ILLINOIS STATE BAR ASSOCIATION

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Rural Practice

The newsletter of the Illinois State Bar Association's Section on Rural Practice

A Letter From the Chair

BY SARAH J. TAYLOR

HAPPY SUMMER AND WELCOME to new and continuing members of the Rural Practice Section! As Chair this year, I hope to continue the programs and progress made by our recent Chair, Angel Wawrzynek, and try new things as we continue our goals of leveraging ISBA resources to benefit rural and small-town practitioners across the state. I am excited to begin this journey, and I have a great team in the Rural Practice Section Council. Membership in this Section continues to be free for ISBA members, so please spread the word about joining! Check out the Rural Practice Section webpage for more information.

The Rural Practice Section was established:

- To promote professional excellence among those engaged in the practice of law in small towns and rural communities;
- To serve as a resource for those lawyers engaged in the practice of law in small towns and rural communities;
- To provide opportunities for the exchange of information particularly pertinent to the needs of practitioners in small towns and rural communities;
- To explore and implement improvements to access to justice for residents of small towns and rural communities across the State of Illinois, including but not limited to administer the ISBA Rural Practice Fellowship Program;

Continued on next page

Rural Practice Section Chair Sarah Taylor (right) presents a plaque to outgoing Chair Angel Wawrzynek during the ISBA Annual Meeting at the Ritz-Carlton in St. Louis on June 12, 2026. Congratulations, Angel, on a successful bar year, and thank you for your outstanding leadership and service to the Rural Practice Section!

A Letter From the Chair

CONTINUED FROM PAGE 1

- To review relevant matters and issues and to study and recommend solutions to various problems involving the public, the court, and attorneys insofar as the areas of concern of the Section are involved; and
- To collaborate with other sections and committees of the ISBA, as well as with other organizations, in furtherance of the above mission objectives.

There are many ways in which the Section is already living up to this mission statement. In addition to continuing (and continuing to improve) the Rural Practice Fellowship Program, the Section has been strengthening the ISBA Affiliated Bar Program and collaborating with ISBA Mutual Insurance Company and local rural bar associations to provide CLE opportunities for their members. The Section also regularly publishes a robust newsletter chock full of practical and interesting content. We welcome submissions from practitioners like you!

I will be sharing more about the activities and benefits of the Section in future newsletters, but one of my main goals is to promote connections and collaborations between rural lawyers, local bar associations, law schools, and other groups, so if you have an idea you want to discuss, please feel free to email me at staylor@btbhh.com. ■

Sarah J. Taylor
Chair, ISBA Rural Practice Section

Rural Practice

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ISBA Rural Practice Section Council Member Profile: Ted M. Niemann

Background and introduction

1. Full Name: Ted M. Niemann
2. Hometown/Current Residence: Quincy, Illinois (Adams County)
3. Law School Attended and Year of Graduation: DePaul University College of Law; 1983
4. Year Admitted to the Illinois Bar: 1983
5. Current Role or Status (*e.g.*, practicing attorney, judge, retired): ISBA's Treasurer; Member of the ISBA Board of Governors for Area VI (Circuits 7, 8, & 9) & Board Liaison to Rural Practice, Real Estate, & Agricultural Law Section Councils
6. Brief overview of your current or most recent practice: I have been practicing law for 43 years as an associate and, since 1989, as a general partner of Schmiedeskamp Robertson Neu and Mitchell LLP of Quincy, Illinois. I continue to focus my practice in the corporate, commercial, real estate, banking, agricultural, estate planning, banking and collection law areas.

Ted M. Niemann

Career path and practice

Q: What inspired you to pursue a legal career, particularly in a rural setting?

A: I knew that I wanted to become a lawyer since the 8th grade. I was the first in my family to attend law school and was drawn by the notion of helping people solve problems including legal matters I anticipated would arise in my family's retail grocery store business and other family businesses and matters.

Q: What areas of law have you focused on throughout your career?

A: Throughout my career, I've primarily focused on real estate, commercial, banking, corporate, estate planning and administration, agriculture, and debt collection law. Although I began my career as a litigator, after more than 40 years of practice I can relate to Tom Cruise's character, Lt. Daniel Kaffee, in *A Few Good Men* when he says, "So this is what a courtroom looks like."

Q: Did you always intend to practice in a rural area? Why or why not?

A: Initially, I wanted to live and work in a big city, so I chose DePaul University, College of Law, for law school. I was drawn to the excitement and myriads of opportunities that a big city offers. After spending my law student chapter in Chicago, I felt called to come home to Quincy, based on my desire to practice law as a member of the firm which employed me as a law clerk, Schmiedeskamp Robertson Neu & Mitchell LLP, to provide legal services to my family's grocery store business and my family, and to enjoy the quality of life offered by Quincy, Illinois.

Q: Describe your typical client base and the community you serve.

A: I represent a family-owned chain of grocery stores operating in more than 150 locations in four states, several regional banks, other retail businesses, and a publicly held wheel and tire manufacturer. In addition, I represent individuals in estate planning and administration and a broad spectrum of other legal matters.

Quincy is a western Illinois Mississippi River community with a strong local identity and deep-rooted family and business ties. It is a close-knit community where reputation and long-standing relationships carry significant weight. In light of this, it has come naturally for me to serve on many non-profit boards, as my family and law firm have encouraged me to become involved in many philanthropic activities.

Q: What do you enjoy most about your legal career?

A: I truly enjoy the clients I serve, especially my brothers and other members of my family, the opportunity to collaborate with my hardworking colleagues at Schmiedeskamp, and the many benefits of my ISBA membership. What I value most about the ISBA, though, is its members. It goes far beyond networking—it's about building meaningful, lasting relationships. We come together around a shared purpose in giving back to the ISBA and, consequently, the legal profession. We support one another in our work and genuinely enjoy the process.

Q: What aspects of the practice are most challenging or frustrating?

A: The most challenging aspect of my practice is balancing the demands of representing numerous clients and managing a busy caseload while remaining active in the ISBA and making time for my family and friends. I find the continual pursuit of that balance to be one of the most rewarding aspects of my professional and personal life.

Q: Was there anything you actively worked to change or improve in the legal system or in your practice environment?

A: I have made it my mission to raise public awareness of legal deserts and to advocate for the urgent need for attorneys in rural counties. On one occasion, I was a guest on a local radio station to help bring attention to the issue. As an ISBA member of the Board of Governors and Treasurer, I am planning a rural practice speed networking event in an effort to combat the "attorney desert" or lack of attorneys in many cities and towns, rural and otherwise, in Illinois which are outside of the large metropolitan areas.

Q: How has rural legal practice changed over the course of your career?

A: When interviewing for new associates, a trend I hear in their interviews is that new lawyers want the following: (1) to work from home; (2) in lieu of #1, they want to bring their dog to work; (3) they want their firm to pay for their gym membership bill; and (4) they don't want billable hours. More than this, most young attorneys want to live and work in the city. Most, if not all, small towns and rural areas in Illinois, including Quincy, Illinois, are suffering from an insufficient number of practicing attorneys.

Accomplishments and contributions

Q: What professional accomplishments are you most proud of?

A: I was honored to receive the ISBA's Matthew Maloney Tradition of Excellence Award in 2023 which is an award I hold in high regard because it was a result of my ISBA peers' recognition of my ISBA accomplishments. Recently, I spoke at the Fourth District new lawyer admission ceremony on behalf of the ISBA. In addition, I certainly value my election to the ISBA Board of Governors and Assembly, as well as my recent election at which time I was elected as ISBA Treasurer.

Q: Have you been involved in community service, local organizations, or bar association work? Please describe.

A: In addition to serving on ISBA's Board, I was elected to the Standing Committee on Scope and Correlation, which reviews the structure, functions, and activities of the Association's committees, sections, and related bodies. I have also served on—and previously chaired on two occasions—the ISBA Real Estate Law Section Council. I am a past author and presenter for the Illinois Institute of Continuing Legal Education (IICLE©) and a former president of the Adams County Bar Association.

My civic involvement includes serving as past president of the Quincy Park Foundation, the Rotary Club of Quincy, and Quincy Regional Crime Stoppers. I have also volunteered with my local YMCA and as a board member of the Two Rivers Council of Girl Scouts, Inc.

Q: Are there any cases, projects, or experiences that stand out as especially meaningful or impactful?

A: In serving on the ISBA Real Estate Law Section Council for approximately 25 to 30 years, including serving as chair twice, I came to realize that what really stands out in my mind are the many professional and personal relationships I have developed with ISBA members while engaged in this section's business.

In 2015 and again in 2018, I had the distinct privilege of presenting my two eldest daughters with their law degree diplomas—moments of immense pride that marked the culmination of their dedication, perseverance, and years of hard work.

Looking ahead

Q: What advice would you give to young attorneys considering rural practice?

A: You can make an even greater impact in a rural practice over an urban practice. Our clients are the same people we sit next to in church, see at the local grocery store, and wave to from the opposing bleachers on "Friday Night Lights." When we help them, it carries a deeper meaning, and it drives us to go above and beyond to solve their problems. Rural communities need young attorneys, and there's a real opportunity to make a difference where it matters most.

Q: What opportunities do you think exist today in rural law practice that didn't exist earlier in your career?

A: Early in my career, there were far fewer opportunities for young attorneys than there are today. As many of the solo practitioners and small-firm lawyers from that era have retired or passed away, they have left established practices with loyal client bases ready for the next generation of lawyers to serve.

Q: How can the Rural Practice Section Council better support attorneys in rural areas?

A: Strengthen the relationship between the ISBA and rural bar associations to address declining membership. The Council should advocate for rural associations that lack websites and help connect them with ISBA resources to better serve their members. It should also continue supporting the expansion of the Rural Practice Fellowship Program to encourage and sustain the next generation of rural lawyers.

Q: Anything else you'd like to share with your peers or the broader legal community?

A: I have spent my entire 43-year legal career practicing at Schmiedeskamp, Robertson, Neu & Mitchell LLP in Quincy, building my practice and serving clients there from day one. ■

Rural Law Practice in the News

BY SAM ELLIS AND CARI BRETT RINCKER

Illinois Courts' Access-to-Justice Grant Applications have closed

As July 2026 concludes, the application period for the 2026–27 Illinois Courts Access to Justice Improvement Grant Program has officially closed. The Illinois Supreme Court Commission on Access to Justice and the Access to Justice Division of the Administrative Office of the Illinois Courts accepted proposals from courts statewide through July 10, 2026, for initiatives designed to improve access to the courts for self-represented litigants. Eligible projects included self-help centers, improved courthouse signage, early resolution programs, and partnerships with public libraries.[1]

The announcement also highlighted the Court Navigator Network, which connects court personnel, Illinois JusticeCorps members, Illinois Court Help guides, and other access-to-justice professionals. Even courts that do not receive or seek grant funding may designate a staff member to participate in the Network, creating a statewide forum for sharing resources, best practices, and strategies to better serve self-represented litigants.[2]

For rural practitioners, the grant program reflects continued investment in infrastructure and services that can directly benefit downstate and underserved courts. These initiatives support court-based resources that complement, rather than replace, private rural practice while helping improve the experience of litigants navigating the justice system.

Although applications for the 2026–27 funding cycle have closed, courts and stakeholders interested in participating in future funding opportunities should plan ahead. The next application period for the 2027–28 Access to Justice Improvement Grant Program is expected to open in June 2027, making it a good time to begin identifying potential projects and partnerships.

Iowa leaders convene to address rural legal deserts

In late June 2026, Iowa attorneys, lawmakers, and community leaders gathered to discuss ways to attract and retain lawyers in rural communities. According to the Iowa State Bar Association data reported by KCCI, nearly half of Iowa's 99 counties have 10 or fewer attorneys available to serve residents' legal needs, and 17 counties have fewer than five.[3]

The Iowa discussion reinforces a recurring theme in rural practice policy: the shortage is not simply a question of total lawyer numbers, but of geographic distribution, practice-area coverage, and long-term community retention. Rural residents may face barriers both in finding any attorney and in finding one with the experience needed for family law, real estate, estate planning, criminal defense, or agricultural business matters.

For Illinois practitioners, Iowa's experience is instructive because it shows neighboring states moving from data collection toward convening stakeholders and designing practical retention strategies.

Rural public defense shortages receive national attention

In June 2026, the Deason Criminal Justice Reform Center at SMU Dedman School of Law described rural lawyer shortages as a constitutional and access-to-justice concern, particularly for public defense and prosecution systems. The Center noted that several states considered or adopted economic incentive and pipeline programs aimed at encouraging lawyers to serve rural communities.[4]

The report identified Iowa's attorney loan repayment program for rural public defense providers, Kansas' rural legal training program, and Nebraska's educational loan repayment program for attorneys practicing in rural communities as examples of state-level responses.[5]

These developments are significant for rural courts because shortages in public defense and prosecution affect case timelines, victims, defendants, and overall confidence in the justice system. They also demonstrate that rural lawyer incentives are increasingly being framed not only as economic development tools, but also as constitutional infrastructure.

Indiana selects inaugural Rural Practice Academy class

In June 2026, The Indiana Lawyer reported that 15 lawyers were selected for the inaugural class of the Indiana State Bar Association's Rural Practice Academy. The yearlong cohort will focus on building sustainable legal practices in rural and underserved communities through training, workshops, and mentorship opportunities.[6]

The Academy grew out of Indiana's broader attorney-shortage work, including recommendations from the Commission on Indiana's Legal Future. Indiana data cited in the article identifies 49 of the state's 92 counties as legal deserts, meaning they have fewer than one attorney available per 1,000 residents.[7]

For rural firms, the Indiana model is notable because it focuses on sustainability, not merely placement. The program recognizes that attorneys entering rural practice need business systems, mentorship, and professional networks if they are going to remain in those communities long term.

New Mexico considers alternative licensing to address rural shortages

New Mexico is also evaluating whether licensing reform could help address rural lawyer shortages. In June 2026, Source New Mexico reported that two New Mexico Supreme Court justices briefed state lawmakers on rural legal workforce issues and discussed a possible supervised-practice pathway after law school as an alternative to the traditional bar-exam-only route.[8]

The justices noted that New Mexico has one law school, a predominantly rural geography, and significant poverty-related barriers to entering the profession. They also reported that four New Mexico counties do not have a single lawyer and that most licensed New Mexico attorneys who live in the state are concentrated in Albuquerque, Santa Fe, or Las Cruces.[9]

Tennessee Symposium examines rural justice gap and regulatory reform

The University of Tennessee Winston College of Law reported in June 2026 on its Orr Symposium, "Closing the Rural Justice Gap: Innovation and Regulatory Reform." The program brought together judges, scholars, lawyers, and national experts to discuss legal deserts, rural attorney shortages, alternative licensing pathways, and the possibility of trained non-lawyer professionals helping to fill service gaps in underserved communities.[10]

The Tennessee discussion is important because it connects rural practice shortages with broader regulatory reform. Rather than focusing only on recruitment, the symposium considered whether the structure of legal service delivery itself should change to meet unmet civil legal needs in rural counties.[11]

New national research reviews rural access-to-justice service design

A 2026 American Bar Foundation research brief on rural access to justice emphasizes that rural communities often have few or no authorized legal providers, that rurality intersects with poverty, age, disability, race, and other forms of disadvantage, and that limited broadband and digital literacy can restrict the effectiveness of technology-based legal services.[12]

The brief frames rural access problems as service-design issues, not just attorney-count issues. For rural practitioners and bar leaders, that distinction matters because proposed solutions may include better local partnerships, more accessible intake systems, non-lawyer assistance models, and service delivery methods that account for transportation, broadband, and community trust barriers.[13]

For rural practitioners and bar leaders, this research matters because better definitions can lead to better interventions. Accurate mapping can help determine whether a community needs loan repayment incentives, court navigator support, legal aid partnerships, technology investments, or new pipelines for private rural practice. ■

Sam Ellis is an associate attorney with Rincker Law, PLLC, practicing in the areas of food and agriculture law.

Cari Brett Rincker is the owner of Rincker Law, PLLC, a national general practice law firm concentrating in Food, Farm and Family[SM] law.

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The One About Passing AI Costs Through to Clients

BY CAROLYN ELEFANT

Welcome to the Inaugural MyShingle Ethics Opinion. Regulators aren't providing guidance quickly enough, and while large firms have access to in-house ethics advisors, solos and smalls don't. The MyShingle Ethics Opinions include hyperlinked sources, draft language, and practical guidance for easy implementation. If you have an ethics question you'd like us to address, email elefant@myshingle.com. With that, you can read MyShingle Ethics Opinion 2026, The One About Passing AI Costs Through to Clients below or download the PDF here.

MyShingle Ethics Opinion 2026-1

The One About Passing AI Costs Through to Clients

Background

On July 12, 2026, Anthropic is expected to shift access to Claude Fable 5 from subscription bundles to metered, pay-per-token usage available only through usage credits or API calls, so each serious use will generate a per-token charge. Pricing trackers put Fable 5 at about $10 per million input tokens and $50 per million output tokens, making it Anthropic's most expensive generally available model and roughly twice the listed price of Opus 4.8.

Fable is just one of many price increases as law firms accelerate their adoption of AI. Agentic AI is also pricier than the chat bots of two years ago. Last month, Artificial Lawyer predicted that token costs for large law firms could reach millions of dollars, while many businesses claim that their AI bills now exceed the cost of the workers AI was intended to replace. The market is already responding: Legora announced consumption-based pricing for its agentic models, presumably to shift responsibility for burgeoning AI costs from the platform to users. Commenters are asking here and here whether lawyers may appropriately pass the cost of AI on to clients.

That is the question presented in this inaugural MyShingle Ethics Opinion: **May lawyers pass the costs of artificial intelligence, from subscriptions and platform licenses to metered per-token usage charges, through to clients, and should they?**

AI costs reach a law practice in two forms, and the answer differs for each. Subscriptions, platform licenses, and tools that equip the practice generally are overhead: a lawyer may not bill them to clients or pro-rate them among clients, any more than the lawyer could bill for the research subscription or the case management system. Metered charges are different. A lawyer may charge a client for metered AI usage, but only when the charges are attributable to the client's specific matter, billed at actual cost without markup, disclosed in advance and preferably in writing, and not duplicative of costs the lawyer already recovers as overhead. A lawyer who cannot isolate the actual cost for a particular matter may not charge the client at all. But the ability to trace a charge to a client's matter does not by itself justify billing it. It is our position that as a matter of policy, ordinary AI usage should be absorbed as overhead even when the platform attributes every charge to a particular client. Pass-through billing is appropriate in only two situations: extraordinary AI consumption attributable to a single matter and engagements in which the client expressly directs the lawyer to use a particular tool. A lawyer whose ordinary AI costs rise should raise rates or adopt flat fees rather than itemize tokens.

Rules discussed: Model Rule 1.5

Discussion

Costs in a law practice fall into two categories, and the classification controls whether they may be billed to clients. ABA Formal Op. 93-379 (1993) draws a line between overhead costs and client expenses. Overhead is the cost of operating a law office and includes costs like rent and reception services, maintaining a library, malpractice insurance, purchasing utilities and the like. Absent advance disclosure, overhead costs are not appropriately passed on to clients because (1) the client should reasonably expect that these costs would be subsumed within the charges for "professional services" and (2) the benefits associated with these costs inure to the firm. By contrast, client expenses are those costs incurred for a particular matter, such as filing fees, court reporters, and in-house services like photocopying. These may be billed to clients but only at "the direct cost associated with the service" plus "a reasonable allocation of overhead expenses directly associated" with providing it, and never with a surcharge absent client agreement. *See* ABA Formal Op. 93-379 (1993).

The Westlaw Era: How the Profession Classified the Last Metered Technology

Technology and new business models can change how costs are characterized. Consider the treatment of legal research tools which has evolved over time. When lawyers conducted research in firm law libraries stocked with hard copy digests and reporters, they never passed the cost of books or librarians on to clients because these costs were considered overhead. When Lexis and Westlaw arrived in the mid-1970s, they charged by the search and by the minute of connection time or search units.

Because each Wexis search was attributable to a specific matter, the profession classified metered research as a client expense. Philadelphia Bar Op. 87-23 (1987) rejected that computerized legal research was overhead, but determined that the cost could be included as part of contingency fee recovery with advance disclosure to clients and an option to opt out. And two decades later, the prevailing view of federal circuits in fee recovery cases is that the cost of computerized legal research, if documented, was appropriately included in fee awards. *See In re UnitedHealth Grp. Inc. S'holder Derivative Litig.,* 631 F.3d 913, 919 (8th Cir. 2011).

Then the vendors changed their pricing, and the classification flipped. In the late 1990s, Lexis and Westlaw began offering fixed-fee "commitment pricing" contracts, and a flat subscription has no per-matter cost. Firms that kept billing clients at retail per-search rates against flat contracts were no longer recovering an expense; they were marking up overhead. The practice persisted long enough to become a litigation risk: a 2021 lawsuit accused a large firm of billing more than $100,000 in per-search charges against its flat-rate LexisNexis contract. Soon after, recovery of online research charges among large firms declined year over year beginning in 2005, 43 percent of surveyed firms reported absorbing more research cost by 2012 as clients balked or refused outright to pay, and computerized research settled where it remains today: "a cost of doing business and not a client recoverable cost."

The AI opinions

Every ethics authority to address AI costs has applied FO 93-379's classification, and a consensus has formed around three rules. First, AI tools that equip the practice generally are overhead. ABA Formal Op. 512 (2024) gives the example of an AI grammar checker embedded in word processing software, whose cost "should be considered to be overhead"; the State Bar of Michigan's AI FAQs extend the point to subscriptions and one-time tool purchases, which the firm absorbs absent advance disclosure; and Kentucky Op. E-457 (2024) adds that the cost of learning and keeping current with AI is overhead in all events. Second, per-use charges attributable to a specific matter are billable expenses at actual cost only. Opinion 512's example is a third-party provider's per-use charge for reviewing thousands of contracts for one client, which a lawyer may "ordinarily" bill; Texas Op. 705 (2025) permits recovery of per-use AI charges "in much the same way some clients agree to pay for the use of traditional online research tools like Westlaw and LexisNexis," capped at the amount actually paid to the provider; and New York City Bar Op. 2024-5 (2024) routes AI costs through FO 93-379's disbursement rules. Third, attribution must be real and disclosure must come first. Florida Op. 24-1 (2024) holds that a lawyer who cannot determine the actual cost associated with a particular matter may not prorate periodic AI charges and "should account for those charges as overhead"; New Mexico Op. 2024-004 requires the lawyer to disclose the actual cost and the intent to charge it, in writing, before the representation; D.C. Bar Op. 388 (2024) notes that an out-of-pocket AI cost "is an expense that should be communicated to the client," and Opinion 512 forbids charges that duplicate amounts recovered from "this or other clients" and requires provider discounts to be passed along.

Two authorities depart from the actual-cost consensus. North Carolina 2024 FEO 1 permits AI cost recovery through either matter-specific charges or "a general administrative fee" covering technology expenses, with client consent, preferably written. The New York State Bar Association's AI Task Force report (2024) would allow a surcharge above actual cost if clearly stated in the engagement letter and the total charge remains reasonable.

Classifying AI costs

Applying that authority, AI costs are recoverable as follows. Subscriptions, platform licenses, and one-time tool purchases are overhead. They equip the practice as a whole, no method attributes their cost to one matter rather than another, and every authority to consider them so holds. They may not be billed, prorated, or recovered in any form other than the fee.

Metered usage is an expense only when (1) the charge would not exist but for a specific client's matter and (2) the lawyer can measure its actual cost. So, for example, under this test, firm-wide agents that monitor files and flags work to be done would fail the first prong regardless of token consumption, because it serves the practice generally. Where both conditions are met, the charge may be billed at actual cost, without markup, without duplicating amounts recovered from any client, with provider discounts passed along, and with the charge and its basis disclosed in advance and in writing. So the cost of usage tokens incurred by an agent that prepares and reviews discovery in connection with a specific client file could be passed through to the client.

Permissible, however, does not mean advisable. Just because firms *can* ethically recover metered charges doesn't mean that they *should*. Recall, FO 93-379 explained that recovery of overhead is not appropriate because clients expect overhead costs to be subsumed in hourly rates or the cost of legal services. Likewise, in 2026, clients expect professional service providers to incorporate AI seamlessly throughout all aspects of practice. Just as clients wouldn't expect a hospital to include a line-item charge for a robotic arm used in surgery, so too, they are increasingly less likely to expect a separate charge for AI research. Moreover, token line item charges on an invoice smack of nickel and diming, and invite disputes over token counts.

Even as token charges increase, law firms have options. They can raise hourly rates or charge a flat fee for service that covers all charges.

Finally, there are two narrow situations that might justify pass-through. The first is extraordinary consumption attributable to a single matter. Because overhead is spread across every client through the fee, a five-figure AI bill for a single client absorbed as overhead forces every other client to pay for one client's matter; the client whose matter created the cost should bear it. The second is the client-directed tool: when the client instructs the lawyer to run work through a specified platform, the charges are a client-directed expense and may be billed at actual cost and documented in the engagement agreement.

Best practices

Rather than run up hefty AI bills and pass them off to clients, the better discipline is to absorb AI costs and manage them prudently, applying these best practices:

- **Match the model to the task.** Reserve premium models like Fable for genuinely hard matters; use cheaper or bundled tools for routine emails, quick research, and form drafting.
- **Reduce unnecessary tokens.** Narrow prompts and chunk documents. Run a 50-page contract in sections and ask targeted questions rather than "analyze everything about this matter."
- **Turn on cost controls.** Spend caps, per-matter budgets, and usage dashboards reveal which matters and users drive spend before the invoice does.
- **Put guardrails on agents.** Limit how many times an agent can re-run a chain, cache repeated context instead of re-sending full files, and avoid routing every step to the most expensive model by default.
- **Audit the math periodically.** Compare dollars spent on AI to hours saved and revenue generated and adjust the mix of models and tools when the math stops working, both for your margins and for fees that remain reasonable to clients.

Sample Disclosure: If you plan to pass on token consumption costs, here's some sample disclosure language for clients:

Where the Firm incurs metered, usage-based AI charges directly attributable to your matter, those charges will be billed to you as a case expense at the Firm's actual cost, without markup, and with any provider discounts passed on to you. These charges will be itemized on your invoice. If the Firm cannot determine the actual cost attributable to your matter, no charge will be made. By signing this agreement, you consent to this billing arrangement.

Conclusion

Are AI costs overhead or client expenses? Subscriptions and platform licenses are overhead and may never be billed. Metered charges attributable to a single matter may be billed at actual cost with advance written disclosure, but the view of this Opinion is that firms should absorb all AI-related costs as overhead subject to two narrow situations only: extraordinary single-matter consumption that functions like an outside vendor charge, and tools the client directs the lawyer to use. ■

MyShingle Ethics Opinions are advisory commentary by Carolyn Elefant to provide guidance to attorneys but similar to Ethics Hotline guidance is not binding and does not constitute legal advice. These opinions may be cited by researchers, ethics committees and courts. Lawyers should consult the rules and opinions of their own jurisdiction.

Carolyn Elefant is the author of Solo by Choice: How to Start a Law Firm and Be the Lawyer You Always Wanted to Be. Carolyn has co-authored the ABA Publication "Social Media for Lawyers: The Next Frontier" and "The Legal ClauseIt: Plug & Play Power Pacts for the Modern Law Firm."

This article was originally published on Carolyn Elefant's blog, My Shingle, on July 10, 2026. It is republished here with permission.

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When and How to Seek Guardianship of a Minor in Illinois

BY SEAN ENDRES

DECIDING WHETHER TO SEEK guardianship for a minor can range from straightforward to deeply emotional. In some cases, guardianship is pursued for a limited, practical reason, such as enabling a minor to receive funds from a probate estate or personal injury settlement. In others, it involves difficult questions about a child's care, safety, and long-term well-being when parents are unavailable or unable to provide proper care.

In guardianship proceedings for a minor, Illinois courts ultimately consider whether the appointment is in the minor's best interests.[1] However, before appointing a guardian of the minor who is not the minor's parent, Illinois courts must consider the superior rights of a parent to the care, custody, and control of their child.[2] A guardianship will not be imposed over a parent's objection unless the parent is unable or unwilling to care for the child.[3]

This article provides an overview of (1) what a guardianship for a minor is, (2) when it may be necessary, (3) the process for obtaining guardianship, and (4) the responsibilities that follow appointment.

What is a guardianship for a minor?

Under Illinois law, a minor is any person under the age of 18.[4] Guardianship proceedings involving minors are governed primarily by the Illinois Probate Act.

Guardianship for minors generally falls into two categories:

Guardian of the Person

A guardian of the person is responsible for the minor's day-to-day care and decision-making. This includes authority over:

- Living arrangements
- Education
- Medical care
- General welfare

This form of guardianship is often necessary when a child is living with someone other than a parent, such as a grandparent, aunt, uncle, or older sibling. Even if that family member is the primary caregiver, they typically lack legal authority to enroll the child in school, consent to medical treatment, or make other essential decisions without court-appointed guardianship. A guardian of the person is granted legal authority to make decisions for the minor, but parental rights are not necessarily terminated and may coexist depending on the circumstances.[5]

Guardian of the Estate

A guardian of the estate manages the minor's financial affairs. This includes managing:

- Bank accounts
- Settlement proceeds
- Inheritances
- Investments or other property

In some circumstances, such as when a minor is a party to a lawsuit involving a substantial recovery or is entitled to a significant distribution from a probate estate, the minor must appear through a guardian or "next friend."[6] A minor typically cannot independently receive or manage a significant amount of financial assets.[7] As a result, a guardian of the estate is commonly required when a minor is entitled to proceeds from a lawsuit, wrongful death claim, insurance payout, or probate estate.

Guardianship of the Estate and Person

In many cases, a petitioner seeks appointment as guardian of both the person and the estate. This is especially common where the guardian is acting in a parental role and financial assets are also involved.

When should you seek guardianship?

While every situation is unique, most minor guardianship cases fall into several common categories.

The Minor Has Received or Will Receive Funds or Assets

Guardianship is frequently required when a minor is entitled to money or property, such as:

- Proceeds from a personal injury or wrongful death lawsuit
- Distributions from a probate estate
- Insurance payouts or structured settlements

A guardian, typically of the estate, is often required to act on the minor's behalf if the minor is set to receive or manage financial assets.

Notably, even where a parent is alive and involved in the minor's life, a guardianship of the estate may still be necessary to properly manage and distribute funds belonging to the minor.

The Parents Are Deceased

When both parents have passed away, a guardianship of the person is generally necessary to ensure that someone has legal authority to care for the child. In these cases, courts often give weight to family relationships and, where applicable, prior nominations by the parents.[8]

When both parents of a minor are deceased, family members are often faced with an important threshold decision: whether to pursue guardianship or adoption. While both provide a mechanism for caring for the child, they differ significantly in legal effect, permanence, and procedure.

Guardianship is generally intended to provide a legal caretaker for the minor without permanently altering the child's legal relationships. A guardian is appointed by the probate court and assumes responsibility for the child's care and decision-making. However, the child's legal identity and familial relationships remain unchanged.[9] Guardianship is also subject to ongoing court supervision, including annual reporting requirements, and may be modified or terminated if circumstances change.[10]

Adoption, by contrast, is permanent and creates a new legal parent-child relationship.[11] Once an adoption is finalized, the adoptive parent assumes all rights and responsibilities of a natural parent, and the legal relationship with the child's biological parents is terminated.[12] Adoption proceedings are governed by a different statutory framework and typically involve more extensive procedural requirements, including background checks, home studies, and, in some cases, termination of parental rights proceedings (if not already resolved).[13]

The Parents Are Unable or Unfit to Care for the Child

Guardianship may also be appropriate where parents are:

- Incapacitated
- Struggling with substance abuse
- Incarcerated
- Otherwise unable to provide proper care

These cases can be sensitive and, at times, contested. The court must determine whether removing decision-making authority from a parent and giving it to someone else is in the child's best interests. Although not always, these cases are often contested, as the parents of the child can appear in court and argue that they are still fit to take care of the child. In situations where there is drug abuse or a temporary inability to parent a child, the court will appoint a guardian of the minor while also giving the parent an opportunity in the future to prove to the court that they can parent their child and that guardianship is no longer necessary. These cases often involve significant emotional and financial considerations.

The Child Is Living with a Non-Parent Caregiver

It is increasingly common for minors to reside with extended family members or other caregivers. Even in cooperative situations, legal guardianship may be necessary to:

- Enroll the child in school
- Authorize medical treatment
- Access public benefits or services

Without formal guardianship, caregivers may encounter significant legal and practical barriers when attempting to act on the child's behalf. Institutions often require legal authority before allowing non-parents to make decisions. However, in these situations it is likely that the parent is either no longer involved in the child's life or is no longer safe for the child to be around. In these situations, asking the parent to accompany the child to doctors' appointments or school visits is not in the best interest of the child. Therefore, the current caregiver would need to be appointed as the guardian of the child so that they have the necessary authority to enroll the child in school or take the child to a doctor.[14]

Parental Consent Situations

Not all guardianship cases are adversarial. In many instances, parents may consent to the appointment of a guardian, particularly where the arrangement is temporary or intended to provide stability for the child. As will be discussed later in this article, parent consent to a guardianship can save you a lot of time and money as the guardianship will not be contested.

The guardianship process in Illinois

Although procedures can vary slightly by county, the general process for obtaining guardianship of a minor is relatively consistent across Illinois.

Filing the Petition

The process begins with the filing of a Petition for Guardianship of a Minor.[15] The petition must include:

- The identity of the minor and their age
- The names and addresses of the parents and the minor's closest adult relatives
- The identity of the proposed guardian
- The type of guardianship sought (person, estate, or both)
- The reasons why guardianship is necessary

The petitioner must also file an Oath of Office, affirming their willingness to fulfill the duties of a guardian.

Notice Requirements

Proper notice is a critical component of the process.

Notice must generally be provided to:

- The minor's parents
- The minor's nearest adult relatives
- Any person with physical custody of the minor
- The minor, if age 14 or older

Notice must typically be sent not less than 30 days before the court hearing. Failure to comply with notice requirements can delay or invalidate the proceedings.[16]

Bond (for Guardianship of the Estate)

If the petitioner seeks guardianship of the estate, they must obtain a bond. The bond serves as a financial safeguard to protect the minor's assets from mismanagement or misuse.

The bond amount is typically tied to the value of the minor's personal property and may vary depending on whether a surety bond is involved.

Supporting Documents

While not always required, the following documents can significantly streamline the process:

- Parental consents, indicating agreement with the guardianship
- Nomination by the minor (if age 14 or older), expressing their preference for a guardian

Where consents are provided, the case is often uncontested and proceeds more efficiently because the judge may not require a guardian *ad litem* be appointed to investigate the situation, saving you a significant amount of time and money.

Court Hearing

At the hearing, the petitioner must demonstrate that:

- Guardianship is necessary; and
- Appointment of the proposed guardian is in the minor's best interests

In uncontested cases, this may be a relatively brief proceeding. If the guardianship is contested, meaning that a party appears in court and objects to the guardianship, don't expect to have to plead your entire case to the judge and have a judgment entered that very same day. If the guardianship is contested, the judge will want to know why you believe guardianship is necessary and why the objecting party is objecting to the guardianship. Once all parties have been heard, the judge may appoint a guardian *ad litem* to further investigate the matter. The guardian *ad litem* will perform their investigation and then report their findings to the court. While the guardian *ad litem* report is not the sole deciding factor in guardianship cases, the guardian *ad litem* report can carry significant weight in the judge's decision. Accordingly, the parties should be prepared to present information to the guardian *ad litem* regarding why the guardianship is necessary and in the minor's best interests.

Contested guardianships and guardian *ad litem*

The people that you gave notice to, including the parents of the minor, nearest adult relatives of the minor, and the person who has physical custody of the minor, may appear to contest the petition for guardianship. If the guardianship is contested, the court will typically appoint a guardian *ad litem* (GAL).[17]

The GAL's role is to investigate and make a recommendation to the court. This may include:

- Interviewing the child, parents, and proposed guardian
- Observing living conditions
- Reviewing relevant records

The GAL submits a report advising the court on whether guardianship is appropriate and, if so, who should serve.

In some cases, the court may also appoint a temporary guardian for up to 60 days while the matter is pending.[18]

What happens after appointment?

Once appointed, a guardian assumes significant legal responsibilities. However, ongoing court involvement is generally limited to periodic reporting.

Authority of the Guardian

A duly appointed guardian receives Letters of Office, which serve as proof of authority. These documents allow the guardian to act on behalf of the minor in dealings with:

- Schools
- Medical providers
- Financial institutions
- Government agencies

Duties of a Guardian of the Person

A guardian of the person must act in the minor's best interests and provide for their care, including:

- Maintaining appropriate living arrangements
- Ensuring access to education
- Overseeing medical and mental health care

The guardian is subject to ongoing court supervision and is typically required to file periodic, usually annual, reports regarding the minor's condition.[19]

Duties of a Guardian of the Estate

A guardian of the estate has fiduciary obligations and must manage the minor's assets prudently.

Key responsibilities include:

- Safeguarding all financial assets
- Keeping detailed records of income and expenditures
- Using funds solely for the benefit of the minor

The guardian of the estate is also subject to ongoing court supervision and is typically required to file an annual accounting, summarizing all the minor's financial activity.[20] Through the annual accounting, the guardian must prove they have managed the minor's financial assets prudently and in a fiduciary capacity. *Id.* Supporting documentation, such as receipts and account statements, should be maintained throughout the guardianship and used for the annual accounting.

Duration of Guardianship

Guardianship of a minor typically terminates when the minor turns 18, at which point they gain full legal control over their person and property.[21]

However, the court may terminate or modify guardianship earlier if circumstances change.

Key considerations for practitioners

For attorneys handling minor guardianship matters, several practical points are worth noting:

- Preparation is critical: Properly completed petitions, timely notice, and supporting documentation can significantly expedite the process.
- Expect emotional dynamics: Even uncontested cases can involve sensitive family issues.
- Focus on the best interests standard: Courts are less concerned with technical arguments and more focused on the child's welfare.
- Advise clients on ongoing obligations: Many new guardians are unaware of annual reporting and accounting requirements.

Conclusion

Guardianship of a minor serves an essential function in Illinois law, providing a legal mechanism to protect children when parents are unavailable, unable to care for their children, or when financial assets must be managed on a child's behalf.

While some cases are straightforward, others involve complex family dynamics and significant emotional considerations. In all cases, the court's focus remains the same: ensuring that any decision made serves the best interests of the minor.

For practitioners, understanding both the procedural requirements and the human elements of guardianship cases is key to effectively guiding clients through the process. ■

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1. See, *e.g.*, 755 ILCS 5/11-13(b); *In re R.L.S.*, 218 Ill. 2d 428, 844 N.E.2d 22 (2006).
2. See *id.*
3. See *id.*
4. 755 ILCS 5/11-1.
5. See *In re R.L.S.*, 218 Ill. 2d 428, 844 N.E.2d 22 (2006).
6. 735 ILCS 5/2-1008(1)(c).
7. 755 ILCS 5/11-18; 755 ILCS 5/11-13(a).
8. 755 ILCS 5/11-5(a); 755 ILCS 5/11-5(b).
9. 755 ILCS 5/11-13(a).
10. 755 ILCS 5/11-14.1(a).
11. 750 ILCS 50/17.
12. *Id.*
13. 750 ILCS 50/6.
14. 755 ILCS 5/11-13(a).
15. 755 ILCS 5/11-5(a).
16. 755 ILCS 5/11-10.1(a).
17. 755 ILCS 5/11-10.1(b).
18. 755 ILCS 5/11-5(b).
19. See 755 ILCS 5/11-13.
20. 755 ILCS 5/24-11.
21. 755 ILCS 5/11-14.1.

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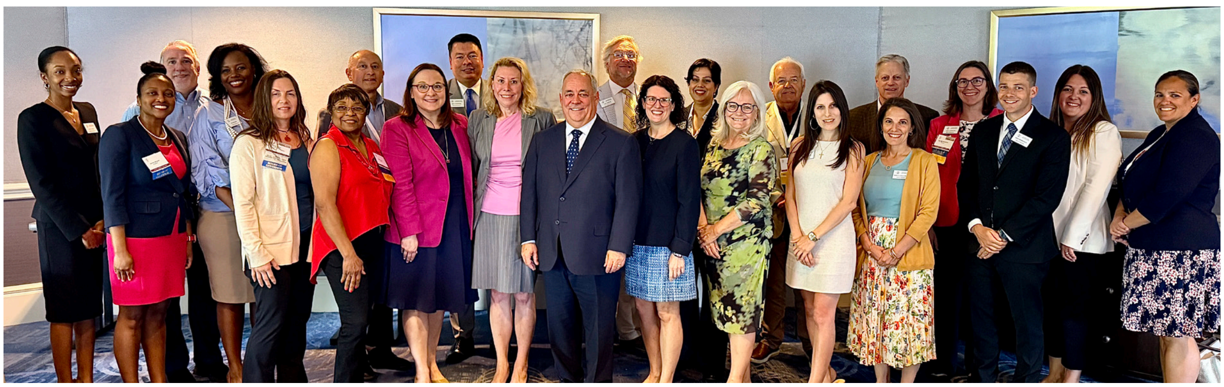


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