



Sen. John J. Cullerton

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09500HB0830sam008

LRB095 05101 WGH 37497 a

1 AMENDMENT TO HOUSE BILL 830

2 AMENDMENT NO. _____. Amend House Bill 830, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 7, on page 1, line 7 by changing "Section 8-2001" to "Sections
5 8-2001 and 8-2005"; and

6 on page 5, by inserting after line 26 the following:

7 "(735 ILCS 5/8-2005)

8 Sec. 8-2005. Attorney's records. This Section applies only
9 if a client and his or her authorized attorney have complied
10 with all applicable legal requirements regarding examination
11 and copying of client files, including but not limited to
12 satisfaction of expenses and attorney retaining liens.

13 Upon the request of a client, an attorney shall permit the
14 client's authorized attorney to examine and copy the records
15 kept by the attorney in connection with the representation of
16 the client, with the exception of attorney work product. The

1 request for examination and copying of the records shall be in
2 writing and shall be delivered to the attorney. Within a
3 reasonable time after the attorney receives the written
4 request, the attorney shall comply with the written request at
5 his or her office or any other place designated by him or her.
6 At the time of copying, the person requesting the records shall
7 reimburse the attorney for all reasonable expenses, including
8 the costs of independent copy service companies, incurred by
9 the attorney in connection with the copying not to exceed a \$20
10 handling charge for processing the request, and the actual
11 postage or shipping charges, if any, plus (1) for paper copies
12 75 cents per page for the first through 25th pages, 50 cents
13 per page for the 26th through 50th pages, and 25 cents per page
14 for all pages in excess of 50 (except that the charge shall not
15 exceed \$1.25 per page for any copies made from microfiche or
16 microfilm; records retrieved from scanning, digital imaging,
17 electronic information or other digital format do not qualify
18 as microfiche or microfilm retrieval for purposes of
19 calculating charges); and (2) for electronic records,
20 retrieved from a scanning, digital imaging, electronic
21 information or other digital format in a electronic document, a
22 charge of 50% of the per page charge for paper copies under
23 subdivision (d) (1). This per page charge includes the cost of
24 ~~75 cents for~~ each CD Rom, DVD, or other storage media. Records
25 already maintained in an electronic or digital format shall be
26 provided in an electronic format when so requested. If the

1 records system does not allow for the creation or transmission
2 of an electronic or digital record, then the attorney shall
3 inform the requester in writing of the reason the records can
4 not be provided electronically. The written explanation may be
5 included with the production of paper copies, if the requester
6 chooses to order paper copies. These rates shall be
7 automatically adjusted as set forth in Section 8-2006. The
8 attorney may, however, charge for the reasonable cost of all
9 duplication of record material or information that cannot
10 routinely be copied or duplicated on a standard commercial
11 photocopy machine such as pictures.

12 An attorney shall satisfy the requirements of this Section
13 within 60 days after he or she receives a request from a client
14 or his or her authorized attorney. An attorney who fails to
15 comply with the time limit requirement of this Section shall be
16 required to pay expenses and reasonable attorney's fees
17 incurred in connection with any court-ordered enforcement of
18 the requirements of this Section.

19 (Source: P.A. 92-228, eff. 9-1-01; 09500SB0472ham001.)".