M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered October 1, 2010.

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

Effective January 1, 2011, Supreme Court Rules 216, 222, 705, 706, and 716 are amended, and effective immediately Supreme Court Rule 296 is repealed and reserved and Supreme Court Rules 603 and 794 are amended as follows.

Amended Rule 216

Rule 216. Admission of Fact or of Genuineness of Documents

(a) Request for Admission of Fact. A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request.

(b) Request for Admission of Genuineness of Document. A party may serve on any other party a written request for admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

(c) Admission in the Absence of Denial. Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the court upon prompt notice and motion of the party making the request.

(d) Public Records. If any public records are to be used as evidence, the party intending to use them may prepare a copy of them insofar as they are to be used, and may seasonably present the copy to the adverse party by notice in writing, and the copy shall thereupon be admissible in evidence as admitted facts in the case if otherwise admissible, except insofar as its inaccuracy is pointed out under oath by the adverse party in an affidavit filed and served within 14 days after service of the notice.

(e) Effect of Admission. Any admission made by a party pursuant to request under this rule is for the purpose of the pending action and any action commenced pursuant to the authority of section 13–217 of the Code of Civil Procedure (735 ILCS 5/13–217) only. It does not constitute an admission by him for any other purpose and may not be used against him in any other proceeding.

(f) Number of Requests. The maximum number of requests for admission a party may serve on another party is 30, unless a higher number is agreed to by the parties or ordered by the court for good cause shown. If a request has subparts, each subpart counts as a separate request.

(g) Special Requirements. A party must: (1) prepare a separate paper which contains only the requests and the documents required for genuine document requests; (2) serve this paper separate from other papers; and (3) put the following warning in a prominent place on the first page in 12-point or larger boldface type: **"WARNING: If you fail to serve the response required by Rule 216 within 28 days after you are served with this paper, all the facts set forth in the requests will be deemed true and all the documents described in the requests will be deemed genuine."**

Amended July 1, 1985, effective August 1, 1985; amended May 30, 2008, effective immediately; amended October 1, 2010, effective January 1, 2011.

Committee Comment
(October 1, 2010)

Paragraphs (f) and (g) are designed to address certain problems with Rule 216, including the service of hundreds of requests for admission. For the vast majority of cases, the limitation to 30 requests now found in paragraph (f) will eliminate this abusive practice. Other noted problems include the bundling of discovery requests to form a single document into which the requests to admit were intermingled. This practice worked to the disadvantage of certain litigants, particularly *pro se* litigants, who do not understand that failure to respond within the time allowed results in the requests being deemed admitted. Paragraph (g) provides for requests to be contained in a separate paper containing a boldface warning regarding the effect of the failure to respond within 28 days. Consistent with *Vision Point of Sale Inc. v. Haas*, 226 Ill.

2d 334 (2007), trial courts are vested with discretion with respect to requests for admission.

Amended Rule 222

Rule 222. Limited and Simplified Discovery in Certain Cases

(a) Applicability. This rule applies to all cases subject to mandatory arbitration, civil actions seeking money damages not in excess of $50,000 exclusive of interest and costs, and to cases for the collection of taxes not in excess of $50,000. This rule does not apply to small claims, ordinance violations, actions brought pursuant to 750 ILCS (FAMILIES), and actions seeking equitable relief. Except as otherwise specifically provided by this rule, the general rules governing discovery procedures remain applicable to cases governed by this rule.

(b) Affidavit *re* Damages Sought. Any civil action seeking money damages shall have attached to the initial pleading the party's affidavit that the total of money damages sought does or does not exceed $50,000. If the damages sought do not exceed $50,000, this rule shall apply. Any judgment on such claim which exceeds $50,000 shall be reduced posttrial to an amount not in excess of $50,000. Any such affidavit may be amended or superseded prior to trial pursuant to leave of court for good cause shown, and only if it is clear that no party will suffer any prejudice as a result of such amendment. Any affidavit filed pursuant hereto shall not be admissible in evidence at trial.

(c) Time for Disclosure; Continuing Duty. The parties shall make the initial disclosure required by this rule as fully as then possible in accordance with the time lines set by local rule, provided however that if no local rule has been established pursuant to Rule 89 then within 120 days after the filing of a responsive pleading to the complaint, counter-complaint, third-party complaint, *etc.*, unless the parties otherwise agree, or for good cause shown, if the court shortens or extends the time. Upon service of a disclosure, a notice of disclosure shall be promptly filed with the court. The duty to provide disclosures as delineated in this rule and its subsections shall be a continuing duty, and each party shall seasonably supplement or amend disclosures whenever new or different information or documents become known to the disclosing party.

All disclosures shall include information and data in the possession, custody and control of the parties as well as that which can be ascertained, learned or acquired by reasonable inquiry and investigation.

(d) Prompt Disclosure of Information. Within the times set forth in section (c) above, each party shall disclose in writing to every other party:

(1) The factual basis of the claim or defense. In the event of multiple claims or defenses, the factual basis for each claim or defense.

(2) The legal theory upon which each claim or defense is based including, where necessary for a reasonable understanding of the claim or defense, citations

of pertinent legal or case authorities.

(3) The names, addresses, and telephone numbers of any witnesses whom the disclosing party expects to call at trial with a designation of the subject matter about which each witness might be called to testify.

(4) The names, addresses, and telephone numbers of all persons whom the party believes may have knowledge or information relevant to the events, transactions, or occurrences that gave rise to the action, and the nature of the knowledge or information each such individual is believed to possess.

(5) The names, addresses, and telephone numbers of all persons who have given statements, whether written or recorded, signed or unsigned, and the custodian of the copies of those statements.

(6) The identity and address of each person whom the disclosing party expects to call as an expert witness at trial, plus the information called for by Rule 213(f).

(7) A computation and the measure of damages alleged by the disclosing party and the document or testimony on which such computation and measure are based and the names, addresses, and telephone numbers of all damage witnesses.

(8) The existence, location, custodian, and general description of any tangible evidence or documents that the disclosing party plans to use at trial and relevant insurance agreements.

(9) A list of the documents or, in the case of voluminous documentary information, a list of the categories of documents, known by a party to exist whether or not in the party's possession, custody or control and which that party believes may be relevant to the subject matter of the action, and those which appear reasonably calculated to lead to the discovery of admissible evidence, and the dates(s) upon which those documents will be made, or have been made, available for inspection and copying. Unless good cause is stated for not doing so, a copy of each document listed shall be served with the disclosure. If production is not made, the name and address of the custodian of the document shall be indicated. A party who produces documents for inspection shall produce them as they are kept in the usual course of business.

(e) Affidavit *re* Disclosure. Each disclosure shall be made in writing, accompanied by the affidavit of an attorney or a party which affirmatively states that the disclosure is complete and correct as of the date of the disclosure and that all reasonable attempts to comply with the provisions of this rule have been made.

(f) Limited and Simplified Discovery Procedures. Except as may be ordered by the trial court, upon motion and for good cause shown, the following limited and simplified discovery procedures shall apply:

(1) Each party may propound to any other party a total of 30 interrogatories and supplemental interrogatories in the aggregate, including subsections. Interrogatories may require the disclosure of facts upon which

a party bases a claim or defense, the enumeration, with proper identification, of all persons having knowledge of relevant facts, and the identification of trial witnesses and trial exhibits.

(2) *Discovery Depositions.* No discovery deposition shall exceed three hours, absent agreement among the parties. Except as otherwise ordered by court, the only individuals whose discovery depositions may be taken are the following:

(a) *Parties.* The discovery depositions of parties may be taken. With regard to corporations, partnerships, voluntary associations, or any other groups or entities, one representative deponent may be deposed.

(b) *Treating Physicians and Expert Witnesses.* Treating physicians and expert witnesses may be deposed, but only if they have been identified as witnesses who will testify at trial. The provisions of Rule 204(c) do not apply to treating physicians who are deposed under this Rule 222. The party at whose instance the deposition is taken shall pay a reasonable fee to the deponent, unless the deponent was retained by a party to testify at trial or unless otherwise ordered by the court.

(3) *Evidence Depositions.* No evidence depositions shall be taken except pursuant to leave of court for good cause shown. Leave of court shall not be granted unless it is shown that a witness is expected to testify on matters material to the issues and it is unlikely that the witness will be available for trial, or other exceptional circumstances exist. Motions requesting the taking of evidence depositions shall be supported by affidavit. Evidence depositions shall be taken to secure trial testimony, not as a substitute for discovery depositions.

(4) Requests pursuant to Rules 214~~,~~ and 215 ~~and 216~~ are permitted, as are notices pursuant to Rule 237.

(5) Requests pursuant to Rule 216 are permitted except that no request may be filed less than 60 days prior to the scheduled trial date or, if within said 60 days, only by order of court.

(g) Exclusion of Undisclosed Evidence. In addition to any other sanction the court may impose, the court shall exclude at trial any evidence offered by a party that was not timely disclosed as required by this rule, except by leave of court for good cause shown.

(h) Claims of Privilege. When information or documents are withheld from disclosure or discovery on a claim that they are privileged pursuant to a common law or statutory privilege, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced or disclosed and the exact privilege which is being claimed.

(i) Affidavits Wrongly Filed. The court shall enter an appropriate order pursuant to Rule 219(c) against any party or his or her attorney, or both, as a result of any

affidavit filed pursuant to (b) or (e) above which the court finds was (a) false; (b) filed in bad faith; or (c) was without reasonable factual support.

(j) Applicability Pursuant to Local Rule. This rule may be made applicable to additional categories of cases pursuant to local rules enacted in any judicial circuit.

Adopted June 1, 1995, effective January 1, 1996; amended March 28, 2002, effective July 1, 2002; amended February 10, 2006, effective July 1, 2006; amended October 1, 2010, effective January 1, 2011.

Committee Comment
(October 1, 2010)

Subparagraph (f)(5) has been added to provide a time frame for the issuance in anticipation of a trial date.

Repealed Rule 296

Rule 296. [Reserved] ~~Enforcement of Order for Support~~

~~**(a) Scope of Rule.** This rule applies to any proceeding in which a temporary, final, or modified order of support is entered as provided by law. No provision of this rule affects the enforcement provisions of section 706.1 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/706.1).~~

~~**(b) Definitions.** For the purposes of this rule:~~

~~(1) "Order for Support" means any order of the court which provides for the periodic payment of funds for the support of a child, maintenance of a spouse, or combination thereof, whether temporary, final, or modified;~~

~~(2) "Obligor" means the individual who owes a duty to make payments under an Order for Support;~~

~~(3) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative;~~

~~(4) "Payor" means any payor of income to an obligor.~~

~~**(c) Payments to the Clerk.** All payments required under all Orders for Support must be made to the clerk of the circuit court in the county in which the Order for Support was entered, or the clerk of the circuit court of any other county to which the payment obligation may be transferred, as provided by law. This requirement may not be waived by the court or parties.~~

~~**(d) Order for Support.** Whenever an Order for Support is to be entered or modified, the court, in addition to any other requirements of law, shall forthwith enter~~

an Order for Support in quadruplicate. The prevailing party must complete the form order and present it to the court for the judge's signature.

(e) Notice of Financial Aid. The parties and counsel in any proceeding involving support must advise the court at the time of entry or modification of the order whether either the obligor or obligee or their children are receiving a grant of financial aid or support services under articles III through VI, or section 10–1, of the Illinois Public Aid Code, as amended 305 ILCS 5/arts. III through VI; 10–1), and the court must enter its findings of record.

(f) Petition for Abatement. Upon written petition of the obligor, and after due notice to obligee (and the Department of Healthcare and Family Services, if the obligee is receiving public aid), and upon hearing by the court, the court may temporarily reduce or totally abate the payments of support, subject to the understanding that those payments will continue to accrue as they come due, to be paid at a later time. The reduction or abatement may not exceed a period of six months except that, upon further written petition of the obligor, notice to the obligee, and hearing, the reduction or abatement may be continued for an additional period not to exceed six months.

(g) Clerk's Fund, Records and Disbursements. The clerks of the circuit courts receiving payments pursuant to orders for support under paragraph (e) of this rule shall maintain records of:

(1) all such monies received and disbursed, and

(2) any delinquencies on such payments as required by law and by administrative order of the Supreme Court of Illinois.

Such records are admissible as evidence of payments received and disbursed. After receiving a payment pursuant to an Order for Support, the clerk shall promptly deposit that payment and issue a check drawn on an account of the circuit clerk to the obligee or other person or agency entitled thereto under the terms of the Order for Support. All payments shall be disbursed within seven days after receipt thereof by the clerk of the circuit court.

(h) Method of Payment to the Clerk of the Circuit Court. When local circuit court rules allow payment of Orders for Support by personal check and the obligor submits a personal check which is not honored by the institution upon which it is drawn, the clerk of the circuit court may direct that all future payments be made by certified check, money order, United States currency, or credit card (with statutory fee), unless otherwise ordered by the court, and the court may order obligor to pay $50 to defray the cost of processing the dishonored check, to be paid within a time period to be determined by the court. Notice of future nonacceptance of personal checks shall be sent by the clerk of the circuit court to the obligor or payor by regular mail at the obligor's or payor's last known mailing address. The clerk's proof of mailing shall be spread of record. If a personal check used in payment of an Order for Support is not honored at the institution upon which it is drawn, the clerk of the circuit court shall forthwith notify the State's Attorney of the county, the Attorney

~~General, if that office has the duty of enforcing the Order for Support on which the check was written, or the attorney appointed pursuant to section (k) of this rule.~~

~~**(i) Clerk's Notice of Delinquency.** Whenever an obligor is 14 days delinquent in payments pursuant to an Order for Support, the clerk of the circuit court shall, within 72 hours thereof, transmit a notice of delinquency directed to the obligor at the obligor's last known mailing address, by regular U.S. mail, postage prepaid, specifying that the delinquency will be referred for enforcement unless the payments due and owing, together with all subsequently accruing payments, are paid within seven days thereafter. The court may waive this notice requirement on a case-by-case basis, and direct that immediate enforcement commence against the obligor.~~

~~**(j) Referral for Enforcement.** If the delinquency and all subsequent accrued obligations are not paid within the time period as specified in paragraph (i) of this rule, the clerk of the circuit court shall promptly refer the matter for enforcement by reporting the delinquency to the State's Attorney of the county, the Title IV-D enforcement attorney, or the attorney appointed by the court pursuant to paragraph (k) of this rule. The clerk of the circuit court may complete, sign, and verify the petition for contempt and appropriate notices, under the supervision of the enforcement counsel, but is not required to provide investigative services unless otherwise required by local circuit court rules.~~

~~**(k) Enforcement Counsel.**~~

~~(1) Enforcement counsel for those receiving a grant of financial aid under article IV of the Illinois Public Aid Code and parties who apply and qualify for support services pursuant to section 10–1 of such code shall be as designated by an agreement made between the State of Illinois and United States government under 42 U.S.C. Title IV, part D.~~

~~(2) The State's Attorney of each county may prosecute any criminal contempt or civil contempt brought for the enforcement of an Order for Support if not in conflict with the agreement described above between the State of Illinois and the United States government.~~

~~(3) When the presiding judge of the county or of the domestic relations division receives a letter from the State's Attorney of the county declining enforcement of Orders for Support under this rule, the presiding judge shall appoint counsel, to be known as support enforcement counsel, on a contract basis. The fees and expenses of the support enforcement counsel shall be paid by the county. The court may assess attorney fees against an obligor found in contempt.~~

~~(4) If the counsel responsible for enforcement under the Illinois Department of Healthcare and Family Services or the State's Attorney of a county does not commence enforcement within 30 days after referral by the clerk of the circuit court, the court shall refer the matter to the support enforcement counsel of the county for further proceedings.~~

(5) Representation by counsel under this rule shall be limited to enforcement of Orders for Support and shall not include matters of visitation, custody, or property.

(6) A person entitled to monies under an Order for Support may institute independent enforcement proceedings. However, if enforcement proceedings under paragraph (k) of this rule are pending, then independent enforcement proceedings may be brought only by leave of court.

(l) Contempt Proceedings for Enforcement of Orders for Support. A failure to comply with payment obligations under an Order for Support may be enforced by contempt in the following manner:

(1) Petition for Adjudication of Contempt. The proceeding shall be initiated by the filing of a petition for adjudication of contempt in an action where an Order for Support was entered or as otherwise provided by law. The petition shall be verified pursuant to section 1–109 of the Code of Civil Procedure, as amended (735 ILCS 5/1–109), and specify in both its caption and body whether the relief sought is for indirect criminal contempt, indirect civil contempt, or both. The petition shall identify the relevant terms of the Order for Support being enforced, the court, and date of its entry, the last payment made under its provisions, the delinquency, and an allegation that the respondent obligor's failure to comply with the provisions of the Order for Support constitutes wilful indirect civil contempt, indirect criminal contempt, or both. A petition for adjudication of indirect civil contempt and indirect criminal contempt shall be filed in the same cause of action out of which the contempt arose.

(2) Notice of Hearing. A petition for adjudication of civil contempt may be presented *ex parte* to the court, which, if satisfied that *prima facie* evidence of civil contempt exists, may order the respondent to show cause why he should not be held in contempt, or may instead set the petition itself for hearing and order that notice be given to the respondent. Notice of hearing on a petition for indirect civil contempt may be served by regular mail, postage prepaid, to the respondent's last known mailing address, or by any method provided in Rule 105(b)(1) or (b)(2) (134 Ill. 2d Rules 105(b)(1), (b)(2)), as the court may direct. Notice by personal service shall be served not less than seven days prior to hearing, and notice by mail not less than 10 days prior to hearing. Upon petition for adjudication of indirect criminal contempt being presented to the court, the court shall set the matter for arraignment and order summons to issue for respondent.

(A) Body Attachment. If a respondent fails to appear after receiving notice, or if the petition for adjudication of contempt alleges facts to show that the respondent will not respond to a notice, will flee the jurisdiction of the court, or will attempt to conceal himself from service, the court may issue a body attachment on the respondent, addressed to all law enforcement officers in the State or, in proceedings for indirect criminal contempt, for the

arrest of the respondent.

(B) Bond. The court may fix bond on the body attachment order or warrant of arrest, as the case may be.

(3) Contempt Hearing. If the petition prays that respondent be held in indirect criminal contempt, or both indirect criminal contempt and indirect civil contempt, the hearing shall be conducted according to the applicable rules of the criminal law. However, if the court at the time of respondent's first appearance notifies the respondent that, if found to be in indirect criminal contempt, he will not be incarcerated for more than six months, fined a sum up to $500, or both, then respondent will not be entitled to a trial by jury. At the contempt hearing, a certified copy of the records of the clerk of the circuit court shall be received in evidence to show the amounts paid to the clerk, the dates of such payments, and the dates and amounts of disbursals. In indirect civil contempt cases the respondent has the burden of proving that such failure to pay was not wilful and that he does not have the present means to comply with any purge order the court may impose. The burden of proof shall be by a preponderance of the evidence in a civil contempt proceeding and beyond a reasonable doubt in a criminal contempt proceeding. After hearing, the court may:

(A) find in favor of the respondent and dismiss the petition or discharge the rule, as the case may be;

(B) continue the hearing under such terms as the court deems appropriate, including an order to seek work, if unemployed;

(C) find in favor of the petitioner and impose sanctions specifically including, but not limited to, the following:

(i) a direction to seek employment, if unemployed, and to participate in job search, training and work programs as provided by law;

(ii) keep a detailed accounting of all income and expenditures and submit same to the court until further order;

(iii) impose a sentence of imprisonment or periodic imprisonment with an appropriate purge order;

(iv) assess a fine;

(v) assess attorney fees and costs;

(vi) initiate immediate wage withholding; or

(vii) such other sanctions as the court deems appropriate.

(m) Supervision by the Administrative Office of the Illinois Courts. The Administrative Office of the Illinois Courts shall exercise supervision over the operation of this rule and shall submit an annual report to the Supreme Court together with its recommendation for any modification or amendment thereto. Oversight shall include, but not be limited to, promulgating forms necessary to carry out the intent and purpose of this rule, initiating administrative procedures and standards for the

~~effective operation of the rule, providing liaison between the various agencies of State and Federal government concerning enforcement of Orders for Support and between the various branches of State government, and such other duties as may be directed by the Supreme Court from time to time hereafter.~~

~~**(n) Effective Date.** The Supreme Court will authorize experimental sites to operate pursuant to this rule, in counties in which both the chief circuit judge and the clerk of the circuit court have agreed to undertake the experimental use of the procedures contained herein, and have jointly sought the Court's permission to do so, by filing a petition with the Administrative Director.~~

~~**(o) Order for Support Form.** The Order for Support shall be in the form prescribed by local circuit court rule or, in the absence of a local rule, the form approved by the Director of the Administrative Office of the Illinois Courts.~~

Adopted February 1, 1989, effective immediately; amended May 30, 2008, effective September 1, 2008; repealed and reserved October 1, 2010, effective immediately.

Amended Rule 603

Rule 603. Court To Which Appeal is Taken

Appeals in criminal cases in which a statute of the United States or of this State has been held invalid, ~~and~~ appeals by defendants from judgments of the circuit courts imposing a sentence of death, and appeals by the State from orders decertifying a prosecution as a capital case on the grounds enumerated in section 9–1(h-5) of the Criminal Code of 1961, or a finding that the defendant is mentally retarded after a hearing conducted pursuant to section 114–15(f) of the Code of Criminal Procedure of 1963 shall lie directly to the Supreme Court as a matter of right. All other appeals in criminal cases shall be taken to the Appellate Court.

Amended effective July 1, 1971; amended October 1, 2010, effective immediately.

Amended Rule 705

Rule 705. Admission on Motion

Any person who, as determined by the Board of Admissions to the Bar, has been licensed to practice ~~law~~ in the highest court of law in any ~~other~~ United States state, ~~or~~ territory, ~~of the United States~~ or the District of Columbia for no fewer than five years may ~~make application to the board~~ be eligible for admission ~~to the bar, without~~

~~academic qualification examination, upon~~ on motion on the following conditions:

(a) The applicant meets the educational requirements of Rule 703.

(b) The applicant ~~is licensed in a jurisdiction that grants reciprocal admission to Illinois attorneys on the basis of Illinois practice; the applicant has been actively and continuously engaged in the qualified practice of law, as provided by these rules, for at least five of the seven years immediately prior to making application; and, except for practice described in paragraphs (g)(3), (g)(4), (g)(5) or (g)(6) below, during the requisite period the applicant must have practiced either in or the law of the reciprocal jurisdiction from which the applicant is applying.~~ meets Illinois character and fitness requirements and has been certified by the Committee on Character and Fitness.

(c) The applicant has passed the Multistate Professional Responsibility Examination in Illinois or in any jurisdiction in which it was administered.

(d) The applicant ~~meets the character and fitness standards established in Illinois and has been so certified by the Committee on Character and Fitness pursuant to Rule 708.~~ 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.

(e) The applicant provides documentary evidence satisfactory to the Board that for at least five of the seven years immediately preceding the application, he or she was engaged in the active, continuous, and lawful practice of law.

~~(e)~~ (f) The applicant has paid the fee for admission on motion in accordance with Rule 706.

~~(f)~~ ~~An applicant who has taken and failed to pass the academic qualification examination in Illinois shall not be eligible to apply for admission on motion under this rule.~~

(g) For purposes of this rule, the term "practice of law" shall mean: ~~(1) private practice as a sole practitioner or for a law firm, legal services office, legal clinic or the like; (2) practice as an attorney for an individual, a corporation, partnership, trust, or other entity, with the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law or preparing, trying or presenting cases before courts, departments of government or administrative agencies; (3) practice as an attorney for the Federal government or for a state government with the same primary duties as described in paragraph (g)(2) above; (4) employment as a judge, magistrate, referee, or similar official for the Federal or a state government, provided that such employment is available only to licensed attorneys; (5) legal service in the armed forces of the United States; (6) employment as a full-time teacher of law at a law school approved by the American Bar Association; or (7) any combination of the above. Applicants shall furnish such proof of practice as may be required by the Board.~~

(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) ~~Each applicant for admission under this rule shall establish to the satisfaction of the Board that upon admission to the bar of Illinois he or she will engage in the active and continuous practice of law in Illinois.~~ 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 60 of the 84 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 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;

(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.

Adopted April 3, 1989, effective immediately; amended October 25, 1989, effective immediately; amended June 12, 1992, effective July 1, 1992; amended December 6, 2001, effective immediately; amended September 30, 2002, effective immediately; amended February 6, 2004, effective immediately; amended October 1, 2010, effective January 1, 2011.

Amended Rule 706

Rule 706. Filing Deadlines and Fees of Registrants and Applicants

(a) Character and Fitness Registration. Students attending law school who intend to take the Illinois bar examination shall file a character and fitness registration application with the Board of Admissions to the Bar in the form prescribed by the Board by no later than the first day of March following the student's commencement of law school; provided, however, that a student who commences law school after the first day of January and before the first day of March in any calendar year shall file such application no later than the first day of July following the student's commencement of law school. Timely applications shall be accompanied by a registration fee of $100. All character and fitness registration applications filed after the foregoing deadlines shall be accompanied by a registration fee of $450.

(b) Applications to Take the Bar Examination. The fees and deadlines for filing applications to take the February bar examination are as follows:

(1) $250 for applications postmarked on or before the regular filing deadline of September 1 preceding the examination;

(2) $500 for applications postmarked after September 1 but on or before the late filing deadline of November 1; and

(3) $1,000 for applications postmarked after November 1 but on or before the final late filing deadline of December 31.

The fees and deadlines for filing applications to take the July bar examination are as follows:

(1) $250 for applications postmarked on or before the regular filing deadline of February 1 preceding the examination;

(2) $500 for applications postmarked after February 1 but on or before the late filing deadline of April 1; and

(3) $1,000 for applications postmarked after April 1 but on or before the final late filing deadline of May 31.

(c) Applications for Reexamination. The fees and deadlines for filing applications for reexamination at a February bar examination are as follows:

(1) $150 for applications postmarked on or before the regular reexamination filing deadline of November 1;

(2) $500 for applications postmarked after November 1 but on or before the final late filing deadline of December 31.

The fees and deadlines for filing applications for reexamination at a July bar examination are as follows:

(1) $150 for applications postmarked on or before the regular reexamination filing deadline of May 1;

(2) $500 for applications postmarked after April 1 but on or before the final late filing deadline of May 31.

(d) Late Applications. The Board of Admissions shall not consider requests for late filing of applications after the final bar examination filing deadlines set forth in the preceding subparagraphs (b) and (c).

(e) Applications for Admission on Motion under Rule 705. Each applicant for admission to the bar on motion under Rule 705 shall pay a fee of ~~$800~~ $1,250.

(f) Application for Limited Admission as House Counsel. Each applicant for limited admission to the bar as house counsel under Rule 716 shall pay a fee of ~~$400~~ $1,250.

(g) Application for Limited Admission as a Lawyer for Legal Service Programs. Each applicant for limited admission to the bar as a lawyer for legal service programs under Rule 717 shall pay a fee of $100.

(h) Payment of Fees. All fees are nonrefundable and shall be paid in advance by certified check, cashier's check or money order payable to the Board of Admissions to the Bar. Fees of an applicant who does not appear for an examination shall not be transferred to a succeeding examination.

(i) Fees to be Held by Treasurer. All fees paid to the treasurer of the Board of Admissions to the Bar shall be held by him or her subject to the order of the court.

Amended January 30, 1975, effective March 1, 1975; amended October 1, 1982, effective October 1, 1982; amended June 12, 1992, effective July 1, 1992; amended July 1, 1998, effective immediately; amended July 6, 2000, effective August 1, 2000; amended December 6, 2001, effective immediately; amended February 11, 2004, effective July 1, 2004; amended October 1, 2010, effective January 1, 2011.

Amended Rule 716

Rule 716. Limited Admission Of House Counsel

~~**(a) Eligibility.** A lawyer admitted to the practice of law in another state or the District of Columbia may receive a limited license to practice law in this state when the lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity (as well as any parent, subsidiary or affiliate thereof), whose lawful business consists of activities other than the practice of law or the provision of legal services.~~

~~**(b) Application Requirements.** To qualify for the license, the applicant must file with the Board of Admissions to the Bar the following:~~

~~(1) A completed application for the limited license in the form prescribed by the Board.~~

~~(2) A certificate of good standing from the highest court of each jurisdiction of admission.~~

~~(3) A certificate from the disciplinary authority of each jurisdiction of admission which:~~

~~(a) states that the applicant has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending;~~ or

~~(b) identifies any suspensions, disbarments, or disciplinary sanctions and any pending charges.~~

~~(4) A duly authorized and executed certification by applicant's employer that:~~

~~(a) it is not engaged in the practice of law or the rendering of legal services, whether for a fee or otherwise;~~

~~(b) it is duly qualified to do business under the laws of its organization and the laws of Illinois;~~

~~(c) the applicant works exclusively as an employee of said employer for the purpose of providing legal services to the employer at the date of his or her application for licensure; and~~

~~(d) it will promptly notify the Clerk of the Supreme Court of the termination of the applicant's employment.~~

(5) Such other affidavits, proofs and documentation as may be prescribed by the Board.

(6) The requisite fees in accordance with Rule 706.

(c) Character and Fitness Approval at Discretion of the Board. At the discretion of the Board of Admissions to the Bar, any applicant for a limited license under this rule may be required to receive certification of good moral character and general fitness to practice law by the Committee on Character and Fitness in accordance with the provisions of Rule 708.

(d) Certification by the Board. In the event the Board of Admissions to the Bar shall find that the applicant meets the requirements of this rule, the Board shall certify to the Court that such applicant is qualified for licensure.

(e) Limitation of Practice. Licensed house counsel, while in the employ of an employer described in subparagraph (a) of this rule, may perform legal services in this state solely on behalf of such employer; provided, however, that such services shall

(1) be limited to

(a) the giving of advice to the directors, officers, employees and agents of the employer with respect to its business and affairs; and

(b) negotiating, documenting and consummating transactions to which the employer is a party; and

(2) not include appearances as counsel in any court, administrative tribunal, agency or commission situated in this state unless the rules governing such court or body shall otherwise authorize or the lawyer is specially admitted by such court or body in a particular case or matter.

Lawyers licensed under this rule shall not offer legal services or advice to the public or in any manner hold themselves out to be so engaged or authorized, except as is provided in Rule 756(j).

(f) Duration and Termination of License. The license and authorization to perform legal services under this rule shall terminate upon the earliest of the following events:

(1) The lawyer is admitted to the general practice of law under any other rule of this Court.

(2) The lawyer ceases to be employed as house counsel for the employer listed on his or her initial application for licensure under this rule; provided, however, that if such lawyer, within 120 days of ceasing to be so employed, becomes employed by another employer and such employment meets all requirements of this rule, his or her license shall remain in effect, if within said 120-day period there is filed with the Clerk of the Supreme Court: (a) written notification by the lawyer stating the date on which the prior employment terminated, identification of the new employer and the date on

~~which the new employment commenced; (b) certification by the former employer that the termination of the employment was not based upon the lawyer's character and fitness or failure to comply with this rule; and (c) the certification specified in subparagraph (b)(4) of this rule duly executed by the new employer. If the employment of the lawyer shall cease with no subsequent employment within 120 days meeting all requirements of this rule, he or she shall promptly so notify the Clerk of the Supreme Court in writing stating the date of termination of the employment.~~

~~(3) Withdrawal of an employer's certification filed pursuant to subparagraph (b)(4) of this rule. An employer may withdraw certification at any time without cause being stated.~~

~~(4) Upon order of this Court.~~

~~**(g) Annual Registration.** Once the Court has conferred upon house counsel a limited license to practice law, counsel must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 for the year in which the license is conferred. For each subsequent year in which house counsel continues to practice in Illinois under the limited license, counsel must register and pay the fee required by Rule 756 in order to be authorized to practice under the limited license.~~

~~**(h) Discipline.** All lawyers licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.~~

~~**(i) No Credit Toward Admission on Motion.** The period of time a lawyer practices law while licensed under this rule shall not be counted toward his or her eligibility for admission on motion under Rule 705.~~

~~**(j) Transition.** Any lawyer not licensed in this state who is employed as house counsel in Illinois on the effective date of this rule shall not be deemed to have been engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within 12 months of the effective date of the rule.~~

~~**(k) Newly Employed House Counsel.** Any lawyer who is newly employed as house counsel in Illinois after the effective date of this rule shall not be deemed to have engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within 180 days of the commencement of such employment.~~

A 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 may receive a limited license to practice law in this state when the lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity (as well as any parent, subsidiary or affiliate thereof), the lawful business of which consists of activities

other than the practice of law or the provision of legal services upon 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 has passed the Multistate Professional Responsibility Exam 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;

(e) The applicant has paid the fee for limited admission of house counsel under Rule 706.

(f) Application requirements. To apply for the limited license, the applicant must file with the Board of Admissions to the Bar the following:

(1) A completed application for the limited license in the form prescribed by the Board;

(2) A duly authorized and executed certification by applicant's employer that:

(A) The employer is not engaged in the practice of law or the rendering of legal services, whether for a fee or otherwise;

(B) The employer is duly qualified to do business under the laws of its organization and the laws of Illinois;

(C) The applicant works exclusively as an employee of said employer for the purpose of providing legal services to the employer at the date of his or her application for licensure; and

(D) The employer will promptly notify the Clerk of the Supreme Court of the termination of the applicant's employment.

(3) Such other affidavits, proofs and documents as may be prescribed by the Board.

(g) Authority and Limitations. A lawyer licensed and employed as provided by this Rule has the authority to act on behalf of his or her employer for all purposes as if licensed in Illinois. The lawyer may not act as counsel for the employer until the application is accepted and approved by the Court. A lawyer licensed under this rule shall not offer legal services or advice to the public or in any manner hold himself or herself out to be engaged or authorized to engage in the practice of law, except such lawyer may provide voluntary *pro bono* public services as provided in Rule 756(j).

(h) Duration and Termination of License. The license and authorization to perform legal services under this rule shall terminate upon the earliest of the following events:

(1) The lawyer is admitted to the general practice of law under any other rule of this Court.

(2) The lawyer ceases to be employed as house counsel for the employer listed on his or her initial application for licensure under this rule; provided, however, that if such lawyer, within 120 days of ceasing to be so employed, becomes employed by another employer and such employment meets all requirements of this Rule, his or her license shall remain in effect, if within said 120-day period there is filed with the Clerk of the Supreme Court: (A) written notification by the lawyer stating the date on which the prior employment terminated, identification of the new employer and the date on which the new employment commenced; (B) certification by the former employer that the termination of the employment was not based upon the lawyers character and fitness or failure to comply with this rule; and (C) the certification specified in subparagraph (f)(2) of this rule duly executed by the new employer. If the employment of the lawyer shall cease with no subsequent employment within 120 days thereafter, the lawyer shall promptly notify the Clerk of the Supreme Court in writing of the date of termination of the employment, and shall not be authorized to represent any single corporation, partnership, association or other legal entity (or any parent, subsidiary or affiliate thereof).

(i) Annual Registration and MCLE. Beginning with the year in which a limited license to practice law under this rule is granted and continuing for each subsequent year in which house counsel continues to practice law in Illinois under the limited license, house counsel must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 and fully comply with all MCLE requirements for active lawyers set forth in Rule 790 *et seq*.

(j) Discipline. A lawyer licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.

(k) Credit toward Admission on Motion. The period of time a lawyer practices law while licensed under this rule may be counted toward eligibility for admission on motion, provided all other requirements of Rule 705 are met.

(l) Newly Employed House Counsel. A lawyer who is newly employed as house counsel in Illinois shall not be deemed to have engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within 90 days of the commencement of such employment.

Adopted February 11, 2004, effective July 1, 2004; amended March 26, 2008, effective July 1, 2008; amended October 1, 2010, effective January 1, 2011.

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 20 hours of CLE activity during the 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) All CLE activity hours may be earned in one year or split in any manner between the two-year reporting period. If an attorney earns more than the required CLE hours in a two-year reporting period, 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).

(2) 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 after completing the Basic Skills Course requirement pursuant to Rule 793.

(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) A minimum of four of the total hours required for ~~any two-year~~ the first two reporting periods must be in the area of professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics. Beginning with the reporting periods ending on June 30 of either 2012 or 2013, in which 30 hours of CLE are required, and for all subsequent reporting periods, a minimum of six of the total CLE hours required must be in such areas.

(2) Such credit may be obtained either by:

(i) Taking a separate CLE course or courses, or participating in other eligible CLE activity under these Rules, specifically devoted to professionalism, diversity issues, mental illness and addiction issues, civility,

or legal ethics; or

(ii) Taking a CLE course or courses, or participating in other eligible CLE activity under these Rules, a portion of which is specifically devoted to professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics credit. Only that portion of a course or activity specifically devoted to professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics shall receive CLE credit for the professional responsibility requirement of this paragraph.

Adopted September 29, 2005, effective immediately; amended October 1, 2010, effective immediately.