



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2497

Introduced 2/3/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

705 ILCS 205/1

from Ch. 13, par. 1

Amends the Attorney Act. Provides that no entity shall be permitted to practice law within this State without having previously obtained a certificate of registration from the Supreme Court of this State. Provides that an unlicensed person or unregistered entity may not receive any compensation directly or indirectly for practicing law and may not advertise or hold itself out as practicing law, providing legal services, or providing legal advice. Provides that any person or entity that suffers damage as a result of unlicensed activity, any Illinois licensed lawyer, any entity registered under Supreme Court Rule 721 with the Supreme Court of this State, or any Bar Association acting on behalf of its members may bring an action against any person. Sets out a list of places where an action under the Section concerning legal practice without a certificate of registration may be commenced. Makes other changes.

LRB093 17973 LCB 43656 b

1 AN ACT concerning attorneys.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney Act is amended by changing Section
5 1 as follows:

6 (705 ILCS 205/1) (from Ch. 13, par. 1)

7 Sec. 1. No person shall be permitted to practice as an
8 attorney or counselor at law within this State without having
9 previously obtained a license for that purpose from the Supreme
10 Court of this State. No entity shall be permitted to practice
11 law within this State without having previously obtained a
12 certificate of registration from the Supreme Court of this
13 State as required by Supreme Court Rule 721.

14 No unlicensed person or entity not registered under Supreme
15 Court Rule 721 may (i) shall receive any compensation directly
16 or indirectly for practicing law, providing any legal services,
17 or providing legal advice ~~other than a regularly licensed~~
18 ~~attorney,~~ or (ii) advertise or hold itself out as practicing
19 law, providing legal services, or providing legal advice.

20 A license, as provided for herein, constitutes the person
21 receiving the same an attorney and counselor at law, according
22 to the law and customs thereof, for and during his good
23 behavior in the practice and authorizes him to demand and
24 receive fees for any services which he may render as an
25 attorney and counselor at law in this State. No person shall be
26 granted a license or renewal authorized by this Act who has
27 defaulted on an educational loan guaranteed by the Illinois
28 Student Assistance Commission; however, a license or renewal
29 may be issued to the aforementioned persons who have
30 established a satisfactory repayment record as determined by
31 the Illinois Student Assistance Commission. No person shall be
32 granted a license or renewal authorized by this Act who is more

1 than 30 days delinquent in complying with a child support
2 order; a license or renewal may be issued, however, if the
3 person has established a satisfactory repayment record as
4 determined (i) by the Illinois Department of Public Aid for
5 cases being enforced under Article X of the Illinois Public Aid
6 Code or (ii) in all other cases by order of court or by written
7 agreement between the custodial parent and non-custodial
8 parent. No person shall be refused a license under this Act on
9 account of sex.

10 Any person or entity practicing, charging or receiving fees
11 for legal services within this State found to have violated
12 this Section ~~, either directly or indirectly, without being~~
13 ~~licensed to practice as herein required,~~ is guilty of contempt
14 of court and shall be punished accordingly, ~~upon complaint~~
15 ~~being filed in any Circuit Court of this State. Such~~
16 ~~proceedings shall be conducted in the Courts of the respective~~
17 ~~counties where the alleged contempt has been committed in the~~
18 ~~same manner as in cases of indirect contempt and with the right~~
19 ~~of review by the parties thereto.~~

20 Any person or entity that suffers damage as a result of a
21 violation of this Section, any Illinois licensed attorney, any
22 entity registered under Supreme Court Rule 721 with the Supreme
23 Court of this State, or any Bar Association acting on behalf of
24 its members may bring an action against any person alleged to
25 have violated this Section.

26 An action under this Section may be commenced in the county
27 in which the person or entity against which it is brought
28 resides, has a principal place of business, is doing business,
29 or in which the transaction or any substantial portion of the
30 transaction occurred.

31 The provisions of this Act shall be in addition to other
32 remedies permitted by law and shall not be construed to deprive
33 courts of this State of their inherent right to punish for
34 contempt or to restrain the unauthorized practice of law.

35 Nothing in this Act shall be construed to conflict with,
36 amend, or modify Section 5 of the Corporation Practice of Law

1 Prohibition Act or to prohibit representation of a party by a
2 person who is not an attorney in a proceeding before either
3 panel of the Illinois Labor Relations Board under the Illinois
4 Public Labor Relations Act, as now or hereafter amended, the
5 Illinois Educational Labor Relations Board under the Illinois
6 Educational Labor Relations Act, as now or hereafter amended,
7 the State Civil Service Commission, the local Civil Service
8 Commissions, or the University Civil Service Merit Board, to
9 the extent allowed pursuant to rules and regulations
10 promulgated by those Boards and Commissions, or the giving of
11 information, training, or advocacy or assistance in any
12 meetings or administrative proceedings held pursuant to the
13 federal Individuals with Disabilities Education Act, the
14 federal Rehabilitation Act, the federal Americans with
15 Disabilities Act, and the federal Social Security Act, to the
16 extent allowed by those laws or the federal regulations or
17 State laws implementing those laws.

18 If any provision of this amendatory Act of the 93rd General
19 Assembly or application thereof to any person or circumstance
20 is held invalid, the invalidity does not affect other
21 provisions or applications of this amendatory Act of the 93rd
22 General Assembly that can be given effect without the invalid
23 application or provision and to this end the provisions of this
24 amendatory Act of the 93rd General Assembly are declared to be
25 severable.

26 (Source: P.A. 91-798, eff. 7-9-00.)