

Chicago-Kent College of Law

FAQs About Illinois Supreme Court Rule 711(g) July 2020

These FAQs are intended to assist Chicago-Kent College of Law graduates to navigate new Illinois Supreme Court Rule 711(g), which the Court approved on July 2, 2020. The FAQs were not prepared by the Court or the Administrative Office of Illinois Courts. Therefore, if a conflict exists between information in this FAQ and information in Rule 711(g) or the accompanying application, you should rely on the rule or application. Some answers go beyond Rule 711(g) to describe how Chicago-Kent intends to handle Rule 711(g) applications; others provide non-legal advice for Chicago-Kent graduates about how to interact with potential supervisors. Ultimately, covered graduates and supervisors are responsible for reading, understanding, and following Rule 711(g).

Where can I locate Rule 711(g)?

You may find Rule 711(g) on the Illinois Supreme Court website, <https://courts.illinois.gov/SupremeCourt/Announce/2020/070220.pdf>.

Why was Rule 711(g) proposed?

Rule 711(g) was proposed by the nine deans of the Illinois law schools and the Illinois State Bar Association to allow recent graduates of ABA-approved law schools to practice temporarily in light of the COVID-19 pandemic. Rule 711(g) expands Rule 711, which in its previous version did not permit candidates to practice with law firms or other private legal departments or organizations. Rule 711(g) also streamlines the character-and-fitness process for temporary licensure.

Who may seek temporary licensure under Rule 711(g)?

A law graduate may seek temporary licensure under Rule 711(g) if he or she has:

- Graduated with a J.D. degree from an ABA-accredited law school between December 2019 and December 2020 **or** served as a judicial law clerk since graduating with a J.D. degree from an ABA-accredited law school, regardless of graduation date;
- Not yet taken a bar examination in any jurisdiction;
- Completed all educational requirements to be eligible to take the Illinois bar examination;

- Taken and passed the MPRE or is registered to take the MPRE;
- Timely applied to sit for the September 2020 or February 2021 Illinois bar examination;
- Agreed to comply with the MCLE requirements in Rule 711(g); **and**
- Agreed to comply with all ethics requirements and professional rules in Rule 711(g)(9) and (10).

An individual who meets each of these criteria is a "covered graduate" under Rule 711(g) and meets the requirements noted in the Rule 711(g) application.

For whom may I work if I have a Rule 711(g) license?

Rule 711(g)(5) states:

The services authorized by this rule may only be carried on in the course of the covered graduate's work with one or more of the following organizations or programs:

- (A) a legal aid bureau, legal assistance program, organization, or clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association;
- (B) the office of the public defender;
- (C) a law office of the State or any of its subdivisions; or
- (D) a private law office or other legal department or organization with one or more attorneys, under the supervision of a licensed attorney who meets the requirements of paragraph (g)(6).

A significant difference from current Rule 711, "Representation by Supervised Law Students or Graduates," http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_VII/artVII.htm#711, is the addition of subsection D.

If I plan to work for legal aid or a public employer, why would I want to proceed under Rule 711(g) instead of current Rule 711?

Rule 711(g) provides a more streamlined process for covered graduates, especially on the character-and-fitness review. Rule 711(g) delegates that review to the Dean of the graduate's law school instead of to the Administrative Office of Illinois Courts.

May a covered graduate with a Rule 711(g) license be compensated?

Yes, but not directly by the person for whom the covered graduate renders services. Rule 711(g)(4). The attorney or organization that hires you may pay you. We suggest you enter into a written agreement with your supervisor or the organization that hires you. We recommend that the agreement include, at a minimum, information about your status (e.g., employee), the term of employment, and the rate, method, and timing of compensation.

Is there a deadline to apply under Rule 711(g)?

No, but the Rule sunsets on November 24, 2021. Also see the FAQ, below, about when a Rule 711(g) license expires or is terminated.

How does a covered graduate apply under Rule 711(g)?

A covered graduate must:

1. **Secure a position:** Secure a position at an organization listed under Rule 711(g)(5). The position must include an anticipated "start date" (see application Section B). You may not submit the application to your Dean without a position and supervisor.
2. **Secure a supervisor:** Secure a supervisor within that organization. For private organizations that qualify under Rule 711(g)(5)(D), the supervisor must meet all qualifications listed under Rule 711(g)(6). Supervisors at organizations under 711(g)(5)(A)–(C) do not need to meet the qualifications of Rule 711(g)(6).
3. **Complete the appropriate application:** The Rule 711(g) application is located at https://courts.illinois.gov/Administrative/forms/711/app_LegalServices_711g.pdf. Please note that the Rule 711(g) application is different from the Rule 711 application.
4. **Have your supervisor sign the application:** Have your supervisor complete and sign Section B of the application. For covered graduates working for a private organization listed under Rule 711(g)(5)(D), have the designated supervisor complete and sign Section B-1.
5. **Email the application to the Law School.** Email the application to 711@kentlaw.iit.edu.
6. **Wait for the Dean or Dean's Designee to complete the character-and-fitness review,** which is addressed in a later FAQ.

7. **When the Dean or Dean's Designee returns the completed form, keep the completed form with you whenever you meet with clients, counsel, courts, etc.** The application, when completed by the Dean or Dean's Designee (Assistant Dean Stephen Sowle), represents your temporary license. We suggest carrying a hard copy and taking a screenshot that is easy for you to locate.

Are digital signatures permitted on the application?

Yes, the Rule 711(g) application form is fillable and allows for digital signatures.

Is there a way to independently determine if my potential supervisor is currently eligible to practice law in Illinois?

The Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois website includes a search function for "Lawyers Not Currently Authorized to Practice Due to Recent Status Changes," https://www.iardc.org/home/rra_search.aspx.

Is there a way to determine if my potential supervisor carries malpractice insurance?

Yes. Visit the ARDC website and go to the "Lawyer Search" area, <https://www.iardc.org/lawyersearch.asp>. When the name appears, click on the hyperlink, which will take you to the potential supervisor's registration and public disciplinary record. That record includes the attorney's full licensed name, any former names, date of admission in Illinois, registered business address and phone number, registration status, and malpractice insurance information.

May a relative be my supervisor?

Yes, if that individual meets all other requirements.

Must my supervising attorney have a physical office in Illinois?

A physical location in Illinois is not required under Rule 711(g). You should consider whether you will receive appropriate supervision if the attorney does not regularly practice in Illinois, even if the supervisor is licensed to practice in Illinois.

Must my supervisor complete a training course?

A training course is not required but is strongly encouraged, especially if the supervisor has not previously completed a similar course. The Illinois State Bar Association has a free online course that supervisors may complete and receive 2.0 hours of MLCE credit, including 2.0 hours of Professional Responsibility MCLE credit:

<https://www.isba.org/barnews/2018/03/cleinternsexternsandclerkstrainings> (specific program at <https://www.isba.org/cle/path?pathPage=%2Fisba%2Fcourses%2F7952>).

What if my proposed supervisor refuses to complete and sign the application?

If your proposed supervisor does not complete and sign the application, you may not apply under Rule 711(g). You may seek another qualified supervisor. Alternatively, consider the work you may perform as a law graduate under ISBA Professional Conduct Advisory Opinion 20-01, <https://www.isba.org/sites/default/files/ethicsopinions/2020%20-%2001%20%28May%202020%29.pdf>.

What if my anticipated start date (Section B of the application) changes?

If it changes by fewer than 30 days, simply proceed. If it changes by more than 30 days, please alert your Dean/Dean's Designee. One reason for the start date is to determine your MCLE reporting deadlines.

What is the role of my law school Dean under Rule 711(g)?

Once a Dean or the Dean's Designee receives an application under Rule 711(g), the Dean or Dean's Designee must:

1. **Review the application for completeness.** Review the application to determine that required portions of the application have been completed. (Note, Section B-1 must be completed only if the supervisor works in a private law firm or other private law department or organization). If the application is not complete, the Dean/Dean's Designee must return it to the applicant.
2. **Complete the character-and-fitness/educational verification:** Review the completed application and the law school's records about the applicant to determine whether the Dean/Dean's Designee either has or would be willing to issue to the Illinois Board of Admissions to the Bar a "Certificate of Juris Doctor," <https://www.ilbaradmissions.org/getpdfform.action?id=19>, free of any qualification or information that reflects adversely on the covered graduate's character and fitness. If the

Dean/Dean's Designee has not and would not provide an unqualified certificate, the Dean/Dean's Designee must not sign the Rule 711(g) application and should notify the applicant of that decision. The decision of the Dean/Dean's Designee is not appealable.

3. **Complete the supervisor check:** Review Section B, and for private employers, Section B-1, to ensure that all requested information has been provided. Then, go to the ARDC website, <https://www.iardc.org/>, and ensure that the supervisor is listed. Then, for supervisors required to complete Section B-1, also check the ARDC website and, if necessary, the supervisor's online biography to confirm that:
 - a. The supervisor has been an active member in good standing with the Illinois ARDC or an equivalent authority in another U.S. jurisdiction for the previous five years and has been an active member in good standing with the Illinois ARDC for the previous two years, and
 - b. Maintains malpractice insurance. The check for insurance does not need to extend beyond the ARDC website.

To find the information above, enter the supervisor's name into the "Lawyer Search" area, <https://www.iardc.org/lawyersearch.asp>. When the name appears, click on the hyperlink, which will take you to the attorney's registration and public disciplinary record. That record includes the attorney's full licensed name, former names, date of admission in Illinois, registered business address and phone number, registration status, and malpractice insurance information.

If the Dean or Dean's Designee needs additional information to make these determinations, the Dean/Dean's Designee may contact the supervisor directly or request that the applicant work with the supervisor to provide the necessary information (e.g., information about licensure in another state).

The Dean/Dean's Designee may take all other answers on Section B-1 at face value, assuming the supervisor has signed the certification. But if the supervisor failed to answer a question, the Dean/Dean's Designee should return the application to the applicant with information about what information must be provided or supplemented. If a Dean/Dean's Designee is concerned about a supervisor's answer (for example, the supervisor does not have experience supervising non-lawyer personnel), the Dean/Dean's Designee may decline to approve the application.

4. **Complete Section C of the 711(g) application:** If all other steps have been completed and satisfied, complete Section C and sign.

5. **Circulate the completed application:** Email the completed form to:
 - The applicant;
 - The supervising attorney;
 - The Administrative Office of the Illinois Courts at Rule711@illinoiscourts.gov; and
 - The MCLE Board at Rule711@mcleboard.org.
6. **Retain the original application:** Retain the original in the graduate's official records or another appropriate location.
7. **Review requests to change supervisors:** When a covered graduate needs or requests to change supervisors, the covered graduate must submit a new Rule 711(g) application. The Dean/Dean's Designee will review the new application using the steps above. The Dean/Dean's Designee will contact the former supervisor to ensure the supervisor did not withdraw for cause (e.g., Rule 711(g) license holder engaging in unethical or unauthorized conduct). If the new application is approved, in addition to circulating the completed application to the applicant, new supervisor, Administrative Office of Illinois Courts, and MCLE board, the Dean/Dean's Designee will also copy the former supervisor as a precaution and to avoid confusion.
8. **Collect and report the following information to the Administrative Office of the Illinois Courts no later than December 31, 2021, under Rule 711(g)(13):**
 - The total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) received by the Dean;
 - The total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) approved by the Dean;
 - The total number of Applications for Authorization to Perform Legal Services Under Illinois Supreme Court Rule 711(g) not approved by the Dean, and the reasons for such non-approval;
 - The total number of covered graduates performing legal services with organizations identified in Rule 711(g)(5)(A), (B), or (C);
 - The total number of covered graduates performing legal services with organizations identified in Rule 711(g)(5)(D);
 - A short statement about the impact Rule 711(g) has on the ability of graduates to secure permanent employment following graduation; and
 - A short statement about the impact Rule 711(g) has on existing public interest employers that employ Rule 711 license holders on a temporary basis, such as legal assistance clinics, non-profit legal aid organizations, and government agencies.

This information may be used to consider additional, permanent rule changes in the future.

Is there a timeline within which my Dean must review the application?

No, Rule 711(g) does not designate or require a particular timeline. We will endeavor to process the reviews as quickly as possible, but in light of the required decanal review and current COVID-19 pandemic, please allow at least two weeks for most reviews. If you have not heard about the status of your application within 15 days, you may email Dean Sowle at ssowle@kentlaw.iit.edu to request a status update.

When is a covered graduate authorized to practice under Rule 711(g)?

The authorization to practice is effective after the Dean/Dean's Designee signs off on the application and returns it to the covered graduate.

How does a covered graduate prove authorization to practice under Rule 711(g)?

The covered graduate will produce a copy (hard copy or electronic copy) of the completed Rule 711(g) license signed by the law school Dean/Dean's designee. Those practicing under Rule 711(g) could always carry a hard copy and a screenshot of the completed and signed application. Note that individuals licensed under Rule 711(g) are subject to all ethics rules and may be stripped of the 711(g) license and barred from receiving a permanent license if they misrepresent their status at any point.

Must a covered graduate register with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (ARDC)?

No, covered graduates do not need to contact or register with the ARDC as part of the 711(g) process. The Administrative Office of Illinois Courts will share information about approved 711(g) licenses with the ARDC.

If I work for a private law firm or organization, must I complete pro bono work?

The Illinois Supreme Court expects that individuals with a 711(g) license who are working for a private law firm or other private law department or organization will participate in some pro bono work. However, the Court does not require those pro bono hours to be reported by the individual holding the 711(g) license or the supervisor.

What if my supervisor changes?

You will need to file a new Rule 711(g) application with your Dean. This situation is addressed by Rule 711(g)(8), which provides:

If a covered graduate's supervising attorney from an organization permitted under paragraph (g)(5) is no longer able to continue, or if the covered graduate working in an organization permitted under paragraph (g)(5) wishes to change supervising attorneys, the covered graduate must obtain a new supervising attorney and follow the provisions of paragraph (g)(7), including the requirement in paragraph (g)(7)(B)(ii) that the dean of the covered graduate's law school has verified the new supervising attorney meets the requirements of paragraph (g)(6).

Please note that if a supervisor withdraws for cause, your Rule 711(g) license terminates under subsection (g)(12). Supervisors who withdraw for cause should notify the Administrative Office of Illinois Courts to provide the reason and should copy the law school Dean/Dean's Designee who signed the Rule 711(g) application on that communication.

May I appear in court with a Rule 711(g) license?

Yes, if you follow the provisions of Rule 711(c) and 711(g)(3), (10), and (11).

When might a Rule 711(g) license expire or be terminated?

Authorization under 711(g) expires or is terminated at the earliest of these dates:

- The Applicant's admission to the Illinois bar or another jurisdiction's bar;
- Withdrawal of the Applicant's supervising attorney or employer for cause;
- The Applicant's failure to pass the Illinois bar examination for which the applicant is registered (*please note that, as of July 2, a failure to sit for the examination is considered a failure of that examination*);
- Termination of the license by the Supreme Court of Illinois; or
- November 4, 2021.

Rule 711(g)(12).

What if I decide not to sit for the bar examination for which I am currently registered?

The Administrative Office of Illinois Courts considers a failure to sit for a bar examination as a failure of that examination. We are seeking information about whether, in light of COVID-19, the Court or bar examiners can be more flexible in allowing individuals to shift from the September

2020 examination to the February 2021 examination without penalty and without having it count as a failure under Rule 711(g).

How do I report MCLE hours?

After the MCLE board receives a copy of your completed application from your Dean, the MCLE board will contact you with reporting instructions and deadlines.

Will the MCLE credits I complete while practicing under Rule 711(g) count toward the hours required after I pass a bar examination?

Yes. The MCLE hours you complete will count toward your first-year MCLE requirements. If you have a multi-year delay between completing the credits for your 711(g) license and receiving your permanent license, you should contact the MCLE board directly to discuss that issue.

Will Rule 711(g) provisions be extended if the COVID-19 pandemic continues?

Rule 711(g) does not address this issue. But we suspect that the Illinois law deans would request the Court to consider an extension should the September 2020 or February 2021 bar examination be postponed or canceled.

If I have a specific question not addressed above, whom should I contact?

For questions about the status of your application once you've submitted it to the law school, email Assistant Dean Sowle at ssowle@kentlaw.iit.edu.

For questions about the application itself, contact the Administrative Office of Illinois Courts, <http://www.illinoiscourts.gov/Administrative/Contact.asp>.

For questions about MCLE, contact the Illinois MLCE Board, <https://www.mcleboard.org/files/Contact/files/ContactUsPage.aspx?MenuType=contactusMenuType=AboutUs&subMenuType=history&hkey=9474e690-dca2-4ba5-963f-c77183321513>.

For questions about the bar examination or your bar application, contact the Illinois Board of Admissions to the Bar, <https://www.ilbaradmissions.org/home.action>.