

Introduction

The Attorney Registration and Disciplinary Commission (ARDC) is the administrative agency that assists the Supreme Court in the regulation of licensed Illinois lawyers. The mission of the ARDC is to promote and protect the integrity of the legal profession, at the direction of the Supreme Court, through attorney registration, education, investigation, prosecution and remedial action.

The ARDC annually evaluates the effectiveness of the attorney disciplinary system in this state. Each year, complete and comprehensive statistics concerning the disciplinary caseload, in conjunction with a report regarding all other substantive work of the ARDC, are submitted to the Illinois Supreme Court and published in an annual report.

In the *2009 Annual Report*, the ARDC has identified a number of significant developments and trends in professional responsibility and lawyer regulatory law. In addition, the annual report includes the findings of an independent auditor that the agency's financial statements are accurate and that the ARDC employs appropriate accounting procedures.

More detailed information covering the Commission's registration, regulatory and public outreach efforts can be found beginning on Page 5, below. The following is a short, summary of the most significant developments for 2009.

Highlights of the Annual Report for 2009

■ New Rules of Professional Conduct

On July 1, 2009, the Supreme Court of Illinois adopted new ethics rules governing the conduct of all Illinois lawyers, effective January 1, 2010. The new rules govern a broad range of activity, from defining a lawyer's allowable relationship with a client, to selling a law firm and advertising by e-mail. The rules require heightened responsibilities for a lawyer upon learning of wrongful corporate conduct and permit the disclosure of otherwise confidential information to prevent client fraud and other criminal acts. Illinois Supreme Court Chief Justice Thomas R. Fitzgerald stated, "With their adoption, the rules governing the legal profession in Illinois come into phase with how the practice of law has changed over time, with once local law firms growing globally and with issues arising from the growing complexity of the practice, our culture and our world."

■ Mission Statement

In December 2009, the Commission's Outreach Committee proposed that the full Commission adopt an organizational mission statement. In April 2010, the Commission approved the adoption of a mission statement that, in addition to emphasizing the agency's founding registration and disciplinary functions, reflects the educational and remedial tasks of the organization.

■ Public Outreach Efforts

The ARDC continues to be a national leader in providing professional responsibility training and ethics seminars to the profession and the public. The adoption of new professional responsibility rules resulted in substantial efforts by the ARDC to educate the Illinois bar and the public about the ethical obligations of licensed attorneys. During 2009, over 200 presentations were made by ARDC Commissioners and staff to bar associations, government agencies, law firms, law schools, public interest

groups and other organizations. As a result of these efforts, thousands of Illinois lawyers had the opportunity to pose questions and learn more about lawyer regulation in this state. In addition, the ARDC provided more than 2,000 lawyers with two hours of ethics and professionalism credit at no cost at a number of different ARDC sponsored events.

■ Lawyer Population

The names of 84,777 lawyers were contained on the Master Roll of Attorneys as of October 31, 2009. That number does not include the 2,310 attorneys who took their oath of office in late 2009. Overall, the lawyer population in Illinois saw a slight increase of 1% over 2008, continuing a trend of steady but modest increases in the lawyer population since 2001. The number of newly admitted lawyers increased 17% since 2004, compared with an 8.5% increase in the total lawyer population during that same time period. A total of 26% of all attorneys reported a business address outside Illinois, a 4% increase over 2008. The counties with the greatest increase in attorney population include DeKalb (6%), Peoria (3%), Champaign (2%), and Kane Counties (2%).

■ Grievances and Formal Disciplinary Charges

During 2009, the Commission docketed 5,834 investigations into alleged attorney misconduct, a 1% decrease from the year before. Similar to years past, the top three areas of a grievance involve problems with the client-attorney relationship including allegations of neglect (37% of all investigations), failing to communicate (17%), and conduct involving fraud or deceit (15%). Consistent with prior years, the top areas of practice most likely to lead to a grievance are criminal law, domestic relations, tort, and real estate. Approximately 75% of grievances were concluded within 90 days after they were initiated

■ Disciplinary Sanctions

During 2009, the Supreme Court entered 130 sanctions against 127 lawyers (three lawyers were disciplined twice). A substantial number of the sanctioned lawyers, 47%, practiced in Cook County. The county with the second highest percentage of sanctioned lawyers was DuPage (9%). More lawyers were disciplined for engaging in conduct involving improper client fund management than any other offense. Of those disciplined, 90% were men; men account for 65% of the overall attorney population in this state. Almost two-thirds of those sanctioned were between 50 and 74 in age.

■ Client Protection Program

The Supreme Court of Illinois established the Client Protection Program (CPP) to reimburse clients who lose money due to the dishonest conduct of lawyers who have been disciplined or have died. In 2009, the maximum available award was increased to \$75,000 per claim and \$750,000 per lawyer. Last year, CPP approved 81 claims against 35 lawyers. The Program paid a record \$1,091,473 to claimants. Eight awards were for the \$75,000 maximum, and 36 were for \$2,500 or less. The type of misconduct that led to payout of the 81 approved claims included: conversion of funds (55% of the awards); failing to refund unearned fees (23%); fraud (14%); and improper loans (8%).

■ Pro Bono Legal Services

Despite the recent economic downturn, there was an increase in both the number of lawyers providing *pro bono* legal services and the hours of services as well as the number of lawyers making monetary

contributions to legal aid organizations and the amount contributed. During the 2009 registration process, 27,200 attorneys indicated that they had provided *pro bono* legal services totaling, in the aggregate, 2,197,041 *pro bono* legal service hours, including 1,113,778 hours of legal service provided directly to persons of limited means, an increase of 2.1% over 2008.

■ Ethics Assistance to the Bar

The ARDC's Ethics Inquiry Program, a telephone inquiry resource, continues to serve Illinois attorneys who seek help in resolving hypothetical, ethical dilemmas. In 2009, staff lawyers responded to 4,166 ethics inquiries, an increase of more than 30% since 2006. Questions about the reporting rule continue to be the greatest area of inquiry posed to the Program. Finally, each year, the ARDC publishes and distributes free of charge thousands of copies of the rules governing Illinois lawyers as well as the *Client Trust Account Handbook*, which details a lawyer's duties under Rule 1.15.

■ ARDC Website

The ARDC web site (www.iardc.org) attracts up to 156,000 visits each month, and in 2009 visitors totaled more than 1.6 million. The most visited feature is the Lawyer Search function, which had over 479,000 visits last year, enabling visitors to search the Master Roll for certain basic public registration information, including business address and public disciplinary information about Illinois lawyers. More than 48,000 lawyers took advantage of the online registration program for the 2010 registration year. The number of lawyers who registered online through the website's registration function significantly increased from 37% in 2009 to 57% for the 2010 registration year, due in large part to improvements that were made to the registration form and online process.