

1 members and diversity of practice areas; and

2 WHEREAS, It is the intent of the General Assembly to
3 ensure that bar associations incorporated as not-for-profit
4 corporations under the laws of the State of Illinois with
5 members of 20,000 or more licensed Illinois attorneys have
6 legislative authority to continue to have legal standing to
7 bring actions for the unauthorized practice of law and have
8 remedies available under this Act in such actions;
9 therefore"; and

10 by replacing everything after the enacting clause with the
11 following:

12 "Section 5. The Attorney Act is amended by changing
13 Section 1 as follows:

14 (705 ILCS 205/1) (from Ch. 13, par. 1)

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

19 No person or entity shall receive any compensation
20 directly or indirectly for any legal services other than a
21 regularly licensed attorney, nor may an unlicensed person or
22 entity advertise or hold itself out to practice law, give
23 legal advice, or own, conduct, or maintain a facility to
24 practice law or give legal advice.

25 A license, as provided for herein, constitutes the person
26 receiving the same an attorney and counselor at law,
27 according to the law and customs thereof, for and during his
28 good behavior in the practice and authorizes him to demand
29 and receive fees for any services which he may render as an
30 attorney and counselor at law in this State. No person shall
31 be granted a license or renewal authorized by this Act who

1 has defaulted on an educational loan guaranteed by the
 2 Illinois Student Assistance Commission; however, a license or
 3 renewal may be issued to the aforementioned persons who have
 4 established a satisfactory repayment record as determined by
 5 the Illinois Student Assistance Commission. No person shall
 6 be granted a license or renewal authorized by this Act who is
 7 more than 30 days delinquent in complying with a child
 8 support order; a license or renewal may be issued, however,
 9 if the person has established a satisfactory repayment record
 10 as determined (i) by the Illinois Department of Public Aid
 11 for cases being enforced under Article X of the Illinois
 12 Public Aid Code or (ii) in all other cases by order of court
 13 or by written agreement between the custodial parent and
 14 non-custodial parent. No person shall be refused a license
 15 under this Act on account of sex.

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

26 Any person or entity that suffers actual damage as a
 27 result of a violation of this Section committed by any other
 28 person or entity, or any Bar Association incorporated as a
 29 not-for-profit corporation under the laws of the State of
 30 Illinois with 20,000 or more members who are attorneys
 31 licensed to practice law by the Illinois Supreme Court,
 32 acting on behalf of its members, may bring an action against
 33 that person or entity. The remedies available for the
 34 unauthorized practice of law include, but are not limited to:

1 (i) appropriate equitable relief; (ii) a civil penalty not to
2 exceed \$5,000 if the person or entity has previously been
3 found by a court to have engaged in conduct described in the
4 Act; (iii) actual damages; (iv) reasonable attorney's fees
5 and costs if the person or entity is not licensed under the
6 Real Estate License Act of 2000; (v) punitive damages if the
7 conduct was willful, intentional, or done with reckless
8 disregard to the rights of others and if the person or entity
9 is not licensed under the Real Estate License Act of 2000;
10 and (vi) other relief deemed necessary to remedy the
11 wrongdoing.

12 An action under this Section may be commenced in the
13 county in which the person or entity against which it is
14 brought resides, has a principal place of business, or is
15 doing business, or in the county in which the transaction or
16 any substantial portion of the transaction occurred.

17 The provisions of this Act shall be in addition to other
18 remedies permitted by law and shall not be construed to
19 deprive courts of this State of their inherent right to
20 punish for contempt or to restrain the unauthorized practice
21 of law.

22 Nothing in this Act shall be construed to prohibit
23 representation of a party by a person who is not an attorney
24 in a proceeding before either panel of the Illinois Labor
25 Relations Board under the Illinois Public Labor Relations
26 Act, as now or hereafter amended, the Illinois Educational
27 Labor Relations Board under the Illinois Educational Labor
28 Relations Act, as now or hereafter amended, the State Civil
29 Service Commission, the local Civil Service Commissions, or
30 the University Civil Service Merit Board, to the extent
31 allowed pursuant to rules and regulations promulgated by
32 those Boards and Commissions.

33 If any provision of this Act or application thereof to
34 any person or circumstance is held invalid, such invalidity

1 does not affect other provisions or applications of this Act
2 which can be given effect without the invalid application or
3 provision, and to this end the provisions of this Act are
4 declared to be severable.

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