

M.R. 3140

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

Order entered October 15, 2015.

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

Effective January 1, 2016, Illinois Supreme Court Rules 705 and 716; and, Rules 1.0, 1.2, 1.6, 1.18, 3.8, 4.4, 5.3, 5.5, 7.3 and the comments to Rules 1.1, 1.4, 1.17, 7.1, 7.2, and 8.5 of the Illinois Rules of Professional Conduct of 2010 are amended, as follows.

Amended Rule 705

Rule 705. Admission on Motion

Any person who, as determined by the Board of Admissions to the Bar, has been licensed to practice in the highest court of law in any United States state, territory, or the District of Columbia for no fewer than ~~five~~ three years may be eligible for admission on motion on the following conditions:

- (a) The applicant meets the educational requirements of Rule 703.
- (b) The applicant meets Illinois character and fitness requirements and has been certified by the Committee on Character and Fitness.
- (c) The applicant licensed to practice law for fewer than 15 years has passed the Multistate Professional Responsibility Examination in Illinois or in any jurisdiction in which it was administered.
- (d) The applicant is in good disciplinary standing before the highest court of every jurisdiction in which ever admitted and is at the time of application on active status in at least one such jurisdiction.
- (e) The applicant provides documentary evidence satisfactory to the Board that for at least ~~five~~ three of the ~~seven~~ five years immediately preceding the application, he or she was engaged in the active, continuous, and lawful practice of law.
- (f) The applicant has paid the fee for admission on motion in accordance with Rule 706.
- (g) For purposes of this rule, the term "practice of law" shall mean:
 - (1) Practice as a sole practitioner or for a law firm, professional corporation, legal services office, legal clinic, or other entity the lawful business of which consists of the practice of law or the provision of legal services;

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(2) Employment in a state or local court of record in a United States state, territory, or the District of Columbia as a judge, magistrate, referee or similar official, or as a judicial law clerk;

(3) Employment in a federal court of record in a United States state, territory, or the District of Columbia as a judge, magistrate, referee or similar official, or as a judicial law clerk;

(4) Employment as a lawyer for a corporation, agency, association, trust department, or other similar entity;

(5) Practice as a lawyer for a state or local government;

(6) Practice as a lawyer for the federal government, including legal service in the armed forces of the United States;

(7) Employment as a law professor at a law school approved by the American Bar Association; or

(8) Any combination of the above;

provided in each instance, however, that such employment is available only to licensed attorneys and that the primary duty of the position is to provide legal advice, representation, and/or services.

(h) For purposes of this rule, the term "active and continuous" shall mean the person devoted a minimum of 80 hours per month and no fewer than 1,000 hours per year to the practice of law during ~~60~~ 36 of the ~~84~~ 60 months immediately preceding the application.

(i) Except as provided in this subsection (i) and subsection (j) that follows, for purposes of this rule, the term "lawful" shall mean the practice was performed physically without Illinois and either physically within a jurisdiction in which the applicant was licensed or physically within a jurisdiction in which a lawyer not admitted to the bar is permitted to engage in such practice. An applicant relying on practice performed in a jurisdiction in which he or she is not admitted to the bar must establish that such practice is permitted by statute, rule, court order, or by written confirmation from the admitting or disciplinary authority of the jurisdiction in which the practice occurred. Practice falling within subparagraph (g)(3) or (g)(6) above shall be considered lawful practice even if performed physically without a jurisdiction in which the applicant is admitted. Practice falling within (g)(7) above shall be considered lawful practice even if performed physically without a jurisdiction in which the applicant is admitted, provided that the professor does not appear in court or supervise student court appearances as part of a clinical course or otherwise;

(j) Practice performed within Illinois pursuant to a Rule 716 license may be deemed lawful and counted toward eligibility for admission on motion, provided all other requirements of Rule 705 are met.

(k) Practice performed without Illinois and within the issuing jurisdiction pursuant to a limited or temporary license may be counted toward eligibility for admission on motion only if the limited or temporary license authorized practice without supervision in the highest court of law in the issuing jurisdiction.

(l) A person who has failed an Illinois bar examination administered within the preceding five years is not eligible for admission on motion.

(m) Admission on motion is not a right. The burden is on the applicant to establish to the satisfaction of the Board that he or she meets each of the foregoing requirements.

Adopted April 3, 1989, effective immediately; amended October 25, 1989, effective immediately; amended June 12, 1992, effective July 1, 1992; amended December 6, 2001, effective immediately; amended September 30, 2002, effective immediately; amended February 6, 2004, effective immediately; amended October 1, 2010, effective January 1, 2011; amended Nov. 26, 2013, effective immediately; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Amended Rule 716

Rule 716. Limited Admission Of House Counsel

A person who, as determined by the Board of Admissions to the Bar, has been licensed to practice in the highest court of law in any United States state, territory, or the District of Columbia, or a foreign jurisdiction, or is otherwise authorized to practice in a foreign jurisdiction, 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), the lawful business of which consists of activities other than the practice of law or the provision of legal services upon the following conditions:

(a) The applicant meets the educational requirements of Rule 703 or Rule 715(c) if a foreign lawyer;

(b) The applicant meets Illinois character and fitness requirements and has been certified by the Committee on Character and Fitness;

(c) The applicant licensed to practice law for fewer than 15 years has passed the Multistate Professional Responsibility Exam in Illinois or in any jurisdiction in which it was administered, or, in the case of a lawyer who has been admitted or otherwise authorized to practice only in a foreign jurisdiction, has completed the course on ethics for foreign lawyers approved by the Illinois Supreme Court Commission on Professionalism;

(d) The applicant is in good disciplinary standing before the highest court of every jurisdiction in which ever admitted and is at the time of application on active status in at least one such jurisdiction, or, in the case of a lawyer who has been admitted or otherwise authorized to practice only in a foreign jurisdiction, is not disbarred, suspended, or otherwise prohibited from practice in any jurisdiction by reason of discipline, resignation with charges pending, or permanent retirement;

(e) The applicant has paid the fee for limited admission of house counsel under Rule 706.

(f) Application requirements. To apply for the limited 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 duly authorized and executed certification by applicant's employer that:

(A) The employer is not engaged in the practice of law or the rendering of legal services, whether for a fee or otherwise;

(B) The employer 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) The employer will promptly notify the Clerk of the Supreme Court of the termination of the applicant's employment.

(3) Such other affidavits, proofs and documents as may be prescribed by the Board.

(g) Authority and Limitations. A lawyer licensed and employed as provided by this Rule has the authority to act on behalf of his or her employer for all purposes as if licensed in Illinois. A lawyer licensed under this rule shall not offer legal services or advice to the public or in any manner hold himself or herself out to be engaged or authorized to engage in the practice of law, except such lawyer, other than a lawyer licensed under this rule only on the basis of being admitted or authorized to practice in a foreign jurisdiction, may provide voluntary *pro bono* public services as defined in Rule 756(f).

(h) 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 120 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 120-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 subparagraph (f)(2) of this rule duly executed by the new employer. If the employment of the lawyer shall cease with no subsequent employment within 120 days thereafter, the lawyer shall promptly notify the Clerk of the Supreme Court in writing of the date of termination of the employment, and shall not be authorized to represent any single corporation, partnership, association or other legal entity (or any parent, subsidiary or affiliate thereof).

(3) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency before which the lawyer is admitted.

(4) The lawyer fails to maintain active status in at least one jurisdiction, or, in the case of a lawyer who has been admitted or otherwise authorized to practice only in a foreign jurisdiction, has been disbarred, suspended, or otherwise prohibited from practice in any jurisdiction by reason of discipline, resignation with charges pending, or permanent retirement.

(i) Annual Registration and MCLE. Beginning with the year in which a limited license to

practice law under this rule is granted and continuing for each subsequent year in which house counsel continues to practice law in Illinois under the limited license, house counsel must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 and fully comply with all MCLE requirements for active lawyers set forth in Rule 790 *et seq.*

(j) Discipline. A lawyer 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.

(k) Credit toward Admission on Motion. The period of time a lawyer practices law while licensed under this rule may be counted toward eligibility for admission on motion, provided all other requirements of Rule 705 are met.

(l) Newly Employed House Counsel. A lawyer who is newly employed as house counsel in Illinois 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 90 days of the commencement of such employment.

Adopted February 11, 2004, effective July 1, 2004; amended March 26, 2008, effective July 1, 2008; amended October 1, 2010, effective January 1, 2011; amended December 9, 2011, effective July 1, 2012; amended Apr. 8, 2013, effective immediately; amended Nov. 26, 2013, effective immediately; amended Oct. 15, 2015, eff. Jan. 1, 2016.