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**FOR IMMEDIATE RELEASE**

## SUPREME COURT ADOPTS NEW RULES OF PROFESSIONAL CONDUCT FOR LAWYERS

The Illinois Supreme Court announced Wednesday the adoption of new Rules of Professional Conduct for lawyers who are licensed and who practice in Illinois.

The Illinois Rules of Professional Conduct of 2010 were approved by the Court during its May term after an extensive process, begun in 2002, that included thousands of hours of work by judges, lawyers and legal ethics scholars, including Supreme Court committees and a joint committee of the Illinois State Bar Association and the Chicago Bar Association.

The new rules become effective January 1, 2010.

The rules govern a broad range of conduct from defining a lawyer's allowable relationship with a client to selling a law firm and advertising by e-mail. They require heightened responsibilities for a lawyer upon learning of wrongful corporate conduct–a change recommended in the wake of the Enron scandal–and allow disclosure of otherwise confidential information to prevent client fraud and other criminal acts.

The rules with their preamble and commentary cover more than 120 printed pages and are the first complete revision of the professional rules of conduct since 1990. The new rules are generally based on Model Rules adopted by the American Bar Association in 2002 and 2003 and followed in some form in 42 other jurisdictions.

"These new rules reflect the effort of the bar associations, the Supreme Court Committee on Professional Responsibility and the Supreme Court Rules Committee as well as many other lawyers who gave their input along the way," said Chief Justice Thomas R. Fitzgerald. "With their adoption, the rules governing the legal profession in Illinois come into phase with how the practice of law has changed over time, with once local law firms growing globally and with issues arising from the growing complexity of the practice, our culture and our world.

"The Court, Illinois lawyers and the public that they serve are grateful for the efforts of those who worked long and hard to bring the ethical rules for Illinois attorneys up to date with 21st century practice."

The old rules trace their history to the late 1970s and early 1980s. That was a time when there were no home computers; hence, no e-mail, web pages, cell phones, video-conference or real-time messaging. Then, large law firms had 100 or so lawyers, and few lawyers were admitted to practice in multiple jurisdictions. Communications now are instantaneous. It is not unusual for large law firms to number many hundreds of lawyers in offices around the world. Now, about 30 percent of the approximately 82,000 lawyers in the state are licensed in multiple jurisdictions.

While the new rules are based on the recently updated ABA Model Rules, they retain ethical concepts that are very specific to Illinois.

"They are an important step forward in the Supreme Court's ongoing regulation of the legal profession in our state," said Steven F. Pflaum, a Chicago attorney who is chairperson of the Supreme Court Committee on Professional Responsibility, which has been working on the revision of the rules since 2005. "The new rules are especially noteworthy for providing additional clarity regarding lawyers' ethical obligations, and for addressing aspects of the modern practice of law, such as the increased use of alternate dispute resolution procedures, that were not expressly covered by the previous ethics rules."

A significant departure from the old rules is the publication of commentary, or detailed comments, in an attempt to illustrate the purpose of each rule. The comments are intended only as a guide to interpretation, and only the text of each rule is authoritative; but those who had a continuing hand in the revision of the rules believe the comments will be of substantial assistance to lawyers.

"The comments should be a good working guide for the practicing attorney," said Richard A. Redmond, a longtime member of the Committee on Professional Responsibility, who served as its chairman during most of the time the Committee reviewed the rules proposals. "The rules serve as the basis of discipline for all lawyers; the comments explain the rules, refer to court decisions relating to the rules and assist the lawyer in complying with the rules."

The publication of the new rules marks a long and carefully considered process. The Illinois State Bar Association and the Chicago Bar Association established a joint committee to propose revisions to the rules in 2002. All geographic areas of the state were represented on the committee; there were lawyers from large firms, small firms, in-house counsel and solo practitioners. It included judges, law professors and lawyers from the Attorney Registration and Disciplinary Commission. Many of the committee members had published articles on ethics and professional responsibility in state, local and national publications. Several had taught law school courses on legal ethics.

It was co-chaired by attorneys Robert A. Creamer and Thomas P. Luning, and issued its report in April 2004 that was approved by the governing boards of the two bar associations and submitted to the Illinois Supreme Court.

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       More than four years of further study and revisions ensued with the Illinois Supreme Court Committee on Professional Responsibility, under Mr. Redmond's chairmanship, taking the lead. Important input also was received from the Attorney Registration and Disciplinary Commission and the Illinois Supreme Court Rules Committee, which conducted two public hearings in Springfield and Illinois under the chairmanship of Peoria attorney John Nicoara regarding the then-proposed rules.

       The proposal then received several reviews by the Supreme Court with additional revisions and refinements occurring as a result of the Court's review.

       The full text of the rules and comments are available on the web site of the Supreme Court at www.state.il.us/court.

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