



ILLINOIS SUPREME COURT
COMMISSION ON PROFESSIONALISM



2009 ANNUAL REPORT

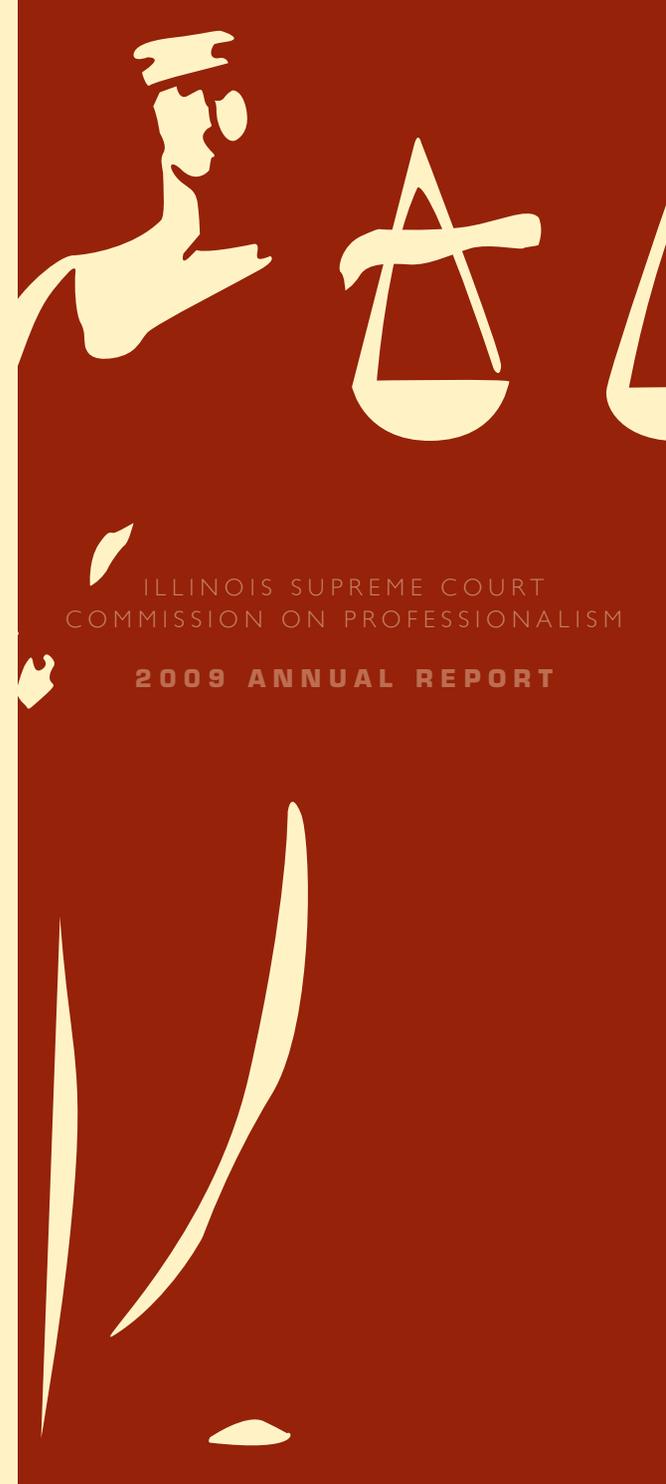
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ILLINOIS SUPREME COURT
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MESSAGE FROM COMMISSION CHAIR



**GORDON
B. NASH**

On behalf of the Commissioners and our staff, I am pleased to submit the 2009 Annual Report of the Illinois Supreme Court Commission on Professionalism to the Justices of the Court, to the members of the bar, and to the people of the state of Illinois. I want to thank each of the Commissioners for their dedicated service to the Commission. I wish to express my deep gratitude to Justice Robert Thomas, who is serving as our liaison with the Court and who continues to provide support and a guiding hand on the helm of the Commission.

I wish also to thank our many collaborators, including other Illinois Supreme Court commissions and boards, divisions of the judiciary, government entities, and bar associations. We have worked with a variety of organizations to develop and sponsor innovative programs and find these partnerships both essential to our success and rewarding for the journey. Many of our collaborators volunteered a significant amount of time to contribute their ideas and perspectives during the Commission's strategic planning process, and for that we are also grateful.

The Commission met all of its duties as delineated in Illinois Supreme Court Rule 799. I wish to particularly highlight our efforts to promote professionalism initiatives in the circuits, disseminating information about the pilot program in the 17th Judicial Circuit and providing other professionalism resources. We also continued to assist program sponsors to develop and demonstrate interactive professional responsibility CLE, and the

feedback has been quite positive. In the context of programs and meetings, the Commission has promoted mentoring as a professional responsibility activity with the potential to positively influence our profession in terms of civility, inclusion, integrity and professionalism.

I would be remiss if I did not briefly mention that we are in the process of developing a strategic plan that will become the cornerstone of our operations. With engaged Commissioners and collaborators, and with the addition of staff members delineated in our strategic plan, we are hopeful that our mission will propel forward in the coming months and years.

A handwritten signature in black ink that reads "Gordon B. Nash". The signature is written in a cursive, flowing style.



EXECUTIVE SUMMARY



**JAYNE R.
REARDON**

Outreach was the focus of the Commission in 2009. Since becoming Executive Director this year, I have enjoyed travelling the state talking with lawyers and judges about the mission and work of the Commission on Professionalism. As important as the personal visits are, we realized that given the size of the state and the sheer numbers in the legal community, a strategic plan to leverage the impact of the Commission was essential.

Beginning in September 2009, the Commissioners, members of the Court, and stakeholder organizations engaged in a series of meetings to develop a comprehensive three-year strategic plan to direct the Commission's activities. When the plan is completed in early 2010, it will guide the addition of staff members, particularly to help us coordinate our efforts with respect to the judiciary and by means of technology.

Continuing legal education in the area of professional responsibility occupied the majority of the Commission's resources and efforts again during 2009. In addition to speaking at and facilitating CLE programs, and to working with providers to develop quality programs, Commission staff approved an astonishing 3,190 applications from providers and attorneys, a 15 percent increase over 2008. As a predicate to our strategic planning process, we

surveyed both providers and attorneys on the quality of the programming as well as the procedures for approval, and we are using the results to help direct our work.

I am grateful to have an excellent and talented staff, accomplishing great goals despite our small number, and to have supportive and engaged Commissioners guiding and contributing to the work of the Commission. Moreover, I am grateful to the Members of the Court for their wisdom and leadership in establishing the Commission on Professionalism and for their willingness to appear and speak at Commission-sponsored events on behalf of the ideals of professionalism. Clarifying and supporting the underlying core values of our profession, particularly in these turbulent times, is a challenging yet exceedingly rewarding endeavor.

A handwritten signature in cursive script that reads "Jayne R. Reardon".

COMMISSION

The Supreme Court Commission on Professionalism was established to promote among the lawyers and judges of Illinois principles of integrity, professionalism and civility; to foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and to ensure that those systems provide equitable, effective and efficient resolution of problems and disputes for the people of Illinois. (Rule 799(a))

DUTIES OF THE COMMISSION

Rules 799(c) delineates the Commission's duties as including:

1. Creating and promoting an awareness of professionalism by all members of the Illinois bar and bench;
2. Gathering and maintaining information to serve as a resource on professionalism for lawyers, judges, court personnel, and members of the public;
3. Developing public statements on principles of ethical and professional responsibility for distribution to the bench and bar for purposes of encouraging, guiding and assisting individual lawyers, law firms and bar associations on the ethical and professional tenets of the profession;
4. Assisting Continuing Legal Education (CLE) providers with the development of courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1);
5. Determining and publishing criteria for, monitoring, coordinating, and approving, courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1);
6. Reviewing and approving the content of courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1) and forwarding the Commission's determination to the Minimum Continuing Legal Education (MCLE) Board;
7. Monitoring activities related to professionalism outside the State of Illinois;
8. Collaborating with law schools in the development and presentation of professionalism programs for law student orientation and other events as coordinated with law school faculty;
9. Facilitating cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of



professionalism, ethics, and public understanding of the legal profession; and

10. Recommending to the Court other methods and means of improving the profession and accomplishing the purposes of this Commission.

COMMISSION MEETINGS

The Commission met four times in 2009: March 13, June 25, September 18, and December 11.

COMMISSIONERS

The Illinois Supreme Court appoints the Chair and the members of the Commission. The membership of the Commission includes law school faculty, Illinois Court judges, a U.S. District Court judge, lawyers, non-lawyers, and the Attorney Registration and Disciplinary Commission (ARDC) administrator. The Commissioners oversee the work of the Commission through committees and official Commission meetings.

The 2009 Commissioners:

Gordon B. Nash, Jr., Drinker Biddle & Reath LLP, Chair*
John E. Corkery, The John Marshall Law School
Hon. Kathryn E. Creswell, 18th Judicial Circuit Court
C. Kristina Gunsalus, University of Illinois College of Law*
Patrick M. Kinnally, Kinnally, Flaherty, Krentz, & Loran
Hon. Michael P. McCuskey, U.S. District Court for the Central District of Illinois
Jane DiRenzo Pigott, R3Group LLC
David Rolewick, Rolewick & Gutzke PC*
Vanessa Romeo, Joliet Junior College
Gwendolyn Y. Rowan, Cook County Bar Association*
Hon. Stephen L. Spomer, Appellate Court for the 5th District
Lawrence M. Templer, Jolivette & Templer*
Hon. Richard L. Tognarelli, 3rd Judicial Circuit Court*
Vincent F. Vitullo, DePaul University College of Law
Hon. Debra B. Walker, Circuit Court of Cook County*
Sonni C. Williams, City of Peoria
Jerome Larkin, ARDC, ex officio

* Executive Committee

“THE AIM OF THE COMMISSION IS TO FOSTER INCREASED CIVILITY AND PROFESSIONALISM AMONG THE LAWYERS AND JUDGES IN THE STATE... LAWYERS CAN BE ZEALOUS ADVOCATES WITHOUT RESORTING TO AGGRESSIVE, WIN-AT-ALL-COSTS ACTIVITIES.”

ILLINOIS SUPREME COURT CHIEF JUSTICE THOMAS R. FITZGERALD



Photo: The John Marshall Law School

The Supreme Court Liaison to Commission:

Justice Robert R. Thomas

STAFF AND CONSULTANTS

In 2009, Jayne Reardon became the second Executive Director of the Illinois Supreme Court Commission on Professionalism. She was promoted to this post after serving for nearly three years as the Deputy Director of the Commission, where she was integrally involved in establishing the programs and procedures of the Commission. The work of the Commission was guided and executed by the following team during 2009:

Jayne R. Reardon, Executive Director
Donna K. Crawford, Education Director
Audrey J. Lee, Legal Education Consultant
Robert E. Walker, IT Consultant
Marilynn Crossman, Finance Consultant

STRATEGIC PLANNING

In mid-2009, in order to focus efforts and attempt to maximize impact, the Commission determined to undertake the process of strategic planning. The September 18, 2009, meeting of the Commission was the first of a multi-day strategic planning process. Facilitation was performed by Dr. Luis Flores, a business professor at Northern Illinois University.

The first all-day session involved intense analysis and identification of variables impacting the success of the Commission's work: 1) the driving forces outside the Commission over which the Commission has no control; and 2) the internal factors essential to success. At the end of the first day, many categories of driving forces and critical success factors were identified, and a Strategic Planning Steering Committee was formed to direct the research necessary for the next phase of the process. The Steering Planning Steering Committee was:

Jane DiRenzo Pigott, Chair
C. Kristina Gunsalus
Jerome Larkin
David Rolewick
Hon. Richard Tognarelli
Vincent Vitullo

Through the remainder of 2009 and into 2010, with the assistance of law students and other volunteers, the Strategic Planning Steering Committee and Commission staff conducted research on the driving forces and critical success factors. Research on external influences affecting our profession included legal education, the economy, technological advances, and societal changes. Critical success factor research included examining operations of the Commission to date, conducting surveys

of CLE providers and lawyers, and gathering information from bar associations, law schools, and other organizations with which the Commission collaborates. The research volunteers were:

Christopher Crevier, DePaul University College of Law
Lauren Chibe, DePaul University College of Law
Brian Wright, Northern Illinois University College of Law
Jillian Brooks, KnowledgeAdvisors, Inc.
Brian Richards, DePaul University College of Law

As a foundation to developing a strategic plan, the Steering Committee determined that the Commission should develop a mission statement to be the touchstone for all activities. Accordingly, a significant portion of the December 11, 2009, full Commission meeting was devoted to discussion, development and adoption of the following mission statement:

"Our mission is to promote a culture of civility and inclusion, in which Illinois lawyers and judges embody the ideals of the legal profession in service to the administration of justice in our democratic society."

The strategic planning process will continue through the first quarter of next year, culminating in a three-year plan to be adopted by the full Commission.



OUTREACH

In Supreme Court Rule 799, the Court charged the Commission to promote an increased professional culture for the attorneys in the state of Illinois by creating and promoting an awareness of professionalism, sharing information on professionalism issues and developing presentations on principles of ethical and professional responsibility for purposes of encouraging, guiding and assisting the legal community on the ethical and professional tenets of the profession.

Commission outreach continued to be a major area of focus in 2009. In order to increase awareness of the Commission's mission, staff developed an outreach presentation, *Purpose, Projects and Partners*, for Commissioners and staff to use in program and speaking engagement for various legal community organizations throughout Illinois.

The Commission's Outreach Committee provided guidance and support related to communication with the legal community. Outreach Committee members were:

Gwendolyn Rowan, Chair
Jane DiRenzo Pigott
Vanessa Romeo
Hon. Stephen Spomer
Hon. Richard Tognarelli
Sonni Choi Williams

PROFESSIONALISM INITIATIVES IN THE CIRCUITS

Recognizing that standards of behavior that are ideal goals rather than minimal requirements and that are the result of motivation and inspiration rather than mandate or imposition, the Commission continues to promote professionalism initiatives at the circuit level. In 2009, the Commission continued to support the progress of the 17th Judicial Circuit, the state's pioneer in developing and implementing circuit-wide professionalism programs. Commission staff provided mentor training, surveys, and focus group and other research and analysis of the first year results of their Attorney Mentoring program. Feedback from this program animated not only refinements for the second year of attorney mentoring in the 17th Judicial Circuit, but also was foundational to the Commission's recommendation that the Court allow professional responsibility CLE credit for the act of mentoring. (See Education, Policy, *infra*.) In addition,



with the consent of Chief Judge Janet Holmgren, the Commission shared the documents and experience of the 17th Judicial Circuit with audiences of various CLE and outreach programs across the state, as well as with representatives in other circuits considering adopting professionalism standards or other initiatives.

The Commission is in a supporting role with respect to professionalism initiatives in the circuits, which necessarily need local leadership and direction. The Commission acknowledges the outstanding dedication to professionalism of Chief Judge Janet Holmgren, Court Administrator Tom Jakeway and the Professionalism Advisory Council of the 17th Judicial Circuit. Working together, they have guided the initiative from the development of a Statement of Professional Aspirations through implementation of the Statement, via a Mentor Program and a Peer Review Council that confidentially considers complaints that the behavior of a lawyer or judge does not comport with the Statement. Outstanding contributors who have served to lead and advance

the 17th Judicial Circuit professionalism initiatives include:

Janet R. Holmgren, Chief Judge 17th Judicial Circuit
Joseph J. Bruce, Associate Judge 17th Judicial Circuit
Eugene G. Doherty, Circuit Judge 17th Judicial Circuit
Gerald F. Grubb, Circuit Judge (Ret.) 17th Judicial Circuit
Brian D. Shore, Associate Judge 17th Judicial Circuit
Kathryn E. Zenoff, Illinois Appellate Court Justice
Carol N. Bailey, Williams McCarthy LLP
Kim M. Casey, Holmstrom & Kennedy PC
Kaycee I. Chadwick, Hyzer Hyzer & Jacobs
Paul E. Gaziano, Federal Defender Program
Patrick W. Hayes, City of Rockford Legal Department
Douglas R. Henry, Barrick Switzer
Long Balsey & Van Evera
Beth Hoffmann, Hoffmann Law Office Ltd
Roberta Lynn Holzwarth, Holmstrom & Kennedy PC
Donna R. Honzel, Mateer & Associates
Nancy Hyzer, Hyzer Hyzer & Jacobs
Thomas R. Jakeway, Deputy Court Administrator 17th
Judicial Circuit

**“ ...MY COLLEAGUES
AND I ON THE
ILLINOIS SUPREME
COURT TAKE MATTERS
OF PROFESSIONALISM
VERY SERIOUSLY, AS
THE ESTABLISHMENT
OF THE COMMISSION
ON PROFESSIONALISM
REFLECTS. AS
IMPORTANT AS
THE WORK OF
THE COMMISSION
IS, HOWEVER,
SUCCESSFUL
IMPLEMENTATION
OF A COMPREHENSIVE
PROFESSIONALISM
PROGRAM REQUIRES
DEDICATED
COOPERATION FROM
EVERY LEVEL OF THE
JUDICIAL SYSTEM.”**

ILLINOIS SUPREME COURT
JUSTICE ROBERT R. THOMAS



Photo: Brad Snyder

Penelope M. Lechtenberg, Hinshaw & Culbertson LLP
Francis M. Martinez, Law of Francis M. Martinez
Kathy A. McNeely-Johnson, Office of the Winnebago
County Public Defender
Keith S. Morse, Morse Thorsen Altamore & Benson
Azhar J. Minhas, Office of the Boone
County Public Defender
Holly Nash, Winnebago County Bar Association
Frank A. Perrecone, Ferolie & Perrecone Ltd
Michelle R. Rock, Specialty Courts Administrator 17th
Judicial Circuit Court
Daniel S. Reynolds, Northern Illinois University
College of Law
Brent A. Swanson, Heyl Royster Voelker & Allen PC
Barbara Giorgi Vella, Vella & Lund PC
Randy Wilt, Sreenan & Cain PC

LAWYER-TO-LAWYER MENTORING

A focused and proactive mentoring relationship can bridge the gap between the theoretical concepts taught in law school and the practice of law. The Commission's previously created Lawyer-to-Lawyer Mentoring Guide supports the development of structured lawyer-to-lawyer mentoring programs within judicial circuits, law firms, and other organizations. The structured mentoring program advanced in the Guide matches experienced attorneys and less experienced attorneys, with the

purpose of helping new attorneys learn the skills, professional values and judgment necessary to practice law in accordance with the highest ideals of the profession.

The Lawyer-to-Lawyer Mentoring Guide, adapted in part from Georgia and Ohio mentoring program resources, serves as a year-long curriculum to support the mentor and mentee teaching and learning experience. The Guide provides a model mentoring plan that can be tailored to the circumstances and practice areas of the mentor and the beginning lawyer. Detailed instructions, worksheets and a year-long schedule of mentoring activities are included in the Guide. This Guide orients a new lawyer to various procedural and cultural aspects of a successful law practice. This curriculum suggests multiple opportunities for the experienced lawyer to offer professional guidance and share practical knowledge and skills.

In 2009, under the leadership of Chief Judge Janet Holmgren, the 17th Judicial Circuit of Illinois became the first jurisdiction to implement this mentoring program on a circuit-wide basis as an extension and implementation of its Statement of Professional Aspirations. Every newly admitted attorney in the Circuit was matched with a more experienced attorney. The Commission provided

support, including training sessions for mentors and by sharing information, recommendations and survey outcomes with the Chief Judge and the Professional Advisory Council. This information will be used to modify the program for 2010.

LAW SCHOOLS

The Commission is charged by Rule 799(c)(7) with the responsibility to collaborate with law schools in the development and presentation of professionalism programs for law student orientation and other events as coordinated with law school faculty. The Commission's Law School Committee provides guidance and support for the Commission's professionalism programs in law schools. Law School Committee members were:

C. Kristina Gunsalus, Chair
John E. Corkery
Hon. Michael McCuskey
Vincent Vitullo
Hon. Debra Walker

In 2009, the Commission assisted law schools with their orientation programs by arranging for Justices to give remarks and to administer the Pledge of Professionalism and by recruiting practicing lawyers and judges to lead facilitated discussions about professionalism topics. In addition to law school

orientation, the Commission staff delivered speeches and presented workshops at various law school professionalism events.

The Commission recognizes the following law schools, judges, and attorneys for their participation in the law school outreach:

Chicago-Kent College of Law

Justice Mary Jane Theis, Illinois Appellate Court,
First District

DePaul University College of Law

Justice Anne M. Burke, Illinois Supreme Court
Justice Margaret Stanton McBride, Illinois Appellate
Court, First District

FACILITATORS:

David R. Askew, Wildman, Harrold, Allen & Dixon, LLP
Cass R. Buscher, ARDC
Elizabeth Cibula, Katten Muchin Rosenman LLP
Leo P. Dombrowski, Wildman, Harrold,
Allen & Dixon, LLP
Stephen Fedo, Neal Gerberg & Eisenberg LLP
Kevin M. Hull, The John Marshall Law School
Michele M. Jochner, Phi Alpha Delta Law Fraternity,
Chicago Chapter
Scott Allen Kozlov, ARDC
Patrick D. Lamb, Crowley & Lamb PC
Audrey J. Lee, Perspectiva LLC

Adela C. Lucchesi, Crowley & Lamb PC
Miranda Kiser Mandel, Neal Gerberg & Eisenberg LLP
Ann C. Petersen, Bloodell & Domanskis LLC
Donald C. Schiller, Schiller DuCanto and Fleck LLP

Loyola University School of Law

Justice Robert R. Thomas, Illinois Supreme Court

Northern Illinois University College of Law

Justice Thomas L. Kilbride, Illinois Supreme Court

FACILITATORS:

David F. Rolewick, Rolewick & Gutzke PC
Patrick M. Kinnally, Kinnally Flaherty Krentz & Loran PC
Tracy L. Kepler, Senior Counsel, ARDC
Benedict Schwarz II, Law Offices of
Benedict Schwarz II, PC
Melissa A. Smart, Senior Counsel, ARDC

The John Marshall Law School

Justice Anne M. Burke, Illinois Supreme Court

FACILITATORS:

Peter L. Apostol, ARDC
Lewis A. Check, Vedder Price PC
Jeffrey S. Fowler, Laner Muchin Dombrow Becker Levin
& Tominberg Ltd.
Robert G. Guzaldo, Law Offices of
Robert G. Guzaldo & Associates Ltd.

LaVon M.J. High, Pugh Jones Johnson & Quandt, PC
Sharon K. Legenza, Housing Action Illinois
Angela Lockett, Law Office of Standish E. Willis
Warren Lupel, Lupel Weininger LLP
Wendy J. Muchman, ARDC
Timothy G. Nickels, Swanson Martin & Bell LLP
Kathleen Pasulka-Brown, Pugh Jones
Johnson & Quandt, PC
Steven Pflaum, McDermott Will & Emery
Pierre W. Priestley, Investment Property
Exchange Services, Inc.
Lisa S. Simmons, Wildman Harrold Allen & Dixon LLP
Scott Slonim, Professional Development Division, Cook
County Public Defender
Julian Solotorovsky, Kelley Drye & Warren LLP
Ruta Stropus, Illinois Attorney General's Office
Robert J. Verrando, ARDC
Joshua G. Vincent, Hinshaw & Culbertson, LLP

University of Illinois College of Law

Justice Rita B. Garman, Illinois Supreme Court

FACILITATORS:

Roaa M. Al-Heeti, Nally, Bauer, Feinen & Mann PC
William J. Brinkmann, Thomas, Mamer & Haughey LLP
Tamara K. Hackmann, Heyl Royster Voelker & Allen, PC
Edward M. Wagner, Heyl Royster Voelker & Allen, PC
Daniel P. Wurl, Livingston Barger Brandt & Schroeder
Shig W. Yasunaga, University of Illinois

Southern Illinois University School of Law

Justice Stephen Spomer, Illinois Appellate Court,
Fifth District

SIU has a program in which the incoming first-year class considers elements of professionalism and drafts its own Pledge of Professionalism. An Illinois Supreme or Appellate Court justice then administers the Pledge in a program involving the students' family and friends. The Commission's program was modeled in part on the SIU program.

DIVERSITY

The Commission on Professionalism has continued its attempts to promote inclusion and diversity in the bench and bar by supporting efforts to educate younger minorities about their potential for a career in law. That education, particularly at the middle school and high school levels, is crucial to inspiring underrepresented individuals to consider law as a career and to equipping these youth with a skill set sufficient to facilitate their entry into the profession.

Several diversity pipeline efforts have been supported by the Commission, through its staff, Commissioners, and other interested individuals. The Commission has been involved in conferences, CLE programs, and meetings of various bar and other organizations,

and has made presentations at Chicago area high schools. In 2009, the Commission held multiple presentations at the LegalTrek program, sponsored by the Chicago Committee for Minorities in Large Law Firms and Northwestern University School of Law. LegalTrek attempts to introduce college students from historically underrepresented groups to the practicalities and possibilities of attending law school and entering the legal profession.

Additionally in 2009, the Commission, through its Commissioners and staff, participated in events for organizations that promote diversity, such as the Just the Beginning Foundation, as well as events like the Peoria County Bar Association Diversity Luncheon and the Chicago Bar Association Diversity Summit. The Commission also convened a meeting of the leaders of the various minority bar associations in Illinois. Further, the Commission on Professionalism has encouraged Professional Responsibility CLE on the topic of diversity by creating and presenting a model diversity professional responsibility CLE course.

SPEAKING ENGAGEMENTS

Speaking engagements provide opportunities to create and promote an awareness of professionalism among members of the Illinois legal community. In 2009, Commissioners or Commission staff delivered

speeches at events sponsored by the organizations listed below:

Phi Alpha Delta Law Fraternity, Chicago Chapter
Chicago Bar Association
Illinois Student Bar Association
Women's Bar Association of Illinois
McLean County Bar Association
DuPage County Inn of Court
DePaul University College of Law
Loyola University School of Law
Northern Illinois University College of Law
Illinois Board of Admissions to the Bar
Chicago LegalTrek
Illinois Department of Children and Family Services
Peoria County Bar Association
The John Marshall Law School
Illinois Lawyers' Assistance Program
Sangamon County Bar Association
US Arbitration and Mediation
Practising Law Institute
DuPage County Bar Association
University of Illinois College of Law
Christ the King High School
Conference of Chief Judges
National Consortium of Professionalism Initiatives
Chicago Professional Development Consortium
Bar Association of the Central and Southern Federal Districts of Illinois

PRO BONO

Illinois lawyers donate thousands of hours in free legal services each year. In addition, lawyers and law firms provide major financial support to legal aid organizations. The Commission on Professionalism recognizes the outstanding pro bono commitment of lawyers and law firms by highlighting their inspirational work on the website and in publications. Additionally, the Commission, through its Commissioners and staff, participated in events dedicated to the promotion of pro bono legal work, such as the Chicago Bar Association's Pro Bono Breakfast and various veterans' legal assistance programs.

Further, the Commission continues to promote the awareness of lawyers' professional responsibility to use their training, experience, and skills to provide services in the public interest for which compensation may not be available. In 2009, the Commission joined the Illinois State Bar Association, the Illinois Attorney General's Office, and the Illinois National Guard in planning future pro bono assistance to veterans on similar matters.

The Commission continues to make available information and opportunities for lawyers to make pro bono contributions that will not only serve the public good, but also will yield a more rewarding



professional life for members of the legal community. The Commission additionally supported the following organizations at events in 2009: Abraham Lincoln Marovitz Lend a Hand Program; Chicago Bar Foundation; Illinois Bar Foundation; Illinois Coalition for Equal Justice; The John Marshall Law School Veterans Legal Support Center; and Land of Lincoln Legal Assistance Foundation.

PUBLICATIONS

In 2009, the Commission on Professionalism wrote and published articles to inform and engage the legal community on topics relating to professional responsibility. The Commission's publications included an article by Jayne Reardon titled *The Rules of Professional Conduct 2010: Highlights on the Professional's Hat-trick*, and an ISBA newsletter article by Jayne Reardon titled *Diversity and Health of the Bench and Bar Can Be Enhanced through Professional Responsibility CLE*. Moving forward, the Commission intends to continue advancing a culture of civility and inclusion through published, written outreach.

The 2008 Annual Report was published in the summer of 2009. Over 800 copies of the report were mailed to judges, law school representatives, bar leaders and others across the state, and additional copies were distributed by Commissioners and

Commission staff at speaking engagements and meetings. Through email addresses provided by ARDC, over 50,000 attorneys received the 2008 Annual Report electronically. An overwhelmingly positive response was received from lawyers and judges, applauding the idea of working for increased professionalism and asking how they could help. The electronic version was provided to many outside Illinois as well, including CLE providers and members of the ABA Consortium on Professionalism Initiatives.

WEBSITE

The Commission's website (www.ilscpp.org) attracts an average of 366,000 hits per month. In 2009, hits totaled more than four million (4,403,703). This usage represents a threefold increase over 2008, and serves as an indication that outreach is expanding the awareness of the Commission. Technology is a key solution to our ability to reach lawyers and judges across diverse constituencies and locations. We are focusing, in 2010 and beyond, on upgrading the breadth and quality of our website to promote awareness of the Commission on Professionalism and to provide premier resources on professionalism to the legal community and to those who serve the legal community.

NATIONAL PARTICIPATION

Illinois joins Alabama, Florida, Georgia, Hawaii,

Maryland, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, South Carolina and Texas as the fourteenth state with an established Commission on Professionalism. Representatives from these fourteen commissions shared information about professionalism activities, initiatives, and resources via email and phone networking throughout the year.

Under the auspices of the American Bar Association Center for Professional Responsibility, the state professionalism commissions and law school ethics centers convene as members of the National Consortium on Professionalism Initiatives. The Consortium, through its regular meetings and its listserv, provides a venue for the exchange of ideas among members. Our participation in the meetings and networking opportunities of the National Consortium has enhanced our ability to monitor professionalism activities outside the state of Illinois and to access professionalism resources and best practices.

Commission staff also participated in the ABA Center for Professional Responsibility National Conference and other professional meetings at which national experts in the field of professional responsibility distribute and discuss current resources and publications.



EDUCATION

By assigning specific professional responsibility CLE duties to the Commission in Rule 799(c), the Illinois Supreme Court articulated its vision of professional responsibility education as a vital means for achieving the Commission's professionalism mission. In keeping with this vision, the Commission continues to focus professional responsibility education on achieving the aspirational goals of professionalism rather than administering a set of minimum requirements.

Throughout 2009, the Commission's CLE Policy Committee provided guidance regarding methods to raise the substantive quality of professional responsibility programming, considered policy issues that emerged in the implementation of professional responsibility CLE duties, and studied the need and efficacy of rule changes. Members of the CLE Policy Committee were:

Lawrence Templer, Chair
Hon. Kathryn Creswell
Patrick Kinnally
Hon. Debra Walker
Sonni Choi Williams

POLICY

Pursuant to Rule 799(c)(10), after careful consideration and deliberation, the Illinois Supreme Court Commission on Professionalism finalized two recommendations for rule changes as methods and means of improving the profession and accomplishing the purposes of this Commission.

The Commission adopted a recommendation that the Court amend the MCLE Rules: 1) to require six of the total hours for any two-year period be in the area of professional responsibility for the reporting periods that require 30 hours of CLE activity, beginning with the reporting periods ending in either 2012 or 2013; and 2) to allow the professional responsibility requirement be fulfilled by a structured lawyer-to-lawyer mentoring program approved by the Commission.

The rationale of the Commission that the professional responsibility requirement should be increased to six hours per reporting period is rooted in the breadth of the Court's definition of the professional responsibility requirement contained in Rule 794(d). Included within the substantive area of "professionalism" under the Illinois professional responsibility rule are many topics that are vital to the competence and success of legal professionals in the fast-paced, technologically-advanced era in which we live. Additionally, an increase in the number of professional responsibility hours to 6 out of a required



30 hours of CLE would maintain the 20% ratio of professional responsibility to total CLE hours as was present during the initial two year period following the enactment of the CLE requirement.

The rationale of the Commission that CLE credit should be given for mentoring is a recognition that mentorship provides the transfer of wisdom and perspective, particularly with reference to issues of professionalism, and that the mission of the Commission may be advanced by a quality mentorship of less experienced attorneys by more experienced attorneys.

The mentoring program outlined in the Lawyer-to-Lawyer Mentoring Guide was made part of the circuit-wide professionalism initiative of the 17th Judicial Circuit and is under consideration in at least one other circuit. The Commissioners view this program as advancing the professionalism the Court wishes to promote, and thought it appropriate to qualify for nontraditional CLE credit in the area of professional responsibility.

APPLICATIONS AND PROVIDERS

The Commission has continued to improve upon the criteria and processes for approving and monitoring courses and activities offered to fulfill the CLE professional responsibility requirement. The efficient online application and database system made it possible for two staff members to review the significantly larger number of CLE applications received in 2009. The 2009 traditional and nontraditional professional responsibility course applications numbered 3,190, a 15% increase over 2008. (This does not include the professional responsibility credit awarded to the approximately 45 individuals who facilitated small group discussions as part of the Law School Orientation Programs.)

The number of providers applying for course accreditation also expanded. In 2009, 632 organizations submitted applications to the Commission for professional responsibility continuing legal education accreditation. The organizations represent CLE providers from 42 different states, and

58 percent of the total number of applications came from CLE providers outside of Illinois.

Law firms submitted one-third of the total applications for professional responsibility credit to the Commission. The chart below displays the types of organizations submitting applications to the Commission and the percentage of total applications.

Types of Organizations & Percent of Applications

Law Firms.....	33%
Bar Associations.....	15%
CLE Profit and Nonprofit Organizations.....	14%
Government.....	12%
Corporate-Business Industries.....	11%
Legal Professional Associations (not Bar).....	7%
University.....	3%
Court.....	2%
Business Associations.....	2%
Legal Aid and Advocacy.....	1%

CONTENT

The characteristics of a quality professional responsibility course that the Commission will approve for credit are contained in the Commission’s Professional Responsibility CLE Guidelines. The Guidelines describe the aspirational goals of professional responsibility CLE and the broad approach of the Court and the Commission to

impact the legal culture through quality professional responsibility CLE. The five substantive areas of the professional responsibility requirement contained in Rule 794(d) (professionalism, diversity, mental illness and addiction issues, civility, and legal ethics) are discussed, and specific course topics are suggested for each of the five areas.

Illinois is one of the few states with a broad definition of professional responsibility and a process of substantive or quality review for CLE courses. Because most CLE providers submit their courses to multiple states for credit approval, and because the majority of CLE providers are from outside Illinois, the tendency to market courses to fit the more nationally accepted “ethics” category prevails. To encourage greater topical breadth in professional responsible CLE, the Commission created a Course Development Checklist and posted it on our website. The Checklist not only delineates the minimum requirements, but it also encourages the development of coursework in the five different areas of professional responsibility CLE with principles of quality learning at the forefront.

The applications submitted to the Commission for professional responsibility approval ask providers to describe the content of their courses with reference to each of the five substantive aforementioned areas.

The content distribution for all 2009 professional responsibility course applications submitted by CLE providers shows 56% of the courses offered were categorized as legal ethics, 32% professionalism, 5% civility, 4% mental illness and addiction issues, and 3% diversity.

CONTENT OF CLE COURSES

NONTRADITIONAL AND OUT-OF-STATE CREDIT

The Commission also approves professional responsibility courses and activities submitted by attorneys. The volume of applications from attorneys is considerably smaller than provider applications and generally falls into two categories: nontraditional courses or activities, and out-of-state courses.

Applications for professional responsibility credit for nontraditional courses or activities under Rule 795(d), including law school courses, bar association meetings, part-time teaching of law courses, and legal scholarship, are received by the Commission through a designated form on our website. They are processed first considering the information contained in the application; frequently, staff asks for electronic transmission of additional materials to facilitate the substantive review. In 2009, the Commission approved 43 nontraditional applications for professional responsibility credit.

The Commission approves the individual out-of-state attorney applications for attorneys who wish to claim professional responsibility credit. After the MCLE Board has approved the course as complying with its accreditation standards, applicants complete and submit a designated form describing the professional responsibility aspects of the course for which they wish to receive credit. In 2009, the Commission approved 224 applications for professional responsibility under this category.

CLE ADVISORY GROUP

Strategic to the advancement of the Commission's professional responsibility education agenda is our collaboration with CLE providers. Our focus on engaging a broad range of organizations in becoming part of the solution to advance civility and professionalism begins with our CLE Advisory Group. The CLE Advisory Group has 15 members representing law firms, bar associations, government and CLE organizations (both for- and not-for-profit) and other legal organizations. Reflecting the national scope of CLE Providers, we recently added providers from Minnesota and New York to be a part of our working group.

Our periodic Advisory Group meetings provide a forum for the vigorous exchange of ideas to explore potential means of improving professional

responsibility CLE. The primary topics of discussion during 2009 included use and dissemination of our case simulations, creating quality distance learning experiences, and promoting civility through professional responsibility CLE.

In 2009, the CLE Advisory Group included the following members and organizations:

Mary Andreoni, ARDC

Beth McMeen, Chicago Bar Association

Venu Gupta, Chicago Committee on Minorities in Large Law Firms

Scott Slonim, Office of the Cook County Public Defender

Randall Roberts, Office of the Cook County State's Attorney

Joshua Vincent & Jennifer Chenault, Hinshaw & Culbertson LLP

Jeanne Heaton, Illinois State Bar Association

Janet Piper-Voss, Lawyers' Assistance Program

Charlene Foss, LexisNexis

Ruta Stropus, Office of the Illinois Attorney General

Paula Holderman & Kurt Plocher, Winston & Strawn LLP

Gina Roars, West LegalEdcenter

Stephen Schlicht, Practising Law Institute

ASSISTANCE WITH COURSE DEVELOPMENT

The Commission promotes quality professional

**IN 2009,
THE COMMISSION
REVIEWED
3,190
CLE COURSES
APPLICATIONS FOR
PROFESSIONAL
RESPONSIBILITY
CREDIT, A
15%
INCREASE FROM
PREVIOUS YEAR**

responsibility CLE in part by promoting an interactive delivery method that encourages participants to share their wisdom and perspectives. Because encouraging behavior above minimum requirements cannot be distilled to black letter rules, the Commission promotes the use of case scenarios or hypotheticals to serve as a basis for facilitated discussions in CLE settings.

The Commission again in 2009 presented a workshop designed to equip CLE presenters with the basic skills of facilitation, a delivery method quite different than lectures. The Facilitation Workshop is highly interactive and provides participants with the opportunity to practice their facilitation skills using materials from the Commission's Model Basic Skills Course and accompanying Facilitator's Package. The Facilitation Workshop was presented in Chicago, Champaign, and Wheaton to representatives from the following organizations:

Borla, North & Associates, PC
City of Peoria
CAN Insurance Companies
Davis & Delano, PC
Feldman, Wasser, Draper & Cox
Greenberg Traurig, LLP
Hayes Hammer Miles & Cox, LLP
Hefner Eberspacher Tapella Armstrong & Grove

Herbert J. Bell, Ltd.
Huck Bouma, PC
Illinois State Bar Association
Katten Muchin Rosenman LLP
Kingery Durree Wakeman & Ryan
Law Offices of Angela M. Aliota
Mayer Brown LLP
Mirabella, Kincaid, Frederick, Mirabella, PC
Office of the Cook County Public Defender
Roberts & Caruso
Swanson, Martin, and Bell
University of Illinois, University Counsel's Office
Vedder Price PC
Walsh, Knippen, Knight, Pollock
Westervelt, Johnson, Nicoll & Keller, LLC
Wildman, Harrold, Allen & Dixon, LLP
William W. Mohr, PC

E-NEWS

The Commission's database application process allows us to send electronic newsletters to every provider that has applied for approval of a professional responsibility CLE course. In 2009, the Commission's E-news was sent to over 635 CLE providers via email. The E-news topics are designed to support providers in delivering professional responsibility education, to generate an exchange of ideas regarding course possibilities, and to engage

providers in the effort to improve the quality of the professional responsibility learning experience. The 2009 topics included: education about the five different substantive areas of the Illinois professional responsibility rule and the need for programming in some of the under-utilized areas such as civility, diversity and substance abuse and mental illness (wellness); the updates to the provider tools section of website; and the delivery method of facilitation.

PROVIDER AND LAWYER SURVEYS

In order to monitor the Commission's service and handling of professional responsibility CLE, and to inform the Commission's strategic planning process; the Commission conducted two web-based surveys in December 2009. The first survey was the CLE Provider Survey. The purpose of this survey was to gather feedback about the Commission's application process and service, to obtain information about the use of distance learning in professional responsibility CLE, and to garner providers' ideas for strengthening professional responsibility education. The second survey was the Lawyer Feedback on CLE. The purpose of this survey was to gather feedback from lawyers about their participation in professional responsibility CLE courses and perceived results, and to hear lawyers' ideas for strengthening professional responsibility education. Highlights from those

Dear CLE Provider:

Continuing the Illinois Supreme Court Commission on Professionalism's highlights on the various aspects of professional responsibility CLE, please consider CLE programming in the area of diversity.

Diversity issues are not only specifically called out in the definition of professional responsibility (Supreme Court Rule 794(d)), they are called out in the Preamble to the Rules of Professional Conduct where the Illinois Supreme Court notes that "lawyers...are responsible for the character, competence, and integrity of the persons whom they assist in joining their profession...for maintaining public confidence in the system of justice by acting competently and with loyalty to the best interest of their clients; by working to improve that system to meet the challenges of a rapidly changing society..." Lawyers are ethically obligated to pursue diversity and inclusion; in addition, research shows that diversity and inclusion are key to an organization's success.

Examples of course content that has or would qualify for professional responsibility CLE in Illinois include:

- Examination and elimination of bias;
- Assessing and improving an organization's career development structures, such as statements of attorneys' skills (beyond competence in substantive knowledge) needed to excel;
- Examining and improving evaluation processes;
- Ways that diversity and inclusion can enhance service to clients;
- Research showing that a group of people with differing skills and perspectives are better problem-solvers and more accurate predictors than a group with homogeneous skills and perspectives.

We hope that you continue to offer quality professional responsibility CLE programs that challenge Illinois lawyers to become more professional in their dealings with other members of the legal community and with the public. ...

surveys follow; full survey reports are available on the Commission's website, www.ilscpc.org.

SURVEY: CLE PROVIDER SURVEY FEEDBACK

To each of the 635 organizations that applied for professional responsibility course credit in 2009, the Commission sent an email containing the link to the online survey and a request for participation. A total of 162 CLE providers completed the online survey. The respondents represent twelve categories of organizations providing professional responsibility CLE. Most of the responses were received by law firm providers (34%), followed by bar associations (15%), and CLE organizations (13%).

Quality of Application and Review Process: Most (90%) of CLE providers rate the quality of the Commission's course application and review process as either "excellent" (43%) or "good" (47%).

The fifteen respondents (10%) that rated the application and review process "adequate" were all from out-of-state. They objected to the two-step application process requiring providers to apply to the MCLE Board for general CLE accreditation and then apply to the Commission for substantive review and approval for professional responsibility credit.

Commission Staff Responsiveness: Almost all (99%) of the CLE providers agreed that the Commission on Professionalism staff responded to their requests in a timely manner.

Distance Learning: Distance learning is the delivery of continuing legal education to participants not physically in the room with the faculty. It provides access to learning when the faculty and the learners are separated by time or distance, or both. Almost half (47%) of the CLE providers indicated that they offer professional responsibility CLE via distance learning. Live teleconferencing is used by 63% of the CLE providers and is the most prevalent method of distance learning indicated.

CLE Evaluation by Participants: In order to encourage providers to consider whether participants are truly learning as a result of attending their courses, providers were asked to indicate the levels of information that they requested from participants on their course evaluation forms. The choices were based on the Kirkpatrick model's four levels of learning evaluation which essentially measure:

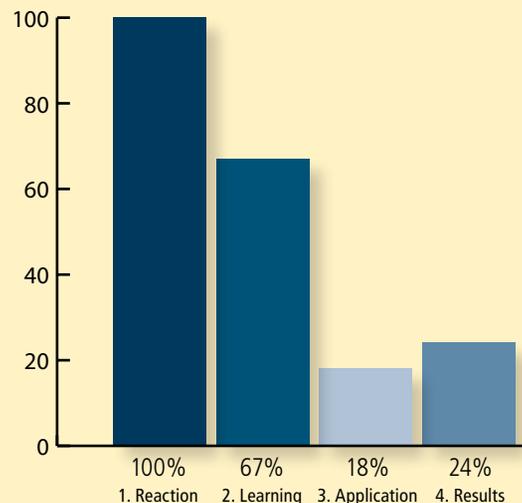
1. **Reaction:** what did the participant think and feel about the training?
2. **Learning:** did participant's knowledge or skills increase?

3. **Behavior:** will participant apply learning (i.e., does it transfer to practice)?
4. **Results:** will application of learning influence effectiveness on job?

All providers (100%) assess the participants' reaction to the continuing legal education program, i.e., the participants' overall satisfaction with variables of the training such as instructor, materials, facilities, and the like.

However, the efficacy of the program can only be measured at the deeper levels of evaluation, and the survey results show that such evaluation is not being conducted. One-third (33%) of CLE providers indicated that they did not ask participants about learning, i.e., whether the course increased participants' knowledge or skills. Moreover, the vast majority of CLE providers (82%) did not ask about the potential application of learning, i.e., whether participants will use their new knowledge or skill (level 3). Similarly, over three-quarters (76%) of CLE providers do not ask participants about whether their learning has a relationship to their practice of law, i.e., whether they think the knowledge or skills will improve their effectiveness (level 4).

Levels of Evaluation Questions Asked by CLE Providers



The purpose in asking about evaluation measures was to encourage providers to consider that courses should be designed such that participants gain a new knowledge or skill that results in better job performance or effectiveness on the job.

Support from Commission for Quality CLE: CLE providers were asked for their suggestions about how the Commission could assist in developing high quality professional responsibility learning experiences. Forty-seven providers responded and generated an array of ideas generally including:

develop courses that providers can deliver, especially in area of civility; continue to provide facilitation skills workshops for course faculty; provide information and resources including hypotheticals for us to use as we develop courses, and provide suggestions for topics and expert faculty.

Other Ideas or Feedback: Finally, CLE providers were asked to share other ideas or feedback. Forty-three providers responded. The following represent the major issues commented on by providers:

- Distance learning is a concern to some CLE providers, and several suggested limitations on how much professional responsibility CLE could be earned by that delivery method.
- Some CLE providers suggested changes in requirements including that the rules be streamlined to facilitate multi-jurisdictional practitioners; that reading materials qualify for CLE credit and that mental health and addiction issues generally (not just that affect lawyers or their practice) be given CLE credit.
- Some CLE providers explained that the two-part process where they applied to the MCLE Board for general CLE credit and then to the Commission for professional responsibility credit was burdensome and requested one application seeking both general CLE and professional responsibility credit.
- Providers mentioned that professional responsibility faculty resources are short in supply, putting a burden

on the relatively small group of lawyers who are conversant in professionalism topics and who are being called upon all the time to serve as volunteer presenters.

- Many commented that communication and collaboration are important and valuable. Many noted that continued interagency cooperation is necessary for civility programming, suggested creating and maintaining a list of email addresses for CLE administrators at law firms, and communicating with them frequently.

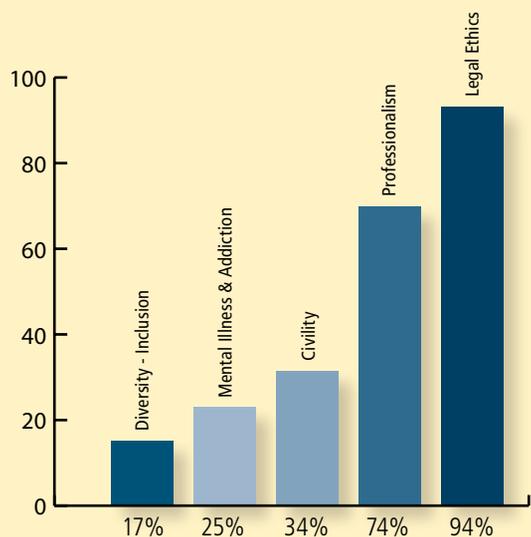
SURVEY: LAWYERS FEEDBACK ON CLE

The Illinois Attorney Registration and Disciplinary Commission (ARDC) provided the email addresses of attorneys from its 2009 master roll. In December 2009, the Commission sent the link to the online survey and an invitation for participation to 43,200 lawyers via email. A total of 3,327 lawyers completed the online survey.

Organizations Attorneys Selected for CLE: Lawyers were asked to identify the organizations that provided the courses or activities that they attended to fulfill the professional responsibility requirement. Attorneys most often reported obtaining their professional responsibility CLE from Bar Associations (55%) and CLE Organizations (50%).

Content Areas of Professional Responsibility CLE:

The scope of what may be considered professional responsibility CLE is broad, defined by Supreme Court Rule 794(d) as the areas of “professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics.” There can be significant overlap between these areas and often the professional responsibility CLE course will entail more than one area. In response to the question asking for the content areas contained in their professional responsibility courses, most lawyers (94%) indicated that their professional responsibility coursework included legal ethics. Almost two-thirds of the lawyers indicated their professional responsibility course encompassed professionalism.



Teaching Methods for Professional Responsibility

CLE: Lawyers were asked to indicate the teaching methods utilized in their professional responsibility course(s). Nearly all (98%) of the lawyers indicated lecture as the most common teaching method used in their professional responsibility courses. Over one-third of the lawyers' learning experiences included hypotheticals.

Even though professional responsibility topics are generally not amenable to a transfer of information from an expert (as are some substantive CLE topics), and even though research into adult learning has proven that the lecture method of delivery yields a retention rate of less than 15%, lecture continues to be the most frequent method of instruction utilized in continuing legal education. The Commission promotes a delivery method of professional responsibility CLE that engages each lawyer's wisdom, judgment, experience, and learning to prepare them for new professional and ethical challenges. Faculty who encourage introspection and facilitate dialogue in the professional responsibility courses realize a higher synthesis and application of learning.

Professional Responsibility via Distance Learning:

A minority of attorneys reported fulfilling their professional responsibility requirements through distance learning.

Non-traditional CLE Credit: Lawyers were asked if they received credit for non-traditional professional responsibility courses or activities, defined under Rule 795(d) as: law school course attendance, bar association meetings, part-time teaching of law course, or legal scholarship. Confirming staff's experience in reviewing applications, very few lawyers (14%) stated they had applied for non-traditional CLE credit. Bar Association meetings were the most utilized non-traditional credit option. As the 72 comments to this question reveal, many lawyers were not aware of the availability of non-traditional credit and many chose not to apply because of the added MCLE fee to report the course or activity.

CLE Results—Knowledge or Capability: Lawyers were asked if their participation in a professional responsibility course contributed to improvements in their performance on the job.

Nearly two-thirds (63%) of the lawyers thought that their knowledge or capacity increased as a result of participating in a professional responsibility CLE course. Significantly, 100% of the attorneys who strongly agreed or agreed their professional responsibility course increased their knowledge or capacity indicated problem-solving hypotheticals as a teaching method used in their professional responsibility courses.

CLE Results—Application of Learning: Lawyers were asked if their participation in a professional responsibility course contributed to changes in their professional behavior. Only 21% of the lawyers responding to this survey thought they would make changes as a result of a professional responsibility course and 54% did not think their participation in a course would result in behavior change or application of learning.

CLE Results—Improvement in Effectiveness:

Lawyers were asked if their participation in a professional responsibility course contributed to improvements in their job performance. Almost one-third of the lawyers responding to this question thought a professional responsibility CLE course contributed to their effectiveness on the job. 27% were undecided and 42% did not think a course contributed to their job performance.

Ideas for Improving CLE and Other Feedback:

Lawyers were asked to share suggestions for improving continuing legal education as well as for other remarks and ideas. An impressive 837 lawyers (25% of survey participants) submitted ideas and commentary. These submissions were analyzed and categorized by topic in the full report prepared by and available from the Commission. The prevailing themes are identified below:

- Many comments included requests for expansion and improvement of distance learning options for reasons of convenience and/or cost.

“It would be great if IL’s various organizations would look at providing low cost on-line on demand classes to reduce CLE costs to the legal community as well as providing greater access to CLE. Lower costs and greater access will enhance compliance.”

- The cost of CLE (both money and time) is an issue for over one-third of the lawyers responding to this question.
- Lawyers want relevant professional responsibility options, including courses that address challenges to professionalism in the legal profession, courses specific to their experience level and area of practice, and courses with improved teaching methods.

“Professional responsibility instruction for CLE most often is elementary. I’d prefer to see instruction with more advanced problems, especially problem-solving hypotheticals”

“Civility content needs more than a mandate presented; it needs some content about how to diffuse tense situations and stories about better legal outcomes due to respect shown in a negotiation.”

- Lawyers want judges to be part of the solution.
“The way to increase professionalism is to have judges that expect it, who begin sanctioning lawyers for filing frivolous pleadings, who expect them to conduct themselves professionally, and who lead by example.”

- The majority of lawyers responding appreciated aspects of CLE requirements.

“When the mandatory CLE rules were announced, I thought that they were just one more burdensome requirement for already-too-busy practitioners. After more than three years’ experience with CLE, I now believe the rules are a valuable prod.”

- Nonetheless, there is uncertainty about the efficacy of CLE making a difference in professionalism.

“The profession has been largely delinquent in maintaining any discernable standards of professionalism for decades, and it appears that it is only now becoming interested in band-aid solution any attempts to instill professionalism through CLE requirements are ill-conceived. Real solutions require a global rethinking of legal education and licensing standards.”

**“ YOU GET BACK
TO US IN
REMARKABLY SHORT
ORDER. WHEN WE
HAVE QUESTIONS,
YOU DO THE SAME.
COUNT US AS
BIG FANS.”**

**“ SOMEONE IS
ALWAYS AVAILABLE
AND ABLE TO ANSWER
ANY QUESTIONS.”**

CLE PROVIDER
FEEDBACK ON
WORKING WITH
COMMISSION STAFF

- Many suggested changes to the Rules, for example, with respect to carrying over of hours between reporting periods, to allowing CLE credit for mentoring, reading materials, or Supreme Court Committee activities; to having different requirements for government attorneys; and to changing CLE requirements for courses offered in other states.

COMMISSION FOLLOW-UP

The CLE Provider Survey and the Lawyer Feedback Survey were timed so that the results could be utilized in the Commission’s strategic planning process. Ideas and feedback from both providers and lawyers have informed the Commission’s approach to our duties and strengthened our ability to consistently improve our service. Strategic planning actions to be considered based on the survey results include:

1. Build an online library of course resources, including hypotheticals and scenarios for provider and facilitator use in their CLE courses.
2. Design a model distance learning course on civility using hypotheticals and other active learning methods such as case simulation, and facilitated discussion on application of learning.
3. Review and revise guidelines and example forms for professional responsibility education, including Course Development checklists, Participant Evaluation forms, Professional

Responsibility Education Guidelines, and Facilitated Discussion guidelines.

4. Provide resources that will promote a focus on continuing legal education outcomes as they pertain to both the transfer of the learning to lawyers’ practices as well as how the learning makes lawyers more effective on the job.
5. Join with MCLE Board to combine the applications for general CLE and professional responsibility CLE so that providers only complete one online application. (Discussions to determine this process began prior to the survey.)
6. Collaborate with bar associations, law firms, corporations and other individuals to enhance educational programs.
7. Collaborate with AOIC and other judicial organizations to enhance judicial education programming.

CONCLUSIONS

The survey results show that, in general, skepticism about the ability of professional responsibility CLE to make a difference remains. Attorneys expressed a desire that the high cost of professional responsibility CLE, in terms of money and time expended, be balanced by benefits that make a difference in the quality of their professional interactions. The general tenor of the comments is that this balance has not yet been achieved. The results of the lawyer

survey show that there is of yet little nexus between professional responsibility CLE and changed behavior or improvements to practice. These results are not surprising when providers reported there is no evaluation of their courses based on these measures. Lawyers are not going to value CLE until the quality of CLE improves. When CLE courses consistently produce learning and results that strengthen the attorneys’ practices and effectiveness, attorneys will perceive CLE to be worthwhile.

A very positive finding with respect to the Commission’s work is the one-to-one correlation between those who found a CLE course benefitted their practice and those who took CLE courses delivered via interactive consideration of hypotheticals as opposed to the more static delivery method of lecture. These findings validate the Commission’s on-going work with providers and presenters to equip them to deliver professional responsibility courses in an interactive format.



FINANCE & AUDIT

Rule 756 provides that the Attorney Registration and Disciplinary Commission of the Illinois Supreme Court remit ten dollars from the annual registration fee collected from each attorney to the Illinois Supreme Court Commission on Professionalism to fund its operations and programs. This annual assessment is the Commission's only source of funding.

In 2009, the Audit and Finance Committee reviewed with the Executive Director the draft financial policies and procedures. After several meetings, the draft was modified and finalized, and the Committee recommended that the full Commission adopt the Illinois Supreme Court Commission on Professionalism's Financial Policies and Procedures. The full Commission adopted the recommendations of the Committee and approved the document.

Also in 2009, the Committee reviewed the independent audit of the Commission funds. Seldon Fox LTD, Certified Public Accountants, in accordance with auditing standards generally accepted in the United States of America, conducted an annual independent audit of the Commission. Seldon Fox LTD reported the financial position of the Commission on Professionalism as of December 31, 2009, was in conformity with accounting principles and reported no material deficiencies.

The Committee met with the auditor to discuss the report. The members of the 2009 Audit and Finance Committee were:

Hon. Debra Walker, Chair
Hon. Michael McCuskey
Gordon Nash, Jr.
David Rolewick





**ILLINOIS SUPREME COURT
COMMISSION ON PROFESSIONALISM**

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