

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 09 - 0003**

The full Court met in executive session on Thursday, January 22, 2009 and approved an amendment to Local Rule 83.26 regarding Discipline of Attorneys Disciplined by Other Courts. The modification expedites the process of disciplinary action regarding attorneys disciplined by other courts. The proposed amendment was published with comments due on November 28, 2008. No comments were received.

The Rules Advisory Committee on Local Rules and Procedures discussed the proposal at its meeting on December 2, 2008. The Rules Advisory Committee recommended that the Court adopt the proposed rule as published.

The Court's Rules Committee discussed the rule at its meeting of December 17, 2008. It recommended that the full Court adopt the proposed local rule as published.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, January 22, 2009 and agreed to modify Local Rule 83.26. Therefore,

By direction of the full Court, which met in executive session on Thursday, January 22, 2009,

IT IS HEREBY ORDERED that LR83.26: Discipline of Attorneys Disciplined by Other Courts be amended as follows (additions shown thus, 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.

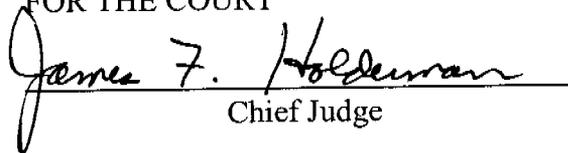
(d) Effect of Stay of Imposition of Discipline in Other Court. In the event the discipline imposed in the other jurisdiction has been stayed, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(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.

ENTER:
FOR THE COURT


Chief Judge

Dated at Chicago, Illinois this 30th day of January, 2009