



The Full 2017
ARDC Annual Report

ATTORNEY REGISTRATION & DISCIPLINARY COMMISSION

HIGHLIGHTS

ANNUAL REPORT **2017**

WHO WE ARE



ARDC MISSION STATEMENT

As an administrative agency of the Supreme Court of Illinois, the ARDC assists the Court in regulating the legal profession through attorney registration, education, investigation, prosecution and remedial action.

Through our annual registration process, we compile a list of lawyers authorized to practice law. We provide ready access to that list so that the public, the profession and courts may access lawyers' credentials and contact information.

We educate lawyers through seminars and publications to help them serve their clients effectively and professionally within the bounds of the rules of conduct adopted by the Court. We provide guidance to lawyers and to the public on ethics issues through our confidential Ethics Inquiry telephone service.

The ARDC handles discipline matters fairly and promptly, balancing the rights of the lawyers involved and the protection of the public, the courts and the legal profession. Grievances are investigated confidentially. Disciplinary prosecutions are adjudicated publicly and result in recommendations to the Court for disposition. Our boards consist of independent, diverse groups of volunteer lawyers and non-lawyers who make recommendations in disciplinary matters.

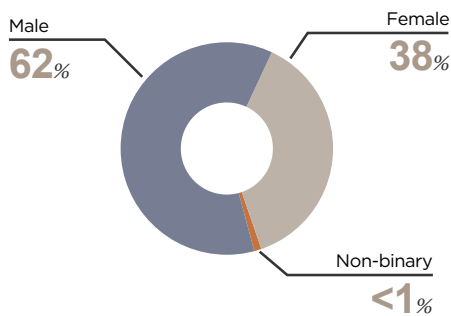
We advocate for restitution and other remedial action in disciplinary matters. We seek to provide reimbursements through our Client Protection Program to those whose funds have been taken dishonestly by Illinois lawyers who have been disciplined.



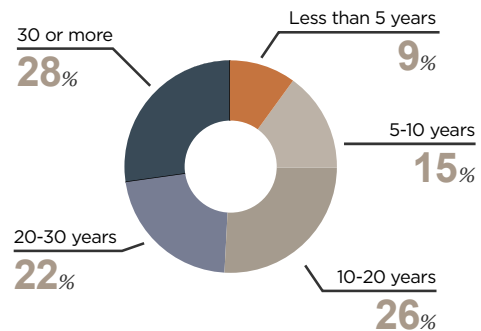
ILLINOIS LAWYERS

94,778 registered lawyers • 68% located in Illinois • 48% located in Cook County

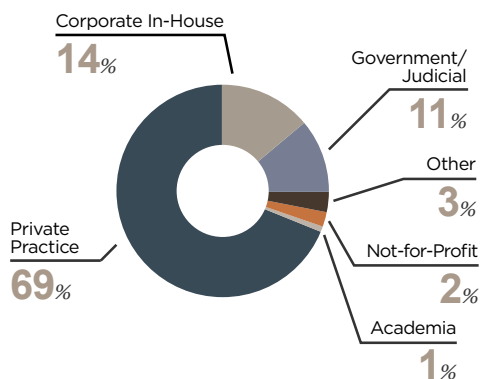
WHO ARE THEY?



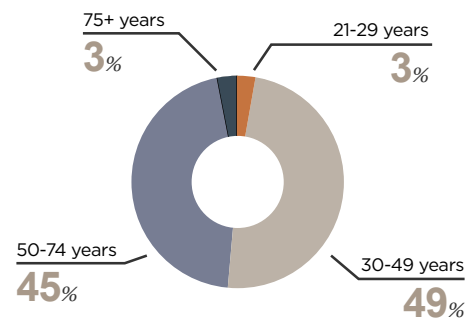
YEARS IN PRACTICE



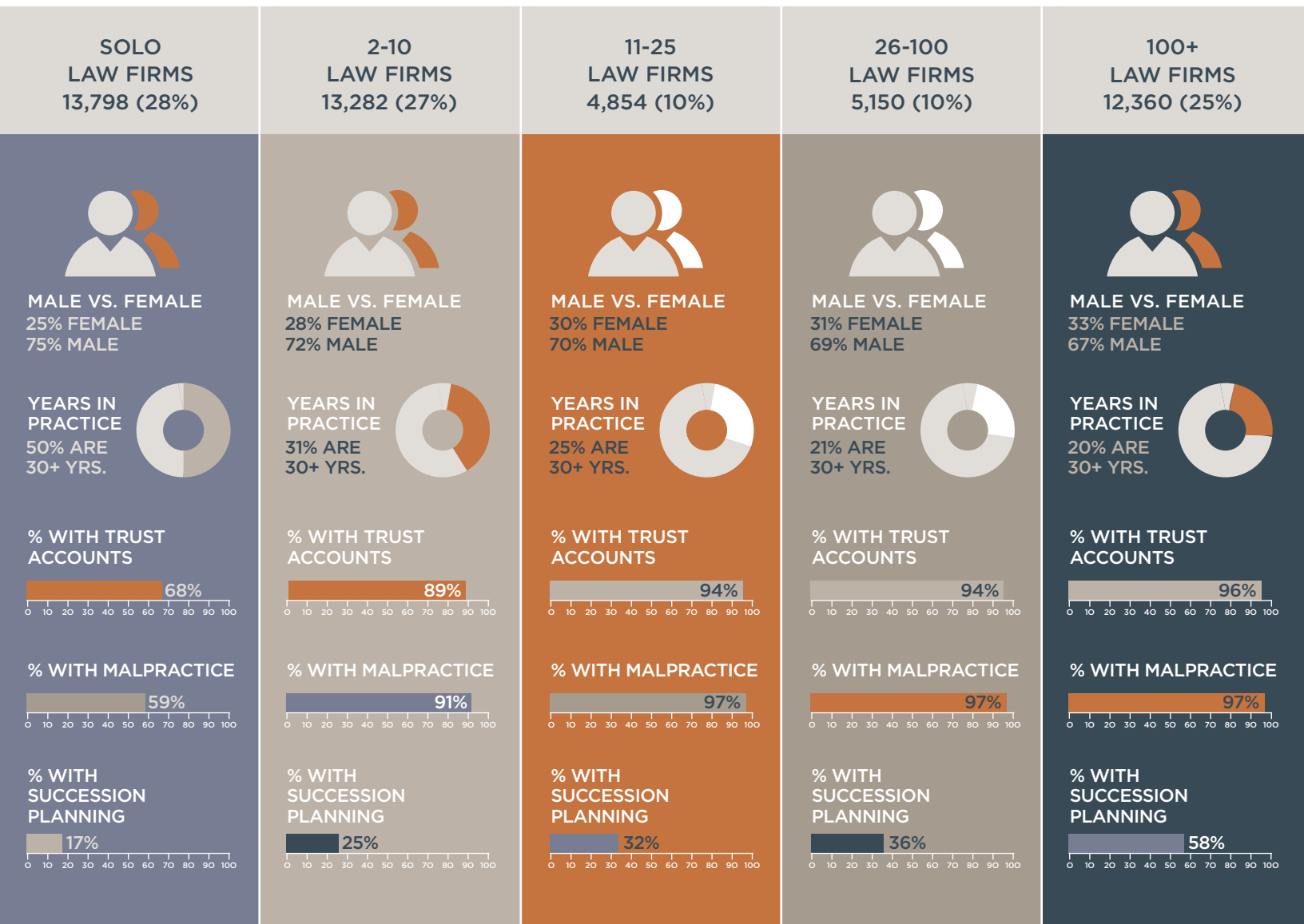
PRACTICE SETTING



AGE



LAWYERS IN PRIVATE PRACTICE



PRO BONO SERVICE AND CONTRIBUTIONS



19,871 lawyers donated \$17,858,268 to pro bono legal service organizations

32,446 lawyers performed 1,913,322 hours of pro bono legal services



REGULATORY ACTION



INVESTIGATIONS, PROSECUTIONS AND SANCTIONS

Disciplinary matters are handled fairly and promptly, balancing the rights of the lawyers involved and the protection of the public, the courts and the legal profession. Grievances are investigated confidentially. Disciplinary prosecutions are adjudicated

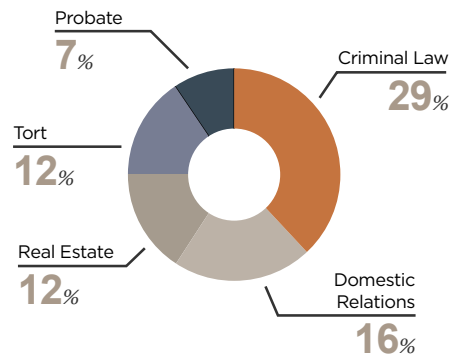
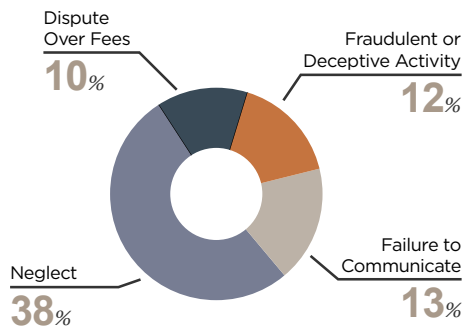
publicly and result in recommendations to the Court for disposition. Our organization is made up of a diverse staff and our boards consist of independent, diverse groups of volunteer lawyers and non-lawyers who make recommendations in disciplinary matters.

INVESTIGATIONS

5,199 grievances, a **3.7%** decrease over the prior year and continuing a five-year trend of decline.

73% of grievances arises out of a breakdown in attorney-client relations:

Top four practice areas are:



INVESTIGATIONS (CONT.)

3,782 lawyers were the subject of an investigation and **18%** of those were the subject of more than one grievance docketed in **2017**.

11% of grievances were received from an attorney report (aka "Himmel" report)

265 overdraft investigations, **5%** of all grievances

113 UPL investigations, **97** of which were made against unlicensed persons or entities.

PROSECUTIONS

120 disciplinary and regulatory filing including **73** disciplinary complaints

68% of disciplinary proceedings were concluded without a contested hearing

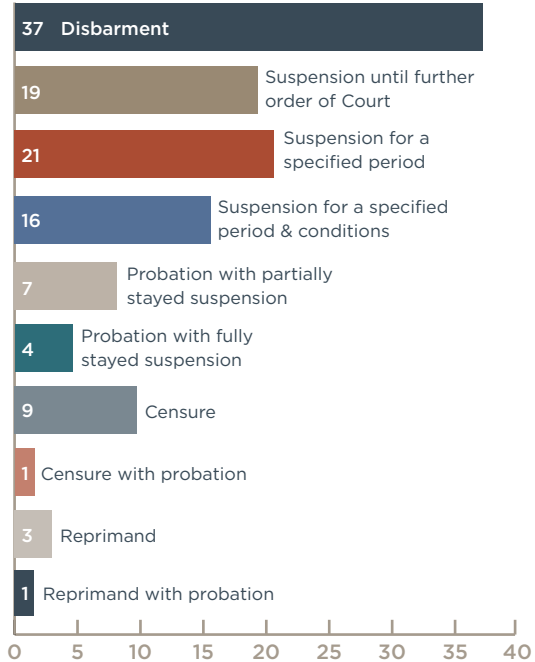
67% of disciplinary complaints alleged fraudulent or deceptive activity

56% of disciplinary complaints were the result of an attorney report (aka "Himmel" report)

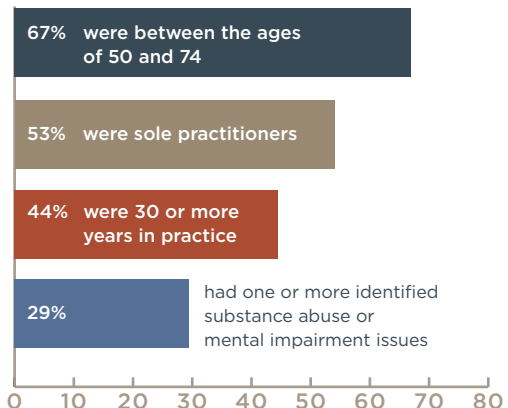
15% of disciplinary proceedings were concluded by default

SANCTIONS

118 lawyers were sanctioned by the Illinois Supreme Court in **2017**.



DISCIPLINED LAWYERS IN 2017



EDUCATION & OUTREACH

Education and outreach efforts are vital tools in the ARDC's mission to help lawyers serve their clients effectively and professionally and to maintain the public's trust in the integrity of the legal system and lawyers. Through seminars, publications, and other resources, the ARDC serves the diverse needs of all members of the legal profession and the community.



Proactive Management Based Regulation (PMBR) Initiative

is a CLE-accredited, on-line, interactive law office management self-assessment course. Divided into eight modules, the course is intended to help practitioners, particularly sole and small firms, to minimize many of the risks that lawyers face in the private practice of law. Lawyers who take all eight parts earn up to four hours of free Illinois professional responsibility credit. The PMBR course is in addition to other ARDC CLE on-demand recorded webcasts available on the ARDC website. The PMBR modules can be accessed directly on the ARDC website at <https://www.iardc.org/pmbr.html>.

ARDC Diversity and Inclusion Initiative provides leadership and direction for diversity and inclusion at the ARDC, enhances the diversity and cultural competence in all levels of the ARDC, and contributes to efforts to increase diversity and inclusion in the legal profession and in the community in general. Through sustained and pervasive efforts to incorporate diversity and inclusion into the ARDC's work both within the organization and through its outreach work in the legal community and the public, the ARDC is focused on improving the disciplinary process and the delivery of its services in a way that is fair and responsive to a rapidly changing demographic population. Those efforts in 2017 include:



- Extending and improving efforts to increase the diversity of ARDC staff and volunteer board members.
- Providing education and training for ARDC leadership and staff.
- Creating diversity and inclusion MCLE programming on the ARDC website.
- Significantly expanding relationships with affinity bar associations.
- Establishing relationships with local high schools in diverse communities typically underserved by lawyers.



20 On-Demand Web MCLE Accredited Seminars were seen by over 15,000 lawyers, earning free Illinois-accredited CLE in 2017. ARDC webcast offerings aid Illinois lawyers in fulfilling the required six hours of professional responsibility CLE in a two-year reporting period including the new mental health and diversity and inclusion CLE requirements. Those recorded webcasts, including the PMBR course, can be accessed on the ARDC website at https://www.iardc.org/CLE_Opening_Page.pdf

271 Speaking Engagements to bar associations, government agencies, law firms, law schools, public interest groups and other organizations, at no charge, throughout the state and country on a variety of subjects related to lawyer regulation.



4,289 Calls to the ARDC Ethics Inquiry Hotline were received from attorneys seeking help in resolving hypothetical, ethical dilemmas. The Ethics Inquiry Hotline is a telephone inquiry resource to assist attorneys and the general public when they have general questions about a lawyer’s professional responsibilities or attorney disciplinary case law. The service is free of charge and, since the Hotline began in October 1995, ARDC staff has assisted thousands of callers providing guidance to lawyers regarding ethics issues and aiding the public in understanding the obligations that lawyers owe to the courts, clients and the profession. Additional information about the Program can be obtained at: www.iardc.org/ethics.html.

1.4 million visitors come to the ARDC Website as a leading on-line resource for public information concerning all aspects of lawyer regulation. Averaging 121,000 visits each month, among the information most accessed is the Lawyer Search function to search the Master Roll for certain basic public registration information about lawyers, information about the ARDC investigative process, a schedule of public hearings and arguments on public disciplinary matters as well as ARDC CLE webcasts, publications and other resources on topics of recent interest or concern to the legal profession.



UNTITLED
by Sheila Smith

Community Artwork Project is part of the ARDC’s out-reach efforts to community organizations and in 2017 included the acquisition of artwork for ARDC offices from local not-for-profit and social service organizations that work with the developmentally disabled and economically disadvantaged. Art pieces were acquired, at very low cost, from a number of sources including: Thresholds Gallery, the Center for the Arts of the Little City Foundation, the Project

Onward Gallery and the Center for Enriched Living. Many of the works acquired from these organizations appear in the design of the PMBR CLE modules.

REMEDIAL ACTION

The protection of the public and advancing the integrity of the legal profession can be accomplished not just in the form of discipline but also through other methods. We advocate for restitution, provide reimbursements through our Client Protection Program and utilize other remedial actions in disciplinary matters as a way to meaningfully address some of the causes of lawyer misconduct. The ARDC continues to find practical and innovative ways to prevent future harm and restore the public's trust in the administration of justice and rule of law.

RESTITUTION

Restitution ordered as part of discipline the payment of which is a condition for readmission. **\$40,650** in restitution was ordered in **2017**.

CLIENT PROTECTION PROGRAM

- **\$1,776,419** on **152** claims against **48** lawyers
- Five approvals were for the **\$100,000** maximum and **63** were for **\$2,500** or less
- **65%** of approved claims involved excessive or unearned fees

PROBATION

110 disciplined lawyers are being monitored by the ARDC Probation Section for substance abuse and mental illness impairments, law office management issues, and restitution conditions.



REMEDIAL EDUCATION

- Trust account compliance education for overdraft investigations.
- ARDC Professionalism Seminar attendance required as a part of discipline, covering the basics of the Rules of Professional Conduct.

REFERRALS TO LAP

Through its collaboration with the Lawyers Assistance Program (LAP), the ARDC is allowed under a change to Supreme Court **Rule 766** to make referrals to LAP during an otherwise confidential investigation where there is reason to believe the lawyer may be impaired by substance abuse or a mental health issue. The ARDC expanded LAP referral guidelines in **2017** to include referrals of lawyers subject to a DUI or criminal case investigation involving suspected impairment as well as all lawyers who default in their disciplinary proceedings. In **2017**, the ARDC made **40** referrals to LAP.

PERMANENT RETIREMENT/DISABILITY INACTIVE STATUS

Permanent Retirement and Disability Inactive status allows lawyers facing minor misconduct charges to petition the Court for permanent retirement status with no possibility of reinstatement. This option provides a reasonable and dignified way for lawyers who should retire from the practice of law while preserving their dignity and hard-earned reputations. In **2017**, six lawyers were transferred to permanent retirement status.

DIVERSION PROGRAM

The Diversion Program under Com. **Rule 56** was created to encourage early identification and resolution of issues that negatively affect an attorney's ability to properly represent clients and that contribute to grievances and, in addition, to provide assistance to the attorney to rectify those issues and engage with appropriate services. The Diversion Program allows for closure of an investigation by the ARDC in certain matters if the lawyer agrees to complete one or more activities, services or programs that address the issues that may be causing grievances.

RECEIVERSHIPS

In cases where a lawyer is unable to properly discharge his/her duties to clients due to disability, disappearance or death and there is no partner, associate, executor or other responsible person capable of closing the lawyer's law practice, the ARDC can be appointed the receiver of a lawyer's law practice to protect the interests of clients. In **2017**, there were **29** receivership investigations initiated and one ARDC-appointed receivership.



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