

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 12 - 0007**

The full Court met in executive session on Wednesday, January 25, 2012 and approved an amendment to Local Rule 83.41 regarding Attorney's Fees. The proposed amendment was published with comments due on December 30, 2011. No comments were received from the Public.

The Court's Rules Advisory Committee reviewed the rule at its meeting on January 10, 2012 and approved the amendment as published.

The Court's Rules Committee discussed the rule at its meeting on January 19, 2012. It recommended that the full Court adopt the proposal as published.

The full Court considered the recommendation of the Rules Committee at its meeting on January 25, 2012 and agreed to modify Local Rule 83.41. Therefore,

By direction of the full Court, which met in executive session on Wednesday, January 25, 2012,

IT IS HEREBY ORDERED that Local Rule 83.41 Attorney's fees be amended as follows (additions shown thus, deletions shown ~~thus~~):

**LR83.41. Attorney's Fees**

(a) ~~PARTY'S ABILITY TO PAY.~~ Where as part of the process of appointing counsel the judge finds that the party is able to pay for legal services in whole or in part but that appointment is justified, the judge shall include in the order of appointment provisions for any fee arrangement between the party and the appointed counsel.

If appointed counsel discovers after appointment that the party is able to pay for legal services in whole or in part, counsel shall bring that information to the attention of the judge. Thereupon the judge may either (1) authorize the party and counsel to enter into a fee agreement subject to the judge's approval, or (2) relieve counsel from the responsibilities of the order of appointment and either permit the party to retain an attorney or to proceed *pro se*.

(b) ~~FEE AGREEMENTS PROHIBITED; EXCEPTIONS.~~ ~~Because the representation of the party was not voluntary at its inception and because the party is unrepresented in dealing with appointed counsel, appointed counsel shall, except as otherwise provided in this rule, neither (1) enter into a binding fee arrangement of any type with the party nor (2) make such an arrangement~~

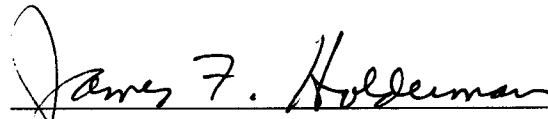
~~a condition to undertaking or continuing the representation.~~

~~Where it appears that a reasonable settlement is possible, appointed counsel may enter into a provisional fee agreement with the party counsel was appointed to represent. Such provisional fee agreement shall be presented to the court for approval.~~

If appointed counsel wishes to negotiate a fee arrangement with the client, counsel must do so at the outset of the representation. Any such fee arrangement is subject to all applicable rules and canons of professional conduct. Any fee agreement that appointed counsel and the client may reach must be submitted to the court for review and approval before the agreement becomes effective, and is subject to revision by the court.

(c) ALLOWANCE OF FEES. Upon appropriate application by appointed counsel, the judge may award attorney's fees to appointed counsel for services rendered in the action as authorized by applicable statute, regulation, rule, or other provision of law, including case law.

ENTER:  
FOR THE COURT

  
Chief Judge

Dated at Chicago, Illinois this 31<sup>st</sup> day of January, 2012