

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered May 25, 2018.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Supreme Court Rule 756 is amended, as follows.

Amended Rule 756

Rule 756. Registration and Fees

(a) **Annual Registration Required.** Except as hereinafter provided, every attorney admitted to practice law in this state shall register and pay an annual registration fee to the Commission on or before the first day of January. Every out-of-state attorney permitted to appear and provide legal services in a proceeding pursuant to Rule 707 shall register for each year in which the attorney has such an appearance of record in one or more proceedings. Annual registration fees and penalties paid for the year or prior years shall be deemed earned and non-refundable on and after the first day of January. Except as provided below, all fees and penalties shall be retained as a part of the disciplinary fund. The following schedule shall apply beginning with registration for 2017 and until further order of the Court:

(1) No registration fee is required of an attorney admitted to the bar less than one year before the first day of January for which the registration fee is due; an attorney admitted to the bar for more than one year but less than three years before the first day of January for which the registration fee is due shall pay an annual registration fee of \$121; an out-of-state attorney permitted to appear and provide legal services pursuant to Rule 707 shall pay a registration fee of \$121 for each year in which the attorney's appearance is of record in one or more such proceedings if a per-proceeding fee is required in any such proceeding under Rule 707(f); an attorney admitted to the bar for more than three years before the first day of January for which the registration fee is due shall pay an annual registration fee of \$385, out of which \$10 shall be remitted to the Lawyers' Assistance Program Fund, \$95 shall be remitted to the Lawyers Trust Fund, \$25 shall be remitted to the Supreme Court Commission on Professionalism, and \$25 shall be remitted to the Client Protection Program Trust Fund. For purposes of this rule, the time shall be computed from the date of the attorney's initial

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admission to practice in any jurisdiction in the United States.

(2) An attorney in the Armed Forces of the United States shall be exempt from paying a registration fee until the first day of January following discharge.

(3) No registration fee is required of any attorney during the period he or she is serving in one of the following offices in the judicial branch:

(A) in the office of justice, judge, associate judge or magistrate of a court of the United States of America or the State of Illinois; or

(B) in the office of judicial law clerk, administrative assistant, secretary or assistant secretary to such a justice, judge, associate judge or magistrate, or in any other office included within the Supreme Court budget that assists the Supreme Court in its adjudicative responsibilities, provided that the exemption applies only if the attorney is prohibited by the terms of his or her employment from actively engaging in the practice of law.

(4) Upon written application and for good cause shown, the Administrator may excuse the payment of any registration fee in any case in which payment thereof will cause undue hardship to the attorney.

(5) An attorney may advise the Administrator in writing that he or she desires to assume inactive status and, thereafter, register as an inactive status attorney. The annual registration fee for an inactive status attorney shall be \$121. Upon such registration, the attorney shall be placed upon inactive status and shall no longer be eligible to practice law or hold himself or herself out as being authorized to practice law in this state, except as is provided in paragraph (k) of this rule. An attorney who is on the master roll as an inactive status attorney may advise the Administrator in writing that he or she desires to resume the practice of law, and thereafter register as active upon payment of the registration fee required under this rule and submission of verification from the Director of MCLE that he or she has complied with MCLE requirements as set forth in Rule 790 *et seq.* If the attorney returns from inactive status after having paid the inactive status fee for the year, the attorney shall pay the difference between the inactive status registration fee and the registration fee required under paragraphs (a)(1) through (a)(3) of this rule. Inactive status under this rule does not include inactive disability status as described in Rules 757 and 758. Any lawyer on inactive disability status is not required to pay an annual fee.

(6) An attorney may advise the Administrator in writing that he or she desires to assume retirement status and, thereafter, register as a retired attorney. Upon such registration, the attorney shall be placed upon retirement status and shall no longer be eligible to practice law or hold himself or herself out as being authorized to practice law in this state, except as is provided in paragraph (k) of this rule. The retired attorney is relieved thereafter from the annual obligation to register and pay the registration fee. A retired attorney may advise the Administrator in writing that he or she desires to register as an active or inactive status lawyer and, thereafter so register upon payment of the fee required for the current year for that registration status, plus the annual registration fee that the attorney would have been required to pay if registered as active for each of the years during which the attorney was on retirement status. If the lawyer seeks to register as active, he or she must also submit, as part

of registering, verification from the Director of MCLE of the lawyer's compliance with MCLE requirements as set forth in Rule 790 *et seq.*

(7) An attorney who is on voluntary inactive status pursuant to former Rule 770 who wishes to register for any year after 1999 shall file a petition for restoration under Rule 759. If the petition is granted, the attorney shall advise the Administrator in writing whether he or she wishes to register as active, inactive or retired, and shall pay the fee required for that status for the year in which the restoration order is entered. Any such attorney who petitions for restoration after December 31, 2000, shall pay a sum equal to the annual registration fees that the attorney would have been required to pay for each full year after 1999 during which the attorney remained on Rule 770 inactive status without payment of a fee.

(8) Permanent Retirement Status. An attorney may file a petition with the Court requesting that he or she be placed on permanent retirement status. All of the provisions of retirement status enumerated in Rule 756(a)(6) shall apply, except that an attorney who is granted permanent retirement status may not thereafter change his or her registration designation to active or inactive status, petition for reinstatement pursuant to Rule 767, or provide *pro bono* services as otherwise allowed under paragraph (k) of this rule.

(A) The petition for permanent retirement status must be accompanied by a consent from the Administrator, consenting to permanent retirement status. The Administrator may consent if no prohibitions listed in subparagraph (a)(8)(B) of this rule exist. If the petition is not accompanied by a consent from the Administrator, it shall be denied.

(B) An attorney shall not be permitted to assume permanent retirement status if:

1. there is a pending investigation or proceeding against the attorney in which clear and convincing evidence has or would establish that:

a. the attorney converted funds or misappropriated funds or property of a client or third party in violation of a rule of the Illinois Rules of Professional Conduct;

b. the attorney engaged in criminal conduct that reflects adversely on the attorney's honesty in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct; or

c. the attorney's conduct resulted in an actual loss to a client or other person and the Court's rules or precedent would allow for a restitution order for that type of loss in a disciplinary case, reinstatement case, or Client Protection Program award, unless restitution has been made; or ~~or is likely to result in actual prejudice (loss of money, legal rights, or valuable property rights) to a client or other person, unless restitution has been made; or~~

2. the attorney retains an active license to practice law in any jurisdictions other than the State of Illinois.

(C) If permanent retirement status is granted, any pending disciplinary investigation of the attorney shall be closed and any proceeding against the attorney shall be dismissed. The Administrator may resume such investigations pursuant to Commission Rule 54 and may initiate additional investigations and proceedings of the attorney as circumstances

warrant. The permanently retired attorney shall notify other jurisdictions in which ~~the~~ he or she is licensed to practice law of his or her permanent retirement in Illinois. The permanently retired attorney may not reactivate a license to practice law or obtain a license to practice law in any other jurisdiction.

(b) The Master Roll. The Administrator shall prepare a master roll of attorneys consisting of the names of attorneys who have registered and have paid or are exempt from paying the registration fee and of recently admitted attorneys who are not yet required to register. The Administrator shall maintain the master roll in a current status. At all times a copy of the master roll shall be on file in the office of the clerk of the Court. An attorney who is not listed on the master roll is not entitled to practice law or to hold himself or herself out as authorized to practice law in this state. An attorney listed on the master roll as on inactive or retirement status shall not be entitled to practice law or to hold himself or herself out as authorized to practice law in Illinois, except as is provided in paragraph (k) of this rule.

(c) Registration.

(1) Each attorney is obliged to register on or before the first day of January of each year unless the attorney is on retirement status pursuant to paragraph (a)(6) of this rule, has been allowed to assume permanent retirement status pursuant to paragraph (a)(8) of this rule, or has been placed on inactive status pursuant to former Rule 770, except that an attorney not authorized to practice law due to discipline or disability inactive status is not required to register until the conclusion of the discipline or disability inactive status.

(2) Registration requires that the attorney provide all information specified under paragraphs (c) through (g) of this rule. An attorney's registration shall not be complete until all such information has been submitted.

(3) On or before the first day of November of each year, the Administrator shall send to each attorney on the ~~M~~master ~~R~~roll a notice of the annual registration requirement. The notice may be sent to the attorney's listed ~~M~~master ~~R~~roll mail or email address. Failure to receive the notice shall not constitute an excuse for failure to register.

(4) Each attorney must submit registration information by means of the ARDC online registration system or other means specified by the Administrator. Registration payments may be submitted online, by check sent through the mail to the address designated by the Administrator, or through other means authorized by the Administrator.

(5) Each attorney shall update required registration information within 30 days of any change, except for those attorneys relieved of the registration obligation under a provision of this rule.

(6) Except as otherwise provided in this rule or Supreme Court Rule 766, information disclosed under paragraphs (c) through (g) shall not be confidential.

(d) Disclosure of Trust Accounts. Each lawyer shall identify any and all accounts maintained by the lawyer during the preceding 12 months to hold property of clients or third persons in the lawyer's possession in connection with a representation, as required under Rule 1.15(a) of the Illinois Rules of Professional Conduct, by providing the account name, account number and financial institution for each account. For each account, the lawyer shall also indicate whether each account is an IOLTA account, as defined in Rule 1.15(i)(2) of the Illinois

Rules of Professional Conduct. If a lawyer does not maintain a trust account, the lawyer shall state the reason why no such account is required.

(e) Disclosure of Malpractice Insurance.

(1) Each lawyer, except for those registering pursuant to (a)(2), (a)(3), (a)(5), (a)(6), and (k)(5) of this rule, shall disclose whether the lawyer has malpractice insurance on the date of the registration, and if so, shall disclose the dates of coverage for the policy. If the lawyer does not have malpractice insurance on the date of registration, the lawyer shall state the reason why the lawyer has no such insurance. The reason why the lawyer does not have malpractice insurance shall be confidential. The Administrator may conduct random audits to assure the accuracy of information reported. Each lawyer shall maintain, for a period of seven years from the date the coverage is reported, documentation showing the name of the insurer, the policy number, the amount of coverage and the term of the policy, and shall produce such documentation upon the Administrator's request.

(2) Every other year, beginning with registration for 2018, each lawyer who discloses pursuant to paragraph (e)(1) that he or she does not have malpractice insurance and who is engaged in the private practice of law shall complete a self-assessment of the operation of his or her law practice or shall obtain malpractice insurance and report that fact, as a requirement of registering in the year following. The lawyer shall conduct the self-assessment in an interactive online educational program provided by the Administrator regarding professional responsibility requirements for the operation of a law firm. The self-assessment shall require that the lawyer demonstrate an engagement in learning about those requirements and that the lawyer assess his or her law firm operations based upon those requirements. The self-assessment shall be designed to allow the lawyer to earn four hours of MCLE professional responsibility credit and to provide the lawyer with results of the self-assessment and resources for the lawyer to use to address any issues raised by the self-assessment. All information related to the self-assessment shall be confidential, except for the fact of completion of the self-assessment, whether the information is in the possession of the Administrator or the lawyer. Neither the Administrator nor the lawyer may offer this information into evidence in a disciplinary proceeding. The Administrator may report self-assessment data publicly in the aggregate.

(f) Disclosure of Voluntary *Pro Bono* Service. Each lawyer shall report the approximate amount of his or her *pro bono* legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) *Pro bono* legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

- (a) legal services rendered to a person of limited means;
- (b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;
- (c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and
- (d) training intended to benefit legal service organizations or lawyers who provide

pro bono services.

In a fee case, a lawyer's billable hours may be deemed *pro bono* when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as *pro bono* legal service.

(2) *Pro bono* legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing *pro bono* legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

(a) Did you, within the past 12 months, provide any *pro bono* legal services as described in subparagraphs (1) through (4) below? Yes No

If no, are you prohibited from providing legal services because of your employment? Yes No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or lawyers who provide *pro bono* services.

Legal services for which payment was expected, but is not collectible, do not qualify as *pro bono* services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? Yes No

If yes, approximate amount: \$_____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Practice Related Information. Each attorney shall provide the following practice related information:

(1) An address, email address, and telephone number designated by the attorney as the

attorney's listings on the Master Roll;

(2) The attorney's residential address, which shall be deemed to be the address required by paragraph (g)(1) above if the attorney has not provided such an address;

(3) The name of all other states of the United States in which the lawyer is licensed to practice law; and

(4) For attorneys on active status and engaged in the practice of law, the type of entity at which the attorney practices law, the number of attorneys in that organization, the lawyer's position within the entity, the lawyer's managerial responsibilities within the entity, the principal areas of law in which the attorney practices, whether the entity has an ethics or compliance officer or general counsel, and whether that organization has established a written succession plan.

Information provided pursuant to paragraphs (g)(2) and (g)(4) of this rule shall be deemed confidential pursuant to this rule. Information pursuant to paragraph (g)(1) shall be confidential pursuant to this rule for a lawyer registered under paragraph (a)(5) or (a)(6) of this rule, on inactive status pursuant to former Rule 770, on permanent retirement status under paragraph (a)(8) of this rule, or exempt from payment of a fee under paragraph (a)(3) of this rule. The Administrator may release confidential information under paragraph (g)(1) of this rule upon written application demonstrating good cause and the absence of risk of harm to the lawyer. The Commission may report in the aggregate information made confidential by paragraph (g).

(h) Removal from the Master Roll. On or after February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has not paid all required fees and has not provided the information required by paragraphs (c) through (g) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this state is engaged in the unauthorized practice of law and may also be held in contempt of the Court.

(i) Reinstatement to the Master Roll. An attorney whose name has been removed from the master roll solely for failure to register and pay the registration fee may be reinstated as a matter of course upon registering and paying the registration fee prescribed for the period of his or her suspension, plus the sum of \$25 per month for each month that such registration fee is delinquent.

(j) No Effect on Disciplinary Proceedings. The provisions of this rule pertaining to registration status shall not bar, limit or stay any disciplinary investigations or proceedings against an attorney except to the extent provided in Rule 756(a)(8) regarding permanent retirement status.

(k) Pro Bono Authorization for Inactive and Retired Status Attorneys and Attorneys Admitted in Other States.

(1) Authorization to Provide *Pro Bono* Services. An attorney who is registered as inactive or retired under Rule 756(a)(5) or (a)(6), or an attorney who is admitted in another state and is not disbarred or otherwise suspended from practice in any jurisdiction shall be authorized to provide *pro bono* legal services under the following circumstances:

(a) without charge or an expectation of a fee by the attorney;
(b) to persons of limited means or to organizations, as defined in paragraph (f) of this rule; and

(c) under the auspices of a sponsoring entity, which must be a not-for-profit legal services organization, governmental entity, law school clinical program, or bar association providing *pro bono* legal services as defined in paragraph (f)(1) of this rule.

(2) Duties of Sponsoring Entities. In order to qualify as a sponsoring entity, an organization must submit to the Administrator an application identifying the nature of the organization as one described in section (k)(1)(c) of this rule and describing any program for providing *pro bono* services which the entity sponsors and in which attorneys covered under paragraph (k) may participate. In the application, a responsible attorney shall verify that the program will provide appropriate training and support and malpractice insurance for volunteers and that the sponsoring entity will notify the Administrator as soon as any attorney authorized to provide services under this rule has ended his or her participation in the program. The organization is required to provide malpractice insurance coverage for any attorneys participating in the program and must inform the Administrator if the organization ceases to be a sponsoring entity under this rule.

(3) Procedure for Attorneys Seeking Authorization to Provide *Pro Bono* Services. An attorney admitted in Illinois who is registered as inactive or retired, or an attorney who is admitted in another state but not Illinois, who seeks to provide *pro bono* services under this rule shall submit a statement to the Administrator so indicating, along with a verification from a sponsoring entity or entities that the attorney will be participating in a *pro bono* program under the auspices of that entity. An attorney who is seeking authorization based on admission in another state shall also disclose all other state admissions and whether the attorney is the subject of any disbarment or suspension orders in any jurisdiction. The attorney's statement shall include the attorney's agreement that he or she will participate in any training required by the sponsoring entity and that he or she will notify the Administrator within 30 days of ending his or her participation in a *pro bono* program. Upon receiving the attorney's statement and the entity's verification, the Administrator shall cause the master roll to reflect that the attorney is authorized to provide *pro bono* services. That authorization shall continue until the end of the calendar year in which the statement and verification are submitted, unless the lawyer or the sponsoring entity sends notice to the Administrator that the program or the lawyer's participation in the program has ended.

(4) Renewal of Authorization. An attorney who has been authorized to provide *pro bono* services under this rule may renew the authorization on an annual basis by submitting a statement that he or she continues to participate in a qualifying program, along with verification from the sponsoring entity that the attorney continues to participate in such a program under the entity's auspices and that the attorney has taken part in any training required by the program. An attorney who is seeking renewal based on admission in another state shall also affirm that the attorney is not the subject of any disbarment or suspension orders in any jurisdiction.

(5) Annual Registration for Attorneys on Retired Status. Notwithstanding the provisions

of Rule 756(a)(6), a retired status attorney who seeks to provide *pro bono* services under this rule must register on an annual basis, but is not required to pay a registration fee.

(6) MCLE Exemption. The provisions of Rule 791 exempting attorneys from MCLE requirements by reason of being registered as inactive or retired shall apply to inactive or retired status attorneys authorized to provide *pro bono* services under this rule, except that such attorneys shall participate in training to the extent required by the sponsoring entity.

(7) Disciplinary Authority. Lawyers admitted in another state who are providing legal services in this jurisdiction pursuant to this paragraph are subject to this Court's disciplinary authority and the Rules of Professional Conduct of this jurisdiction, as provided in Rule 8.5 of the Rules of Professional Conduct of 2010. Any lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.

Adopted January 25, 1973, effective February 1, 1973; amended effective May 17, 1973, April 1, 1974, and February 17, 1977; amended August 9, 1983, effective October 1, 1983; amended April 27, 1984, and June 1, 1984, effective July 1, 1984; amended July 1, 1985, effective August 1, 1985; amended effective November 1, 1986; amended December 1, 1988, effective December 1, 1988; amended November 20, 1991, effective immediately; amended June 29, 1999, effective November 1, 1999; amended July 6, 2000, effective November 1, 2000; amended July 26, 2001, effective immediately; amended October 4, 2002, effective immediately; amended June 15, 2004, effective October 1, 2004; amended May 23, 2005, effective immediately; amended September 29, 2005, effective immediately; amended June 14, 2006, effective immediately; amended September 14, 2006, effective immediately; amended March 26, 2008, effective July 1, 2008; amended July 29, 2011, effective September 1, 2011; amended June 5, 2012, eff. immediately; amended June 21, 2012, eff. immediately; amended Nov. 28, 2012, eff. immediately; amended Apr. 8, 2013, eff. immediately; amended June 18, 2013, eff. July 1, 2013; amended March 20, 2014, eff. immediately; amended June 23, 2014, eff. immediately; amended Feb. 2, 2015, eff. immediately; amended May 27, 2015, eff. June 1, 2015; amended Apr. 1, 2016, eff. immediately; amended June 15, 2016, eff. immediately; amended Jan. 25, 2017, eff. immediately; amended May 25, 2018, eff. immediately.