



Sen. John J. Cullerton

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LRB095 05135 AJ0 32516 a

1 AMENDMENT TO SENATE BILL 148

2 AMENDMENT NO. _____. Amend Senate Bill 148 by replacing
3 everything after the enacting clause with the following:

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.

11 No person shall receive any compensation directly or
12 indirectly for any legal services other than a regularly
13 licensed attorney, nor may an unlicensed person advertise or
14 hold himself or herself out to provide legal services.

15 A license, as provided for herein, constitutes the person
16 receiving the same an attorney and counselor at law, according

1 to the law and customs thereof, for and during his good
2 behavior in the practice and authorizes him to demand and
3 receive fees for any services which he may render as an
4 attorney and counselor at law in this State. No person shall be
5 granted a license or renewal authorized by this Act who has
6 defaulted on an educational loan guaranteed by the Illinois
7 Student Assistance Commission; however, a license or renewal
8 may be issued to the aforementioned persons who have
9 established a satisfactory repayment record as determined by
10 the Illinois Student Assistance Commission. No person shall be
11 granted a license or renewal authorized by this Act who is more
12 than 30 days delinquent in complying with a child support
13 order; a license or renewal may be issued, however, if the
14 person has established a satisfactory repayment record as
15 determined (i) by the Department of Healthcare and Family
16 Services (formerly Illinois Department of Public Aid) for cases
17 being enforced under Article X of the Illinois Public Aid Code
18 or (ii) in all other cases by order of court or by written
19 agreement between the custodial parent and non-custodial
20 parent. No person shall be refused a license under this Act on
21 account of sex.

22 Any person practicing, charging or receiving fees for legal
23 services or advertising or holding himself or herself out to
24 provide legal services within this State, either directly or
25 indirectly, without being licensed to practice as herein
26 required, is guilty of contempt of court and shall be punished

1 accordingly, upon complaint being filed in any Circuit Court of
2 this State. The remedies available include, but are not limited
3 to: (i) appropriate equitable relief; (ii) a civil penalty not
4 to exceed \$5,000, which shall be paid to the Illinois Equal
5 Justice Foundation; and (iii) actual damages. Such proceedings
6 shall be conducted in the Courts of the respective counties
7 where the alleged contempt has been committed in the same
8 manner as in cases of indirect contempt and with the right of
9 review by the parties thereto.

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

14 Nothing in this Act shall be construed to conflict with,
15 amend, or modify Section 5 of the Corporation Practice of Law
16 Prohibition Act or prohibit representation of a party by a
17 person who is not an attorney in a proceeding before either
18 panel of the Illinois Labor Relations Board under the Illinois
19 Public Labor Relations Act, as now or hereafter amended, the
20 Illinois Educational Labor Relations Board under the Illinois
21 Educational Labor Relations Act, as now or hereafter amended,
22 the State Civil Service Commission, the local Civil Service
23 Commissions, or the University Civil Service Merit Board, to
24 the extent allowed pursuant to rules and regulations
25 promulgated by those Boards and Commissions or the giving of
26 information, training, or advocacy or assistance in any

1 meetings or administrative proceedings held pursuant to the
2 federal Individuals with Disabilities Education Act, the
3 federal Rehabilitation Act of 1973, the federal Americans with
4 Disabilities Act of 1990, or the federal Social Security Act,
5 to the extent allowed by those laws or the federal regulations
6 or State statutes implementing those laws.
7 (Source: P.A. 94-659, eff. 1-1-06; revised 12-15-05.)".