



Supreme Court of Illinois

Joseph R. Tybor
Director of Communications

222 North LaSalle Street, 13th Floor
Chicago, Illinois 60601
Telephone (312) 793-2323
Mobile (312) 636-0479
Fax (312) 793-0871

April 3, 2013

SUPREME COURT RULES COMMITTEE SCHEDULES PUBLIC HEARING ON PROPOSAL TO HELP ATTORNEYS REPRESENT CLIENTS OF LIMITED MEANS

The Illinois Supreme Court Rules Committee will seek comment at a public hearing Monday, April 8 in Chicago on a proposal designed to make it easier for clients of limited means to be represented by attorneys in civil cases.

The proposal deals with a concept known as limited scope representation which is now permitted in 24 other states, according to the Lawyers Trust Fund of Illinois. Limited scope representation allows attorneys to provide legal services on a portion of a client's legal matter, rather than seeing it through from beginning to end. The LTF drafted the initial proposal to increase legal representation of the indigent and others who otherwise would be without legal counsel.

It was later studied and commended by a joint task force of the Illinois State Bar Association, the Chicago Bar Association and the Illinois Judges Association. The version before the Rules Committee was slightly modified by the Illinois Supreme Court Committee on Professional Responsibility after it reviewed the task force's report.

The hearing will begin at 10 a.m. at 160 N. LaSalle St., Room C-500, Chicago.

Chief Justice Thomas L. Kilbride, the Supreme Court liaison to the Rules Committee, is scheduled to attend the public hearing. Brett K Gorman, an attorney with Schmiedeskamp Robertson Neu & Mitchell in Quincy, is chair of the committee.

The proposal is presented in the form of amendments to Supreme Court Rules 13, 11 and 137. A copy is available on the Supreme Court website at: www.state.il.us/court/SupremeCourt/Public_Hearings/Rules/

A revised version of the Illinois Rules of Professional Conduct, which became effective for Illinois attorneys in 2010, allowed for limited scope representation. The latest proposal clarifies and encourages its practice through amended procedures.

"The proposed rule changes will enable unrepresented litigants to obtain critically needed representation, and increase access to the justice system," said Ruth Ann Schmitt, executive director of the Lawyers Trust Fund.

MORE

Rules Committee Public Hearing Add One

"Illinois faces a growing number of unrepresented litigants in its courtrooms, which poses significant challenges to the operation of the courts, to the legal profession and to the ability of these litigants to be heard."

Limited scope representation, also known as the "unbundling" of legal services, allows a lawyer to provide legal services on a single or limited portion of a client's legal matter; hence, total legal fees should be more affordable for the client.

According to the task force report, unbundling:

"[C]an take the form of advising a client on discrete aspects of a transaction or a proposed course of conduct; advising a client as to how to respond to proposals or the arguments of an adverse party; reviewing or drafting pleadings to be filed by the client; attending and participating in certain depositions or court hearings; or engaging in a whole host of other activities."

"It contrasts with a traditional representation where a lawyer handles all aspects of a client's matter."

For example, instead of handling a client's entire divorce, a lawyer may only handle custody issues and give advice but not actually prepare other necessary pleadings, or may advise on pleadings.

Proposed modifications to Supreme Court Rule 13 require a written agreement between the attorney and the party disclosing the limited nature of the representation, and also prescribe the procedure for an attorney to withdraw from the matter when the services within the scope of the limited appearance have been completed.

A modification to Supreme Court Rule 11 requires the service of all documents be made on both the party and the attorney while the limited representation is in effect.

Supreme Court Rule 137 would be changed to make it clear that an attorney may assist a person who is representing herself in drafting or reviewing a pleading or other paper without making a general or limited scope appearance and without the attorney signing the pleading or other paper, as otherwise would be required. In such an instance, the attorney may rely on the representation of facts as provided by the self-represented person. The proposed modification would apply, for example, to an attorney who advises a caller to a legal aid telephone hotline, or an attorney providing information at a pro bono legal clinic.

The co-chairs of the task force were Diane F. Klotnia of the Chicago Bar Association, Circuit Judge Ronald D. Spears of the Illinois Judges Association and John E. Thies, current president of the Illinois State Bar Association.

Steven F. Pflaum is the immediate past president of the Committee on Professional Responsibility which reviewed the task force report.

The proposal would not take effect unless it is specifically approved by Illinois Supreme Court.

--30--

(FOR MORE INFORMATION, contact: Joseph Tybor, director of communications to the Illinois Supreme Court, at 312.793.2323)