

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered September 20, 2019.

(Deleted material is struck through, and new material is underscored.)

Effective January 1, 2020, Illinois Supreme Court Rule 767 is amended, as follows.

Amended Rule 767

Rule 767. Reinstatement

(a) Petition. An attorney who has been disbarred, disbarred on consent or suspended until further order of the court may file his verified petition with the clerk of the court seeking to be reinstated to the roll of attorneys admitted to practice law in this State. No petition shall be filed within a period of five years after the date of an order of disbarment, three years after the date of an order allowing disbarment on consent, two years after the date of an order denying a petition for reinstatement, or one year after an order allowing the petition for reinstatement to be withdrawn. No petition for reinstatement shall be filed by an attorney suspended for a specified period and until further order of the court, until the specified period of time has elapsed. The petition shall set forth the date on which discipline was imposed, the attorney's intent to be reinstated to the roll of attorneys admitted to practice law in this State, and a statement that the attorney has deposited \$1500 with the Attorney Registration and Disciplinary Commission to be applied against the costs of the reinstatement proceeding and that a receipt of payment is attached as required in paragraph (c). Also attached to the petition shall be an affidavit executed by the attorney stating that the attorney has provided or will provide to the Administrator the information required in Commission Rule 402 at the time the petition for reinstatement is served upon the Administrator.~~shall include the information specified by Commission rule.~~

(b) Presentation of Petition. An attorney who has been disbarred, disbarred on consent or suspended until further order of the court may present to the Administrator a copy of the petition he proposes to file with the clerk, along with the information specified by Commission Rule 402, within 120 days prior to the date on which the petition may be filed.

(c) Costs. The petition shall be accompanied by a receipt showing payment to the Commission of a \$1500 deposit to be applied against the costs, as defined in Rule 773, necessary to the investigation, hearing and review of the petition. If the costs exceed the amount of the deposit, the petitioner shall pay the excess at the conclusion of the matter pursuant to the procedures of Rule 773. If the deposit exceeds the costs, the excess shall be refunded to the petitioner.

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SUPREME COURT
CLERK

(d) Notice of Petition. The Administrator shall give notice to the following:

(1) the chief judge of each circuit in which the petitioner maintained an office or engaged in the practice of law; and

(2) the president of each local or county bar association in each county in which the petitioner maintained an office or engaged in the practice of law.

(e) Form of Notice. The notice shall be in substantially the following form:

NOTICE OF PETITION FOR
REINSTATEMENT AS ATTORNEY

_____, who was licensed to practice law in the State of Illinois on _____ and who was (suspended from the practice of law on _____) (disbarred on _____), has filed (has stated his intention to file) in the Supreme Court of Illinois a petition for readmission to the practice of law in Illinois. A hearing on that petition will be held.

Any person desiring to be heard or having relevant information may communicate with the Administrator of the Attorney Registration and Disciplinary Commission at (insert address and telephone number of Administrator's office concerned).

(f) Factors to Be Considered. The petition shall be referred to a hearing panel. The panel shall consider the following factors, and such other factors as the panel deems appropriate, in determining the petitioner's rehabilitation, present good character and current knowledge of the law:

(1) the nature of the misconduct for which the petitioner was disciplined;

(2) the maturity and experience of the petitioner at the time discipline was imposed;

(3) whether the petitioner recognizes the nature and seriousness of the misconduct;

(4) when applicable, whether petitioner has made restitution;

(5) the petitioner's conduct since discipline was imposed; and

(6) the petitioner's candor and forthrightness in presenting evidence in support of the petition.

(g) Report of Hearing Panel. The hearing panel shall make a report of its findings and recommendations. A copy of the report shall be served upon the petitioner and upon the Administrator.

(h) Hearing and Review Procedure. The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases.

Adopted March 30, 1973, effective April 1, 1973; amended September 8, 1975, effective October 1, 1975; amended effective February 17, 1977; amended May 26, 1978, effective July 1, 1978; amended August 9, 1983, effective October 1, 1983; amended June 1, 1984, effective July 1, 1984; amended May 23, 2005, effective immediately; amended May 23, 2019, eff. July 1, 2019; amended Sept. 20,

2019, eff. Jan. 1, 2020.

Commentary
(May 23, 2005)

Paragraph (c) is amended to provide that the procedures of Rule 773 to recover costs are applicable in all respects to a reinstatement proceeding