

M.R. 3140

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

Order entered April 11, 2023.

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

Effective immediately, Illinois Supreme Court Rules 793, 794, 795, and 796 are amended, as follows.

Amended Rule 793

Rule 793. Requirement for Newly-Admitted Attorneys

(a) Scope

Except as specified in paragraph (f), every Illinois attorney admitted to practice ~~on or after October 1, 2011,~~ must complete the requirement for newly-admitted attorneys described in paragraph (c).

(b) Completion Deadline

The requirements established in paragraphs (c), (f) and (h) must be completed by the last day of the month that occurs one year after the newly-admitted attorney's admission to practice in Illinois.

(c) Elements of the Requirement for Newly-Admitted Attorneys

The requirement for newly-admitted attorneys includes three elements:

(1) A Basic Skills Course of no less than six hours covering topics such as practice techniques and procedures under the Illinois Rules of Professional Conduct, client communications, use of trust accounts, attorneys' other obligations under the Court's Rules, required record keeping, professional responsibility topics (which may include professionalism, diversity and inclusion, mental health and substance abuse, and civility) and may cover other rudimentary elements of practice. The Basic Skills Course must include at least six hours approved for professional responsibility credit. An attorney may satisfy this requirement by participating in a mentoring program approved by the Commission on Professionalism pursuant to Rule 795(d)(11); and

(2) At least nine additional hours of MCLE credit. These nine hours may include any number of hours approved for professional responsibility credit;

(3) Reporting to the MCLE Board as required by Rule 796.

(d) Exemption From Other Requirements

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During this period, the newly-admitted lawyer shall be exempt from the other MCLE requirements, including Rule 794(d)(2). A newly-admitted attorney may earn carryover credit as established by Rule 794(c)(2).

(e) Initial Reporting Period

The newly admitted attorney's initial two-year reporting period for complying with the MCLE requirements contained in Rule 794 shall commence, following the deadline for the attorney to complete the newly-admitted attorney requirement, on the next July 1 of an even-numbered year for lawyers whose last names begin with a letter A through M, and on the next July 1 of an odd-numbered year for lawyers whose last names begin with a letter N through Z.

(f) Prior Practice

~~—(1) Attorneys admitted to the Illinois bar before October 1, 2011~~

~~—The newly admitted attorney requirements of Rule 793(e) do not apply to attorneys who are admitted in Illinois before October 1, 2011, and after practicing law in other states for a period of one year or more. Attorneys shall report this prior practice exemption to the MCLE Board under Rule 796. Thereafter, such attorneys will be subject to MCLE requirements under the appropriate schedule for each attorney.~~

~~—(2) Attorneys admitted to the Illinois bar on October 1, 2011, and thereafter~~

The newly-admitted attorney requirements of Rule 793(c) do not apply to attorneys who: ~~(i) were admitted in Illinois on October 1, 2011, and thereafter; and (ii) were admitted in Illinois after practicing law in other states for a period of at least one year in the three years immediately preceding admission in Illinois. Instead, such attorneys must complete 15 hours of MCLE credit (including four hours of professional responsibility credits) by the deadline in paragraph (b) above, within one year of the attorney's admission to practice in Illinois.~~ Such attorneys shall report compliance with this requirement to the MCLE Board under Rule 796. Thereafter, such attorneys will be subject to the MCLE requirements under the appropriate schedule for each attorney. Attorneys admitted in Illinois on or after January 1, 2023, must report their eligibility for this alternate prior practice requirement to the MCLE Board using the Board's online reporting system no later than the reporting deadline for the requirement.

(g) Approval

The Basic Skills Course shall be offered by CLE providers, including "in-house" program providers, authorized by the MCLE Board after its approval of the provider's planned curriculum and after approval by the Commission on Professionalism of the professional responsibility credit. Courses shall be offered throughout the state and at reasonable cost.

~~—(h) Applicability to Attorneys Admitted after December 31, 2005, and before October 1, 2011~~

~~—Attorneys admitted to practice after December 31, 2005, and before October 1, 2011, have the option of completing a Basic Skills Course totaling at least 15 actual hours of instruction as detailed under the prior Rule 793(c) or of satisfying the requirements of paragraph (e).~~

Adopted September 29, 2005, effective immediately; amended September 27, 2011, effective immediately; amended May 23, 2017, eff. July 1, 2017; amended June 22, 2017, eff. July 1, 2017;

amended Apr. 11, 2023, eff. immediately.

Amended Rule 794

Rule 794. Continuing Legal Education Requirement

(a) Hours Required

Except as provided by Rules 791 or 793, every Illinois attorney subject to these Rules shall be required to complete ~~30~~²⁰ hours of CLE activity during the attorney's initial two-year reporting period (as determined on the basis of the lawyer's last name pursuant to paragraph (b), below) ending on June 30, ~~of either 2008 or 2009~~, 24 hours of CLE activity during the two-year reporting period ending on June 30 of either 2010 or 2011, and 30 hours of CLE activity during all subsequent two-year reporting periods.

(b) Reporting Period

The applicable two-year reporting period shall begin on July 1 of even-numbered years for lawyers whose last names begin with the letters A through M, and on July 1 of odd-numbered years for lawyers whose last names begin with the letters N through Z.

(c) Carryover of Hours

(1) For attorneys with two-year reporting periods

All CLE hours may be earned in one year or split in any manner between the two-year reporting period.

~~—(i) If an attorney earns more than the required CLE hours in the two-year reporting periods of July 1, 2006, through June 30, 2008, or July 1, 2007, through June 30, 2009, the attorney may carry over a maximum of 10 hours earned during that period to the next reporting period, except for professional responsibility credits referred to in paragraph (d).~~

~~(ii) If an An attorney who earns more than the required 30 CLE hours for a in the two-year reporting periods of July 1, 2008, through June 30, 2010, or July 1, 2009, through June 30, 2011, and all reporting periods thereafter, the attorney may carry over to the next reporting period a maximum of 10 hours, including hours approved for professional responsibility credit. Those carryover hours may include up to six hours approved for professional responsibility credit. Professional responsibility credit carried over to the next reporting period may be used to meet the professional responsibility requirement of the next reporting period.~~

(2) For newly-admitted attorneys subject to Rule 793

~~(i) For an attorney admitted to practice in Illinois on January 1, 2006, through June 30, 2009, such newly-admitted attorney may carry over to his or her first two-year reporting period a maximum of 10 CLE hours (except for professional responsibility credits referred to in paragraph (d)) earned after completing the newly-admitted attorney requirement pursuant to Rule 793.~~

~~(ii) For an attorney admitted to practice in Illinois on July 1, 2009, and thereafter, such A newly-admitted attorney may carry over to his or her first two-year reporting period a maximum of 15 CLE hours earned in excess of those required by Rule 793(c) or Rule 793(f)(2) if those excess hours were earned after the attorney's admission to the Illinois bar and before the start of the attorney's first two-year reporting period. Those carryover hours may include~~

up to six hours approved for professional responsibility credit. Professional responsibility credit carried over to the next reporting period may be used to meet the professional responsibility requirement of the next reporting period. Attorneys removed from the master roll pursuant to Rule 796(e) for failure to comply with their newly-admitted attorney requirement and who are reinstated to the master roll pursuant to Rule 796(h) before the start of their first two-year reporting period may carry over a maximum of 15 CLE hours, including up to six hours approved for professional responsibility credit, earned after reinstatement but before the start of their first two-year reporting period.

~~—(3) An attorney, other than a newly admitted attorney, may carry over to his or her first two-year reporting period a maximum of 10 CLE activity hours (except for professional responsibility credits referred to in paragraph (d)) earned between January 1, 2006, and the beginning of that period.~~

(d) Professional Responsibility Requirement

(1) Each attorney subject to these Rules shall complete a minimum of six of the total CLE hours for each two-year reporting period in the area of professionalism, civility, legal ethics, diversity and inclusion, or mental health and substance abuse.

(2) Beginning with the two-year reporting period ending June 30, 2019, these minimum six hours shall include either completing the Rule 795(d)(11) yearlong Lawyer-to-Lawyer Mentoring Program or:

- (i) At least one hour in the area of diversity and inclusion and
- (ii) At least one hour in the area of mental health and substance abuse.

Adopted September 29, 2005, effective immediately; amended October 1, 2010, effective immediately; amended September 27, 2011, effective immediately; amended Apr. 3, 2017; eff. July 1, 2017; amended Apr. 11, 2023, eff. immediately.

Amended Rule 795

Rule 795. Accreditation Standards and Hours

(a) Standards

Eligible CLE courses and activities shall satisfy the following standards:

(1) The course or activity must have significant intellectual, educational or practical content, and its primary objective must be to increase each participant's professional competence as an attorney.

(2) The course or activity must deal primarily with matters related to the practice of law.

(3) The course or activity must be offered by a provider having substantial, recent experience in offering CLE or demonstrated ability to organize and effectively present CLE. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the activity.

(4) The course or activity itself must be conducted by an individual or group qualified by practical or academic experience. The course or activity, including the named advertised

participants, must be conducted substantially as planned, subject to emergency withdrawals and alterations.

(5) Thorough, high quality, readable and carefully prepared written materials should be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the Board.

(6) Traditional CLE courses or activities shall be conducted in a physical setting conducive to learning and free of interruptions from telephone calls, electronic communications, and other office or personal matters. The activity must be open to observation, without charge, by members of the Board, its staff, or their designees.

(7) The course or activity may be presented using one or more of these delivery methods as approved by the Board: in person or by live or recorded technology methods. Each delivery method must have interactivity as a key component, including the opportunity for participants to ask questions and have them answered by the course faculty or other qualified commentator.

(8) The course or activity must consist of not less than one-half hour of actual instruction, unless the Board determines that a specific program of less than one-half hour warrants accreditation.

(9) For each course or activity, the provider shall submit to the MCLE Board the name, ARDC registration number, and actual CLE hours, including professional responsibility hours, earned by each Illinois-licensed attorney attending and teaching its course or activity in the manner and at the time specified by the Board. A list of the names of all participants for each course or activity shall be maintained by the provider for a period of at least three years. The provider shall issue a certificate, in written or electronic form, to each participant evincing his or her attendance or teaching. Such lists and certificates shall state the actual number of CLE hours, including professional responsibility hours, earned by each attorney at that course or activity. Teaching credit is calculated pursuant to paragraph (d)(5).

(b) Accredited CLE Provider

The Board may extend presumptive approval to a provider for all of the CLE courses or activities presented by that provider each year that conform to paragraph (a)'s Standards (1) through (9), upon written application to be an Accredited Continuing Legal Education Provider ("Accredited CLE Provider"). Such accreditation shall constitute prior approval of all CLE courses offered by such providers. However, the Board may withhold accreditation or limit hours for any course found not to meet the standards, and the Board may revoke accreditation for any organization which is found not to comply with standards. The Board shall assess an annual fee, over and above the fees assessed to the provider for each course, for the privilege of being an "Accredited CLE Provider." An Accredited CLE Provider shall submit an annual report to the Board in the manner and at the time specified by the Board.

(c) Accreditation of Individual Courses or Activities

(1) Any provider not included in paragraph (b) desiring advance accreditation of an individual course or other activity shall apply to the Board by submitting a required application form, the course advance accreditation fee set by the Board, and supporting documentation no less than 45 days prior to the date for which the course or activity is scheduled. Documentation shall include a statement of the provider's intention to comply with the accreditation standards

of this Rule, the written materials distributed or to be distributed to participants at the course or activity, if available, or a detailed outline of the proposed course or activity and list of instructors, and such further information as the Board shall request. The Board staff will advise the applicant in writing within 30 days of the receipt of the completed application of its approval or disapproval.

(2) Providers denied approval of a course or activity shall promptly provide written notice of the Board's denial to all attorneys who requested Illinois MCLE credit for the course. Providers denied approval of a course or activity or individual attorneys who have attended such course or activity may request reconsideration of the Board's initial decision by filing a form approved by the Board no later than 30 days after the Board's initial decision. The Director shall consider the request within 30 days of its receipt, and promptly notify the provider and/or the individual attorney. If the Director denies the request, the provider shall have 30 days from the date of that denial to submit an appeal to the Board for consideration at the next scheduled Board meeting. Submission of a request for reconsideration or an appeal does not stay any MCLE submission deadlines or fee payments.

(3) Providers who do not seek prior approval of their course or activity may apply for approval for the course or activity after its presentation by submitting an application provided by MCLE staff, the supporting documentation described above, and the accreditation fee set by the Board.

(4) For each course or activity, the provider shall submit to the MCLE Board the name, ARDC registration number, and actual CLE hours, including professional responsibility hours, earned by each Illinois-licensed attorney attending or teaching its course or activity in the manner and at the time specified by the Board. A list of the names of participants shall be maintained by the provider for a period of three years. The provider shall issue a certificate, in written or electronic form, to each participant evincing his or her attendance or teaching. Such lists and certificates shall state the actual number of CLE hours, including professional responsibility hours, earned by each attorney at that course or activity. Teaching credit is calculated pursuant to paragraph (d)(5).

(5) An attorney may ~~submit~~apply to the Illinois MCLE Board for accreditation of an individual out-of-state CLE course for Illinois CLE attendance or teaching credit if the following provisions are satisfied: (i) the attorney participated in the course either in person or via live audio or video conference; (ii) (a) for a course held in person in a state with a comparable MCLE requirement, the course must be approved for MCLE credit by that state; or (b) for a course held in person in a state or the District of Columbia without a comparable MCLE requirement, the course must be approved for MCLE credit by at least one other state with a comparable MCLE requirement; or (c) for a course attended by live audio or video conference, the course must be approved for MCLE credit by at least one other state with a comparable MCLE requirement; and (iii) the course provider has chosen not to seek accreditation of the course for Illinois MCLE credit. Attendance and teaching credit earned from an out-of-state course is based on Illinois's 60-minute credit hour and teaching credit is calculated pursuant to paragraph (d)(5). The attorney must submit the out-of-state CLE course using the Board's online submission process and pay the fee for accreditation of the course set by the MCLE Board fee schedule no later than the reporting deadline for the Illinois reporting

period in which the CLE course took place.

(d) Nontraditional Courses or Activities

In addition to traditional CLE courses, the following courses or activities will receive CLE credit:

(1) “In-House” Programs. Attendance at “in-house” seminars, courses, lectures or other CLE activity presented by law firms, corporate legal departments, governmental agencies or similar entities, either individually or in cooperation with other such entities, subject to the following conditions:

(i) The CLE course or activity must meet the rules and regulations for any other CLE course or activity, as applicable, including submitting applications, attendance, and fees due under the fee schedule.

(ii) No credit will be afforded for discussions relating to the handling of specific cases, or issues relating to the management of a specific law firm, corporate law department, governmental agency or similar entity.

(2) Law School Courses. Attendance at J.D. or graduate level law courses offered by American Bar Association (“ABA”) accredited law schools, subject to the following conditions:

(i) Credit ordinarily is given only for courses taken after admission to practice in Illinois, but the Board may approve giving credit for courses taken prior to admission to practice in Illinois if giving credit will advance CLE objectives.

(ii) Credit towards MCLE requirements shall be for the actual number of class hours attended, but the maximum number of credits that may be earned during any two-year reporting period by attending courses offered by ABA accredited law schools shall be the minimum number of CLE hours required by Rule s 794(a) and (d).

(iii) The attorney must comply with registration procedures of the law school, including the payment of tuition.

(iv) The course need not be taken for law school credit towards a degree; auditing a course is permitted. However, the attorney must comply with all law school rules for attendance, participation and examination, if any, to receive CLE credit.

(v) The law school shall give each attorney a written certification evincing that the attorney has complied with requirements for the course and attended sufficient classes to justify the awarding of course credit if the attorney were taking the course for credit.

(vi) The attorney must report the credit earned from this activity to the MCLE Board using the Board’s online submission process no later than the reporting deadline for the reporting period in which the credit was earned.

(3) Bar Association Meetings. Attendance or teaching at bar association or professional organization meetings at which substantive law, matters of practice, professionalism, diversity and inclusion, mental health and substance abuse, civility, or legal ethics are discussed, in a setting conducive to learning and free of interruptions and subject to the requirements for CLE credit defined in paragraphs (a)(1) through (a)(2) above. Meetings may be any length, but an attorney may earn no more than one hour of MCLE credit from a live CLE-eligible presentation

at any such meeting. To report attendance or teaching, the bar association or professional organization shall submit to the MCLE Board the meeting information, as well as the attorney names, ARDC registration numbers, and actual CLE hours, including professional responsibility hours, earned by each Illinois-licensed attorney, in the manner and at the time specified by the Board. The bar association or professional organization shall maintain a list of the names of all attendees at each meeting for a period of three years and shall issue a certificate, in written or electronic form, to each participant evincing his or her attendance or teaching. Such lists and certificates shall state the actual number of CLE hours, including professional responsibility hours, earned by each attorney at that meeting. Teaching credit is calculated pursuant to paragraph (d)(5).

(4) Cross-Disciplinary Programs. Attendance at courses or activities that cross academic lines, such as accounting-tax seminars or medical-legal seminars, may be considered by the Board for full or partial credit. Purely nonlegal subjects, such as personal financial planning, shall not be counted towards CLE credit. Any mixed-audience courses or activities may receive credit only for sessions deemed appropriate for CLE purposes.

(5) Teaching Continuing Legal Education Courses. Teaching at CLE courses or activities during the two-year reporting term, subject to the following:

(i) Credit may be earned for teaching in an approved CLE course or activity. Presentations shall be counted at the full hour or fraction thereof for the initial presentation; a repeat presentation of the same material shall be counted at one-half; no further hours may be earned for additional presentations of the same material.

(ii) Time spent in preparation for a presentation at an approved CLE activity shall be counted at six times the actual presentation time. For a course or segment of a course with more than one teacher, actual presentation time is first divided equally among the teachers.

(iii) An attorney must report to the Board, using the Board's online verification process, the number of times the attorney presented the material taught at an approved CLE course or bar association meeting reported to the Board under paragraphs (a)(9) and (d)(3) above. The attorney must report this information to the MCLE Board no later than the reporting deadline for the reporting period in which the credit was earned. Authorship or coauthorship of written materials for approved CLE activities shall qualify for CLE credit on the basis of actual preparation time, but subject to receiving no more than 10 hours of credit in any two-year reporting period.

(6) Part-Time Teaching of Law Courses. Teaching at an ABA-accredited law school, or teaching a law course at a university, college, or community college, subject to the following:

(i) Teaching credit may be earned for teaching law courses offered for credit toward a degree at a law school accredited by the ABA, but only by lawyers who are not employed full-time by a law school, university, college, or community college. Those full-time teachers at a law school, university, college, or community college who choose to maintain their licenses to practice law are fully subject to the MCLE requirements established herein, and may not earn any credits by their ordinary teaching assignments. Presentations shall be counted at the full hour or fraction thereof for the initial presentation; a repeat presentation of the same material shall be counted at one-half; no further hours may be

earned for additional presentations of the same material.

Teaching credit may be earned by appearing as a guest instructor, moderator, or participant in a law school class for a presentation which meets the overall guidelines for CLE courses or activities, as well as for serving as a judge at a law school training simulation, including but not limited to moot court arguments, mock trials, mock transactional exercises, and mock arbitrations/mediations.

Time spent in preparation for an eligible law school activity shall be counted at three times the actual presentation time. For an eligible law school activity with more than one teacher or judge, actual presentation time is first divided equally among the teachers or judges. The attorney must report the credit earned from this activity to the MCLE Board using the Board's online submission process no later than the reporting deadline for the reporting period in which the credit was earned.

Appearing as a guest speaker before a law school assembly or group shall not count toward CLE credit.

(ii) Teaching credit may be earned for teaching law courses at a university, college, or community college by lawyers who are not full-time teachers if the teaching involves significant intellectual, educational or practical content, such as a civil procedure course taught to paralegal students or a commercial law course taught to business students.

Presentations shall be counted at the full hour or fraction thereof for the initial presentation; a repeat presentation of the same material shall be counted at one-half; no further hours may be earned for additional presentations of the same material. For a course or segment of a course with more than one teacher, actual presentation time is divided equally among the teachers. The attorney must report the credit earned from this activity to the MCLE Board using the Board's online submission process no later than the reporting deadline for the reporting period in which the credit was earned.

(7) Legal Scholarship. Writing law books and law review articles, subject to the following:

(i) An attorney may earn credit for legal textbooks, casebooks, treatises and other scholarly legal books written by the attorney that are published during the two-year reporting period.

(ii) An attorney may earn credit for writing law-related articles in responsible legal journals or other legal sources, published during the two-year reporting period, that deal primarily with matters related to the practice of law, professionalism, diversity and inclusion, mental illness and addiction issues, civility, or ethical obligations of attorneys. Republication of any article shall receive no additional CLE credits unless the author made substantial revisions or additions.

(iii) An attorney may earn credit towards MCLE requirements for the actual number of hours spent researching and writing, but the maximum number of credits that may be earned during any two-year reporting period on a single publication shall be one-half the minimum number of CLE hours required by Rule 794(a) and (d). Credit is accrued when the eligible book or article is published, regardless of whether the work in question was performed in the then-current two-year reporting period. To receive CLE credit, the attorney shall maintain contemporaneous records evincing the number of hours spent on a

publication.

(iv) The attorney must report the credit earned from this activity to the MCLE Board using the Board's online submission process no later than the reporting deadline for the reporting period in which the credit was accrued.

(8) Pro Bono Training. Attendance at courses or activities designed to train lawyers who have agreed to provide pro bono services shall earn CLE credit to the same extent as other courses and seminars.

(9) Bar Review Courses. Attendance at bar review courses before admission to the Illinois Bar shall not be used for CLE credit.

(10) Reading Legal Materials. No credit shall be earned by reading advance sheets, newspapers, law reviews, books, cases, statutes, newsletters or other such sources.

(11) Activity of Lawyer-to-Lawyer Mentoring. Lawyers completing a comprehensive year-long structured mentoring program, as either a mentor or mentee, may earn credit equal to the minimum professional responsibility credit (six hours) during the two-year reporting period of completion, provided that the mentoring plan is preapproved by the Commission on Professionalism, the completion is attested to by both mentor and mentee, and both the mentor and mentee meet the eligibility requirements herein. The Commission on Professionalism shall report credit earned from participation in this mentoring program to the MCLE Board.

(i) Eligibility Requirements:

(A) The mentor has been in practice for a minimum of five years, and the mentee completes the program within the first five years of his or her practice; or

(B) The mentor and mentee are approved to participate in the ARDC Mentoring Program imposed as a condition of disciplinary sanction or as a condition of a deferral program.

(12) Service on Certain Boards, Commissions, Committees, or Task Forces of the Supreme Court of Illinois. An attorney appointed by the Court to a qualifying Court entity earns one hour of MCLE credit by attending a qualifying meeting of their board, commission, committee, or task force. "A qualifying meeting" is any meeting of that board, commission, committee, or task force, as well as any subcommittee, working group or another subgroup that the Court entity created to advance its work. Credit for this attendance is limited to 12 hours in each two-year reporting period. There is no carryover of these credits to another two-year reporting period. The attorney must report the credit earned from this activity to the MCLE Board using the Board's online submission process no later than the reporting deadline for the reporting period in which the credit was earned.

(e) Credit Hour Guidelines

Hours of CLE credit will be determined under the following guidelines:

(1) Sixty minutes shall equal one hour of credit. Partial credit shall be earned for qualified activities of less than 60 minutes duration.

(2) The following are not counted for credit: (i) coffee breaks; (ii) introductory and closing remarks; (iii) keynote speeches; (iv) lunches and dinners; (v) other breaks; and (vi) business meetings.

(3) Question and answer periods are counted toward credit.

(4) Lectures or panel discussions occurring during breakfast, luncheon, or dinner sessions of bar association committees may be awarded credit.

(5) Credits are determined by the following formula: Total minutes of approved activity *minus* minutes for breaks (as described in paragraph (e)(2)) *divided by 60 equals* maximum CLE credit allowed.

(6) Credits merely reflect the maximum that may be earned. Only actual attendance or participation earns credit.

(f) Financial Hardship Policy

The provider shall have available a financial hardship policy for attorneys who wish to attend its courses, but for whom the cost of such courses would be a financial hardship. Such policy may be in the form of scholarships, waivers of course fees, reduced course fees, or discounts. Upon request by the Board, the provider must produce the detailed financial hardship policy. The Board may require, on good cause shown, a provider to set aside without cost, or at reduced cost, a reasonable number of places in the course for those attorneys determined by the Board to have good cause to attend the course for reduced or no cost.

Adopted September 29, 2005, effective immediately; amended October 4, 2007, effective immediately; amended October 12, 2010, effective immediately; amended September 27, 2011, effective immediately; amended Feb. 6, 2013, eff. immediately; amended Nov. 18, 2016, eff. immediately; amended May 23, 2017, eff. July 1, 2017; amended Jan. 29, 2019, eff. July 1, 2019; amended Jan. 24, 2020, eff. immediately; amended May 8, 2020, eff. July 1, 2020; amended Dec. 17, 2021, eff. Jan. 1, 2022; amended Apr. 11, 2023, eff. immediately.

Amended Rule 796

Rule 796. Enforcement of MCLE Requirements

The following provisions apply to all two-year reporting periods ending June 30, 2023, and after and all newly-admitted attorney reporting periods ending January 31, 2024, and after.

For all two-year reporting periods ending June 30, 2022, and before and newly-admitted attorney reporting periods ending December 31, 2023, and before, the prior version of Rule 796 applies.

(a) Reporting Report of Compliance

The MCLE Board maintains a list of MCLE credits earned during an attorney's reporting period and reported to the MCLE Board. An attorney's credit list is available to the attorney via a secured login through the MCLE Board's website.

The MCLE Board determines an attorney's compliance with the MCLE requirements based on the attorney's credit list. On the date an attorney's credit list reflects the attorney's compliance with the MCLE requirements for a given reporting period, the MCLE Board will automatically enter a report of compliance on behalf of the attorney.

(1) Notice of Requirement to Comply With the ~~Submit~~ MCLE Requirements Certification

The MCLE Board shall send to attorneys as set forth in (i), (ii), and (iii) below a notice of the requirement to submit an MCLE certification comply with the MCLE requirements, request a grace period extension of time to comply with the MCLE requirements or report an exemption (“Initial MCLE Notice”). ~~The attorney’s certification shall state whether the attorney complied with these Rules, has not complied with these Rules or is exempt.~~

(i) Newly-admitted attorney requirement

On or before the first day of the month preceding the end of an attorney’s newly-admitted attorney requirement reporting period, the Director shall mail or email to the attorney, at a mailing or email address maintained by the ARDC, an Initial MCLE Notice.

(ii) Two-year reporting period

On or before May 1 of each two-year reporting period, the Director shall mail or email to the attorney, at a mailing or email address maintained by the ARDC, an Initial MCLE notice.

(iii) The MCLE Board does not need to send an Initial MCLE Notice ~~need not be sent~~ to the following:

(A) Attorneys on inactive or retirement status pursuant to Supreme Court Rule 756(a)(5) or (a)(6), respectively, or on inactive status pursuant to the former Supreme Court Rule 770 or who have previously been placed on voluntarily removed status by the ARDC;

(B) Attorneys on disability inactive status pursuant to Supreme Court Rules 757 or 758;

(C) Attorneys known by the Director to be fully exempt from these Rules pursuant to Rule 791(b); or

(D) Attorneys who have already been removed from the master roll of attorneys due to the attorney’s failure to comply with the MCLE requirements for two consecutive reporting periods or more;

(E) Attorneys whose compliance has been determined by the MCLE Board based on the credit list;

(F) Attorneys who have reported to the MCLE Board a full exemption under Rule 791(a)(3), (a)(5), or (a)(6) by means of the Board’s online reporting system; or

(G) Attorneys who have requested a grace period extension under Rule 796(c).

(2) Every Illinois attorney who is either subject to these Rules or who is sent an MCLE Initial Notice ~~shall submit a certification to the Board, by means of the Board’s online reporting system or other means specified by the Director, within 31 days after the end of the attorney’s reporting period.~~ must have one of the following reports on file with the MCLE Board no later than 31 days after the end of their reporting period (the “initial reporting deadline”): (i) a report of compliance entered by the MCLE Board indicating that, based on the attorney’s credit list, the attorney completed all the required credits for the reporting period by the last day of that reporting period (“initial credit completion deadline”), (ii) a request for a grace period extension submitted by the attorney using the Board’s online reporting system, or (iii) a valid report of a full exemption from MCLE requirements.

Exemptions under Rule 791(a)(1)-(5) that are known to the MCLE Board based on an attorney's registration status with the ARDC are entered by the MCLE Board on the attorney's behalf. Attorneys entitled to an exemption under Rule 791(a)(6) must submit a report of this exemption to the MCLE Board using the Board's online reporting system by the reporting deadline.

It is the responsibility of each attorney on the master roll to notify the ARDC of any change of address or email address. Failure to receive an Initial MCLE Notice shall not constitute an excuse for failure to comply with the MCLE requirements or report of an exemption from those requirements.~~file the certification.~~

(b) Failure to Report Compliance

~~(1) Attorneys who fail to have a report of compliance or exemption entered for them by the MCLE Board or fail to report an exemption under Rule 791(a)(6) by the initial reporting deadline, or who request a grace period extension and pay the late fee required under paragraph (d)(2) by the initial reporting deadline, shall be submit an MCLE certification within 31 days after the end of their reporting period, or who file a certification within 31 days after the end of their reporting stating that they have not complied with these Rules during the reporting period, shall be mailed or emailed a notice by the Director to inform them of their noncompliance. Attorneys shall be given 9264 additional days from the original certification due date initial reporting deadline provided in Rule 796(a)(2) to achieve compliance (the "grace period completion deadline"). and submit a certification, by means of the Board's online reporting system or other means specified by the Director, stating that they have complied with these Rules or are exempt.~~

(2) The Director shall mail or e-mail a noncompliance notice to each attorney given the additional time pursuant to paragraph (b)(1). The Director shall not send a notice of noncompliance notice to attorneys (i)(4) whom the Director knows, based on the status of the attorneys' licenses with the ARDC as inactive, retirement, disability inactive, judicial, judicial staff, or military are fully exempt from these Rules; or (ii) who have already been removed from the master roll of attorneys due to the attorney's failure to comply with the MCLE requirements for two consecutive reporting periods or more.

(3) Attorneys with a Grace Period Extension to Achieve Compliance.

(i) Attorneys with a grace period extension to achieve compliance pursuant to paragraph (b)(1) must have one of the following reports on file with any outstanding applicable late fees as required by paragraph (d)(1) paid no later than the reporting deadlines listed in paragraph (b)(3)(ii) below ("grace period reporting deadlines"):

(A) A report of having complied, entered by the MCLE Board based on the credit list demonstrating that the attorney achieved compliance by the grace period deadline;
or

(B) A report of a valid full exemption under Rule 791(a)(6) submitted by the attorney using the Board's online reporting system.

(ii) Grace period reporting deadlines and fees

(A) For attorneys in two-year reporting periods, the grace period reporting deadline

is 30 days after the grace period completion deadline. Attorneys in two-year reporting periods must have on file one of the reports in paragraph (b)(3)(i) and have paid any outstanding late fee required by paragraph (d)(1) below by the grace period reporting deadline.

(B) For attorneys in newly-admitted attorney reporting periods, the grace period reporting deadline is 60 days after the grace period completion deadline. Attorneys in newly-admitted attorney reporting periods must have on file one of the reports in paragraph (b)(3)(i) and have paid any outstanding late fees required by paragraph (d)(1) below by the grace period reporting deadline.

(c) Grace Period

Attorneys given additional time pursuant to paragraph (b) to comply with the requirements of these Rules may use that “grace period” to attain the adequate number of hours for compliance. Credit hours earned during a grace period may be counted toward compliance with the previous reporting period requirement, and hours in excess of the requirement may be used to meet the current reporting period’s requirement. No attorney may receive more than one grace period with respect to the same reporting period, and the grace period shall not be extended if the Director fails to send, or the attorney fails to receive, a notice pursuant to paragraph (b).

(d) Late Fees

(1) Attorneys who are not fully exempt under Rule 791(a)(1), (2), (3), (4), or (5) and who, for whatever reason, fail to ~~submit an MCLE certification~~ have a report of compliance or exemption submitted pursuant to Rule 796(a)(2) within 31 days after the end of their reporting period shall pay a late fee, in an amount to be set by the MCLE Board fee schedule. The Director shall not assess a late fee to an attorney whom the Director knows, based on the status of the attorney’s license with the ARDC as inactive, retirement, disability inactive, judicial, judicial staff, or military are fully exempt from these Rules.

(2) Attorneys who submit a request for the grace period extension to complete their credits~~an MCLE certification to the Board~~ within 31 days after their reporting period ends ~~and who certify that they failed to comply with these Rules during the applicable reporting period,~~ shall pay a late fee with that request, in an amount ~~to be set by the MCLE Board fee schedule~~ and that is less than the late fee imposed pursuant to paragraph (d)(1).

(e) Failure to Comply, ~~or Failure to Report,~~ or Failure to Pay Outstanding Fee

(1) The Director shall refer to the ARDC the names of attorneys who were mailed or emailed a notice of noncompliance and who, by ~~the end of their grace period reporting deadlines,~~ failed to have on file with the MCLE Board: (i) a report entered by the MCLE Board that the attorney achieved either: (1) to comply or to report compliance with the requirements of these Rules by the grace period completion deadline to the MCLE Board; or (ii) a report of a valid, full(2) to report an exemption from the requirements of these Rules under Rule 791(a)(6) submitted by the attorney using the Board’s online reporting system, to the MCLE Board. The Director shall also refer to the ARDC the names of attorneys who, by ~~the end of their grace period reporting deadlines,~~ failed to pay any outstanding MCLE fee. On the same date as the referrals are made by the Director, the The ARDC shall remove the names of the referred attorneys ~~then send notice, by mail or email, to any such attorneys that they will be~~

~~removed from the master roll for MCLE noncompliance on the date specified in the notice, which shall be no sooner than 21 days from the date of the notice, because of their failure to comply or report compliance, failure to report an exemption, or failure to pay an outstanding MCLE fee.~~

~~(2) An attorney removed from the master roll for MCLE noncompliance by the ARDC shall be mailed or e-mailed a notice by the Director informing the attorney of his or her removal. The Director~~The ARDC need not send a notice of removal to an attorney~~attorneys~~ who ~~has~~already been removed from the master roll of attorneys due to the attorney's failure to comply with the MCLE requirements for two consecutive reporting periods or more. ~~The ARDC shall remove such attorneys from the master roll of attorneys on the date specified in the notice unless the Director certifies before that date that an attorney has complied. Such removal is not a disciplinary sanction.~~

(f) Recordkeeping and Audits

~~(1) Each attorney subject to these Rules shall maintain, for three years after the end of the relevant reporting period, certificates of attendance received pursuant to Rule 795(a)(8), (e)(4), (d)(1)(ix), (d)(2)(v), (d)(3), as well as sufficient documentation necessary to corroborate CLE activity hours earned pursuant to Rule 795(d)(4) through (d)(9).~~

~~—(2) The Board may conduct a reasonable number of audits, under a plan approved by the Court. At least some of these audits shall be randomly selected, to determine the accuracy of attorneys' certifications of compliance or exemption. With respect to audits that are not randomly selected, in choosing subjects for those audits the Board shall give increased consideration to attorneys who assumed inactive or retirement status under Supreme Court Rule 756(a)(5) or (a)(6), and were thereby fully or partially exempt from these Rules pursuant to Rule 791(b) or (c), and who subsequently resumed active status.~~

~~(2)(3) The ARDC may investigate an attorney's compliance with these Rules only upon referral from the Director; the ARDC will not investigate an attorney's compliance with these Rules as part of its other investigations. When the Director refers a matter to the ARDC, the investigation, and any resulting prosecution, shall be conducted in accordance with the rules pertaining to ARDC proceedings.~~

(g) Audits That Reveal an Inaccurate ReportCertification

(1) If an audit conducted pursuant to paragraph ~~(f)(1)(f)(2)~~ reveals that the attorney was not in compliance with or exempt from these Rules for any reporting period for which the attorney had filed a ~~report~~certification of compliance or exemption, the Director shall provide the attorney with written notice containing: (i) the results of the audit, specifying each aspect of the Rules with which the attorney did not comply or the reason why the attorney is not exempt; (ii) a summary of the basis of that determination; and (iii) a deadline, which shall be at least 30 days from the date of the notice, for the attorney to file a written response if the attorney objects to any of the contents of the notice.

(2) After considering any response from the attorney, if the Board determines that the attorney filed an inaccurate ~~report~~certification, the attorney shall be given 60 days in which to ~~demonstrate file an amended certification, together with all documentation specified in paragraph (f)(1), demonstrating~~ full compliance with the applicable MCLE requirements. The

attorney also shall pay a late fee in an amount to be set by the Board. The assessment of a late fee is not a disciplinary sanction.

(3) If the results of the audit suggest that the attorney willfully filed a false certification, the Board through its Director shall provide that information to the ARDC.

(h) Reinstatement

An attorney who has been removed from the master roll due to noncompliance with these Rules ~~shall~~may be reinstated by the ARDC for their MCLE removal, upon recommendation of the Board. That reinstatement by the ARDC shall take place on the same date as the recommendation is made by the Board. Such recommendation may be made only after the removed attorney's records with the MCLE Board show files a certification which the Board determines shows full compliance with or valid exemption from the applicable MCLE requirements for each reporting period for which the attorney was removed from the master roll due to MCLE noncompliance. For attorneys who have existing removals from the master roll of attorneys encompassing three MCLE reporting periods or more, the credits required to address those existing removals are capped at the credits required for the three most recent reporting periods for which the attorney is removed.

To be reinstated, the attorney shall pay a reinstatement fee for each reporting period for which the attorney was removed from the master roll due to MCLE noncompliance with the request, in an amount to be set by the Board. ~~The Board may elect to cap the total amount of the reinstatement fee when an attorney has been removed from the master roll due to MCLE noncompliance in more than six consecutive reporting periods.~~ The attorney must also meet any further conditions and pay any additional fees as may be required by Rule 756.

The removed attorney may attain the necessary credit hours during the period of removal to meet the requirements for the years of noncompliance. Excess hours earned during the period of removal, however, may not be counted towards meeting the current or future reporting periods' requirements. The MCLE credits needed to address the existing removals are in addition to the credits that the attorney must earn for the reporting period in which the attorney returns to active status.

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