



Supreme Court of Illinois

October 15, 2015

SUPREME COURT REVISES RULES IN LIGHT OF TECHNOLOGY ADVANCES AND PRACTICE DEVELOPMENTS

The Illinois Supreme Court announced today the adoption of several rule changes designed to bring attorney ethics rules up to date with advances in technology and developments in global legal practices.

During its September Term, the Court approved amendments to the Illinois Rules of Professional Conduct and Supreme Court Rules 705 and 716. The Supreme Court Rules Committee recommended the changes to the Court after reviewing the proposals and holding a public hearing on July 22, 2015, in Chicago.

All of the rule changes take effect January 1, 2016.

Many of the amendments to the Illinois Rules of Professional Conduct, which govern a broad range of attorney conduct and include detailed comments to assist lawyers in interpreting the purpose of each rule, stem from recent changes made to the American Bar Association's Model Rules of Professional Conduct that Illinois's rules are closely based on.

The changes bring the Rules of Professional Conduct, as well as the accompanying comments, in line with current technology.

"The amendments to the Rules reflect the Supreme Court's strong interest in utilizing technology to make the judicial process more efficient and its recognition of the increasing use of technology in today's legal practice," Chief Justice Rita B. Garman said. "These rule amendments also recognize how changes in legal practice have brought lawyers from other jurisdictions to Illinois to provide needed legal services as well as the Court's commitment to ensuring that lawyers who practice in Illinois meet the highest of professional and ethical standards."

The Rules now reference electronic forms of communication and information, recognize an attorney's duty to keep abreast of technology changes, make explicit the duty to safeguard confidential client information in an electronic age, and detail duties dealing with Internet advertising and solicitation.

The Supreme Court also approved changes to Rules 705 and 716 to address client needs and market demands in an increasingly borderless world.

Amendments to these two rules make it easier for attorneys authorized to practice in other jurisdictions to be admitted to the Illinois bar and to provide legal services as in-house counsel here while ensuring they are qualified and familiar with Illinois's ethics rules.

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In addition, the Supreme Court approved changes to the Rules of Professional Conduct to clearly state that prosecutors have an obligation to disclose evidence that creates a reasonable likelihood a convicted defendant did not commit the offense and to seek to remedy the conviction.

Another amendment to the Rules provides lawyers guidance on counseling clients with respect to the conflict between federal law and the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, which permits the cultivation, distribution, and use of marijuana for medical purposes.

The language of the amended rules can be found on the Supreme Court website at <http://www.illinoiscourts.gov/SupremeCourt/Rules>

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