



# Supreme Court of Illinois

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## **ILLINOIS SUPREME COURT AMENDS RULE ON CORPORATE COUNSEL**

The Illinois Supreme Court has announced that, for a limited time, Illinois-based corporate counsel who failed to obtain a required limited law license will now be able to obtain that limited license without the risk of discipline. The program is effective January 1, 2014 and will expire one year later.

Supreme Court Rule 716 requires in-house counsel to be in good disciplinary standing before the highest court of every jurisdiction in which that counsel is admitted, pass a rigorous background check, pay an annual registration fee, submit to the disciplinary authority of the Illinois Attorney Registration & Disciplinary Commission (ARDC), and meet the continuing legal education requirements imposed on all practicing lawyers.

Since 2004, the Supreme Court of Illinois has permitted in-house corporate counsel not licensed to practice law in Illinois an opportunity to obtain a limited license in this state. A limited license allows corporate counsel to act on behalf of his or her employer for all purposes as if licensed to practice law in Illinois.

In the nine years since Rule 716 was adopted, 828 corporate counsel have received a limited license. The Association of Corporation Counsel, a global bar association promoting the interests of in-house counsel, estimates that there are more than 9,600 in-house counsel in Illinois. Presumably, a majority of in-house counsel are licensed in Illinois. Nevertheless, given the disparity between the number of Rule 716 licensed lawyers and the total number of in-house lawyers, it is likely that there are many who are neither Illinois-licensed or have a limited corporate license.

Possible reasons for not obtaining a limited license include a lack of awareness of the rule because many attorneys come from jurisdictions that do not require in-house counsel to register with the disciplinary authority or inadvertence in meeting the deadline to file an application to receive a limited license.

Any in-house counsel in violation of Rule 716 is eligible for the amnesty program but has to meet all existing requirements to obtain a limited license.

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In-house counsel will not have to pay in arrears for licensing fees or make up Minimum Continuing Legal Education (MCLE) credits.

Significantly, any in-house counsel who takes advantage of the amnesty program will not be prosecuted for the unauthorized practice of law. Any previous failure to obtain a limited license will not be deemed an issue for in-house counsel who seeks an Illinois law license or grounds for attorney discipline. Finally, any attorney who is a co-employee of an in-house counsel seeking amnesty will not be investigated by the ARDC in connection with in-house counsel's prior failing to be licensed under Rule 716.

In addition to an application fee of \$1,250 as required by Rule 716, attorneys availing themselves of this program will be required to pay a late registration penalty of an additional \$1,250. All payments will be deposited with the Board of Admissions to the Bar.

The amendments to Rule 716 were the result of a joint proposal of the Illinois Board of Admissions to the Bar and the Attorney Registration and Disciplinary Commission.

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**(FOR MORE INFORMATION, CONTACT: Joseph Tybor, director of communications to the Illinois Supreme Court, at 312.793.2323 or James Grogan, deputy administrator and chief counsel to the ARDC, at 312.565.2600)**