

## 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 *2010 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 7, below. The following is a short, summary of the most significant developments for 2010.

### Highlights of the Annual Report for 2010

#### ■ Public Outreach Efforts

The ARDC continues to be a leader in providing professional responsibility training and ethics seminars to the profession and the public. The ARDC made substantial efforts to educate the Illinois bar and the public about the ethical obligations of licensed attorneys. In 2010, Commission lawyers and staff gave nearly 200 presentations 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 have had the opportunity to pose questions and learn more about lawyer regulation in this state. The ARDC also provided two recorded MCLE accredited webcasts on its website to educate Illinois lawyers about the new Rules of Professional Conduct that became effective on January 1, 2010. In 2010, a combined total of over 6,600 lawyers watched either of these two ARDC webcasts and were able to earn up to four hours of ethics and professionalism MCLE credit at no cost from viewing these webcasts. Finally, as part of the ARDC's efforts to apprise lawyers of emerging areas of risk, the ARDC sent in October 2010, an e-mail blast to approximately 65,000 lawyers alerting lawyers to internet fraud schemes targeting lawyers.

#### ■ Lawyer Population

The names of 86,657 lawyers were contained on the Master Roll of Attorneys as of October 31, 2010. That number does not include the 2,117 attorneys who took their oath of office in late 2010. The overall lawyer population in Illinois saw an increase of 2.2% over 2009, continuing a trend of steady increases in the lawyer population since 2001, and the largest one-year increase in the Illinois lawyer population since 2005. The number of newly admitted lawyers continues a steady increase first noted in 2005, with at least 2,000 more lawyers each year. The percentage of attorneys reporting a principal address outside Illinois continues to increase, and has reached 27%, a 1% increase over 2009. The counties with the greatest increase in attorney population include McHenry (3.2%), Will (2.5%), Lake (2.4%), and Cook (2.4%).

## ■ Grievances and Formal Disciplinary Charges

During 2010, the Commission docketed 5,617 investigations into alleged attorney misconduct, a 3.7% decrease from the year before and the fewest number of docketed investigations in 18 years. Similar to years past, the top three areas of a grievance involve problems with the client-attorney relationship including allegations of neglect (38% of all investigations), failing to communicate (21%), 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 2010, the Supreme Court entered 148 sanctions against 148 lawyers and another seven lawyers were reprimanded by the Hearing Board. A little over 43% of the sanctioned lawyers practiced in Cook County, where more than 45% of all lawyers are located. The county with the second highest percentage of sanctioned lawyers was DuPage (5%). There were a record number of lawyers disciplined on a reciprocal basis, as provided in Supreme Court Rule 763, because they had been disciplined in another jurisdiction where they also held a license in addition to their Illinois license. More lawyers were disciplined for engaging in fraudulent or deceptive conduct than any other offense. Of those disciplined, 90% were men and almost 75% of all lawyers disciplined were between the ages of 50 and 74. While men account for 64% of the overall attorney population, 75% of lawyers between 50 and 74 in age are men.

## ■ 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. The maximum available award is \$75,000 per claim and \$750,000 per lawyer. In 2010, CPP approved 89 claims against 30 lawyers. The Program paid \$750,168 to claimants. Four awards were for the \$75,000 maximum, and 51 were for \$2,500 or less. The type of misconduct that led to payouts of the 89 approved claims were unearned fee claims, which constituted 73% of approvals and 23% of payouts, and conversion claims comprised 27% of approvals and 77% of payouts.

## ■ 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. For the lawyers registered for 2010, there was a significant increase, despite a weak economy, in both the number of lawyers engaging in *pro bono* legal services and the number of lawyers making monetary contributions to legal aid organizations. 29,276 attorneys indicated that they had provided *pro bono* legal services, as defined by Rule 756, a 7.6% increase over 2009. Those lawyers reported a total of 2,328,770 *pro bono* legal service hours, an increase of 6% over 2009, including 1,238,967 hours of legal service provided directly to persons of limited means, an increase of 11%. The number of lawyers making monetary contributions increased by 6% as well as the total amount contributed in 2010, \$15,266,660, which increased by 2.4% over 2009. Illinois lawyers also paid \$2,712,446 as part of their required registration fee for Lawyers Trust Fund grants for civil legal aid programs.

## ■ 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 2010, staff lawyers responded to 4,606 ethics inquiries, an increase of 11% over last year and more than a 40% increase in the number of inquiries since 2006. Questions about the reporting rule continue to be the greatest area of inquiry posed to the Program. Also, each year, the ARDC publishes and distributes free of charge booklets containing the Rules of Professional Conduct and the Comments to the Rules 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](http://www.iardc.org)) attracts up to 112,000 visits each month, and in 2010 visitors totaled more than 1.2 million. The top five visited features (excluding lawyer registration) were:

- Lawyer Search - enables visitors to search the Master Roll for certain basic public registration information, including principal address and malpractice insurance information, and public disciplinary information about Illinois lawyers (2,026,253 web pages displayed);
- Clerk's Office Filings and Public Hearings - provides information on recent formal disciplinary decisions from the Supreme Court, recently filed public disciplinary complaints and reports issued by the Hearing and Review Boards as well as the schedule of proceedings scheduled in public disciplinary and reinstatement cases (131,000 web pages displayed);
- How to Submit a Request for an Investigation - provides information about the investigative process, how to file a request for an investigation against a lawyer and a *Request for Investigation* form (35,3224 web pages displayed);
- Ethics Inquiry Program ó provides information about the program, how to make an inquiry, links to legal ethics research sites, the ARDC Speaker Request form and common frequently-asked ethics questions (31,190 web pages displayed); and
- Resources and Links - provides links to websites of the Supreme Court, other agencies, and organizations that the Commission believes would be of interest to visitors (29,923 web pages displayed).

Also, the percentage of lawyers who registered online increased significantly in the past three years from 37% in 2009 to 70% for the 2011 registration year.