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HOUSE RESOLUTION

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WHEREAS, The practice of law in the State of Illinois places attorneys in a position of power when they are assisting clients in their times of need; and

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WHEREAS, Out of the roughly 13,500 solo practitioners in this State, approximately 5,500, or 41%, do not carry malpractice insurance; 9% of small firms do not maintain malpractice insurance policies; and

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WHEREAS, Regulators are concerned about young attorneys with large debts and little opportunity to find work being less likely to carry insurance and more likely to take on work outside their comfort range due to financial pressures; and

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WHEREAS, Solo practitioners also lack the safety nets that help keep lawyers in other practice settings from committing malpractice; and

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WHEREAS, The purpose of malpractice insurance is to protect both the attorney and the client from financial devastation in the case of allegedly negligent representation; and

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WHEREAS, The Attorney Registration and Disciplinary Committee (ARDC) regulates the annual registration and

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1 reporting requirements of Illinois attorneys under the power of
2 the Supreme Court Rules; and

3 WHEREAS, The Illinois State Bar Association (ISBA) is a
4 voluntary organization whose primary focus is to assist
5 Illinois lawyers in the practice of law and promote
6 improvements in the administration of justice by shaping
7 legislation, educating the public, and supporting the courts
8 and the rule of law; and

9 WHEREAS, Each year, the ARDC requires Illinois attorneys to
10 report whether they or their firms carry malpractice insurance,
11 and makes this information public via the ARDC's website; and

12 WHEREAS, A prospective client may not know that the website
13 exists or that it provides such information; and

14 WHEREAS, On January 25, 2017, the Illinois Supreme Court
15 amended Supreme Court Rule 756(e) to require Illinois attorneys
16 who do not carry malpractice insurance to complete a four hour,
17 interactive, online assessment of the operations of their firm
18 during each two-year registration period in an attempt to
19 reduce instances of malpractice by uninsured attorneys in this
20 State; and

21 WHEREAS, While this change is helpful, it may not address a

1 situation where an Illinois attorney's malpractice insurance
2 is cancelled or lapses between reporting periods, leaving the
3 attorney uninsured while representing a client who would be
4 unaware of that fact; and

5 WHEREAS, It would be beneficial for clients and attorneys,
6 who may face subsequent legal repercussions, to be made aware
7 when attorneys become uninsured; and

8 WHEREAS, This is a subject within the purview of the ARDC,
9 the ISBA, and the judiciary branch; therefore, be it

10 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
11 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we
12 urge the ARDC to look into further amending Supreme Court Rule
13 756 to require Illinois attorneys to disclose to prospective
14 and current clients if and when the attorney's malpractice
15 insurance has lapsed; and be it further

16 RESOLVED, That suitable copies of this resolution be given
17 to the ARDC and the ISBA.