

Chicago Daily Law Bulletin®

Volume 164, No. 25

Serving Chicago's legal community for 163 years

Solos are not alone when it comes to ethics resources; how to be trouble-free

Attorney regulation is shaped by evolving technologies. Changes in how we communicate, litigate, transact business and even conduct our banking can impact a lawyer's professional obligations.

Adapting to current ethical requirements can be a challenge for some sole practitioners, who may lack access to networking and support systems found in larger law firm environments.

Here are some no-cost resources that solos can access to obtain guidance on ethical issues or seek assistance if disciplinary charges are brought.

Free advice from the Attorney Registration & Disciplinary Commission ethics hotline

The ARDC's Ethics Inquiry Program has been in place for decades and continues to serve as a vital resource for lawyers to anticipate and avoid ethical problems.

The free service is telephonic — no e-mails or texts — and can be accessed by calling (312) 565-2600 or (800) 826-8625.

Callers can discuss their ethical questions or concerns in confidence, and anonymously, with an experienced ethics attorney. ARDC rules prohibit the use of any inquiry for purposes of attorney discipline.

Whether your question relates to the content of your letterhead, marketing restrictions, potential conflicts of interest or client trust account issues, expect a productive discussion with a knowledgeable and attentive staff member.

The program's popularity speaks for itself, as the ARDC logged more than 4,000 calls in 2016. Sole practitioners should make liberal use of the hotline as needed.

Online ethics opinions from the Illinois State Bar Association

The Illinois State Bar Association also offers assistance on regulatory issues, through its voluminous database of ethics opinions. The database can be accessed at isba.org/ethics/.

Often inspired by real-life inquiries from its members, ISBA ethics opinions cover a broad spectrum of disciplinary issues confronting practitioners.

The typical opinion poses a particular fact pattern, followed by a review of the ethical questions involved and a thorough analysis and conclusion based on existing rules and decisions.

The database can be searched by year, subject matter, keyword or by reference to specific disciplinary rules. At 428 opinions and counting, virtually every area of attorney regulation is addressed in some fashion, from advertising to zealous representation.

The opinions are advisory only, but are often considered by disciplinary authorities in determining whether an ethical violation has occurred.

Bookmark this valuable online

The ARDC's Ethics Inquiry Program has been in place for decades and continues to serve as a vital resource for lawyers to anticipate and avoid ethical problems.

compilation and consult the database as your needs arise.

Assistance from your malpractice insurer

Malpractice insurers generally offer free assistance to policyholders in addressing ethical questions regarding their practice. Insurers typically maintain databases of articles that address common questions regarding professional

SOLE SPEAK



GLENN E. HEILIZER

Glenn E. Heilizer is a veteran litigator and sole practitioner based in Chicago and is the founder of the Sole Practitioners Bar Association of Illinois. He handles commercial disputes in the federal, state and appellate courts in Illinois and Wisconsin. He welcomes all questions and comments, and he can be reached at glenn@heilizer.com.

standards of behavior.

Most companies also maintain "risk management hotlines," where advice can be obtained by phone.

Moreover, policies often include costs of defense for defending disciplinary complaints, up to a specified limit. Check your policy for coverage of regulatory defense costs and know where you stand if the need arises.

Pro bono defense to discipline charges in qualified cases

For sole practitioners of limited means and without insurance coverage, who are being investigated by the ARDC, defense assistance may be available.

Attorney Trisha M. Rich at Holland & Knight LLP has organized a pro bono defense team for lawyers who have received ARDC

inquiries. Called the Attorney Defense Initiative, the pioneering program has helped approximately 30 Illinois lawyers since its inception in 2015.

Rich started the program after she saw that a number of lawyers, particularly sole practitioners, were unable to secure needed representation in disciplinary cases.

Rich noted the program was initially greeted with skepticism in certain quarters. "The public perception of lawyers is that they don't need help because they are all well-off and can afford their own counsel," she recalled.

In reality, Rich went on, the practice of law is a high-stress business, regardless of where you fall on the financial spectrum. Economic pressures, followed by disciplinary charges, can lead to feelings of desperation, particularly for sole practitioners who lack external support systems.

Rich believes the program thus serves a vital role for those in need and is committed to its ongoing success.

Although Attorney Defense Initiative does not have unlimited resources, Rich encourages any attorney who receives an ARDC complaint and cannot afford counsel to call the program at (312) 578-6514.

Lawyers often wait too long to call, such as after a default occurs, when it may be too late to help, Rich cautioned. The best approach is to be proactive, discuss your options with experienced defense counsel and determine an appropriate course of action.

In sum, when it comes to anticipating and avoiding ethical difficulties, or defending charges that have been brought, don't speculate, or worse yet, don't ignore the matter.

Take advantage of the available services to protect the practice you worked so hard to build.