

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, February 28, 2008, and approved a proposal to amend LR65.1 of the Civil Rules of this Court as follows (additions shown thus, and deletions shown ~~thus~~):

LR65.1. Sureties on Bonds

1. (a) **General.** Bonds and similar undertakings may be executed by the surety or sureties alone, except in bankruptcy and criminal cases or where a different procedure is prescribed by law. No member of the bar nor any officer or employee of this court shall act as surety in any action or proceeding in this court.

(b) **Security.** Except as otherwise provided by law, every bond or similar undertaking must be secured by one of the following:

- (1) the deposit of cash or obligations of the United States in the amount of the bond, or
- (2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury, or
- (3) the undertaking or guaranty of two individual residents of the Northern District of Illinois, provided that each individual surety shall file an affidavit of justification, which shall list the following information:

(A) the surety's full name, occupation, residence and business addresses, and

(B) a statement showing that the surety owns real or personal property within this district which, after excluding property exempt from execution and deducting the surety's debts, liabilities and other obligations (including those which may arise by virtue of acting as surety on other bonds or undertakings), is properly valued at no less than twice the amount of the bond.

(4) An unconditional letter of credit is an approved form of security and shall be submitted on LR65.1 Form of Letter of Credit, or on a form agreed to by the parties.

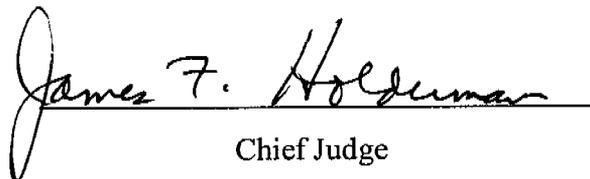
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COMMENT: The proposed modification provides guidance for parties when using a Letter of Credit. By direction of the full Court and pursuant to 28 U.S.C. §207(b) regarding appropriate public notice and opportunity for comment, the Clerk is directed to:

(a) cause the proposal to amend revised Local Rule 65.1 to be posted in the Courthouses

at Chicago and Rockford, (b) cause notice of the proposal and requests for comment to be published in the *Chicago Daily Law Bulletin*, (c) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the advisory committee to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:
FOR THE COURT


Chief Judge

Dated at Chicago, Illinois this 13th day of March, 2008.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

NOTICE OF PROPOSAL TO AMEND THE LOCAL RULES

Pursuant to section 2071(b) of Title 28 of the United States Code regarding appropriate public notice and opportunity for comment, public notice is hereby given that the Court has approved for publication a proposed amendment to the following local rule:

Local Rule 65.1: Sureties on Bonds

Copies of the proposed amendment may be obtained at the following locations:

Office of the Clerk
U.S. District Court
219 South Dearborn Street
20th Floor Assignment Desk
Chicago, IL 60604

Office of the Clerk
U.S. District Court
211 South Court Street, 2nd Floor
Rockford, IL 61101

Anyone wishing to comment on the proposed amendment may do so by submitting written comments to Michael W. Dobbins, Clerk of Court, 219 South Dearborn Street, Room 2050, Chicago, IL 60604. Comments must be received no later than the close of business on Friday, May 16, 2008. Comments may also be posted through the court's web site: www.ilnd.uscourts.gov.