



**ILLINOIS SUPREME COURT  
COMMISSION ON PROFESSIONALISM**

2010



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## MESSAGE FROM COMMISSION CHAIR

On behalf of the Commissioners and our staff, I am pleased to submit the 2010 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 his invaluable support and counsel to 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. Many of our collaborators volunteered a significant amount of time to contribute their ideas and perspectives during the Commission's strategic planning process and the development of its innovative and ambitious programs, and for that we are also grateful.

Among the many accomplishments of the Commission set forth in this Report, I wish to highlight two in particular. First, the Commission developed and adopted a Strategic Plan with projects and objectives designed to fully implement the purpose and duties of the Commission delineated in Illinois Supreme Court Rule 799. Second, the Illinois Supreme Court, at the Commission's recommendation, adopted Rule 795(d) allowing attorneys to earn professional responsibility CLE credit for participating in a lawyer-to-lawyer mentoring program. The Commission then began developing a comprehensive, structured mentoring program and looks forward to collaborating with law firms, law schools, bar associations and others across the state to advance this important professionalism initiative in the coming months and years.

With a strong and clear vision for the future, with engaged Commissioners and collaborators and with dedicated staff, we believe that the Commission is poised to accomplish great things for the profession and for the people of Illinois. ♦

## EXECUTIVE SUMMARY

In 2010, many changes occurred that offer both challenge to and opportunity for the Commission's work. Development of our Strategic Plan has helped focus our efforts on activities that hold the most promise, and I am grateful for all who volunteered their contributions during those planning sessions. We were able to branch out and engage in innovative educational programs with other organizations including divisions of court, law schools, and bar associations. The volume of traditional CLE coursework requiring substantive approval continues to rise, and technological advances and collaboration with the MCLE Board allow us to keep abreast. Everywhere I travel in the state, I meet leaders of our profession who embrace the mission of the Commission and engage their constituencies in the professionalism movement. Our initiatives, particularly the lawyer-to-lawyer mentoring program, are being shared at the national level and emulated in other states.



At the same time, realization of our strategic goals is being constrained by the current level of resources. We continue to strive to achieve the most results for the least cost. In that, the challenges faced by the Commission are no different than the economic challenges faced by lawyers, indeed everyone, in our state.

For that reason, the major focus of our efforts beginning in late in 2010 and beyond will be lawyer-to-lawyer mentoring. As a Commission, we are engaging sponsoring organizations throughout the state to join with us to make professionalism mentoring available to new lawyers in the first three years of their practice. Lawyers who successfully complete a mentoring program pre-approved by the Commission, as either mentor or mentee, receive six hours of professional responsibility CLE credit. The organizational structure of the program is designed to allow lawyers to create a strong and supportive regional professional culture, while earning no cost CLE. This initiative is a winner for everyone. ♦

## 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:

- Promoting awareness of professionalism; gathering and maintaining information from Illinois and other states;
- Facilitating cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations;
- Collaborating with law schools, courts, civic and lay organizations; and
- Assisting in the development of and approving professional responsibility CLE courses and activities.

### Commission Meetings

The Commission met three times in 2010, on May 14, October 1, and December 9. In addition it held a two day strategic planning session on January 22 and 23, 2010.

### Commissioners

The Illinois Supreme Court appoints the Chair and the members of the Commission. The membership of the Commission includes law school faculty, Illinois state court judges, a United States 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 Supreme Court Liaison to Commission:

Justice Robert R. Thomas

### The 2010 Commissioners:

Gordon B. Nash, Jr., Drinker Biddle & Reath LLP, Chair\*  
John E. Corkery, 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  
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, emeritus  
Hon. Debra B. Walker, Circuit Court of Cook County\*  
Edward J. Walsh, Walsh, Knippen, Knight & Pollock, Chtd.  
Sonni C. Williams, City of Peoria  
Jerome Larkin, ARDC, ex officio

\* Executive Committee



## Staff and Consultants

Jayne Reardon has been Executive Director of the Illinois Supreme Court Commission on Professionalism since 2009. 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 full- and part-time staff during 2010:

Jayne R. Reardon, Executive Director

Donna K. Crawford, Education Director

Thomas R. Sumner, Program Coordinator

Jason T. Vail, Communications Coordinator

Irma Heineman, Administrative Assistant

Robert E. Walker, IT Consultant

Marilynn Crossman, Finance Consultant

## Strategic Planning

In 2010, the Strategic Planning Steering Committee was:

Jane DiRenzo Pigott, Chair

C. Kristina Gunsalus

Jerome Larkin

David Rolewick

Hon. Richard Tognarelli

Vincent Vitullo

In late 2009 and early 2010, the Illinois Supreme Court Commission on Professionalism developed a Strategic Plan with objectives designed to implement the purpose and duties of the Commission delineated in Rule 799 and to effectuate our mission adopted in December 2009.

The Strategic Plan was approved in May 2010 and revised in September to reflect the addition of two part-time professionals, retired judge Tom Sumner and attorney Jason Vail. Vail has since left the Commission to accept full time employment with the American Bar Association, though he continues to provide limited support to the Commission on a part-time basis. Thus, for the majority of 2010, only two full-time professional staff handled the Commission activities.

Several events occurred in 2010 in the area of CLE that added to staff workload and limited the Commission's ability to meet strategic goals. The Court adopted the Commission's recommendations to amend Rule

794(d) to increase by one-third the professional responsibility requirement (from four to six hours per reporting period) and to adopt Rule 795(d) (12) allowing attorneys to earn professional responsibility CLE for mentoring. Implementation of these new avenues to impact professionalism holds great promise and will require significant staff resources. In addition, in the middle of 2010, the MCLE Board rolled out a new database that incorporates the Commission's data for review of professional responsibility applications. Adapting to the new process throughout 2010 increased staff time devoted to processing applications.

Accordingly, the Commission has many strategic objectives that we will not be able to achieve without additional resources. Significant shortfalls exist in certain areas; therefore, priorities must be set as to which activities to focus on and which to let lie fallow until additional funding is procured. ■

**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.**



## COLLABORATION

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.

To successfully execute its mission, the Commission relies upon its Outreach Committee, which provides guidance and support related to collaboration 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

## In the Judicial Circuits

The Commission assists judicial circuits in the design and development of local professionalism programs. The goal of a judicial circuit professionalism program is to engage the members of a judicial circuit—both judges and lawyers—in an attempt to articulate the ideal professional standards for lawyers and judges to strive for, and, eventually, to adopt plans to implement those standards. The program is focused on the ideals of behavior well above the Rules of Professional Conduct or any other basis for discipline.

The role of the Commission on Professionalism is to support program development by facilitating discussions and by providing and sharing resources to and among circuits. To be successful, the momentum of a professionalism program must come from legal community stakeholders in the circuit. The process is more important than the product. We have seen that the process of widespread dialogue and discussion is the predicate to agreement upon a standard of conduct above the floor of the disciplinary rules.

## Outreach Meetings with Judges

Consistent with the Commission's Strategic Plan, in 2010 we have had individual meetings with judges, have collaborated with judges in developing CLE programs for bar associations and divisions of court (Child

Support Division of Circuit Court of Cook County and Juvenile Court CORE program), have engaged Supreme and Appellate Court Justices in the Law School Orientation Program as speakers and administrators of the Pledge of Professionalism and have had discussions with representatives of the Administrative Office of the Illinois Courts. Subsequently, the 16th Judicial Circuit formed a Bench & Bar Committee to plan a circuit-wide professionalism initiative, using the model of the program adopted by the 17th Judicial Circuit, and the Chief Judge of the 3rd Judicial Circuit has invited the Executive Director to give a presentation to a committee of that circuit in the spring. With retired judge Tom Sumner joining the Commission staff mid-year, the efforts to collaborate with the judiciary have been strengthened. Excluding contacts related to the Law School Orientation Program, CLE or court programs, Commissioners and/or staff had outreach meetings with the following judges:

- Hon. Robert Bastone, Circuit Court of Cook County
- Hon. Paul Biebel, Jr., Presiding Judge, Criminal Division, Circuit Court of Cook County
- Hon. Stuart Borden, Chief Judge, 10th Judicial Circuit
- Hon. Keith Brown, Chief Judge, 16th Judicial Circuit (and all judges in the circuit)
- Hon. Ann Callis, Chief Judge, 3rd Judicial Circuit
- Hon. Mark Clarke, Chief Judge, 1st Judicial Circuit
- Hon. Timothy Evans, Chief Judge, Circuit Court of Cook County
- Hon. Becky Foley, 11th Judicial Circuit
- Hon. LaQuetta Hardy-Campbell, Circuit Court of Cook County
- Hon. Janet Holmgren, Chief Judge, 17th Judicial Circuit
- Hon. Michael Hyman, Circuit Court of Cook County
- Hon. Gerald Kinney, Chief Judge, 12th Judicial Circuit
- Hon. Marjorie Laws, presiding judge, 6th Municipal District, Circuit Court of Cook County
- Hon. Lewis Nixon, Circuit Court of Cook County
- Hon. Elizabeth Robb, Chief Judge, 11th Judicial Circuit
- Hon. E. Kyle Vantrease, Chief Judge, 2nd Judicial Circuit

## Professionalism Program in the Circuit Court of Cook County's Parentage Court (formerly known as the Expedited Child Support Division)

At the request of Supervising Judge Martha A. Mills and Commissioner Hon. Debra Walker, in the spring of 2010, the Illinois Supreme Court Commission on Professionalism sponsored a unique professionalism program at the Circuit Court of Cook County's Expedited Child Support Division.

To develop an engaging professionalism program tailored to the Expedited Child Support Division, Commissioners and staff conducted interviews and observed operations in the Division, learning some of the challenges to professionalism from the viewpoints of the judges, hearing officers, state's attorneys, and other individuals working in this high volume Division. Cook County's Expedited Child Support Division (now known as Parentage Court) is a specialty court tasked primarily with paternity determinations and the establishment or modification of child support. The court handles a heavy caseload in its nine hearing rooms and five courtrooms, and the staff includes judges, hearing officers, clerks, state's attorneys, and customer service personnel.

The two hour program consisted of a plenary session of approximately 80 individuals gathered in the largest courtroom to view a hypothetical hearing dramatized by court staff and crafted to highlight civility and professionalism issues that had been encountered in day to day interactions at the courthouse. After the hearing scenario was acted out by the participants, the staff was divided into small groups to discuss the issues presented by the scenario. The group discussions were professionally facilitated by Commissioners, including Hon. Debra Walker and Gwen Rowan, and Commission staff Jayne Reardon and Donna Crawford. The small groups then reconvened as a large group to debrief and share insights.

During the full group sessions, Executive Director Jayne Reardon and other speakers stressed the theme that whatever their individual responsibilities, those working at the court shared the common and laudatory goal of administering justice annually for hundreds of thousands of parents and families who look to the court system for fairness in their lives, many of whom are otherwise beset with great uncertainty and turmoil. Participants shared ways to keep the goal in mind and to better serve the public, and the suggestions were recorded on large charts posted on the wall. They were asked to identify at least one thing they learned that afternoon that would change their behavior at work the next week.

Six months after the program occurred, participants were interviewed about their recollections of the scenario, what they learned, and, most importantly, what lasting impacts they saw as a result of the training. A number of key points were made by those interviewed:

1. Sharing perspectives has resulted in better collaboration;
2. Professionalism has greatly improved; and
3. An interactive, skit-based scenario with small group discussion was very effective.

Suggestions for future applications were helpful. Most significantly, the only negative comment received about the program was that it was too short! All interviewees suggested that the court staff would benefit from ongoing, periodic seminars on professionalism as a way to continue keeping these important issues at the forefront of the staff's minds, which is particularly important where staff turnover is as regular as it is at the court.

The Commission on Professionalism views this program as a great example of promoting civility and professionalism in the legal and judicial systems and looks forward to the possibility of collaborating with other courts, or divisions of courts, to sponsor similar programs in the future.

### **Education Programs in Development**

The Commission has agreed to assist in the development of several groundbreaking programs that bear the promise of leveraging our mission by either being delivered to judges, who are in positions of influence regarding changed behavior, or may have application beyond one presentation:

- With the Loyola Law School, civility program for 1L students, January 2011
- With the Chicago Bar Foundation and Legal Aid Academy, three part advanced skills course on civility, 2011
- With the Illinois State Bar Association, how to plan a quality professional responsibility CLE program
- With the Administrative Office of the Illinois Courts and working committee, program for Ed Con 2012

*"Professionalism requires adherence to the highest ethical standards of conduct and willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all."*

Justice Sandra Day O'Connor

## Lawyer-to-Lawyer Mentoring

The mentoring program for new lawyers is designed to elevate the competence, professionalism and success of new lawyers. Mentoring creates an opportunity for an experienced lawyer to provide professional guidance and to share practical knowledge and skills with a new lawyer during the critical transition period from law student to legal practitioner. In 2010, the Illinois Supreme Court issued Rule 795(d)(12), adding lawyer-to-lawyer mentoring as an activity to satisfy the professional responsibility CLE credit in order to:

- Promote integrity, professionalism, and civility;
- Advance the commitment to eliminate bias and divisiveness within the legal system;
- Raise awareness of professional responsibility issues; and
- Spread best practices and the highest ideals in the practice of law.

New lawyers participating in Commission-approved mentoring programs have the opportunity to receive personalized legal training from mentors based on real-world application, which includes the kinds of learning that cannot be conveyed in a classroom. Attorneys serving as mentors gain personal satisfaction from "giving back" to the profession, providing the new lawyer with the benefit of experience and expertise gained from many years of practice, as well as form relationships with younger members of the bar. The end result of this kind of one-on-one learning relationship is a profession made up of confident new lawyers who have learned both practical skills strengthening their competency and important lessons on how to conduct oneself with a sense of professionalism in the practice of law, all the while enhancing satisfaction in their chosen career paths. In the process, the vast range of experience and insight earned by more-senior practitioners is retained and passed along to the next generation of attorneys, and our professional identity is enhanced and fortified to face challenges of the future.

The Commission on Professionalism began implementation of the new Supreme Court Rule in late 2010. Drawing upon lessons learned and best practices developed from a lawyer-to-lawyer mentoring pilot project undertaken in the 17th Judicial Circuit as well as programs from other states, the Commission began creating guidance documents for attorneys and organizations seeking to undertake a mentoring program that will qualify for CLE credit. A training and orientation program began to take shape, along with a comprehensive mentoring plan that will guide mentoring pairs through activities and discussions throughout their participation in the twelve-month program.

A key component of implementation is collaboration with sponsoring organizations. Sponsoring organizations include law firms, law schools, bar groups, state, county or local government agencies, or circuit courts of Illinois that wish to sponsor a mentoring program and help administer a program at a local level. Sponsoring organizations will name an individual to serve as Program Administrator, who will assist in administration, including by matching mentors with new attorneys. Organizations interested in sponsoring a mentoring plan should access the Commission website at [www.ilsccp.org](http://www.ilsccp.org).

## Law Schools

The Commission is charged by Rule 799(c)(7) 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

## New Law Student Orientation

The Commission's Law School Professionalism Orientation Program is provided every year at most Illinois law schools during new student orientation sessions. The purpose of the program is both to welcome law students to the profession and to introduce them to core concepts of professionalism inherent in the work of attorneys.

The Program has two components. The first, occurring at all of the participating law schools, involves students hearing remarks on professionalism by Illinois Supreme Court and Appellate Court justices, and then taking the "Pledge of Professionalism." The second, which occurs at some of the schools, has the students breaking out into small groups for a "facilitated session" to consider and discuss assigned scenarios involving situations that implicate a range of professionalism issues. The small groups are facilitated by attorneys and judges from the community, who spend time with the students examining the scenarios designed to raise questions about a lawyer's personal code of conduct and the choices students will face as they begin their legal education.

The law schools participating in the program are Northern Illinois University College of Law, University of Illinois College of Law, DePaul University College of Law, Loyola University School of Law, Chicago-Kent College of Law, and The John Marshall Law School. Law students at Southern Illinois University receive a similar orientation to professionalism under a separate program.

Work by Commission staff to prepare these sessions begins mid-June and is completed by the end of August. Feedback is that the Orientation Program is of great benefit to the students, and is a rewarding experience for the facilitators. Because it thus reflects very positively upon the Commission and emphasizes our mission, it was determined that the significant investment of staff time and resources in this endeavor was justified.

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

#### **Chicago-Kent College of Law**

Justice Michael Gallagher, Illinois Appellate Court, First District  
Justice Rodalfo Garcia, Illinois Appellate Court, First District

#### **DePaul University College of Law**

Justice Bertina Lampkin, Illinois Appellate Court, First District

#### Facilitators:

Peter Apostol, ARDC  
David Askew, Wildman, Harrold, Allen & Dixon, LLP  
Ann Hopkins Avery, Vedder Price  
Margaret Benson, Chicago Volunteer Legal Services  
Jennifer Bluestein, Greenberg Traurig, LLP  
Carol Casey, Office of the Public Guardian  
Tim Eaton, Shefsky & Froelich, Ltd.  
Gary Krohn, Mayer Brown LLP  
Wendy Muchman, ARDC  
John K. Norris, Law Offices of Rubin & Norris, LLC  
Carl Rossi, Collaborative Practice Chicago

#### **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:

Dean Frieders, Mickey, Wilson, Weiler, Renzi & Andersson, P.C.  
Tracy Kepler, ARDC  
Patrick Kinnally, Kinnally Flagherty Krentz & Loran PC  
Melissa Smart, ARDC  
Ed Walsh, Walsh Knippen Knight & Pollock

#### **The John Marshall Law School**

Justice Thomas Fitzgerald, Illinois Supreme Court  
Justice Joy Cunningham, Illinois Appellate Court, First District  
Judge Sharon Johnson Coleman, U.S. District Court for the Northern District of Illinois

#### Facilitators:

David Askew, Wildman, Harrold, Allen & Dixon, LLP  
Carol Casey, Office of the Public Guardian  
Tim Eaton, Shefsky & Froelich, Ltd.  
Bruce Goodman, Timm & Garfinkel, LLC  
Kenneth Gunn, Chicago Commission on Human Relations  
Kevin Hull, Hull Partners Ltd.  
Rick Hutt, Cook County Public Defender  
Sharon Legenza, Housing Action Illinois  
Laura Platt, Cassiday Schade LLP  
Pierre Priestley, Investment Property Exchange Services, Inc.  
Tricia Rooney, Grifin McCarthy & Rice  
Carl Rossi, Collaborative Practice Chicago  
Gwen Rowan, Commissioner and Cook County Bar Association  
Melissa Smart, ARDC  
Peter Steinmeyer, Epstein Becker & Green PC  
Rev. Janette Wilson, Wilson Howard PC

#### **University of Illinois College of Law**

Justice Rita B. Garman, Illinois Supreme Court

#### Facilitators:

Randy Cox, Feldman Wasser Draper & Cox  
Bianca Truitt Green, Illinois Mediation Services, Inc.  
Tamara Hackmann, Heyl Royster Voelker & Allen, PC  
Judge Heidi Ladd, Circuit Court, Sixth Judicial Circuit

Edward Wagner, Heyl Royster Voelker & Allen, PC  
Shig W. Yasunaga, University of Illinois

### Southern Illinois University School of Law

Justice Lloyd A. Karmeier, Illinois Supreme Court  
Justice Stephen Spomer, Illinois Appellate Court, Fifth District  
Jayne R. Reardon, Commission on Professionalism

SIU has a one credit class in which the first-year class considers core values of professionalism and drafts its own Pledge of Professionalism. An Illinois Supreme Court Justice then presides with the Dean and Executive Director of the Commission on Professionalism in a formal program individually inducting the students to the profession. The program is rich with ritual, including invitations for family and friends. The Commission's program was modeled in part on the SIU program.

### Justice Burke Professionalism Series

In the fall of 2010, the John Marshall Law School and the Commission on Professionalism sponsored a unique four part program pioneered by Illinois Supreme Court Justice Anne Burke entitled "The Justice Anne Burke Professionalism Series." The program featured leading members of the bench and bar who came to John Marshall to discuss various topics related to professionalism over a series of four lunchtime sessions with students and practicing attorneys.

Going beyond the focus of a traditional ethics course, this series of panel discussions incorporated a "street level" view of how professionalism necessarily affects lawyer's effectiveness in and out of the courtroom. Participating law students and attorneys were afforded an opportunity to gain valuable insight into how their conduct as lawyers not only ensures their professional survival, but can actually become a catalyst for success.



The four presentations were:

#### **The Professional Role of the Lawyer Beyond the Model Rules**

September 8, 2010

Moderator: Lance Northcutt

Panelists: Hon. Anne Burke, Justice, Illinois Supreme Court; Judge Michael Hyman, Circuit Court of Cook County; John Buckley, Ungaretti & Harris

With opening remarks by Dean John Corkery

#### **Appearance, Demeanor and Professional Behavior**

September 22, 2010

Moderator: Hon. Michael Gallagher, Justice, Illinois Appellate Court, 1st District

Panelists: Hon. Margaret Frossard, Justice, Illinois Appellate Court, 1st District; Hon. John Darrah, U.S. District Court; Hon. William Maddux, Circuit Court of Cook County

#### **Starting your own Practice**

October 13, 2010

Moderator: Antonio M. Romanucci

Panelists: Russ Hartigan, Judge Clare McWilliams, and Lance Northcutt

#### **You've Passed the Bar, Now What? Keeping Your License, Building Your Reputation**

November 3, 2010

Moderator: Lance Northcutt

Panelists: David Holterman, Lawyer's Trust Fund; Karen Litscher Johnson, MCLE Board; Jayne Reardon, Commission on Professionalism; Melissa Smart, ARDC; Janet Piper Voss, Lawyer's Assistance Program

### Other Collaborations

As articulated in the Commission's Strategic Plan, most of the goals of the Commission will only be accomplished by collaborating with other organizations to leverage our impact. A representative sampling of the organizations with which the Commission collaborated during 2010 includes:

- American Bar Association
- Attorney Registration and Disciplinary Commission

- Chicago Bar Association
- Child Support Division of the Circuit Court of Cook County (Parentage Court)
- Government Bar Association
- Illinois State Bar Association
- Jefferson County Bar Association
- Kane County Bar Association
- Land of Lincoln Legal Assistance Foundation
- Lawyer's Assistance Program
- McHenry County Bar Association
- MCLE Board
- McLean County Bar Association
- Peoria County Bar Association
- Phi Alpha Delta Legal Fraternity
- Prairie State Legal Services
- Public Defenders Association
- United States Arbitration & Mediation
- Will County Bar Association
- Women's Bar Association of Illinois
- and numerous law firms

Thirteen of the collaborations with the above organizations consisted of program development by the Commission staff and delivery by the Executive Director. These programs took place in: Aurora, Carbondale, Chicago, Mt. Vernon, Springfield, and Woodstock, Illinois. One ISBA program was a webinar ("Sticky Situations" for Basic Skills participants) broadcast across the state four different times in March, May, September and November.

Many collaborations consist of support for organizations devoted to promoting professionalism among lawyers, particularly in the areas of diversity and pro bono services.

The Commission on Professionalism recognizes the outstanding commitment of organizations and individuals to diversity and pro bono work by co-sponsoring programs, highlighting their inspirational work on the website and in publications and by participation in events. 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.

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.

### **Website**

The Commission's website ([www.ilscrp.org](http://www.ilscrp.org)) attracts an average of 62,292 hits per month. In 2010, hits totaled 747,543. These remarkable numbers are an indication that outreach is expanding the awareness of the Commission. Technology is a key mechanism allowing us to reach lawyers and judges across diverse constituencies and locations. We intend to focus, in 2011 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. For example, Commission staff has been able to utilize, in developing the lawyer-to-lawyer mentoring program, information about mentoring from other states. A national mentoring conference has been spawned from these meetings, and feedback as well as new research and resources are regularly shared.

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 2010, 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. The Committee met on March 16, April 20, May 4, September 16, and November 17. Members of the CLE Policy Committee were:

Lawrence Templer, Chair

Hon. Kathryn Creswell

Patrick Kinnally

Vincent Vitullo

Sonni Choi Williams

Significant accomplishments by the Committee in 2010 included:

- Developed the action plan for education & technology objectives as a continuation of the strategic planning process for the Commission;

- Approved the award of professional responsibility CLE credit (one hour of professional responsibility CLE) for every attorney involved in the Justice Burke Professionalism Program at John Marshall Law School;
- Allowed a streamlined procedure for lawyers to obtain professional responsibility credit for bar association meetings
- Reviewed numerous MCLE Board proposals for Rule changes and made recommendations to the Board; and
- Worked collaboratively with the MCLE Board to develop recommended rule changes for the Basic Skills and carryover requirements, work that is still in progress.

Pursuant to Rule 799(c)(10), after careful consideration and deliberation by the Committee and Commission, the Commission submitted recommendations to the Court as methods and means of improving the profession and accomplishing the purposes of this Commission. The Commission on Professionalism recommended that the Court amend its MCLE Rules: 1) to require six of the total hours required 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. These were approved by the Court in 2010.

The Committee also made recommendations for amendments to Rules 793 and 794 to accommodate attorneys who wish to fulfill their Basic Skills or professional responsibility CLE requirement by engaging in a year long mentoring program. If the Court adopts these recommendations, a new attorney may apply six hours of professional responsibility CLE to fulfill six hours of the Basic Skills requirement, or, alternatively, may carry over six hours of professional responsibility into the first reporting period, and all lawyers may carry over six hours of professional responsibility CLE from one reporting period to the next.

The Committee also streamlined the procedure to administer Rule 795(d) (3), non-traditional CLE credit for bar association or professional association meetings. An association no longer needs to submit the online application for professional responsibility credit for each meeting. Instead, bar or professional association may grant one hour professional responsibility credit for meetings that qualify for professional responsibility CLE credit by submitting the Agreement to Administer Professional Responsibility CLE for Association Meetings.

## CLE Course Applications & Providers

The number of professional responsibility continuing legal education courses and activities has continued to grow each year. During 2010, the Commission reviewed 5,754 traditional and nontraditional professional responsibility course applications. This number represents a 45% increase over the number of course applications reviewed in 2009 and a 70% increase over the number of course applications reviewed in 2007.

### Number of CLE Applications Over 4 Years

2007	2008	2009	2010
1747	2508	3190	5754

Through the MCLE Board's Provider Course Application Management (PCAM) system, all providers apply for general and professional responsibility credit and manage their reports and fees. The integrated database system eliminates the need for providers to apply to each organization separately for approval of a professional responsibility course.

The Commission reviews courses for professional responsibility credit by logging into PCAM. PCAM has more processing steps than the Commission's online application process did and does not accommodate the Commission's previous practice of granting two-year course approvals to accredited providers, resulting in increased Commission staff time devoted to review and processing of professional responsibility courses. We expect the process to improve as we move forward, harmonizing the process with the MCLE Board.

The number of providers applying for course accreditation also expanded in 2010. Over 750 organizations submitted applications to the Commission for professional responsibility continuing legal education accreditation. The organizations represent CLE providers from 39 different states. More than half of the total number of applications continues to come from CLE providers outside of Illinois.

Law firms submitted almost a quarter of the total applications for professional responsibility credit to the Commission. The chart on the next page displays the types of organizations submitting applications to the Commission and the percentage of total applications.

## Types of Organizations & Percent of Applications

Law Firm	24.0%
Bar Association	18.0%
CLE Provider Company	15.0%
Business, Insurance Company	14.1%
Legal Aid, Advocacy, Non Profit, Pro Bono	10.4%
Government Entity	8.9%
Business, Trade, Professional Association	7.0%
University & Law School	2.2%
Corporate Legal Department	0.9%
Courts, Commissions, LAP	0.5%

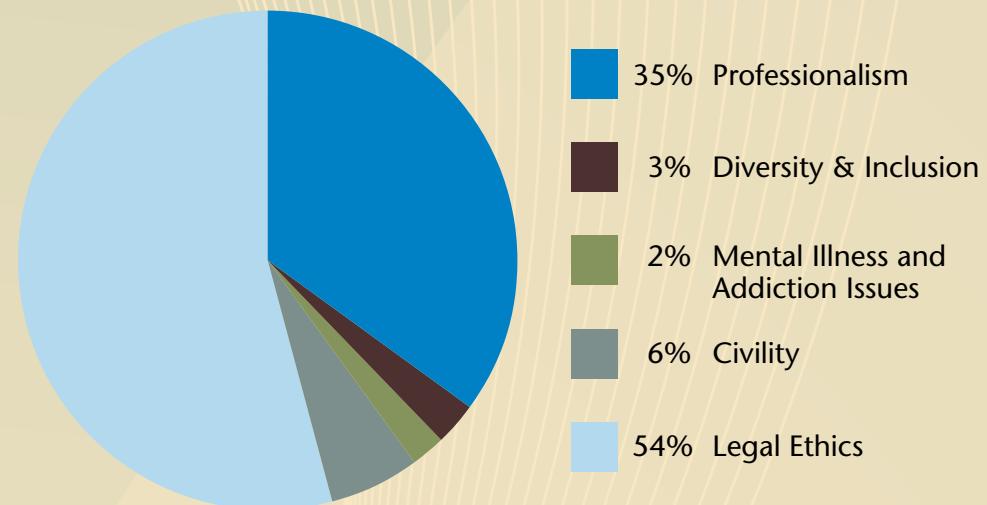
## Content

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.

On the website application form, the Commission asks providers to describe the content of their courses with reference to each of the five substantive aforementioned areas. The content distribution for all 2010 professional responsibility course applications submitted by CLE providers shows 54% of the courses offered were categorized as legal ethics, 35% professionalism, 6% civility, 2% mental illness and addiction issues, and 3% diversity.

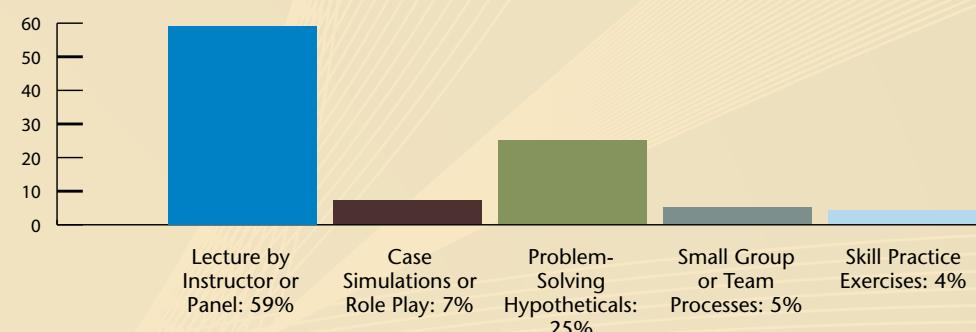
### Areas of Professional Responsibility of CLE Courses



### Teaching Methods

Lecture by instructor or panel continues to be the most common teaching method used in the professional responsibility courses. Case simulations or role plays are used in only 7% of the professional responsibility courses, the use of problem-solving hypotheticals has grown to 25%, small group or team processes are used in 5% of the courses, and skill practice exercises are used in 4% of the courses.

### Teaching Methods Used in Professional Responsibility Courses



### Course Evaluation

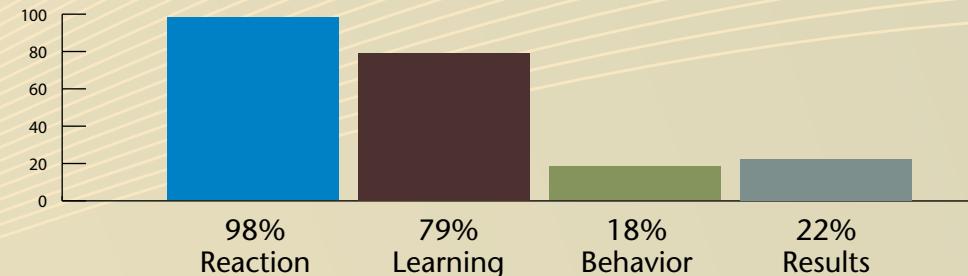
In the course application, providers are asked to indicate the learning levels assessments that they request from participants on their course evaluation forms. The question is asked in order to spur course development related not to entertainment, or even increased knowledge, but to application of skills to change behavior and improve effectiveness. The choices are four levels of learning which measure:

1. Reaction: was participant satisfied with instructor, materials, environment, etc.?

2. Learning: did participant's knowledge or skills increase?
3. Behavior: will participant apply learning (i.e., transfer to practice)?
4. Results: will application of learning influence effectiveness in practice of law?

Most providers (98%) assess the participants' reaction to the continuing legal education program (i.e., their satisfaction). One-third (79%) of CLE providers asked participants about learning (i.e., if the course increased participants' knowledge or skills). Some (18%) of the CLE providers asked about the potential application of learning to behavior (i.e., whether participants will use their new knowledge or skill), and almost a quarter (22%) asked participants about the results in relationship to performance in their practice of law (i.e., whether they think the knowledge or skills will improve their effectiveness).

### Levels of Evaluation Questions Asked by CLE Providers



### Non-traditional and Out-of-State Credit

The Commission approved 326 professional responsibility courses and activities submitted by attorneys for non-traditional and out-of-state continuing legal education credit. The various categories are discussed as follows:

- In 2010, the Commission approved 49 non-traditional applications for professional responsibility credit.
- Professional responsibility CLE credit was awarded to 29 volunteer attorneys who facilitated small group discussions in connection with the Commission's Law School Professionalism Orientation Program at Illinois law schools and to 18 attorneys who participated in the Justice Anne E. Burke Professionalism Series in the fall of 2010.
- The Commission also approved 277 individual out-of-state applications for attorneys.

### CLE Advisory Group

Strategic to the advancement of the Commission's professional responsibility education agenda is our collaboration with CLE providers. Engaging a broad range of organizations in becoming part of the solution to advance

civility and professionalism begins with the Commission 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 2010 included sharing examples of best practice distance learning experiences, discussion of the CLE Provider Survey and Legal Community Survey, gathering feedback on the new MCLE-ILSCCP online course application and management system, discussion of the development of the mentoring program, and sharing the contents of a civility course that is being developed.

In 2010, the CLE Advisory Group included the following members and organizations:

Mary Andreoni, Attorney Registration and Disciplinary Commission  
Beth McMeen, Chicago Bar Association  
Venu Gupta, Chicago Committee on Minorities in Large Law Firms  
Mark Shlifka, Cook County State's Attorney's Office  
Megan Knox Moore, J.D., Illinois Institute for Continuing Legal Education  
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 and Kurt Plocher, Winston & Strawn LLP  
Gina Roars, West LegalEdcenter  
Stephen Schlicht, Practising Law Institute

#### 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 2010, 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. E-News blasts were sent in 2010 on the following topics:

Course Development Checklist (April 5)  
New CLE Course Application Process (July 9)  
Lawyer Feedback on CLE (Sept 1)  
Professional Responsibility Rules Changes (Oct 15)

#### Conclusion

Despite the increase in the volume of professional responsibility course applications from providers, the number of non-traditional professional responsibility credit applications from attorneys has remained about the same as previous years. Considering the number of attorneys adversely affected by the economy, the Commission would like to increase publicity of the low or no cost CLE opportunities available through non-traditional means. In rolling out the mentoring program in the future, we intend to highlight mentoring as well as the other non-traditional CLE opportunities available under Rule 795(d).

In addition, neither the distribution of course content nor the types of teaching methods have markedly changed over the last four years. We would like to see programming that spans the five prongs of our professional responsibility requirement rather than narrow offerings in the area of legal ethics, and we would like to see teaching methods that encourage active learning. Our future plans include transferring the more technical aspects of course review and approval to a paralegal, allowing of our experienced and highly qualified Education Director to devote greater time to assisting providers with course development. ■

## 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 2010, the Finance & Audit 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, 2010, 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 2010 Audit and Finance Committee were:

Hon. Debra Walker, Chair

Hon. Michael McCuskey

Gordon Nash, Jr.

Considering the shortfall between goals of the Commission's Strategic Plan and the accomplishments achievable under current funding levels, the Commission formed an ad hoc Long Range Funding Committee to articulate and document the need for additional resources to reach the Commission's strategic goals. The committee members are:

C. Kristina Gunsalus

Jane DiRenzo Pigott

Gwendolyn Y. Rowan

Hon. Debra B. Walker





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