

PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, September 18, 2008, and approved a proposal to amend LR83.26 of the Civil Rules of this Court as follows (additions shown thus, and deletions shown ~~thus~~):

LR83.26. Discipline of Attorneys Disciplined by Other Courts

(a) Duty to Notify. Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by another court, promptly inform the Clerk of this Court of such action.

(b) Disciplinary Order as Evidence. Except as provided in section (e), the final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

(c) Rule to Show Cause. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been disciplined by another court, the Executive Committee shall forthwith enter an order directing that the attorney inform the Committee of any claim by that attorney predicated upon the grounds set forth in section (e) that the imposition of the identical discipline by this Court would be unwarranted and the reasons for such a claim. The order will also provide that the response, if any, is to be filed with the clerk within ~~30~~ 14 days of service. A certified copy of the order and a copy of the judgment or order from the other court will be served on the attorney, ~~either~~ personally or by certified mail.

(d) Effect of Stay of Imposition of Discipline in Other Court. In the event the discipline imposed in the other jurisdiction has been stayed, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(e) Imposition of Discipline; Exceptions. Upon the expiration of ~~30~~ 14 days from service of the notice issued pursuant to the provisions of section (b), the Executive Committee shall immediately impose the identical discipline unless the attorney demonstrates, or the Executive Committee finds--

(1) that the procedure before the other court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(2) that there was such a infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) that the imposition of the same discipline by this Court would result in injustice; or

(4) that the misconduct established is deemed by this Court to warrant different discipline.

If the Executive Committee determines that any of those elements exist, it shall enter such other order as it deems appropriate.

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COMMENT: The proposed modification will expedite the process of disciplinary action regarding attorneys disciplined by other courts. 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 83.26 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 _____ day of September, 2008.