



Supreme Court of Illinois

April 3, 2017

ILLINOIS SUPREME COURT AMENDS RULE ON MINIMUM CONTINUING LEGAL EDUCATION REQUIREMENT

The Illinois Supreme Court today announced changes to a rule impacting the requirements for continuing legal education (CLE) in Illinois.

Under Amended Supreme Court Rule 794(d), all Illinois lawyers will be required to complete one hour of diversity and inclusion CLE and one hour of mental health and substance abuse CLE as part of their Professional Responsibility CLE requirement. The amendment does not affect the total number of hours required to fulfill the professional responsibility requirement, which remains at six, or the total number of CLE credits required in each two-year reporting period, which remains at 30. Lawyers may alternatively continue to fulfill the required six hours of Professional Responsibility CLE by completing the Illinois Supreme Court Commission on Professionalism's Lawyer-to-Lawyer Mentoring Program, as set forth in Illinois Supreme Court Rule 795(d)(11).

The rule change will go into effect on July 1, 2017, and begins with attorneys with the two-year reporting period ending June 30, 2019.

"The Court's experience has shown that lawyers have not been seeking out or cannot find continuing legal education programs that might offer meaningful help in addressing their own substance abuse and mental health issues or those of their colleagues," said Illinois Supreme Court Chief Justice Lloyd A. Karmeier. "We have also noted that as Illinois and the Illinois bar have become more diverse, there has been a marked lag in interest in educational programs addressed to facilitating diversity and inclusion generally and in the legal profession specifically.

"The Court's hope is that this amendment to Rule 794(d) will help reverse these trends and foster a profession that is both healthier and more respectful of the full range of perspectives and experiences present in our multicultural society."

Numerous studies have demonstrated that the legal profession lags behind other fields with regard to diversity and wellness. In addition, data collected by the Commission on Professionalism, which administers the professional responsibility requirement, shows that courses offered in the areas of both diversity and mental health remain at a relatively low and static level. Despite a rising volume of courses offered in the area of professional responsibility generally, over time, the number of diversity and mental health courses offered is significantly lower than other professional responsibility areas, particularly legal ethics and professionalism.

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The Court believes that increased education on these issues is crucial to tackling our profession's challenges in these areas.

“We are delighted that the Supreme Court adopted the Commission's recommendation,” said Judge Debra B. Walker, Chair of the Commission on Professionalism. “The aim of professional responsibility CLE is to serve as a catalyst to increased professionalism, and we are hopeful that this change will result in the improved health and inclusion of lawyers across our state.”

Requiring diversity and mental health CLE places Illinois at the forefront of a national movement. In February, the American Bar Association House of Delegates revised the Model Rule on Minimum Continuing Legal Education. It now states that programming on mental health and substance use disorders, and diversity and inclusion, be a required part of attorneys' CLE hours.

Currently, of the 45 states that have mandatory CLE, only seven states allow for diversity and inclusion to qualify for ethics/professionalism credit. Prior to the amendment to Rule 794(d), only three states required attorneys to complete diversity-related CLE – making Illinois the fourth. Illinois is also one of the first states to mandate mental health and substance abuse education. Currently, only three states require attorneys to complete some form of mental health and substance abuse education. Only California and Illinois require both diversity and inclusion and mental health and substance abuse professional responsibility continuing legal education.

“The Lawyers' Assistance Program (LAP) welcomes the opportunity to partner with the Illinois Supreme Court Commission on Professionalism and the MCLE Board in providing education on the subjects of mental health and substance abuse to the Illinois Legal Community,” said Robin Belleau, Executive Director of LAP. “Education is the key to reducing the stigma attached to these diseases and enhancing career satisfaction.”

The amendment to the Professional Responsibility Continuing Legal Education requirements was recommended by the Illinois Supreme Court Commission on Professionalism with the input of the Minimum Continuing Legal Education Board and the Lawyers' Assistance Program in March 2017.

The language of the Amended Rule 794(d) and all of the Supreme Court Rules can be found on the Court's website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.