

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 *2011 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 2011.

Highlights of the Annual Report for 2011

■ Education and 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. Commission lawyers and staff gave over 220 presentations to bar associations, government agencies, law firms, law schools, public interest groups and other organizations in 2011. The ARDC also produced five recorded MCLE accredited webcasts which were posted on the ARDC website in 2011. In 2011, a combined total of over 13,700 lawyers watched ARDC webcasts and were able to earn up to seven hours of ethics and professionalism MCLE credit at no cost. 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 either in-person or over the Internet. Finally, as part of the ARDC's efforts to apprise lawyers of emerging areas of risk, the ARDC sent in July 2011, an e-mail blast to approximately 65,000 lawyers alerting lawyers to important changes to the trust accounting rule.

■ Lawyer Population

The names of 87,943 lawyers were contained on the Master Roll of Attorneys as of October 31, 2011. That number does not include the 2,121 attorneys who took their oath of office in late 2011. The overall lawyer population in Illinois saw a modest increase of 1.3% over 2010. 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 remained constant at 27%. Counties with 500 or more attorneys experienced less than a 1% increase in growth.

■ Grievances and Formal Disciplinary Charges

During 2011, the Commission docketed 6,155 investigations, a 9.6% increase from the prior year and the highest number of docketed investigations since 2003. More than one-third of the increase can be attributed to the receipt of client trust account overdraft notifications received after September 1, 2011, when the overdraft rule took effect. Also, allegations of excessive or improper fees more than doubled over last year from 4.6% of grievances in 2010 to 9.8% in 2011. Similar to years past, the top three areas of a grievance involve problems with the client-attorney relationship including allegations of neglect (40% of all investigations), failing to communicate (20%), and conduct involving fraud or deceit (12%). 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 68% of grievances were concluded within 90 days after they were initiated.

■ Disciplinary Sanctions

During 2011, the Supreme Court entered 156 sanctions against 155 lawyers and another ten 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 (9%). Over 16% of lawyers disciplined were 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, 89% were men and 65% 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. Nearly 90% were sole practitioners or practiced in a firm of 2-10 lawyers at the time of the misconduct and approximately 30% of lawyers disciplined in 2011 had one or more identified substance abuse or mental impairment issues.

■ 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 2011, CPP approved 89 claims against 38 lawyers. The Program paid \$1,006,013 to claimants. Six approvals were for the \$75,000 maximum, and 33 were for \$2,500 or less. The six \$75,000 approvals were made on claims involving six different lawyers, and those six lawyers accounted for \$708,389 of the total payments approved in 2011. The types of misconduct that led to payouts of the 89 approved claims were conversion claims, which constituted 52% of approvals and 88% of payouts, and unearned fee claims, which comprised 48% of approvals and 12% of payouts.

■ Pro Bono Legal Services

There were slight increases in the number of lawyers providing *pro bono* legal services as well as the number of lawyers making monetary contributions. 30,203 attorneys indicated that they had provided *pro bono* legal services, as defined by Rule 756, or 34.3% of Illinois lawyers, a 0.5% increase over the 33.8% figure in 2010. Although there was a 3.2% decrease in the number of *pro bono* legal service hours reported, four out of the past five years saw steady increases in the number of *pro bono* services hours as

well as the number of lawyers engaging in *pro bono* service. The number of lawyers making monetary contributions increased from 17.3% of Illinois lawyers in 2010 to 17.4% of lawyers in 2011. The total amount contributed in 2011, increased by 1% over 2010. Illinois lawyers also paid \$2,758,192 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 2011, staff lawyers responded to 4,063 ethics inquiries. 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 as well as *The Client Trust Account Handbook*, which details a lawyer's duties under safekeeping trust property rule.

■ ARDC Website

The ARDC web site (www.iardc.org) attracts an average of 93,000 visits each month, and in 2011 visitors totaled more than 1.1 million. The most visited feature was the on-line lawyer registration page with over 2.2 million web pages displayed. The next top views 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 (2,262,338 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 (136,811 web pages displayed);
- Rules and Decisions - a searchable database of the rules governing the legal profession and judiciary in Illinois, Supreme Court orders and opinions issued in lawyer disciplinary cases, and disciplinary complaints and reports issued by the Hearing and Review Boards (58,662 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 (32,974 web pages displayed);
- 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 (27,787 web pages displayed); and
- Ethics Inquiry Program - 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 (26,797 web pages displayed).

Also, the percentage of lawyers who register on-line continues to increase each registration year since on-line registration was first made available in 2009, from 37% in 2009 to 72% for the 2012 registration year.