

Proposal 20-04
Amends Supreme Court Rule 705
Offered by The Illinois Board of Admissions to the Bar

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 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. For purposes of this rule, the term “jurisdiction” shall mean any United States state, territory, or the District of Columbia.
- (e) The applicant provides documentary evidence satisfactory to the Board that for at least three of the 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;
 - (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 36 of the 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 physically 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. If an applicant who temporarily engaged in practice performed physically outside of the jurisdiction where the applicant was licensed demonstrates, to the satisfaction of the Board, that such practice was devoted primarily to matters governed under the law of the jurisdiction where the applicant was licensed, for the benefit of clients or entities physically located within the jurisdiction where the applicant was licensed, such practice shall be considered lawful practice for a period not to exceed six months.

(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.