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February 20, 2007

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John Nicoara
Chair
Supreme Court Rules Committee
416 Main Street
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Peoria, Illinois 61602

Re: Supreme Court Committee on Professional
Responsibility

Proposal #04-19
Revised Final Report of ISBA/CBA Joint
Committee On Ethics 2000

Proposal #04-18
Recommended Changes to Rules 5.5 and 8.5 of
Illinois Rules of Professional Conduct

Dear Mr. Nicoara:

The Supreme Court Committee on Professional Responsibility ("the Committee") has completed a thorough review of the ISBA/CBA Joint Committee On Ethics 2000 Revised Final Report ("ISBA/CBA Ethics 2000 Report") which has been designated as Proposal #04-19. As part of its review of Proposal #04-19, the Committee also reviewed Proposal #04-18 which involves only two of the many recommended rule changes contained in Proposal #04-19. Because one proposal is subsumed by the other, they will collectively be referred to as Proposal #04-19.

The ISBA/CBA Ethics 2000 Report proposes numerous and, in a few instances, substantial changes to the current Illinois Rules of Professional Conduct. This proposal has its origins in the American Bar Association's recent recommended rule changes to the ABA's Model Rules of Professional Conduct ("Model Rules"). Because the Model Rules

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form the basis for the current Illinois Rules of Professional Conduct, the ISBA/CBA Joint Committee, and our Committee, believe a review and some revision of the Illinois Rules of Professional Conduct is appropriate.

On behalf of the Committee and in accordance with Supreme Court Rule 3, I request that the Rules Committee place Proposal #04-19, along with the Committee's recommendations relating to Proposal #04-19, on its agenda at its next meeting and schedule a public hearing at the earliest feasible date. All states, with the exception of Alabama, have reviewed their professional conduct rules in light of the ABA's recommended changes to the Model Rules. As of February, 2007, 28 states and the District of Columbia have approved new rules. Attached as Exhibit A is a chart indicating the status of the states' reviews.

I. Committee Recommendations

The Committee recommends that the Illinois Supreme Court adopt most, but not all, of the proposed rule changes contained in the ISBA/CBA Ethics 2000 Report. This report is extensive and can be found at the following address on the Illinois State Bar Association's website: <http://www.isba.org/ethics2000.pdf>. The specific rules changes being proposed in the ISBA/CBA Ethics 2000 Report are located in the section of the report entitled "Blackline Version/Proposed Changes." Since this section is almost 150 pages long, I incorporate it by reference. The chart attached as Exhibit B summarizes the Committee's recommendations to each of the proposed rules.

If the Supreme Court adopts the Committee's recommendations, then Supreme Court Rule 751 should be revised to implement proposed Rule 8.5 which expands state disciplinary authority. Attached as Exhibit C is the Committee's proposed revision to Supreme Court Rule 751.

The Committee also recommends that the Illinois Supreme Court adopt, or at least approve in some format, the proposed rules' Comments contained in the ISBA/CBA Ethics 2000 Report. The Committee strongly believes that the Comments provide a very helpful explanation of the meaning and application of the proposed rules. The Committee is aware that the Supreme Court has not taken a uniform approach to comments to its Rules. For example, while most of the current Illinois Rules of Professional Conduct do not have "comments," Rule 3.8 is followed by a "Committee Comment" and Rule 8.5 is followed by a "Comment." The same is true for other Supreme Court Rules. Most of the Rules do not have comments; however, Rule 305 has

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a "Commentary," Rule 306 has "Committee Comments" plus an "Explanatory Note" and Rules 701 and 756 are followed by "Committee Comments." Whatever the past practice, the Comments to each of the proposed rules contained in the ISBA/CBA Ethics 2000 Report will greatly assist lawyers in understanding their ethical obligations.

II. The Committee's Work

The Committee initiated its review of the ISBA/CBA Ethics 2000 Report at its meeting on October 7, 2005. The Committee continued its in-depth review during 11 subsequent meetings, culminating with its last meeting on January 26, 2007. Given the vast amount of work done by the ISBA/CBA Joint Committee On Ethics 2000 and recognizing the experience and knowledge of the members of the ISBA/CBA Joint Committee, the Committee decided not to reinvent the wheel. Rather, the Committee proceeded by assuming that the individual rule recommendations contained in the ISBA/CBA Ethics 2000 Report were valid, but the Committee carefully reviewed each recommendation and, where necessary, made changes to the recommendations. In some instances the Committee's changes reflected changes in the Illinois Rules of Professional Conduct since the ISBA/CBA Ethics 2000 Report was issued – for example, the Supreme Court's recent amendments to Rule 1.15. In other instances the Committee's changes are an attempt to improve upon the proposed rule.

On behalf of the Committee, I wish to thank Thomas Luning and Robert Creamer, who were the co-chairs of the ISBA/CBA Joint Committee on Ethics 2000 and who participated in all of the Committee's deliberations. I also wish to thank the staff of the Attorney Registration and Disciplinary Commission, including Administrator Mary T. Robinson and Chief Counsel James J. Grogan, who participated in the Committee's deliberations.

Because the Committee's recommendations stem from its analysis of the ABA Model Rules of Professional Conduct, its analysis of the current Illinois Rules of Professional Conduct and its analysis of the ISBA/CBA Ethics 2000 Report, what follows is a summary of these prepared in part by Robert Creamer:

III. The ABA Model Rules

The current Illinois Rules of Professional Conduct, which became effective in August 1990, are based in large part on the American Bar Association's Model Rules of

Professional Conduct, first published in 1983. Forty-two other states and the District of Columbia subsequently adopted some form of the ABA Model Rules as the basis for their rules of professional conduct.

IV. The ABA Ethics 2000 Commission

In 1997, the ABA determined that the Model Rules should be reviewed, evaluated, and revised to respond to the changes in legal practice over the preceding 14 years and to address the need for national uniformity in light of the substantial variations among state ethics rules. To undertake that review, the Commission on the Evaluation of the Rules of Professional Conduct, commonly known as the Ethics 2000 Commission, was established and asked to report its findings to the ABA House of Delegates in 2000. It took nearly five years, however, for the Commission to complete its work. Over that time, it held 50 days of meetings and ten public hearings. All Commission meetings were open to the public, and it posted all discussion drafts and minutes of meetings on the Internet. The Commission received and considered hundreds of comments on its work from numerous individuals and groups within the bar, as well as various academics and the general public.

The Ethics 2000 Commission published a preliminary report with recommended rules changes in November 2000, after which it took additional comments. The Commission submitted its final report, reflecting a number of changes made in response to the comments received, to the ABA House of Delegates in May 2001. At its meetings in August 2001 and February 2002, the House adopted substantially all of the Commission's recommendations. Complete information on the work of the Ethics 2000 Commission is available on the Commission's Web site, which may be found at www.abanet.org/cpr/e2k/home.html.

Two other ABA groups subsequently recommended changes to the Model Rules that were approved by the House of Delegates. In August 2002, the House approved new versions of Model Rule 5.5 [Unauthorized Practice of Law; Multijurisdictional Practice of Law] and Model Rule 8.5 [Disciplinary Authority; Choice of Law] recommended by the ABA Commission on Multijurisdictional Practice. In August 2003, the House approved revised versions of Model Rule 1.6 [Confidentiality of Information] and Model Rule 1.13 [Organization as Client] recommended by the ABA Task Force on Corporate Responsibility. Thus, the current version of the ABA Model Rules comprises the revisions recommended by the Ethics 2000 Commission, the Commission of Multijurisdictional Practice, and the Task Force on Corporate Responsibility.

V. The Current National Picture

Virtually every United States jurisdiction undertook a review of its ethics rules in light of the Ethics 2000 revisions to the Model Rules. As of February, 2007, at least 28 states and the District of Columbia have either adopted new sets of rules or made substantial revisions to existing rules based on the Ethics 2000 version of the Model Rules.

These jurisdictions (and effective dates) include: Arizona (December 2003); Arkansas (May 2005); Connecticut (January 2007); Delaware (July 2003); District of Columbia (February 2007); Florida (May 2006); Idaho (July 2004); Indiana (January 2005); Iowa (July 2005); Louisiana (March 2004); Maryland (July 2005); Minnesota (October 2005); Mississippi (November 2005); Montana (April 2004); Nebraska (September 2005); Nevada (May 2006); New Jersey (January 2004); North Carolina (March 2003); North Dakota (August 2006); Ohio (February 2007); Oregon (January 2005); Pennsylvania (January 2005); South Carolina (October 2005); South Dakota (January 2004); Utah (November 2005); Virginia (January 2004); Washington (September 2006); Wisconsin (July 2007); and Wyoming (July 2006).

In addition, final rules proposals based on Ethics 2000 are currently pending before the courts in at least six other states, specifically, Colorado, Kansas, Michigan, Missouri, Rhode Island and Vermont.

VI. The ISBA/CBA Joint Committee on Ethics 2000

In September 1999, the Illinois State Bar Association established a Special Committee on Ethics 2000 to monitor the work of the Ethics 2000 Commission and undertake consideration of recommendations for changes to the current Illinois Rules of Professional Conduct. In November 2002, the ISBA and the Chicago Bar Association approved the formation of a Joint ISBA/CBA Committee on Ethics 2000 ("ISBA/CBA Joint Committee") to continue and complete the mission of the original ISBA committee.

The ISBA/CBA Joint Committee was both diverse and knowledgeable in legal ethics. All geographic areas of Illinois were represented. There were lawyers from large firms, small firms, in-house counsel, and solo practitioners. It also included judges, law professors, and lawyers from the Attorney Registration and Disciplinary Commission.

Most members of the ISBA/CBA Joint Committee had substantial experience on the professional conduct committees of their respective bar associations, including several members who had served one or more terms as chair of those committees. Many members had published articles on ethics and professional responsibility in state, local, and national publications. Several had also taught law school courses on legal ethics or professional responsibility as resident or adjunct faculty members.

VII. The ISBA/CBA Joint Committee's Approach

Early in its deliberations, the ISBA/CBA Joint Committee determined that it would recommend adoption of each ABA Model Rule unless there was a compelling reason not to do so. There are at least three reasons for following the ABA Model Rules as the template for revising the Illinois Rules.

A. The Model Rules Are the National Standard

First, the Model Rules are the *de facto* national standard for ethics rules, a standard that has been recognized in Illinois. Law schools have been required to teach the Model Rules to all students to achieve accreditation by the ABA since the late 1970s. Like most states, Illinois requires that all applicants for admission to the bar, either by examination [Supreme Court Rule 703(b)] or on motion [Supreme Court Rule 705(a)], have a first degree in law from a law school approved by the ABA.

In addition to their study of the Model Rules in law school, applicants for the Illinois bar must know the Model Rules to take the Multistate Professional Responsibility Examination. This examination, usually called the MPRE, is based on the ABA Model Rules. Applicants by examination [Supreme Court Rule 704(c)] as well as applicants on motion [Supreme Court Rule 705(c)] are required to have passed the MPRE.

Moreover, all the standard works on legal ethics are organized around the Model Rules. The American Legal Ethics Library of the Legal Information Institute, Cornell Law School, the primary source of ethics rules and commentary on the Internet, is organized on the Model Rules. Another important primary reference work on ethics, the *Annotated Model Rules of Professional Conduct* (5th ed. 2003), published by the ABA, is organized on the Model Rules. Finally, the principal periodical on ethics and professional responsibility, the *ABA/BNA Lawyers' Manual on Professional Conduct*, also organizes its reporting on the Model Rules.

B. Law Practice Is No Longer Local

Second, following the Model Rules will achieve a higher level of uniformity and consistency with the rules of other jurisdictions. As noted above, 44 jurisdictions including Illinois have adopted some form of the original 1983 version of the Model Rules and at least 29 jurisdictions have recently revised their rules of professional conduct based on the Ethics 2000 revisions to the Model Rules.

The value of national uniformity and consistency in ethics rules is clear. The practice of law is no longer a purely local matter. Illinois offers an excellent example of the multistate character of the current legal profession. Although exact figures on the extent of multiple admissions are unavailable because the ARDC does not require the submission of such data, it is apparent that many thousands of lawyers currently admitted in Illinois are admitted in one or more other states as well. From information provided by the ARDC (James J. Grogan in January 2007), its records show that 13,995 resident lawyers registered with the ARDC also report another admission outside Illinois. In addition, there are 10,874 non-resident lawyers registered with the ARDC who are admitted in another jurisdiction. The current total number of registered lawyers in Illinois is approximately 83,085. Thus, at least 22,869, or 29.9 percent, of the lawyers registered with the ARDC are also admitted in another jurisdiction. These figures demonstrate that the ethics rules of Illinois will have an effect beyond the state's borders.

Moreover, the work of the ABA's Commission on Multijurisdictional Practice confirmed that a growing number of lawyers regularly represent clients in connection with transactions and litigation that take place in jurisdictions where the lawyers may not be admitted. In view of this trend, the ABA Commission on Multijurisdictional Practice recommended in August 2002 that Model Rule 5.5 be amended to permit lawyers admitted in another United States jurisdiction to render legal services in certain common situations on a temporary basis in a jurisdiction where a lawyer was not admitted. That Commission also recommended an amendment to Model Rule 8.5 to provide a new choice-of-rule provision that would make a state's legal ethics rules applicable to the conduct of any lawyer rendering or offering to render legal services in that state, even if the lawyer was not licensed there. As noted above, these proposals were approved by the House of Delegates in August 2002 and are now part of the Model Rules. They are also part of the ISBA/CBA Joint Committee's proposed new Illinois Rules.

Multijurisdictional practice dictates the need for lawyers to have a clear understanding of their responsibilities in the various jurisdictions in which they practice. The benefits to clients and the public from a coherent system of rules that guide lawyer

conduct and ensure compliance, while upholding the ethical standards of the profession, are obvious.

C. Unique State Rules Cause Problems

Third, amending well-known and commonly-used standard language will have consequences. At a minimum, unnecessary changes will cause confusion. Even minor stylistic amendments will inevitably cause lawyers consulting the Illinois Rules to speculate why the Illinois language was changed from the original ABA text. There can also be significant unintended consequences.

The decision in *Thermodyne Food Service Products, Inc. v. McDonald's Corporation*, 960 F. Supp. 138 (N.D. Ill. 1997), demonstrates one unfortunate unintended consequence of "reworded" standard language. In *Thermodyne*, a law firm was disqualified from litigation adverse to a former client even though the lawyer who had represented the former client had left the firm. Under current Illinois Rule 1.10(c), the firm was disqualified because the litigation was found to be substantially related to the prior representation. In contrast, under ABA Model Rule 1.10(b), from which the Illinois rule was obviously derived, the firm would not have been disqualified unless the matters were both substantially related and the lawyer with confidential information remained with the firm. The district judge found no policy reason for the different result, but held that "a rule is a rule" and disqualified the firm. Unfortunately, there was no apparent policy reason. One of the drafters of the 1990 Illinois Rules reported: "Illinois Rule 1.10(c) is, substantially, ABA Model Rule 1.10(c) [subsequently renumbered 1.10(b)], slightly reworded." George W. Overton, *The New Illinois Rules of Professional Conduct, An Annotated Edition*, p. 12 (1991). This "slight" rewording of the ABA language led to the opposite result under the Illinois version, which was clearly not the result intended by the drafters.

Another anomaly in the current Illinois Rules arising from altering standard language involves Rule 1.6(a) [the rule on protection of confidential information of current clients] and Rule 1.9(a)(2) [the rule on protection of confidential information of former clients]. Under Rule 1.9(a)(2), a lawyer may not use any "information relating to the representation" to the disadvantage of a former client. In contrast, current Illinois Rule 1.6(a) directs that a lawyer shall not use or reveal a "confidence or secret" of a current client without the client's consent. The "confidence or secret" formulation is not a Model Rules concept; it was apparently retained from the prior Illinois Code of Professional Responsibility. A "confidence" is defined as information covered by the attorney-client privilege, while a "secret" denotes information that the client has

requested be held inviolate or the revelation of which would be embarrassing or detrimental to the client. Clearly, the “information relating to the representation” protected by Rule 1.9(a)(2) is a much larger body of information than the more limited notion of “confidence or secret” under Illinois Rule 1.6(a). The conclusion compelled by the non-standard language of the existing Illinois Rules is that former clients are entitled to broader protection of confidential information than current clients, another anomalous result that could not have been intended by the Illinois drafters.

For these reasons, the ISBA/CBA Joint Committee followed the language of the ABA Model Rules as well as the relevant Comments unless there were major policy considerations, typically positions previously expressed by the Illinois Supreme Court that compelled specific changes. Examples of such changes from the Model Rules include: proposed Rule 1.6(c) requiring disclosure of confidential information necessary to prevent a client from committing an act that would result in death or substantial bodily harm (the Model Rules make such disclosure discretionary); proposed Rule 8.3 (the “*Himmel*” rule) requiring a lawyer to report unprivileged knowledge of the professional misconduct of another lawyer even if that knowledge may otherwise be confidential under Rule 1.6 (the Model Rules do not require a report if the information is protected by Rule 1.6); and proposed Rule 8.4(a)(6) regarding gifts or loans to judges (the Model Rules have no similar provision).

VIII. The Need for Comments

The ISBA/CBA Joint Committee also decided to recommend adoption of the ABA Comments to the Model Rules, unless there was a compelling reason to change the ABA language. The Comments are an integral element of the Model Rules, and they were reviewed and revised by the Ethics 2000 Commission with the same care and attention as the black letter rules. The ABA Comments were also subject to the same approval process by the House of Delegates. The same arguments supporting uniformity and consistency in ethics rules among the states apply to the ABA Comments as well.

Virtually all the black letter rules require some clarification or additional explanation. Comments allow expanded and more specific explanation of particular issues without cluttering the black letter provisions with unnecessary details. Thus, the inclusion of the Comments will provide Illinois lawyers a larger base of analysis and authority concerning their professional conduct. This additional information could be critical to the interpretation and application of the rules by practicing lawyers, the courts, and disciplinary agencies.

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IX. Review and Approval by CBA and ISBA

The ISBA/CBA Joint Committee's initial Final Report was submitted to the ISBA and the CBA on October 17, 2003. The complete report was promptly posted on the Web sites of both associations, with information for how interested parties could submit comments on the report and proposed rules. Notices in the ISBA *Bar News* and in the weekly CBA *E-News Bulletin* also solicited comments by the end of December 2003. An article describing the work of the Committee and the significant features of the proposed new rules was published in the November 2003 edition of the CBA *Record*, again with a request for comments. A similar article was published in the ISBA *Journal* in June 2004.

The Committee's Revised Final Report was approved by the CBA Board of Managers on January 15, 2004. On March 26, 2004, the ISBA Board of Governors reviewed the Report and recommended its adoption to the ISBA Assembly. The ISBA Assembly unanimously approved the Report on June 19, 2004.

The Revised Final Report was submitted to the Illinois Supreme Court on April 30, 2004. The Supreme Court referred to the Rules Committee which in turn, referred it to the Committee on Professional Responsibility pursuant to Supreme Court Rule 3.

X. Conclusion

As stated, the Committee on Professional Responsibility asks the Rules Committee to schedule a public hearing on Proposal #04-19 and on related Proposal #04-18 and the Committee's recommendations. Given the importance of this project, the Committee suggests that the public hearing be solely devoted to these proposals and recommendations.

Very truly yours,



Richard A. Redmond

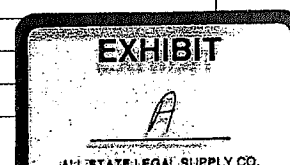
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cc: Honorable Anne M. Burke (w/encls.)
James J. Grogan (w/encls.)
Robert A. Creamer (w/encls.)
Thomas P. Luning (w/encls.)
Marcia Meis (w/encls.)

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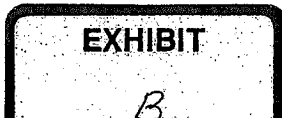
State Ethics Rules Review – Status as of February 2007

State	Status of ABA Ethics 2000 Review	Effective Date of New Rules
Alabama	No Review.	
Alaska	Bar report pending before Supreme court.	
Arizona	New rules approved.	December 2003
Arkansas	New rules approved.	May 2005
California	Bar committee drafts released for comment.	
Colorado	Bar report pending before Supreme Court.	
Connecticut	New rules approved.	January 2007
Delaware	New rules approved.	July 2003
District of Columbia	New rules approved.	February 2007
Florida	New rules approved.	May 2006
Georgia	Bar committee reviewing rules.	
Hawaii	Bar committee reviewing rules.	
Idaho	New rules approved.	July 2004
Illinois		
Indiana	New rules approved.	January 2005
Iowa	New rules approved.	July 2005
Kansas	Bar report pending before Supreme Court	
Kentucky	Bar committee reviewing rules.	
Louisiana	New rules approved.	March 2004
Maine	Bar committee report released.	
Maryland	New rules approved.	July 2005
Massachusetts	Bar committee reviewing rules.	
Michigan	Bar report pending before Supreme Court.	
Minnesota	New rules approved.	October 2005
Mississippi	New rules approved.	November 2005
Missouri	Bar report pending before Supreme Court.	
Montana	New rules approved.	April 2004
Nebraska	New rules approved.	September 2005
Nevada	New rules approved.	May 2006
New Hampshire	Bar committee report released.	
New Jersey	New rules approved.	January 2004
New Mexico	Bar committee reviewing rules.	
New York	Bar committee report released.	
North Carolina	New rules approved.	March 2003
North Dakota	New rules approved.	August 2006
Ohio	New rules approved.	February 2007
Oklahoma	Bar committee report released.	
Oregon	New rules approved.	January 2005
Pennsylvania	New rules approved.	January 2005
Rhode Island	Bar report pending before Supreme Court.	
South Carolina	New rules approved.	October 2005
South Dakota	New rules approved.	January 2004
Tennessee	Bar committee reviewing rules.	
Texas	Bar committee reviewing rules.	
Utah	New rules approved.	November 2005
Vermont	Bar report pending before Supreme Court.	
Virginia	New rules approve.	January 2004
Washington	New rules approved.	September 2006
West Virginia	Bar committee reviewing rules.	
Wisconsin	New rules approved.	July 2007
Wyoming	New rules approved.	July 2006



**SUPREME COURT COMMITTEE ON PROFESSIONAL RESPONSIBILITY
RECOMMENDATIONS TO PROPOSAL #04-19**

ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Preamble	Adopt	
Scope	Adopt with changes	The proposed Scope should be adopted, except that additional language should be added to the Scope section to emphasize that only the Rules are authoritative (additional language underlined). The last sentence of Scope paragraph [14] should be revised to state: " <u>Comments and the Preamble and Scope</u> do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules." The second sentence of Scope paragraph [21] should be revised to state: "The Preamble and this note on Scope provide general orientation <u>and are instructive and not directive.</u> "
Rule 1.0	Adopt	
Rule 1.1	Adopt	
Rule 1.2	Adopt with changes	Proposed Rule 1.2 should be adopted, except that current IRPC 1.1(c) should be added as proposed Rule 1.2(e). The Committee's proposed changes to Rule 1.2 add paragraph (e) as follows (additions in underline): " <u>(e) After accepting employment on behalf of a client, a lawyer shall not thereafter delegate to another lawyer not in the lawyer's firm the responsibility for performing or completing that employment, without the client's consent.</u> "
Rule 1.3	Adopt	
Rule 1.4	Adopt	
Rule 1.5	Adopt	



ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Rule 1.6	Adopt with changes	<p>Proposed Rule 1.6 should be adopted, except that the Supreme Court's intervening amendment adopted May 24, 2006, should be incorporated in proposed Rule 1.6(d), so that the rule provides as follows:</p> <p>(d) information received by a lawyer participating in a meeting or proceeding with a trained intervener or panel of trained interveners of an approved lawyers assistance program, or in an intermediary program approved by a circuit court in which nondisciplinary complaints against judges or lawyers can be referred, shall be considered information relating to the representation of a client for purposes of these Rules.</p>
Rule 1.7	Adopt	
Rule 1.8	Adopt with changes in Comment #19	Proposed Rule 1.8 should be adopted. However, Comment [19] of the comments to ABA Model Rule 1.8 should be reinstated, on the ground that sex with clients is a problem in the corporate context, particularly in the case of small, closely held companies.
Rule 1.9	Adopt	
Rule 1.10	Adopt	
Rule 1.11	Adopt	
Rule 1.12	Adopt	
Rule 1.13	Adopt	
Rule 1.14	Adopt	
Rule 1.15	Adopt with changes	Proposed Rule 1.15 should be adopted, except that the Supreme Court's intervening amendments to Rule 1.15, adopted January 25, 2007, effective June 1, 2007, as Rule 1.15(d)-(g), should be adopted as Rule 1.15(f)-(i).

ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Rule 1.16	Adopt	
Rule 1.17	Adopt	
Rule 1.18	Adopt	
Rule 2.1	Adopt	
Rule 2.2 (Deleted)	Agree to delete	
Rule 2.3	Adopt	
Rule 2.4	Adopt	
Rule 3.1	Adopt	
Rule 3.2	Adopt	
Rule 3.3	Adopt	
Rule 3.4	Adopt	
Rule 3.5	Adopt	
Rule 3.6	Adopt	
Rule 3.7	Adopt	
Rule 3.8	Adopt	
Rule 3.9	Adopt	
Rule 4.1	Adopt	
Rule 4.2	Adopt	

ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Rule 4.3	Adopt	
Rule 4.4	Adopt	
Rule 5.1	Adopt	
Rule 5.2	Adopt	
Rule 5.3	Adopt	
Rule 5.4	Adopt	
Rule 5.5	Adopt	
Rule 5.6	Adopt	
Rule 5.7	Adopt	
Rule 6.1 (Deleted)	Agree to delete	
Rule 6.2	Adopt	
Rule 6.3	Adopt with changes	The proposed rule should be adopted, except that the organizations to which the rule applies should be restricted to not-for-profit organizations, as in the current Illinois rule. Accordingly, the words "not-for-profit" should be inserted before "legal services organization" in the first sentence of the rule. The Committee's proposed changes to Rule 6.3 read as follows (additions in <u>underline</u>): "A lawyer may serve as a director, officer or member of a <u>not-for-profit</u> legal services organization ..."
Rule 6.4	Adopt	
Rule 6.5	Adopt	

ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Rule 7.1	Adopt	
Rule 7.2	Adopt	
Rule 7.3	Adopt	
Rule 7.4	Adopt with changes	<p>Proposed Rule 7.4 should be adopted, except that proposed Rule 7.4(b)(2)-(3) should be deleted as unnecessary and confusing, in light of the general authorization to communicate fields of practice contained in proposed Rule 7.4(a). The Committee's proposed changes to Rule 7.4 read as follows (deletions in <u>strikethrough</u>):</p> <p>(b) The Supreme Court of Illinois does not recognize certifications of specialties in the practice of law, nor does it recognize certifications of expertise in any phase of the practice of law by any agency, governmental or private, or by any group, organization or association. However:</p> <p>(1) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;</p> <p>(2) a lawyer engaged in trademark practice may use the designation "Trademarks," "Trademark Attorney" or "Trademark Lawyer," or any combination of those terms; or</p> <p>(3) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation.</p>
Rule 7.5	Adopt	
Rule 7.6	Adopt	

ISBA/CBA Revised Final Report Proposed Rule	S. Ct. Committee Recommendation	Committee Changes To Proposed Rule
Rule 8.1	Adopt	
Rule 8.2	Adopt	
Rule 8.3	Adopt	
Rule 8.4	Adopt with changes	<p>Proposed Rule 8.4 should be adopted, except that the word "solely" should be deleted from proposed Rule 8.4(g), consistent with the existing Illinois rule, current IRPC 1.2(e). The Committee's proposed changes to Rule 8.4 read as follows (deletions in <u>strikethrough</u>):</p> <p>(g) present, participate in presenting, or threaten to present criminal or professional disciplinary charges solely to obtain an advantage in a civil matter.</p>
Rule 8.5	Adopt	
Comments	Adopt with changes	<p>The ISBA/CBA proposed Comment [19] to Rule 1.8(j) was revised as follows to restore the original ABA 2000 Committee proposed Comment [19] (additions in <u>underline</u>, deletions in <u>strikethrough</u>):</p> <p>[19] When the client is an organization, paragraph (j) of this Rule does not apply. <u>prohibits a lawyer for the organization (whether inside counsel or outside counsel) from having a sexual relationship with a constituent of the organization who supervises, directs or regularly consults with that lawyer concerning the organization's legal matters.</u></p>

RULE 751 Attorney Registration and Disciplinary Commission

(a) Authority of the Commission. The registration of, and disciplinary proceedings affecting, members of the Illinois bar shall be under the administrative supervision of an Attorney Registration and Disciplinary Commission. Any lawyer admitted in another United States jurisdiction who provides legal services on a temporary basis in Illinois pursuant to Rule 5.5 of the Illinois Rules of Professional Conduct shall be subject to the administrative supervision of the Attorney Registration and Disciplinary Commission to the same extent as a lawyer licensed to practice law in this state.

EXHIBIT

C