M.R. 3140

IN THE SUPREME COURT OF THE STATE OF ILLINOIS

Order entered April 1, 2025.

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

Effective July 1, 2025, Illinois Supreme Court Rule 300 is adopted, and Rule 795 and Rules 1.6 and 7.2 of the Rules of Professional Conduct of 2010 are amended, as follows. Additionally, a form for Rule 7.2(c) is adopted in the article VIII rules appendix.

New Rule 300

Rule 300.

(a) In any action where an attorney's fees are recoverable by statute, rule, contract, or court order, an attorney may file a fee petition. The fee petition must include a summary of the attorney's services to the client and of the fee agreement sufficient to allow the court to determine the reasonable value of the attorney's services to the client, and it also must comply with any other requirements that may be imposed by a relevant statute, rule, contract, or caselaw that is otherwise consistent with paragraphs (b) through (d) of this rule. If there is a written fee agreement, relevant excerpts of the agreement must be attached to the petition.

(b) The fee petition can be based on any fee agreement that is allowed under Rule 1.5 of the Rules of Professional Conduct, so long as the fee agreement was reasonable under the circumstances as allowed under Rule 1.5 and the fee petition does not seek to recover on a contingent-fee agreement from an opposing party.

(c) An attorney's fee petition does not require time-based entries unless:

(1) the attorney's fee agreement was based, in whole or in part, on an hourly rate;

(2) the attorney seeks to recover from an opposing party more than the amount the client agreed to pay under the fee agreement and the amount of the award is not otherwise fixed by statute, rule, contract, or order of the court; or

(3) the attorney had a contingent-fee agreement with his or her client and seeks to recover from an opposing party a fee under a statutory, contractual, or other fee-shifting provision.

(d) An attorney who represented his or her client, in whole or in part, on a *pro bono* basis may petition for and recover fees in accordance with this Rule.

Adopted Apr. 1, 2025, effective July 1, 2025.

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SUPREME COURT CLERK

Comment

This Rule clarifies that any fee agreement that is reasonable under the circumstances under Rule 1.5 of the Rules of Professional Conduct may be the basis for an attorney's fee petition, with limited exceptions.

Historically, courts have required attorneys' fee petitions to be based on an hourly fee arrangement even when that was not the agreement with the client. Under Rule 1.5, there are many fee agreements beyond the traditional hourly billing model that are allowed. Examples include recurring fixed monthly fees, fixed fees for an entire case or part of a case, and contingent fees, among others. Courts cannot require submission of time-based entries except as provided in paragraph (c).

The Rule clarifies that a contingent-fee agreement can be the basis for a fee petition, except that an attorney cannot seek to recover on a contingent-fee agreement from an opposing party. Nothing in this Rule, however, is intended to displace the long-standing law that allows a discharged attorney who has asserted a lien on a former client's recovery from enforcing that lien.

In some instances, such as fee petitions under the Illinois Marriage and Dissolution of Marriage Act, the petition may also need to meet additional requirements imposed by a relevant statute, rule, contract, or caselaw that is otherwise consistent with paragraphs (b) through (d) of this rule.

Paragraph (d) of the Rule codifies the prevailing caselaw that an attorney can seek and recover fees from an opposing party even though the attorney provided representation *pro bono* so long as the attorney complies with this Rule. The public policies that support fee-shifting statutes and rules would be frustrated if the award of an attorney's fees were dependent on the type of fee arrangement the attorney had with his or her client.

The value of the attorney's services to the client involves more than the actual legal services provided. It may include the factors identified in Rule 1.5 and applicable caselaw but may also include other value the client receives from a particular fee agreement that is not based on the traditional hourly billing model. Examples include price transparency, price certainty, risk management, convenience, accessibility, and peace of mind.

An additional way the value of the attorney's services should be recognized is the attorney's skill in explaining the legal process to the client and helping the client to understand what happened, what is happening, and what is likely to happen in the future of the legal matter. An attorney with this skill will limit uncertainty and stress for the client.

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 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.

(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.

(13) Service as Elected or Appointed Member of the Illinois General Assembly. An attorney elected or appointed to the Illinois General Assembly earns three hours of general MCLE credit by attending at least one day of one qualifying legislative session. A "qualifying legislative session" is any official regular, special, or veto session of the Illinois General Assembly for which the member is present in the Illinois House of Representatives or Illinois Senate chambers or any official committee or subcommittee meeting of the Illinois House of

Representatives or Illinois Senate for which the representative or senator is present. Credit for this attendance is limited to 3 hours for each qualifying legislative session and is capped at 12 hours in each two-year reporting period. There is no carryover of these credits to another two-year reporting period and no professional responsibility credit is available. 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 attorney earned the credit. Newly admitted attorneys do not earn Illinois MCLE credit under this provision.

(14) Participation in Illinois Free Legal Answers During the Period from July 1, 2025, to June 30, 2027

(i) An attorney may earn 1 credit hour for every 2 hours of participation in Illinois Free Legal Answers, up to 5 credits per reporting period, under Rule 794(a).

(ii) To report participation, the Public Interest Law Initiative, as administrator of Illinois Free Legal Answers, shall submit a report, monthly, to the MCLE Board with the attorney names, ARDC registration numbers, and actual CLE hours earned by each Illinois-licensed attorney. Said report shall be prepared no later than June 30 of each calendar year in the manner specified by the Board. The Public Interest Law Initiative shall maintain a list of the names of all those who participated in Illinois Free Legal Answers and shall issue a certificate, in written or electronic form, to each participant, as credit hours are earned, evincing his or her participation. The Public Interest Law Initiative shall maintain the list of participants for a period of three years after completion of the credit hours earned. Such certificates and lists shall state the actual number of CLE hours earned by each participating attorney.

(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 Sept. 20, 2024, eff. Jan. 1, 2025; amended Apr. 1, 2025, eff. July 1, 2025.

Amended Rule 1.6

RULE 1.6: CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b) or required by paragraph (c).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent the client from committing a crime in circumstances other than those specified in paragraph (c);

(2) to prevent the client from committing fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;

(3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;

(4) to secure legal advice about the lawyer's compliance with these Rules;

(5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

(6) to comply with other law or a court order; or

(7) to detect and resolve conflicts of interest if the revealed information would not prejudice the client.

(c) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm.

(d) Information received by a lawyer participating in a meeting or proceeding with a trained intervener or panel of trained interveners of an approved lawyers' assistance program, or in an intermediary program approved by a circuit court in which nondisciplinary complaints against judges or lawyers can be referred, and information contained in communications between a user of an intermediary connecting service (ICS) and the ICS for purposes of the user seeking or obtaining a connection with a lawyer for the rendition of legal services or for the ICS facilitating the rendition of legal services by the lawyer, shall be considered information relating to the representation of a client for purposes of these Rules.

(e) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Adopted July 1, 2009, effective January 1, 2010; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended Apr. 1, 2025, eff. July 1, 2025.

Comment

[1] This Rule governs the disclosure by a lawyer of information relating to the representation of a client during the lawyer's representation of the client. See Rule 1.18 for the lawyer's duties with respect to information provided to the lawyer by a prospective client, Rule 1.9(c)(2) for the lawyer's duty not to reveal information relating to the lawyer's prior representation of a former client and Rules 1.8(b) and 1.9(c)(1) for the lawyer's duties with respect to the use of such information to the disadvantage of clients and former clients.

[2] A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation. See Rule 1.0(e) for the definition of informed consent. This contributes to the trust that is the hallmark of the client-lawyer relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct. Almost without exception, clients come to lawyers in order to determine their rights and what is, in the complex of laws and regulations, deemed to be legal and correct. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.

[3] The principle of client-lawyer confidentiality is given effect by related bodies of law: the attorney-client privilege, the work product doctrine and the rule of confidentiality established in professional ethics. The attorney-client privilege and work product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule, for example, applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or other law. See also Scope.

[4] Paragraph (a) prohibits a lawyer from revealing information relating to the representation

of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

Authorized Disclosure

[5] Except to the extent that the client's instructions or special circumstances limit that authority, a lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation. In some situations, for example, a lawyer may be impliedly authorized to admit a fact that cannot properly be disputed or to make a disclosure that facilitates a satisfactory conclusion to a matter. Lawyers in a firm may, in the course of the firm's practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.

Disclosure Adverse to Client

[6] Although the public interest is usually best served by a strict rule requiring lawyers to preserve the confidentiality of information relating to the representation of their clients, the confidentiality rule is subject to limited exceptions. Paragraph (c) recognizes the overriding value of life and physical integrity and requires disclosure reasonably necessary to prevent reasonably certain death or substantial bodily harm. Such harm is reasonably certain to occur if it will be suffered imminently or if there is a present and substantial threat that a person will suffer such harm at a later date if the lawyer fails to take action necessary to eliminate the threat. Thus, a lawyer who knows from information relating to a representation that a client or other person has accidentally discharged toxic waste into a town's water must reveal this information to the authorities if there is a present and substantial risk that a person who drinks the water will contract a life-threatening or debilitating disease and the lawyer's disclosure is necessary to eliminate the threat or reduce the number of victims.

[6A] Paragraph (b)(1) preserves the policy of the 1980 Illinois Code of Professional Responsibility and the 1990 Illinois Rules of Professional Conduct that permitted a lawyer to reveal the intention of a client to commit a crime. This general provision would permit disclosure where the client's intended conduct is a crime, including a financial crime, and the situation is not covered by paragraph (c).

[7] Paragraph (b)(2) is a limited exception to the rule of confidentiality that permits the lawyer to reveal information to the extent necessary to enable affected persons or appropriate authorities to prevent the client from committing fraud, as defined in Rule 1.0(d), that is reasonably certain to result in substantial injury to the financial or property interests of another and in furtherance of which the client has used or is using the lawyer's services. Such a serious abuse of the client-lawyer relationship by the client forfeits the protection of this Rule. The client can, of course, prevent such disclosure by refraining from the wrongful conduct. Like paragraph (b)(1), paragraph (b)(2) does not require the lawyer to reveal the client's misconduct, but the lawyer may not counsel

or assist the client in conduct the lawyer knows is criminal or fraudulent. See Rule 1.2(d). See also Rule 1.16 with respect to the lawyer's obligation or right to withdraw from the representation of the client in such circumstances, and Rule 1.13(c), which permits the lawyer, where the client is an organization, to reveal information relating to the representation in limited circumstances.

[8] Paragraph (b)(3) addresses the situation in which the lawyer does not learn of the client's crime or fraud until after it has been consummated. Although the client no longer has the option of preventing disclosure by refraining from the wrongful conduct, there will be situations in which the loss suffered by the affected person can be prevented, rectified or mitigated. In such situations, the lawyer may disclose information relating to the representation to the extent necessary to enable the affected persons to prevent or mitigate reasonably certain losses or to attempt to recoup their losses. Paragraph (b)(3) does not apply when a person who has committed a crime or fraud thereafter employs a lawyer for representation concerning that offense.

[9] A lawyer's confidentiality obligations do not preclude a lawyer from securing confidential legal advice about the lawyer's personal responsibility to comply with these Rules. In most situations, disclosing information to secure such advice will be impliedly authorized for the lawyer to carry out the representation. Even when the disclosure is not impliedly authorized, paragraph (b)(4) permits such disclosure because of the importance of a lawyer's compliance with the Rules of Professional Conduct.

[10] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Such a charge can arise in a civil, criminal, disciplinary or other proceeding and can be based on a wrong allegedly committed by the lawyer against the client or on a wrong alleged by a third person, for example, a person claiming to have been defrauded by the lawyer and client acting together. The lawyer's right to respond arises when an assertion of such complicity has been made. Paragraph (b)(5) does not require the lawyer to await the commencement of an action or proceeding that charges such complicity, so that the defense may be established by responding directly to a third party who has made such an assertion. The right to defend also applies, of course, where a proceeding has been commenced.

[11] A lawyer entitled to a fee is permitted by paragraph (b)(5) to prove the services rendered in an action to collect it. This aspect of the Rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary.

[12] Other law may require that a lawyer disclose information about a client. Whether such a law supersedes Rule 1.6 is a question of law beyond the scope of these Rules. When disclosure of information relating to the representation appears to be required by other law, the lawyer must discuss the matter with the client to the extent required by Rule 1.4. If, however, the other law supersedes this Rule and requires disclosure, paragraph (b)(6) permits the lawyer to make such disclosures as are necessary to comply with the law.

Detection of Conflicts of Interest

[13] Paragraph (b)(7) recognizes that lawyers in different firms may need to disclose limited

information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering a merger, or a lawyer is considering the purchase of a law practice. See Rule 1.17, Comment [7]. Under these circumstances, lawyers and law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Even limited information should be disclosed only to the extent reasonably necessary. Moreover, the disclosure of any information is prohibited if it would prejudice the client (e.g., disclosure would compromise the attorney-client privilege; the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these Rules.

[14] Paragraph (b)(7) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (b)(7). Paragraph (b)(7) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, see Comment [5], such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.

[15] A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. Unless review is sought, however, paragraph (b)(6) permits the lawyer to comply with the court's order.

[16] Paragraph (b) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified. Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

[17] Paragraph (b) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (b)(1) through (b)(7). In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (b) does not violate this

Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (b). See Rules 1.2(d), 4.1(b), and 8.1. Rules 3.3 and 8.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

Withdrawal

[17A] If the lawyer's services will be used by a client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in Rule 1.16(a)(1). The lawyer may give notice of the fact of withdrawal regardless of whether the lawyer decides to disclose information relating to a client's representation as permitted by paragraph (b). The lawyer may also withdraw or disaffirm any opinion or other document that had been prepared for the client or others. Where the client is an organization, the lawyer must also consider the provisions of Rule 1.13.

Acting Competently to Preserve Confidentiality

[18] Paragraph (e) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3. The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (e) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments [3]-[4].

[19] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a

means of communication that would otherwise be prohibited by this Rule. Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these Rules.

Former Client

[20] The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9(c)(2). See Rule 1.9(c)(1) for the prohibition against using such information to the disadvantage of the former client.

Lawyers' Assistance and Court Intermediary Programs

[21] Information about the fitness or conduct of a law student, lawyer or judge may be received by a lawyer while participating in an approved lawyers' assistance program. Protecting the confidentiality of such information encourages law students, lawyers and judges to seek assistance through such programs. Without such protection, law students, lawyers and judges may hesitate to seek assistance, to the detriment of clients and the public. Similarly, lawyers participating in an approved intermediary program established by a circuit court to resolve nondisciplinary issues among lawyers and judges may receive information about the fitness or conduct of a lawyer or judge. Paragraph (d) therefore provides that any information received by a lawyer participating in an approved lawyers' assistance program or an approved circuit court intermediary program will be protected as confidential client information for purposes of the Rules. See also Comment [5] to Rule 8.3.

Intermediary Connecting Services

[22] An intermediary connecting service (ICS) may require information from users who are seeking a lawyer, the disclosure of which could negatively impact their interests. For instance, a lead generator could require users to include their name, e-mail address, phone number, and specific information about their matter and then send an e-mail to participating lawyers, informing them that they have a new lead while including all the user's disclosed information. Without protecting information users of an ICS provide to the ICS for the purpose of seeking a lawyer or receiving legal assistance, the users may believe that disclosing information on an online form or website is not confidential and could be readily attainable by the public. Alternatively, a user may believe that his or her information is protected when that may not be true. By protecting that information, the public may be willing to seek representation through an ICS more freely.

[23] Additionally, paragraph (d) recognizes that an ICS may act as a participating lawyer's agent when the ICS is transmitting information between the user and lawyer for purposes of the lawyer rendering legal services, for instance, when an ICS provides a system by which a participating lawyer may communicate with the client. Consequently, a lawyer must act competently to safeguard information that is provided to or transmitted through the ICS. If a lawyer knows that an ICS will or plans to engage in the unauthorized disclosure of information relating to the representation of client, the lawyer shall make reasonable efforts to prevent the disclosure, including by remonstrating with the ICS, notifying the ICS of the lawyer's duty to take reasonable

precautions to prevent the unauthorized disclosure of the information, and requesting the ICS not to disclose the information. The unauthorized disclosure of information relating to the representation of a client does not constitute a violation of paragraph (e) if the lawyer has made reasonable efforts to prevent the disclosure.

Adopted July 1, 2009, effective January 1, 2010; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended Apr. 1, 2025, eff. July 1, 2025.

Amended Rule 7.2

RULE 7.2: ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded, or electronic communication, including public media. Any communication made pursuant to this paragraph shall include the name and office address of at least one lawyer or law firm responsible for its content.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

~~(2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral service;~~

~~(3)~~(2) pay for a law practice in accordance with Rule 1.17; and

~~(4)~~(3) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement.

(c) ~~Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.~~ A lawyer may accept a connection of a potential client through, and/or pay the usual charges of, an intermediary connecting service (ICS) provided that, at the time of the connection or at the outset of the representation, the lawyer discloses to the client the relationship between the lawyer and the ICS and, if applicable, whether the lawyer pays to the ICS a connecting fee and whether the lawyer pays a fee in connection with comparative advertising, ratings, reviews, or rankings in the ICS; and before and while participating in the ICS, the lawyer takes reasonable steps, such as obtaining written verification from the ICS, to ensure that:

(1) the ICS does not request or require the lawyer to act in violation of the Illinois Rules of Professional Conduct;

(2) the ICS does not interfere with the attorney-client relationship between the lawyer and the lawyer's client, including by unilaterally setting the fee the lawyer may charge the

client, or with the independent professional judgment of the lawyer in rendering legal services;

(3) the ICS does not provide legal advice or legal services to a potential client or otherwise engage in the practice of law in a jurisdiction in violation of that jurisdiction's regulation of the legal profession;

(4) the ICS does not make any false or misleading statement about the ICS, its services, the lawyer, or the lawyer's fees or services provided;

(5) the ICS, including its agents and employees, does not engage in improper solicitation pursuant to Rule 7.3;

(6) Neither the lawyer nor any other individual with whom the lawyer is associated in a firm owns, controls, or manages the ICS;

(7) if the ICS uses rating criteria of the lawyer, the ICS makes the criteria publicly available and readily accessible and discloses whether the lawyer has the opportunity to dispute the ratings; and

(8) except for a bar association or legal aid organization ICS,

(i) the charges or fees of the ICS are not contingent on the outcome of the matter;

(ii) the usual charges that the ICS charges or collects are not calculated as a percentage of the lawyer's anticipated or actual legal fees;

(iii) the ICS does not refer or recommend, or state, imply, or create a reasonable impression that the ICS refers or recommends a lawyer, except that the ICS may permit reviews and ratings of lawyers and the ICS may offer a list of lawyers based upon a user-defined search from which the potential client can select a lawyer; and

(iv) the ICS does not receive any funds a potential client pays for the lawyer's services or advances for the lawyer to pay costs or expenses except if the ICS uses a payment processing system that remits those funds to the lawyer at the time payment is collected, and the ICS does not otherwise place any restriction or condition on the lawyer's receipt or retention of such funds.

(d) If the ICS provides to the lawyer written confirmation, whether in paper or electronic form, certifying that the ICS satisfies the requirements listed in paragraphs (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), and (c)(8), the lawyer can rely on that written confirmation for purposes of engaging in the due diligence required by these paragraphs.

(e) Notwithstanding paragraph (d), if a lawyer knows that the ICS is not complying with any of the requirements in paragraph (c), the lawyer shall either withdraw from participation with the ICS or request the ICS to correct the noncompliance. If the ICS fails to correct the noncompliance within a reasonable time thereafter, the lawyer must withdraw. The lawyer is not required to withdraw from matters that were previously referred to him or her by the ICS.

(f) Subject to the safe harbor provision set forth above, a lawyer shall not direct, order, or, with knowledge of the specific conduct, ratify any act of the ICS that would violate the Illinois Rules of Professional Conduct.

Adopted July 1, 2009, effective January 1, 2010; amended Apr. 1, 2025, eff. July 1, 2025.

Comment

[1] To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television, the Internet, and other forms of electronic communication are now among the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, Internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the prohibition against a solicitation through a real-time electronic exchange initiated by the lawyer.

[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

[5] Except as permitted under paragraphs (b)(1)-(b)~~(4)~~(3), and except as it pertains to bar association and legal aid organization intermediary connecting services, lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client development services, such as publicists, public-relations personnel, business-development staff and website designers. ~~Moreover, a lawyer may~~

~~pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(f) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See also Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers; Rule 8.4(a) for the duty to avoid violating the Rules through the acts of another.~~

~~[6] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Such referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit lawyer referral service.~~

~~[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.~~

Participating in an Intermediary Connecting Service (ICS)

[6] Rule 7.2(c) permits lawyers to participate in intermediary connecting services, provided that the lawyer's participation in the ICS is in compliance with the Rules. An "intermediary connecting service" means:

(1) A lawyer directory, referral service, matching service, bidding site, question-and-answer site, lead generator, or similar marketplace, by which an association, organization, entity, or group of persons provides a potential client a listing of lawyers for the rendition of legal services in Illinois or, for the purposes of a lawyer responding to the potential client's request for the performance of legal services in Illinois, directs the potential client or the potential client's information to lawyers willing to provide assistance;

(2) A prepaid or group legal service plan or similar legal delivery service that offers to provide to, or arranges for, a potential client to receive legal services in Illinois that are paid for before the lawyer renders the legal services; or

(3) A bar association or legal aid organization lawyer referral service.

[6A] The definition of "intermediary connecting service" does not include:

(1) individual lawyer-to-lawyer referrals;

(2) reciprocal lawyer-to-lawyer or lawyer-to-nonlawyer professional referrals; or

(3) a tribunal appointing or assigning lawyers to represent parties before the tribunal or a government agency performing such functions on behalf of a tribunal.

[7] A lawyer may pay the usual charges of an ICS. The usual charges of an ICS may include paying the ICS for generating client leads or paying the ICS a reasonable connecting fee for every connection that results in a potential client hiring the lawyer, provided that, in addition to the requirements of Rule 7.2(c), the payment is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer); the ICS's communications are consistent with Rule 7.1 (communications concerning a lawyer's services); and, except for bar association and legal aid organization ICSes, the ICS does not recommend the lawyer. To comply with Rule 7.1, a lawyer must not pay an ICS for a connection when the ICS states, implies, or creates a reasonable impression that the ICS is making the connection without payment from the lawyer or, except for a bar association or legal aid organization ICS, the ICS is recommending the lawyer or has analyzed a person's legal problems when determining which lawyer should receive the connection. See Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers and Rule 8.4(a) for the duty to avoid violating the Rules through the acts of another. A bar association or legal aid organization ICS may engage in the activities of a lawyer referral service, whether or not the bar association or legal aid organization ICS holds itself out to the public as a lawyer referral service. A bar association or legal aid organization ICS is a consumer-oriented organization that provides unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and affords other client protections, such as complaint procedures or malpractice insurance requirements. The usual charges of a bar association or legal aid organization ICS may include any fees or charges that are calculated, charged, or collected based upon the lawyer's anticipated or actual attorney's fees. Payment of the usual charges pursuant to Rule 7.2(c) does not constitute fee-splitting under 5.4(a).

[8] Paragraph (c) requires a lawyer to engage in due diligence before and while participating in an ICS to ensure that the ICS is complying with certain requirements. The lawyer may accomplish his or her initial and annual due diligence via the sample ICS certification letter included in the Article VIII Forms Appendix or through other means. If the lawyer knows prior to participating with an ICS that the ICS is not complying with any of the requirements listed in paragraph (c), the lawyer is prohibited from participating with the ICS. If the lawyer learns while participating in the ICS that the ICS is not complying with any of the requirements listed in paragraph (c), the lawyer may request the ICS to correct the noncompliance. If the ICS fails to correct the noncompliance in a reasonable amount of time after the lawyer's notice to the ICS, the lawyer must withdraw from participating with the ICS.

[8A] Pursuant to paragraph (c)(2), a lawyer must take reasonable steps to ensure that the ICS is not interfering with the lawyer's independent professional judgment.-An ICS may not prohibit or limit the advice provided to a client by a participating lawyer even where such advice is or may be inconsistent with the scope of services advertised by the ICS or paid for by the client. While an

ICS may collect information about a lawyer's fees and match a client with a lawyer based on the client's financial criteria, an ICS cannot unilaterally set the fee the lawyer may charge a client. An ICS restricting the right of the lawyer to practice, such as by requiring the lawyer to participate exclusively with the ICS, prohibiting the lawyer from accepting clients outside of the ICS, or requesting the lawyer to enter into an agreement that restricts the public's access to the lawyer after the lawyer's participation with the ICS ends, constitutes influencing the lawyer's independent professional judgment, in violation of paragraph (c)(2). See Rule 5.6, which prohibits a lawyer from participating in offering or making an employment agreement that restricts the right of a lawyer to practice after termination of the relationship. However, paragraph (c) would not be violated if the ICS discontinues its association with lawyers who are not authorized to practice law or are not in good standing in Illinois, or if the ICS establishes objective criteria for the participation of lawyers as the Illinois Rules of Professional Conduct or other law would permit. For example, an ICS may require a lawyer to maintain malpractice insurance as a condition for participating in the ICS without violating paragraph (c)(2).

[9] ICSes may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was an ICS or lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

[10][8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(f), a lawyer who receives referrals from a lawyer or nonlawyer professional must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer clients to the other lawyer or nonlawyer professional, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and should be reviewed periodically to determine whether they comply with these Rules. This Rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.

Adopted July 1, 2009, effective January 1, 2010; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended July 6, 2023, eff. immediately; amended Apr. 1, 2025, eff. July 1, 2025.

New Rule 7.2(c) form

Sample RPC 7.2(c) Intermediary Connecting Services Certification Letter

Name of Intermediary Connecting Service (ICS): ______________________________

Date: ____________________________

_______________________ *(name of ICS)* certifies that it satisfies the requirements of Illinois Rule of Professional Conduct 7.2(c). Specifically, it certifies that it:

- Does not request or require the lawyer to act in violation of the Rules of Professional Conduct (RPC 7.2(c)(1));
- Does not interfere with the attorney-client relationship between the lawyer and the lawyer's client, including by unilaterally setting the fee the lawyer may charge the client, or with the independent professional judgment of the lawyer in rendering legal services (RPC 7.2(c)(2));
- Does not provide legal advice or legal services to a potential client or otherwise engage in the practice of law in a jurisdiction in violation of that jurisdiction's regulation of the legal profession (RPC 7.2(c)(3));
- Does not make any false or misleading statement about the ICS, its services, the lawyer, or the lawyer's fees or services provided (RPC 7.2(c)(4));
- Does not engage in improper solicitation pursuant to Illinois Rule of Professional Conduct 7.3, including through its agents and employees (RPC 7.2(c)(5));
- *(check one)*
  _____ Does not use rating criteria of lawyers;

  _____ Does use rating criteria of lawyers, makes the criteria publicly available and readily accessible, and discloses whether the lawyer has the opportunity to dispute the ratings (RPC 7.2(c)(7)); and
- *(check one)*
  _____ Is a bar association or legal aid organization ICS;

  _____ Is not a bar association or legal aid organization ICS, and
    - its charges or fees are not contingent on the outcome of the matter;
    - the usual charges that it charges or collects are not calculated as a percentage of the lawyer's anticipated or actual legal fees;
    - it does not refer or recommend, or state, imply, or create a reasonable impression that it refers or recommends a lawyer, except that it may permit reviews and ratings of lawyers and it may offer a list of lawyers based upon a user-defined search from which the potential client can select a lawyer; and
    - it does not receive any funds a potential client pays for the lawyer's services or advances for the lawyer to pay costs or expenses except if it uses a payment processing system that remits those funds to the lawyer at the time

payment is collected, and it does not otherwise place any restriction or condition on the lawyer's receipt or retention of such funds.

Names of individuals who own, control or manage the ICS (RPC 7.2(c)(6)): ____________________

____

______

____________________ ____________________

Printed Name of Authorized ICS Representative

Signature of Authorized ICS Representative

____

Date

Participating Lawyers: Retain this completed form for your records.