

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
5 Section 1 as follows:

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

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

11 No person or entity shall receive any compensation
12 directly or indirectly for any legal services other than a
13 regularly licensed attorney, nor may an unlicensed person or
14 entity advertise or hold itself out to practice law, give
15 legal advice, or own, conduct, or maintain a facility to
16 practice law or give legal advice.

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

1 if the person has established a satisfactory repayment record
 2 as determined (i) by the Illinois Department of Public Aid
 3 for cases being enforced under Article X of the Illinois
 4 Public Aid Code or (ii) in all other cases by order of court
 5 or by written agreement between the custodial parent and
 6 non-custodial parent. No person shall be refused a license
 7 under this Act on account of sex.

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

19 Any person or entity who suffers actual damage as a
 20 result of a violation of this Section committed by any other
 21 person or entity, or any Bar Association, acting on behalf of
 22 its members, may bring an action against that person or
 23 entity. The remedies available for the unauthorized practice
 24 of law include, but are not limited to: (i) appropriate
 25 equitable relief; (ii) a civil penalty not to exceed \$5,000;
 26 (iii) actual damages; (iv) reasonable attorney's fees and
 27 costs; (v) punitive damages if the conduct was willful,
 28 intentional, or done with reckless disregard to the rights of
 29 others; and (vi) other relief deemed necessary to remedy the
 30 wrongdoing.

31 An action under this Section may be commenced in the
 32 county in which the person or entity against whom it is
 33 brought resides, has a principal place of business, or is
 34 doing business, or in the county where the transaction or any

1 substantial portion of the transaction occurred.

2 The provisions of this Act shall be in addition to other
3 remedies permitted by law and shall not be construed to
4 deprive courts of this State of their inherent right to
5 punish for contempt or to restrain the unauthorized practice
6 of law.

7 Nothing in this Act shall be construed to prohibit
8 representation of a party by a person who is not an attorney
9 in a proceeding before either panel of the Illinois Labor
10 Relations Board under the Illinois Public Labor Relations
11 Act, as now or hereafter amended, the Illinois Educational
12 Labor Relations Board under the Illinois Educational Labor
13 Relations Act, as now or hereafter amended, the State Civil
14 Service Commission, the local Civil Service Commissions, or
15 the University Civil Service Merit Board, to the extent
16 allowed pursuant to rules and regulations promulgated by
17 those Boards and Commissions.

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