

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 19-0043**

The full Court met in executive session on Thursday, November 21, 2019 and approved an amendment to Internal Operating Procedure 25 Emergency District Judge.

The Court's Rules Committee considered the Internal Operating Procedure at its meeting on Thursday, November 14, 2019. It recommended that the full Court adopt the proposed amendment to Internal Operating Procedure 25.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, November 21, 2019 and agreed to modify Internal Operating Procedure 25.


Therefore,

By direction of the full Court, which met in executive session on Thursday, November 21, 2019,

IT IS HEREBY ORDERED that Internal Operating Procedure 25 Emergency District Judge be amended as attached (additions shown thus, deletions shown ~~thus~~).

ENTER:

FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 10th day of December, 2019

IOP25. Emergency District Judge

(a) Designation of the Emergency Judge. At all times there shall be at least one judge of the Court assigned to act as emergency judge and perform the duties specified in LR77.2. The emergency judge shall be a regular active judge of the Court other than the chief judge or a judge whose duty station is outside the Eastern Division, provided that the chief judge may designate a senior judge to serve as emergency judge if such senior judge consents. No judge shall serve as emergency judge within the six months immediately after taking the oath of office. The chief judge may also serve as emergency judge.

There shall be two cycles for designating emergency judges: one for service during the summer sessions and the other for the balance of the year. Judges shall serve as emergency judge in order of seniority. No judge shall serve a second monthly term until all eligible judges have served a monthly term, nor shall any judge serve a second two week term until all eligible judges have served a two week term. The clerk shall maintain a record of the emergency judge periods served by each judge.

(b) Terms of Service. The term of service of an emergency judge shall start at 12:01 A.M. on Monday and end at midnight on the Sunday immediately preceding the Monday starting the next term of service. The length of service shall be as follows:

(1) during the summer sessions, i.e., the fourteen week period beginning the first Monday in June, the term shall be two weeks; and

(2) during the balance of the year, the term shall be for one month starting with the first Monday of each month, provided that if the first Monday in September falls in the summer session, the September terms of service shall start with the second Monday in September.

(c) Preliminary Assignment Schedules. By 1 April of each year the clerk shall prepare and circulate among the judges preliminary schedules of emergency judges: one for the summer sessions of that year and one covering the service periods from the end of that summer sessions to the start of the next summer sessions. In preparing a preliminary schedule the clerk shall list for the first service period the most senior of the eligible judges who have not yet served in the current service cycle, for the next service period, the next most senior judge, etc. The clerk shall, where appropriate, modify this initial listing, to take into account the following:

(1) New judge exception: The clerk shall not schedule any newly appointed judge as who has never served as an emergency judge for at least the first service period starting not less than 6 months after that judge takes the oath of office. After 6 months have expired, the Clerk shall schedule a newly appointed judge in the first available time period in the next Emergency Judge Schedule. Where there are two or more such judges, the clerk shall schedule them in order of seniority. This provision applies to both regular and summer Emergency Judge Schedules. For the purpose of the records of service in emergency judge cycles kept by the clerk, each judge will be required to serve for a period in the emergency judge cycle in effect at the time the judge took the oath of office.

(2) Recent service exception: Even though the judge is otherwise eligible, the clerk shall not include a judge in the preliminary schedule who served as emergency judge in the previous period for which the lists are being prepared, i.e., served as emergency judge in the last summer sessions where a schedule for the summer sessions is being prepared, or served as an emergency judge in the last regular set of service periods where a schedule for those periods is being prepared. The clerk shall re-schedule any judge covered by this exception to the first service in the preliminary lists for the next year.

(3) IOP18(e) exception: If the service period for which a judge is initially scheduled falls within the period during which pursuant to IOP18 the judge is not receiving new assignments, the clerk shall list the judge in the first service period that starts after the IOP18 period ends.

Within 14 days of the date on which the preliminary lists were circulated, any judges agreeing to switch with all or part of a service period for which the judges were scheduled shall so inform the clerk. The clerk shall modify the preliminary schedules accordingly. Within 21 days of the date on which the preliminary lists were circulated, the clerk will prepare and forward to the chief judge a draft of a general order setting out the modified preliminary schedule for emergency judges for the next summer sessions and for the next period between the end of that summer sessions and the start of the next summer sessions.

(d) Formal Schedule Not Published. The order signed by the chief judge constitutes the formal schedule of emergency judge assignments for the period covered by the order. To minimize the potential for judge shopping, the formal schedule is not made public. At the beginning of each week the name of the emergency judge is made available for that week.

(e) Adjustments to Schedule. Should two or more judges agree to change all or part of their service periods after the order fixing the schedule has been entered, they must notify both the chief judge and the clerk. Where the change involves more than a few days, an amended order will be entered incorporating the change.

(f) Absence of Emergency Judge. In the event that the emergency judge will be out of town or otherwise unavailable, the emergency judge will arrange for another judge to act as emergency judge. Where such an arrangement is made, the emergency judge will promptly inform the chief judge and the clerk of the substitution. The chief judge may make such substitution if for any reason it has not been made and the scheduled emergency judge is unavailable.

Where the designated emergency judge is unable to serve as emergency judge due to illness and an order is entered removing the judge from the assignment system due to the same illness, for the purpose of subsequent designations as emergency judge, the designated judge will be considered to have served as emergency judge during the designated period regardless of the amount of time, if any, the judge actually served. The judge or judges assuming the judge's duties will not normally receive any additional credit for the service unless one judge served for the entire period and the chief judge

instructs the clerk to credit both the originally designated judge and the serving judge with the period.

Amended March 13, 2009 and December 10, 2019