



Charles J. Northrup
General Counsel

Krista Appenzeller
Assistant Counsel

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Committee Secretary
Supreme Court Rules Committee
222 N. LaSalle Street, 13th Floor
Chicago, IL. 60601
abowne@illinoiscourts.gov

Re: Proposal 20-01 (P.R. 0280)
Proposal 20-03 (P.R. 0282)
Proposal 20-09 (P.R. 0288)
Proposal 21-01 (P.R. 0294)

Dear Committee Secretary:

On behalf of its more than 29,000 lawyer members, the Illinois State Bar Association (“ISBA”) requests that ISBA past President David Sosin be permitted to address the Committee on Proposal 20-01 offered by the ISBA at the upcoming July 21, 2021 public hearing. In addition, the ISBA asks that the Committee consider its comments on the above referenced Proposals.

1. Proposal 20-01 (Limited Scope Representation)

As the Committee knows, this proposal is offered by the ISBA. The ISBA continues to **support** it. The ISBA’s rationale for the proposal is set out in its February 4, 2020 submittal letter, and its intent remains to increase the use of limited scope representations, a type of representation that the ISBA believes can benefit both lawyers and legal consumers but remains underutilized. The ISBA’s specific rationale set out in its February 4, 2020 submittal remains valid.

2. Proposal 20-03 (Limited Scope Representation)

The ISBA shares the intent of Proposal 20-03 to make limited scope representations more widely used and to make a lawyer's withdrawal from such representations automatic. Nevertheless, the ISBA **does not support** Proposal 20-03 but prefers its own proposal with respect to limited scope rule changes, most notably because the ISBA believes a specific "objection procedure" in the Rule itself is not necessary and may only impede greater use of limited scope representations by contributing to lawyers' perceived burdens about the Rule. On this point, the ISBA supports the right of a client to object, as in any representation, to their lawyer's withdrawal, but a specific procedure in the Rule itself is not necessary. The ISBA also notes that an objection procedure, although cumbersome, already exists within the standardized form associated with the current Rule.

In addition, while the ISBA limited scope representation proposal does not include recommendations with respect to MCLE changes as does Proposal 20-03, the ISBA supports efforts to enhance educational programming for lawyers and judges about limited scope representations.

3. Proposal 20-09 (Appellate Rules)

The ISBA **supports** the amendments to S. Ct. Rules 315, 321, and 341. Those amendments were viewed as reasonable efforts to clarify, and make more uniform, appellate practice.

Upon review by a number of ISBA substantive law and practice groups, the ISBA **does not support** proposed new Rule 322 that would require parties to file various documents within seven days of filing a notice of appeal. This time frame was seen as too short and potentially burdensome to the parties. However, the ISBA would support the proposed amendments if a 30-day deadline was included.

Upon review by several ISBA substantive law and practice groups, the ISBA **does not support** proposed new Rule 455. The new Rule, requiring among other things that parties file various documents within seven days of sentencing, were viewed as being significantly burdensome.

4. Proposal 21-01 (Various Remote Practice Rules)

The ISBA **supports** Proposal 21-01. Upon review by several ISBA substantive law and practice groups, most of the proposed amendments were seen as important practice improvements to facilitate greater efficiency through leveraging proven technologies and practices.

The ISBA appreciates the opportunity to provide its comments on the above proposals. If you require any additional information or have questions about the comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. J. Northrup", written in a cursive style.

Charles J. Northrup
General Counsel