Feature Article

By: Bradley C. Nahrstadt
Williams Montgomery & John, Ltd.

Lawyer Beware:
The New Rules of Professional Responsibility

Starting in the late 1990s, the Illinois Supreme Court began conducting a comprehensive overhaul of the rules governing the professional conduct of lawyers in this state. Between 2004 and 2008, several committees, including the ISBA/CBA Joint Committee on Ethics and the supreme court’s own Committee on Professional Responsibility submitted reports and recommendations to the court concerning possible revisions to the existing rules and areas to be covered by new rules. On July 1, 2009, the Illinois Supreme Court announced that it had completely repealed and replaced the old Rules of Professional Conduct and had adopted a new set of rules. The new Rules of Professional Conduct took effect on January 1, 2010. Many of the highlights of the new rules are discussed below.

Official Comments

The New Rules of Professional Conduct now contain extensive official comments. These comments attempt to explain the rules, refer to court decisions relating to the rules and are designed to assist lawyers in complying with the rules. According to Charles Northrup, General Counsel of the Illinois State Bar Association, “The comments give attorneys a readily accessible interpretation and explanation of the intent of the Rules. [They] will be an additional and important guide for lawyers when they are determining what their ethical obligations are.”

Rule 1.0 Terminology

For the first time, the terminology that is used in the rules has been incorporated into an actual rule: Rule 1.0. This new rule significantly expands the terminology that is defined and incorporated into the rules and contains definitions of several new key terms, including “confirmed in writing,” “informed consent,” “screened,” “tribunal,” “writing” and “written”. Ill. S. Ct. R. Prof. Cond. 1.0.

Rule 1.2 Scope of Representation and Allocation of Authority

New Rule 1.2 is substantially shorter than the old rule. Although it covers many of the same points concerning scope of representation and allocation of authority as the old rule, it is missing one important section. The new rule does not contain the old admonition that a lawyer shall not (1) file suit, assert a position, conduct a defense, delay a trial or take other action on behalf of the client when the lawyer knows or reasonably should know that such action would serve merely to harass or maliciously injure another; (2) advance a claim or defense the lawyer knows is unwarranted under existing law, except that the lawyer may advance such claim or defense if it can be supported by a good-faith argument for an extension, modification
or reversal of exiting law; or (3) fail to disclose that which the lawyer is required by law to reveal. See, Ill. S. Ct. R. Prof. Cond. 1.2.

**Rule 1.4 Communication**

New Rule 1.4 is more comprehensive than the old one. According to new Rule 1.4, a lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law. Ill. S. Ct. R. Prof. Cond. 1.4.

**Rule 1.5 Fees**

New Rule 1.5 contains some changes regarding the sharing of fees. According to subsection (e) of the new rule, a division of a fee between lawyers who are not in the same firm may be made only if: (1) the division is in proportion to the services performed by each lawyer, or if the primary service performed by one lawyer is the referral of the client to another lawyer and each lawyer assumes joint financial responsibility for the representation; (2) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and (3) the total fee is reasonable. Ill. S. Ct. R. Prof. Cond. 1.5(e).

**Rule 1.6 Confidentiality of Information**

When the new Rules of Professional Conduct take effect, Illinois will join a majority of jurisdictions that define client confidentiality in terms of information received during an attorney-client relationship, a much broader standard. The new rule also expands the categories of when a lawyer can make a permissible disclosure of protected information, principally in a case of client fraud that has involved the use of the lawyer’s services. According to new Rule 1.6, a lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

1. to prevent the client from committing a crime in circumstances other than those specified in paragraph (c);
2. to prevent the client from committing fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer’s services;
3. to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client’s commission of a crime or fraud in furtherance of which the client has used the lawyer’s services;
4. to secure legal advice about the lawyer’s compliance with these Rules;
5. to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer’s representation of the client; or
6. to comply with other law or a court order.

Ill. S. Ct. R. Prof. Cond. 1.6.

**Rule 1.8 Conflict of Interest: Current Clients: Specific Rules**
New Rule 1.8(j) prohibits a lawyer from having sexual relations with a client unless a prior sexual relationship existed when the lawyer-client relationship commenced. New Rule 1.8(k) indicates that while lawyers are associated in a firm, any prohibition under Rule 1.8 that applies to “any one of them shall apply to all of them.” Ill. S. Ct. R. Prof. Cond. 1.8(j).

**Rule 1.13 Organization as Client**

The new rule expands the reporting duties of a lawyer for a corporation or an organization who, upon learning of wrongful conduct committed by a corporate or organizational employee, must take action to protect the client from the impact of the employee’s wrongful conduct. Sub-sections (c), (d) and (e) of Rule 1.13 now state:

(c) Except as provided in paragraph (d), if

1. despite the lawyer’s efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action or a refusal to act, that is clearly a crime or fraud, and

2. the lawyer reasonably believes that the crime or fraud is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to information relating to a lawyer’s representation of an organization to investigate an alleged crime, fraud or other violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged crime, fraud or other violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer’s actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization’s highest authority is informed of the lawyer’s discharge or withdrawal.

Ill. S. Ct. R. Prof. Cond. 1.13(c), (d) and (e).

**Rule 1.14 Client With Diminished Capacity**

Under the new rule, the Illinois Supreme Court has provided additional guidance to any lawyer who deals with a client who may have diminished capacity to make decisions. According to Rule 1.14, when a lawyer reasonably believes that his or her client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client’s own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian. Ill. S. Ct. R. Prof. Cond. 1.14(b). Any information relating to the representation of a client with diminished capacity is protected by Rule 1.6. Ill. S. Ct. R. Prof. Cond. 1.14(c). When taking protective action pursuant to the rule, the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client’s interests. Id.

**Rule 1.15 Safekeeping Property**

New Rule 1.15 clarifies the types of retainers that can be charged by attorneys in this state. In Dowling v. Chicago Options Associates, Inc., 226 Ill.2d 277, 875 N.E.2d 1012 (2007), the Supreme Court recognized three different types of retainers: the “classic” retainer fee, the “security” retainer, which remains the property of the client until the lawyer applies it to charges for services that are actually rendered, and the “advance
payment” retainer, which is a present payment to the lawyer in exchange for a commitment to provide legal services in the future. This third retainer, according to the court, should be used sparingly and only when necessary to accomplish a purpose for the client that could not be accomplished by means of a security retainer.

Rule 1.15 codifies the Dowling opinion and provides guidance on how counsel must safeguard retainer fees. Under the new rule, any funds received to secure payment of legal fees and expenses must be deposited in the lawyer’s client trust account, to be withdrawn by the lawyer only as fees are earned and expenses incurred. Ill. S. Ct. R. Prof. Cond. 1.15(c). Funds received as a fixed fee, a general retainer, or an advance payment retainer must be deposited in the lawyer’s general account or other account belonging to the lawyer. Id. An advance payment retainer may be used only when necessary to accomplish some purpose for the client that cannot be accomplished by using a security retainer. Id. An agreement for an advance payment retainer shall be in a writing signed by the client that uses the term “advance payment retainer” to describe the retainer, and states the following:

1. the special purpose for the advance payment retainer and an explanation why it is advantageous to the client;
2. that the retainer will not be held in a client trust account, that it will become the property of the lawyer upon payment, and that it will be deposited in the lawyer’s general account;
3. the manner in which the retainer will be applied for services rendered and expenses incurred;
4. that any portion of the retainer that is not earned or required for expenses will be refunded to the client;
5. that the client has the option to employ a security retainer, provided, however, that if the lawyer is unwilling to represent the client without receiving an advance payment retainer, the agreement must so state and provide the lawyer’s reasons for that condition.

Ill. S. Ct. R. Prof. Cond. 1.15(c)(1)-(5).

**Rule 1.17 Sale of Law Practice**

Although the Illinois Supreme Court has permitted lawyers to sell or transfer their law practices since 2005, the amended rule clarifies the earlier law and eliminates certain restrictions on the reasons for a sale. Ill. S. Ct. R. Prof. Cond. 1.17.

**Rule 1.18 Duties to Prospective Client**

Rule 1.18, which appears for the first time in the 2010 version of the Rules, describes important duties that lawyers owe to prospective clients arising from preliminary discussions before the creation of a formal lawyer-client relationship. Rule 1.18(a) defines a prospective client as any “person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter.” Ill. S. Ct. R. Prof. Cond. 1.18(a). According to Rule 1.18(b), “even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.” Ill. S. Ct. R. Prof. Cond. 1.18(b). Rule 1.18(c) states that, “a lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).” Ill. S. Ct. R. Prof. Cond. 1.18(c). According to sub-section (d) of the rule, when the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

1. both the affected client and the prospective client have given informed consent, or
2. the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and that lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.
Ill. S. Ct. R. Prof. Cond. 1.18(d).

Rule 2.4 Lawyer Serving as Third-Party Neutral

This brand new rule recognizes that alternative dispute resolution has become a substantial part of the civil justice system. The new rule defines when a lawyer serves as a third-party neutral and requires any lawyer who serves as a third-party neutral to inform unrepresented parties “…that the lawyer is not representing them and shall explain to them the difference between the lawyer’s role as a third-party neutral and a lawyer’s role as one who represents a client.” Ill. S. Ct. R. Prof. Cond. 2.4.

Rule 3.3 Candor Toward the Tribunal

Rule 3.3, and its companion rule, 3.4, have been substantially re-written. Many of the requirements previously found in Rule 3.3 have been moved into Rule 3.4. Some have been completely eliminated. A careful reading of new Rule 3.3 and Rule 3.4 is a must. One new component of Rule 3.3: the rule requires a lawyer who represents a client in an adjudicative proceeding, and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding, to take reasonable remedial measures, including, if necessary, disclosure to the tribunal. Ill. S. Ct. R. Prof. Cond. 3.3(b). New Rule 3.3 also contains a new definition of the duration of the obligations set forth in the rule. Under the new rule, the duties set forth in the rule continue “to the conclusion of the litigation.” Ill. S. Ct. R. Prof. Cond. 3.3(c). The comments to the rule indicate that “a proceeding has concluded within the meaning of this Rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed.” Ill. S. Ct. R. Prof. Cond. 3.3, Comment 13.

Rule 3.5 Impartiality and Decorum of the Tribunal

Rule 3.5 has been significantly streamlined and pared down. According to the official comments, the duty to refrain from disruptive conduct under the rule applies “…to any proceeding of a tribunal, including a deposition.” Ill. S. Ct. R. Prof. Cond. 3.5, Comment 5.

Rule 3.8 Special Responsibilities of Criminal Prosecutors

The new Rule 3.8 provides that a criminal prosecutor must make reasonable efforts to assure that an accused has been advised of the right to, and has been afforded a reasonable opportunity to, obtain counsel. Ill. S. Ct. R. Prof. Cond. 3.8(b). A prosecutor must also not seek to obtain from an unrepresented person accused of a crime the waiver of important pre-trial rights. Ill. S. Ct. R. Prof. Cond. 3.8(c). Finally, a prosecutor must take precautions when issuing a subpoena to a lawyer in order to gather information about that lawyer’s past or present client. Ill. S. Ct. R. Prof. Cond. 3.8(e).

Rule 3.9 Advocate in Non-adjudicative Proceedings

Rule 3.9 is a new addition to the Rules of Professional Conduct. This new rule sets forth the duties of an attorney who is representing a client before a legislative body or an administrative agency in a non-adjudicative proceeding. Ill. S. Ct. R. Prof. Cond. 3.9.

Rule 4.3 Dealing With Unrepresented Person

Rule 4.3 contains a new provision that did not appear in the old rule. Rule 4.3 now states that a lawyer “shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.” Ill. S. Ct. R. Prof. Cond. 4.3.
Rule 4.4 Respect for Rights of Third Persons

Perhaps inspired by the hazards associated with the “reply all” option of today’s e-mail systems, Rule 4.4 contains a new section dealing with the inadvertent receipt of information. According to Rule 4.4(b), “[a] lawyer who receives a document relating to the representation of the lawyer’s client and knows that the document was inadvertently sent shall promptly notify the sender.” Ill. S. Ct. R. Prof. Cond. 4.4(b).

Rule 5.1 Responsibilities of Partners, Managers and Supervisory Lawyers

Rule 5.1 has been revised to reflect the diverse ways in which law firms are run and operated. Under the new rule, each partner in a law firm, and any lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, must make reasonable efforts to ensure that the firm has measures in place to give reasonable assurance that all lawyers in the firm comply with the Rules of Professional Conduct. Ill. S. Ct. R. Prof. Cond. 5.1 (a), (b). The comments to Rule 5.1 indicate that this requirement is not limited to law firms. It also applies to lawyers who have comparable managerial authority in a legal services organization or a corporate or municipal law department. Ill. S. Ct. R. Prof. Cond. 5.1, Comment 1.

Rule 5.3 Responsibilities Regarding Non-Lawyer Assistants

Rule 5.3, like Rule 5.1, also extends to any lawyer who individually or together with other lawyers possesses managerial authority comparable to that of a partner in a law firm. Ill. S. Ct. R. Prof. Cond. 5.3.

Rule 5.4 Professional Independence of a Lawyer

Rule 5.4 has been revised to allow a lawyer to share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter. Ill. S. Ct. R. Prof. Cond. 5.4(a)(4).

Rule 5.5 Unauthorized Practice of Law; Multi-jurisdictional Practice of Law

Rule 5.5 has been significantly expanded to address a lawyer’s multi-jurisdictional practice. The new rule specifies the circumstances where a lawyer who is not admitted to practice in Illinois may render services in this state and defines the reach of the Illinois disciplinary authority. According to Rule 5.5(b), (c) and (d):

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:
(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are
reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
(4) are not within paragraphs (e)(2) or (c)(3) and arise out of or are reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice.
(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:
(1) are provided to the lawyer’s employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Ill. S. Ct. R. Prof. Cond. 5.5.

Rule 6.5 Non-Profit and Court-Annexed Limited Legal Services Programs

Rule 6.5 did not exist under the old incarnation of the rules. New Rule 6.5 allows greater opportunities for lawyers to perform pro bono legal services through not-for-profit or court annexed legal service programs. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer’s representation of the client will continue beyond the limited consultation. Ill. S. Ct. R. Prof. Cond. 6.5, Comment 1. A lawyer who provides short-term limited legal services pursuant to this Rule must secure the client’s informed consent to the limited scope of the representation. Ill. S. Ct. R. Prof. Cond. 6.5, Comment 2. If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Id.

Because a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest, Rule 6.5 requires compliance with Rules 1.7 (conflicts of interest) or 1.9(a) (duties to former clients) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer’s firm is disqualified by Rules 1.7 or 1.9(a) in the matter. Ill. S. Ct. R. Prof. Cond. 6.5(a)(1) and (2). Under Rule 6.5, a lawyer’s participation in a short-term limited legal services program will not preclude the lawyer’s firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program’s auspices. Id. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program. Id.

Rule 7.2 Advertising

The revised rule regarding advertising brings the regulations into the 21st century. For the very first time, the rule explicitly governs electronic communications such as e-mail and web sites. Ill. S. Ct. R. Prof. Cond. 7.2(a). In regard to referrals, Rule 7.2 now states that a lawyer may refer clients to another lawyer or non-lawyer professional pursuant to an agreement that provides for the other person to refer clients or customers to the lawyer only if the reciprocal referral agreement is not exclusive and the client is informed of the existence and nature of the agreement. Ill. S. Ct. R. Prof. Cond. 7.2(b)(4).

Rule 7.3 Direct Contact With Prospective Clients

Rule 7.3 also recognizes that the methods of solicitation have changed a great deal in the last two decades. Rule 7.3 now prohibits, except in specified circumstances, “in-person, live telephone or real-time electronic” solicitation. Ill. S. Ct. R. Prof. Cond. 7.3(a).

Rule 8.4 Misconduct
The rule regarding attorney misconduct has been substantially rewritten. According to the 2010 version of the rule it is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
(b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects;
(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
(d) engage in conduct that is prejudicial to the administration of justice;
(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law. Nor shall a lawyer give or lend anything of value to a judge, official, or employee of a tribunal, except those gifts or loans that a judge or a member of the judge’s family may receive under Rule 65(C)(4) of the Illinois Code of Judicial Conduct. Permissible campaign contributions to a judge or candidate for judicial office may be made only by check, draft, or other instrument payable to or to the order of an entity that the lawyer reasonably believes to be a political committee supporting such judge or candidate. Provision of volunteer services by a lawyer to a political committee shall not be deemed to violate this Rule;
(g) present, participate in presenting, or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter;
(h) enter into an agreement with a client or former client limiting or purporting to limit the right of the client or former client to file or pursue any complaint before the Illinois Attorney Registration and Disciplinary Commission;
(i) avoid in bad faith the repayment of an education loan guaranteed by the Illinois Student Assistance Commission or other governmental entity. The lawful discharge of an education loan in a bankruptcy proceeding shall not constitute bad faith under this paragraph, but the discharge shall not preclude a review of the lawyer’s conduct to determine if it constitutes bad faith;
(j) violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer’s fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer’s professional activities. No charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted;
(k) if the lawyer holds public office:

(1) use that office to obtain, or attempt to obtain, a special advantage in a legislative matter for a client under circumstances where the lawyer knows or reasonably should know that such action is not in the public interest;
(2) use that office to influence, or attempt to influence, a tribunal to act in favor of a client; or
(3) represent any client, including a municipal corporation or other public body, in the promotion or defeat of legislative or other proposals pending before the public body of which such lawyer is a member or by which such lawyer is employed.

Ill. S. Ct. R. Prof. Cond. 8.4.
Rule 8.5 Disciplinary Authority; Choice of Law

Rule 8.5 defines the reach of the Illinois disciplinary authority and applies choice of law concepts. According to the rule, a lawyer not admitted to practice law in Illinois is subject to this state’s disciplinary authority if the lawyer provides or offers to provide any legal services in this state. Ill. S. Ct. R. Prof. Cond. 8.5(b).

All lawyers in the state are strongly encouraged to review and become familiar with the new Rules of Professional Conduct, as well as the commentary that accompanies each rule. A complete set of the rules, and comments, can be found on the Supreme Court’s website at http://www.state.il.us/court/default.

About the Author

Bradley C. Nahrstadt, a Partner at Williams, Montgomery & John, Ltd. in Chicago, focuses his practice on the defense of high stakes products liability, premises liability, insurance bad faith and commercial claims. Mr. Nahrstadt has litigated cases involving a wide variety of products, including fine grinding machines, silicone breast implants, dietary supplements, automobile axles, hydraulic automotive lifts, hydraulic jacks, brakes, clutches, child safety seats, chemical floor wax strippers, signal components, genetically engineered corn, reinders, pharmaceuticals, thermal oxidizers, gravimetric feeders, welding rods and contact lens solution. Mr. Nahrstadt has served as regional counsel for a national testing laboratory and currently serves as regional counsel for a large consumer of welding rods, a leading optical manufacturer and a major brake and clutch manufacturer. He is a graduate of Monmouth College (Summa Cum Laude) and the University of Illinois College of Law (Cum Laude) and currently serves as a member of the Illinois Association of Defense Trial Counsel Board of Directors.

About the IDC

The Illinois Association Defense Trial Counsel (IDC) is the premier association of attorneys in Illinois who devote a substantial portion their practice to the representation of business, corporate, insurance, professional and other individual defendants in civil litigation.

For more information on the IDC, visit us on the web at www.iadtc.org.

Statements or expression of opinions in this publication are those of the authors and not necessarily those of the association.

IDC Quarterly, Volume 20, Number 2. © 2010. Illinois Association of Defense Trial Counsel. All Rights Reserved. Reproduction in whole or in part without permission is prohibited.

Illinois Association of Defense Trial Counsel, PO Box 3144, Springfield, IL 62708-3144, 217-585-0991, idc@iadtc.org