IN THE
SUPREME COURT OF ILLINOIS

In re: Illinois Courts Response to COVID-19 Emergency/ Temporary Performance of Legal Services by Law Graduates	)	M.R.30370

Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16), and in view of the outbreak of the novel coronavirus (COVID-19),

IT IS HEREBY ORDERED:

Effective immediately and until further order of the Court, Illinois Supreme Court Rule 711 is temporarily amended to add paragraph (g) as follows (new material is underscored):

(g) Temporary Provisions Relating to the COVID-19 Pandemic.

(1) Rationale. In light of the disruption to society, the national economy, and the legal system caused by the COVID-19 pandemic, including postponement of the July 2020 Illinois bar examination, this paragraph provides temporary accommodations for certain law graduates whose ability to seek admission to the bar has been delayed for reasons outside of their control.

(2) Eligibility. These temporary provisions apply to

(A) December 2019 and all 2020 Juris Doctor graduates of law schools accredited by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association ("ABA accredited law schools") and

(B) Juris Doctor graduates of ABA accredited law schools from prior years who have been serving as judicial law clerks since their graduation

who have not yet taken a bar examination in any jurisdiction but who have successfully completed all educational requirements to be eligible to take the Illinois bar examination and have submitted an application to take the September

2020 or February 2021 Illinois bar examinations ("covered graduate").

(3) Services permitted. After a covered graduate has completed the process established in paragraph (g)(7), the covered graduate may perform the services described in paragraph (c) without application to the Administrative Director. Nothing in Rule 711 is intended to preclude a covered graduate from providing services otherwise permitted under the Rules of Professional Conduct 5.3 or 5.5, provided those services are performed under the supervision of an attorney licensed in Illinois and in good standing.

(4) Compensation. A covered graduate rendering services authorized by this rule shall not request or accept any compensation from the person for whom the covered graduate renders the services, but may receive compensation from an agency or organization described in paragraph (g)(5).

(5) Organizations through which services may be performed. The services authorized by this rule may only be carried on in the course of the covered graduate's work with one or more of the following organizations or programs:

(A) a legal aid bureau, legal assistance program, organization, or clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association;

(B) the office of the public defender;

(C) a law office of the State or any of its subdivisions; or

(D) a private law office or other legal department or organization with one or more attorneys, under the supervision of a licensed attorney who meets the requirements of paragraph (g)(6).

(6) Supervision. If in a private law office or other legal department or organization that qualifies under paragraph (g)(5)(D), a supervising attorney must:

(A) have been an active member in good standing with the Illinois Attorney Registration and Disciplinary Commission or an equivalent authority in another U.S. jurisdiction for the previous five years and have been an active member in good standing with the Illinois Attorney Registration and Disciplinary Commission for the previous two years;

(B) not be the subject of a pending disciplinary proceeding in any jurisdiction;

(C) maintain malpractice insurance coverage that includes coverage for any covered graduate for at least the minimum amount specified in Rule 722(b)(1);

(D) not supervise more than two covered graduates at one time;

(E) commit to involve the covered graduate in pro bono work as defined in Rule 756(f); and

(F) acknowledge that the supervising attorney is responsible for the covered graduate pursuant to Illinois Rules of Professional Conduct 5.1 and 5.3.

In addition, any supervising attorney is strongly encouraged to complete a training

program that would enhance the supervising attorney's skills in supervising covered graduates.

(7) Process for a covered graduate to obtain Rule 711(g) status.

(A) A covered graduate shall:

(i) secure an offer from an organization listed in paragraph (g)(5);

(ii) complete the Application for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g), which is available here, including having the supervising attorney complete the pertinent section(s) of the form; and

(iii) submit the completed Application via e-mail to the dean of the covered graduate's law school.

(B) The dean of the covered graduate's law school shall:

(i) review the Application and verify that the dean has issued or would be willing to issue to the Illinois Board of Admissions to the Bar a "Certification of Juris Doctorate" free of any qualification or information that reflects adversely on the covered graduate's character and fitness;

(ii) verify that the supervising attorney meets the requirements of paragraph (g)(6); and

(iii) sign and return the approved Application to the covered graduate via e-mail and send copies to the supervising attorney, the Administrative Office of the Illinois Courts, and the Minimum Continuing Legal Education (MCLE) Board.

(C) Upon receipt of the approved Application from the dean, the covered graduate shall be authorized to perform legal services pursuant to this Rule 711(g). The approved application shall serve as proof that the covered graduate is so authorized.

(8) Changing supervisors. If a covered graduate's supervising attorney from an organization permitted under paragraph (g)(5) is no longer able to continue, or if the covered graduate working in an organization permitted under paragraph (g)(5) wishes to change supervising attorneys, the covered graduate must obtain a new supervising attorney and follow the provisions of paragraph (g)(7), including the requirement in paragraph (g)(7)(B)(ii) that the dean of the covered graduate's law school has verified the new supervising attorney meets the requirements of paragraph (g)(6).

(9) MCLE requirement for covered graduates. Within 60 days of beginning work under Rule 711(g), the covered graduate must complete six hours of the Basic Skills MCLE course required by Rule 793(c)(1) and then submit an online compliance report of these hours to the MCLE Board. During each subsequent 90-day period of providing services under Rule 711(g), the covered graduate must complete an additional 3 hours of MCLE courses and submit an online compliance report of these hours to the MCLE Board.

(10) Complying with ethics and professional rules. Covered graduates operating under the permission of Rule 711(g) are subject to the disciplinary authority of the Illinois Attorney Registration and Disciplinary Commission and the courts of this State, and each covered graduate must comply with all ethics and related rules of Illinois, including but not limited to rules requiring truthful and non-misleading advertising or other public statements concerning the covered graduate's limited authority to perform legal services pursuant to Rule 711(g).

(11) Mandatory disclosures.

(A) A covered graduate operating under permission of Rule 711(g) must disclose, in a clear and prominent manner, the covered graduate's limited authority to perform legal services by using the following language: "Performing legal services pursuant to Supreme Court Rule 711(g) pending admission to the Illinois State Bar."

(B) In the initial consultation with a prospective client, either a covered graduate operating under permission of Rule 711(g) or the supervising attorney must inform the prospective client of the covered graduate's temporary authorization to perform legal services pending admission to the Illinois State Bar; in addition, the supervising attorney, by direct contact with the client, must

(i) obtain the client's consent to be represented by the covered graduate and

(ii) provide the client with the supervising attorney's name, ARDC number, and contact information.

(C) When filing documents with a court or agency, interacting with counsel for another party, participating in alternative dispute resolution processes, or providing other permitted legal services, a covered graduate operating under permission of Rule 711(g) must provide the supervising attorney's name, ARDC number, and contact information to judges and other attorneys with whom the covered graduate interacts.

(12) Termination of eligibility. A covered graduate's Rule 711(g) authorization to perform legal services will terminate upon the earlier of:

(A) receiving results he or she failed the first bar examination taken after establishing Rule 711(g) licensure,

(B) the covered graduate's admission to the Illinois State Bar,

(C) the withdrawal of the supervising attorney or organization from the relationship with the covered graduate for cause, or

(D) termination by the Supreme Court of Illinois.

Under any circumstance, the covered graduate's authorization to perform legal services will terminate no later than November 4, 2021.

(13) Reporting requirement. Each law school dean who participates in the process to assist one or more covered graduate under paragraph (g)(7) will collect data on the implementation of Rule 711(g) and provide a report to the Administrative Office of the Illinois Courts no later than December 31, 2021. Such data shall be compiled in a form and manner prescribed by the Administrative

Office of the Illinois Courts and may include but shall not be limited to:

(A) the total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) received by the dean,

(B) the total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) approved by the dean,

(C) the total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) not approved by the dean, and the reasons for such non-approval,

(D) the total number of covered graduates performing legal services with organizations identified in Rule 711(g)(5)(A), (B), or (C),

(E) the total number of covered graduates performing legal services with organizations identified in Rule 711(g)(5)(D),

(F) the impact Rule 711(g) has on the ability of graduates to secure permanent employment following graduation, and

(G) the impact Rule 711(g) has on existing public interest employers that employ Rule 711 license holders on a temporary basis, such as legal assistance clinics, non-profit legal aid organizations, and government agencies.

Amended effective May 27, 1969; amended July 1, 1985, effective August 1, 1985; amended July 3, 1986, effective August 1, 1986; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended October 10, 2001, effective immediately; amended December 5, 2003, effective immediately; amended February 10, 2006, effective immediately; amended June 18, 2013, eff. July 1, 2013; amended June 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017; temporarily amended July 2, 2020, eff. immediately.

Order entered by the Court.

SEAL OF THE SUPREME COURT
STATE OF ILLINOIS
AUG. 26, 1818

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 2nd day of July, 2020.

Carolyn Taft Grosboll Clerk,
Supreme Court of the State of Illinois