

1 AN ACT concerning attorneys.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Attorney Act is amended by changing  
5 Section 1 as follows:

6 (705 ILCS 205/1) (from Ch. 13, par. 1)

7 Sec. 1. No person or entity shall be permitted to  
8 practice as an attorney or counselor at law within this State  
9 without having previously obtained a license for that purpose  
10 from the Supreme Court of this State.

11 No person or entity shall receive any compensation  
12 directly or indirectly for any legal services other than a  
13 regularly licensed attorney, nor may an unlicensed person or  
14 entity advertise or hold itself out to practice law, give  
15 legal advice, or own, conduct, or maintain a facility to  
16 practice law or give legal advice.

17 A license, as provided for herein, constitutes the person  
18 receiving the same an attorney and counselor at law,  
19 according to the law and customs thereof, for and during his  
20 good behavior in the practice and authorizes him to demand  
21 and receive fees for any services which he may render as an  
22 attorney and counselor at law in this State. No person shall  
23 be granted a license or renewal authorized by this Act who  
24 has defaulted on an educational loan guaranteed by the  
25 Illinois Student Assistance Commission; however, a license or  
26 renewal may be issued to the aforementioned persons who have  
27 established a satisfactory repayment record as determined by  
28 the Illinois Student Assistance Commission. No person shall  
29 be granted a license or renewal authorized by this Act who is  
30 more than 30 days delinquent in complying with a child  
31 support order; a license or renewal may be issued, however,

1 if the person has established a satisfactory repayment record  
2 as determined (i) by the Illinois Department of Public Aid  
3 for cases being enforced under Article X of the Illinois  
4 Public Aid Code or (ii) in all other cases by order of court  
5 or by written agreement between the custodial parent and  
6 non-custodial parent. No person shall be refused a license  
7 under this Act on account of sex.

8 Any person or entity found by the court to provide legal  
9 services practicing, charging, or receiving fees for legal  
10 services within this State, either directly or indirectly,  
11 without being licensed to practice as herein required, is  
12 guilty of contempt of court and shall be punished  
13 accordingly, upon complaint being filed in any Circuit Court  
14 of this State. Such proceedings shall be conducted in the  
15 Courts of the respective counties where the alleged contempt  
16 has been committed in the same manner as in cases of indirect  
17 contempt and with the right of review by the parties thereto.

18 Any person or entity that suffers actual damage as a  
19 result of a violation of this Section committed by any other  
20 person or entity, or any Bar Association, acting on behalf of  
21 its members, may bring an action against that person or  
22 entity. The remedies available for the unauthorized practice  
23 of law include, but are not limited to: (i) appropriate  
24 equitable relief; (ii) a civil penalty not to exceed \$5,000;  
25 (iii) actual damages; (iv) reasonable attorney's fees and  
26 costs; (v) punitive damages if the conduct was willful,  
27 intentional, or done with reckless disregard to the rights of  
28 others; and (vi) other relief deemed necessary to remedy the  
29 wrongdoing.

30 An action under this Section may be commenced in the  
31 county in which the person or entity against which it is  
32 brought resides, has a principal place of business, or is  
33 doing business, or in the county in which the transaction or  
34 any substantial portion of the transaction occurred.

1           The provisions of this Act shall be in addition to other  
2 remedies permitted by law and shall not be construed to  
3 deprive courts of this State of their inherent right to  
4 punish for contempt or to restrain the unauthorized practice  
5 of law.

6           Nothing in this Act shall be construed to prohibit  
7 representation of a party by a person who is not an attorney  
8 in a proceeding before either panel of the Illinois Labor  
9 Relations Board under the Illinois Public Labor Relations  
10 Act, as now or hereafter amended, the Illinois Educational  
11 Labor Relations Board under the Illinois Educational Labor  
12 Relations Act, as now or hereafter amended, the State Civil  
13 Service Commission, the local Civil Service Commissions, or  
14 the University Civil Service Merit Board, to the extent  
15 allowed pursuant to rules and regulations promulgated by  
16 those Boards and Commissions.

17           (Source: P.A. 91-798, eff. 7-9-00.)