

FOR IMMEDIATE RELEASE

September 29, 2005

SUPREME COURT ESTABLISHES CONTINUING LEGAL EDUCATION FOR ATTORNEYS AND COMMISSION ON PROFESSIONALISM

The Illinois Supreme Court announced Thursday new programs aimed at ensuring the quality of legal services in Illinois as well as promoting civility among lawyers within the profession and with their clients.

In two separate but related actions, the Court promulgated new and amended rules establishing a program which requires attorneys to take a minimum number of hours of continuing legal education, and establishing a permanent Supreme Court Commission on Professionalism.

“Under the new rules, attorneys are required to study both substantive legal matters as well as matters relating to professional civility,” Chief Justice Robert R. Thomas said. “This dual focus will help to ensure that the public is served by capable professionals who are fully informed of the latest developments in the law. The Commission will play a key role in the new continuing legal education program, working closely with both the bar and the law schools to ensure that professionalism and civility instruction is a part of every lawyer’s education.”

Illinois now becomes one of only 13 states with a permanent commission to promote an awareness of professionalism by all members of the Illinois bar and bench. Its creation is the outgrowth of an initiative first recommended by Chief Justice Thomas who publicly deplored lawyer conduct which degenerates “into a Rambo-style, win-at-all cost attitude by attorneys.”

Both actions were under study by the Court for some time. The Court gave its approval when it met during its first term under new Chief Justice Thomas, who assumed the Court’s leadership role on September 6. The new rules are effective immediately.

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MINIMUM CONTINUING LEGAL EDUCATION:

The Supreme Court rules establishing minimum continuing legal education requirements (MCLE) are designed “to assure that those attorneys licensed to practice law in Illinois remain current regarding the requisite knowledge and skills necessary to fulfill the professional responsibilities and obligations of their respective practices and thereby improve the standards of the profession in general,” a preamble to the new rules says. It states the public contemplates nothing less from attorneys.

The rules establish a board consisting of nine members appointed by the Court plus an executive director to administer the program. Individuals seeking appointment to the Board are invited to submit a resume and a brief personal statement to the Administrative Office of Illinois Courts. (See [Special Announcement - MCLE Appointees 9/29/05](#))

The MCLE program will be funded from fees charged Continuing Legal Education (CLE) providers, and from late fees and reinstatement fees assessed to individual attorneys.

A key component of the program requires every new Illinois attorney admitted to practice after December 31, 2005 to complete a Basic Skills Course, totaling at least 15 hours of instruction. The course will cover local court practice and rules, filing requirements for various government agencies, the drafting of pleadings and other documents, practice techniques and procedures under the Illinois Rules of Professional Conduct, client communications, the use of trust accounts, required record keeping and other rudimentary elements of practice.

“Law school teaches us how to think like lawyers, but not always how to practice law,” said Chief Justice Thomas. “The basic skills course will ensure that every new attorney enters the profession with a firm understanding of the tools that are essential to the day-to-day practice of law.”

CLE requirements for Illinois attorneys will increase incrementally. Every Illinois attorney subject to the Rules will be required to complete 20 hours of CLE activity during their initial two-year reporting period, 24 hours of CLE activities during their second two-year reporting period and 30 hours of CLE activity during all subsequent two-year reporting periods.

The first two-year reporting period for lawyers whose last names begin with the letters A through M begins July 1, 2006 and runs through June 30, 2008; and subsequent two-year reporting periods for these lawyers begin on July 1 of all even-numbered years. The first two-year reporting requirement for lawyers whose last names begin with the letters N through Z begin on

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July 1, 2007 and runs through June 30, 2009; and subsequent two-year reporting periods for these lawyers begin on July 1 of all odd-numbered years.

To integrate the program with the goals of the Commission on Professionalism, a minimum of four of the total hours required for any two-year period must be in the area of professionalism; issues involving diversity; mental illness and addiction issues; civility or legal ethics. Courses and activities in these areas must be approved by the Commission on Professionalism and forwarded to the MCLE Board for accreditation. Without the Commission's approval, courses in these areas will not be eligible for accreditation and will not satisfy the CLE requirement.

Attorneys must report their compliance with MCLE requirements on a certification form that will be mailed by the MCLE Director. It must be completed and submitted by the attorney within 31 days after the attorney's reporting period (no later than July 31). An attorney may be given one, 60-day grace period. Failure to comply or failure to report compliance will result in the removal of the attorney's name from the master roll of attorneys maintained by the Attorney Registration and Disciplinary Commission, rendering the attorney ineligible to practice law in Illinois. An attorney may be reinstated only upon recommendation of the Board after certified full compliance and payment of additional late fees.

The rules also require attorneys to maintain certificates of attendance at CLE courses for a period of three years. The rules set up record keeping and audit procedures; and require CLE providers to make available a financial hardship policy for attorneys who might find it difficult to pay the cost of the courses.

Among its myriad duties, the nine-member administrative Board will recommend additional rules and regulations for MCLE, including fees sufficient to ensure that it will be financially self-supporting. It also is charged with accrediting commercial and non-commercial legal education courses and activities, and determining the number of hours to be awarded for attending such courses.

At least one member of the nine-member administrative Board will be a non-attorney and at least one will be a Circuit Court judge. Eligible attorneys for the board must have actively practiced law in Illinois for a minimum of 10 years. Board members will receive no compensation but will be reimbursed for reasonable, including necessary travel.

Eligible attorneys are invited to seek appointment to the Board by submitting a resume and a brief statement in support of their candidacy to: Cynthia Y. Cobbs, Director, Administrative Office of Illinois Courts, 222 N. LaSalle Street, 13th Floor, Chicago 60601. The deadline for application is October 31, 2005.

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Attorneys and potential applicants are strongly encouraged to view the complete rules in their entirety on the Supreme Court website: www.state.il.us/court .

SUPREME COURT COMMISSION ON PROFESSIONALISM

The purpose behind the Supreme Court Commission on Professionalism is “to promote among the lawyers and judges of Illinois principles of integrity, professionalism and civility; to foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and to ensure that those systems provide equitable, effective and efficient resolution of problems and disputes for the people of Illinois.”

It is a direct outgrowth of the Supreme Court Committee on Professionalism, which was recommended to the Court, before he was Chief, by Justice Thomas and approved by the Court in November 2001.

“You hear a lot about how the practice of law is different now than in days past when a lawyer’s handshake meant something and a lawyer’s word was his bond,” Justice Thomas said when recommending the Committee. “That may be an oversimplification, but in this day and age with competition in the profession for dollars and clients, activities sometimes degenerate into a Rambo-style, win-at-all cost attitude by attorneys.”

The Committee, under the chairmanship of Wheaton attorney David Rolewick, held a total of 12 Town Hall meetings in various locations around the state to consider characteristics of both professional and unprofessional lawyer behavior and to identify professionalism-related issues of concern to members of the bar and bench in each of the geographic locations.

Upon the Committee’s recommendation, the Court, under former Chief Justice Mary Ann. G. McMorrow, approved Committee-sponsored orientation programs on professionalism for incoming first-year law students in each of the Illinois law schools; and at these sessions, a justice of the Supreme Court administered a Pledge of Professionalism to the incoming law students, in an attempt to inculcate early a respect for professional behavior.

“With the establishment of a permanent Commission on Professionalism, Illinois today joins only 12 other states,” said Chief Justice Thomas. “The Commission’s creation reflects the Illinois Supreme Court’s commitment to elevating the overall level of professionalism within the Illinois legal community, as well as to identifying and addressing the sources of incivility and acrimony within the profession.”

The Commission will consist of a Chair and 13 additional members appointed by the

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Court, plus an Executive Director with sufficient staff. It will be funded by a \$10 increase in the annual registration fee paid by attorneys, raising the fee to \$239.

“These new rules signal a change in how attorneys are expected to deliver their services to the citizens of Illinois, raising the bar to require improved competency, effectiveness and civility in our legal system,” said committee chairman Rolewick. “The Court has also identified divisiveness and bias as characteristics that must be eliminated from the legal system of the state, providing our profession with an opportunity to be an example to the larger society rather than a reflection of it.”

The Commission will include three full time faculty members at accredited Illinois law schools; two active trial court judges; one appellate court judge; six practicing lawyers and two non-lawyers.”

In addition to developing and approving professionalism and related courses certified under the MCLE program, the Commission is charged generally with “creating and promoting an awareness of professionalism by all members of the Illinois bar and bench.”

It will serve as a resource for information on professionalism, develop statements on principles of ethical and professional responsibility to encourage, guide and assist lawyers on the ethical and professional tenets of the profession; collaborate with law schools in the development and presentation of professionalism programs for law student orientation; and recommend to the Court means and methods of improving the profession.

The Commission will have no authority to impose discipline upon any member of the bar or bench.