

Proposal 01-05
(P.R. 0095)
Offered by the Illinois Board of Admissions to the Bar

(Please Note: This proposal offers new text for Rules 706 and 707. The proposal assumes that current Rule 706 would then be renumbered Rule 708, current Rule 707 would be renumbered Rule 709, etc. Both proposed Rules 706 and 707 cross-reference Rule 708 (current Rule 706), indicating that the applicant must file “the requisite fees in accordance with Rule 708.” Should proposed Rules 706 and 707 be adopted by the Court, the renumbered Rule 708 (current Rule 706) would need to be amended to reflect such fees.)

Rule 706. Limited Admission Of House Counsel.

(a) Eligibility. A lawyer admitted to the practice of law in another State or the District of Columbia may receive a limited license to practice law in this State when the lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity (as well as any parent, subsidiary or affiliate thereof), whose lawful business consists of activities other than the practice of law or the provision of legal services.

(b) Application Requirements. To qualify for the license, the applicant must file with the Board of Admissions to the Bar the following:

- (1) a completed application for the limited license in the form prescribed by the Board.
- (2) a certificate of good standing from the highest court of each jurisdiction of admission.
- (3) a certificate from the disciplinary authority of each jurisdiction of admission which establishes that the applicant has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending.
- (4) a duly authorized and executed certification by applicant’s employer that:
 - (a) it is not engaged in the practice of law or the rendering of legal services, whether for a fee or otherwise;
 - (b) it is duly qualified to do business under the laws of its organization and the laws of Illinois;
 - (c) the applicant works exclusively as an employee of said employer for the purpose of providing legal services to the employer at the date of his or her application for licensure; and

(d) it will immediately notify the Clerk of the Supreme Court of the termination of the applicant's employment.

(5) such other affidavits, proofs and documentation as may be prescribed by the Board.

(6) the requisite fees in accordance with Rule 708.

(c) Character and fitness approval at discretion of the Board. At the discretion of the Board of Admissions to the Bar, any applicant for a limited license under this rule may be required to receive certification of good moral character and general fitness to practice law by the Committee on Character and Fitness in accordance with the provisions of Rule 710.

(d) Certification by the Board. In the event the Board of Admissions to the Bar shall find that the applicant meets the requirements of this rule, the Board shall certify to the Court that such applicant is qualified for licensure.

(e) Limitation of practice. Licensed house counsel, while in the employ of an employer described in subparagraph (a) of this rule, may perform legal services in this State solely on behalf of such employer; provided, however, that such services shall

(1) be limited to

a. the giving of advice to the directors, officers, employees and agents of the employer with respect to its business and affairs, and;

b. negotiating, documenting and consummating transactions to which the employer is a party; and

(2) not include appearances as counsel in any court, administrative tribunal, agency or commission situated in this State unless the rules governing such court or body shall otherwise authorize or the lawyer is specially admitted by such court or body in a particular case or matter.

Lawyers licensed under this rule shall not offer legal services or advice to the public or in any manner hold themselves out to be so engaged or authorized.

(f) Duration and termination of license. The license and authorization to perform legal services under this rule shall terminate upon the earliest of the following events:

(1) the lawyer is admitted to the general practice of law under any other rule of this Court.

(2) the lawyer ceases to be employed as house counsel for the employer listed on his or her initial application for licensure under this rule; provided, however, that if such lawyer, within one hundred twenty days of ceasing to be so employed, becomes employed by another employer and such employment meets all requirements of this rule, his or her license shall remain in effect, if within said one hundred twenty day period there is filed with the Clerk of the Supreme Court: (a) written notification by the lawyer stating the date on which the prior employment terminated, identification of the new employer and the date on which the new employment commenced; (b) certification by the former employer that the termination of the employment was not based upon the lawyer's character and fitness or failure to comply with this rule; and (c) the certification specified in paragraph (b)(4) of this rule duly executed by the new employer. If the employment of the lawyer shall cease with no subsequent employment within one hundred twenty days meeting all requirements of this rule, he or she shall promptly so notify the Clerk of the Supreme Court in writing stating the date of termination of the employment.

(3) withdrawal of an employer's certification filed pursuant to paragraph (b)(4) of this rule. An employer may withdraw certification at any time without cause being stated.

(4) upon order of this Court.

(g) Annual Registration. Once the Court has conferred upon house counsel a limited license to practice law, counsel must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 for the year in which the license is conferred. For each subsequent year in which house counsel continues to practice in Illinois under the limited license, counsel must register and pay the fee required by Rule 756 in order to be authorized to practice under the limited license.

(h) Discipline. All lawyers licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this State.

(i) No credit toward admission on motion. The period of time a lawyer practices law while licensed under this rule shall not be counted toward his or her eligibility for admission on motion under Rule 705.

(j) Transition. Any lawyer not licensed in this State who is employed as house counsel in Illinois on the effective date of this rule shall not be deemed to have been engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within twelve months of the effective date of the rule.

(k) Newly employed house counsel. Any lawyer who is newly employed as house counsel in Illinois after the effective date of this rule shall not be deemed to have engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within 180 days of the commencement of such employment.

Rule 707. Limited Admission Of Legal Service Program Lawyers.

(a) Eligibility. A lawyer admitted to the practice of law in another State or the District of Columbia who meets the educational requirements of Rule 703 may receive a limited license to practice law in this State when the lawyer is employed in Illinois for an organized legal service, public defender or law school clinical program providing legal assistance to indigent persons.

(b) Application requirements. To qualify for the license the applicant must file with the Board of Admissions to the Bar the following:

(1) a completed application for the limited license and a completed character and fitness registration application in the form prescribed by the Board.

(2) a certificate of good standing from the highest court of each jurisdiction of admission.

(3) a certificate from the disciplinary authority of each jurisdiction of admission which establishes that the applicant has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending.

(4) a duly authorized and executed certification by the applicant's employer that;

(a) it is engaged in the practice of law for the rendering of legal services to indigent persons;

(b) it is duly qualified to do business under the laws of its organization and the laws of Illinois;

(c) the applicant will work exclusively as an employee of said employer, noting the date employment is expected to commence;

(d) it will immediately notify the Clerk of the Supreme Court of the termination of the applicant's employment.

(5) such other affidavits, proofs and documentation as may be prescribed by the Board.

(6) the requisite fees in accordance with Rule 708.

(c) Character and Fitness approval. Each applicant for a limited license under this rule must receive certification of good moral character and general fitness to practice law by the Committee on Character and Fitness in accordance with the provisions of Rule 710.

(d) Certification by the Board. In the event the Board of Admissions to the Bar shall find that the applicant meets the requirements of this rule and has received from the Committee on Character and Fitness its certification of good moral character and general fitness to practice law, the Board shall certify to the Court that such applicant is qualified for licensure.

(e) Limitation of Practice. A lawyer, while in the employ of an employer described in subparagraph (a) of this rule, may perform legal services in this State solely on behalf of such employer and the indigent clients represented by such employer. In criminal cases classified as felonies, the lawyer may participate in the proceedings as an assistant of a supervising member of the bar who shall be present and responsible for the conduct of the proceedings.

(f) Duration and termination of license. The license and authorization to perform legal services under this rule shall terminate upon the earliest of the following events:

(1) eighteen months after admission to practice under this rule.

(2) the lawyer is admitted to the general practice of law under any other Rule of this Court.

(3) the lawyer ceases to be employed for the employer listed on his or her initial application for licensure under this rule.

(4) withdrawal of an employer's certification filed pursuant to paragraph (b) (4) of this rule. An employer may withdraw certification at any time without cause being stated.

(g) Annual Registration. Once the Court has conferred a limited license to perform legal services under this rule, the lawyer must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 for the year in which the license is conferred and for any subsequent year into which the limited license extends.

(h) Discipline. All lawyers licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this State.

(i) No credit toward admission on motion. The period of time a lawyer practices law while licensed under this rule shall not be counted toward his or her eligibility for admission on motion under Rule 705.