



HR0828 Enrolled

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HOUSE RESOLUTION 828

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

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

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

15 WHEREAS, While this change is helpful, it may not address a
16 situation where an Illinois attorney's malpractice insurance
17 is cancelled or lapses between reporting periods, leaving the
18 attorney uninsured while representing a client who would be
19 unaware of that fact; and

20 WHEREAS, It would be beneficial for clients and attorneys,
21 who may face subsequent legal repercussions, to be made aware

1 when attorneys become uninsured; and

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

4 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
5 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we
6 urge the ARDC to look into further amending Supreme Court Rule
7 756 to require Illinois attorneys to disclose to prospective
8 and current clients if and when the attorney's malpractice
9 insurance has lapsed; and be it further

10 RESOLVED, That suitable copies of this resolution be given
11 to the ARDC.