment of a fee.

(8) Upon written application and for good cause shown, the Administrator may excuse the payment of any registration fee in any case in which payment thereof will cause undue hardship to the attorney.

(9) Permanent Retirement Status. An attorney may file a petition with the court requesting that he or she be placed on permanent retirement status. All of the provisions of retirement status enumerated in Rule 756(a)(6) shall apply, except that an attorney who is granted permanent retirement status may not thereafter change his or her registration designation to active or inactive status, petition for reinstatement pursuant to Rule 767, or provide *pro bono* services as otherwise allowed under paragraph (j) of this rule.

(A) The petition for permanent retirement status must be accompanied by a consent from the Administrator, consenting to permanent retirement status. If the petition is not accompanied by a consent from the Administrator, it shall be denied.

(B) An attorney shall not be permitted to assume permanent retirement status if:

1. there is a pending disciplinary proceeding against the attorney before the Hearing Board or a complaint has been voted against the attorney by the Inquiry Board;

2. there is a pending investigation against the attorney that involves:

a. an allegation that the attorney converted funds or misappropriated funds or property of a client or third party;

b. an allegation that the attorney engaged in criminal conduct that reflects adversely on the attorney's honesty; or

c. the alleged conduct resulted in or is likely to result in actual prejudice (loss of money, legal rights, or valuable property rights) to a client or other person, unless restitution has been made; or

3. the attorney retains an active license to practice law in jurisdictions other than the State of Illinois.

(C) If permanent retirement status is granted, the Administrator and/or the Inquiry Board shall close any pending disciplinary investigation of the attorney. The Administrator may resume such investigations pursuant to Commission Rule 54 and may initiate additional investigations and proceedings of the attorney as circumstances warrant.

(b) The Master Roll. The Administrator shall prepare a master roll of attorneys consisting of the names of attorneys who have registered and have paid or are exempt from paying the registration fee. The Administrator shall maintain the master roll in a current status. At all times a copy of the master roll shall be on file in the office of the clerk of the court. An attorney who is not listed on the master roll is not entitled to practice law or to hold himself or herself out as authorized to practice law in this state. An attorney listed on the master roll as on inactive or retirement status shall not be entitled to practice law or to hold himself or herself out as authorized to practice law in Illinois, except as is provided in paragraph (j) of this rule.

(c) Notice of Registration. On or before the first day of November of each year the Administrator shall mail to each attorney on the master roll a notice that annual registration is required on or before the first day of January of the following year. It is the responsibility of each attorney on the master roll to notify the Administrator of any change of address within 30 days of the change. Failure to receive the notice from the Administrator shall not constitute an excuse for failure to register.

(d) Disclosure of Trust Accounts. As part of registering under this rule, each lawyer shall identify any and all accounts maintained by the lawyer during the preceding 12 months to hold property of clients or third persons in the lawyer's possession in connection with a representation, as required under Rule 1.15(a) of the Illinois Rules of Professional Conduct, by providing the account name, account number and financial institution for each account. For each account, the lawyer shall also indicate whether each account is an IOLTA account, as defined in Rule 1.15(i)(2) of the Illinois Rules of Professional Conduct. If a lawyer does not maintain a trust account, the lawyer shall state the reason why no such account is required.

(e) Disclosure of Malpractice Insurance. As part of registering under this rule, each lawyer shall disclose whether the lawyer has malpractice insurance on the date of the registration, and if so, shall disclose the dates of coverage for the policy. The Administrator may conduct random audits to assure the accuracy of information reported. Each lawyer shall maintain, for a period of seven years from the date the coverage is reported, documentation showing the name of the insurer, the policy

number, the amount of coverage and the term of the policy, and shall produce such documentation upon the Administrator's request. The requirements of this subsection shall not apply to attorneys serving in the office of justice, judge, associate judge or magistrate as defined in subparagraph (a)(4) of this rule on the date of registration.

(f) Disclosure of Voluntary *Pro Bono* Service. As part of registering under this rule, each lawyer shall report the approximate amount of his or her *pro bono* legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) *Pro bono* legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

- (a) legal services rendered to a person of limited means;
- (b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;
- (c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and
- (d) training intended to benefit legal service organizations or lawyers who provide *pro bono* services.

In a fee case, a lawyer's billable hours may be deemed *pro bono* when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as *pro bono* legal service.

(2) *Pro bono* legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing *pro bono* legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

- (a) Did you, within the past 12 months, provide any *pro bono* legal services as described in subparagraphs (1) through (4) below? ____ Yes ____ No

If no, are you prohibited from providing legal services because of your employment? Yes No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or lawyers who provide *pro bono* services.

Legal services for which payment was expected, but is not collectible, do not qualify as *pro bono* services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? Yes No

If yes, approximate amount: \$ _____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Removal from the Master Roll. On February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has failed to provide trust account information required by paragraph (d) of this rule or if the lawyer has failed to provide information concerning malpractice coverage required by paragraph (e) or information on voluntary *pro bono* service required by paragraph (f) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this state is engaged in the unauthorized practice of law and may also be held in contempt of the court.

(h) Reinstatement to the Master Roll. An attorney whose name has been removed from the master roll solely for failure to register and pay the registration fee may be reinstated as a matter of course upon registering and paying the registration fee prescribed for the period of his suspension, plus the sum of \$25 per month for

each month that such registration fee is delinquent.

(i) No Effect on Disciplinary Proceedings. The provisions of this rule pertaining to registration status shall not bar, limit or stay any disciplinary investigations or proceedings against an attorney except to the extent provided in Rule 756(a)(9) regarding permanent retirement status.

(j) Pro Bono Authorization for Inactive and Retired Status Attorneys and Attorneys Admitted in Other States.

(1) Authorization to Provide *Pro Bono* Services. An attorney who is registered as inactive or retired under Rule 756(a)(5) or (a)(6), or an attorney who is admitted in another state and is not disbarred or otherwise suspended from practice in any jurisdiction shall be authorized to provide *pro bono* legal services under the following circumstances:

- (a) without charge or an expectation of a fee by the attorney;
- (b) to persons of limited means or to organizations, as defined in paragraph (f) of this rule; and
- (c) under the auspices of a sponsoring entity, which must be a not-for-profit legal services organization, governmental entity, law school clinical program, or bar association providing *pro bono* legal services as defined in paragraph (f)(1) of this rule.

(2) Duties of Sponsoring Entities. In order to qualify as a sponsoring entity, an organization must submit to the Administrator an application identifying the nature of the organization as one described in section (j)(1)(c) of this rule and describing any program for providing *pro bono* services which the entity sponsors and in which attorneys covered under paragraph (j) may participate. In the application, a responsible attorney shall verify that the program will provide appropriate training and support and malpractice insurance for volunteers and that the sponsoring entity will notify the Administrator as soon as any attorney authorized to provide services under this rule has ended his or her participation in the program. The organization is required to provide malpractice insurance coverage for any attorneys participating in the program and must inform the Administrator if the organization ceases to be a sponsoring entity under this rule.

(3) Procedure for Attorneys Seeking Authorization to Provide *Pro Bono* Services. An attorney admitted in Illinois who is registered as inactive or retired, or an attorney who is admitted in another state but not Illinois, who seeks to provide *pro bono* services under this rule shall submit a statement to the Administrator so indicating, along with a verification from a sponsoring entity or entities that the attorney will be

participating in a *pro bono* program under the auspices of that entity. An attorney who is seeking authorization based on admission in another state shall also disclose all other state admissions and whether the attorney is the subject of any disbarment or suspension orders in any jurisdiction. The attorney's statement shall include the attorney's agreement that he or she will participate in any training required by the sponsoring entity and that he or she will notify the Administrator within 30 days of ending his or her participation in a *pro bono* program. Upon receiving the attorney's statement and the entity's verification, the Administrator shall cause the master roll to reflect that the attorney is authorized to provide *pro bono* services. That authorization shall continue until the end of the calendar year in which the statement and verification are submitted, unless the lawyer or the sponsoring entity sends notice to the Administrator that the program or the lawyer's participation in the program has ended.

(4) **Renewal of Authorization.** An attorney who has been authorized to provide *pro bono* services under this rule may renew the authorization on an annual basis by submitting a statement that he or she continues to participate in a qualifying program, along with verification from the sponsoring entity that the attorney continues to participate in such a program under the entity's auspices and that the attorney has taken part in any training required by the program. An attorney who is seeking renewal based on admission in another state shall also affirm that the attorney is not the subject of any disbarment or suspension orders in any jurisdiction.

(5) **Annual Registration for Attorneys on Retired Status.** Notwithstanding the provisions of Rule 756(a)(6), a retired status attorney who seeks to provide *pro bono* services under this rule must register on an annual basis, but is not required to pay a registration fee.

(6) **MCLE Exemption.** The provisions of Rule 791 exempting attorneys from MCLE requirements by reason of being registered as inactive or retired shall apply to inactive or retired status attorneys authorized to provide *pro bono* services under this rule, except that such attorneys shall participate in training to the extent required by the sponsoring entity.

(7) **Disciplinary Authority.** Lawyers admitted in another state who are providing legal services in this jurisdiction pursuant to this paragraph are subject to this Court's disciplinary authority and the Rules of Professional Conduct of this jurisdiction, as provided in Rule 8.5 of the Rules of Professional Conduct of 2010. Any lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.

Adopted January 25, 1973, effective February 1, 1973; amended effective May 17, 1973, April 1, 1974, and February 17, 1977; amended August 9, 1983, effective October 1, 1983; amended April 27, 1984, and June 1, 1984, effective July 1, 1984; amended July 1, 1985, effective August 1, 1985; amended effective November 1, 1986; amended December 1, 1988, effective December 1, 1988; amended November 20, 1991, effective immediately; amended June 29, 1999, effective November 1, 1999; amended July 6, 2000, effective November 1, 2000; amended July 26, 2001, effective immediately; amended October 4, 2002, effective immediately; amended June 15, 2004, effective October 1, 2004; amended May 23, 2005, effective immediately; amended September 29, 2005, effective immediately; amended June 14, 2006, effective immediately; amended September 14, 2006, effective immediately; amended March 26, 2008, effective July 1, 2008; amended July 29, 2011, effective September 1, 2011; amended June 5, 2012, eff. immediately; amended June 21, 2012, eff. immediately; amended Nov. 28, 2012, eff. immediately; amended Apr. 8, 2013, eff. immediately; amended June 18, 2013, eff. July 1, 2013.