

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered April 19, 2023.

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

Effective immediately, Illinois Supreme Court Rule 711 is amended, as follows.

Amended Rule 711

Rule 711. Representation by Supervised Law Students or Law School Graduates

(a) **Eligibility.** A student in a law school approved by the American Bar Association may be ~~certified by the dean of the school to be~~ eligible to receive a temporary law license to perform the services described in paragraph (c) of this rule, if the dean of the law school certifies that the student satisfies the following requirements:

- (1) The student must have received credit for work representing at least one-half of the total hourly credits required for graduation from the law school.
- (2) The student must be in good academic standing and be eligible under the school's criteria to undertake the activities authorized herein.

A graduate of a law school approved by the American Bar Association who (i) has not yet had an opportunity to take the first Illinois bar examination administered by the Illinois Board of Admissions to the Bar (IBAB) following the student's graduation from law school or the Multistate Professional Responsibility Examination (MPRE), examinations provided for in Rule 704, (ii) has taken the examinations ~~provided for in Rule 704~~ but not yet received notification of the results of either examination, or (iii) has taken and passed both examinations ~~provided for in Rule 704~~ but has not yet been sworn as a member of the Illinois bar may, if the dean of that law school has no objection, be eligible to receive a temporary law license~~authorized by the Administrative Director of the Illinois Courts~~ to perform the services described in paragraph (c) of this rule.

For purposes of this rule, a law school graduate is defined as any individual not yet licensed to practice law in any jurisdiction.

(b) **Agencies Through Which Services Must Be Performed.** The services authorized by this rule may only be carried on in the course of the student's or graduate's work with one or more of the following organizations or programs:

- (1) 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;
- (2) the office of the public defender;

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(3) ~~a law~~ an office, agency, or department of the State or any of its subdivisions; or

(4) ~~a law~~ an office, agency, or department of the United States or any of its subdivisions.

(c) Services Permitted. Under the supervision of an active member of the bar of this State, and with the written consent of the person on whose behalf the law student or graduate is acting, ~~an eligible~~ a law student or graduate licensed under this Rule may render the following services:

(1) Counsel and advise clients, negotiate in the settlement of claims, represent clients in mediation and other nonlitigation matters, and engage in the preparation and drafting of legal instruments.

(2) Appear in the trial courts, courts of review and administrative tribunals of this State, including court-annexed arbitration and mediation, subject to the following qualifications:

(i) Written consent to representation of the person on whose behalf the law student or graduate is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(ii) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the student or graduate and may be signed by him/her with the accompanying designation "Law Student" or "Law Graduate" but must also be signed by the supervising member of the bar.

(iii) In criminal cases, in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the student or graduate may participate in pretrial, trial, and posttrial proceedings as an assistant of the supervising member of the bar, who shall be present and responsible for the conduct of the proceedings.

(iv) In all other civil and criminal cases in the trial courts or administrative tribunals, the student or graduate may conduct all pretrial, trial, and posttrial proceedings, and the supervising member of the bar need not be present.

(v) In matters before courts of review, the law student or graduate may prepare briefs, excerpts from the record, and other documents filed in courts of review of the State, which may set forth the name of the student or graduate with the accompanying designation "Law Student" or "Law Graduate" but must be filed in the name of the supervising member of the bar. Upon motion by the supervising member of the bar, the law student or law graduate may request authorization to argue the matter before the court of review. If the law student or law graduate is permitted to argue, the supervising member of the bar must be present and responsible for the conduct of the hearing.

(3) Where permitted, appear in the trial courts, courts of review, and administrative tribunals of the United States located in Illinois, subject to the tribunal's local rules on admission to practice by law students and law school graduates.

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

(e) Application for Licensure. Law Student Certification and Authorization.

(1) ~~Upon request of a student or the appropriate organization, the dean of the law school~~

~~in which the student is in attendance may, if the dean finds that the student meets the requirements stated in paragraph (a) of this rule, file with the Administrative Director a certificate so stating. Upon the filing of the certificate and until it is withdrawn or terminated the student is eligible to render the services described in paragraph (e) of this rule. A law student or law school graduate who wishes to be licensed under this rule shall apply to the Administrative Director using the application form provided by the Administrative Office of the Illinois Courts. The Administrative Director shall authorize, upon review and approval of the completed application of an eligible student or graduate, issue as defined in paragraph (a) and the certification as described in paragraph (e), the issuance of the temporary license. Unless otherwise provided by the Administrative Director, upon the issuance of a temporary license, the law student/graduate may render the services described in paragraph (c) of this rule for the employer identified on the application until the license expires or is terminated. No services that are permitted under paragraph (c) shall be performed prior to the issuance of a temporary license. A law student or graduate licensed under this rule must notify the Administrative Director in advance, using the form provided by the Administrative Office of the Illinois Courts, of any changes in the student's or graduate's employer or supervising attorney.~~

(2) ~~Unless otherwise provided by the Administrative Director for good cause shown, or unless sooner withdrawn or terminated, a temporary law license issued pursuant to this Rule the certificate shall remain in effect until the expiration of 24 months after it is issued filed, or until the first Illinois bar admission ceremony announcement of the results of the first bar examination following the student's graduation, whichever is earlier. The certificate of a student who passes that examination shall continue in effect until the student is admitted to the bar.~~

(3) ~~The certification of eligibility made by the dean of the student's or graduate's law school certificate may be withdrawn by the dean at any time, without prior notice, hearing, or showing of cause, by the mailing of a notice to that effect to the Administrative Director and copies of the notice to the student/graduate and to the student's/graduate's supervising attorney agencies to which the student had been assigned.~~

(4) ~~A temporary law license issued pursuant to this RuleThe certificate may be terminated by this court at any time without prior notice, hearing, or showing of cause. Notice of the termination may be filed with the Administrative Director, who shall notify the student and the agencies to which the student had been assigned.~~

~~(f) Application by Law Graduate. A law school graduate who wishes to be authorized to perform services described in paragraph (e) of this rule shall apply directly to the Administrative Director, with a copy to the dean of the law school from which he/she graduated.~~

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; amended Aug. 25, 2022, eff. immediately; amended Apr. 19, 2023, eff. immediately.

Committee Comments

(June 18, 2013)

This rule was amended effective July 1, 2013, to clarify that students and law graduates may perform nonlitigation legal services under this rule. Nothing in this rule should be construed to require law students or law graduates to be certified under this rule for work, including but not limited to transactional, pretrial, and policy work, that properly may be performed by a law student or other nonlawyer under Rule 5.3 of the Illinois Rules of Professional Conduct.

Committee Comments

(July 1, 1985)

This rule was amended, effective August 1, 1985, to allow the Administrative Director of the Illinois Courts to allow certain graduates of approved law schools to perform services under this rule pending their first opportunity to sit for the bar examination and to allow the Administrative Director, upon good cause shown, to extend the termination date of a certificate beyond the period prescribed by the rule. "Good cause shown" would ordinarily be limited to evidence that the licensee was unable to sit for the first bar examination offered following his graduation because of illness, a death in his family, military obligation, etc.