

Rule 764. Duties of a Disciplined Attorney and Attorneys Affiliated with Disciplined Attorney

An attorney who is disbarred, disbarred on consent, or suspended for six months or more shall comply with each of the following requirements. Compliance with each requirement shall be a condition to the reinstatement of the disciplined attorney. Failure to comply shall constitute contempt of court.

Any and all attorneys who are affiliated with the disciplined attorney as a partner or associate shall take reasonable action necessary to insure that the disciplined attorney complies with the provisions of paragraphs (a), (b), (c), (d), and (e) below. Within 35 days of the effective date of the order of discipline, each affiliated attorney or a representative thereof shall file with the clerk of the supreme court and serve upon the Administrator a certification setting forth in detail the actions taken to insure compliance with paragraphs (a), (b), (c), (d), and (e) below.

(a) Maintenance of Records. The disciplined attorney shall maintain:

(1) files, documents, and other records relating to any matter which was the subject of a disciplinary investigation or proceeding;

(2) files, documents, and other records relating to any and all terminated matters in which the disciplined attorney represented a client at any time prior to the imposition of discipline;

(3) files, documents, and other records of pending matters in which the disciplined attorney had some responsibility on the date of, or represented a client during the year prior to, the imposition of discipline;

(4) all financial records related to the disciplined attorney's practice of law during the seven years preceding the imposition of discipline, including but not limited to bank statements, time and billing records, checks, check stubs, journals, ledgers, audits, financial statements, tax returns and tax reports; and

(5) all records related to compliance with this rule.

(b) Withdrawal from Law Office and Removal of Indicia as Lawyer. Upon entry of the final order of discipline, the disciplined attorney shall not maintain a presence or occupy an office where the practice of law is conducted. The disciplined attorney shall take such action necessary to cause the removal of any indicia of the disciplined attorney as lawyer, counsellor at law, legal assistant, legal clerk, or similar title.

(c) Notification to Clients. Within 21 days after the entry of the final order of discipline, the disciplined attorney shall notify, by certified mail, return receipt requested, all clients whom the disciplined attorney represented on the date of the imposition of discipline, of the following:

(1) the action taken by the supreme court;

(2) that the disciplined attorney may not continue to represent them during the period of discipline;

(3) that they have the right to retain another attorney; and

(4) that their files, documents, and other records are available to them, designating the place where they are available.

(d) List of Clients. Within 21 days after the effective date of an order of discipline, the disciplined attorney shall file with the clerk of the supreme court and serve upon the Administrator

an alphabetical list of the names, addresses, telephone numbers and file numbers of all clients whom the disciplined attorney represented on the date of, or during the year prior to, the imposition of discipline. At the same time, the disciplined attorney shall serve upon the Administrator a copy of each notification served pursuant to paragraph (c) above.

(e) Notification to Courts. Within 21 days of the effective date of the order of discipline, the disciplined attorney shall file a notice before the court in all pending matters in which the disciplined attorney is counsel of record and request withdrawal of his appearance. The notice shall advise the court of the action taken by the supreme court. The notice shall be served upon the disciplined attorney's former client and all other parties who have entered an appearance.

(f) Notification to Others. Within 21 days of the effective date of the order of discipline, the disciplined attorney shall, by certified mail, return receipt requested, notify the following of the action taken by the supreme court and his inability, during the period of discipline, to practice law in the State of Illinois:

- (1) all attorneys with whom the disciplined attorney was associated in the practice of law on the effective date of the order of discipline;
- (2) all attorneys of record in matters in which the disciplined attorney represented a client on the effective date of the order of discipline;
- (3) all parties not represented by an attorney in matters in which the disciplined attorney represented a client on the effective date of the order of discipline;
- (4) all other jurisdictions in which the disciplined attorney is licensed to practice law; and
- (5) all governmental agencies before which the disciplined attorney is entitled to represent a person.

(g) Affidavit of Disciplined Attorney. Within 35 days after the effective date of an order of discipline, the disciplined attorney shall file with the clerk of the supreme court and serve upon the Administrator an affidavit stating:

- (1) the action the disciplined attorney has taken to comply with the order of discipline;
- (2) the action the disciplined attorney has taken to comply with this rule;
- (3) the arrangements made to maintain the files and other records specified in paragraph (a) above;
- (4) the address and telephone number at which subsequent communications may be directed to him; and
- (5) the identity and address of all other State, Federal, and administrative jurisdictions to which the disciplined attorney is admitted to practice law.

(h) Compensation Arising from Former Law Practice. Provided that the disciplined attorney complies with the provisions of this rule, the disciplined attorney may receive compensation on a *quantum meruit* basis for legal services rendered prior to the effective date of the order of discipline. The disciplined attorney may not receive any compensation related to the referral of a legal matter to an attorney or attributed to the "good will" of his former law office.

- (1) *Matters in which Legal Proceedings Instituted.* The disciplined attorney shall not

receive any compensation regarding a matter in which a legal proceeding was instituted at any time prior to the imposition of discipline without first receiving approval of the tribunal.

(2) *Other Aspects of Former Law Office.* The disciplined attorney shall not receive any compensation related to any agreement, sale, assignment or transfer of any aspect of the disciplined attorney's former law office without first receiving the approval of the supreme court. Prior to entering into any such transaction, the disciplined attorney shall file a petition in the supreme court and serve a copy upon the Administrator. The petition shall disclose fully the transaction contemplated, shall attach any and all related proposed agreements and documents, and shall request approval of the transaction. The Administrator shall answer or otherwise plead to the petition within 28 days of service of the petition on the Administrator. If the supreme court determines that an evidentiary hearing is necessary, it may refer the matter to the circuit court for hearing.

(i) Change of Address or Telephone Number. Within 35 days of any change of the disciplined attorney's address or telephone number during the period of discipline, the disciplined attorney shall notify the Administrator of the change.

(j) Modification of Requirements. On its own motion or at the request of the Administrator or respondent, the supreme court may modify any of the above requirements.

Adopted March 30, 1973, effective April 1, 1973; amended October 20, 1989, effective November 1, 1989; amended August 27, 1990, effective immediately.