



**Board of Governor Meeting
March 10, 2017**

**Action Agenda Item #108
Special Committee on Supreme Court Rule 711**



**Supreme Court of Illinois
ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS**

Michael J. Tardy
Director

222 North LaSalle Street, 13th Floor
Chicago, IL 60601
Phone: (312) 793-6165
mtardy@illinoiscourts.gov

February 1, 2017

3101 Old Jacksonville Road
Springfield, IL 62704
Phone: (217) 558-4490

Charles Northrup
General Counsel
Illinois State Bar Association
424 South Second Street
Springfield, IL 62701-1779

Dear Mr. Northrup:

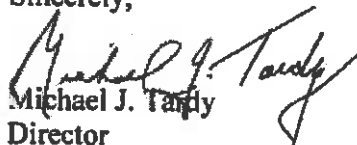
On behalf of the Supreme Court, I write in response to your March 18, 2016, proposal to expand the application of Supreme Court Rule 711 to allow supervised law students working at private law firms to appear in courts and administrative tribunals in the state in the manner that law students currently are allowed to do if they work for legal aid and government organizations.

After initial review, the Court sought input on the proposed amendments from its Commission on Access to Justice. The ATJ Commission discussed the proposal with representatives from legal aid agencies, law school public interest advisors and law school clinical program directors from across the State. The ATJ Commission reported that these entities expressed unanimous opposition to the ISBA proposal because of concerns that the changes would shift interest away from their programs and lead to a decrease in law students working at government law offices, legal aid agencies and law school clinics. As such, the ATJ Commission expressed strong concerns about the proposal.

During the January 2017 Term, the Court carefully considered the ISBA's detailed and insightful rationale for the proposal, as well as the input from the ATJ Commission. After thorough discussion, the Court voted to disapprove the proposed amendment.

On behalf of the Court, I wish to thank the ISBA for its thoughtful proposal. Please relay the Court's appreciation to the ISBA membership for its efforts on this issue.

Sincerely,


Michael J. Tardy
Director

c: Hon. Lloyd A. Karmeier, Chief Justice, Supreme Court of Illinois
Bailey Cunningham, Assistant Counsel, ISBA

MEMORANDUM

To: Board of Governors, Illinois State Bar Association
c/o Vincent F. Cornelius, President

From: Judge Mike Chmiel, Chair
Special Committee on Rule 711
Illinois State Bar Association

Re: Proposal for Amendments to Rule 711 of the Supreme Court of Illinois

Date: March 1, 2017

In follow-up to our previous communications, and as you know, the Supreme Court has “voted to disapprove the proposed amendment”.

Of course, the Special Committee on Rule 711 was disappointed to learn of the same, especially in consideration of the reference to “unanimous opposition” to the proposal by “legal aid agencies, law school public interest advisors and law school clinical program directors from across the State”, as reported to the Supreme Court of Illinois by its Commission on Access to Justice. The disapproval was explained in Michael Tardy’s letter of February 1, 2017, which also relays “concerns that the changes would shift interest away from their programs and lead to a decrease in law students working at government law offices, legal aid agencies and law school clinics”.

Of course, our work on the proposal found opposite. As such, we fear miscommunication may be involved. As suggested in the Committee’s reports, and in subsequent deliberations, the amendments should provide a broader environment for participation under Rule 711 by those who might not otherwise participate. As such, the Committee believes the amendments will actually fuel interest in opportunities under Rule 711, including those provided by legal aid and law schools. As well, ***law school deans control who actually gets to participate!*** Further, of course, we note (a) the state’s around Illinois and most others provide for what we are proposing, and (b) what we are proposing will serve, as much as any initiative, to arrive at more practice-ready attorneys, to help the profession and the community.

On February 16, 2016, the Committee met by telephone to discuss Director Tardy’s letter and what, if anything, should happen next. While we are reluctant to suggest that the ISBA ask the Court to reconsider, we thought it might be prudent to suggest that the ISBA ask to talk to the Commission. Attached is the draft of a letter which President Cornelius (or perhaps Charles Northrup) might consider sending in reply to Director Tardy’s letter.

We believe in this project, but respect the Court’s unique role in this, and welcome your further direction to (a) stand down and consider our work concluded, (b) follow-up with the Court (and its Commission) along the lines suggested in the attached draft, and/or (c) work on a new proposal.

Thanks for the opportunity.

[INSERT ISBA LETTERHEAD]

[INSERT DATE]

Mr. Michael J. Tardy
Director
Administrative Office of the Illinois Courts
3101 Old Jacksonville Road
Springfield, Illinois 62704

RE: Supreme Court Rule 711

Dear Director Tardy:

Thank you for your correspondence dated February 1, 2017, which was addressed to Charles Northrup, as General Counsel of the Illinois State Bar Association. Of course, we are disappointed to learn our proposal for amendments to Rule 711 was voted down. While we respect the process, we are perplexed by the “unanimous opposition to the ISBA proposal” by legal aid agencies and law schools, in that our task force on the proposal involved many such entities. As such, we would like to meet with the Commission on Access to Justice, to better understand how we missed the mark, so that we might more fully report to our membership and consider how future initiatives might be better presented.

We welcome your further direction on this. Thank you.