

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 19-0011**

The full Court met in executive session on Wednesday, March 20, 2019 and approved technical amendments to the local rules and internal operating procedures listed below. The amendments reflect the addition of a second magistrate judge in the Western Division in Rockford, Illinois. These technical amendments did not require publication for comment.

Local Rules

- LR77.2        Emergencies; Emergency Judges
- LCrR50.3     Magistrate Judges: Assignments and Referrals
- LCrR5.1      Duty Magistrate Judge

Internal Operating Procedures

- IOP11        Filing & Assignment of New Cases
- IOP17        Initial Calendar for New Magistrate Judge
- IOP19        Periodic Calendar Adjustment Program (Magistrate Judges)

The Court's Rules Committee considered the rules and internal operating procedures at its meeting on Thursday, March 14, 2019. It recommended that the full Court adopt the proposed technical amendments.


The full Court considered the recommendation of the Rules Committee at its meeting on Wednesday, March 20, 2019 and agreed to modify the above-listed rules and internal operating procedures. Therefore,

By direction of the full Court, which met in executive session on Wednesday, March 20, 2019,

IT IS HEREBY ORDERED that the above-listed local rules and internal operating procedures be technically amended as attached (additions shown thus, deletions shown ~~thus~~).

ENTER:

FOR THE COURT

  
\_\_\_\_\_  
Acting Chief Judge

Dated at Chicago, Illinois this 22<sup>nd</sup> day of March, 2019

## LR77.2. Emergencies; Emergency Judges

**(a) Definitions.** For the purpose of these rules—

(1) "Emergency judge" means the judge assigned to perform the duties of emergency judge specified by any local rule or procedure adopted by the Court,

(2) "Emergency magistrate judge" means the magistrate judge assigned to perform the duties of emergency magistrate judge specified by any local rule or procedure adopted by the Court, and

(3) "Emergency matter" means a matter of such a nature that the delay in hearing it that would result from its being treated as any other matter would cause serious and irreparable harm to one or more of the parties to the proceeding provided that requests for continuances or leave to file briefs or interrogatories in excess of the limits prescribed by these rules will normally be entertained as emergency matters only during the summer sessions, and

(4) "Summer session" means the fourteen-week period beginning on the first Monday in June.

**(b) Duties of Emergency Judge.** The emergency judge is responsible for hearing all emergency matters not previously assigned to a judge of this Court that arise outside of the regular business hours of the Court, except for discovery motions as set forth in subsection (c) below.

During regular office hours other than in the summer session, the emergency judge will not hear emergency matters arising out of the cases assigned to the calendar of another judge where that judge is sitting, except on approval of the chief judge at the request of the judge to whom the case is assigned. The emergency judge will also hear the following matters or preside at the following ceremonies:

(1) petitions for admission brought by attorneys wishing to be admitted to practice before the Court;

(2) requests for review or de novo determinations of matters directly assigned to the duty magistrate brought pursuant to [LCrR50.4](#);

(3) petitions presented by the United States Immigration and Naturalization Service;

(4) ceremonies for the mass admission of attorneys to the bar of this Court; and

(5) ceremonies for the administration of the oath of allegiance to newly naturalized citizens.

(c) Any emergency matter involving discovery or requests for protective orders that would otherwise be brought before the emergency judge are referred and shall be brought before the magistrate judge assigned to the case (or the emergency magistrate judge when the assigned magistrate judge is not sitting).

**(d) Duties of Emergency Magistrate Judge.** The emergency magistrate judge is responsible for hearing any emergency matter arising in a case referred or assigned to a magistrate judge when that magistrate judge is not sitting.

**(e) Western Division.** A party in a case filed in or to be filed in the Western Division with an emergency matter should first contact the [active](#) Western Division [district](#) judge, or in that judge's absence, the Western Division magistrate judge [who has been designated to be the duty magistrate judge in the Western Division](#). If neither can be reached, then the emergency judge is authorized to handle the matter.

**Committee Comment.** In general, matters are to be presented to the judge to whom the case is assigned. Under procedures adopted by the Court, if a judge anticipates being absent temporarily, that judge will designate another judge to hear the absent judge's call. The name of the designated judge is posted on the door of the courtroom regularly used by the absent judge. It is also posted on the Court's website.

If the absent judge did not designate another judge or where both the absent judge and the designated judge are unavailable, an emergency matter can then be taken before the emergency judge. If the

emergency judge should also be unavailable, the matter can be brought to the attention of the chief judge. The chief judge is the chairperson of the Executive Committee, the Court's calendar committee. In that role the chief judge can instruct the parties as to which judge should hear the matter.

While emergency matters arising outside of regular business hours are rare, it is not unusual that a party can anticipate that happening. An example is ongoing negotiations which, if they do not reach agreement, will lead one of the parties to seek injunctive relief and the negotiations must be concluded by a point in time that lies outside of regular business hours, e.g., midnight on a Saturday. In such instances the party should make every effort to contact the chambers of the emergency judge and inform staff of the potential emergency. In this way arrangements can be made that will give greater assurance that the emergency judge will be available in the event that the emergency matter does in fact occur. If an emergency matter occurs outside of regular business hours and the party has not made prior arrangements with the emergency judge, a telephone number is posted on the Court's website for contacting a member of the staff of the emergency judge.

Amended December 22, 2015 and March 22, 2019

## LCrR50\_3 Magistrate Judges: Assignments and Referrals

**(a) Misdemeanors.** Where a magistrate judge has not previously been designated pursuant to [LR72.1](#), informations filed or indictments returned in the Eastern Division alleging the commission of a misdemeanor shall be assigned by lot among the magistrate judges sitting in that division. Similar informations filed or indictments returned in the Western Division shall be assigned to ~~the~~ a magistrate judge sitting in division.

**(b) Federal Enclave Magistrate Judge.** From time to time the executive magistrate judge shall approve a schedule designating the periods during which each of the magistrate judges sitting in the Eastern Division will serve as the federal enclave magistrate judge. The federal enclave magistrate judge will conduct trials of all misdemeanors which arise in federal enclaves.

**(c) Designation at Filing.** Whenever a criminal case is filed in the Eastern Division and assigned to the calendar of a district judge, the clerk shall designate a magistrate judge in the manner provided in [LR72.1](#). Where an indictment or information arises out of one or more criminal complaints, the designated magistrate shall be the magistrate to whom the earliest of those complaints was assigned. Where multiple defendants in a single complaint assigned to a magistrate judge are subsequently charged in more than one indictment or information arising out of that complaint, the designated magistrate judge for each such case shall be the magistrate judge to whom the complaint was assigned.

**(d) Referrals.** The procedures used to refer a matter in a criminal case to a magistrate judge shall be the same as those used to refer a civil case pursuant to [LR72.1](#), provided that where a judge notifies the clerk in writing that the judge wishes to have criminal cases routinely referred to a magistrate judge for conducting arraignments and other pretrial matters, such notification shall act as a referral in lieu of the procedures specified in [LR72.1](#). The clerk shall promptly notify the designated magistrate of the filing of any indictment or information assigned to the calendar of a judge who has filed a notice of routine reference.

**(e) Forfeiture of Collateral Hearings.** Hearings and other matters relating to violation notices and forfeiture of collateral proceedings pursuant to [LCrR58.1](#) shall be handled in the Eastern Division by the magistrate judge designated as federal enclave magistrate judge on the day the hearings are scheduled and in the Western Division by the magistrate judge sitting in that division.

**(f) Right to Proceed Before District Judge.** If a proceeding assigned directly to a magistrate judge is such that a party to the proceeding has the right to proceed before a district judge and that party fails to waive that right, then the proceeding shall be reassigned to a district judge pursuant to [LCrR50.4\(b\)](#) as if it were an appeal from a judgment of a magistrate judge. The magistrate judge shall notify the clerk in writing of the failure to waive. The clerk will reassign the proceeding promptly following the receipt of that notice.

Amended March 22, 2019

LCrR5.1. Duty Magistrate Judge: ~~Eastern Division~~

~~The m~~Magistrate judges designated as emergency magistrate judges for the Eastern and Western Divisions pursuant to [LR77.2](#) shall serve as duty magistrate judges.

Magistrate judges in this district shall have the power to perform all duties set forth in the United States Code and the Federal Rules of Criminal Procedure.

Amended March 22, 2019

## IOP11. Filing & Assignment of New Cases

**(a) Filing Procedures.** The assignment clerk shall file each new case in the following manner:

**(1)** Except where the case was accepted for filing by the emergency judge outside of regular business hours and the date and time of filing are already noted, the date and time of filing shall be stamped or written on the cover of the documents initiating the case.

**(2)** The appropriate case number shall be stamped on the initiating document.

**(3)** The case number and assignment category shall be entered into the computerized assignment system and the case shall be assigned.

**(4)** A magistrate judge shall be designated for the case in the manner provided for by section (c).

**(5)** Except as provided for in section (f) below, the name of the district judge to whom the case is assigned and, where applicable, the name of the designated magistrate judge shall be stamped on the initiating documents.

Where two or more indictments or informations are presented to the assignment clerk for assignment, the order in which they are to be filed and assigned shall be according to their grand jury numbers, the earliest such number being assigned first. Where indictments returned by two or more grand juries are presented for filing at the same time, the indictments of the older grand jury shall be taken first. If two grand juries were impaneled in the same month, the indictments of the special grand jury shall be taken first.

**(b) Assignment of Cases: Eastern Division.** The clerk shall maintain an automated assignment system for the assignment and reassignment of cases in the Eastern Division. All cases filed in the Eastern Division shall be assigned using the automated assignment system.

For the purposes of assigning cases to the calendars of the judges serving in the Eastern Division, the civil and criminal cases shall be divided into the categories indicated:

**(1) Criminal Cases:** (A) Criminal I, (B) Criminal II, (C) Criminal III, (D) Criminal IV, and (F) Criminal V; and

**(2) Civil Cases:** (A) Civil I, (B) Civil II, (C) Civil III, (D) Civil IV, (E) Civil V, (F) Civil VI, (G) Civil VII, (H) certificates for contempt filed by bankruptcy judges pursuant to Rule 920 of the National Bankruptcy Rules and certificates for contempt filed by magistrate judges. In addition, those magistrate judge cases involving petty offenses based on the issuance of violation notices wherein defendants did not waive their right to trial before a judge of the district court which are referred to a judge of the district court shall constitute a separate assignment category.

The Executive Committee shall establish the types of cases to be included in Criminal categories I, II, III, IV, and V and in Civil categories I, II, III, IV, V, VI, and VII. A master list of the types of cases included in those categories shall be used by the assignment clerk in the assignment of civil and criminal cases.

The automated assignment system shall provide a separate process for assigning cases in each of the enumerated categories. In each process the name of each judge of this Court, other than the chief judge or any senior judge, shall appear an equal number of times. The sequence of judges' names within each block shall be kept secret. The process shall record for each case assigned the case number, the assignment category, and date and time of the assignment.

A motion for the return of property filed pursuant to [FRCrP41\(e\)](#) after an indictment or information has been filed in a criminal case shall be directly assigned to the district judge before whom the criminal case was last pending. If that judge is no longer sitting, the motion shall be assigned by lot to a district judge.

Whenever it appears that a case has been assigned by lot that should have been assigned directly under the provisions of this section, the judge receiving the case shall transfer it to the Executive Committee for reassignment to the calendar of the judge to whom it should have been assigned directly.

The automated assignment system will at the time of the reassignment of any case introduce any equalization required. The equalization will take the form of an adjustment to the appropriate assignment process that will treat the reassignment as a new assignment to the judge receiving the case and negate the assignment of the case to the judge reassigning it. Unless otherwise ordered by the Executive Committee in the order of reassignment, such equalization will apply in each of the following instances:

(1) where a case is reassigned as related pursuant to [LR40.4](#);

(2) to correct an assignment error where a case that should have been assigned directly pursuant to [LR40.3](#) was assigned by lot;

(3) where a case is reassigned following a result of a recusal with equalization pursuant to [IOP13\(f\)](#); or

(4) where the order of reassignment directs that the reassignment be with equalization. The clerk shall periodically report to the Executive Committee on the performance of the automated assignment system. Such report shall include a summary of any assignments or reassignments for which equalization is required in addition to any automatic equalization authorized by these procedures. Where it determines additional equalization is required, the Executive Committee will enter an appropriate order.

Records of the system shall be preserved for five years except as otherwise ordered by the Executive Committee.

**(c) Designation Cycles for Magistrate Judges.** There shall be a separate designation cycle for magistrate judges for civil and criminal cases each of the assignment categories specified in [IOP11\(b\)](#), provided that the Executive Committee may direct that



two or more of the categories other than Civil I, II, and III, and Criminal I, II, and III be combined into a single designation cycle. Each designation cycle shall consist of the name of each of the magistrate judges assigned to the Eastern Division. Whenever a new case is assigned to a district judge using one of the assignment decks enumerated above, the clerk shall randomly designate a magistrate judge from the designation cycle for that type of case as the magistrate judge in the case. Whenever pursuant to [LR40.3\(b\)](#) or [LCrR50.2](#) a new case is assigned to a district judge directly and not by lot, the magistrate judge designated for the case originally assigned by lot will be designated for the later filed case. The provisions of this section notwithstanding, where an indictment or information arises out of one or more criminal complaints, the designated magistrate judge shall be the magistrate judge to whom the earliest of those complaints was assigned. Where multiple defendants in a single complaint assigned to a magistrate judge are subsequently charged in more than one indictment or information arising out of that complaint, the designated magistrate judge for each such case shall be the magistrate judge to whom the complaint was assigned.

**(d) Assignment of Cases: Western Division.** Cases in the Western Division shall at filing be both randomly assigned to ~~the a~~ district judge and ~~referred~~ generally referred to ~~the a~~ magistrate judge whose duty stations are in that division, provided that ~~the a~~ district judge may in any case set aside the initial general reference to ~~the a~~ magistrate judge.

**(e) Duties under the Federal Debt Collection Procedures Act.**

Pursuant to [28 U.S.C. §3008](#), the Court assigns its duties in proceedings under [Chapter 176 of Title 28 of the United States Code](#), the Federal Debt Collection Procedures Act, (FDCPA) in all civil cases to the United States Magistrate Judges of this Court.

When relief under the FDCPA is sought by the United States, all necessary documents shall be submitted to the designated magistrate. If no magistrate judge has been previously designated, or where the designated magistrate judge is no longer sitting, a magistrate judge shall be designated as provided for by section (c). The designated magistrate shall supervise proceedings, decide all nondispositive matters, and prepare a report and recommendation in all dispositive matters. If the designated magistrate judge enters a report and recommendation on a dispositive motion, the clerk shall assign the case by lot to a district judge if one has not been previously assigned.

If the parties consent to the reassignment of the proceedings to a magistrate judge, the clerk shall reassign the case to the designated magistrate judge without the entry of a separate Executive Committee reassignment order.

**(f) Assignment of Student Loan and Veteran Education Loan Cases.** When a complaint is filed on behalf of the Department of Education or the Veterans Department alleging a failure to repay a student loan or a failure to repay an educational overpayment, the person filing the complaint shall indicate its nature to the assignment clerk. When a complaint of this type is filed, the assignment clerk shall designate a magistrate judge as provided for by section (c) above and shall assign the case generally to the United States magistrate judges. When necessary, the designated magistrate judge shall supervise pretrial proceedings, which may include the

preparation of a report and recommendation for the disposition of any motion for injunctive relief, for judgment on the pleadings, for summary judgment, or to dismiss for any reason.

If the parties consent to the reassignment of the case to a magistrate judge, the clerk shall reassign the case to the designated magistrate judge without the entry of a separate Executive Committee reassignment order. If the magistrate judge enters the pretrial order or issues a report and recommendation on a dispositive motion, the clerk shall assign the case by lot to a district judge.

Where a case requires the involvement of a magistrate judge and no magistrate judge has been previously designated, or where the designated magistrate judge is no longer sitting, a magistrate judge shall be designated as provided for by section (c).

Amended March 22, 2019

## IOP17. Initial Calendar for New Magistrate Judge

**(a) General; Applicability of IOP16.** An initial calendar shall be prepared under the direction of the Executive Committee for any newly-appointed magistrate judge. The calendar shall consist of referrals in civil cases made pursuant to [LR72.1](#) and [IOP14](#) and civil cases reassigned on consent pursuant to [LR73.1](#). No referrals in criminal cases or criminal cases assigned to a magistrate judge shall be included in an initial calendar.

Except as provided in section (b), the provisions of [IOP16](#) shall be followed in preparing the initial calendar for a magistrate judge. Referrals and cases reassigned on consent shall be treated as two separate categories and separate target numbers and primary and secondary lists shall be prepared for each category. For the purpose of preparing the initial calendar for a magistrate judge, references to a regular active judge in [IOP16](#) shall be taken to mean sitting magistrate judge. Referrals in criminal cases shall be included in the count of cases used to determine the target value for the number of civil referrals to be reassigned to form the initial calendar. Similarly, criminal cases assigned to magistrate judges will be included in the count used to determine the target value for the number of consent cases to be reassigned to form the initial calendar.

**(b) Equalization and Initial Calendar Formation.** The Executive Committee may use the formation of an initial calendar to equalize disparities in the calendars of magistrate judges. In the order directing the formation of an initial calendar for a magistrate judge the Executive Committee may direct that any of the following methods of determining the extent to which sitting magistrate judges may participate in the reassignment be used in lieu of the equal share participation rate established by [IOP16](#):

**(1)** the participation may be limited to the magistrate judges most in need of equalization; or

**(2)** the participation may be based on the proportions of pending referrals or reassignments on consent rather than equal shares; or

**(3)** the participation may be based on the proportion of referrals or reassignments on consent received over a specified time period rather than pending numbers; or

**(4)** the participation may be based on such other method as the Executive Committee directs in order to achieve equalization of calendars among the magistrate judges. Regardless of the method used, the referrals and cases to be reassigned will be selected from the calendars of the participating magistrate judges by lot in accordance with the procedures set out in [IOP16](#).

**Committee Comment.** ~~IOP17 applies only to the formation of the initial calendar of a magistrate judge assigned to the Eastern Division. Currently there is only one full-time magistrate judge assigned to the Western Division, so any new magistrate judge would simply replace a sitting judge and take over the latter's calendar. Section (a) of IOP17 provides that the procedures of IOP16 are, to the extent applicable, to be used in forming the initial calendar of a magistrate judge in the Eastern Division.~~

The calendar of a magistrate judge differs from that of a district judge in an important way. The calendar of a magistrate judge includes both referrals and cases reassigned on consent. The jurisdictional status of the latter is like that of the cases on the calendars of the district judges. The referrals, however, are simultaneously on the calendars of both a district and a magistrate judge. Accordingly, for the purpose of forming an initial calendar for a magistrate judge, the Court requires that referrals and reassignments on consent be kept separate. The initial calendar for the new magistrate judge will, therefore, involve two reassignment processes: one to select the referrals and the other to select the cases reassigned on consent.

There is another area in which the assignment of cases and referral of matters to magistrate judges differs from the assignment of new cases to regular active district judges. The system of assigning cases to district judges is designed to assure that each regular active judge receives the same number of new cases over time as each of the other regular active judges. Each magistrate judge in the Eastern Division is designated an equal number of times. However, a designation is a potential referral or reassignment on consent, not an actual referral or reassignment. Whether or not a case is referred is a result of many factors, case complexity and the calendar management style of the referring district judge, being just two of the more obvious. As a result, there often arises a significant variance among the magistrate judges in the numbers of referrals they receive. As civil consent cases frequently arise out of referrals, a similar variance occurs in the reassignment of cases on consent.

The formation of an initial calendar for a newly appointed magistrate judge provides and opportunity for the Court to address any calendar imbalances that have arisen among the magistrate judges because of variances in referral and reassignment rates. The default method of preparing an initial calendar is to use the procedures of [IOP16](#), i.e., the same system as that used to create the initial calendar of a new district judge. Under that system each magistrate judge would participate equally in the formation of the initial calendar. However, section (b) provides that the Executive Committee may depart from the equal participation approach of [IOP16](#) and use the process of forming the initial calendar to equalize existing calendars. This may be done in one of four ways: (i) the participation may be limited to the magistrate judges most in need of equalization; or (ii) the participation may be based on the proportions of pending referrals or reassignments on consent rather than equal shares; or (iii) the participation may be based on the proportion of referrals or reassignments on consent received over a specified time period rather than pending numbers. The fourth alternative is simply a catch-all: "or by such other method as the Executive Committee directs in order to achieve equalization of calendars among the magistrate judges."

Amended March 22, 2019

## IOP19. Periodic Calendar Adjustment Program (Magistrate Judges)

(a) Introduction. The periodic calendar adjustment program for magistrate judges provides for a magistrate judge not to receive new referrals in civil or criminal cases, new civil cases reassigned on consent of the parties, or new criminal misdemeanor cases for a period of three months after five years of service.

(b) Participation. In order to participate in the program, a magistrate judge of the District must meet the following criteria:

(1) The magistrate judge is a full-time magistrate judge.

~~(2) The official duty station of the magistrate judge is Chicago.~~

~~(32)~~ The magistrate judge has not previously participated in the program and entered on duty sixty months preceding the months during which the magistrate judge is to be removed from the assignment process as part of the program.

~~(43)~~ The magistrate judge has previously participated in the program and an aggregate of fifty-one months (forty-eight months plus the three months of the previous adjustment period) has elapsed from the date the magistrate judge was last eligible to participate in the program.

~~(54)~~ Where two or more magistrate judges are eligible to be removed from the assignment process under these procedures, the magistrate judge who has previously been removed the fewest times under this program will be scheduled first. Where two or more magistrate judges are eligible to be removed from the assignment process under these procedures and each was previously removed the same number of times, the most senior magistrate judge will be scheduled first.

~~(65)~~ Where two or more magistrate judges are eligible to be removed from the assignment process under these procedures, they may agree to exchange scheduled adjustment periods for which they have been scheduled in accordance with ~~(54)~~ above provided each of the magistrate judges is eligible to serve in the exchanged period.

~~(76)~~ A magistrate judge may request to be removed from the assignment process during a period later than that for which the magistrate judge would be scheduled under these procedures provided that no magistrate judge is eligible for that later period.

(c) Order of Magistrate Judges Within Cycle. From time to time, the Executive Committee will enter an order directing the clerk to remove magistrate judges from the assignment process for periods of three months. The first magistrate judge to be removed shall be the most senior magistrate judge who meets the criteria set out in (b) above. The second magistrate judge to be removed shall be the next most senior magistrate judge meeting the criteria, etc.

(d) Sequence of Magistrate Judge Name Confidential. In order to permit the magistrate judges to plan to take best advantage of the opportunities offered by the program, a tentative list for three years will be issued to each magistrate judge at the time a copy of the order implementing the current periods is adopted. However, because knowledge that a magistrate judge may be removed from the assignment process might be used to permit magistrate judge shopping, the sequence should not be publicized.

(e) Order of Executive Committee. The Executive Committee will enter an order annually covering the next four periods. If two or more magistrate judges tentatively scheduled for the next year agree to change periods with other eligible magistrate judges as provided by (b)(6) above, those involved should notify the Chief Judge so that the order can incorporate the agreement.

(f) Conflicts Between Sabbatical and Magistrate Judge Assignment Cycles. A magistrate judge shall not serve as emergency magistrate judge, duty magistrate judge or federal enclave magistrate judge during a period when he or she is participating in the calendar adjustment program.

(g) Referrals and Reassignments on Consent Where the Designated Magistrate Judge is on Sabbatical. Except as provided for in section (h) below, during periods when a magistrate judge is participating in the calendar adjustment program, referrals and reassignments in cases where the magistrate judges has been designated pursuant to LR72.1 shall be randomly referred or reassigned to another magistrate judge.

The magistrate judge who receives a referral or case as provided for by this section shall become the designated magistrate judge in that case.

(h) Subsequent Referrals and Reassignments on Consent in Cases with Pending Referrals. Where a referral is pending in a case before a designated magistrate judge and either the case is to be reassigned on consent or a subsequent referral is to be made in that case during the period when the magistrate judge is participating in the calendar adjustment program, the reassignment or referral shall be made to that magistrate judge. Similarly, where a referral is pending before a designated magistrate judge in one or more cases in a related set of cases and a referral is to be made in another case that is part of the related set during the period when the magistrate judge is participating in the calendar adjustment program, the referral shall be made to that magistrate judge.

(i) Continuation of Designation at Filing. A magistrate judge who is participating in the periodic calendar adjustment program shall not be removed from the designation cycle provided for by LR72.1.

| (Adopted October 13, 2004. ~~Amended and March X22, 2019~~)