



What is PMBR and does it relate to YOU?

By Christine P. Anderson, Director of Probation and Lawyer Deferral Services,
Illinois Attorney Registration & Disciplinary Commission

Can you believe that over 40% of Illinois solo practitioners do not maintain malpractice insurance? Can you also believe that more than 77% of Illinois solo practitioners do not have a succession plan for their law practices?

A succession plan is akin to a Last Will and Testament for your law practice and, therefore, putting you in a position to transition your law practice to another lawyer or law firm in the event you are no longer able to practice. Unfortunately, many solo practitioners who have worked alone for many years are caught up in their day-to-day challenges and forget to plan successfully for the future of their law practice. So, in other words, if a sole practitioner who does not have a succession plan in place were unable to practice law due to an unforeseen crisis or death, there would be no one designated to advise clients, return client files or close the lawyer's law practice. Such events may result in substantial harm to the lawyer's clients.

In order to address these issues, in January of 2017, the Illinois Supreme Court amended Supreme Court Rule 756(e)(2) to provide for mandatory Proactive Management-Based Regulation (PMBR). In fact, Illinois is the first state in the country to mandate such an approach within the regulation of the bar.

PMBR is designed for private practitioners who do not maintain malpractice insurance to demonstrate that they have reviewed the operations of their law firms based upon the lawyer

ethics rules and best business practices. PMBR is a four-hour interactive, online self-assessment broken down into eight modules which address various aspects of the operation of a law firm. The course modules, which are designed to require attorneys to think, review and minimize the risks associated with their law practices, include the following topics: The Intersection of Technology & Ethics; Conflicts of Interest; Fees, Costs & Billing Practices; Attorney-Client Relationships; Client Trust Accounts; Civility & Professionalism; Attorney Wellness; and Diversity & Inclusion. The topics will be updated every two years.

Through the PMBR course, lawyers will learn certain professional responsibility requirements for practicing law and ethically operating a law firm. They will also hear from a number of experienced professionals about best business practices and skills. In addition, the course will require lawyers to demonstrate an understanding of these requirements through interactive scenarios, knowledge checks and quiz questions. Lawyers will then review the operations of their firm in light of what they have learned. At the end of each module, helpful resources, including sample forms and letters, articles, ethics opinions and fact sheets will be provided. Lawyers will also receive an individualized self-assessment printout documenting the results of each module's self-assessment quiz. The results are purely for the educational benefit of the lawyer taking the course. Moreover, all information related to the assessment will be confidential, except for the fact of course completion. Lawyers are encouraged to work through the course with an open mind, honestly answering each question in order to receive all the benefits the course has to offer.

The PMBR course is free and is available on the ARDC website at www.iardc.org. The entire four-hour course does not have to be taken in one sitting, but can be taken in increments. It is available to all Illinois lawyers, but is mandatory every other year, for those lawyers in

private practice who do not maintain malpractice insurance. Time is of the essence, however, because the course must be completed before private practitioners, who do not maintain malpractice insurance, are allowed to register with the ARDC for the 2019 registration year. Lawyers who are not in private practice, such as government lawyers, corporate in-house counsel, public defenders and prosecutors, are not mandated to take the PMBR self-assessment, unless they also represent private clients and do not maintain malpractice insurance.



PMBR introductory page

Did you know that lawyers suffer from anxiety, stress, depression, substance abuse and suicide in numbers far greater than that of the general population?

To be a good lawyer, one has to be a healthy lawyer. Our profession, however, is failing when it comes to lawyer well-being. Studies have found that substance abuse, suicide, depression and other mental health disorders, are at astonishingly high rates in the legal profession. These findings raise troubling implications for lawyers' basic judgment and competence to practice law.

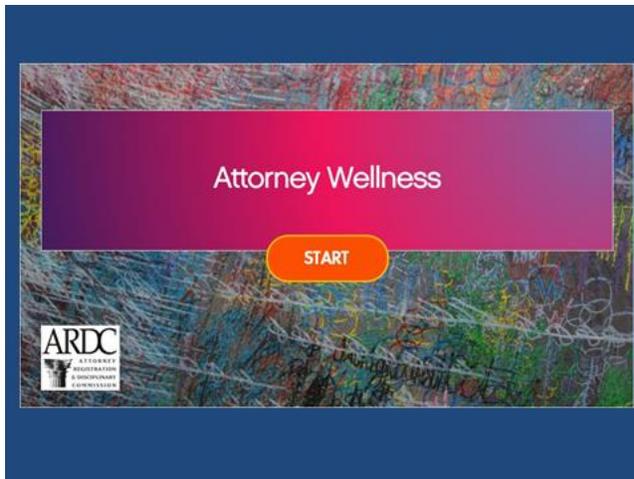
Many lawyers' mental health and substance abuse issues can be traced to law school. It is in law school that these lawyers began to experience the intense stress that can lead to anxiety, depression, substance abuse and other mental illnesses. While students entering law school suffer from clinical stress and depression at a rate that mirrors the national average, that rate sharply increases during the first year of law school. Through the duration of their legal

education, the rates of law students struggling with substance abuse and mental health problems increase dramatically. If unrecognized and untreated, these issues will carry from law school into these students' legal careers.

Attorney Wellness and the ARDC

The mission of the ARDC is to promote and protect the integrity of the legal profession, at the direction of the Illinois Supreme Court, through attorney registration, education, investigation, prosecution and remedial action. Unfortunately, many lawyers only first seek assistance for their substance abuse or mental health issues when they are encouraged or compelled to do so as a result of contact by the disciplinary office. In furtherance of the goals of education and remedial action, the Court and the ARDC have implemented several new rules and procedures, in addition to PMBR, with a focus on lawyer well-being.

One of the modules developed for the PMBR self-assessment course, and important to the mission of the Illinois Lawyers' Assistance Program, is on the topic of attorney wellness. In the attorney wellness module, lawyers are informed that in order to fulfill their ethical obligations to clients and others, they should learn and practice wellness strategies. In the PMBR module, lawyers learn about attorney wellness and the help that is available for attorneys struggling with wellness issues; the ethics rules related to attorney wellness; and steps lawyers can take if they or a colleague need assistance.



PMBR Attorney Wellness module introductory page

In April of 2017, the Illinois Supreme Court amended Supreme Court Rule 794(d) to require lawyers to complete one hour of mental health and substance abuse education as part of their mandatory continuing legal education requirements. In order to assist practitioners in completing this new continuing education requirement, a free, one-hour online CLE on “Attorney Well-Being” is available to all practitioners on the ARDC website.

The ARDC’s Attorney Well-Being CLE provides information on various areas of attorney wellness, including the physical, spiritual and emotional realms. In addition, there are self-assessment tools to assess one’s own wellness, as well as hypotheticals and speakers who address various components of attorney wellness and the help that is available to lawyers.



Attorney Well-Being free one-hour CLE introductory page

The Illinois Supreme Court and the ARDC desire that Illinois lawyers be successful in their law practices. The PMBR program and other new programs, developed by the ARDC, are designed to help lawyers succeed by providing them with the resources needed for them to be effective and successful in their profession.

CHRISTINE P. ANDERSON

Christine Anderson is a 1986 graduate of IIT Chicago-Kent College of Law. She joined the ARDC in 1988 and currently holds the position of Director of Probation and Lawyer Deferral Services and Senior Litigation Counsel. During her employment with the ARDC, Ms. Anderson has investigated and prosecuted hundreds of cases of attorney misconduct and has argued several disciplinary cases before the Supreme Court of Illinois. Besides her investigative caseload, Ms. Anderson monitors the attorneys placed on diversion, supervision status by the Inquiry Board and probation and conditional admission by the Supreme Court of Illinois. She is also a frequent presenter at continuing legal education programs on topics related to professional responsibility and lawyer regulation.

For more information, visit the LAP website at www.illinoislap.org, or contact the Chicago LAP office at 20 South Clark St, Suite 450, 312-726-6607 or 800-527-1233. You may also send a totally confidential email to gethelp@illinoislap.org. No problem or concern is too big or too small. You have the ability to affect the future of our profession for the better.

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