

Proposal 17-02
Creates Supreme Court Rule
Offered by the Illinois Supreme Court Committee on Professional Responsibility

Rule ____ . Disqualification of Lawyer Serving in Collaborative Process and Lawyers in Associated Law Firm.

(a) Except as provided in paragraph (c), a lawyer serving or who has served as a collaborative process lawyer, as defined in the Collaborative Process Act, 750 ILCS 90/1 et seq., is disqualified from appearing before a tribunal to represent any party in a proceeding relating to the collaborative process matter in which the lawyer serves or served as a collaborative process lawyer. Further, a lawyer serving or who has served as a collaborative process lawyer must withdraw from the representation if the collaborative process fails.

(b) A disqualification prescribed by paragraph (a) is imputed to all lawyers in a law firm with which the lawyer disqualified by paragraph (a) is associated and may not be waived; nor may the disqualification of any lawyer be removed by screening.

(c) A lawyer otherwise disqualified by paragraphs (a) or (b) may represent a party before a tribunal:

(1) to comply with the procedural rules of the tribunal as necessary to facilitate the collaborative process;

(2) to seek approval of an agreement resulting from the collaborative process;

or

(3) to seek or defend a petition for an emergency order to protect the health, safety, welfare, or interest of a party or person eligible for protection under applicable law.