Local Rules of the United States District Court Northern District of Illinois

(effective September 1, 1999 with amendments through 01/26/2016)

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LR3.1. Designation Sheet

(a) Plaintiff's Counsel to File Designation Sheet. At the time of filing a case, plaintiff's counsel, or if the case is filed pro se, the plaintiff shall file with the original papers a completed designation sheet (civil cover sheet). If the case is filed by a person in custody, the staff law clerk or prisoner correspondence clerk shall complete the designation sheet.

(b) List of Associated Bankruptcy Matters. Pursuant to LR40.3.1, the person filing the petition for withdrawal of reference, report and recommendation, appeal, motion for leave to appeal, or application for a writ shall complete the designation sheet required by LR3.1 and shall include on the sheet a list of any associated bankruptcy cases, adversary proceedings, non-core proceedings, appeals or motions for leave to appeal, or application for a writ from such proceedings previously assigned to one or more district judges.

(c) Identification of Multidistrict Litigation Proceedings. Where a case is filed as a tag-along to a multidistrict litigation (MDL) proceeding that is before a judge of this Court, the person filing the designation sheet shall, at the same time, file an affidavit identifying the number assigned to the MDL proceeding by the Judicial Panel on Multidistrict Litigation and the name of the presiding judge.

Amended February 25, 2005; April 2, 2012

LR3.2. Notification as to Affiliates

Definition. For purposes of this rule, "affiliate" is defined to include:

A. In the case of a corporation, any entity owning more than 5% of the corporation.
B. In the case of a general partnership, joint venture, LLC, LLLP, or LLP, any member.
C. In the case of any other unincorporated association, any corporate member.

If any such affiliate is itself a partnership, joint venture, LLC, LLLP, LLP or any other unincorporated association, its "affiliates" (as defined above) shall also be included within the definition of "affiliate"

(a) WHO MUST FILE. Any nongovernmental party, other than an individual or sole proprietorship, shall file a statement identifying all its publicly held affiliates. If a non-governmental party has no publicly held affiliates, a statement shall be filed to that effect.

(b) TIME FOR FILING. A party must file the statement with the complaint or answer, or upon filing a motion, response, or petition, whichever occurs first. The statement is to be attached to the document being filed. A supplement to the statement shall be filed within a reasonable period of time of any change in the information reported.

Adopted April 20, 2007

LR3.3. Payment of Fees in Advance, In Forma Pauperis Matters, Sanctions

(a) Definitions. The following definitions shall apply to this rule:

(1) "IFP petition" means a petition for leave to proceed *in forma pauperis*, i.e., without prepayment of prescribed fees.

(2) "Financial affidavit" means the form of affidavit of financial status prescribed by the Court.

(b) Prepayment Required. Any document submitted for filing for which a filing fee is required must be accompanied either by the appropriate fee or an IFP petition. Not withstanding this provision, the clerk will file any document including a complaint in a civil action, a notice of appeal, or other document for which a filing fee is prescribed, without prepayment, but such filings shall be subject to the sanctions set forth in section (e) of this Rule.

(c) Filing in forma pauperis. The IFP petition and the financial affidavit shall be filed and assigned to a judge. The complaint shall be stamped received as of the date presented. The clerk shall promptly forward the IFP petition and all other papers to the judge to whom it is assigned.

(d) Date of filing. If the judge grants the IFP petition, the complaint shall be filed as of the date of the judge's order except that where the complaint must be filed within a time limit and the order granting leave to file is entered after the expiration of that time limit, the complaint shall be deemed to have been filed:

(1) in the case of any plaintiff in custody, as of the time of the plaintiff's delivery of the complaint to the custodial authorities for transmittal to the court; or

(2) in the case of any other plaintiff, as of the time the complaint was received by the clerk.

(e) Notice of fees due; sanctions. Upon denial of an IFP petition, the clerk shall notify the person filing the documents of the amount of fees due. If the required fees are not paid within 15 days of the date of such notification, or within such other time as may be fixed by the court, the clerk shall notify the judge before whom the matter is pending of the nonpayment. The court may then apply such sanctions as it determines necessary including dismissal of the action.

(f) Order Granting IFP Petition. Where an order is entered granting the IFP petition, that order shall, unless otherwise ordered by the court, stand as authority for the United States Marshal to serve summonses without prepayment of the required fees.

LR3.4. Notice of Claims Involving Patents or Trademarks

In order to assist the clerk in complying with the requirement to notify the commissioner, any party filing a pleading, complaint, or counterclaim which raises for the first time a claim arising under the patent and trademark laws of the United States (U.S. Code, Titles 15 and 35) shall file with the pleading, complaint, or counterclaim a separate notice of claims involving patents or trademarks. That notice shall include for each patent the information required by 35 U.S.C. §290; and for each trademark the information required by 15 U.S.C. §1116(c).

LR4. Service in In Forma Pauperis Cases

In civil matters in which the plaintiff is authorized to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, service shall be accomplished in the manner set forth in the subsections below.

(a) Service upon the United States, an agency of the United States, or officials of the United States or its agencies in their official capacity, shall be accomplished by plaintiff by registered or certified mail pursuant to Fed.R.Civ.P.4(i), except in certain cases under the Social Security Act that are described in subsection (b).

(b) Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, unless otherwise ordered, by agreement with the United States Attorney, no service of initial process (i.e., summons and complaint) shall be required in any case (not limited to in forma pauperis cases). The Social Security Administration will treat notification through the court's Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.

(c) In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2254, regardless of whether or not the $5 filing fee has been paid, service will be pursuant to the agreement, set forth in Appendix 1 to these Local Rules, between the Attorney General of Illinois and the Court.

(d) In any action in which the U.S. Marshal has been designated to effectuate service, the U.S. Marshal is requested to send the complaint and appropriate papers for waiver of service to the named defendant (including defendant federal officials sued in their individual capacities) pursuant to Rule 4(d). If a defendant neither returns the waiver nor files a responsive pleading within the required time, the Court will notify the U.S. Marshal of the need for personal service on that defendant. If the U.S. Marshal then effects personal service on the defendant, the Court will impose the costs of service on the defendant consistent with Fed.R.Civ.P.4(d)(2).

(e) In actions in which the U.S. Marshal has been designated to effectuate service pursuant to this rule, the following time limits shall apply to waiver of service notice and requests:

(1) The notice and request for waiver of service shall allow the defendant a reasonable time to return the waiver, which shall be 30 days after the date on which the request is sent or 60 days after that date if the defendant is addressed outside any judicial district of the United States.

(2) A defendant that, before being served with process, timely returns a waiver so requested, is not required to serve an answer to the complaint until 60 days after the date on which the request for waiver of service was sent, or 90 days after that date if the defendant was addressed outside any judicial district of the United States.

Amended October 2, 2012

LR5.1. Place of Filing, Division

Except as otherwise ordered, all filings shall be made in the divisional office of the division to which the case is assigned provided that a document initiating a case that should be filed in one of the divisions of this Court may be presented for filing to the assignment clerk of the other division. In such instances, the person filing the document should clearly indicate that it is to be filed in the other division. The case will be numbered and assigned as if it were filed in the proper division. Following the assignment, the clerk will promptly forward the papers to the proper divisional office.

LR5.2. Form of Documents Filed

(a) Electronic Filing Permitted. The court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the court as set forth in the General Order on Electronic Case Filing or other similar order.

Where a document is submitted in an electronic format pursuant to procedures established by the court, submitted in both electronic and paper formats, or submitted in paper and subsequently produced in an electronic format by court staff, the electronic version shall be the court's official record. Where a document is submitted in paper format without an electronic version being produced, the paper version shall be the court's official record. Where the electronic version of a document is a redacted version of an unredacted paper document, the unredacted paper version shall be the court's official record.

(b) Redaction of Transcripts Filed Electronically. If a party or an attorney for a party files a written request to redact specific portions of a transcript pursuant to either Federal Rule of Civil Procedure 5.2 or Federal Rule of Criminal Procedure 49.1, the court reporter is ordered by the Court to make that redaction. Any other redaction request must be made by motion to the court.

(c) Paper and Font Size. Each paper original filed and each paper judge's copy shall be flat and unfolded on opaque, unglazed, white paper 8½ x 11 inches in size. It shall be plainly written, typed, printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it.
Where the document is typed, line spacing will be at least 2.0 lines. Where it is typed or printed,

> (1) the size of the type in the body of the text shall be 12 points and that in footnotes, no less than 11 points, and
> (2) the margins, left-hand, right-hand, top, and bottom, shall each be a minimum of 1 inch.

(d) Binding and Tabs. Each paper original shall be bound or secured at the top edge of the document by a staple or a removable metal paper fastener inserted through two holes. A paper original shall not have a front or back cover. A paper original shall not have protruding tabs. Exhibits or tabs that are part of the paper original shall be indicated in bold type on a single sheet of paper placed immediately before the corresponding exhibit or attachment. Unless not

reasonably feasible, exhibits to paper originals shall be 8½ x 11 inches in size. A judge's paper copy shall be bound on the left side and shall include protruding tabs for exhibits. A list of exhibits must be provided for each document that contains more than one exhibit.

(e) Documents Not Complying May be Stricken. Any document that does not comply with this rule shall be filed subject to being stricken by the court.

(f) Judge's Copy. Each person or party filing a paper version of a pleading, motion, or document, other than an appearance form, motion to appear *pro hac vice* , or return of service, shall file, in addition to the original, a copy for use by the court, with the exception of documents filed by Persons in Custody. A Person in Custody need not file a judge's copy. Where a filing is made electronically of a pleading, motion, or document other than an appearance form or return of service, a paper copy shall be provided for the judge within one business day, if the electronically filed document, including all exhibits, exceeds ten pages in length; provided, however, that any judge may, by standing order or by order in any case, dispense with this requirement for documents of greater length or, in the alternative, may direct that counsel submit a paper copy of any filing, regardless of length. Delivery of paper copies by overnight mail satisfies this requirement. Every judge's paper copy must be bound and tabbed as required by subsection (d).

Amended November 22, 2013

LR5.3. Motions: Notice of Motions and Objections

(a) SERVICE. Except in the case of an emergency or unless otherwise ordered, written notice of the intent to present a motion, or an objection to a magistrate judge's order or report under F. R.Civ.P. 72, specifying the date on which the motion or objection is to be presented, a copy of the motion or objection and any accompanying documents must be served as follows:

(1) Personal service. Personal service must be accomplished no later than 4:00 p.m. of the second business day preceding the date of presentment. Personal service shall include actual delivery within the time specified by this section by a service organization providing for delivery within a specified time (e.g., overnight service) or by electronic transmission pursuant to F. R.Civ.P. 5(b)(2)(D) and 5(b)(3).

(2) Mail service. Where the service is by mail, the notice and documents shall be mailed at least seven days before the date of presentment. Ex parte motions and agreed motions or objections may be presented without notice.

(b) PRESENTMENT. Every motion or objection shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion or objection is to be presented. The date of presentment shall be not more than 14 days following the date on which the motion or objection is delivered to the court pursuant to LR78.1.

Amended October 2, 2002; March 27, 2003; November 19, 2009

LR5.4. Motions: Filing Notice & Motion

Filing of papers shall be with the clerk unless a particular judge has provided for filing in the judge's chambers. The clerk shall maintain a list of the delivery requirements of each judge and post a copy in a public area of the clerk's office.

Where a motion is delivered to the clerk that does not comply with the scheduling requirements established by the judge pursuant to LR78.1 or is scheduled before a judge who, pursuant to this rule, has directed that the motions are to be delivered to the minute clerk assigned to the judge or to the judge's chambers, the clerk shall inform the person offering the motion of the correct procedure. If the person insists on delivering it to the clerk, the clerk shall accept it and attach to it a note indicating that the person delivering it was advised of the scheduling or delivery requirements.

LR5.5. Proof of Service

(a) General. Proof of service of all papers required or permitted to be served shall, unless some other method is expressly required by these rules or the Federal Rules of Civil Procedure, be made in the following manner:

(1) if the person serving the papers is an attorney of record in the case, by certificate;
(2) if the person serving the papers is not an attorney of record in the case, by affidavit, or by written acknowledgment of service, or by any other proof satisfactory to the court;.
(3) if the case is one for which the General Order on Electronic Case Filing applies, in the manner set forth in that General Order under the heading entitled "Service of Documents by Electronic Means".

(b) Certificate of Service. Each document other than one filed *ex parte* shall be accompanied by a certificate of service indicating the date and manner of services and a statement that copies of documents required to be served by Fed.R.Civ.P. 5(a) have been served. Where the service was by FAX, the certificate shall be accompanied by a copy of the transaction statement produced by the FAX machine. Such transaction statement shall include the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving FAX machine that the transmission was received or, in the event that the receiving FAX machine did not produce the acknowledgment to the transmitting FAX machine, an affidavit or, if by an attorney, a certificate setting forth the date and time of service and telephone number to which documents were transmitted.

(c) Filing by FAX Not Permitted. Documents to be filed with the court may not be transmitted to the court by FAX. The only means of filing documents with the court by electronic means is in accordance with LR 5.2(a) and the General Order on Electronic Case Filing or other similar order.

(d) *Ex Parte* Motion. A motion for an *ex parte* order shall be accompanied by an affidavit showing cause therefor and stating whether or not a previous application for similar relief has been made.

LR5.6. Filing Documents by Non-parties

No pleading, motion [except for motion to intervene], or other document shall be filed in any case by any person who is not a party thereto, unless approved by the court. Absent such an order, the clerk shall not accept any document tendered by a person who is not a party. Should any such document be accepted inadvertently or by mistake in the absence of such an order, it may be stricken by the court on its own motion and without notice.

LR5.7. Filing Cases Under Seal

(a) GENERAL. The clerk is authorized to accept a complaint for filing and treat that complaint and the accompanying papers as if they were restricted pursuant to LR26.2 where the complaint is accompanied by a written request containing the following:

(1) the name, address, and signature of the party or counsel making the request;
(2) a statement indicating that the party believes that due to special circumstance which the party will promptly bring to the attention of the judge to whom the case is to be assigned, it is necessary to restrict access to the case at filing;
(3) a statement that the party is aware that absent an order extending or setting aside the sealing, the file and its contents will become public on the seventh day following the date of filing; and
(4) the attorney's or party's e-mail address if the attorney or party is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.
Absent any order to the contrary, the contents of the case file shall be treated as restricted documents as defined by LR26.2 for seven days following the day on which the complaint was filed. Except as otherwise ordered, on the seventh day the file will no longer be treated as restricted.

(b) Filings Under 31 U.S.C. §3730. The procedures set forth in section (a) shall also be followed in filing complaints in camera pursuant to 31 U.S.C. § 3730 with the following modifications:

(1) the person presenting the complaint for filing in camera shall state in the instructions to the assignment clerk that the complaint is being filed pursuant to 31 U.S.C. § 3730; and
(2) unless otherwise ordered by the court, the matter shall remain restricted for the period specified in 31 U.S.C. § 3730.

Committee Comments

LR5.7 is amended to ensure it is in compliance with LR26.2 – Restricted Documents

Amended April 20, 2006

LR5.8. Filing Materials Under Seal

Any document to be filed under seal shall be filed in compliance with procedures established by the Clerk of Court and approved by the Executive Committee. Where pursuant to court order as a restricted or sealed document as defined by LR26.2 is not filed electronically, it must be accompanied by a cover sheet which shall include the following:

(A) the caption of the case, including the case number;
(B) the title "Sealed Document Pursuant to LR26.2";
(C) a statement indicating that the document is filed under seal in accordance with an order of court and the date of that order; and
(D) the signature of the attorney of record or unrepresented party filing the document, the attorney's or party's name and address, including e-mail address if the attorney or party is registered as a Filing User of electronic case filing, and the title of the document.

Any document purporting to be a sealed document as defined in LR26.2 that is not filed in compliance with such procedures shall be processed like any other document. In such instances, where the document has not been filed electronically, the clerk is authorized to open the sealed envelope and remove the materials for processing.

Amended April 20, 2004; November 5, 2009; May 18, 2012

LR5.9. Service by Electronic Means

In accordance with the General Order on Electronic Case Filing and subject to the provisions of Fed. R. Civ. P. 5(b)(3), the Notice of Electronic Filing that is issued through the court's Electronic Case Filing System will constitute service under Fed. R. Civ. P. 5(b)(2)(D) and Fed. R. Crim. P. 49(b) as to all Filing Users in a case assigned to the court's Electronic Case Filing System.

LR7.1. Briefs: Page Limit

Neither a brief in support of or in opposition to any motion nor objections to a report and recommendation or order of a magistrate judge or special master shall exceed 15 pages without prior approval of the court. Briefs that exceed the 15 page limit must have a table of contents with the pages noted and a table of cases. Any brief or objection that does not comply with this rule shall be filed subject to being stricken by the court.

LR8.1. Social Security Cases: Notice of Social Security Number

Where a complaint for judicial review is filed pursuant to 42 U.S.C. § 405(g) and/or 42 U.S.C. § 1383(c)(3);

(a) The complaint shall include the full Social Security number of the plaintiff, including that of a minor plaintiff not otherwise identified by his or her full name. If the plaintiff's application for Social Security benefits was filed on another person's wage-record, that person's Social Security number shall also be included in the complaint.

(b) The Social Security Administration's filing of the certified administrative record, in and of itself, shall suffice as the agency's answer to the complaint.

Amended January 31, 2014, May 23, 2014

LR9.1. Three Judge Cases

The party instituting an action requiring a three-judge court shall advise the clerk that such a court is requested and shall specify the statute involved. In such cases counsel shall furnish the clerk with three additional copies of all pleadings filed and all briefs submitted.

LR10.1. Responsive Pleadings

Responsive pleadings shall be made in numbered paragraphs each corresponding to and stating a concise summary of the paragraph to which it is directed.

LR16.1. Standing Order Establishing Pretrial Procedure

(Adopted Pursuant to General Order of 26 June 1985; Amended Pursuant to General Orders of 27 November 1991 and 9 March 1995)

1. Introduction

This pretrial procedure is intended to secure a just, speedy, and inexpensive determination of the issues. If the type of procedure described below does not appear calculated to achieve these ends in this case, counsel should seek an immediate conference with the judge and opposing counsel so that alternative possibilities may be discussed. Failure of either party to comply with the substance or the spirit of this *Standing Order* may result in dismissal of the action, default or other sanctions appropriate under Fed. R. Civ. P. 16 or 37, 28 U.S.C. §1927 or any other applicable provisions.

Parties should also be aware that there may be variances in the forms and procedures used by each of the judges in implementing these procedures. Accordingly, parties should contact the

minute clerk for the assigned judge for a copy of any standing order of that judge modifying these procedures.

2. Scheduling Conference

Within 60 days after the appearance of a defendant and within 90 days after the complaint has been served on a defendant in each civil case (other than categories of cases excepted by local Civil Rule 16.1), the court will usually set a scheduling conference (ordinarily in the form of a status hearing) as required by Fed.R.Civ.P. 16. At the conference, counsel should be *fully prepared* and have authority to discuss any questions regarding the case, including questions raised by the pleadings, jurisdiction, venue, pending motions, motions contemplated to be filed, the contemplated joinder of additional parties, the probable length of time needed for discovery and the possibility of settlement of the case. Counsel will have the opportunity to discuss any problems confronting them, including the need for time in which to prepare for trial.

3. Procedures for Complex or Protracted Discovery

If at any time during the scheduling conference or later status, hearings it appears that complex or protracted discovery will be sought, the court may

(a) determine that the *Manual on Complex Litigation 2d* be used as a guide for procedures to be followed in the case, or
(b) determine that discovery should proceed by phases, or
(c) require that the parties develop a joint written discovery plan under Fed.R.Civ.P. 26 (f).

If the court elects to proceed with phased discovery, the first phase will address information necessary to evaluate the case, lay the foundation for a motion to dismiss or transfer, and explore settlement. At the end of the first phase, the court may require the parties to develop a joint written discovery plan under Fed.R.Civ.P. 26 (f) and this *Standing Order*.

If the court requires parties to develop a discovery plan, such plan shall be as specific as possible concerning dates, time, and places discovery will be sought and as to the names of persons whose depositions will be taken. It shall also specify the parties' proposed discovery closing date. Once approved by the court, the plan may be amended only for good cause. Where the parties are unable to agree on a joint discovery plan, each shall submit a plan to the court. After reviewing the separate plans, the court may take such action as it deems appropriate to develop the plan.

Where appropriate, the court may also set deadlines for filing and a time framework for the disposition of motions.

4. Discovery Closing Date

In cases subject to this *Standing Order*, the court will, at an appropriate point, set a discovery closing date. Except to the extent specified by the court on motion of either party, discovery must be *completed* before the discovery closing date. Discovery requested before the discovery

closing date, but not scheduled for completion before the discovery closing date, does not comply with this order.

5. Settlement

Counsel and the parties are directed to undertake a good faith effort to settle that includes a thorough exploration of the prospects of settlement before undertaking the extensive labor of preparing the Order provided for in the next paragraph. The court may require that representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference.

If the parties wish the court to participate in a settlement conference, counsel should ask the court or the minute clerk to schedule such conference. In a case where the trial will be conducted without a jury, particularly as the case nears the date set for trial, the preferred method of having the court preside over settlement talks is for the assigned judge to arrange for another judge to preside or to refer the task to a magistrate judge. If the case has not been settled and is placed on the court's trial calendar, settlement possibilities should continue to be explored throughout the period before trial. If the case is settled, counsel shall notify the minute clerk promptly and notice up the case for final order.

6. Final Pretrial Order

The court will schedule dates for submission of a proposed final pretrial order (Order) and final pretrial conference (Conference) in accordance with Fed.R.Civ.P. 16. In the period between notice and the date for submission of the pretrial order:

(a) Counsel for all parties are directed to meet in order to (1) reach agreement on any possible stipulations narrowing the issues of law and fact, (2) deal with nonstipulated issues in the manner stated in this paragraph and (3) exchange copies of documents that will be offered in evidence at the trial. The court may direct that counsel meet in person (face-to-face). It shall be the duty of counsel for plaintiff to initiate that meeting and the duty of other counsel to respond to plaintiff's counsel and to offer their full cooperation and assistance to fulfill both the substance and spirit of this standing order. If, after reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be his or her duty to advise the court of this fact by appropriate means.

(b) Counsel s meeting shall be held sufficiently in advance of the date of the scheduled Conference with the court so that counsel for each party can furnish all other counsel with a statement (Statement) of the issues the party will offer evidence to support. The Statement will (1) eliminate any issues that appear in the pleadings about which there is no controversy, and (2) include all issues of law as well as ultimate issues of fact from the standpoint of each party.

(c) It is the obligation of counsel for plaintiff to prepare from the Statement a draft Order for submission to opposing counsel. Included in plaintiff's obligation for preparation of the Order is submission of it to opposing counsel in ample time for revision and timely filing. Full cooperation and assistance of all other counsel are required for proper preparation of the Order to fulfill both the substance and spirit of this Standing Order. All counsel will jointly submit the

original and one copy of the final draft of the Order to the judge's chambers (or in open court, if so directed) on the date fixed for submission.

(d) All instructions and footnotes contained within the Final Pretrial Order form promulgated with this *Standing Order* must be followed. They will be binding on the parties at trial in the same manner as though repeated in the Order. If any counsel believes that any of the instructions and/or footnotes allow for any part of the Order to be deferred until after the Order itself is filed, that counsel shall file a motion seeking leave of court for such deferral.

(e) Any pending motions requiring determination in advance of trial (including, without limitation, motions *in limine*, disputes over specific jury instructions or the admissibility of any evidence at trial upon which the parties desire to present authorities and argument to the court) shall be specifically called to the court's attention not later than the date of submission of the Order.

(f) Counsel must consider the following matters during their conference:

(1) Jurisdiction (if any question exists in this respect, it must be identified in the Order);
(2) Propriety of parties; correctness of identity of legal entities; necessity for appointment of guardian, administrator, executor or other fiduciary, and validity of appointment if already made; correctness of designation of party as partnership, corporation or individual d/b/a trade name; and
(3) Questions of misjoinder or nonjoinder of parties.

7. Final Pretrial Conference

At the Conference each party shall be represented by the attorneys who will try the case (unless before the conference the court grants permission for other counsel to attend in their place). All attending attorneys will familiarize themselves with the pretrial rules and will come to the Conference with full authority to accomplish the purposes of F.R.Civ.P. 16 (including simplifying the issues, expediting the trial and saving expense to litigants). Counsel shall be prepared to discuss settlement possibilities at the Conference without the necessity of obtaining confirmatory authorization from their clients. If a party represented by counsel desires to be present at the Conference, that party's counsel must notify the adverse parties at least one week in advance of the conference. If a party is not going to be present at the Conference, that party's counsel shall use their best efforts to provide that the client can be contacted if necessary. Where counsel represents a governmental body, the court may for good cause shown authorize that counsel to attend the Conference even if unable to enter into settlement without consultation with counsel s client.

8. Extensions of Time for Final Pretrial Order or Conference

It is essential that parties adhere to the scheduled dates for the Order and Conference, for the Conference date governs the case's priority for trial. Because of the scarcity of Conference dates, courtesy to counsel in other cases also mandates no late changes in scheduling. Accordingly, *no* extensions of the Order and Conference dates will be granted without good cause, and no request for extension should be made less than 14 days before the scheduled Conference.

9. Action Following Final Pretrial Conference

At the conclusion of the Conference the court will enter an appropriate order reflecting the action taken, and the case will be added to the civil trial calendar. Although no further pretrial conference will ordinarily be held thereafter, a final conference may be requested by any of the parties or ordered by the court prior to trial. Any case ready for trial will be subject to trial as specified by the court.

10. Documents Promulgated with the *Standing Order*

Appended to this *Standing Order* are the following:

(a) a form of final pretrial order;
(b) a form for use as Schedule (c), the schedule of exhibits for the final pretrial order;
(c) a form of pretrial memorandum to be attached to the completed final pretrial order in personal injury cases;
(d) a form of pretrial memorandum to be attached to the completed final pretrial order in employment discrimination cases; and 9
(e) guidelines for preparing proposed findings of fact and conclusions of law.

Each of the forms is annotated to indicate the manner in which it is to be completed.

The above forms are available from the clerk's office.

LR16.1.1. Pretrial Procedures

(a) Standing Order & Form. Pursuant to Fed.R.Civ.P. 16, the Court has adopted a standing order on pretrial procedures together with model pretrial order forms. Copies of the standing order and forms shall be available from the clerk [see appendix]. The procedures set forth in the standing order, except for the need to prepare the pretrial order itself, shall apply to all civil cases except for those in categories enumerated in section (b) of this rule. As to all other cases, a pretrial order shall be prepared whenever the judge to whom a case is assigned so orders.

(b) Exempted Classes of Cases. The pretrial procedures adopted pursuant to section (a) of this rule shall not apply to the following classes of civil cases (The statistical nature of suit ("NS") codes are shown in parentheses following the class of cases.):

(1) Recovery of overpayments and student loan cases (NS: 150, 152, 153);
(2) Mortgage foreclosure cases (NS: 220);
(3) Prisoner petitions (NS: 510, 520, 530, 540, 550);
(4) U.S. forfeiture/penalty cases (NS: 610, 620, 630, 640, 650, 660, 690);
(5) Bankruptcy appeals and transfers (NS: 420, 421
(6) Deportation reviews (NS: 460);
(7) ERISA: Collections of Delinquent Contributions;
(8) Social Security reviews (NS: 861, 862, 863, 864, 865);
(9) Tax suits & IRS third party (NS: 870, 871);
(10) Customer challenges 12 U.S.C. §3410 (NS: 875); or

(11) cases brought under the Agricultural Acts, Economic Stabilization Act, Energy Allocation Act, Freedom of Information Act, Appeal of Fee Determination Under Equal Access to Justice Act, NARA Title II (NS: 891, 892, 894, 895, 900, 970) Notwithstanding the provisions of this rule, a pretrial order shall be prepared whenever the judge to whom a case is assigned so orders.

Amended June 29, 2015

LR16.2. Pretrial Conferences and Status Hearings

At the discretion of the court pretrial conferences or status hearings held pursuant to Fed.R.Civ.P. 16(a) may be conducted by telephone or other appropriate means. The court may require parties to provide written status reports in advance of any such hearing.

LR16.3. Voluntary Mediation Program

(a) Program Established. A program for voluntary mediation is established for cases arising under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 ("the Lanham Act").

(b) Procedures. The voluntary mediation program shall follow the procedures approved by the Executive Committee. The procedures outline the responsibilities of counsel and the parties in cases that are eligible for the mediation program. Copies of the procedures may be obtained from the clerk.

(c) Confidentiality All mediation proceedings, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the settlement shall be reduced to writing and shall be binding upon all parties.

LR16.4. Scheduling in Social Security Cases

In cases brought pursuant to 42 U.S.C. § 405(g) for benefits under the Social Security Act, the following schedule is established unless otherwise ordered:

(a) Plaintiff's brief in support of reversing or remanding the decision subject to review is due within 60 days of the filing of the administrative record (no motion required).

(b) The Social Security Administration's motion to affirm the decision subject to review and its brief in support are due 45 days after plaintiff's brief is filed.

(c) Plaintiff's reply brief, if any, is due 14 days after defendant's brief is filed.

Amended January 31, 2014

LR17.1. Actions By or On Behalf of Infants or Incompetents

Any proposed settlement of an action brought by or on behalf of an infant or incompetent shall not become final without written approval by the court in the form of an order, judgment or decree. The court may authorize payment of reasonable attorney's fees and expenses from the amount realized in such an action.

LR24.1. Notice of Claims of Unconstitutionality

In order to assist the court in its statutory duty under 28 U.S.C. §2403, counsel raising a question of the constitutionality of an Act of Congress affecting the public interest shall promptly advise the court in writing of such fact.

LR26.1. Scheduling Conference

Rule 26(f) meetings may be conducted by telephone. Unless otherwise ordered by the court (1) parties need not present a written report outlining the discovery plan at the preliminary pretrial conference, and (2) the initial status hearing shall be the scheduling conference referred to in Fed.R.Civ.P. 26(f).

Amended November 30, 2000

LR26.2. Sealed Documents

(a) Definitions. As used in this rule the term:
"Sealed document" means a document that the court has directed be maintained under seal electronically or, where the court allows a sealed document to be filed non-electronically, within a sealed enclosure such that access to the document requires breaking the seal of the enclosure; and
"Sealing order" means any order restricting access to one or more documents filed or to be filed with the court.

(b) Sealing Order. The court may for good cause shown enter an order directing that one or more documents be filed under seal. No attorney or party may file a document under seal without order of court specifying the particular document or portion of a document that may be filed under seal.

(c) Sealing Motion for Documents filed Electronically. Any party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must: (1) provisionally file the document electronically under seal; (2) file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded; and (3) move the court for leave to file the document under seal. The sealing motion must be filed before or simultaneously with the provisional filing of the document under seal, and must be noticed for presentment promptly thereafter. Any document filed under seal without such a sealing motion may be stricken by the court without notice.

(d) Sealing Motion for Documents not filed Electronically. Where the court has permitted documents to be filed non-electronically, the party seeking to file a document under seal must, before filing the document, move the court for a sealing order specifying the particular document or portion of a document to be filed under seal. The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the sealing order must be included with any document presented for filing under seal. The attorney or party submitting a restricted document must file it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including e-mail address if the attorney is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.

(e) Copies Served on Counsel and Judge's Paper Courtesy Copy. Any sealed document served on any other party and any judge's paper courtesy copy must be a complete version, without any redactions made to create the public-record version unless otherwise ordered for good cause shown.

(f) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a sealed document show only that a sealed document was filed without any notation indicating its nature. Unless the Court directs otherwise, a sealed document shall be filed pursuant to procedures referenced by Local Rule 5.8.

(g) Inspection of Sealed Documents. The clerk shall maintain a record in a manner provided for by internal operating procedures approved by the Court of persons permitted access to sealed documents that have not been filed electronically. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the sealed document.

(h) Disposition of Sealed Non-electronic Documents. When a case is closed in which an order was entered pursuant to section (b) of this rule, the clerk shall maintain the documents filed

under seal non-electronically as sealed documents for a period of 63 days following the final disposition including appeals. Except where the court in response to a request of a party made pursuant to this section or on its own motion orders otherwise, at the end of the 63 day period the clerk shall notify the attorney or party who filed the documents that the documents must be retrieved from the clerk's office within 30 days of notification. If the parties do not retrieve the sealed documents within 30 days, the clerk shall destroy the documents.

Amended October 2, 2012

LR26.3. Discovery Materials Offered in Evidence as Exhibit

Except as provided by this rule, discovery materials, including disclosure of expert testimony, shall not be filed with the court. The party serving the discovery materials or taking the deposition shall retain the original and be custodian of it. The court, on its own motion, on motion of any party, or on application by a non-party, may require the filing of any discovery materials or may make provisions for a person to obtain a copy at that person's own expense.

Where discovery materials are offered into evidence as an exhibit, the attorney producing them will retain them unless the court orders them deposited with the clerk. Where the court orders them deposited, they will be treated as exhibits subject to the provisions of LR79.1.

LR26.4. Testimony for Use in Foreign Tribunals

Where an interested person requests to take the testimony or statement of any person pursuant to 28 U.S.C. §1782 for use in a proceeding in a foreign or international tribunal, notice to the parties before the foreign or international tribunal must be provided except where the requesting party shows cause why notice could not be given. Where the request is sought by a letter rogatory or request made by a foreign or international tribunal, the request may be made *ex parte*.

Amended June 2, 2011

LR27.1. Depositions: Fees for Attorneys Appointed to Represent Absent Party

An order appointing an attorney to represent the absent expected adversary party and to cross-examine the proposed witness pursuant to Fed.R.Civ.P. 27(a)(2) shall set the attorney's compensation including expenses. The compensation so set shall be paid by the petitioner prior to the appearance of the appointed attorney at the examination.

LR33.1. Interrogatories, Form of Answer, Objections

A party answering interrogatories shall set forth immediately preceding each answer a full statement of the interrogatory to which the party is responding. When objecting to an interrogatory or to the answer to an interrogatory, a party shall set forth the interrogatory or the interrogatories and answer thereto immediately preceding the objection.

LR37.1. Contempts

(a) Commencing Proceedings. A proceeding to adjudicate a person in civil contempt of court, including a case provided for in Fed.R.Civ.P. 37(b)(2)(D), shall be commenced by the service of a notice of motion or order to show cause. The affidavit upon which such notice of motion or order to show cause is based shall set out with particularity the misconduct complained of, the claim, if any, for damages occasioned thereby, and such evidence as to the amount of damages as may be available to the moving party. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon that attorney; otherwise service shall be made personally, in the manner provided for by Fed.R.Civ.P. 4 for the service of a summons. If an order to show cause is sought, such order may, upon necessity shown therefor, direct the United States marshal to arrest the alleged contemnor. The order shall fix the amount of bail and shall require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the contemnor to surrender.

(b) Trial. If the alleged contemnor puts in issue the alleged misconduct giving rise to the contempt proceedings or the damages thereby occasioned, the alleged contemnor shall upon demand therefor be entitled to have oral evidence taken thereon, either before the court or before a master appointed by the court. When by law the alleged contemnor is entitled to a trial by jury, unless a written jury demand is filed by the alleged contemnor on or before the return day or adjourned day of the application, the alleged contemnor will be deemed to have waived a trial by jury.

(c) Order Where Found in Contempt. In the event the alleged contemnor is found to be in contempt of court, an order shall be entered—

(1) reciting or referring to the verdict or findings of fact upon which the adjudication is based;
(2) setting forth the amount of damages to which the complainant is entitled;
(3) fixing the fine, if any, imposed by the court, which fine shall include the damages found, and naming the person to whom such fine shall be payable;
(4) stating any other conditions, the performance whereof will operate to purge the contempt; and
(5) directing the arrest of the contemnor by the United States marshal and the confinement of the contemnor until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law.

Unless the order otherwise specifies, the place of confinement shall be either the Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County jail in Rockford, Illinois. No party shall be required to pay or to advance to the marshal any expenses for the upkeep of the prisoner. Upon such an order, no person shall be detained in prison by reason of non-payment of the fine for a period exceeding 6 months. A certified copy of the order committing the contemnor shall be sufficient warrant to the marshal for the arrest and confinement. The aggrieved party shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.

(d) Discharge Where No Contempt. Where a finding of no contempt is entered, the alleged contemnor shall be discharged from the proceeding. The court may in its discretion for good cause shown enter judgment against the complainant and for the alleged contemnor for the latter's costs and disbursements and a reasonable counsel fee.

LR37.2. Motion for Discovery and Production

To curtail undue delay and expense in the administration of justice, this court shall hereafter refuse to hear any and all motions for discovery and production of documents under Rules 26 through 37 of the Federal Rules of Civil Procedure, unless the motion includes a statement (1) that after consultation in person or by telephone and good faith attempts to resolve differences they are unable to reach an accord, or (2) counsel's attempts to engage in such consultation were unsuccessful due to no fault of counsel's. Where the consultation occurred, this statement shall recite, in addition, the date, time and place of such conference, and the names of all parties participating therein. Where counsel was unsuccessful in engaging in such consultation, the statement shall recite the efforts made by counsel to engage in consultation.

LR40.1. Assignment of Cases: General

(a) General. The rules of this Court and any procedures adopted by the Court that deal with the assignment and reassignment of cases shall be construed to secure an equitable distribution of cases, both in quantity and kind, among the judges. Except as specifically provided by the rules of this Court or by procedures adopted by the Court, the assignment of cases shall be by lot.

(b) Supervision of Assignment System. The assignment of cases to calendars and judges and the preparation of calendars and supplements thereto shall be done solely under the direction of the Executive Committee by the clerk or a deputy clerk who is designated by the clerk as an assignment clerk.

(c) Contempt. Any person who violates the case assignment procedures shall be punished for contempt of court.

(d) Condition of Reassignment. No case shall be transferred or reassigned from the calendar of a judge of this Court to the calendar of any other judge except as provided by the rules of this Court or as ordered by the Executive Committee.

(e) Calendars. In each Division of the Court there shall be criminal, civil and Executive Committee calendars. The cases on the criminal and civil calendars of the court shall be assigned among the judges in the manner prescribed by the rules of this Court. The cases so assigned shall constitute the calendars of the judges. The calendar of the Executive Committee shall consist of the following classes and categories of cases:

(1) civil cases to be transferred to another judge or district for multidistrict litigation pursuant to procedures adopted by the Court;
(2) criminal cases to be held on the Committee's Fugitive Calendar pursuant to procedures adopted by the Court;
(3) such cases as are assigned to the Executive Committee for purposes of reassignment; and
(4) such other cases as the Executive Committee directs be assigned to its calendar.

(f) Calendar of Departing Judge. Cases on the calendar of a judge who dies, resigns, or retires ("departing judge") shall be reassigned as soon as possible under the direction of the Executive Committee, *pro rata* by lot among the remaining judges, provided that the Committee may direct that such calendar be transferred in its entirety or in part to form the calendar of a newly-appointed district judge where the departing judge was a district judge, or to form the calendar of a newly-appointed magistrate judge where the departing judge was a magistrate judge. Referrals pending before a departing magistrate judge shall be considered returned to the calendar of the district judge before whom the underlying case is pending, provided that the Executive Committee may direct that they be maintained as a calendar for a newly-appointed magistrate judge. Where a judge wishes to re-refer a case returned to that judge's calendar pursuant to this section, the procedure set forth in LR72.1 shall be followed except that where the Executive Committee approves the referral, it shall direct the clerk to assign it by lot.

(g) Calendar for New Judge. A calendar shall be prepared for a newly-appointed judge ("new judge") to which cases shall be transferred by lot, under the direction of the Executive Committee in such number as it may determine. Where the new judge is a magistrate judge, the calendar shall include referrals made pursuant to LR72.1 and LCrR50.3(d) and cases assigned pursuant to LR73.1 which shall be transferred by lot, under the direction of the Executive Committee in such number as it may determine. The new magistrate judge will be the designated magistrate judge in all matters on that judge's calendar. Where a magistrate judge is appointed to succeed a leaving magistrate judge, the Executive Committee may direct that the new judge be the designated magistrate judge in all cases in which the former was the designated magistrate judge at the time of the former's death, retirement, or resignation. Once a referral has been transferred to a newly appointed judge, as part of the new calendar, it remains with the new judge "as the designated judge".

Committee Comment. 28 U.S.C. §137 provides in part as follows: The business of the court having more than one judge shall be divided among the judges as provided by the rules and

orders of the court. The chief judge of the district shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

This Court has used a random assignment system for more than 50 years. As stated in section (a), an important goal of the system is to achieve "an equitable distribution of cases, both in quantity and kind, among the judges." Over the years the system grew in complexity. In part, this was a result of increases in the size of the Court, the complexity of its organization and the size of its caseload. It was also a result of a more sophisticated understanding of how the "equitable distribution" should be achieved.

An equally important goal is implicit in the sanctions found in section (c). This is that no one should be able to manipulate the assignment system in order to determine in advance which judge will get a case where the assignment is by lot.

As part of the process of renumbering the rules to comply with the uniform system adopted by the Judicial Conference of the United States in March 1996, the Court significantly revised its assignment rules. Much of the detail formerly included in local General Rules 2.00 and 2.44, the former assignment rules, has been moved from the rules to procedures adopted by general order. Because of the importance of the assignment system, the Court included this summary to provide parties and counsel with a basic overview of the way in which cases are assigned in this Court.

The Court is divided into two divisions: the Eastern at Chicago and the Western at Rockford. Eastern and Western Division cases can be distinguished by their case numbers. Case numbers in the Eastern Division start with the number 1 each year. In the Western Division they start with 50,001.

There are 22 district judgeships and 10 magistrate judgeships authorized for the Court. One district judgeship and one magistrate judgeship are authorized for the Western Division, the remainder are all authorized for the Eastern Division. Cases filed in the Western Division are generally assigned to the Western Division judge. The magistrate judge of that division usually supervises pretrial matters in civil cases.

Most of the provisions of the random assignment system apply only to the Eastern Division. For assignment purposes civil cases are grouped into categories, usually by the type of case. The case types chosen for each category are expected over the long run to generate about the same amount of judicial work. Criminal cases are grouped in a similar fashion.

The current assignment system is computer based. A separate assignment deck is kept for each category. (Prior to the introduction of the computerized assignment system, physical decks of assignment cards were used. The terms "assignment deck" and even "assignment card" continue in use as metaphors to describe the manner in which the computer operates.) In the deck the name of each regular active judge on full assignment appears an equal number of times. The name of the chief judge appears half as often as a regular active judge. The ratios for senior judges depend on the caseloads they are carrying, varying from being no different from that of a regular active judge, to a one-half share less than all of the categories.

As part of filing a new case, the assignment clerk enters the case category information into the assignment system. The system keeps track of cases processed and automatically shows the next available case number.

Once the case number and category are verified, the computer uses a shuffle procedure to pick a name from one of the unused names remaining in the assignment deck for the category selected. For obvious security reasons, the deputies assigning the cases do not have access to the software that sets up the assignment decks. The deputies responsible for setting up the decks do not assign cases. This system together with the changes in the make up of the deck due to equalization and the shuffling of the names prior to the actual assignment assures that staff cannot determine in advance the name of the judge to whom a case will be assigned.

The assignment system also handles the reassignment of cases. Cases are reassigned for a variety of reasons. The most frequent is the need to reassign a case because it is related to one pending on another judge's calendar. Recusals result in reassignments or equalization. When a new judge takes office, cases are reassigned from the calendars of sitting judges. When a judge leaves, the cases on the judge's calendar are reassigned among sitting judges. There are even provisions in the procedures for reassignments due to errors made at assignment.

When a judge is appointed to the Court an initial calendar is prepared. It consists of civil cases equal in number to the average number of civil and criminal cases pending on the calendars of sitting judges. The new judge gets only civil cases in the initial calendar. A civil case that was twice previously reassigned to form a new calendar cannot be reassigned a third time for that reason. Any civil case in which the trial is in process or has been held and the case is awaiting final ruling also cannot be reassigned. The remaining cases are arranged in case number order and a random selection is made. In this way the age distribution of the cases on the new judge's initial calendar reflects the average age distribution of all civil cases pending. Such a distribution serves to provide the new judge with a calendar that is reasonably close to the average in terms of workload.

Amended May 28, 2014

LR40.2. Assignment Procedures

(a) Assigning New Case. The assignment clerk shall file each new case in accordance with procedures approved by the Court.

(b) Cases Filed After Hours. A judge accepting a case for filing as an emergency matter outside of the normal business hours of the clerk's office shall cause the initiating documents to be delivered to the clerk's office as early as practicable on the next business day. On receipt of the initiating documents, the assignment clerk shall process the case in accordance with section (a).

(c) Mail-in Cases. All cases received through the mail for filing shall be filed and assigned in accordance with section (a). The process of filing and assignment shall be completed on the day of receipt, provided that all necessary initiating documents and filing fees are submitted.

LR40.3. Direct Assignment of Cases

(a) To Executive Committee. The following cases or categories of cases shall be assigned to the calendar of the Executive Committee on filing:

(1) disciplinary cases brought pursuant to LR83.25 through LR83.31; and

(2) Such other cases as the chief judge may direct.

(b) To Specific Judge. In each of the following instances, the assignment clerk shall assign the case to a judge in the manner specified:

(1) *Cases filed by Persons in Custody*. Any petition for writ of habeas corpus ("habeas corpus petition") or any complaint brought under the Civil Rights Act or 28 U.S.C.§1331 challenging the terms or the conditions of confinement ("civil rights complaint") filed by or on behalf of a person in custody shall be assigned in the same manner as other civil cases except that—

(A) a subsequent habeas corpus petition shall be assigned to the judge to whom the most recently filed petition was assigned;

(B) a subsequent civil rights complaint shall be assigned to the judge to whom the most recently filed complaint was assigned;

(C) a habeas corpus petition to be assigned by lot shall be assigned to a judge other than the judge or judges to whom civil rights complaints filed by or on behalf of the petitioner have been assigned; and

(D) a civil rights complaint to be assigned by lot shall be assigned to a judge other than the judge or judges to whom habeas corpus petitions filed by or on behalf of the plaintiff have been assigned.

(2) *Re-filing of Cases Previously Dismissed.* When a case is dismissed with prejudice or without, and a second case is filed involving the same parties and relating to the same subject matter, the second case shall be assigned to the judge to whom the first case was assigned. The designation sheet presented at the time the second case is filed shall indicate the number of the earlier case and the name of the judge to whom it was assigned.

(3) *Removal of Cases Previously Remanded*. When a case previously remanded is again removed, it shall be assigned to the judge who previously ordered it to be remanded.

(4) *Petitions to Enforce Summonses Issued by the Internal Revenue Service.* Where two or more petitions to enforce summonses issued by the Internal Revenue Service ("I.R.S") are presented for filing and the summonses involve the same taxpayer, the first petition shall be assigned by lot in accordance with the rules of this Court and any other petition shall be assigned directly to the judge to whom the first was assigned. The person presenting such petitions for filing shall notify the assignment clerk that they involve the

same taxpayer. This section of shall not be construed as authorizing the direct assignment of petitions to enforce administrative process other than summonses issued by the I.R.S.

(5) *Cases filed to enforce, modify, or vacate judgment.* Proceedings to enforce, modify, or vacate a judgment should be brought within the case in which the judgment was entered. If a separate case is filed for the purpose of enforcing, modifying, or vacating a judgment entered in a case previously filed in this District, the case shall be assigned directly to the judge to whom the earlier case was assigned.

(6) *Tag-along cases in multidistrict proceedings.* Where a civil case is filed as a potential tag-along action to a multidistrict litigation ("MDL") proceeding pending in the district, it shall be assigned directly to the judge handling the MDL proceeding. The judge handling the MDL proceeding may, at that judge's discretion, transfer to the Executive Committee for reassignment by lot any case assigned pursuant to this Rule that either—

(A) the MDL Panel determines should not be included in the MDL proceeding, or
(B) the judge assigned to the MDL proceeding determines pursuant to Rule 13 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation is not a tag-along case, or
(C) requires trial following the completion of the consolidated discovery.

(c) Direct Assignment in Social Security Cases. In a proceeding for judicial review of a final decision by the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), when a district judge or magistrate judge remands the case for further administrative proceedings, any subsequent proceedings in the district court involving that matter shall be assigned to the district and magistrate judge to which the preceding action for judicial review was originally assigned.

Comment. The inclusion of section (c) will ensure that the judicial officer who originally decided to remand the case be assigned to review any subsequent appeals after remand to the Social Security Administration.

LR40.3.1 Assignments Involving Bankruptcy

(a) Referral to Bankruptcy Judges. Pursuant to 28 U.S.C. §157(a), all cases under Title 11 U.S.C. and all proceedings arising under Title 11 U.S.C. or arising in or related to any cases under Title 11 U.S.C. are referred to the bankruptcy judges of this District.

(b) Assignment by Lot. Except as provided by sections (c) and (d), each of the following items shall be assigned by lot to a district judge:

(1) motions pursuant to 28 U.S.C. §157(d) (including a recommendation by a bankruptcy judge) for the withdrawal of the reference of a bankruptcy ("B") case, or of a contested matter or adversary ("A") proceeding within a bankruptcy case;
(2) objections to proposed findings of fact and conclusions of law of a bankruptcy judge filed pursuant to 28 U.S.C.§157(a)(1);
(3) appeals pursuant to 28 U.S.C. §158(a)(1);
(4) motions for leave to appeal pursuant to 28 U.S.C. §158(a)(3); and

(5) applications for a writ of mandamus or a similar writ in connection with a bankruptcy case, contested matter, or adversary proceeding.

All such assignments shall be made using the Civil II assignment category, except that objections to proposed findings and conclusions shall be assigned using the Civil III assignment category. The clerk is directed to assign a case so designated to the judge on whose calendar the previously filed case was assigned.

(c) Direct Assignment for Rehearing. Whenever there is activity in bankruptcy court following a district judge's consideration of any of the items described in section (b), any subsequent proceedings in the district court involving that item shall be assigned to the district judge who considered the item initially.

(d) Relatedness. The provisions of LR 40.4 are applicable to the items described in section (b).

(e) Designation Sheet. The person filing any of the items described in paragraph (b) shall complete the designation sheet required by LR3.1 and include on the sheet a designation of any such item, previously heard by the district court, that the filer believes would require direct assignment of the filing pursuant to this rule.

LR40.4. Related Cases, Reassignment of Cases as Related

(a) Definitions. Two or more civil cases may be related if one or more of the following conditions are met:

(1) the cases involve the same property;
(2) the cases involve some of the same issues of fact or law;
(3) the cases grow out of the same transaction or occurrence; or
(4) in class action suits, one or more of the classes involved in the cases is or are the same.

(b) Conditions for Reassignment. A case may be reassigned to the calendar of another judge if it is found to be related to an earlier-numbered case assigned to that judge and each of the following criteria is met:

(1) both cases are pending in this Court;
(2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort;
(3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and
(4) the cases are susceptible of disposition in a single proceeding.

(c) Motion to Reassign. A motion for reassignment based on relatedness may be filed by any party to a case. The motion shall—

(1) set forth the points of commonality of the cases in sufficient detail to indicate that the cases are related within the meaning of section (a), and

(2) indicate the extent to which the conditions required by section (b) will be met if the cases are found to be related.

A copy of the complaint or other relevant pleading in each of the higher-numbered cases that are the subject of the motion shall be attached to the motion.

The motion shall be filed in the lowest-numbered case of the claimed related set and noticed before the judge assigned to that case. Where all of the cases claimed to be related are assigned to magistrate judges on consent, then the motion shall be filed with the magistrate judge before whom the lowest-numbered case is pending. Where one or more of the cases claimed to be related is assigned to a magistrate judge on consent and one or more of the remaining cases is assigned to a district judge, the motion shall be filed with the district judge having the lowest-numbered case.

In order that all parties to a proceeding be permitted to respond on the questions of relatedness and possible reassignment, such motions should not generally be filed until after the answer or motions in lieu of answer have been filed in each of the proceedings involved.

(d) Ruling on Motion. The judge to whom the motion is presented may consult with the judge or judges before whom the other case or cases are pending. The judge shall enter an order finding whether or not the cases are related within the meaning of the rules of this Court and, if they are, whether the higher-numbered case or cases should be reassigned.
Where the judge finds that the cases are related and that reassignment should take place, a copy of that finding will be forwarded to the Executive Committee together with a request that the Committee reassign the higher-numbered case or cases.

A copy of any finding that cases either are or are not related and, if they are, that reassignment should or should not take place shall also be sent to each of the judges on whose calendar one or more of the higher-numbered cases is or are pending. Any judge to whom one or more of the cases involved is or are assigned may seek a review of the finding by the Executive Committee. The order entered by the Committee following review shall be final.

Amended November 2, 2010

LR40.5. Remands, Procedures for Following Appeals

(a) GENERAL. This rule shall not apply to remands resulting from appeals of summary judgments or interlocutory orders unless the mandate or order remanding the case indicates that it is to be reassigned to a judge other than the judge to whom the case was previously assigned ("prior judge"). Whenever a mandate from the Court of Appeals for the Federal Circuit or the Seventh Circuit is filed with the clerk indicating that the case appealed is remanded for a new trial, the case shall be assigned to the Executive Committee, except

(1) if the mandate or accompanying opinion indicates that the case is to be retried by the prior judge, then the case shall remain on that judge's calendar, or

(2) where the prior judge is no longer sitting and the case is an Eastern Division case, it will be reassigned by lot, or

(3) where the prior judge is no longer sitting and the case is a Western Division case, it will be assigned to the Western Division judge.

(b) NOTICE BY CLERK. When a case is reassigned to the Executive Committee pursuant to section (a), the clerk shall forthwith notify all parties of record by mail that the mandate has been filed and that unless a stipulation is filed by all parties within 14 days after the date of the notice indicating that all parties wish the case returned to the prior judge, the case will be reassigned to another judge.

(c) REASSIGNMENT. When a stipulation is filed indicating that the parties wish the case assigned to the prior judge, the Executive Committee shall reassign the case to that judge. When no such stipulation is filed, the Executive Committee shall direct that the case be reassigned to a judge other than the prior judge. A case reassigned pursuant to this rule shall be treated for assignment purposes as a new case. The judge receiving the case is not authorized to transfer a similar case to the Executive Committee for reassignment to the prior judge.

Amended November 19, 2009

LR41.1. Dismissal for Want of Prosecution or By Default

Cases which have been inactive for more than six months may be dismissed for want of prosecution.
An order of dismissal for want of prosecution or an order of default may be entered if counsel fails to respond to a call of the case set by order of court. Notice of the court call shall be by publication or as otherwise provided by the court. In the Eastern Division publication shall be in the Chicago Daily Law Bulletin unless the court provides otherwise.

LR45.1. Attaching a Note to the Subpoena Permitted

The validity of the subpoena shall not be affected by attaching or delivering of a note or other memorandum containing instructions to a witness regarding the exact date, time, and place the witness is required to appear.

LR47.1. Juries

(a) General. The chief judge shall from time to time enter such orders as may be required to summon petit jurors for the court. Except as provided for in section (b), petit jurors shall be assigned to a single jury pool and reassigned for service upon the request of each judge. The jury pool shall be under the supervision of the clerk. Unless otherwise ordered a copy of the jury list

showing the name, town and ZIP code of each juror summoned shall be available for viewing on the first day of the service period.

(b) Separate Panels. Where the extraordinary nature of a trial indicates that administrative efficiency will be improved and substantial judicial time will be saved through the use of a separate panel of petit jurors, the chief judge may, at the request of the trial judge, direct that such a separate jury panel be summoned.

(c) Qualification Forms are Confidential. Juror qualification forms completed by the jurors shall be confidential. Such forms shall not be made available for inspection except upon order of the chief judge or upon order of the assigned judge in connection with the preparation or presentation of a motion challenging compliance with selection procedures pursuant to 28 U.S.C. §1867. Orders directing that the juror qualification forms be made available for inspection shall specify the terms of the inspection, including the forms to be inspected, the names of the persons authorized to make the inspection, and any conditions required regarding the release of information contained on the forms.

LR48.1. Contact with Jurors

After the conclusion of a trial, no party, agent or attorney shall communicate or attempt to communicate with any members of the petit jury before which the case was tried without first receiving permission of the court.

Adopted April 27, 2015

LR53.1. Masters

(a) Appointment. The court may grant a motion for the appointment of a master in a civil action where the parties stipulate in writing to such an appointment. The stipulation shall indicate whether the master is to report upon particular issues or upon all the issues. The procedure covering such a reference shall be the same as that governing any other reference to a master.

A judge may appoint the designated magistrate judge or, with the approval of the Executive Committee, a magistrate judge other than the designated magistrate judge to perform the duties of a special master.
Whenever an order of reference to a master is entered, the attorney procuring the order shall, at the time of filing thereof, deposit with the clerk a copy to be furnished to the master. On docketing the order, the clerk shall promptly send the copy to the master.

(b) Master May Sit Outside District. A master may sit within or outside of the district. If the master is requested to sit outside the district for the convenience of a party and there is opposition thereto by another party, the master may make an order for the holding of the hearing, or a part thereof, outside the district, upon such terms and conditions as shall be just.

(c) Motions Regarding Report. A motion to confirm or to reject, in whole or in part, a report of a master shall be heard by the judge appointing such master.

LR54.1. Taxation of Costs

(a) Time to File. Within 30 days of the entry of a judgment allowing costs, the prevailing party shall file a bill of costs with the clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within 30 days, costs other than those of the clerk, taxable pursuant to 28 U.S.C. §1920, shall be deemed waived. The court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing the bill.

(b) Transcript Costs. Subject to the provisions of Fed.R.Civ.P. 54(d), the expense of any prevailing party in necessarily obtaining all or any part of a transcript for use in a case, for purposes of a new trial, or amended findings, or for appeal shall be taxable as costs against the adverse party. If in taxing costs the clerk finds that a transcript or deposition was necessarily obtained, the costs of the transcript or deposition shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time the transcript or deposition was filed unless some other rate was previously provided for by order of court. Court reporter appearance fees may be awarded in addition to the per page limit, but the fees shall not exceed the published rates on the Court website unless another rate was previously provided by order of court. Except as otherwise ordered by the court, only the cost of the original of such transcript or deposition together with the cost of one copy each where needed by counsel and, for depositions, the copy provided to the court shall be allowed.

(c) Bond Premiums. If costs shall be awarded by the court to either or any party then the reasonable premiums or expenses paid on all bonds or stipulations or other security given by the party in that suit shall be taxed as part of the costs of that party.

(d) Fee of Special Master. After a master's compensation and disbursements have been allowed by the court, the prevailing party may pay such compensation and disbursements, and on payment the amount thereof shall be a taxable cost against the unsuccessful party or parties. Where, however, the court directs by order the parties against whom, or the proportion in which such compensation and disbursements shall be charged, or the fund or subject matter out of which they shall be paid, the party making the payment to the master shall be entitled to tax such compensation and disbursements only against such parties and in such proportions as the court has directed, and to payment of such taxable cost only out of such fund or subject matter as the court has directed.

Committee Comment

This Rule has been amended in response to the Seventh Circuit Court of Appeals decision in *Harney v. City of Chicago*, ___ F.3d ___, 2012 WL 6097336 *10 (7th Cir. Dec. 10, 2012), in which the Court of Appeals recommended adoption of "an amendment of that rule [LR 54.1]

clarifying the availability of court reporter appearance fees over and above the allowable per page amount."

Amended May 24, 2013

LR54.2. Jury Costs for Unused Panels

If for any reason attributable to counsel or parties, including a settlement or change of plea, the court is unable to commence a jury trial as scheduled where a panel of prospective jurors has reported to the courthouse for the voir dire, the court may assess against counsel or parties responsible all or part of the cost of the panel. Any monies collected as a result of said assessment shall be paid to the clerk who shall promptly remit them to the Treasurer of the United States.

LR54.3. Attorney's Fees and Related Non-taxable Expenses

(a) Definitions; General. For the purposes of this rule--

(1) "Fee motion" means a motion, complaint or any other pleading seeking only an award of attorney's fees and related nontaxable expenses,
(2) "Movant" means the party filing the fee motion,
(3) "Respondent" means a party from whom the movant seeks payment, and
(4) "Related nontaxable expenses" means any expense for which a prevailing party may seek reimbursement other than costs that are taxed by the clerk pursuant to Fed.R.Civ.P. 54(d)(1).

Unless otherwise ordered by the court, this rule does not apply to motions for sanctions under Fed.R.Civ.P. 11 or other sanctions provisions.
Sections (d) through (g) govern a fee motion that would be paid by a party to the litigation rather than out of a fund already created by judgment or by settlement.

(b) Time to File. Either before or after the entry of judgment the court may enter an order with respect to the filing of a fee motion pursuant to Fed.R.Civ.P. 54. Unless the court's order includes a different schedule for such filing, the motion shall be filed in accordance with the provisions of this rule and shall be filed and served no later than 91 days after the entry of the judgment or settlement agreement on which the motion is founded. If the court has not entered such an order before a motion has been filed pursuant to Fed.R.Civ.P. 54(d)(2)(B), then after such filing the court may order the parties to comply with the procedure set out in this rule as a post-filing rather than as a pre-filing procedure.

(c) Effect on Appeals. The filing of a fee motion shall not stop the running of the time for appeal of any judgment on which the motion is founded.
Where the parties reach an agreement as to the award and the award is to be based on a judgment, unless the agreement provides otherwise, it shall affect neither a party's right to appeal the fee order resulting from the agreement nor a party's right to seek a subsequent increase,

decrease or vacation of the agreed award in the event the underlying judgment is reversed or modified by subsequent judicial proceedings or settlement.
The time requirements of Fed.R.Civ.P. 59 are not changed by this rule.

(d) Pre-Motion Agreement. The parties involved shall confer and attempt in good faith to agree on the amount of fees or related nontaxable expenses that should be awarded prior to filing a fee motion.

During the attempt to agree, the parties shall, upon request, provide the following information to each other:

(1) The movant shall provide the respondent with the time and work records on which the motion will be based, and shall specify the hours for which compensation will and will not be sought. These records may be redacted to prevent disclosure of material protected by the attorney-client privilege or work product doctrine.

(2) The movant shall inform the respondent of the hourly rates that will be claimed for each lawyer, paralegal, or other person. If the movant's counsel or other billers have performed any legal work on an hourly basis during the period covered by the motion, the movant shall provide representative business records sufficient to show the types of litigation in which such hourly rates were paid and the rates that were paid in each type. If the movant's counsel has been paid on an hourly basis in the case in question or in litigation of the same type as the case in question, records showing the rates paid for those services must be provided. If the movant will rely on other evidence to establish appropriate hourly rates, such as evidence of rates charged by attorneys of comparable experience and qualifications or evidence of rates used in previous awards by courts or administrative agencies, the movant shall provide such other evidence.

(3) The movant shall furnish the evidence that will be used to support the related nontaxable expenses to be sought by the motion.

(4) The movant shall provide the respondent with the above information within 21 days of the judgment or settlement agreement upon which the motion is based, unless the court sets a different schedule.

(5) If no agreement is reached after the above information has been furnished, the respondent shall, within 21 days of receipt of that information, disclose the total amount of attorney's fees paid by respondent (and all fees billed but unpaid at the time of the disclosure and all time as yet unbilled and expected to be billed thereafter) for the litigation and shall furnish the following additional information as to any matters (rates, hours, or related nontaxable expenses) that remain in dispute:

(A) the time and work records (if such records have been kept) of respondent's counsel pertaining to the litigation, which records

may be redacted to prevent disclosure of material protected by the attorney-client privilege or work product doctrine;
(B) evidence of the hourly rates for all billers paid by respondent during the litigation;
(C) evidence of the specific expenses incurred or billed in connection with the litigation, and the total amount of such expenses; and
(D) any evidence the respondent will use to oppose the requested hours, rates, or related nontaxable expenses.

By providing the opposing party with information under this rule about the party's hours, billing rates and related nontaxable expenses, no party shall be deemed to make any admission or waive any argument about the relevance or effect of such information in determining an appropriate award.

Within 14 days after the above exchange of information is completed and before the motion is filed, the parties shall specifically identify all hours, billing rates, or related nontaxable expenses (if any) that will and will not be objected to, the basis of any objections, and the specific hours, billing rates, and related nontaxable expenses that in the parties' respective views are reasonable and should be compensated. The parties will thereafter attempt to resolve any remaining disputes.

All information furnished by any party under this section shall be treated as strictly confidential by the party receiving the information. The information shall be used solely for purposes of the fee litigation, and shall be disclosed to other persons, if at all, only in court filings or hearings related to the fee litigation. A party receiving such information who proposes to disclose it in a court filing or hearing shall provide the party furnishing it with prior written notice and a reasonable opportunity to request an appropriate protective order.

(e) Joint Statement. If any matters remain in dispute after the above steps are taken, the parties, prior to the filing of the fee motion, shall prepare a joint statement listing the following:

(1) the total amount of fees and related nontaxable expenses claimed by the moving party (If the fee request is based on the "lodestar" method, the statement shall include a summary table giving the name, claimed hours, claimed rates, and claimed totals for each biller.);

(2) the total amount of fees and/or related nontaxable expenses that the respondent deems should be awarded (If the fees are contested, the respondent shall include a similar table giving respondent's position as to the name, compensable hours, appropriate rates, and totals for each biller listed by movant.);

(3) a brief description of each specific dispute remaining between the parties as to the fees or expenses; and

(4) a statement disclosing—

(A) whether the motion for fees and expenses will be based on a judgment or on a settlement of the underlying merits dispute, and
(B) if the motion will be based on a judgment, whether respondent has appealed or intends to appeal that judgment.

The parties shall cooperate to complete preparation of the joint statement no later than 70 days after the entry of the judgment or settlement agreement on which the motion for fees will be based, unless the court orders otherwise.

(f) Fee Motion. The movant shall attach the joint statement to the fee motion. Unless otherwise allowed by the court, the motion and any supporting or opposing memoranda shall limit their argument and supporting evidentiary matter to disputed issues.

(g) Motion for Instructions. A motion may be filed seeking instructions from the court where it appears that the procedures set forth in this rule cannot be followed within the time limits established by the rule or by order of court because of—

(1) the inability of the parties to resolve a dispute over what materials are to be turned over or the meaning of a provision of the rule,

(2) the failure of one or more of the parties to provide information required by the rule, or

(3) other disputes between the parties that cannot be resolved after good faith attempts.

The motion shall state with specificity the nature of the dispute or items not turned over and the attempts made to resolve the dispute or to obtain the items. The motion must be filed not later than 14 days following the expiration of the time within which the matter in dispute or the materials not turned over should have been delivered in accordance with the time table set out in this rule or in the court's order.

The court may on motion filed pursuant to this section, or on its own initiative, modify any time schedule provided for by this rule.

Amended July 6, 2000, April 3, 2008, (*nunc pro tunc* December 16, 2004), and August 19, 2009

LR54.4. Judgment of Foreclosure

Except as otherwise directed by the court, any form of judgment of foreclosure presented for approval by the court shall contain the following statement with respect to attorneys' fees:

The court has approved the portion of the lien attributable to attorneys' fees only for purposes of the foreclosure sale, and not for purposes of determining the amount required to be paid personally by defendant in the event of redemption by defendant, or a deficiency judgment, or otherwise. In the event of redemption by defendant or for purposes of any personal deficiency

judgment, this court reserves the right to review the amount of attorneys' fees to be included for either purpose. Plaintiff's counsel is required to notify defendant of the provisions of this paragraph.

LR54.5. Stipulation Regarding Payment of Fees and Costs Not Prepaid

(a) Stipulation. Where, pursuant to 28 U.S.C. §1915, 28 U.S.C. §1916 or 45 U.S.C. §153(b), a plaintiff seeks to commence a civil action without paying fees and costs or giving security for them, the plaintiff and, if represented, counsel for the plaintiff, shall file with the complaint a stipulation that the recovery, if any, in the action shall be paid to the clerk, who shall pay from it the filing fees and other costs not previously paid and remit the balance to the plaintiff or counsel for plaintiff in accordance with section (b).

(b) Notification of Payment. Whenever money shall be paid to the clerk of this court in compliance with section (a), the clerk shall notify the judge to whom the case is assigned of the amount paid and of any fees prescribed by statute, including those established by the Judicial Conference of the United States, which were not collected because plaintiff was permitted to maintain an action without prepayment of such fees. The judge shall thereupon enter an order directing the clerk to pay from the amount such fees and costs as were not prepaid and to remit the balance to plaintiff or counsel for plaintiff.

LR56.1. Motions for Summary Judgment

a) Moving Party. With each motion for summary judgment filed pursuant to Fed.R.Civ.P. 56 the moving party shall serve and file—

(1) any affidavits and other materials referred to in Fed.R.Civ.P. 56(e);
(2) a supporting memorandum of law; and
(3) a statement of material facts as to which the moving party contends there is no genuine issue and that entitle the moving party to a judgment as a matter of law, and that also includes:
(A) a description of the parties, and
(B) all facts supporting venue and jurisdiction in this court.

The statement referred to in (3) shall consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion. Absent prior leave of Court, a movant shall not file more than 80 separately-numbered statements of undisputed material fact.

If additional material facts are submitted by the opposing party pursuant to section (b), the moving party may submit a concise reply in the form prescribed in that section for a response. All material facts set forth in the statement filed pursuant to section (b)(3)(C) will be deemed admitted unless controverted by the statement of the moving party.

(b) Opposing Party. Each party opposing a motion filed pursuant to Fed.R.Civ.P. 56 shall serve and file—

(1) any opposing affidavits and other materials referred to in Fed.R.Civ.P. 56(e);

(2) a supporting memorandum of law; and

(3) a concise response to the movant's statement that shall contain:

(A) numbered paragraphs, each corresponding to and stating a concise summary of the paragraph to which it is directed, and

(B) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and

(C) a statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. Absent prior leave of Court, a respondent to a summary judgment motion shall not file more than 40 separately-numbered statements of additional facts. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

Committee Comment

Local Rule 56.1 is revised to set forth limits on the number of statements of fact that may be offered in connection with a summary judgment motion. The judges of this Court have observed that parties frequently include in their LR56.1 statements facts that are unnecessary to the motion and/or are disputed. The judges' observation is that in the vast majority of cases, a limit of 80 asserted statements of fact and 40 assertions of additional statements of fact will be more than sufficient to determine whether the case is appropriate for summary judgment. The number of statements of fact has been set in light of the requirement of section (a) (3), which requires that only "material facts" be set down. A party may seek leave to file more asserted statements of fact or additional fact, upon a showing that the complexity of the case requires a relaxation of the 80 or 40 statement limit.

Adopted April 20, 2006

LR56.2. Notice to Pro Se Litigants Opposing Summary Judgment

Any party moving for summary judgment against a party proceeding pro se shall serve and file as a separate document, together with the papers in support of the motion, a "Notice to Pro Se Litigant Opposing Motion for Summary Judgment" in the form indicated below. Where the pro se party is not the plaintiff, the movant should amend the form notice as necessary to reflect that fact.

NOTICE TO PRO SE LITIGANT OPPOSING MOTION FOR SUMMARY JUDGMENT

The defendant has moved for summary judgment against you. This means that the defendant is telling the judge that there is no disagreement about the important facts of the case. The defendant is also claiming that there is no need for a trial of your case and is asking the judge to decide that the defendant should win the case based on its written argument about what the law is.
In order to defeat the defendant's request, you need to do one of two things: you need to show that there is a dispute about important facts and a trial is needed to decide what the actual facts are or you need to explain why the defendant is wrong about what the law is.

Your response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 56.1 of this court. These rules are available at any law library. Your Rule 56.1 statement needs to have numbered paragraphs responding to each paragraph in the defendant's statement of facts. If you disagree with any fact offered by the defendant, you need to explain how and why you disagree with the defendant. You also need to explain how the documents or declarations that you are submitting support your version of the facts. If you think that some of the facts offered by the defendant are immaterial or irrelevant, you need to explain why you believe that those facts should not be considered.

In your response, you must also describe and include copies of documents which show why you disagree with the defendant about the facts of the case. You may rely upon your own declaration or the declarations of other witnesses. A declaration is a signed statement by a witness. The declaration must end with the following phrase: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct," and must be dated. If you do not provide the Court with evidence that shows that there is a dispute about the facts, the judge will be required to assume that the defendant's factual contentions are true, and, if the defendant is also correct about the law, your case will be dismissed.

If you choose to do so, you may offer the Court a list of facts that you believe are in dispute and require a trial to decide. Your list of disputed facts should be supported by your documents or declarations. It is important that you comply fully with these rules and respond to each fact offered by the defendant, and explain how your documents or declarations support your position. If you do not do so, the judge will be forced to assume that you do not dispute the facts which you have not responded to.

Finally, you should explain why you think the defendant is wrong about what the law is.

LR58.1. Satisfaction of Judgment

The clerk shall enter the satisfaction of a judgment in any of the following circumstances:

(1) upon the filing of a statement of satisfaction of the judgment executed and acknowledged by:

(A) the judgment-creditor, or

(B) by a legal representative or assignee of the judgment-creditor who files evidence of their authority, or

(C) if the filing is within two years of the entry of the judgment, by the attorney or proctor of record for the judgment- creditor.

(2) upon payment to the court of the amount of the judgment plus interest and costs;

(3) if the judgment-creditor is the United States, upon the filing of a statement of satisfaction executed by the United States attorney;

(4) in an admiralty proceeding, upon issuance of an order of satisfaction, such order to be made on the consent of the proctors if such consent be given within two years from the entry of the decree; or

(5) upon receipt of a certified copy of a statement of satisfaction entered in another district.

LR62.1. Supersedeas Bond

The bond shall be conditioned for the satisfaction of the judgment in full together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award.

A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment plus one year's interest at the rate provided in 28 U.S.C. §1961, plus $500 to cover costs. If in conformance with LR65.1, the bond may be approved by the clerk. The bond amount fixed hereunder is without prejudice to any party's right to seek timely judicial determination of a higher or lower amount.

LR65.1. Sureties on Bonds

(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.

Adopted July 1, 2008

LR65.1.1. Notice of Motion to Enforce Liability of Supersedeas Bond

Whenever a notice of motion to enforce the liability of a surety upon an appeal or a supersedeas bond is served upon the clerk pursuant to Fed.R.Civ.P. 65.1, the party making such motion shall deposit with the clerk one additional copy for each surety to be served.

LR65.2. Approval of Bonds by the Clerk

Except in criminal cases, or where another procedure is prescribed by law, the clerk may approve bonds without an order of court if—

(1) the amount of the bond has been fixed by a judge, by court rule, or by statute, and

(2) the bond is secured in accordance with LR65.1(b).

LR65.3. Security for Costs

Upon good cause shown, the court may order the filing of a bond as security for costs. Except as ordered by the court, the bond will be secured in compliance with LR65.1. The bond shall be conditioned to secure the payment of all fees which the party filing it must pay by law to the clerk, marshal or other officer of the court and all costs of the action which the party filing it may be directed to pay to any other party.

LR66.1. Receivers; Administration of Estates

(a) GENERAL. The administration of estates by receivers or other officers shall be similar to that in bankruptcy cases except that the court in its discretion shall—

(1) fix the allowance of compensation of receivers or similar officers, their counsel, and any others appointed to aid in the administration of the estate, and

(2) direct the manner in which the estate shall be administered, including the conduct of its business, the discovery and acquirement of its assets, and the formation of reorganization plans.

(b) REPORTS BY RECEIVER. Unless otherwise ordered, a receiver, or other similar officer appointed by this Court, shall as soon as practicable after appointment, but in any event not later than 21 days thereafter, file an inventory of all property, real, personal or mixed, of which the

receiver has taken possession or control, together with a list of the then known liabilities of the estate and a report explaining such inventory.

Thereafter and until discharged, the receiver shall file a current report every four months, unless the court fixes some other filing interval. The current report and account shall list the receipts and disbursements and summarize the activities of the receiver.

Amended July 19, 2009

LR67.1. Investment of Funds Deposited With Clerk

All funds ordered deposited with the clerk pursuant to 28 U.S.C. §2041 for deposit in the registry fund of the court shall be deposited in the registry account, provided that the court in exceptional circumstances may for good cause shown direct the clerk to hold the funds deposited in some other form of interest bearing investment. Where the court so orders, the order shall specify—

(1) the reason or reasons for such alternative form of investment,
(2) the amount to be invested,
(3) the type of account or instrument in which the funds are to be invested, and
(4) the term of the investment.

LR69.1. Notice of Sale

The notice of a proposed sale of property directed to be made by an order or judgment of the court in a civil action need not, unless otherwise ordered by the court, set out the terms of sale specified in the order or judgment. The notice will be sufficient if in substantially the following form:

United States District Court
Northern District of Illinois
_____Division

NOTICE OF SALE

Pursuant to (*order or judgment*) of the United States District Court for the Northern District of Illinois, _____ Division, filed in the office of the clerk of that Court on (d*ate*) in the cause entitled (n*ame and docket number*) the undersigned will sell at public sale at (p*lace of sale*) on (*date and hour of sale*) the property in said (*order or judgment*) described and therein directed to be sold, to which (*order or judgment*) reference is made for the terms of sale and for a description of the property which may be briefly described as follows:

_____
_____
_____

Dated: (*date*)

The notice need not describe the property by metes and bounds or otherwise in detail and will be sufficient if in general terms it identifies the property by specifying its nature and location. However, it shall state the approximate acreage of any real estate outside the limits of any town or city, the street, lot and block number of any real estate within any town or city, the termini of any railroad and a general statement of the character of any improvements upon the property.

LR72.1. Designated Magistrate Judges: Referrals

At the time any case is filed and assigned to a district judge in the Eastern Division, the name of a magistrate judge shall also be assigned in accordance with the procedures adopted pursuant to LR40.2(a) when applicable. The magistrate judge so assigned shall be the designated magistrate judge for that case. Whenever a new case is assigned to a district judge directly and not by lot pursuant to LR40.3(b), the designated magistrate judge for the case originally assigned by lot will be the designated magistrate judge for the later filed case.

Any judge wishing to refer a matter in a civil case pending on that judge's calendar to a magistrate judge may do so following procedures approved by the Executive Committee.

Where two or more cases are related, the designated magistrate judge in the lowest-numbered case of the set of related cases will be the designated magistrate judge for all cases in the set. The designated magistrate judge in the lowest-numbered case will remain the designated magistrate judge for the set as long as any cases in the set are pending.

Except as ordered by the Executive Committee, the reassignment of a case from one district judge to another shall not change the designated magistrate judge for that case.

Amended May 31, 2011

LR73.1. Magistrate Judges: Reassignment on Consent

(a) Procedure for Parties to Consent to Appear Before a Magistrate Judge. Consent forms filed by parties will be maintained by the plaintiff or plaintiff's counsel until such time as all parties or their counsel have signed the form. At such time as the consent form has been signed by all of the parties, a single joint statement indicating that all parties have consented must be filed electronically with the Court, unless the assigned judge or magistrate judge allows the parties to file a single paper consent form in court. If a case in which a consent has been filed is reassigned to a magistrate judge other than the magistrate judge designated pursuant to Local Rule 72.1, the parties may object within 21 days of such reassignment. If a timely objection is filed by any party, the case will be reassigned to the district judge before whom it was last pending. If no objection has been filed within 21 days, the parties will be deemed to have consented to the reassignment.

(b) Reassignment of Case. Any judge wishing to reassign a case pending on that judge's calendar to a magistrate judge following the consent by all parties to have the magistrate judge

conduct any and all proceedings in that case will transfer the case to the calendar of the designated magistrate judge.

(c) Consent to Enter Judgment. A magistrate judge is authorized to enter a final judgment for a sum certain to which all the parties have consented in writing or a judgment of dismissal to which all of the parties have stipulated in writing, provided that the parties indicate their consent to the entry of the judgment by the magistrate judge either in writing or in open court at the time of the entry of the judgment.

(d) Limited consents. Parties may consent to the transfer of part of a proceeding to a magistrate judge to act pursuant to 28 U.S.C.§636(c). Such consents shall be filed in the same manner as the consents for a transfer of the entire proceeding. Upon notification of the filing of such consents by the parties, the district judge may transfer that portion of the case covered by the consents for reassignment to the Executive Committee in accordance with the procedures adopted pursuant to LR40.2(a). If the Committee approves the reassignment, the motion may be reassigned to the calendar of the designated magistrate judge. Where such a reassignment is made, the case shall remain on the calendar of the district judge.

Comment. The consent form referred to in section (a) may be found on the District Court website (www.ilnd.uscourts.gov) with instructions for completion.

Amended May 24, 2013

LR77.1. Places of Holding Court

The regular places of holding court in this District shall be the Everett McKinley Dirksen Federal Courthouse at Chicago for the Eastern Division and the United States Courthouse at Rockford for the Western Division.

No judge of this Court shall hold a special session or sessions of the court at a location or locations other than the regular places of holding court, without first having obtained permission from the Executive Committee, provided, that if an emergency matter arises at night, on Saturdays or Sundays or holidays, a judge may entertain motions or petitions at a place other than a regular place of holding court.

LR77.2. Emergencies; Emergency Judges

(a) Definitions. For the purpose of these rules—

(1) "Emergency judge" means the judge assigned to perform the duties of emergency judge specified by any local rule or procedure adopted by the Court,

(2) "Emergency magistrate judge" means the magistrate judge assigned to perform the duties of emergency magistrate judge specified by any local rule or procedure adopted by the Court, and

(3) "Emergency matter" means a matter of such a nature that the delay in hearing it that would result from its being treated as any other matter would cause serious and irreparable harm to one or more of the parties to the proceeding provided that requests for continuances or leave to file briefs or interrogatories in excess of the limits prescribed by these rules will normally be entertained as emergency matters only during the summer sessions, and

(4) "Summer session" means the fourteen-week period beginning on the first Monday in June.

(b) Duties of Emergency Judge. The emergency judge is responsible for hearing all emergency matters not previously assigned to a judge of this Court that arise outside of the regular business hours of the Court, except for discovery motions as set forth in subsection (c) below.

During regular office hours other than in the summer session, the emergency judge will not hear emergency matters arising out of the cases assigned to the calendar of another judge where that judge is sitting, except on approval of the chief judge at the request of the judge to whom the case is assigned. The emergency judge will also hear the following matters or preside at the following ceremonies:

(1) petitions for admission brought by attorneys wishing to be admitted to practice before the Court;

(2) requests for review or de novo determinations of matters directly assigned to the duty magistrate brought pursuant to LCrR50.4;

(3) petitions presented by the United States Immigration and Naturalization Service;

(4) ceremonies for the mass admission of attorneys to the bar of this Court; and

(5) ceremonies for the administration of the oath of allegiance to newly naturalized citizens.

(c) Any emergency matter involving discovery or requests for protective orders that would otherwise be brought before the emergency judge are referred and shall be brought before the magistrate judge assigned to the case (or the emergency magistrate judge when the assigned magistrate judge is not sitting).

(d) Duties of Emergency Magistrate Judge. The emergency magistrate judge is responsible for hearing any emergency matter arising in a case referred or assigned to a magistrate judge when that magistrate judge is not sitting.

(e) Western Division. A party in a case filed in or to be filed in the Western Division with an emergency matter should first contact the Western Division judge, or in that judge's absence, the Western Division magistrate judge. If neither can be reached, then the emergency judge is authorized to handle the matter.

Committee Comment. In general, matters are to be presented to the judge to whom the case is assigned. Under procedures adopted by the Court, if a judge anticipates being absent temporarily, that judge will designate another judge to hear the absent judge's call. The name of the designated judge is posted on the door of the courtroom regularly used by the absent judge. It is also likely to be posted on the Court's website.

If the absent judge did not designate another judge or where both the absent judge and the designated judge are unavailable, an emergency matter can then be taken before the emergency judge. If the emergency judge should also be unavailable, the matter can be brought to the attention of the chief judge. The chief judge is the chairperson of the Executive Committee, the Court's calendar committee. In that role the chief judge can instruct the parties as to which judge should hear the matter.

While emergency matters arising outside of regular business hours are rare, it is not unusual that a party can anticipate that happening. An example is ongoing negotiations which, if they do not reach agreement, will lead one of the parties to seek injunctive relief and the negotiations must be concluded by a point in time that lies outside of regular business hours, e.g., midnight on a Saturday. In such instances the party should make every effort to contact the chambers of the emergency judge and inform staff of the potential emergency. In this way arrangements can be made that will give greater assurance that the emergency judge will be available in the event that the emergency matter does in fact occur. If an emergency matter occurs outside of regular business hours and the party has not made prior arrangements with the emergency judge, a telephone number is posted on the Court's website for contacting a member of the staff of the emergency judge.

Amended June 19, 2001, April 1, 2002, May 11, 2009, Dec. 22, 2015

LR77.3. Clerk to Sign Certain Orders

The clerk shall sign orders of the following classes without submission to the court:

(1) consent orders extending for not more than 21 days in any instance the time to file the record on appeal and to docket the appeal in the appellate court, except in criminal cases;

(2) orders of discontinuance, or dismissal on consent, except in bankruptcy proceedings and in causes to which Rules 23(c) and 66 of the Federal Rules of Civil Procedure apply; and

(3) consent orders satisfying decrees or canceling bonds.

Amended July 19, 2009

LR78.1. Motions: Filing in Advance of Hearing

Except where a judge fixes a different time in accordance with this rule, the original of any motion shall be filed by 4:30 p.m. of the *second* business day preceding the date of presentment. A judge may fix a time for delivery longer than that provided by this rule, or elect to hear motions less frequently than daily, or both. In those instances where a judge elects to fix a longer delivery time, or hear motions less frequently than daily, or both, the judge shall notify the clerk

in writing of the practice to be adopted. The clerk shall maintain a list of the current motion practices of each of the judges at the assignment desk.

LR78.2. Motions: Denial for Failure to Prosecute

Where the moving party, or if the party is represented by counsel, counsel for the moving party, delivers a motion or objection to a magistrate judge's order or report without the notice required by LR5.3(b) and fails to serve notice of a date of presentment within 14 days of delivering the copy of the motion or objection to the court as provided by LR5.4, the court may on its own initiative deny the motion or objection.

Amended February 28, 2007 and November 19, 2009

LR78.3. Motions: Briefing Schedules, Oral Arguments, Failure to File Brief

The court may set a briefing schedule. Oral argument may be allowed in the court's discretion. Failure to file a supporting or answering memorandum shall not be deemed to be a waiver of the motion or a withdrawal of opposition thereto, but the court on its own motion or that of a party may strike the motion or grant the same without further hearing. Failure to file a reply memorandum within the requisite time shall be deemed a waiver of the right to file.

LR78.4. Motions: Copies of Evidentiary Matter to be Served

Where evidentiary matter, in addition to affidavits permitted or required under Rules 5 or 6 of the Federal Rules of Civil Procedure, will be submitted in support of a motion, copies thereof shall be served with the notice of motion.

LR78.5. Motions: Request for Decision; Request for Status Report

Any party may on notice provided for by LR5.3 call a motion to the attention of the court for decision.

Any party may also request the clerk to report on the status of any motion on file for at least seven months without a ruling or on file and fully briefed for at least sixty days. Such requests will be in writing. On receipt of a request the clerk will promptly verify that the motion is pending and meets the criteria fixed by this section. If it is not pending or does not meet the criteria, the clerk will so notify the person making the request. If it is pending and does meet the criteria, the clerk will thereupon notify the judge before whom the motion is pending that a request has been received for a status report on the motion. The clerk will not disclose the name of the requesting party to the judge. If the judge provides information on the status of the motion, the clerk will notify all parties. If the judge does not provide any information within ten days of

the clerk's notice to the judge, the clerk will notify all parties that the motion is pending and that it has been called to the judge's attention.

LR79.1. Records of the Court

(a) Retention of Exhibits. Exhibits shall be retained by the attorney producing them unless the court orders them deposited with the clerk. In proceedings before a master or other like officer, the officer may elect to include exhibits with the report.

(b) Availability of Exhibits. Exhibits retained by counsel are subject to orders of the court. Upon request, counsel shall make the exhibits or copies thereof available to any other party to enable that party to designate or prepare the record on appeal.

(c) Removal of Exhibits. Exhibits deposited with the clerk shall be removed by the party responsible for them—

(1) 90 days after a final decision is rendered if no appeal is taken from that decision, or
(2) where an appeal is taken, within 30 days after the mandate of the reviewing court is filed.

A party failing to comply with this rule shall be notified by the clerk to remove the exhibits. If a party fails to remove the exhibits within 30 days following such notice, the material shall be sold by the marshal at public or private sale or disposed of as the court directs. The net proceeds of the sale shall be paid into the registry of the court.

(d) Withdrawal of Records. Pleadings and records filed and exhibits deposited with the clerk shall not be withdrawn from the custody of the court except as provided by these rules or upon order of court. Parties withdrawing their exhibits from the court's custody and persons withdrawing items pursuant to an order of court shall give the clerk a signed receipt identifying the material taken, which receipt shall be filed.

LR79.2. Redemption from Judicial Sales

The clerk shall maintain a listing in which shall be recorded any certificate of purchase issued by the United States marshal, master in chancery or other officer of this court, together with any certificate of redemption from such sale, the costs thereof to be taxed in the cause in which the sale is made.

LR81.1. Complaints Under the Civil Rights Act, 42 U.S.C. §1983, by Persons in Custody

Pro se complaints brought under the Civil Rights Act, 42 U.S.C. §1983, by persons in custody shall be in writing, signed and certified. Such complaints shall be on forms supplied by the Court.

LR81.2. Removals, Remands of Removals

After the entry of an order remanding a case to a state court pursuant to 28 U.S.C. §1447(c) the clerk shall not transmit the certified copy of the remand order for 14 days following the date of docketing that order unless the court ordering the remand directs the clerk to transmit the certified copy of the order at an earlier date.

The filing of a petition for reconsideration of such order shall not stop the remand of the case unless the court orders otherwise.

Adopted March 19, 2008

LR81.3. Habeas Corpus Proceedings by Persons in Custody

(a) Approved Form. Petitions for writs of habeas corpus filed pursuant to 28 U.S.C. §2241 and §2254 and motions filed pursuant to 28 U.S.C. §2255 shall, when filed by persons in custody, be submitted on forms approved by the Executive Committee. The clerk will supply copies of the approved forms to any person requesting them.

(b) Capital Punishment Cases. Post conviction petitions filed pursuant to 28 U.S.C. §2254 and §2255 by or on behalf of a petitioner under sentence of capital punishment shall proceed in accordance with the *District Court Rules for the Disposition of Post Conviction Petitions Brought Pursuant to 28 U.S.C.§ 2254 and § 2255 in Cases Involving Petitioners Under a Sentence of Capital Punishment* adopted by the Judicial Council of the Seventh Circuit.

(c) Filing Outside of Business Hours. Counsel for the petitioner and counsel for any other person or group seeking leave to file *amicus* briefs or motions should communicate with either the chief deputy clerk or the senior staff attorney promptly after counsel's appointment to establish procedures to be used in the event of an emergency. Should an emergency arise before such procedures have been established and at a time that the clerk's office is not open, counsel should use the phone number posted on the Court's website for the Emergency Judge.

(d) §2255 Motions. The clerk shall cause a civil case number to be assigned to any motion filed pursuant to 28 U.S.C. § 2255. Except where otherwise ordered, a separate file and docket of the pleadings filed in connection with such motions shall be maintained under the civil case number. The clerk shall cause a docket entry to be made on the criminal docket indicating the filing of any §2255 motion and the civil case number assigned to the motion. The docket entry will also indicate that a file and docket with that civil case number is maintained for filing and docketing the motion and pleadings associated with the §2255 motion.

Amended Dec. 22, 2015

LR81.4. Habeas Corpus Proceedings in Deportation Cases

(a) Appeal From Immigration Judge. Where an appeal from an order of an Immigration Judge is permitted by law, the petition must show that the alien has taken such an appeal to the Board of Immigration Appeals and that the appeal has been denied.

(b) Petition. In complying with the requirements of 28 U.S.C. §2242, the petitioner shall specify the acts which have deprived the petitioner of a fair hearing or other reasons entitling petitioner to the relief sought. To the extent practicable, the petition shall state the following:

(1) that the facts recited have been obtained from the records of the Department of Homeland Security; or

(2) that access to such records has been refused, in which event the petition shall state when and by whom application was made and refused; or

(3) that the interval between the notice of removal and the date of removal is too short to allow an examination of the records.

The petition shall further set forth the dates of the notice and the affirmance of the orders, the date set for departure, and the basis for inability to make the necessary examination.

(c) Service of Writ and Stay of Order. The writ shall be addressed to, and must be personally served upon, the officer who has actual physical custody of the alien. Service may not be made upon a master after a ship has cast off her moorings. Service may be not be made upon a captain of an aircraft after an alien has boarded the aircraft and the aircraft door is closed. Service of the writ does not stay the removal of an alien pending the court's decision on the writ, unless the court orders otherwise.

Amended May 27, 2015

LR83.1. Court Facilities: Limitations on Use

(a) Court Environs Defined. For the purpose of this rule the term "court environs" shall refer to the following areas:

(1) in Chicago in the Courthouse:

(A) the 6th through the 8th floors, and the 10th through the 25th floors, inclusive;

(B) the offices of the Pretrial Services Department of this Court on the 15th floor, and the public corridors immediately adjacent to those offices;

(C) the central jury assembly lounge, south elevator banks, and corridors leading from one to the other on the 2nd floor; and

(D) the immediate areas surrounding the elevators on the 1st floor;

(2) in Chicago but not in the Courthouse, the offices of the Probation Department of this Court located at 55 East Monroe Street;

(3) in the Eastern Division but not in Chicago, the immediate area surrounding the courtroom on the 2nd floor of the Federal Building and Courthouse at Joliet; and

(4) in Rockford in the Courthouse:

(A) the entire 5th and 6th floors;

(B) the 1st floor areas to include the Bankruptcy Court clerk's office, the offices of Probation and Pretrial Services, and the public corridors immediately adjacent to those offices;
(C) the 2nd floor jury assembly room, grand jury room, District Court clerk's office, and the public corridors immediately adjacent to those offices;
(D) the 3rd floor Bankruptcy Court courtrooms, the mediation rooms, the 4th floor Bankruptcy Court chambers, and the corridors immediately adjacent to those spaces.

(b) Soliciting & Loitering Prohibited. Soliciting and loitering within the court environs is prohibited. The unapproved congregating of groups or the causing of a disturbance or nuisance within the courthouses of this Court is prohibited. Picketing or parading outside of the courthouses of this Court is prohibited only when such picketing or parading obstructs or impedes the orderly administration of justice.

(c) No Cameras or Recorders. Except as provided for in section (e) below, the taking of photographs, radio and television broadcasting or taping in the court environs during the progress of or in connection with judicial proceedings including proceedings before a United States magistrate judge, whether or not court is actually in session, is prohibited.

(d) Marshal to Enforce. The United States marshal and the Custodian of the courthouses shall enforce sections (b) and (c) of this rule, either by ejecting violators from the courthouse or by causing them to appear before one of the judges of this Court for a hearing and the imposition of such punishment as the court may deem proper.

(e) Limited Exception for Video Recording Pilot Program. Proceedings being recorded as part of the video recording pilot program approved by the Judicial Conference of the United States Courts in September of 2010 are exempted from the provisions of section (c) of this Rule. Such recordings must comply with guidelines for the pilot program approved by the Judicial Conference. These guidelines allow recordings by Court cameras only. No other recordings are allowed.

Amended November 2, 2010, June 8, 2011, January 31, 2012 and June 29, 2012

LR83.2. Oath of Master, Commissioner, etc.

(Rule Deleted June 2, 2011 per General Order 11-0012)

LR83.3. Publication of Advertisements

Except in sales of realty or interests therein, publication of any notice or advertisement required by law or rule of court shall be made in a newspaper of general circulation, in the city of Chicago when the case is pending in the Eastern Division, and in a newspaper of general circulation in the cities of Freeport or Rockford when the case is pending in the Western Division. Additional

notices or advertisements may be published via the Internet or e-mail, or such other means as ordered by the court.

Amended June 2, 2011

LR83.4. Transfers of Cases Under 28 U.S.C. §§ 1404, 1406, 1412

When an order is entered directing the clerk to transfer a case to another district pursuant to the provisions of 28 U.S.C. §§ 1404, 1406, or 1412, the clerk shall delay the transfer of the case for 14 days following the date of docketing the order of transfer, provided that where the court directs that the case be transferred forthwith, no such delay shall be made. In effecting the transfer, the clerk shall transmit the original of all documents, including the order of transfer, and a certified copy of the docket. The clerk shall note on the docket the date of the transfer.

The filing of a petition for reconsideration of an order of transfer shall not serve to stop the transfer of the case. The court on its own motion or on motion of the party filing a petition for reconsideration may direct the clerk not to complete the transfer process until a date certain or further order of court.

LR83.5. Confidentiality of Alternative Dispute Resolution Proceedings

Pursuant to 28 U.S.C. § 652(d), all non-binding alternative dispute resolution ("ADR") proceedings referred or approved by any judicial officer of this court in a case pending before such judicial officer, including any act or statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury (without consent of all parties), or construed for any purpose as an admission in the case referred or in any case or proceeding. No participant in the ADR proceedings shall be bound by anything done or said at the ADR conference unless a settlement is reached, in which event the settlement shall be reduced to writing or otherwise memorialized and shall be binding upon all parties to the settlement.

LR83.10. General Bar

(a) Qualifications. An applicant for admission to the bar of this Court must be a member in good standing of the bar of the highest court of any state of the United States or of the District of Columbia.

(b) Petition Form. The Executive Committee will approve a form of petition to be used by anyone applying for admission to practice. Copies of the approved form will be provided on request by the clerk.

(c) Filing Petition. Each person applying for admission to practice shall electronically file with the clerk a completed petition for admission on the approved form.
The petitioner must electronically file with the petition the following attachments in pdf format:

(1) a certificate from the highest court of a state of the United States or of the District of Columbia that the petitioner is a member in good standing of the bar of that court; and

(2) the affidavits of two attorneys who are currently and for at least two years have been members in good standing of the bar of the highest court of any state of the United States or of the District of Columbia and who have known the applicant for at least one year, and

(3) a notarized Oath of Office form or Oath of Office form signed by the courtroom deputy of the judge before whom the attorney was sworn in.

(d) Screening the Petition. The clerk, under the supervision of the Executive Committee, will screen each petition to assure that it is filed on the correct form, has been completed and contains sufficient information to establish that the petitioner meets the qualifications required for the general bar, and is accompanied by the required affidavits of sponsors, the Oath of Office form, and a current indication of good standing. Where these requirements are met, an indication to that effect will be placed on the petition and the petitioner will be notified that the petition is approved. Where the requirements are not met, the petition will be returned to the applicant with appropriate instructions.

(e) Taking the Oath. The petitioner's signature by the "Oath of Office" must be notarized. If a petitioner does not have his/her "Oath of Office" signature notarized and wishes to appear in person to be admitted, then within 30 days of the petition being approved pursuant to section (d), the petitioner will appear before a judge of this Court or a magistrate judge to take the oath or affirmation required for admission. Petitioner may make arrangements to appear before a judge of this Court or a magistrate judge in order to take the oath or affirmation. In such circumstances petitioner must be accompanied by an attorney who is a member in good standing of the bar of this Court. That attorney will move the admission of the petitioner.

(f) Admission Fee. Each petitioner shall pay an admission fee upon the filing of the petition, provided that in the event the petitioner is not admitted, the petitioner may request that the fee be refunded. The amount of the fee shall be established by the court in conjunction with the fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. §1914.

(g) Certificate of Admission. On receipt of the completed petition form indicating that the petitioner has taken the oath of office, or on receipt of the attorney's own motion accompanied by a copy of the attorney's Certificate of Admission to Practice in another District of Illinois and by the attorney's certification that the attorney is admitted in that district and that his or her right to practice law is not suspended by order of court in any jurisdiction, the clerk shall promptly issue a certificate indicating that petitioner has been admitted to the general bar of this Court and add petitioner's name in the list of attorneys admitted to that bar.

Amended November 2, 2010, January 26, 2016

LR83.11. Trial Bar

(a) Definitions. The following definitions shall apply to this rule:

(1) The term "testimonial proceedings" refers to proceedings that meet all of the following criteria:

(A) they are evidentiary proceedings in which all testimony is given under oath and a record is made of the testimony;
(B) the witness or witnesses are subject to cross-examination;
(C) a presiding officer is present;
(D) the parties to such proceedings are generally represented by attorneys; and
(E) where a proceeding was held before an administrative agency, the findings and determinations of the agency are based upon the proceeding and are reviewable for sufficiency of evidence by a court of record.
Procedures limited to taking the deposition of a witness do not constitute testimonial proceedings for the purposes of this rule.

(2) The term "qualifying trial" refers to an evidentiary proceeding that meets the following criteria:

(A) it lasts at least one day;
(B) it must be a trial or hearing involving substantial testimonial proceedings going to the merits; and
(C) it must be held in open court before one of the following: a judge or magistrate judge of a United States district court; a judge of a United States bankruptcy court; a judge of the United States Tax Court; a judge of a trial court of record of a state, the District of Columbia, or a territory of the United States; or any administrative law judge.

(3) The term "participation units" shall mean a qualifying trial in which the petitioner participated as the lead counsel or the assistant to the lead counsel.

(4) The term "observation unit" shall mean a qualifying trial the petitioner observed while being supervised by a supervising attorney who consulted with the observer about the trial. At the time of the observation the supervising attorney must either have been a member of the trial bar of this Court or have had previous trial experience equivalent to at least 4 participation units.

(5) The term "simulation unit" shall mean a trial advocacy program in which the focus is experiential, as contrasted to lecture in which the petitioner satisfactorily participated either as a law school or a continuing legal education course.

(6) The term "training unit of the District Court" shall mean participation in a training seminar officially sanctioned by the Court.

(7) The term "qualifying unit of trial experience" shall include any of the following: participation units, observation units, simulation units, and training units. A petitioner

shall be credited the following qualifying units of trial experience for the experience indicated:

(A) for each participation unit, 2 units where the trial lasted 9 days or less, 3 units where the trial lasted from 10 to 12 full days, and 4 units where the trial lasted 13 or more full days;
(B) for each observation unit, 1 unit;
(C) for each simulation unit, 2 units; and
(D) for each training unit of the District Court, 1 unit.

(8) The term "required trial experience" shall mean not less than 4 qualifying units of trial experience.

(9) The term "*pro bono* panel" shall refer to a panel of members of the trial bar selected pursuant to LR83.35(b) for the purpose of representing or assisting in the representation of parties unable to afford to hire a member of the trial bar.

(NOTE: See Regulations Pertaining to Trial Bar Admission additional material relating to admissions. The Regulations are located in the Appendix to the local Rules.)

(b) Qualifications. An applicant for admission to the trial bar of this Court must be a member in good standing of the general bar of this Court and provide evidence of having the required trial experience. Anyone wishing to apply for admission to the trial bar who is not a member of the bar of this Court may apply for admission to both bars simultaneously.

(c) Petition Form. The Executive Committee will approve a form of petition to be used by anyone applying for admission to the trial bar. Copies of the approved form will be provided on request by the clerk.

(d) Screening the Petition. The clerk, under the supervision of the Executive Committee, will screen each petition to assure that it is filed on the correct form, has been completed, and contains sufficient information to establish that the petitioner meets the qualifications required for the trial bar. Where these requirements are met, an indication to that effect will be placed on the petition and the petitioner will be notified that the petition is approved. Where the requirements are not met, the petition will be returned to the applicant with appropriate instructions.

(e) Admission Fee. Each petitioner shall pay an admission fee upon the filing of the petition, provided that in the event the petitioner is not admitted, the petitioner may request that the fee be refunded. The amount of the fee shall be established by the court.
The clerk shall deposit the fee in the District Court Fund.

(f) Duty to Supervise. Every member of the trial bar shall be available to be assigned by the court to supervise attorneys who are in the process of obtaining observation units needed to qualify for membership in the trial bar. Such assignments shall be made in a manner so as to allocate the responsibility imposed by this rule equally among all members of the trial bar.

(g) Duty to Accept Assignments. Each member of the trial bar shall be available for assignment by the court to represent or assist in the representation of those who cannot afford to hire a member of the trial bar. Assignments under this rule shall be made in a manner such that no member of the trial bar shall be required to accept more than one assignment during any 12 month period.

(h) Withdrawal from Trial Bar. A member of the trial bar may, on motion for good cause shown, voluntarily withdraw from said bar. Such motion shall be filed with the clerk for presentation to the Executive Committee. Where the motion to withdraw is made by a member of the current *pro bono* panel the name of the attorney will be removed from the *pro bono* panel if the motion is granted.

(i) Reinstatement. Any attorney permitted to withdraw as a member of the trial bar pursuant to section (h) who wishes to be reinstated must file a petition for reinstatement with the clerk for presentation to the Executive Committee. Where the attorney was a member of a *pro bono* panel at the time the petition to withdraw was filed, the petition for reinstatement shall include a statement indicating the attorney's present willingness and ability to accept an assignment under LR83.35 through LR83.41. If the committee grants the motion in such an instance, it shall direct that the attorney be included in the *pro bono* panel and remain there for one year or until the attorney is assigned, whichever comes first.

Amended May 27, 2015 and June 29, 2015

LR83.12. Appearance of Attorneys Generally

(a) Who May Appear. Except as provided in LR83.14 and LR83.15 and as otherwise provided in this rule, only members in good standing of the general bar of this Court may enter appearance of parties, file pleadings, motions or other documents, sign stipulations or receive payments upon judgments, decrees or orders. Attorneys admitted to the trial bar may appear alone in all matters. Attorneys admitted to the general bar, but not to the trial bar, may appear in association with a member of the trial bar in all matters and may appear alone except as otherwise provided by this rule. The following officers appearing in their official capacity shall be entitled to appear in all matters before the court without admission to the trial bar of this Court: the Attorney General of the United States, the United States Attorney for the Northern District of Illinois, the attorney general or other highest legal officer of any state, and the state's attorney of any county in the State of Illinois. This exception to membership in the trial bar shall apply to such persons as hold the above-described offices during their terms of office, and to their assistants.

(b) Testimonial Proceedings. An attorney who is a member of the trial bar may appear alone during testimonial proceedings. An attorney who is a member of the bar, but not of the trial bar, may appear during testimonial proceedings only if accompanied by a member of the trial bar who is serving as advisor. For the purposes of this rule the definition of the term "testimonial proceedings" is the same as in LR83.11(a)(1).

(c) Criminal Proceedings. An attorney who is a member of the trial bar may appear alone on behalf of a defendant in a criminal proceeding. An attorney who is a member of the general bar, but not a member of the trial bar, may (1) appear as lead counsel for a defendant in a criminal proceeding only if accompanied by a member of the trial bar who is serving as advisor and (2) sign pleadings, motions or other documents filed on behalf of the defendant only if they are co-signed by a member of the trial bar.

(d) Waiver. A judge may grant permission in a civil or criminal proceeding pending before that judge to an attorney admitted to the general bar, but not to the trial bar, to appear alone in any aspect of the matter only upon written request by the client and a showing that the interests of justice are best served by waiving the experience requirements otherwise required by these rules. Such permission shall apply only to the proceeding in which it was granted. Granting of such permission shall be limited to exceptional circumstances.

Amended June 24, 2009

LR83.13. Representation by Supervised Senior Law Students

A student in a law school who has been certified by the Administrative Director of Illinois Courts to render services in accordance with Rule 711 of the Rules of the Illinois Supreme Court may perform such services in this Court under like conditions and under the supervision of a member of the trial bar of this Court. In addition to the agencies specified in paragraph (b) of said Rule 711, the law school student may render such services with the United States Attorney for this District, the legal staff of any agency of the United States government or the Federal Defender Program for this District including any of its staff or panel attorneys or, with the prior approval of the assigned judge on a case-by-case basis, any member of the trial bar of this court.

LR83.14. Appearance by Attorneys Not Members of the Bar

A member in good standing of the bar of the highest court of any state or of any United States district court may, upon motion, be permitted to argue or try a particular case in whole or in part subject to the requirements of LR83.12. A petition for admission under this rule shall be on a form approved by the Executive Committee. The clerk shall provide copies of such forms on request.

The fee for admission under this Rule shall be established by the Court. The fee shall be paid to the clerk who shall deposit it in the District Court Fund.

A petition for admission under this rule may be presented by the petitioner. No admission under this rule shall become effective until such time as the fee has been paid.

Amended May 31, 2011

LR83.15. Local Counsel: Designation for Service

(a) Designation. An attorney not having an office within this District ("nonresident attorney") shall appear before this Court only upon having designated as local counsel a member of the bar of this Court having an office within this District upon whom service of papers may be made. Such designation shall be made at the time the initial notice or pleading is filed by the nonresident attorney. Local counsel shall file an appearance but is not required to participate in the case beyond the extent required of an attorney designated pursuant to this rule.

(b) Penalties. Where the nonresident attorney tenders documents without the required designation of local counsel, the clerk shall process them as if the designation were filed and shall promptly notify the attorney in writing that the designation must be made within 30 days. If the attorney fails to file the designation within that time, the documents filed by the attorney may be stricken by the court.

(c) Duties of Local Counsel. Local counsel shall be responsible for receiving service of notices, pleadings, and other documents and promptly notifying the nonresident attorney of their receipt and contents. In emergencies, local counsel may appear on behalf of the nonresident attorney. This rule does not require local counsel to handle any substantive aspects of the litigation. Such matters may be handled by the nonresident attorney under LR83.12 or LR83.14. Nor does the rule require local counsel to sign any pleading, motion or other paper (See Fed.R.Civ.P. 11).

LR83.16. Appearance Forms

(a) General. The Executive Committee will approve the format of the appearance form to be used. The clerk shall provide copies of the forms on request.

(b) Who Must File. Except as otherwise provided in these rules, an appearance form shall be filed by every attorney, including senior students admitted pursuant to LR83.13 and attorneys admitted pursuant to LR83.14, who represents a party in any proceeding brought in this Court, whether before a judge or magistrate judge. No appearance form need be filed by the United States Attorney or any Assistant United States Attorney where the appearance is on behalf of the United States, any agency thereof or one of its officials. The United States Attorney's Office is required to provide the name of a designated Assistant United States Attorney who is to receive electronic notices of Court proceedings in addition to the notices received by the United States Attorney's central e-mail account.

(c) Appearance by Firms Prohibited. Appearance forms are to list only the name of an individual attorney. The clerk is directed to bring to the attention of the assigned judge any appearance form listing a firm of attorneys rather than an individual attorney. For the purposes of this rule, an individual attorney who practices as a professional corporation may file the appearance as the professional corporation.

(d) When To Be Filed. An attorney required by these rules to file an appearance form shall file it prior to or simultaneously with the filing of any motion, brief or other document in a

proceeding before a judge or magistrate judge of this Court, or at the attorney=s initial appearance before a judge or magistrate judge of this Court, whichever occurs first.
Where the appearance is filed by an attorney representing a criminal defendant in a proceeding before a judge or magistrate judge, the attorney shall serve a copy of the appearance on the United States attorney.

(e) Penalties. If it is brought to the attention of the clerk that an attorney who has filed documents or appeared in court has not filed the appearance form required by this rule, the clerk will notify the judge or magistrate judge before whom the proceedings are pending. An attorney who fails to file an appearance form where required to do so by this rule may be sanctioned.

(f) Emergency Appearances. An attorney may appear before a judge or magistrate judge without filing an appearance form as required by this rule where the purpose of the appearance is to stand in for an attorney who has filed or is required to file such a form and the latter attorney is unable to appear because of an emergency.

(g) Attorney ID Numbers. The number issued to members of the Illinois bar by the Illinois Attorney Registration and Disciplinary Commission, or such other number as may be approved by the Executive Committee, shall serve as the identification number. The clerk shall be responsible for issuing identification numbers to attorneys who are not members of the Illinois bar.

Amended June 24, 2009

LR83.17. Withdrawal, Addition, and Substitution of Counsel

Once an attorney has filed an appearance form pursuant to LR83.16, that attorney is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may any other attorney file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these rules a member of the trial bar is acting as a supervisor or is accompanying a member of the bar, the member of the trial bar included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court.

LR83.18. Transfer to Inactive Status

(a) Automatic Transfer. When a member of the general bar of this Court is transferred to inactive status by the highest court of any state of the United States or the District of Columbia, the order transferring the attorney to inactive status shall stand as the order transferring the attorney to inactive status in this Court.

Upon being made aware of any order that would automatically transfer a member of the general bar to inactive status, the clerk shall promptly notify the attorney of the provisions of this rule. The notice will also indicate the order upon which automatic transfer to inactive status is being based.

Within 21 days of the mailing of the notice by the clerk, the attorney subject to automatic transfer to inactive status may file a motion with the Executive Committee requesting that the automatic transfer not take place. The motion shall indicate the reasons for the request.

(b) Motion for Transfer. An attorney may, in the absence of disciplinary proceedings, file a motion with the Executive Committee requesting transfer to inactive status. The Committee may appoint the United States attorney or any other attorney to conduct an investigation and make recommendations to the Committee as to whether the motion should be granted.

(c) Practice of Law Prohibited. An attorney who has been transferred to inactive status may not engage in the practice of law before this Court until restored to active status.

(d) Automatic Reinstatement. When an attorney has been transferred to inactive status by the highest court of any state of the United States or the District of Columbia solely for nonpayment of registration fees and has been reinstated upon payment of registration fees, that attorney will automatically be reinstated to the roll of attorneys of this Court upon receipt of notification by the clerk of that court.

(e) Reinstatement. An attorney who has been transferred to inactive status may file a petition for reinstatement with the Executive Committee. Unless the motion to reinstate is granted by the Committee, the attorney shall be granted a hearing.

(f) Disciplinary Proceedings. Disciplinary proceedings may be commenced against an attorney in inactive status. If a disciplinary proceeding is pending against an attorney at the time the attorney is transferred to inactive status, the Executive Committee shall determine whether the disciplinary proceeding is to proceed or is to be held in abeyance until further order of the Committee.

LR83.25. Disciplinary Proceedings Generally

(a) Definitions. The following definitions shall apply to the disciplinary rules:

(1) The term "another court" shall mean any other court of the United States or of the District of Columbia, or of any state, territory, commonwealth, or possession of the United States.

(2) The term "complaint of misconduct" shall mean any document in which it is alleged that an attorney practicing before this Court is guilty of misconduct.

(3) The term "discipline" shall include disbarment, suspension from practice before this Court, reprimand or censure, and such other disciplinary action as the circumstances may warrant, including, but not limited to, restitution of funds, satisfactory completion of

educational programs, compliance with treatment programs, and community service. The term discipline is not intended to include sanctions or contempt.
(4) The term "misconduct" shall mean any act or omission by an attorney admitted to practice before this Court that violates the applicable Code of Conduct.

(b) Executive Committee. The Executive Committee shall serve as the disciplinary committee of the Court.

(c) Jurisdiction. Nothing contained in these rules shall be construed to deny such powers as are necessary for a judge, magistrate judge or bankruptcy judge of this Court to maintain control over proceedings conducted before that judge, magistrate judge or bankruptcy judge, such as proceedings for contempt under LR37.1, Fed.R.Crim.P. 42 or,18 U.S.C. §§401 and 402.

(d) Attorneys Admitted Under LR83.14. An attorney who is not a member of the bar of this Court who, pursuant to LR83.14, petitions to appear or is permitted to appear in this Court for purposes of a particular proceeding (pro hac vice), shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(e) Confidentiality. Proceedings before the Executive Committee shall be confidential, except that the Committee may in the interests of justice and on such terms it deems appropriate authorize the clerk to produce, disclose, release, inform, report, or testify to any information, reports, investigations, documents, evidence or transcripts in the clerk's possession. Where a disciplinary proceeding is assigned to a judge of this Court pursuant to these rules, the record and hearings in the proceeding before that judge shall be public, unless for good cause that judge shall in writing order otherwise.
Final orders in disciplinary matters shall be a matter of public record and may be published at the direction of the Executive Committee or the assigned judge.

(f) Filing. An answer to a rule to show cause, a statement of charges, and any other document filed in connection with a disciplinary proceeding before the Executive Committee shall be filed with the attorney admissions coordinator or such other deputy clerk as the clerk may in writing designate.

Committee Comment: A proceeding to discipline a member of the bar of this Court can arise in one of three ways: another court disciplines the attorney; the attorney is convicted of a serious crime; or a complaint is filed alleging misconduct on the part of the attorney. Traditionally, most disciplinary proceedings have been reciprocal proceedings, *i.e.*, proceedings initiated following the discipline of the attorney by another court. The next largest group of disciplinary proceedings consist of those initiated by the conviction of an attorney in this Court for a serious crime.

The Executive Committee is the disciplinary committee of the Court. In those circumstances where an evidentiary hearing may be required as part of the disciplinary proceeding, the Committee may direct that the proceeding be assigned by lot to an individual judge. (LR83.28(e))

As section (c) indicates, the disciplinary rules are not intended to diminish or usurp the authority of a judge in maintaining order in that judge's courtroom or in enforcing compliance with that judge's orders. Disciplinary proceedings are not alternatives to contempt proceedings.

LR83.14 establishes the procedures for admitting an attorney who wishes to appear *pro hac vice*. Section (d) of LR83.25 provides that such attorneys are subject to the same discipline as attorneys who are members of the general bar of the Court.

Section (e) of this rule that in general disciplinary proceedings are confidential. Any final orders imposing discipline are public. In those instances where a proceeding is assigned to an individual judge, it becomes at that point like any other civil proceeding, a matter of public record. As with any other civil case, there may be exceptional circumstances where some or all of the record or hearings should not be made public. Section (e) permits this.

Section (f) makes explicit what has been a practice of long standing: materials relating to disciplinary proceedings before the Executive Committee are to be filed with the Attorney Admissions Coordinator. This procedure enables more effective control over the documents in disciplinary proceedings, a control necessary to assure that the confidentiality of such proceedings is maintained. In addition, the coordinator serves as a source of information on procedure for attorneys involved in disciplinary proceedings .

Amended May 31, 2011

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 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 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 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.

Amended January 30, 2009

LR83.27. Discipline of Convicted Attorneys

(a) Automatic Suspension. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted of a serious crime in this or another court, the Executive Committee shall enter an order immediately suspending that attorney, until final disposition of a disciplinary proceeding to be commenced upon such conviction. Such order shall be entered regardless of whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Executive Committee may set aside such order when it appears in the interest of justice to do so.

(b) Judgment of Conviction as Evidence. A certified copy of a judgment of conviction of any attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(c) Executive Committee to Institute Disciplinary Proceedings. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Executive Committee shall, in addition to suspending that attorney in accordance with the provisions of this rule, institute a disciplinary proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction. Each disciplinary proceeding so instituted will not be concluded until all appeals from the conviction are concluded.

(d) Proceedings Where Attorney Convicted of Other Than Serious Crime. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a serious crime, the Executive Committee may, but is not required to, initiate a disciplinary proceeding.

(e) Reinstatement where Conviction Reversed. An attorney suspended pursuant to section (a) will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney. The disposition of such proceeding shall be determined by the Executive Committee on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

LR83.28. Discipline of Attorneys for Misconduct

(a) Complaint of Misconduct. Any complaint of misconduct shall be filed with the chief judge. The complaint may be in the form of a letter. The chief judge shall refer it to the Executive Committee for consideration and appropriate action.

(b) Action by Executive Committee. On receipt of a complaint of misconduct the Committee may forward a copy to the attorney and ask for a response within a time set by the Committee. On the basis of the complaint of misconduct and any response, the Committee may—

(1) determine that the complaint merits no further action, or
(2) direct that formal disciplinary proceedings be commenced, or
(3) take such other action as the Committee deems appropriate, including the assignment of an attorney pursuant to LR83.29.

(c) Statement of Charges; Service. To initiate formal disciplinary proceedings based on allegations of misconduct, the Executive Committee shall issue a statement of charges. In addition to setting forth the charges, the statement of charges shall include an order requiring the attorney to show cause, within 14 days after service why the attorney should not be disciplined.

Upon the issuance the statement of charges, the clerk shall forthwith mail two copies to the last known address of the attorney. One copy shall be mailed by certified mail restricted to addressee only, return receipt requested. The other copy shall be mailed by first class mail. If the statement is returned as undeliverable, the clerk shall so notify the Executive Committee. The Executive Committee may direct that further attempts at service be made, either personal service by a private process server or by the United States marshal, or by publication. Personal service shall be accomplished in the manner provided by Fed.R.Civ.P. 5(b) for service other than by mail. Service by publication shall be accomplished by publishing a copy of the rule to show cause portion of the statement in accordance with the provisions of LR83.3. Except as otherwise directed by the Executive Committee, the division of the Court in which the notice is to be published will be as follows:

(1) where the last known address of the attorney is located in the District, the division in which the address is located; or,

(2) where no address is known or the last known address is outside of the District, the Eastern Division.

(d) Answer; Declaration. The attorney shall file with the answer to the statement of charges a declaration identifying all courts before which the attorney is admitted to practice. The form of the declaration shall be established by the Executive Committee.

(e) Assignment to Individual Judge. Following the filing of the answer to the statement of charges, if the Executive Committee determines that an evidentiary hearing is required, the proceeding shall be assigned by lot for a prompt hearing before a judge of this Court. The assigned judge shall not be one who was a member of the Executive Committee that determined that an evidentiary hearing was required. The decision of the assigned judge shall be final.

(f) Disbarment on Consent. Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering a declaration stating that the attorney desires to consent to disbarment and that:

(1) the attorney's consent is freely and voluntarily rendered;
(2) the attorney is not being subjected to coercion or duress;
(3) the attorney is fully aware of the implications of so consenting;
(4) the attorney is aware that there is presently pending an investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth; and
(5) the attorney acknowledges that the material facts so alleged are true.

Upon receipt of the required declaration, the Executive Committee shall enter an order disbarring the attorney. The order of disbarring the attorney on consent shall be a matter of public record. However, the declaration shall not be publicly disclosed or made available for use in any other proceeding except where the Executive Committee orders such release after finding it to be required in the interests of justice.

Amended May 24, 2013

LR83.29. Assignment of Counsel

(a) Assignment. The Executive Committee or the judge to whom the case is assigned may assign one or more attorneys to investigate allegations of misconduct, to prosecute disciplinary proceedings, or in conjunction with a reinstatement petition filed by a disciplined attorney. The United States attorney or an assistant United States attorney, the administrator of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois or a designee of the administrator, or a member of the bar of this Court may be assigned. Once assigned, an attorney may not resign unless permission to do so is given by the Executive Committee or the judge to whom the case is assigned.

(b) Subpoenas. An attorney assigned under section (a) may, with the approval of the Executive Committee or the presiding judge, cause subpoenas to be issued during the proceedings. Any

subpoenas issued pursuant to this rule shall be returnable before the Executive Committee or the presiding judge.

Amended May 24, 2013

LR83.30. Reinstatement

(a) Automatic & by Petition. An attorney suspended for 3 months or less shall be automatically reinstated at the end of the period of suspension. An attorney suspended for more than 3 months or disbarred may not resume practice until reinstated by order of the Executive Committee.

(b) Petition for Reinstatement. A petition for reinstatement may be filed under the following conditions:

(1) *by a suspended attorney:* An attorney who has been suspended for a period of more than 3 months may petition for reinstatement at any time following the conclusion of the period of suspension.

(2) *by a disbarred attorney:* A petition to reinstate a disbarred attorney may not be filed until at least 5 years has elapsed from the effective date of the disbarment.

Following an adverse decision upon a petition for reinstatement a period of at least 1 year must elapse from the date of the order denying reinstatement before a subsequent petition for reinstatement may be filed.

Petitions for reinstatement shall be filed with the attorney admissions coordinator or such other deputy as the clerk may in writing designate. The Executive Committee may grant the petition without hearing, decide the petition based on a hearing before the Committee, or assign the matter for prompt hearing before, and decision by, a judge of this Court. Where the Committee directs that the petition be assigned to a judge, the assignment will be in the same manner as provided by LR83.28(e) for the assignment of a statement of charges alleging misconduct.

(c) Hearing. A petition for reinstatement will be included on the agenda of the first meeting of the Executive Committee scheduled for not less than 7 days from the time the petition is filed. At that meeting the Committee will consider whether to grant the petition, schedule a hearing, or direct that it be assigned to a judge. Where a hearing is to be held and the Executive Committee has directed that the matter be assigned to a judge, it shall be scheduled for a date not less than 30 days from the date of assignment.

(d) Burden of Proof. At the hearing the petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the requisite character and fitness for admission to practice law before this Court and that the petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(e) Duties of Counsel. Where an attorney is appointed pursuant to LR83.29, cross-examination of the witnesses of the petitioner and the submission of evidence in opposition to the petition, if any, shall be by that attorney.

(f) Conditions of Reinstatement. The petition for reinstatement shall be denied if the petitioner fails to demonstrate fitness to resume the practice of law. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, but may make reinstatement conditional upon the making of partial or complete restitution to parties harmed by the conduct of petitioner which led to the suspension or disbarment. If the petitioner has been suspended or disbarred for 5 years or more, reinstatement may be conditioned, in the discretion of the Executive Committee or the judge before whom the matter is heard, upon the furnishing or proof of competency and learning in the law. Such proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

LR83.31. Duties of the Clerk

(Rule moved to Internal Operating Procedure 8 May 31, 2011)

LR83.35. Pro Bono Program

(a) DEFINITIONS. The following definitions shall apply to the *pro bono* rules:

(1) The term "assignment of counsel" shall mean the assignment of a member of the trial bar to represent a party who lacks the resources to retain counsel by any other means. Such assignment shall only be in a civil action or appeal and shall not include any assignment made pursuant to the Criminal Justice Act of 1964, 18 U.S.C. §3006A.

(2) The term "judge" shall mean the judge to whom the action is assigned. It shall include a magistrate judge where the assignment is made in a civil case assigned to a magistrate judge for all purposes pursuant to 28 U.S.C. §636(c) or referred for evidentiary hearings pursuant to 28 U.S.C. §636(b)(1)(B).

(3) The term "panel" shall mean those members of the trial bar who have volunteered for assignment and those whose names were selected pursuant to section (b).

(4) The terms "*pro bono* rules" and "*pro bono* program" shall refer to LR83.35 through 83.41.

(b) CREATING THE PANEL. From time to time, the clerk shall select names at random from the trial bar to create a panel. Except as otherwise provided by the *pro bono* rules, the clerk shall select members from the trial bar who have not been included on an earlier panel.

(c) NOTIFICATION TO PANEL. Following the selection of a panel the clerk shall notify each member and obtain from each the following information:

(1) counsel's prior civil trial experience, including a general indication of the number of trials and areas of trial experience;
(2) counsel's ability to consult and advise in languages other than English;

Such information as is supplied by counsel may be amended at any time by letter.

(d) EXEMPTIONS. A member of the trial bar
(1) whose principal place of business is outside of this District, or
(2) who is employed full-time as an attorney for an agency of the United States, a state, a county, or any sub-division thereof, or
(3) who is employed full-time as an attorney by a not-for-profit legal aid organization shall, when selected for a panel, be removed from it and returned to the pool. However, such action shall not preclude counsel from being selected for a subsequent panel.

(e) VOLUNTEERS. A member of the trial bar may volunteer to be included in a panel. Whenever a volunteer is assigned, the clerk as part of the notification process will ask the volunteer to elect one of the following options:
(1) the volunteer's name will be moved to the end of the list of names on the panel, or
(2) the volunteer's name will be removed from the panel and either replaced after a specified time period or at the request of the volunteer. The clerk will make a similar request of any volunteer whose name has been on a panel for 12 months and who has not been assigned during that time.

***Committee Comment*:** Pursuant to LR83.11(g) each member of the trial bar has the responsibility to serve as an assigned attorney in *pro se* matters. The *pro se* rules provide for the reimbursement of expenses of counsel assigned under those rules. The admission fees collected when counsel join the trial bar form a major source of the funds used to pay the expenses.

The procedures for assignment involve selecting from a current panel. The panel is formed annually. The names are selected in such a manner that no member of the trial bar is selected for a subsequent panel until all other members have been selected. The only exemption from being included on a panel is the limited one granted to members of the groups specified in section (d).

Amended May 24, 2013

LR83.36. Assignment Procedures

(a) Application. Any application for the assignment of counsel by a party appearing *pro se* shall be on a form approved by the Executive Committee. The application shall include a form of affidavit stating the party's efforts, if any, to obtain counsel by means other than assignment and indicating any prior *pro bono* assignments of counsel to represent the party in cases brought in this Court including both pending and previously terminated actions. A completed copy of the affidavit of financial status in the form required by LR3.3(a)(2) shall be attached to the application. A *pro se* party who was ineligible for assigned counsel at the outset of the litigation

who later becomes eligible by reason of changed circumstances may apply for assignment of counsel within a reasonable time after the change in circumstances has occurred.

(b) Notice of Assignment. After counsel has been selected, the clerk shall forthwith send to counsel written notice of the assignment. In addition to notifying counsel, the clerk shall also notify all of the parties to the action of the assignment and include with such notification the name, address, and telephone number of the assignee.

(c) Making Private Counsel Court- Assigned. Where a party is represented by counsel and because of the party's financial condition both the party and counsel wish to change the nature of the representation to court- assigned representation in order that counsel may be eligible for reimbursement of expenses from the District Court Fund pursuant to LR83.40, counsel may petition the court to be court- assigned counsel. Any such petition shall indicate that if the court grants the petition, any existing fee agreements between the party and counsel shall no longer be enforceable and any subsequent fee agreements between the party and counsel may only be made in accordance with the provisions of LR83.41. In ruling on the petition, the judge shall grant it only if the judge would have granted an application filed under this rule had the party not been represented by counsel. Where the party is represented by more than one counsel, any order of assignment under this section shall preclude prospective operation of fee agreements with all such counsel but shall appoint only those counsel wishing to be assigned.

Amended May 24, 2013

LR83.37. Duties & Responsibilities of Assigned Counsel

Upon receiving notice of the assignment, counsel shall forthwith file an appearance in accordance with LR83.12 in the action to which counsel is assigned. Promptly following the filing of an appearance, counsel shall communicate with the newly-represented party concerning the action or appeal. In addition to a full discussion of the merits of the dispute, counsel shall explore with the party any possibilities of resolving the dispute in other forums, including but not limited to administrative forums. If after consultation with counsel the party decides to prosecute or defend the action or appeal, counsel shall proceed to represent the party in the action or appeal unless or until the attorney- client relationship is terminated as provided by these rules.

Except where the assignment is terminated pursuant to LR83.38 or LR83.39, each assigned counsel shall represent the party in the action from the date counsel enters an appearance until a final judgment is entered in the action. If the matter is remanded to an administrative forum, the assigned counsel shall, unless given leave to withdraw by the judge, continue to represent the party in any proceeding, judicial or administrative, that may ensue upon an order of remand. The assigned counsel is not required by these rules to continue to represent a party on appeal should the party represented wish to appeal from a final judgment.

Upon assignment for purposes of settlement assistance, the attorney will assist in preparing for the settlement conference, participate in the settlement conference on behalf of the pro se litigant, and draft a settlement agreement and corresponding motion to dismiss, if appropriate. Assistance

under the Settlement Assistance Program will be limited only to the effort to settle the case and will not extend to any other part of the litigation process.

Amended May 24, 2013

LR83.38. Relief from Assignment

(a) Grounds; Application. After assignment counsel may apply to be relieved of an order of assignment only on the following grounds or on such other grounds as the assigning judge finds adequate for good cause shown:

(1) Some conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.
(2) In counsel's opinion, counsel is not competent to represent the party in the particular type of action assigned.
(3) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party.
(4) Because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the party.
(5) In counsel's opinion the party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.

Any application by assigned counsel for relief from an order of assignment on any of the grounds set forth in this section shall be made to the judge promptly after the attorney becomes aware of the existence of such grounds, or within such additional period as may be permitted by the judge for good cause shown.

(b) Order Granting Relief. If an application for relief from an order of assignment is granted, the judge may issue an order directing the assignment of another counsel to represent the party. Such assignment shall be made in accordance with the procedures set forth in LR83.36. Alternatively, the judge shall have the discretion not to issue a further order of assignment, in which case the party shall be permitted to prosecute or defend the action *pro se*.

Where the judge enters an order granting relief from an order of assignment on the grounds that counsel lacks the time to represent the party due to a temporary burden of other professional commitments, the name of counsel so relieved shall, except as otherwise provided in the order, automatically be included among the names selected for the next panel.

Amended May 24, 2013

LR83.39. Discharge of Assigned Counsel on Request of Party

Any party for whom counsel has been assigned shall be permitted to request the judge to discharge that counsel from the representation and to assign another. Such request shall be made promptly after the party becomes aware of the reasons giving rise to the request, or within such additional period as may be permitted by the judge for good cause shown.

When such a request is supported by good cause, such as personal incompatibility or a substantial disagreement on litigation strategy between the party and assigned counsel, the judge shall forthwith issue an order discharging and relieving assigned counsel from further representation of the party in the action or appeal. Following the entry of such an order of discharge, the judge may in the judge's discretion either enter or not enter a further order directing the assignment of another counsel to represent the party. In any action where the judge discharges assigned counsel but does not issue a further order of assignment, the party shall be permitted to proceed *pro se*.

In any action where a second counsel is assigned and subsequently discharged upon request of a party, no additional assignment shall be made except on a strong showing of good cause. Any assignments made following the entry of an order of discharge shall be made in accordance with the procedures set forth in LR83.36.

Amended May 24, 2013

LR83.40. Expenses

The party shall bear the cost of any expenses of the litigation or appeal to the extent reasonably feasible in light of the party's financial condition. Such expenses shall include, but not be limited to discovery expenses, subpoena and witness fees, and transcript expenses. It shall be permissible for assigned counsel or the firm with which counsel is affiliated to advance part or all of the payment of any such expenses without requiring that the party remain ultimately liable for such expenses, except out of the proceeds of any recovery. However, the attorney or firm shall not be required to advance the payment of such expenses.

Expenses incurred by counsel assigned pursuant to LR83.36 or the firm with which counsel is affiliated may be reimbursed from the District Court Fund in accordance with the provisions of the *Regulations Governing the Reimbursement of Expenses in Pro Bono Cases*. The clerk will provide copies of the *Regulations* and the *Plan for the Administration of the District Court Fund* on request.

Amended June 30, 2015

LR83.41. Attorney's Fees

(a) Party's Ability to Pay. Where as part of the process of assigning counsel the judge finds that the party is able to pay for legal services in whole or in part but that assignment is justified, the judge shall include in the order of assignment provisions for any fee arrangement between the party and the assigned counsel.

If assigned counsel discovers after assignment 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 assignment and either permit the party to retain an attorney or to proceed *pro se*.

(b) Fee Agreements. If assigned 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 assigned 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 assigned counsel, the judge may award attorney's fees to assigned counsel for services rendered in the action as authorized by applicable statute, regulation, rule, or other provision of law, including case law.

Amended January 31, 2012 and June 29, 2015

LR83.50. Rules of Professional Conduct

Applicable disciplinary rules are the Model Rules adopted by the American Bar Association. On any matter not addressed by the ABA Model Rules or for which the ABA Model Rules are inconsistent with the Rules of Professional Conduct, a lawyer admitted to practice in Illinois is governed by the Illinois Rules of Professional Conduct, as adopted by the Illinois Supreme Court, and a lawyer not admitted to practice in Illinois is bound by the Rules of Professional Conduct for the state in which the lawyer's principal office is located. Notwithstanding the foregoing, limited scope appearances of attorneys, as set forth in Illinois Supreme Court Rules 11(e), 13(c)(6), 13(c)(7), and any comparable rules of other states, are not permitted in matters before this Court. Any attorney seeking to enter a limited appearance on behalf of a party may do so only with leave of Court.

Adopted June 2, 2011, Amended May 23, 2014

LR83.58.5. Jurisdiction

Any lawyer practicing before this Court is subject to the disciplinary authority of this Court although also engaged in practice elsewhere.

Committee Comment. In addition to the fact that Illinois lawyers practice in Illinois state courts as well as in this Court, in modern practice lawyers frequently act outside the territorial limits of the jurisdiction in which they are licensed to practice, either in another state or outside the United States. In doing so, they remain subject to the governing authority of this Court as well as the state jurisdiction in which they are licensed to practice.

Where the lawyer is licensed to practice law before two courts which impose conflicting obligations, applicable rules of choice of law may govern the situation. This Court's adoption of rules differing to some extent from the Illinois Rules has been intended, to the maximum extent possible, to minimize, or avoid entirely, such conflicting obligations.

ADMIRALTY RULES

LRSupA.1. Local Admiralty Rules, Application of Local Civil Rules

Local rules numbered as LRSupA.1, LRSupB.1, etc., are associated with the Supplemental Rules For Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. They may be referred to as the "local admiralty rules." The terms "Supplemental Rule" and "Supplemental Rules" as used within the local admiralty rules shall refer to one or all of the Supplemental Rules for Certain Admiralty Claims of the Federal Rules of Civil Procedure.

The local civil rules of this Court shall apply to admiralty and maritime claims to the extent they are not inconsistent with the local admiralty rules.

LRSupB.1. Attachments & Garnishments: Special Provisions

(a) Suits Filed In Forma Pauperis. In suits in forma pauperis no process in rem shall issue except upon proof of 24 hours' notice to the owner of the property or his agent, of the filing of the complaint unless allowed by the court.

(b) Service. In actions in personam where the debts, credits or effects named in any process of maritime attachment and garnishment are not delivered up to the marshal by the garnishee or are denied by him to be the property of the defendant it shall be a sufficient service of such process to leave a copy thereof with such garnishee, or at his usual residence or place of business, with notice of the property attached. On return by the marshal, the plaintiff may proceed to a hearing and final judgment in the cause on providing proof to the satisfaction of the court that the property belongs to defendant.

In actions in rem, process against freight or proceeds of property in possession of any person may be served in the same manner.

(c) Judgment of Default. On the expiration of the time to answer, if no pleading under Fed.R.Civ.P. 12 has been filed, the plaintiff may have an ex parte hearing of the cause and a judgment without notice, except that:

(1) if an appearance has been filed, 7 days' notice of the hearing shall be given by the plaintiff to all persons who have appeared; and

(2) final judgment shall not enter against arrested or attached property until it is shown by affidavit that notice of the motion has been given to the owner of the property, if known to the plaintiff, or otherwise to the owner's agent, if known and to any holder of any security interest in the vessel arrested or attached, recorded in the records of the United States Coast Guard.

The notice shall be by first class mail to the mailing address of record or to the last known address. Failure to give notice as provided by this rule may be grounds for setting aside the default under applicable rules, but shall not affect title to property sold under a judgment.

Amended November 19, 2009

LRSupC.1. Actions in Rem: Special Provisions

(a) Publication; Notice of Sale. The notice required by section (4) of Supplemental Rule C shall be published at least once and shall contain the fact and date of the arrest, the name of the Court, the title of the cause, the nature of the action, the amount demanded, the name of the marshal, the name and address of the attorney for the plaintiff, and a statement that claimants must file their claims pursuant to Supplemental Rule C(6) with the clerk within 14 days after the date of first publication or within such additional time as may be allowed by the court and must file and serve their answers within 21 days after the filing of their claims. The notice shall also state that all interested persons should file claims and answers within the times so fixed; otherwise default will be noted and condemnation ordered.

When property remains in custody of the marshal the cause will not be heard until after publication of notice of arrest shall have been made in that cause or in some other pending cause in which the property is held in custody. No final judgment shall be entered ordering the condemnation and sale of non-perishable property, arrested under process in rem, unless publication of notice of arrest in that cause shall have been duly made.

Unless otherwise ordered as provided by law, notice of sale of the property in suits in rem shall be published daily for at least 7 days before sale.

All publication shall be made in a newspaper of general circulation in the City of Chicago.

(b) Time Within Which to Show Cause. A summons issued pursuant to Supplemental Rule C(3) dealing with freight or the proceeds of property sold or other intangible property, shall set the date by which the person having control of the funds is to show cause. The date shall be at least 10 days after service of the summons. The court, for good cause shown, may shorten the period.

(c) Property in Possession of Collector of Customs. In suits in rem when property is in the possession or custody of the collector of customs the person or organization to whom the clerk delivered the warrant of arrest shall deliver a copy of the process to the collector together with notice of the arrest of the property therein described and require the collector to detain such property in custody until the further order of the court. This requirement shall be in addition to any publication of process made pursuant to section (a).

(d) Limitations on Claims Made After Sale. In proceedings in rem, claims upon the proceeds of sale of property under a final judgment order or decree, except for seamen's wages, will not be admitted in behalf of lienors who file complaints or petitions after the sale, to the prejudice of

lienors who filed complaints or petitions before the sale, but shall be limited to the remnants and surplus, unless for cause shown it shall be otherwise ordered.

Amended November 19, 2009

LRSupE.1. Actions in Rem and Quasi in Rem: General Provisions

(a) Security for Costs. Each plaintiff other than the United States shall file a security for cost bond or stipulation in the amount of $250 conditioned that the principal shall pay all costs awarded by this or any appellate court, except as ordered by court.
Municipal corporations within this District shall not be required to file such bond unless ordered by court pursuant to Supplemental Rule E(2)(b).

(b) Stipulations. Whenever the owner or owners of any vessel shall execute and deliver to the clerk a general bond or stipulation as provided by Supplemental Rule E(5)(b) conditioned to answer the judgment of the court in all or any actions that may be brought thereafter in such court in which the vessel is attached or arrested, notice of the process shall be given to the principal and surety or sureties in said bond by service of a copy thereof by the marshal upon each of the persons named in said bond. Failure to receive such notice shall in no wise affect the liability under such bond; all other notices shall be given and the cause proceed as if such vessel had been taken into actual custody.

All stipulations shall contain the consent of the stipulators, that if the party, for whose benefit the stipulation is filed recover, the judgment may be entered against them for an amount not exceeding the amount named in such stipulation.

(c) Notice & Approval. Stipulators may justify on short notice before a magistrate judge, the clerk, or a notary public, who, if required by an adverse party, shall examine the sureties under oath as to their sufficiency, and annex their depositions to the bond or stipulation.
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In all cases where the surety on bonds or stipulations is not a corporate surety holding a certificate of authority of the Secretary of the Treasury and the bond or stipulation is not approved by the parties, reasonable notice of the application for approval by the court or clerk shall be given.

LRSupE.2. Appraisal

In case of seizure of property on behalf of the United States, an appraisal for the purpose of bonding may be had by any party in interest, on giving 7 days' notice of motion for the appointment of appraisers. If the parties or their attorneys and the United States attorney are present in court, such motion may be made instanter, after seizure and without notice.

Orders for the appraisal of property under arrest or attachment at the suite of a private party may be entered as of course, at the instance of any party interested, or upon the consent of the attorneys for the respective parties.

Unless otherwise ordered, only one appraiser shall be appointed. Where the respective parties do not agree in writing, the judge shall name the appraiser.

The appraiser shall give one day's notice of the time and place of making the appraisal to the attorneys in the action. The appraisal shall be filed with the clerk.

Amended November 19, 2009

LRSupE.3. Safekeeping of Vessels; Movement Within Port

Upon seizure of any vessel, the marshal shall make appropriate arrangements for the safekeeping of the vessel. The marshal may require the party at whose instance the vessel is to be seized to pay any costs as incurred.

Upon the request of the claimant of the vessel or of the owner, charterer, master or other person in control of the vessel at the time it was seized, and with the consent of the party at whose instance the vessel was seized, the marshal may appoint the master of the vessel as custodian and may permit the vessel to be worked and shifted within the District without further order of court.

LRSupE.4. Judicial Sale

(a) Marshal's Account of Sale. When any money shall come to the hands of the marshal under or by virtue of any order or process of the court, he shall forthwith present to the clerk a bill of his charges showing the time he received the money. After the filing of the bill of charges and upon the taxation thereof he shall forthwith pay to the clerk the amount of said money less his charges as taxed. An account of all property sold under the order or judgment of this Court shall be returned by the marshal and filed in the clerk's office, with the execution or other process under which the sale was made.

(b) Conditions of Sale. When a vessel is sold under an order or judgment of this Court pursuant to Supplemental Rules E(9)(b) or E(9)(c), the marshal shall make his account of the property sold as provided in section (a) and shall prepare a certificate of sale showing the name and address of the highest bidder. Such sale shall be subject to approval and confirmation by the court or rejection by the court, upon motion and showing of good cause therefor, which motion may be made by the plaintiff, or by any party of record, or by the highest bidder. It shall be the responsibility of the plaintiff, or such other party of record who desires that the sale be approved and confirmed, to prepare and present to the court from the pleadings in the case, or from other sources, a description of the vessel for purpose of identification as an aid to the United States Coast Guard properly to record and index the vessel on its records, or to enable the vessel to be registered or numbered under the Illinois Boat Registration and Safety Act or such other state or

federal statute as may be applicable. The description may include the name of the vessel, its official number, if any, its state identification number, if any, its dimensions, the name of the former owner, the ownership interest to be transferred, and the name and address of the purchaser who shall have been the successful bidder at the sale.

(c) Marshal's Bill of Sale. If and when the court approves and confirms the sale, the order approving and confirming such sale shall direct the marshal to issue a marshal's bill of sale containing appropriate identification and description of the vessel so that the same may be recorded pursuant to any applicable regulations of the United States Coast Guard or other government agency.

CRIMINAL RULES

LCrR1.1. Adoption of Rules

These rules apply to the conduct of criminal proceedings in this Court. They may be referred to as "local criminal rules" or, where reference is to a specific rule, "LCrR.[*number*]."

Unless otherwise indicated, reference in these rules to the United States attorney shall also include an assistant United States attorney and an assistant United States attorney general.

Reference in these rules to defendant's attorney is in no way intended to preclude a defendant from proceeding *pro se*, in which case a reference to defendant's attorney applies to defendant.

LCrR1.2. Applicability of Local Civil Rules

In all criminal proceedings, the Civil Rules of this Court shall be followed insofar as they are applicable.

LCrR5.1. Duty Magistrate Judge: Eastern Division

The magistrate judge designated as emergency magistrate judge pursuant to LR77.2 shall serve as duty magistrate judge.

Magistrate judges in this district shall have the power to perform all duties set forth in the United States Code and the Federal Rules of Criminal Procedure.

LCrR6.1. Chief Judge to Supervise Grand Jury

The chief judge shall supervise the operations of the grand jury, including empaneling and charging each grand jury at the commencement of its term, providing whatever services it may require, including a convenient place for its deliberations, entering all appropriate orders it requests, and discharging it upon completion of its deliberations or at the end of its term. All matters pertaining to grand juries shall be heard by the chief judge or his or her designee.

LCrR6.2. Records of the Grand Juries in the Possession of the Clerk

1. The following documents relating to grand juries shall be public records:
    (1) orders empaneling grand juries;
    (2) orders returning indictments;
    (3) orders extending the period of service of grand juries; and
    (4) orders discharging grand juries.

The clerk is authorized to provide to an attorney who has filed an appearance in a criminal case pending in this Court a copy of any motions, orders, or documents relating to any grand jury subpoena issued in the grand jury proceeding from which the case arose against the person on whose behalf the attorney is appearing.

All other records maintained by the clerk relating to grand juries are restricted documents and shall be available only on order of the chief judge. This includes grand jury subpoenas, transcripts of testimony, the clerk's docket of grand jury proceedings, motions and orders relating to grand jury subpoenas, true bills, and no bills.

LCrR10.1. Arraignments

Following the filing of an indictment or information the clerk shall promptly enter a minute order setting the date of arraignment. Where the defendant is not in custody, the arraignment shall be conducted on or before 7 days after the date of filing, unless the judge to whom the case is assigned orders that the arraignment shall be held within a shorter period of time. Where the defendant is in custody, the arraignment shall be set for no later than the second business day following such filing. Copies of the minute order setting the arraignment shall be mailed to each defendant and attorney for the defendant if their addresses are known. If their addresses are not known, the copies shall be attached to the copy of the indictment or information to be served on the defendant.

LCrR11.1. Pleas by Corporate Defendants

When the defendant in a criminal proceeding is other than a natural person, any plea other than a plea of not guilty shall be entered by an authorized officer, director or managing agent of the defendant, or by counsel, provided counsel is authorized to do so by virtue of a specific corporate resolution to that effect from the defendant’s board of directors.

LCrR12.1. Pretrial Motions

(a) Time. All pretrial motions and supporting briefs shall be filed within the time set by the court. If the court does not set a time, pretrial motions shall be filed within 21 days from the date of arraignment.

(b) Additional Discovery. In the event that a party moves for additional discovery or inspection following the discovery conference required by LCrR 16.1(a), the motion shall be filed within 7 days of the conference or, if the court has set a later date for the filing of pretrial motions, the later date. The motion shall contain:

(1) a statement that the required conference was held;
(2) the date the conference was held;
(3) the name of opposing counsel with whom the conference was held; and

(4) the statement that agreement could not be reached concerning the discovery or inspection that is the subject of the motion.

The court will not hear a motion for additional discovery or inspection if it does not conform to the procedural requisites of this section.

LCrR16.1. Pretrial Discovery and Inspection

(a) Discovery Conference. Within 7 days after the arraignment the United States attorney and the defendant's attorney shall confer and attempt to agree on a timetable and procedures for the following:

(1) inspecting, copying, or photographing any of the information subject to disclosure pursuant to Fed.R.Crim.P. 16;
(2) preserving the written notes of government agents;
(3) identification and notification of evidence the United States attorney intends to introduce pursuant to Federal Rule of Evidence 404(b);
(4) the filing of a proffer made within the scope of *U.S. v. Santiago*, 582 F.2d 1128 (7th Circ., 1978);
(5) the filing of materials subject to 18 U.S.C. §3500; and
(6) any other preliminary matters where such agreement would serve to expedite the orderly trial of the case.

(b) Declination of Disclosure. If in the judgment of the United States attorney or of the defendant's attorney, it would not be in the interests of justice to make any one or more of the disclosures set forth in Fed.R.Crim.P. 16 and requested by counsel, disclosure may be declined. A declination shall be in writing, directed to opposing counsel. The declination shall specify the types of disclosures that are declined. It shall be signed personally by the United States attorney or the first assistant United States attorney or the defendant's counsel, as appropriate. It shall be served on opposing counsel and a copy filed with the court within 5 days of the discovery conference held pursuant to section (a).

LCrR31.1. Contact With Jurors

After the conclusion of a trial, no party, agent or attorney shall communicate or attempt to communicate with any members of the petit jury before which the case was tried without first receiving permission of the court.

LCrR32.1. Presentence Investigations

(a) Application of Rule. This rule shall be effective in all cases in which a determination of guilt is made on or after the date of its adoption.

(**b) Definitions.** The following definitions shall apply to this rule:

(1) "business day" shall include any day other than a Saturday, a Sunday, or a legal holiday as defined by Fed.R.Crim.P. 45(a);

(2) "day" (except where used in the term "business day") shall refer to all days, including Saturdays, Sundays, and legal holidays as defined by Fed.R.Crim.P. 45(a);

(3) "determination of guilt" shall mean the entry of a judgment of conviction whether by plea or after trial;

(4) "Guidelines" shall mean the United States Sentencing Guidelines and Policy Statements promulgated pursuant to 28 U.S.C. §994;

(5) "probation officer" shall mean the probation officer assigned to prepare the presentence investigation report; and

(6) "report" shall mean the presentence investigation report.

(c) Scheduling of Hearing. Upon the determination of guilt, the court shall set a date for the sentencing hearing. The hearing shall be set not less than 84 days after the determination of guilt. Any motion to modify the time limits in this Rule must be made at the time the sentencing hearing date is set.

(d) Notifying Probation Department. Following determination of guilt, the attorney for the defendant and the defendant, unless in custody, shall report immediately to the probation department to begin the presentence investigation.

If the defendant is incarcerated, the attorney for the defendant shall report to the probation department and provide the information needed to begin the presentence investigation.

Within one business day following determination of guilt, the court's courtroom deputy shall forward a presentence referral form to the probation department. Defendant shall participate in an interview, if any, with the probation department, within 14 days after the determination of guilt. Failure to schedule the interview within this period does not affect any of the other dates set forth herein.

(e) Submission of Versions. Not more than 14 days after the determination of guilt, the attorney for the government shall submit to the probation officer its version of the offense conduct. Not more than 7 days after submission of the government's version of the offense conduct, the attorney for each defendant shall submit a version of the offense conduct to the probation officer. The attorneys shall serve copies of their versions upon opposing counsel and upon the attorney for any co-defendant as to whom a determination of guilt has been made. Within 7 days after the receipt of the co-defendants' versions, each co-defendant's attorney shall submit to the probation officer and serve upon all counsel that defendant's version of the offense conduct as it relates to the defendants' respective roles in the offense. Failure to submit a version of the offense conduct within 7 days after the government's submission of its version of the offense conduct may constitute waiver of the right to have such material considered within the PSR, and the probation officer will have the right to make determinations without regard to a defendant's version of the offense conduct submitted after that date.

(f) Presentence Investigation Report. Not later than 35 days prior to sentencing, the probation officer shall complete and issue the presentence investigation report to the court, the defendant and defense counsel, and counsel for the government. The recommendation of the presentence report shall be submitted initially only to the Court, but the Court may, in its discretion, and with notice to the Probation Office, direct disclosure of the recommendation to the defendant and defense counsel, and counsel for the government, as well. The recommendation section shall not include any factual information not already contained in the other sections of the report.

(g) Position Paper. Not later than 14 days prior to sentencing, counsel for the defendant shall file with the Court and the probation officer objections, if any, to the Presentencen Investigation Report, and a sentencing memorandum. The Government will have leave to respond 7 days thereafter. The parties' submissions shall specify—

(1) any factor important to the sentencing determination that is reasonably in dispute,
(2) any additional material information affecting the sentencing ranges established by the Guidelines, and
(3) any other objections or corrections to the report.

Any objection or correction not filed at that time shall be deemed waived, unless for good cause shown the court permits it to be raised at the sentencing hearing. The attorneys shall serve copies of the position papers upon opposing counsel and upon the attorney for any co-defendant as to whom a determination of guilt has been made.

(h) Responsibility of Attorneys to Review Presentence Investigation Report. Counsel for the defendant shall meet with the defendant to read and discuss the report at a reasonable time prior to the date set for submission of objections and sentencing memorandum. Counsel for the government shall examine the final report at a reasonable time prior to the date set for the government's submission.

(i) Report and Letters. Letters to the court regarding the case or defendant shall be disclosed promptly to the probation department and all counsel.

(j) Availability of Report. The report shall not be disclosed to any person or agency without the written permission of the sentencing judge. Upon notice of appeal, the probation department shall, with notification to the sentencing judge, forward under seal and apart from the appellate public file, a copy of the report to the clerk of the appellate court where it shall be available upon request for review by attorneys for the defendant and the government Upon completion of all appellate matters, the report and the recommendation shall be returned to the probation department. Unauthorized copying, dissemination, or disclosure of the contents of the report in violation of these rules may be treated as contempt of court and punished accordingly.

Committee Comment to 2013 amendment: The Rule is amended in response to language in *United States v. Peterson*, 711 F.3d 770 (7th Cir. 2013) suggesting that parties should be permitted to "evaluate any analysis that might form the basis of a judicial determination."

Committee Comment to 2012 amendment: The Rule is amended to render it consistent with Federal Rule of Criminal Procedure 32(f) and to set reasonable deadlines for the parties' submissions to the court.

Committee Comment to 2002 amendment: Prior to its most recent amendment, the rule had required the probation officer to "mail a preliminary report, without the recommendation to the defendant, the defendant's attorney and the attorney for the government." The above-quoted language did not expressly require that the recommendation be kept confidential. It merely prevented its early disclosure. We believe that the phrase "without the recommendation" was included in the prior rule because it reflected the long-standing practice of confidentiality. This commonly accepted practice had existed for decades. All district courts in this Circuit treat the recommendations as confidential. Nevertheless, elimination of the phrase has led to uncertainty over the continuing confidentiality of the recommendations.

Amended October 21, 2013, October 30, 2015

LCrR32.1.1. Petitions & Reports Relating to Modification of Terms of Probation or Supervised Release

The probation department will file with the court any petitions or reports dealing with alleged violations or modification of conditions of probation or supervised release. The probation department will also file with such petition or report a proof of service indicating that a copy of such petition or report has been served upon the United States attorney, to the defendant, and, if the defendant is represented, to the defendant's attorney.

LCrR32.3. Confidentiality of Records Relating to Presentence Investigation Reports and Probation Supervision

Records maintained by the probation department of this Court relating to the preparation of presentence investigation reports and the supervision of persons on probation or supervised release are confidential. Information contained in the records that is relied on by the probation department to prepare presentence investigation or supervision reports may be released only by order of the court. Requests for such information shall be by written petition establishing with particularity the need for specific information contained in such records. A court order is not necessary to obtain criminal history information, which the probation department shall make available to counsel of record upon request.

When a demand by way of a subpoena or other judicial process is made of a probation officer either for testimony concerning information contained in such records or for the records or copies of the records, the probation officer may petition the court for instructions. The probation officer shall neither disclose the information nor provide the records or copies of the records except on order of this Court or as provided in LCrR32.1.

Amended January 30, 2009

LCrR41. Search Warrants

(a) Submission of warrant applications. Except for matters that are reserved for the Chief Judge (for example, in LCr 50.2 (2) and LCr 6.1) and as provided in (b), applications for search warrants or seizure warrants must be submitted to the duty magistrate judge.

(b) A district judge may issue a standing order that search warrants or seizure warrants related to a case assigned to that judge must be brought to that judge.

(c) Assignment of case numbers. When an application for a search warrant or seizure warrant is approved and the warrant is signed by the duty magistrate judge, the application and warrant will be given a Miscellaneous (M) case number and be assigned to the magistrate judge who signed the warrant. When a search warrant or seizure warrant is signed by a district judge as provided in (b), the application and warrant will be given the CR number of the case before the district judge and docketed in that case.

(d) Motions to Seal. This rule, rather than LR26.2, governs a motion to seal a search warrant or seizure warrant. A motion to seal a warrant must be brought to the district judge or magistrate judge who signed the warrant, and must specify a date no more than 90 days later when the sealing order will expire absent a further court order. Any application for delayed notice of a search must comply with 18 U.S.C. § 3103. All filings will be unsealed upon the expiration of the sealing order.

(e) A Motion to Extend a Sealing Order.

(1) Any motion to extend an order sealing a warrant or to extend delayed notice must be brought to the district judge or magistrate judge who signed the warrant. If a motion is brought at a time when that judge is unavailable, the motion shall be heard by the duty magistrate judge.

(2) The motion must be filed no later than three days prior to the expiration of the seal or delayed notice to allow adequate time for the review of the motion. The motion shall be filed electronically and a draft order must be submitted to the assigned judge's proposed order email box.

(f) Search Warrant Returns. The return of the search warrant must be made in accordance with the Federal Rules of Criminal Procedure. In addition to that requirement, the United States Attorney's Office must also electronically file a copy of the return including the inventory of property seized into the court's Electronic Case Filing System. If the application and warrant are sealed at the time of the return of the search warrant, the return of the search warrant will also be filed under seal.

Adopted April 27, 2015

LCrR44.1. Interim CJA Payments

In a case in which representation of a criminal defendant is projected to be unusually complex and lengthy, an attorney appointed pursuant to the Criminal Justice Act ("CJA Attorney") may seek approval for interim payments. A motion for such approval must cite this local criminal rule and justify the request on the basis of the hardship to counsel in undertaking the representation for a period of the projected length without compensation, pursuant to the Guidelines for the Administration of the Criminal Justice Act, ¶2.30. The motion must certify the CJA Attorney's acceptance of the following requirements:

1. Counsel shall submit quarterly, or on a schedule approved by the Court, to the Clerk of Court an interim CJA form 20 “Appointment of and Authority to Pay Court Appointed Counsel.” The first interim voucher shall reflect all compensation claimed and reimbursable expenses incurred, from the effective date of the appointment through the date in which the first interim voucher is submitted.

2. Each voucher shall include the time period covered and shall be consecutively numbered.

3. Interim vouchers shall be submitted quarterly, or on a schedule approved by the Court, even in those periods for which little or no compensation or expenses are claimed.

4. All interim vouchers shall be supported by detailed and itemized statements of attorney time and expenses. Each voucher shall include the total amount of money requested to date.

5. The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for 80 percent of the approved number of hours. This compensation will be determined by multiplying 80 percent of the approved number of hours by the applicable rate. Counsel should note that the interim payments are partial tentative payments and the final payment may be adjusted if necessary by the Court.

6. Within 45 days of the conclusion of the representation, counsel shall submit a final voucher seeking payment of the 20% balance withheld from the earlier interim vouchers, as well as payment for the representation provided during the final interim period. After reviewing the final voucher, the Court will submit it to the Chief Judge of the Circuit or his or her delegate for review and approval.

7. Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation.

8. Although the statute and applicable regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of $500.00 without prior approval of the Court. Such approval may by sought be filing an ex parte application with the Clerk, stating the nature of the expense, the estimated cost, and the reason the expense is necessary to the representation. An application seeking such approval may be filed in camera, if necessary.

9. Recurring expenses, such as telephone toll calls, photocopying and photographs, which may aggregate more than $500 on one or more interim vouchers, are not considered a single item expense requiring prior court approval.

10. Telephone toll calls, photocopying, and photographs may be reimbursable expenses if reasonably incurred.

11. General office overhead, such as rent, secretarial help, and normal telephone service is not a reimbursable expense, nor are items of a personal nature.

12. Expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17 of the Fed.R.Crim.P. and 28 U.S.C. §1825.

13. In some instances, travel may be required for purposes of consulting with the client or with predecessor counsel, interviewing witnesses or experts, etc. In such circumstances, where travel is required outside the County of Cook for cases assigned to the Eastern Division, or outside the County of Winnebago for cases assigned to the Western Division, travel expenses, such as airfare, mileage, parking fee, meals and lodging, can be claimed as itemized expenses. If expenses relating to a single trip will exceed a total of $500.00, counsel must seek prior Court approval. Actual expenses incurred for meals and lodging in the course of such travel must conform to the prevailing government travel regulations imposed on federal judiciary employees for official travel.

14. CJA Attorneys are bound by the regulations of the Criminal Justice Act set forth in (1) 18 U.S.C. §3006A; (2) the Plan of the United States District Court for the Northern District of Illinois, available through the Clerk of Court; and (3) Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of the U.S. Courts, also available through the Clerk of Court. Should these references fail to provide the desired clarification or direction, counsel should address their inquiry directly to this Court and its staff.

Adopted September 25, 2014

LCrR46.1. Bail Bonds

(a) Who May Approve Bonds. When the amount of bail has been set by the judge or magistrate judge, a bond, whether secured by the defendant's own recognizance or by a surety may be approved by a magistrate judge, the clerk, or one of the officers specified in 18 U.S.C. §3041, *provided* that only a judge may admit to bail or otherwise release a person charged with an offense punishable by death.

(b) Refund of Cash Deposit. Where a defendant's bond is secured by depositing cash with the clerk, the cash shall be refunded when the conditions of the bond have been performed and the defendant has been discharged from all obligations thereon. However, if the sentence includes a fine or costs, the sentence shall constitute a lien in favor of the United States on the amount deposited to secure the bond. In such instances the amount deposited can be refunded only by

order of court. No such lien shall attach when someone other than the defendant has deposited the cash and refund is directed to someone other than the defendant.

At the time the cash deposit is made, the person furnishing the cash ("the depositor") shall be given a receipt by the clerk. The depositor shall at the time of the deposit indicate in writing the name and address of the person to whom the cash is to be refunded. This shall be done on Form LCrR46.1. The depositor may change the designation of the person to receive the refund by completing a new form and filing it with a fiscal deputy in the clerk's office at any time before the refund is made.

A refund to a person other than the depositor shall be made only pursuant to an order of court.

LCrR46.2. Pretrial Services Agency

The Pretrial Services Agency of this Court ("Agency") shall perform the following functions:

(1) collect, verify and report promptly to the district or magistrate judge information pertaining to the pretrial release of each person charged with an offense, including any drug testing information, and recommend appropriate release conditions;

(2) review and modify the reports and recommendations made in (1) above for persons seeking release pursuant to 18 U.S.C. §3145;

(3) supervise persons released into its custody;

(4) with the cooperation of the Administrative Office of the United States Courts, and with the approval of the Attorney General, operate or contract for the operation of appropriate facilities for the custody or care of persons released under Chapter 207 of Title 18 of the United States Code, including, but not limited to, residential halfway houses, drug addiction and alcoholism treatment centers and counseling services;

(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions;

(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under Chapter 207 of Title 18 of the United States Code and advise the court as to the eligibility, availability and capacity of such agencies;

(7) assist persons released on bond in securing any necessary employment, medical, legal, or social services;

(8) prepare, in cooperation with the United States marshal and the United States attorney, such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial; and

(9) perform such other functions as the court may assign from time to time.

LCrR46.3. Notifying Pretrial Services Agency of Arrest and Filing of Case

(a) Arrest or Confinement. The Pretrial Services Agency ("Agency") shall be notified (1) by the arresting officer, or (2) by the officer receiving the defendant if the defendant was arrested by local officers and subsequently turned over to federal officers, as soon as practicable following the arrest or transfer, of the facts of such arrest or transfer, the name of the defendant, the charge upon which the defendant has been arrested or transferred, and the place wherein the defendant is being detained.

(b) Filing of Case. Immediately following the filing of a complaint the magistrate judge shall cause a copy of it to be forwarded to the Agency. The clerk shall cause a copy of each indictment or information filed to be forwarded to the Agency immediately following the filing, provided that if the indictment is suppressed, the clerk shall cause the copy to be forwarded immediately following the release of the suppression.

LCrR46.4. Confidentiality of Pretrial Services Information and Reports

(a) General. The information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of release determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government in connection with a pretrial release or detention hearing, a pretrial release revocation proceeding, or any judicial proceeding to modify the conditions of release. The pretrial services report should not be disclosed to other parties by the attorney for the defendant or the attorney for the Government. Any copies of the pretrial services report so disclosed shall be returned to the pretrial services officer at the conclusion of the hearing.

(b) Prohibition of disclosure. Unless authorized by the regulations as established by the Director of the Administrative Office, or ordered by the judicial officer for good cause shown, a pretrial services officer shall not disclose pretrial services information. This prohibition on unauthorized disclosure applies whether such disclosure is sought through the direct testimony of the pretrial services officer or by means of a subpoena, subpeona duces tecum, or other form of judicial process.

The term "pretrial services information" shall include any information whether recorded or not, that is obtained or developed by a pretrial services officer in the course of performing a pretrial services investigation, preparing the pretrial services report, performing any post-release of post-detention investigation, or supervising a defendant released pursuant to chapter 207 of Title 18, United States Code. The term does not include any information appearing in the public records of the court.

Any disclosure of pretrial services information permitted under the provisions of these regulations or ordered by the judicial officer shall be limited to the minimum information necessary to carry out the purpose of the disclosure.

LCrR47.1. Motions

(a) Notice and Presentation. Except as provided in section (c) of this rule, LR5.3 and LR78.1 shall apply to motions filed in criminal cases and proceedings.

(b) Briefing Motions. A contested motion shall be accompanied by a short, concise brief in support of the motion, together with citations of authority. An original and a copy of the motion and brief shall be filed. The clerk shall forward the copy to the judge unless otherwise ordered by the court. The opposing party shall file an answering brief within 14 days of receiving the supporting brief. The moving party may file a reply brief within 7 days of receipt of the answering brief.

Failure to file a supporting or answering brief shall not be deemed a waiver of the motion or a withdrawal of opposition thereto, but the court on its own motion or that of a party may strike or grant the motion without further hearing. Failure to file reply brief within the requisite time shall be deemed a waiver of the right to file.

The court may by order excuse the filing of supporting, answering, or reply briefs, and may shorten or extend the time fixed by this rule filing briefs.

Any party may on notice call the motion or matter to the attention of the court for a decision. When requested, oral argument may be allowed in the Court's discretion.

(c) Exceptions. The following motions are not subject to the provisions of section (a) of this rule:

(1) Pretrial motions. Motions filed pursuant to LCrR12.1 are not subject to the requirements of this rule.

(2) Ex Parte Motions. The original, signed motion shall be presented to the court at the hearing. Copies of the stipulated motions shall be served on all parties as soon thereafter as practicable.

Amended October 13, 2004 and November 19, 2009

LCrR50.1. Related Cases: Reassignment of Cases as Related

Two or more criminal cases may be related if all of the defendants named in each of the cases are the same and none of the cases includes defendants not named in any of the other cases. A case may be reassigned to the calendar of another judge as related if it is found to be related to another case and it meets the criteria established by LR40.4(b) for reassigning civil cases. The

procedures set out in LR40.4(c) and (d) shall be followed where the reassignment of a criminal case based on relatedness is sought.

LCrR50.2. Direct Assignments: Criminal

In each of the following instances, the assignment clerk shall assign the case to a judge in the manner specified:

(1) ***Criminal Contempt Cases arising out of Grand Jury proceedings.*** Any criminal contempt case arising out of grand jury proceedings shall be assigned to the chief judge at the time of filing. If the chief judge determines that such case should be heard by some other judge, it will be transferred to the Executive Committee with a recommendation that it be assigned by lot to some other judge.

(2) ***Interception of Wire and Oral Communications.*** All requests for authorization for interceptions of wire and oral communications or other investigatory matters arising under Chapter 119 of Title 18 of the U.S. Code shall be brought before the chief judge. Any civil suppressed cases arising out of such requests shall be assigned directly to the calendar of the chief judge.

(3) ***Cases Arising Out of Failure to Appear.*** Where an information or indictment is filed in which the principal charge is that the defendant failed to appear in a criminal proceeding in this Court, the information or indictment shall be assigned directly to the same calendar as that to which the earlier criminal proceeding is assigned.

(4) ***Superseding Indictments or Informations.*** The United States attorney will indicate on the designation sheet filed with each indictment or information whether or not it supersedes a pending indictment or information. A superseding indictment or information will be filed in the same case as the superseded indictment or information. Where it supersedes more than one indictment or information, it will be filed in the case which was first assigned to a district judge.

For the purpose of this subsection, an indictment or information supersedes an earlier filed indictment or information if at least one of the defendants in the later filed indictment or information is charged with at least one of the charges brought against the same defendant in an earlier filed indictment or information.

(5) ***Criminal cases where pre-indictment assignment made.*** Where a proceeding arising out of a criminal complaint is required to be heard by a district judge and is assigned by lot to a district judge prior to the filing of the indictment or information associated with the complaint, the indictment or information shall be assigned directly to the calendar of the judge to whom the proceeding was assigned. Where the indictment would have been assigned using a category different from the one used to assign the criminal complaint, appropriate equalization will be made.

LCrR50.3. Magistrate Judges: Assignments and Referrals

(a) Misdemeanors. Where a magistrate judge has not previously been designated pursuant to LR72.1, informations filed or indictments returned in the Eastern Division alleging the commission of a misdemeanor shall be assigned by lot among the magistrate judges sitting in that division. Similar informations filed or indictments returned in the Western Division shall be assigned to the magistrate judge sitting in division.

(b) Federal Enclave Magistrate Judge. From time to time the executive magistrate judge shall approve a schedule designating the periods during which each of the magistrate judges sitting in the Eastern Division will serve as the federal enclave magistrate judge. The federal enclave magistrate judge will conduct trials of all misdemeanors which arise in federal enclaves.

(c) Designation at Filing. Whenever a criminal case is filed in the Eastern Division and assigned to the calendar of a district judge, the clerk shall designate a magistrate judge in the manner provided in LR72.1. Where an indictment or information arises out of one or more criminal complaints, the designated magistrate shall be the magistrate to whom the earliest of those complaints was assigned. Where multiple defendants in a single complaint assigned to a magistrate judge are subsequently charged in more than one indictment or information arising out of that complaint, the designated magistrate judge for each such case shall be the magistrate judge to whom the complaint was assigned.

(d) Referrals. The procedures used to refer a matter in a criminal case to a magistrate judge shall be the same as those used to refer a civil case pursuant to LR72.1, provided that where a judge notifies the clerk in writing that the judge wishes to have criminal cases routinely referred to a magistrate judge for conducting arraignments and other pretrial matters, such notification shall act as a referral in lieu of the procedures specified in LR72.1. The clerk shall promptly notify the designated magistrate of the filing of any indictment or information assigned to the calendar of a judge who has filed a notice of routine reference.

(e) Forfeiture of Collateral Hearings. Hearings and other matters relating to violation notices and forfeiture of collateral proceedings pursuant to LCrR58.1 shall be handled in the Eastern Division by the magistrate judge designated as federal enclave magistrate judge on the day the hearings are scheduled and in the Western Division by the magistrate judge sitting in that division.

(f) Right to Proceed Before District Judge. If a proceeding assigned directly to a magistrate judge is such that a party to the proceeding has the right to proceed before a district judge and that party fails to waive that right, then the proceeding shall be reassigned to a district judge pursuant to LCrR50.4(b) as if it were an appeal from a judgment of a magistrate judge. The magistrate judge shall notify the clerk in writing of the failure to waive. The clerk will reassign the proceeding promptly following the receipt of that notice.

LCrR50.4. Magistrate Judges: Reviews and Appeals

(a) Duty Magistrate Judge. Where a review is requested of an order entered by the duty magistrate judge in proceedings directly assigned pursuant to LCrR5.1, the review shall be heard by the emergency judge. The request for review shall be brought to the attention of the emergency judge by the party seeking review as soon as practicable following the entry of the order by the magistrate judge. The party seeking review shall be responsible for notifying the other parties involved in the proceeding that a review will be requested and for notifying them of the time the review is noticed before the emergency judge.

(b) CVB and Misdemeanor. Appeals from final judgments entered by a magistrate judge in violation notice and forfeiture of collateral proceedings and misdemeanor cases shall be assigned by lot to a judge of this Court. For assignment purposes, such appeals shall be considered as cases in the magistrate judge class established by the procedures adopted pursuant to LR40.2. The assignments of a judge shall be made when the appeal is filed with the clerk pursuant to Fed.R.Crim.P. 58(g)(2).

LCrR57.1. Attorneys: Filing Appearances

Each attorney representing a defendant in a criminal proceeding shall file an appearance. The appearance must be filed prior to or simultaneously with the filing of any motion, brief or other document or at the initial court appearance, whichever occurs first. A copy of the appearance shall be served on the United States attorney.

The filing of an appearance in a pre-indictment proceeding does not relieve an attorney from filing an appearance in a subsequent proceeding should an indictment be returned or an information filed against the defendant. A copy of the appearance in the subsequent proceedings shall also be served on the United States attorney.

The appearance shall be on the form prescribed by LR83.16.

LCrR57.2. Release of Information by Courthouse Personnel

All courtroom and courthouse personnel, including, but not limited to, deputy marshals, court security officers, minute clerks, court reporters, pretrial services officers, probation officers, and clerical personnel of the offices of the United States marshal, the clerk of court, the probation department, and pretrial services, shall not disclose to any person, without authorization by the court, information relating to a pending criminal case that is not part of the public record. In particular, all such personnel shall not divulge any information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LCrR58.1. Petty Offenses; Central Violations Bureau

(a) Executive Committee. Orders establishing the amount of collateral to be posted by defendants alleged to have committed petty offenses and those cases in which the collateral may be accepted in lieu of appearances may be entered by the Executive Committee acting for the Court.

(b) Collateral In Lieu Of Appearance. Collateral may be posted by a defendant in lieu of appearance where the charge is one of the petty offenses listed in an order entered pursuant to (a) of this rule. The collateral shall be in the amount specified in that order. Collateral may not be posted by a defendant in lieu of appearance either–

(1) where the petty offense involved or contributed to an accident which resulted in personal injury or damage to property in excess of $100, or

(2) for a subsequent offense not arising out of the same facts or sequence of events which resulted in the original offense.

(c) Forfeiture of Collateral. Posting collateral pursuant to section (b) of this rule signifies that the defendant neither contests the charge nor requests a hearing before the designated magistrate judge. The failure of the defendant to appear shall result in the forfeiture of the amount posted. Such forfeiture shall be tantamount to a finding of guilty. The clerk shall certify the record of any conviction of a traffic violation to the proper state authority as required by the applicable state statute.

(d) Central Violations Bureau (CVB). The clerk shall maintain a central violations bureau (CVB). All agencies issuing violation notices shall prepare the notices in the form prescribed by the Director of the Administrative Office of the United States Courts. Agencies shall promptly submit to the CVB the original and one copy of any violation notice issued or any which the agency wishes to be voided or dismissed.

(e) Dismissals and Voids. No violation notice may be dismissed or voided except by order of court. Requests to dismiss or void made by agencies shall be submitted to the CVB. The CVB shall notify the United States attorney of the request. The United States attorney shall present the request to the designated magistrate judge at a regular call of violation notices.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix A

STANDING PRETRIAL PROCEDURE ORDER AND FORMS

STANDING ORDER ESTABLISHING PRETRIAL PROCEDURE

(Adopted Pursuant to General Order of 26 June 1985; Amended Pursuant to General Orders of 27 November 1991 and 9 March 1995)

1. Introduction

This pretrial procedure is intended to secure a just, speedy, and inexpensive determination of the issues. If the type of procedure described below does not appear calculated to achieve these ends in this case, counsel should seek an immediate conference with the judge and opposing counsel so that alternative possibilities may be discussed. Failure of either party to comply with the substance or the spirit of this *Standing Order* may result in dismissal of the action, default or other sanctions appropriate under Fed. R. Civ. P. 16 or 37, 28 U.S.C. §1927 or any other applicable provisions.

Parties should also be aware that there may be variances in the forms and procedures used by each of the judges in implementing these procedures. Accordingly, parties should contact the minute clerk for the assigned judge for a copy of any standing order of that judge modifying these procedures.

2. Scheduling Conference

Within 60 days after the appearance of a defendant and within 90 days after the complaint has been served on a defendant in each civil case (other than categories of cases excepted by local General Rule 5.00), the court will usually set a scheduling conference (ordinarily in the form of a status hearing) as required by Fed.R.Civ.P. 16. At the conference, counsel should be *fully prepared* and have authority to discuss any questions regarding the case, including questions raised by the pleadings, jurisdiction, venue, pending motions, motions contemplated to be filed, the contemplated joinder of additional parties, the probable length of time needed for discovery and the possibility of settlement of the case. Counsel will have the opportunity to discuss any problems confronting them, including the need for time in which to prepare for trial.

3. Procedures for Complex or Protracted Discovery

If at any time during the scheduling conference or later status, hearings it appears that complex or protracted discovery will be sought, the court may

(a) determine that the *Manual on Complex Litigation 2d* be used as a guide for procedures to be followed in the case, or

(b) determine that discovery should proceed by phases, or

(c) require that the parties develop a joint written discovery plan under Fed.R.Civ.P. 26 (f).

If the court elects to proceed with phased discovery, the first phase will address information necessary to evaluate the case, lay the foundation for a motion to dismiss or transfer, and explore settlement. At the end of the first phase, the court may require the parties to develop a joint written discovery plan under Fed.R.Civ.P. 26 (f) and this *Standing Order*.

If the court requires parties to develop a discovery plan, such plan shall be as specific as possible concerning dates, time, and places discovery will be sought and as to the names of persons whose depositions will be taken. It shall also specify the parties' proposed discovery closing date. Once approved by the court, the plan may be amended only for good cause. Where the parties are unable to agree on a joint discovery plan, each shall submit a plan to the court. After reviewing the separate plans, the court may take such action as it deems appropriate to develop the plan.

Where appropriate, the court may also set deadlines for filing and a time framework for the disposition of motions.

4. Discovery Closing Date

In cases subject to this *Standing Order*, the court will, at an appropriate point, set a discovery closing date. Except to the extent specified by the court on motion of either party, discovery must be *completed* before the discovery closing date. Discovery requested before the discovery closing date, but not scheduled for completion before the discovery closing date, does not comply with this order.

5. Settlement

Counsel and the parties are directed to undertake a good faith effort to settle that includes a thorough exploration of the prospects of settlement before undertaking the extensive labor of preparing the Order provided for in the next paragraph. The court may require that representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference.

If the parties wish the court to participate in a settlement conference, counsel should ask the court or the minute clerk to schedule such conference. In a case where the trial will be conducted without a jury, particularly as the case nears the date set for trial, the preferred method of having the court preside over settlement talks is for the assigned judge to arrange for another judge to preside or to refer the task to a magistrate judge. If the case has not been settled and is placed on the court's trial calendar, settlement possibilities should continue to be explored throughout the period before trial. If the case is settled, counsel shall notify the minute clerk promptly and notice up the case for final order.

6. Final Pretrial Order

The court will schedule dates for submission of a proposed final pretrial order (Order) and final pretrial conference (Conference) in accordance with Fed.R.Civ.P. 16. In the period between notice and the date for submission of the pretrial order:

> (a) Counsel for all parties are directed to meet in order to (1) reach agreement on any possible stipulations narrowing the issues of law and fact, (2) deal with nonstipulated issues in the manner stated in this paragraph and (3) exchange copies of documents that will be offered in evidence at the trial. The court may direct that counsel meet in person (face-to-face). It shall be the duty of counsel for plaintiff to initiate that meeting and the duty of other counsel to respond to plaintiff's counsel and to offer their full cooperation and assistance to fulfill both the substance and spirit of this standing order. If, after

reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be his or her duty to advise the court of this fact by appropriate means.

(b) Counsel s meeting shall be held sufficiently in advance of the date of the scheduled Conference with the court so that counsel for each party can furnish all other counsel with a statement (Statement) of the issues the party will offer evidence to support. The Statement will (1) eliminate any issues that appear in the pleadings about which there is no controversy, and (2) include all issues of law as well as ultimate issues of fact from the standpoint of each party.

(c) It is the obligation of counsel for plaintiff to prepare from the Statement a draft Order for submission to opposing counsel. Included in plaintiff's obligation for preparation of the Order is submission of it to opposing counsel in ample time for revision and timely filing. Full cooperation and assistance of all other counsel are required for proper preparation of the Order to fulfill both the substance and spirit of this Standing Order. All counsel will jointly submit the original and one copy of the final draft of the Order to the judge's chambers (or in open court, if so directed) on the date fixed for submission.

(d) All instructions and footnotes contained within the Final Pretrial Order form promulgated with this *Standing Order* must be followed. They will be binding on the parties at trial in the same manner as though repeated in the Order. If any counsel believes that any of the instructions and/or footnotes allow for any part of the Order to be deferred until after the Order itself is filed, that counsel shall file a motion seeking leave of court for such deferral.

(e) Any pending motions requiring determination in advance of trial (including, without limitation, motions *in limine*, disputes over specific jury instructions or the admissibility of any evidence at trial upon which the parties desire to present authorities and argument to the court) shall be specifically called to the court's attention not later than the date of submission of the Order.

(f) Counsel must consider the following matters during their conference:

(1) Jurisdiction (if any question exists in this respect, it must be identified in the Order);

(2) Propriety of parties; correctness of identity of legal entities; necessity for appointment of guardian, administrator, executor or other fiduciary, and validity of appointment if already made; correctness of designation of party as partnership, corporation or individual d/b/a trade name; and

(3) Questions of misjoinder or nonjoinder of parties.

7. Final Pretrial Conference

At the Conference each party shall be represented by the attorneys who will try the case (unless before the conference the court grants permission for other counsel to attend in their place). All

attending attorneys will familiarize themselves with the pretrial rules and will come to the Conference with full authority to accomplish the purposes of F.R.Civ.P. 16 (including simplifying the issues, expediting the trial and saving expense to litigants). Counsel shall be prepared to discuss settlement possibilities at the Conference without the necessity of obtaining confirmatory authorization from their clients. If a party represented by counsel desires to be present at the Conference, that party's counsel must notify the adverse parties at least one week in advance of the conference. If a party is not going to be present at the Conference, that party's counsel shall use their best efforts to provide that the client can be contacted if necessary. Where counsel represents a governmental body, the court may for good cause shown authorize that counsel to attend the Conference even if unable to enter into settlement without consultation with counsel's client.

8. Extensions of Time for Final Pretrial Order or Conference

It is essential that parties adhere to the scheduled dates for the Order and Conference, for the Conference date governs the case's priority for trial. Because of the scarcity of Conference dates, courtesy to counsel in other cases also mandates no late changes in scheduling. Accordingly, *no* extensions of the Order and Conference dates will be granted without good cause, and no request for extension should be made less than 14 days before the scheduled Conference.

9. Action Following Final Pretrial Conference

At the conclusion of the Conference the court will enter an appropriate order reflecting the action taken, and the case will be added to the civil trial calendar. Although no further pretrial conference will ordinarily be held thereafter, a final conference may be requested by any of the parties or ordered by the court prior to trial. Any case ready for trial will be subject to trial as specified by the court.

10. Documents Promulgated with the *Standing Order*

Appended to this *Standing Order* are the following:

(a) a form of final pretrial order;

(b) a form for use as Schedule (c), the schedule of exhibits for the final pretrial order;

(c) a form of pretrial memorandum to be attached to the completed final pretrial order in personal injury cases;

(d) a form of pretrial memorandum to be attached to the completed final pretrial order in employment discrimination cases; and

(e) guidelines for preparing proposed findings of fact and conclusions of law.

Each of the forms is annotated to indicate the manner in which it is to be completed.

Form LR16.1.4. Final Pretrial Order Form

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

[*indicate Eastern or Western*] DIVISION

	Plaintiff[1]	)
v.		) Civil Action No.
	Defendant	) Judge [*Insert name of assigned judge*]

FINAL PRETRIAL ORDER

This matter having come before the court at a pretrial conference held pursuant to Fed. R. Civ. P. ("Rule") 16, and [*insert name, address and telephone number*] having appeared as counsel for plaintiff(s) and [*insert name, address and telephone number*] having appeared as counsel for defendant(s), the following actions were taken:

(1) This is an action for [*insert nature of action, e.g., breach of contract, personal injury*] and the jurisdiction of the court is invoked under [*insert citation of statute on which jurisdiction based*]. Jurisdiction is (not) disputed.[2]

(2) The following stipulations and statements were submitted and are attached to and made a part of this Order:[3]

> **(a)** a comprehensive stipulation or statement of all uncontested facts, which will become a part of the evidentiary record in the case (and which, in jury trials, may be read to the jury by the court or any party);[4]

---

[1] Singular forms are used throughout this document. Plural forms should be used as appropriate. Where a third-party defendant is joined pursuant to Rule 14(a), the Order may be suitably modified. In such cases, the caption and the statement of parties and counsel shall be modified to reflect the joiner.

[2] In diversity cases or other cases requiring a jurisdictional amount in controversy, the Order shall contain either a stipulation that the required jurisdictional amount is involved or a brief written statement citing evidence supporting the claim that such sum could reasonably be awarded.

[3] The asterisked (*) options shall not be required unless the court explicitly orders inclusion of one or more of them. On motion of any party or on the court's own motion, any other requirement of the Order may be waived.

[4] Counsel for plaintiff has the responsibility to prepare the initial draft of a proposed stipulation 4 dealing with allegations in the complaint. Counsel for any counter-, cross- or third-party complainant has the same responsibility to prepare a stipulation dealing with allegations in that party's complaints. If the admissibility of any uncontested fact is challenged, the party objecting and the grounds for objection must be stated.

(b) for jury trials a short agreed description of the case to be read to prospective jurors.

(c) except for rebuttal exhibits, schedules in the form set out in the attached Schedule (c) of—

(1) all exhibits (all exhibits shall be marked for identification before trial), including documents, summaries, charts and other items expected to be offered in evidence and

(2) any demonstrative evidence and experiments to be offered during trial;[5]

(d) a list or lists of names and addresses of the potential witnesses to be called by each party, with a statement of any objections to calling, or to the qualifications of, any witness identified on the list;[6]

(e) stipulations or statements setting forth the qualifications of each F.R. Evid 702 witness in such form that the statement can be read to the jury at the time the F.R. Evid 702 witness takes the stand;[7]

(f) a list of all depositions, and designated page and line numbers, to be read into evidence and statements of any objections thereto;[8]

(g) an itemized statement of damages;

(h)* for a jury trial, each party shall provide the following:

(i) trial briefs except as otherwise ordered by the court;[9]

---

[5] Items not listed will not be admitted unless good cause is shown. Cumulative documents, particularly x-rays and photos, shall be omitted. Duplicate exhibits shall not be scheduled by different parties, but may be offered as joint exhibits. All parties shall stipulate to the authenticity of exhibits whenever possible, and this Order shall identify any exhibits whose authenticity has not been stipulated to and specific reasons for the party's failure so to stipulate. As the attached Schedule (c) form indicates, non-objected-to exhibits which have been explicitly referred to in testimony or stipulation or published to the jury are received in evidence by operation of this Order, without any need for further foundation testimony. Copies of exhibits shall be made available to opposing counsel and a bench book of exhibits shall be prepared and delivered to the court at the start of the trial unless excused by the court. If the trial is a jury trial and counsel desires to display exhibits to the members of the jury, sufficient copies of such exhibits must be made available so as to provide each juror with a copy, or alternatively, enlarged photographic copies or projected copies should be used.

[6] Each party shall indicate which witnesses *will* be called in the absence of reasonable notice to opposing counsel to the contrary, and which *may* be called as a possibility only. Any witness not listed will be precluded from testifying absent good cause shown, except that each party reserves the right to call such rebuttal witnesses (who are not presently identifiable) as may be necessary, without prior notice to the opposing party.

[7] Only one F.R. Evid. 702 witness on each subject for each party will be permitted to testify absent good cause shown. If more than one F.R. Evid. 702 witness is listed, the subject matter of each expert's testimony shall be specified.

[8] If any party objects to the admissibility of any portion, both the name of the party objecting and the grounds shall be stated. Additionally, the parties shall be prepared to present to the court, at such time as directed to do so, a copy of all relevant portions of the deposition transcript to assist the court in ruling *in limine* on the objection. All irrelevant and redundant material including all colloquy between counsel shall be eliminated when the deposition is read at trial. If a video deposition is proposed to be used, opposing counsel must be so advised sufficiently before trial to permit any objections to be made and ruled on by the court, to allow objectionable material to be edited out of the film before trial.

[9] (*Note: The use of the asterisk (*) is explained in Footnote 3.*) No party's trial brief shall exceed 15 pages without prior approval of the court. Trial briefs are intended to provide full and complete disclosure of the parties' respective theories of the case. Accordingly, each trial brief shall include statements of—

(ii) one set of marked proposed jury instructions, verdict forms and special interrogatories, if any;[10] and

(iii) a list of the questions the party requests the court to ask prospective jurors in accordance with Fed.R.Civ.P. 47(a);

(i) a statement that each party has completed discovery, including the depositions of F.R. Evid 702 witnesses (unless the court has previously ordered otherwise). Absent good cause shown, no further discovery shall be permitted;[11] and

(j) subject to full compliance with all the procedural requirements of Rule 37(a)(2), a brief summary of intended motions in limine. Any briefs in support of and responses to such motions shall be filed as directed by the Court.

(2.1) The following *optional* stipulations and statements were submitted and are attached to and made a part of this Order:

(k)* an agreed statement or statements by each party of the contested issues of fact and law and a statement or statements of contested issues of fact or law not agreed to;

(l)* waivers of any claims or defenses that have been abandoned by any party;

(m)* for a non-jury trial, each party shall provide proposed *Findings of Fact and Conclusions of Law* in duplicate (see guidelines available from the court's minute clerk or secretary);[12]

(a) the nature of the case,
(b) the contested facts the party expects the evidence will establish,
(c) the party's theory of liability or defense based on those facts and the uncontested facts,
(d) the party's theory of damages or other relief in the event liability is established, and
(e) the party's theory of any anticipated motion for directed verdict.

The brief shall also include citations of authorities in support of each theory stated in the brief. Any theory of liability or defense that is not expressed in a party's trial brief will be deemed waived.

[10] *Agreed* instructions shall be presented by the parties whenever possible. Whether agreed or unagreed, each marked copy of an instruction shall indicate the proponent and supporting authority and shall be numbered. All objections to tendered instructions shall be in writing and include citations of authorities. Failure to object may constitute a waiver of any objection.

In diversity and other cases where Illinois law provides the rules of decision, use of Illinois Pattern Instructions ("IPI") as to all issues of substantive law is required. As to all other issues, and as to all issues of substantive law where Illinois law does not control, the following pattern jury instructions shall be used in the order listed, e.g., an instruction from (b) shall be used only if no such instruction exists in (a):

(a) the Seventh Circuit pattern jury instructions; or,
(b) any pattern jury instructions published by a federal court. (Care should be taken to make certain substantive instructions on federal questions conform to Seventh Circuit case law.)

At the time of trial, an unmarked original set of instructions and any special interrogatories (on 8 ½" x 11" sheets) shall be submitted to the court; to be sent to the jury room after being read to the jury. Supplemental requests for instructions during the course of the trial or at the conclusion of the evidence will be granted solely as to those matters that cannot be reasonably anticipated at the time of presentation of the initial set of instructions.

[11] If this is a case in which (contrary to the normal requirements) discovery has not been completed, this Order shall state what discovery remains to be completed by each party.

[12] These shall be separately stated in separately numbered paragraphs. Findings of Fact should contain a detailed listing of the relevant material facts the party intends to prove. They should not be in formal language, but should be in simple narrative form. Conclusions of Law should contain concise statements of the meaning or intent of the legal theories set forth by counsel.

(3) Trial of this case is expected to take [*insert the number of days trial expected to take*] days. It will be listed on the trial calendar, to be tried when reached.

(4) [*Indicate the type of trial by placing an X in the appropriate box*]

Jury ☐ Non-jury ☐

(5) The parties recommend that [*indicate the number of jurors recommended*][13] jurors be selected at the commencement of the trial.

(6) The parties [*insert "agree" or "do not agree" as appropriate*] that the issues of liability and damages [*insert "should" or "should not" as appropriate*] be bifurcated for trial. On motion of any party or on motion of the court, bifurcation may be ordered in either a jury or a non-jury trial.

(7) [*Pursuant to 28 U.S.C. § 636(c), parties may consent to the reassignment of this case to a magistrate judge who may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case. Indicate below if the parties consent to such a reassignment.*]

☐ The parties consent to this case being reassigned to a magistrate judge for trial.

(8) This Order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

(9) Possibility of settlement of this case was considered by the parties.

_____
United States District Judge[14]

Date: _____

[*Attorneys are to sign the form before presenting it to the court.*]

_____ _____
Attorney for Plaintiff Attorney for Defendant

[13] Rule 48 specifies that a civil jury shall consist of not fewer than six nor more than twelve jurors.

[14] Where the case has been reassigned on consent of parties to a magistrate judge for all purposes, the magistrate judge will, of course, sign the final pretrial order.

Schedule (c)

Exhibits[15]

1. The following exhibits were offered by plaintiff, received in evidence and marked as indicated:

[*State identification number and brief description of each exhibit.*]

2. The following exhibits were offered by plaintiff and marked for identification. Defendant(s) objected to their receipt in evidence on the grounds stated:[16]

[*State identification number and brief description of each exhibit. Also state briefly the ground of objection, such as competency, relevancy or materiality, and the provision of Fed.R.Evid. relied upon. Also state briefly plaintiff's response to the objection, with appropriate reference to Fed.R.Evid.*]

3. The following exhibits were offered by defendant, received in evidence and marked as indicated:

[*State identification number and brief description of each exhibit.*]

4. The following exhibits were offered by defendant and marked for identification. Plaintiff objected to their receipt in evidence on the grounds stated:[17]

[*State identification number and brief description of each exhibit. Also state briefly the ground of objection, such as competency, relevancy or materiality, and the provision of Fed.R.Evid. relied upon. Also state briefly defendant's response to the objection, with appropriate reference to Fed.R.Evid.*]

5. Non-objected-to exhibits are received in evidence by operation of this Order. However, in jury trials, exhibits that have not been explicitly referred to in testimony or otherwise published to the jury prior to the close of all evidence or in argument are not in evidence.

Committee Comment

The amendment to the Final Pretrial Order Form will improve efficiency in litigation.

Amended October 4, 2006, July 1, 2008, July 24, 2015

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[15] As in the Final Pretrial Order form, references to "plaintiff" and "defendant" are intended 15 to cover those instances where there are more than one of either.

[16] Copies of objected-to exhibits should be delivered to the court with this Order, to permit rulings *in limine* where possible.

[17] *See* footnote 17.

Form LR16.1.2. Form of Pretrial Memorandum for Use in Personal Injury Cases

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

_____ DIVISION

	)	Civil Action No.
	)	
	)	Judge [*Insert name of assigned judge*]
v.	)	
	)	
	)	Plaintiff requests $_____
	)	
	)	Defendant offers $_____

PRETRIAL MEMORANDUM

Plaintiff's Name: _____
Age: _____
Occupation: _____
Marital status: _____

Attorney for plaintiff [*indicate name and phone number of trial attorney*]:
_____
_____
_____

Attorney for defendant [*indicate name and phone number of trial attorney*]:
_____
_____
_____

Summary of injuries [*note especially any permanent pathology*]:
_____
_____
_____

_

Date, hour, and place of occurrence:

_____

_

Attending physicians:

_____

_

Hospitals:

_____

_

Place of employment:

_____

_

_____

_

Part A. **Compensatory Damages** [*Parts A & B are to be completed by plaintiff's counsel.*]

1. Liquidated Damages:

(a)	Medical fees	$_____
(b)	Hospital bills	$_____
(c)	Loss of income	$_____
(d)	Miscellaneous expenses	$_____
	TOTAL	$_____

2. What is the total amount of compensatory damages claimed in this action? $_____

Part B. **Punitive Damages**

a. Does the plaintiff claim punitive damages?
Yes ☐ No ☐ If yes, how much? $_____

Brief Statement of Circumstances of Occurrence:
Plaintiff's view:

_____

_

_____
_
_____
_
_____
_

Defendant's view:

_____
_
_____
_
_____
_
_____
_

[*At the direction of the court the parties are to attach to this memorandum any medical reports or other materials useful for discussion at the pretrial conference.*]

Form LR16.1.3. Form of Pretrial Memorandum for Use in Employment Discrimination Cases

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

_____ DIVISION

	)	Civil Action No.
	)	
	)	Judge [*Insert name of assigned judge*]
v.	)	
	)	
	)	

PRETRIAL MEMORANDUM

Attorney for plaintiff [*Indicate name and phone number of trial attorney*]:

_____

_____

Plaintiff's brief summary of claim and statement of employment action:

_____

_____

_____

Attorney for defendant [*Indicate name and phone number of trial attorney*]:

_____

_____

Defendant's brief summary of defenses and statement of employment action:

_____

_____

_____

[*Plaintiff's counsel will complete Part A, Plaintiff's Summary of Damages, and defendant's counsel will complete Part B, Defendant's Summary of Damages, Assuming Liability. As indicated in the title to Part B, defendant's counsel must complete the section using the assumption of liability, even though defendant disputes liability.*]

Part A. Plaintiff's Summary of Damages

1. Lost Wages and Benefits: [*For each year for which damages are claimed, indicate (A) the total wages and benefits that would have been earned working for defendant but for the discrimination, (B) the total wages, benefits, and other income earned in substitute employment that plaintiff was able to obtain, (C) additional wages and benefits defendant maintains plaintiff could have earned, and (D) the difference between (A) and the total of [(B) + (C)*].

Year[18]	**A** Amounts Lost Due to Discrimination	**B** Amounts Earned in Substitute Employment	**C** Additional Amounts Could Have Earned	D Difference (A-(B+C))
19_____	_____	_____	_____	_____
19_____	_____	_____	_____	_____
			Total Lost Wages & Benefits:	$_____

2. (a) Attorney Fees (to date): $_____
   (b) Costs (to date): $_____
3. Do you claim:
   (a) Pain, suffering, emotional injury, etc.?
   Yes ☐ No ☐ If yes, how much? $_____
   (b) Punitive or liquidated (double) damages?
   Yes ☐ No ☐ If yes, how much? $_____
   (c) Pre-judgment interest?[19]
   Yes ☐ No ☐ If yes, how much? $_____
4. Do you claim any other kinds of damage?
   Yes ☐ No ☐ If yes, what kind and how much?_____ $_____

5. Total Amount Claimed: $_____

[18] Only two years are shown. Use the appropriate number of years in completing the form.
[19] The inclusion of both liquidated damages and pre-judgment interest in this form is not intended to suggest that both are or are not recoverable.

Part B. **Defendant's Summary of Damages, Assuming Liability** [*This portion is to be completed in good faith even though defendant disputes liability.*]

1. [*For each year for which damages are claimed, indicate (A) the total wages and benefits that would have been earned working for defendant but for the discrimination, (B) the total wages, benefits, and other income earned in substitute employment that plaintiff was able to obtain, (C) additional wages and benefits defendant maintains plaintiff could have earned, (D) other amounts received, such as disability or pension payments, and (E) the difference between (A) and the total of (B) + (C) + (D).*]

Year[20]	**A** Amounts Lost Due to Discrimination	**B** Amounts Earned in Substitute Employment	**C** Additional Amounts Could Have Earned	D Difference (A-(B+C+D))
19_____	_____	_____	_____	_____
19_____	_____	_____	_____	_____

Total Lost Wages & Benefits: $_____

2. Does the defendant dispute the amount claimed for attorney's fees and costs?
Yes No If yes, explain, giving estimated amount due:

_____
_
_____ $_____

3. Does the defendant dispute the amount claimed for pain, suffering, emotional injury, etc?
Yes No If yes, explain, giving estimated amount due:

_____
_____ $_____

4. Does the defendant dispute the claim for pre-judgment interest?
Yes No If yes, explain, giving estimated amount due:

_____
_
_____ $_____

5. Does the defendant dispute the claim for punitive damages?
Yes No If yes, explain, giving estimated amount due:

_____
_
_____ $_____

6. Does the defendant dispute any other claims for damages made by the plaintiff?
Yes No If yes, explain, giving estimated amount due:

_____

[20] Only two years are shown. Use the appropriate number of years in completing the form.

–
_____ $_____

7. Total amount owed, assuming liability: $_____

GUIDELINES FOR PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) Plaintiff shall first provide the court with proposed findings and conclusions, which shall have been served on each defendant. Each defendant shall then provide the court with answering proposals, which shall have been served on each plaintiff.

(b) Plaintiff's proposals shall include (a) a narrative statement of *all facts* proposed to be proved and (b) a concise statement of plaintiff's legal contentions and the authorities supporting them:

(1) Plaintiff's narrative statement of facts shall set forth in simple declarative sentences all the facts relied upon in support of plaintiff's claim for relief. It shall be complete in itself and shall contain no recitation of any witness' testimony or what any defendant stated or admitted in these or other proceedings, and no references to the pleadings or other documents or schedules as such. It may contain references in parentheses to the names of witnesses, depositions, pleadings, exhibits or other documents, but no party shall be required to admit or deny the accuracy of such references. It shall, so far as possible, contain no pejoratives, labels or legal conclusions. It shall be so constructed, in consecutively numbered paragraphs (though where appropriate a paragraph may contain more than one sentence), that each of the opposing parties will be able to admit or deny each separate sentence of the statement.

(2) Plaintiff's statement of legal contentions shall set forth all such plaintiff's contentions necessary to demonstrate the liability of each defendant to such plaintiff. Such contentions shall be separately, clearly and concisely stated in separately numbered paragraphs. Each paragraph shall be followed by citations of authorities in support thereof.

(c) Each defendant's answering proposals shall correspond to plaintiff's proposals:

(1) Each defendant's factual statement shall admit or deny each separate sentence contained in the narrative statement of fact of each plaintiff, except in instances where a portion of a sentence can be admitted and a portion denied. In those instances, each defendant shall state clearly the portion admitted and the portion denied. Each separate sentence of each defendant's response shall bear the same number as the corresponding sentence in the plaintiff's narrative statement of fact. In a separate portion of each defendant's narrative statement of facts, such defendant shall set forth all affirmative matter of a factual nature relied upon by such defendant, constructed in the same manner as the plaintiff's narrative statement of facts.

(2) Each defendant's separate statement of proposed conclusions of law shall respond directly to plaintiff's separate legal contentions and shall contain such additional contentions of the defendant as may be necessary to demonstrate the non-liability or limited liability of the defendant. Each defendant's statement of legal contentions shall be constructed in the same manner as is provided for the similar statement of each plaintiff. [NOTE: This Guideline was amended by General Order of May 4, 2004]

Appendix to LR54.3

SAMPLE JOINT STATEMENT

Pursuant to section (e) of LR54.3, the parties submit the following Joint Statement with respect to the motion for fees and expenses filed by [*name of movant*]:

1. [*name of movant*] claims attorney's fees of $102,425 and related nontaxable expenses of $12,578.40. [*name of movant*] calculates this claim as follows:

Lawyer	Hours	Rate	Totals
Smith	300	$245	73,500
Jones	175	$110	19,250
Johnson	65	$95	6,175
Wilson (paralegal)	70	$50	3,500
Total			$102,425

2. The position of [*name of respondent*] is that fees should be awarded on the following basis:

Lawyer	Hours	Rate	Totals
Smith	200	$200	40,000
Jones	175	$110	19,250
Johnson	40	$95	3,800
Wilson	70	$50	3,500
Total			$ 66,550

Respondent's position is that related nontaxable expenses of $11,380.00 should be awarded.

3. The specific disputes remaining between the parties are the following:

(a) The appropriate hourly rate for Smith;

(b) Whether 100 hours spent by Smith and 25 hours spent by Johnson on the state claim should be compensated;

(c) Whether $1,198.40 spent on deposition transcripts of four specific witnesses (Banks, Davis, George, and Penny) should be compensable.

4. The underlying judgment in the case will not be appealed and the only remaining dispute in the litigation is the appropriate fee award.

Form LR65.1. IRREVOCABLE STANDBY LETTER OF CREDIT

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

[*circle* Eastern *or* Western] DIVISION

	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	Judge [*Insert name of assigned judge*]
Defendant.	)	
	)	

LETTER OF CREDIT NO:_____

DATE _____

BENEFICIARY:

_____

_____

_____

_____

APPLICANT:

_____

_____

_____

_____

AMOUNT:_____

EXPIRATION DATE:_____

PURPOSE:_____
_____
_____
_____

We, [FINANCIAL INSTITUTION], hereby establish our Irrevocable Standby Letter of Credit No: _____ for the account of _____ for an amount or amounts not to exceed in the aggregate U.S. $_____ available by your drafts at sight and accompanied by a proper court order.

This letter of credit is unconditional and irrevocable.

Adopted July 1, 2008

Form LR26.2. MODEL CONFIDENTIALITY ORDER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil No.
	)	District Judge
	)	Magistrate Judge
	)	
Defendant	)	

[Agreed][21] Confidentiality Order

[if by agreement] The parties to this Agreed Confidentiality Order have agreed to the terms of this Order; accordingly, it is ORDERED:

[if not fully agreed] A party to this action has moved that the Court enter a confidentiality order. The Court has determined that the terms set forth herein are appropriate to protect the respective interests of the parties, the public, and the Court. Accordingly, it is ORDERED:

1. Scope. All materials produced or adduced in the course of discovery, including initial disclosures, responses to discovery requests, deposition testimony and exhibits, and information derived directly therefrom (hereinafter collectively "documents"), shall be subject to this Order concerning Confidential Information as defined below. This Order is subject to the Local Rules of this District and the Federal Rules of Civil Procedure on matters of procedure and calculation of time periods.

2. Confidential Information. As used in this Order, "Confidential Information" means information designated as "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER" by the producing party that falls within one or more of the following categories: (a) information prohibited from disclosure by statute; (b) information that reveals trade secrets; (c) research, technical, commercial or financial information that the party has maintained as confidential; (d) medical information concerning any individual; (e) personal identity information; (f) income tax returns (including attached schedules and forms), W-2 forms and 1099 forms; or (g) personnel or

[21] Counsel should include or delete language in brackets as necessary to the specific case**. Any other changes to this model order must be shown by redlining that indicates both deletions and additions to the model text.** Counsel may also modify this model order as appropriate for the circumstances of the case. This model order is for the convenience of the parties and the court and not intended to create a presumption in favor of the provisions in this model order and against alternative language proposed by the parties. The court will make the final decision on the terms of any order notwithstanding the agreement of the parties.

employment records of a person who is not a party to the case[22]. Information or documents that are available to the public may not be designated as Confidential Information.

3. Designation.

(a) A party may designate a document as Confidential Information for protection under this Order by placing or affixing the words "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER" on the document and on all copies in a manner that will not interfere with the legibility of the document. As used in this Order, "copies" includes electronic images, duplicates, extracts, summaries or descriptions that contain the Confidential Information. The marking "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER" shall be applied prior to or at the time of the documents are produced or disclosed. Applying the marking "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER" to a document does not mean that the document has any status or protection by statute or otherwise except to the extent and for the purposes of this Order. Any copies that are made of any documents marked "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER" shall also be so marked, except that indices, electronic databases or lists of documents that do not contain substantial portions or images of the text of marked documents and do not otherwise disclose the substance of the Confidential Information are not required to be marked.

(b) The designation of a document as Confidential Information is a certification by an attorney or a party appearing pro se that the document contains Confidential Information as defined in this order.[23]

4. Depositions.[24]

Alternative A. Deposition testimony is protected by this Order only if designated as "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER" on the record at the time the testimony is taken. Such designation shall be specific as to the portions that contain Confidential Information. Deposition testimony so designated shall be treated as Confidential Information protected by this Order until fourteen days after delivery of the transcript by the court reporter to any party or the witness. Within fourteen days after delivery of the transcript, a designating party may serve a Notice of Designation to all parties of record identifying the specific portions of the transcript that are designated Confidential Information, and thereafter those portions identified in the Notice of Designation shall be protected under the terms of this Order. The failure to serve a timely Notice of Designation waives any designation of deposition testimony as Confidential Information that was made on the record of the deposition, unless otherwise ordered by the Court.

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[22] If protection is sought for any other category of information, the additional category shall be described in paragraph 2 with the additional language redlined to show the change in the proposed Order.

[23] An attorney who reviews the documents and designates them as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER must be admitted to the Bar of at least one state but need not be admitted to practice in the Northern District of Illinois unless the lawyer is appearing generally in the case on behalf of a party. By designating documents confidential pursuant to this Order, counsel submits to the jurisdiction and sanctions of this Court on the subject matter of the designation.

[24] The parties or movant seeking the order shall select one alternative for handling deposition testimony and delete by redlining the alternative provision that is not chosen.

Alternative B. Unless all parties agree on the record at the time the deposition testimony is taken, all deposition testimony taken in this case shall be treated as Confidential Information until the expiration of the following: No later than the fourteenth day after the transcript is delivered to any party or the witness, and in no event later than 60 days after the testimony was given, Within this time period, a party may serve a Notice of Designation to all parties of record as to specific portions of the testimony that are designated Confidential Information, and thereafter only those portions identified in the Notice of Designation shall be protected by the terms of this Order. The failure to serve a timely Notice of Designation shall waive any designation of testimony taken in that deposition as Confidential Information, unless otherwise ordered by the Court.

5. Protection of Confidential Material.

(a) General Protections. Confidential Information shall not be used or disclosed by the parties, counsel for the parties or any other persons identified in subparagraph (b) for any purpose whatsoever other than in this litigation, including any appeal thereof. **[INCLUDE IN PUTATIVE CLASS ACTION CASE:** In a putative class action, Confidential Information may be disclosed only to the named plaintiff(s) and not to any other member of the putative class unless and until a class including the putative member has been certified.**]**

(b) Limited Third-Party Disclosures. The parties and counsel for the parties shall not disclose or permit the disclosure of any Confidential Information to any third person or entity except as set forth in subparagraphs (1)-(9). Subject to these requirements, the following categories of persons may be allowed to review Confidential Information:

(1) Counsel. Counsel for the parties and employees of counsel who have responsibility for the action;

(2) Parties. Individual parties and employees of a party but only to the extent counsel determines in good faith that the employee's assistance is reasonably necessary to the conduct of the litigation in which the information is disclosed;

(3) The Court and its personnel;

(4) Court Reporters and Recorders. Court reporters and recorders engaged for depositions;

(5) Contractors. Those persons specifically engaged for the limited purpose of making copies of documents or organizing or processing documents, including outside vendors hired to process electronically stored documents;

(6) Consultants and Experts. Consultants, investigators, or experts employed by the parties or counsel for the parties to assist in the preparation and trial of this action but only after such persons have completed the certification

contained in Attachment A, Acknowledgment of Understanding and Agreement to Be Bound;

(7) Witnesses at depositions. During their depositions, witnesses in this action to whom disclosure is reasonably necessary. Witnesses shall not retain a copy of documents containing Confidential Information, except witnesses may receive a copy of all exhibits marked at their depositions in connection with review of the transcripts. Pages of transcribed deposition testimony or exhibits to depositions that are designated as Confidential Information pursuant to the process set out in this Order must be separately bound by the court reporter and may not be disclosed to anyone except as permitted under this Order.

(8) Author or recipient. The author or recipient of the document (not including a person who received the document in the course of litigation); and

(9) Others by Consent. Other persons only by written consent of the producing party or upon order of the Court and on such conditions as may be agreed or ordered.

(c) Control of Documents. Counsel for the parties shall make reasonable efforts to prevent unauthorized or inadvertent disclosure of Confidential Information. Counsel shall maintain the originals of the forms signed by persons acknowledging their obligations under this Order for a period of three years after the termination of the case.

6. Inadvertent Failure to Designate. An inadvertent failure to designate a document as Confidential Information does not, standing alone, waive the right to so designate the document; provided, however, that a failure to serve a timely Notice of Designation of deposition testimony as required by this Order, even if inadvertent, waives any protection for deposition testimony. If a party designates a document as Confidential Information after it was initially produced, the receiving party, on notification of the designation, must make a reasonable effort to assure that the document is treated in accordance with the provisions of this Order. No party shall be found to have violated this Order for failing to maintain the confidentiality of material during a time when that material has not been designated Confidential Information, even where the failure to so designate was inadvertent and where the material is subsequently designated Confidential Information.

7. Filing of Confidential Information. This Order does not, by itself, authorize the filing of any document under seal. Any party wishing to file a document designated as Confidential Information in connection with a motion, brief or other submission to the Court must comply with LR 26.2.

8. No Greater Protection of Specific Documents. Except on privilege grounds not addressed by this Order, no party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an order providing such special protection.

9. Challenges by a Party to Designation as Confidential Information. The designation of any material or document as Confidential Information is subject to challenge by any party. The following procedure shall apply to any such challenge.

(a) Meet and Confer. A party challenging the designation of Confidential Information must do so in good faith and must begin the process by conferring directly with counsel for the designating party. In conferring, the challenging party must explain the basis for its belief that the confidentiality designation was not proper and must give the designating party an opportunity to review the designated material, to reconsider the designation, and, if no change in designation is offered, to explain the basis for the designation. The designating party must respond to the challenge within five (5) business days.

(b) Judicial Intervention. A party that elects to challenge a confidentiality designation may file and serve a motion that identifies the challenged material and sets forth in detail the basis for the challenge. Each such motion must be accompanied by a competent declaration that affirms that the movant has complied with the meet and confer requirements of this procedure. The burden of persuasion in any such challenge proceeding shall be on the designating party. Until the Court rules on the challenge, all parties shall continue to treat the materials as Confidential Information under the terms of this Order.

10. Action by the Court. Applications to the Court for an order relating to materials or documents designated Confidential Information shall be by motion. Nothing in this Order or any action or agreement of a party under this Order limits the Court's power to make orders concerning the disclosure of documents produced in discovery or at trial.

11. Use of Confidential Documents or Information at Trial. Nothing in this Order shall be construed to affect the use of any document, material, or information at any trial or hearing. A party that intends to present or that anticipates that another party may present Confidential information at a hearing or trial shall bring that issue to the Court's and parties' attention by motion or in a pretrial memorandum without disclosing the Confidential Information. The Court may thereafter make such orders as are necessary to govern the use of such documents or information at trial.

12. Confidential Information Subpoenaed or Ordered Produced in Other Litigation.

(a) If a receiving party is served with a subpoena or an order issued in other litigation that would compel disclosure of any material or document designated in this action as Confidential Information, the receiving party must so notify the designating party, in writing, immediately and in no event more than three court days after receiving the subpoena or order. Such notification must include a copy of the subpoena or court order.

(b) The receiving party also must immediately inform in writing the party who caused the subpoena or order to issue in the other litigation that some or all of the material covered by the subpoena or order is the subject of this Order. In addition, the receiving

party must deliver a copy of this Order promptly to the party in the other action that caused the subpoena to issue.

(c) The purpose of imposing these duties is to alert the interested persons to the existence of this Order and to afford the designating party in this case an opportunity to try to protect its Confidential Information in the court from which the subpoena or order issued. The designating party shall bear the burden and the expense of seeking protection in that court of its Confidential Information, and nothing in these provisions should be construed as authorizing or encouraging a receiving party in this action to disobey a lawful directive from another court. The obligations set forth in this paragraph remain in effect while the party has in its possession, custody or control Confidential Information by the other party to this case.

13. Challenges by Members of the Public to Sealing Orders. A party or interested member of the public has a right to challenge the sealing of particular documents that have been filed under seal, and the party asserting confidentiality will have the burden of demonstrating the propriety of filing under seal.

14. Obligations on Conclusion of Litigation.

(a) Order Continues in Force. Unless otherwise agreed or ordered, this Order shall remain in force after dismissal or entry of final judgment not subject to further appeal.

(b) Obligations at Conclusion of Litigation. Within sixty-three days after dismissal or entry of final judgment not subject to further appeal, all Confidential Information and documents marked "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER" under this Order, including copies as defined in 3(a), shall be returned to the producing party unless: (1) the document has been offered into evidence or filed without restriction as to disclosure; (2) the parties agree to destruction to the extent practicable in lieu of return;[25] or (3) as to documents bearing the notations, summations, or other mental impressions of the receiving party, that party elects to destroy the documents and certifies to the producing party that it has done so.

(c) Retention of Work Product and one set of Filed Documents. Notwithstanding the above requirements to return or destroy documents, counsel may retain (1) attorney work product, including an index that refers or relates to designated Confidential Information so long as that work product does not duplicate verbatim substantial portions of Confidential Information, and (2) one complete set of all documents filed with the Court including those filed under seal. Any retained Confidential Information shall continue to be protected under this Order. An attorney may use his or her work product in subsequent litigation, provided that its use does not disclose or use Confidential Information.

[25] The parties may choose to agree that the receiving party shall destroy documents containing Confidential Information and certify the fact of destruction, and that the receiving party shall not be required to locate, isolate and return e-mails (including attachments to e-mails) that may include Confidential Information, or Confidential Information contained in deposition transcripts or drafts or final expert reports.

(d) Deletion of Documents filed under Seal from Electronic Case Filing (ECF) System. Filings under seal shall be deleted from the ECF system only upon order of the Court.

15. Order Subject to Modification. This Order shall be subject to modification by the Court on its own initiative or on motion of a party or any other person with standing concerning the subject matter.

16. No Prior Judicial Determination. This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any document or material designated Confidential Information by counsel or the parties is entitled to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as the Court may rule on a specific document or issue.

17. Persons Bound. This Order shall take effect when entered and shall be binding upon all counsel of record and their law firms, the parties, and persons made subject to this Order by its terms.

So Ordered.

Dated: _____

U.S. District Judge
U.S. Magistrate Judge

[Delete signature blocks if not wholly by agreement]

WE SO MOVE
and agree to abide by the
terms of this Order

_____
Signature

_____
Printed Name

Counsel for: _____

Dated: _____

WE SO MOVE
and agree to abide by the
terms of this Order

_____
Signature

_____
Printed Name

Counsel for: _____

Dated: _____

ATTACHMENT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

	)	
	)	Civil No.
Plaintiff	)	
	)	
	)	
	)	
Defendant	)	

ACKNOWLEDGMENT
AND
AGREEMENT TO BE BOUND

The undersigned hereby acknowledges that he/she has read the Confidentiality Order dated _____ in the above-captioned action and attached hereto, understands the terms thereof, and agrees to be bound by its terms. The undersigned submits to the jurisdiction of the United States District Court for the Northern District of Illinois in matters relating to the Confidentiality Order and understands that the terms of the Confidentiality Order obligate him/her to use materials designated as Confidential Information in accordance with the Order solely for the purposes of the above-captioned action, and not to disclose any such Confidential Information to any other person, firm or concern.

The undersigned acknowledges that violation of the Confidentiality Order may result in penalties for contempt of court.

Name: _____

Job Title: _____

Employer: _____

Business Address: _____

_____

_____

Signature: _____ Date: _____

Adopted June 29, 2012

Form LR83.28. Declaration of Admissions to Practice Required by LR83.28(d)

DECLARATION OF ADMISSIONS TO PRACTICE

In Re _____

Disciplinary No. _____

I, _____, am the attorney who has been served with an order to show cause why disciplinary action should not be taken in the above captioned matter.

I am a member of the bar of this Court.

I have been admitted to practice before the following state and federal courts, in the years, and under the license record numbers shown below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(Date)

_____
(Signature)

_____
(Full name - typed or printed)

_____

_____

_____
(Address of Record)

This declaration must be signed, and delivered to the court with the attorney's answer to the order to show cause or any waiver of an answer. Failure to return this declaration may subject an attorney to further disciplinary action. Under 28 U.S.C. § 1746, this declaration under perjury has the same force and effect as a sworn declaration made under oath.

Form LCrR46.1. Form to be Completed by the Person Depositing Cash to Secure a Bond

United States District Court

Northern District of Illinois

_____Division

FORM TO BE COMPLETED BY THE PERSON DEPOSITING CASH

TO SECURE A BOND

Defendant's Name:_____

Case No:_____

I, (*Name of person depositing cash*) state that I am the person making the cash deposit of (*Amount of cash*) to secure the bond of defendant (*Name of the defendant whose bond is secured by this deposit*).

I directed the Clerk of the Court to refund this cash deposit as follows (*Initial one or both and indicate the amount(s) to be refunded*):

$(*Amount*) to me (*Initials*)

$(*Amount*) to (*Name of person to receive refund*) (*Initials*) of

(*Street address*)

(*City, State and ZIP code*)

(*Signature of depositor*) Date:_____

(*Street address of depositor*)

(*City, State and ZIP code of depositor*)

Receipt No._____

INSTRUCTIONS

1. *The person depositing cash with the clerk to secure the release of a defendant in a criminal case shall complete the form on the reverse. (The cashier will provide the receipt number.)*
2. *Refunds of cash deposits are governed by LCrR46.1(c).*

3. *The clerk will refund monies deposited without additional order of court only to the person or persons indicated on the reverse of this document.*
4. *In order to make the payment without specific order of court the clerk requires that this document, the original receipt, and the assignment, if any, be surrendered to the cashier at the time the request for refund was made.*

Form LCrR46.5(b)(2). Non-disclosure Agreement for Research Groups

NON-DISCLOSURE AGREEMENT

FOR RESEARCH GROUPS

Whereas (*Name of person or organization*) has been granted access to records, reports and files of the Pretrial Services Agency (Agency) of the United States District Court for the (*name of district*) (District Court) hereby acknowledges and agrees that any information, including records, reports, files, or oral communications, it receives from the Agency with respect to criminal defendants is strictly confidential as provided by LCrR46.5, a copy of which is attached and is not to be disclosed to any parties, other than the Agency and Federal District Court, except in the matter of a research analysis and paper which shall not identify, directly or indirectly, the identities of any of the Agency subjects.

Upon a breach of this non-disclosure agreement, the Agency may withdraw access to its files and records by (*Name of person or organization*), or take such lesser steps as are commensurate with the breach of confidentiality.

_____

Form LCrR46.5(b)(3). Non-disclosure Agreement for Organizations Providing Contract Services

TO BE ADDED AS COVENANT TO

CONTRACT NON-DISCLOSURE

AGREEMENT FOR CONTRACT SERVICES

(*Name of person or organization*) hereby acknowledges and agrees that any information, including records, reports, files, or oral communications, it receives from the Pretrial Services Agency (Agency) of the United States District Court for the (*Name of district*) (District Court) with respect to criminal defendants is strictly confidential as provided by LCrR46.5, a copy of which is attached, and is not to be disclosed, except as provided by that rule, to any parties, individuals or organizations, other than the Agency and District Court. (*Name of person or organization*) further agrees that it will not identify, directly or indirectly any individual Agency subject in any report of research, evaluation, periodic audits or studies, or in any articles for publication of any kind, or in any verbal disclosures, except in reports required by or to the referring Agency or the District Court.

It is understood and agreed that the Agency will be notified promptly by (*Name of person or organization*) of any subpoena or other request for information that pertains to Agency information.

Upon a breach of this non-disclosure agreement, the Agency is entitled to terminate the contract relationship with (*Name of person or organization*) or to take whatever lesser steps are necessary to prevent further breaches of this agreement.

_____

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix B

PROCEDURES FOR VOLUNTARY MEDIATION PROGRAM FOR LANHAM ACT CASES

The procedures were adopted pursuant to Local Rule 16.3

PROCEDURES FOR VOLUNTARY MEDIATION PROGRAM

FOR LANHAM ACT CASES

Adopted pursuant to Local Rule 16.3(b)

Introduction

This page provides the viewer with information concerning the voluntary mediation program for the Northern District of Illinois. The mediation program was approved by the full Court on 30 September 1996 through the promulgation of local General Rule 5.10 (Renumbered as Local Rule 16.3). The program applies to all civil cases filed on or after January 6, 1997 under the Lanham Act (Federal Trademark Act of 1946, 15 U.S.C. 1051-1127).

The procedures approved by the full Court pursuant to Local Rule 16.3B provide that at the earliest of the first scheduling conference or 90 days after an eligible case is filed, the parties are required to file a joint statement indicating whether they wish to participate in the voluntary mediation program. If the parties do not wish to participate, they are required to provide a statement summarizing the reason or reasons for that decision. Parties may also indicate that they are already participating in some other form of mediation. In such instances the joint statement must include a brief description of that program.

If they wish to pursue mediation, the parties may select a qualified neutral mediator from a list of individuals and organizations maintained by the Clerk. The mediator facilitates negotiations among the parties to help them arrive at a mutually satisfactory settlement. The mediation sessions are confidential, and should be completed within 30 days, ending with a report to the court on the outcome. The costs of mediation are normally shared equally by the parties.

Local Rule 16.3 delineates the administrative procedures for the program approved by the full Court, and a list of persons and organizations who have filed certificates indicating their availability to serve as neutral mediators. A form has also been enclosed that should be used as the joint statement of the parties regarding participation in the mediation program.

The procedures approved by the Court require counsel to mail or otherwise provide copies the Lanham Act document package to each party. As soon as practicable, but in no event later than 20 days after parties receiving the package, are required to file a certificate stating that they have provided copies of these documents as required by the Court.

List of Organizations and Individual Neutrals

A. Individual Neutrals

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B. Organizations and Affiliated Individuals

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Rule 16.3 Voluntary Mediation Program

(a) Program Established. A program for voluntary mediation is established for cases arising under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 ("the Lanham Act").

(b) Procedures. The voluntary mediation program shall follow the procedures approved by the Executive Committee. The procedures outline the responsibilities of counsel and the parties in cases that are eligible for the mediation program. Copies of the procedures may be obtained from the clerk.

(c) Confidentiality. All mediation proceedings, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the settlement shall be reduced to writing and shall be binding upon all parties.

Procedures For Voluntary Mediation Program

I. Screening and Assignment of Cases

A. Pursuant to Local Rule 16.3, cases that are filed under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 (the "Lanham Act"), shall be assigned to the program of court-annexed mediation (Program). Cases that are filed under seal pursuant to local General Rule 10L and cases that are under seal pursuant to court order shall not be assigned to the Program during the time they remain under seal. Any time periods specified in these procedures shall be adjusted to exclude periods when cases are under seal.

B. Cases shall be assigned to the Program on the basis of information recorded in the Integrated Case Management System (ICMS). The information used for this purpose will be the nature of suit and cause of action recorded for each civil case. A computer program will be run on a weekly basis to identify all civil cases filed during the previous week where the cause of action entered in ICMS is a Lanham Act citation or the nature of suit code entered in ICMS is 840 (i.e., the nature of suit code for trademark cases).

C. A member of the staff of the Clerk of Court will check the complaint for each case identified by the weekly computer program to verify that the complaint indicates that the case has been filed pursuant to the Lanham Act.

II. Notice of Assignment

A. For a case assigned to the Program, the Clerk shall provide notice of the assignment to the attorney who filed the action. If the case was commenced by a party filing *pro se*, the notice will be provided to the party. The notice will include a description of the Program. Along with the notice the Clerk will send a List of Lanham Act Organizations and Neutrals.

B. The Clerk will notify the judge that the case has been assigned to the Program.

C. Upon receiving the notice and accompanying material from the Clerk, each attorney notified as provided for in section II.A above must promptly provide a copy of the notice and accompanying descriptive material to that attorney's client and to the attorney for each defendant, if known, or to each defendant, if the attorney is not known. Defense attorneys must promptly provide copies of the material they receive to each party they represent.

III. List of Lanham Act Organizations and Neutrals

A. Maintenance by the Clerk of a List of Lanham Act Organizations and Neutrals

The clerk of the Court shall maintain and make available to the public a List of Lanham Act Organizations and Neutrals consisting of the name, address, and telephone numbers of each organization and person who has filed with the clerk the certificate specified by section C of this rule, and whose name has not been withdrawn or removed pursuant to section E of this rule. The

clerk shall further maintain and make available to the public a file containing the certificates filed by those persons whose names are included on the list of mediators. Inclusion on the list does not constitute certification by the Court of the qualifications of the organization or neutral.

B. Minimum Criteria

No organization or person may file a certificate pursuant to paragraph C below or be included in the List of Lanham Act Organizations and Neutrals unless such person or organization meets the following minimum criteria:

(1) For Organizations:

a. A minimum of three years involvement with alternative dispute resolution in providing, sponsoring or training neutrals; and

b. Affiliation with two or more individuals who meet the minimum criteria set forth below.

(2) For Individuals:

a. Five years or more experience in the practice of Lanham Act law; or

b. Three years or more experience as a neutral (not necessarily in Lanham Act law).

C. Certificates

An organization may be included in the List of Lanham Act Organizations and Neutrals by filing with the Clerk of this Court a certificate containing the following information:

(1) For Organizations

a. Name, address, and nature and duration of involvement in alternative dispute procedures and activities;

b. procedures and programs for training individuals in techniques of mediation and arbitration;

c. experience in training such individuals in connection with disputes under the Lanham Act;

d. experience in providing neutrals to mediate or arbitrate disputes under the Lanham Act;

e. names and addresses of individuals the organization represents are qualified by experience or training, or both, to mediate or arbitrate disputes under the Lanham Act, together with copies of their curricula vitae; and

f. representative cases (including citations to published decisions) in which the organization has participated, including the names and addresses of counsel and parties (unless such information is deemed confidential).

(2) For Individuals

a. Name, address, and academic and legal education credentials;

b. years in the practice of Lanham Act law, including trademark and unfair competition law and false advertising law;

c. experience in mediating or arbitrating disputes under the Lanham Act, other intellectual property law disputes, or general commercial disputes;

d. a summary of Law School or C.L.E. courses in Lanham Act subject matter taken or taught, including seminars or meetings of the American Bar Association, ALI-ABA, American Intellectual Property Law Association, International (formerly The United States) Trademark Association, Practicing Law Institute, Chicago Bar Association, or other groups or organizations;

e. membership and committee activity in professional organizations dealing with intellectual property law, including the Lanham Act;

f. publications on Lanham Act or other intellectual property law subject matter;

g. Any other experience, including litigation experience, he or she believes relevant to serving as a neutral;

h. representative cases (including citations to published decisions) in which the individual has participated as a mediator or arbitrator, including the names and addresses of counsel and parties (unless such information is deemed confidential); and

i. a copy of his or her curriculum vitae.

D. Amendment and Updating.

Any organization and individual who files a certificate with the Clerk shall promptly file amendments to the certificates, whenever necessary or appropriate, to disclose any substantial change in the information provided in the certificate. In addition, each such organization or individual shall file a complete, updated certificate at no more than five year intervals.

E. Withdrawal and Removal from the List of Lanham Act Organizations and Neutrals

Any organization or neutral may voluntarily withdraw from the List of Lanham Act organizations and neutrals at any time by providing written notification to the clerk of the Court, who shall thereupon remove the name of the organization or neutral from said List and remove that organization or neutral's certificate from the file of such certificates. If an organization or neutral fails to update his, her or its certificate pursuant to section D of this rule, or for good cause as certified to the clerk by the Chief Judge, the clerk shall remove the name of that organization or neutral from said List and remove that organization or neutral's certificate from the file of certificates.

IV. Attorney Certification

As soon as practicable but in no event later than 21 days after receiving the notice provided pursuant to section II.A, each attorney for a party shall file with the Clerk a certificate stating that the attorney has mailed or otherwise provided a copy of the notice and all information about the program to each party that the attorney represents in the action, or to the guardian or representative of each party.

V. Notice of Participation or Non-Participation

A. Nothing in these Procedures shall be construed to affect the time within which a party is to answer or otherwise plead to a complaint. If a pleading in lieu of answer, or a motion for a temporary restraining order or a preliminary injunction is filed before the notice of participation or non-participation required by subsection B of this section has been filed, the court may fix a new time by which the parties must file the joint notice, or may find that the case is not appropriate for the program and excuse the parties from filing the joint notice, or may enter such other order as may be appropriate. Such action by the court shall be in writing, or on the record.

The parties in cases assigned to the Program are not required to participate in the Program but are strongly encouraged to do so. At the earliest of the first scheduling conference, or 90 days from filing of the complaint, the parties in cases assigned to the Program will file a jointly written notice indicating one of the following:

(1) that they wish to participate in the Program;

(2) that they do not wish to participate in the Program; or

(3) that they are already participating in some other mediation program.

B. If the notice indicates that the parties do not wish to participate in the Program, a brief statement of the reason or reasons must be included in the notice. Such a statement shall not disclose the position of any individual party concerning participation in the Program. If the notice indicates that the parties are participating in some other mediation program, the notice must provide a brief description of the nature of the program.

C. The judge to whom a case eligible for the Program is assigned may impose sanctions for failure to notify clients pursuant to paragraph II.C. and/or failure to file the notice pursuant to paragraphs V.A and B.

VI. Mediation Procedure

A. Mediation is a flexible, nonbinding and confidential dispute resolution process in which an impartial and qualified neutral facilitates negotiations among the parties in an attempt to help them reach settlement.

B. The mediation process does not contemplate testimony by witnesses. The neutral does not review or rule upon questions of fact or law, or render any final decision in the case, but may provide an opinion on questions of fact or law, or on the merits of the case if the case if requested or if desirable.

C. The parties shall select a neutral and obtain the consent of the neutral to act as mediator not more than 14 days after the filing of the joint notice of participation. The parties may request an extension of time for good cause shown. The parties may agree to select a neutral from the List of Lanham Act Organizations and Neutrals provided with the notice of assignment. In the event the parties wish to participate in the Program, but cannot agree on a panel neutral, the parties may contact any organization or individual identified in the List, which or who will assist in selecting a neutral for them.

D. The neutral shall disqualify himself or herself in any case in which the circumstances listed in 28 U.S.C. § 455 exist, and would apply if the neutral were a judge.

E. The neutral shall select a time and a place for the mediation conference, and any adjourned mediation session, that is reasonably convenient for the parties, and shall give them at least 14 days written notice of the initial conference. Except as ordered by the court for good cause shown, the date of the first mediation conference shall be not later than 45 days after the filing of the joint notice of participation and the date of the last conference shall be not more than 30 days following the first conference. If the parties settle the case prior to the mediation conference, they shall promptly advise the neutral and the judge assigned to the case that a settlement has been reached.

F. The neutral may require the parties to submit memoranda, on a confidential basis and not served on the other parties, addressing the strengths and weaknesses in that party's case and the terms that party proposes for settlement.

G. The following individuals shall attend the mediation conference unless excused by the mediator:

(1) each party who is a natural person;

(2) for each party that is not a natural person, either

(a) a representative who is not the party's attorney of record and who has full authority to negotiate and settle the dispute on behalf of that party, or

(b) if the party is an entity that requires settlement approval by a committee, board or legislative body, a representative who has authority to recommend a settlement to the committee, board or legislative body;

(3) the attorney who has primary responsibility for each party's case; and

(4) any other entity determined by the mediator to be necessary for a full resolution of the dispute referred to mediation.

H. Except where a party has been excused as provided for by section VI.H. above, failure of an attorney or a party to attend the mediation conference as required shall be reported to the assigned judge and may result in the imposition of sanctions as the judge may find appropriate.

VII. Reporting on the Program

A. Within 14 days following the conclusion of the mediation session, the neutral shall file a concise report with the court disclosing only whether required parties were present and the disposition of the case, including:

(1) the case settled;
(2) the parties agreed to adjourn for further mediation; or
(3) the neutral determined that the negotiations are at an impasse.

B. All written and oral communications made in connection with the mediation conference, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement. In

addition, the parties are free to enter confidentiality agreements covering all information disclosed in memoranda and during the mediation session.

VII. Costs

A. Absent agreement to the contrary, the parties shall share equally all costs incurred as a result of the mediation, including the costs of the neutral's services, except that each party shall be responsible for its own attorneys' fees.

B. Neutrals shall be reimbursed for the expenses and compensated by the hourly rate disclosed by them during the selection process, or as agreed in writing in advance between the neutral and the parties.

C. Except as provided in section VIII.B., a neutral shall not charge or accept anything of value from any source whatsoever for or relating to his or her duties as a neutral.

Joint Statement Regarding Participation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

	)	
	)	Case Number
	)	
	)	
Plaintiff	)	
	)	Assigned Judge:
v.	)	
	)	Designated
Defendant	)	Magistrate Judge:
	)	

JOINT STATEMENT REGARDING PARTICIPATION IN THE VOLUNTARY MEDIATION PROGRAM FOR LANHAM ACT CASES

Pursuant to Section V.A. of the procedures for the voluntary mediation program, the undersigned parties hereby file this joint statement concerning their participation in the program.

☐ A. The undersigned will participate in the Court's mediation program

☐ B. The undersigned will not participate in the Court's mediation program because not all parties agree to take part in the program.

☐ C. The undersigned will not participate in the Court's mediation program for the reasons described in the attached statement.

☐ D. The undersigned will participate in another mediation program. (Note: A brief statement detailing the nature of the program must be attached.)

Signature of Plaintiff's Counsel	Signature of Defendant's Counsel
_____	_____
_____	_____
Date	Date

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix C

REGULATIONS PERTAINING TO TRIAL BAR ADMISSION

(The Regulations were promulgated by the District Admissions Committee as interpretive and procedural guides to the admission rules. The District Admissions Committee was disbanded by the abrogation of General Rules 3.20, 3.21, 3.22, and 3.23 effective December 19, 1997. However, the following regulations remain in effect.)

REGULATIONS PERTAINING TO TRIAL BAR ADMISSION

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D.A.C.REG.1 PARTICIPATION UNITS (Local Rule 83.11)

Promulgated by the District Admissions Committee as an interpretive guide to definitions of "participations" and qualifying trial "days" as set forth in LR83.11.

A. "Participation" and "participates" defined

The terms "participation" or "participates" as used in LR83.11, defining a participation unit, refer to an active and open involvement in the presentation of a case as contrasted with passive observation or rendition of services solely to another attorney who was actively involved. A minimum criterion for the requisite level of involvement contemplated by the rule for participation credit shall be that the applicant be present at the testimonial proceeding and prepared for and/or conducted the examination or cross examination of at least two (2) witnesses in the qualifying trial.

B. "One day" defined

The term "one day" as used in LR83.11, defining a qualifying trial refers to not less than three (3) hours of actual appearance time in open court during which testimony is taken and/or exhibits are offered. Notwithstanding the foregoing:

> (1) In the event interruptions or recesses in a trial prevent attainment of the aforesaid 3-hour minimum in a single 24-hour day, it is permissible to aggregate appearance time in the same trial so as to achieve a total of three (3) hours, provided that such added appearance time is of the character referred to in the preceding paragraph B.
>
> (2) In no event shall more than one (1) day of qualifying trial credit be claimed for any 24-hour day nor shall any appearance time in excess of three (3) hours be carried over to a subsequent day.
>
> (3) A trial which is completed in less than three (3) hours shall be deemed to entail "one day" of credit if it is in all other respects a testimonial proceeding under LR83.11 and if the applicant gave an opening statement and/or closing argument in the trial.

D.A.C.REG.2 OBSERVATION UNITS (Local Rule 83.11)

Promulgated by the District Admissions Committee as an interpretive guide to observation units as set forth in LR83.11.

A. Basic requirements for receiving credit for an observation unit

An applicant will be entitled to receive credit for an observation unit pursuant to LR83.11 if, in conjunction with a trial involving testimonial proceedings in a state or federal court within the scope of LR83.11 of the Local Rules of this Court and which constitutes as qualifying trial within the scope of LR83.11 of the Local Rules of this Court, he or she, at the time of the submission of the application:

(1) was supervised in the observation of the trial by counsel for one of the parties;

(2) became familiar with the factual and legal issues;

(3) attended a substantial amount of the court sessions during trial;

(4) observed any opening and closing arguments;

(5) observed a substantial portion of the direct testimony and cross examination presented by all parties;

(6) consulted with the supervising attorney from time to time; and

(7) is a member in good standing of the bar of this court.

B. Requirements for supervising attorney

The supervising attorney shall be required to complete an observation affidavit on behalf of the applicant attesting to the fulfillment of the above requirements and specifying certain other information regarding the trial which was the basis for the supervision. The supervising attorney must, at the time of the supervision, have been either admitted as a member of the trial bar of the Court or, should the supervision have taken place prior to such admission of the supervising attorney, give evidence of the equivalent of four (4) participation units achieved by affiant prior to the supervision activity.

C. "Substantial" defined

The term "substantial," as used in paragraph A(3) and A(5) of this Regulation, is defined as at least fifty (50) percent of the court sessions and fifty (50) percent of the direct testimony and cross examination except that, if the trial lasted less than three (3) days, the term "substantial" shall be defined as having attended all court sessions and having observed all of the testimony presented.

D. Supervising attorneys: no renumeration, limit on numbers supervised

There shall be no remuneration for supervising applicants for observation units, and the ratio of applicants to supervising attorneys shall not exceed three (3) to one (1), unless a greater ratio has been approved in advance by the District Admissions Committee.

D.A.C.REG.3 SIMULATION UNITS (Local Rule 83.11)

Promulgated by the District Admissions Committee as an interpretive guide to simulation units as set forth in LR 83.11.

A. Trial advocacy programs & simulation units: general

A trial advocacy program will qualify a participant for simulation credit pursuant to LR83.11 if the focus of the program is experiential in accordance with paragraphs B and C below, with any lecture being incidental thereto and, in any event, comprising less than 25% of the program hours.

B. Standards for trial advocacy programs

In general, to qualify the applicant for simulation unit credit, the trial advocacy program should, with respect to each unit of credit:

(1) provide the following hours of classroom or courtroom instruction:

(a) 24 hours in the case of a continuing education pro-gram for practicing lawyers; or

(b) 40 hours in the case of a law school program for second or third year law students.

(2) provide each participant the opportunity to do opening statements, closing arguments, direct and cross examination, and introduction of exhibits.

(3) provide each participant the opportunity to conduct one mock trial with a maximum of two participants on each side in which each participant examines at least one witness and gives an opening or closing argument.

(4) provide a ratio of participants to full-time or part-time instructors -of not more than ten to one (10:1).

C. Approval of simulation unit in certain instances where trial advocacy program does not meet the standards

If a trial advocacy program does not meet the standards set forth in paragraph B above, an applicant, nonetheless, may be entitled to a simulation unit if it is demonstrated to the satisfaction of the District Admissions Committee, or a subcommittee thereof, that the program fulfills the objectives of providing the applicant with substantial hands-on experience in the phases of a trial set forth in paragraph B (2) above under competent supervision. In particular, the Committee, or a subcommittee thereof, shall consider the relationship between the hours of instruction and the participant/faculty ratio, the number of student presentations, the experience of the instructors, the syllabus for the program, and the quality of the instructional materials.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix D

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The Plan was initially adopted by the Court on Wednesday, 16 March 1983. It was subsequently amended on Thursday, 20 June 1985 and on January 12, 2001. A technical amendment was added on April 16, 2004.

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

A. Creation of the Fund; Purpose of Plan

A District Court Fund was created by the General Rules of this court promulgated on April 13, 1965. Rule 6 A (iii) of those rules required newly admitted attorneys to pay to the clerk a fee in addition to that established by the Judicial Conference of the United States pursuant to 28 U.S.C.§1914. On July 12, 1982 new practice rules were promulgated including General Rule 3.02. General Rule 3.02 replaced the earlier General Rule 6 A (iii) and required in addition to the fee for new attorneys, a fee for attorneys admitted to the trial bar of the court, the receipts from both fees to be deposited in the District Court Fund. The Local Rules and Internal Operating Procedures were amended in September 1999. LR83.36 and LR83.40, in addition to IOP32 govern the administration of the District Court Fund. This plan is adopted to provide procedures for the administration of funds deposited in the District Court Fund.

B. Advisory Committee

There shall be an advisory committee to advise the court on matters of policy relating to the administration of the fund. The committee shall consist of three judicial officers of the district, the clerk of the court, and three attorneys. The judicial officers, one of whom shall serve as chairperson, shall be designated by the chief judge and shall include the district judge designated as liaison judge to the William J. Campbell Library. The three attorneys shall be designated by the chairpersons of the District Admissions and the District Performance Assistance Committees.

C. Custodian of the Fund

Pursuant to Internal Operating Procedure 32 the clerk of the court is the custodian of the District Court Fund. In the event of the death, retirement, or resignation of the clerk, the chief deputy clerk, or such other person as the chief judge designates, shall become the custodian until such time as the next clerk assumes office.

D. Duties and Responsibilities of the Custodian

The responsibilities of the custodian are as follows:

(1) to receive, safeguard, deposit, disburse, and account for all funds in accordance with the law, this plan, and the policies established by the court;

(2) to establish an accounting system for the fund;

(3) to insure that financial statements and operating reports are prepared in a timely fashion and to sign such statements and reports, thereby certifying that they accurately present the financial condition of the fund;

(4) to sign checks drawn on the fund, which checks shall be countersigned by the chief judge or a judge designated by him/her;

(5) to invest funds in accordance with the provisions of this plan; and

(6) to perform such other functions as may be required by the court.

E. Responsibilities upon Appointment of a Successor Custodian

When a successor custodian is appointed, the outgoing custodian should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the chief judge:

(1) a statement of assets and liabilities;

(2) a statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations and net worth; and

(3) a statement of the balance in any fund accounts as of the date of transfer to the successor custodian.

The successor custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing custodian. Acceptance may be conditioned upon an audit and verification where circumstances warrant.

F. Audits and Inspections

The District Court Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts or their contracted auditors. The chief judge may appoint an auditor or disinterested inspector (who may be a government employee) to conduct such audits as the court determines to be necessary. The written results of such audit or inspection will be provided to members of the advisory committee, each district judge, and, upon request, any member of the bar of the court.

In the event that the court orders a dissolution of the fund, a terminal audit or inspection will be performed and a written accounting rendered to the court.

G. Protection of the Fund's Assets

Except as otherwise provided in this plan, all receipts will be deposited in banks or savings institutions where accounts are insured by F.D.I.C. or F.S.L.I.C. Where practical and feasible the custodian shall place any substantial sums into interest bearing accounts, government securities, or a money market fund invested in government obligations. Such investment shall be at the direction of the advisory committee. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the custodian must be segregated from all other monies in the custody of the clerk of the court, including other non-appropriated funds, if any.

H. Limitations on Use of Funds

Monies deposited in the fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee.

I. Uses of the Funds

In general the monies deposited in the fund are to be used for the benefit of the bench and bar in the administration of justice. Monies deposited in the fund may be used to pay for any of the following:

(1) the expenses related to attorney admission proceedings including expenses of the District Admissions Committee and expenses incurred in admissions ceremonies;

(2) the expenses of the District Performance Assistance Committee;

(3) the expenses related to attorney disciplinary proceedings, including the expenses of investigating counsel, and travel and witness fees in disciplinary proceedings;

(4) the cost of periodicals and publications purchased for the William J. Campbell library if appropriated funds are not available;

(5) the cost of anatomical charts and stands for courtroom use;

(6) the expenses associated with computerization of the library catalogue if appropriated funds are not available;

(7) the expenses associated with creating lawyer lounge facilities;

(8) the expenses of the plan's Advisory Committee;

(9) the expenses incurred by the custodian in performing his/her duties under the plan including the expense of a surety bond covering monies in the fund;

(10) the fees for services rendered by outside auditors or inspectors in auditing or inspecting the records of the fund;

(11) pursuant to the provisions of section J of this plan, the out-of-pocket expenses of attorneys appointed to represent indigent parties in civil proceedings in this court; and

(12) such other expenses as may from time to time be authorized by the full court or the Advisory Committee for the use and benefit of the bench and bar in the administration of justice.

J. Out-of-pocket Expenses in Pro Bono Cases

In a civil case where an attorney is appointed to represent an indigent party. reasonable out-of-pocket expenses not otherwise recoverable may be paid for out of the fund, pursuant to LR83.40, and in accordance with regulations adopted by the full court or the Advisory Committee. Application to incur the expense or for reimbursement shall be on a form approved by the Executive Committee and available from the clerk.

Limits on the amounts to be reimbursed from the fund under this section for classes of expenses may be established in regulations adopted by the full court or the Advisory Committee. Except as provided in such regulations, no counsel appointed under LR83.36 of this court shall be reimbursed more than $3,000.00 for expenses incurred on behalf of any single party he or she was appointed to represent and no more than $7,000.00 shall be reimbursed for expenses incurred on behalf of multiple parties. Only the expenses incurred by court appointed counsel on behalf of specific individuals are covered by this section.

K. Dissolution of the Fund

Should the court decide to dissolve the fund, the custodian will liquidate all outstanding obligations prior to the dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspection. The court will direct the disposition of the assets of the fund in ways which fulfill the purpose of the fund.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix E

THE DISTRICT COURT FUND REGULATIONS GOVERNING THE PREPAYMENT AND REIMBURSEMENT OF EXPENSES IN PRO BONO CASES

These Regulations were initially promulgated by the Court pursuant to the general order of June 27, 1985. They were amended by the general orders of November 1, 1990 and April 1, 1991. The Advisory Group added policies used in interpreting the Regulations. The policies were initially adopted on May 7, 1986 and amended in September 1992 and January 12, 2001. A copy of the policies is appended to the Regulations.

NOTE: Only counsel appointed by the court pursuant to Local Rule 83.36 are eligible to petition the court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

REGULATIONS GOVERNING THE PREPAYMENT & REIMBURSEMENT OF EXPENSES OF COURT APPOINTED COUNSEL IN PRO BONO CASES FROM THE DISTRICT COURT FUND

D.C.F. REG.1 ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES

When a trial bar attorney has been appointed, pursuant to LR83.36, to represent an indigent party in a civil proceeding before this Court, that attorney shall be allowed to petition the Court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

D.C.F. REG.2 LIMITATIONS ON ELIGIBILITY

A. Not Applicable if C.J.A. Funds are Available

In any proceeding where expenses are covered by the Criminal Justice Act (Title 18 U.S.C. §3006A), they shall be paid from such funds in accordance with C.J.A. guidelines and not from the District Court Fund.

B. Limit on Total Expenses Covered by Fund

The judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling $1,000.00. If the total of the prepayments or reimbursement requested and those already allowed exceed $1,000.00 the judge shall forward the request to the chief judge together with a recommendation. In no event will more than $3,000.00 in such expenses be paid for a party in any proceeding. Where two or more parties in the same proceeding are represented by counsel appointed pursuant to Local Rule 83.36, the limits established by this section shall apply to the costs incurred on behalf of each party, provided that in no proceeding shall the total amount paid from the Fund exceed $7,000.00, regardless of the number of parties so represented.

C. Limited to Civil Actions Before the District Court

Only those expenses associated with the preparation of a civil action in the U.S. District Court for the Northern District of Illinois shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the U.S. Court of Appeals or the U.S. Supreme Court shall be reimbursed from the District Court Fund unless otherwise approved by the Advisory Committee for the Administration of the District Court Fund and the chief judge of the U.S. District Court upon prior application by the appointed attorney.

D. Overhead Costs, Costs of Computer Assisted Legal Research, and Costs of Printing Briefs Not Covered

General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, and any general expense that would normally be reflected in the fee charged to a client are not reimbursable from the District Court Fund. Any costs incurred in conducting computer assisted legal research is not reimbursable from the Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.

E. Not Available to Pay Costs Awarded Against Party

Under no circumstances shall any payments be authorized from the Fund to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this Court.

F. Reimbursement and Prepayment Where Party Prevails

Except as provided by this section, no reimbursement shall be authorized from the Fund in those instances where the party for whom counsel was appointed prevails or accepts a settlement and the amount awarded to or accepted by the party exceeds $2,500.00. Where the amount awarded to or accepted by the party is more than $2,500.00 and no provision is made to cover the expenses incurred by court-appointed counsel that would otherwise be covered by these regulations, prepayments and reimbursements may be authorized within the limits of these regulations, but the total amount to be paid from the Fund shall be the amount authorized by these regulations less fifty cents for each dollar received by the party in excess of $2,500.00.

G. Prepayments in Excess of the Allowable Limits

In any instance where amounts have been prepaid from the Fund and the party for whom counsel was appointed prevails or accepts a settlement and the amount awarded or accepted exceeds $2,500.00, the clerk will notify court-appointed counsel that the prepaid amounts are to be repaid to the District Court Fund. The clerk will send a copy of the notice to the assigned judge. On receipt of such notice counsel will promptly remit the amount in excess of the limit.

D.C.F. REG.3 PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS

A. Request for Authority to Incur Expense

For those expenses where authority to incur is required prior to incurring them, the request for authority to incur the expense shall be made by motion filed with the judge to whom the case is assigned. The motion shall set forth briefly the reason for the request and the estimated amount of the expense.

B. Request for Prepayment or Reimbursement of Expenses

Any request for the prepayment or reimbursement of expenses shall be on the voucher form approved by the Executive Committee and available on request from the clerk. The request shall be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable and, where the request is for reimbursement, that the amounts have actually been paid out. The request shall be filed with the clerk's office. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

C. Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney appointed under this Court's *pro bono* rules is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, he or she shall file a request for reimbursement within ninety days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the court will not allow reimbursement of expenses where the request was filed more than ninety days after the entry of the order of withdrawal.

D. Request May be Made *Ex Parte*

Any request made under sections A, B, or C of this regulation may be made *ex parte.*

E. Action by Assigned Judge and/or Chief Judge

The assigned judge or the chief judge may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

F. Processing by Clerk

On receipt of the voucher form indicating amounts approved for prepayment or reimbursement, the clerk shall check to determine whether or not any payments had previously been made out of the Fund to cover expenses in the same proceeding. If no such payments had been made, the clerk shall promptly issue the required check or checks in the amount indicated on the voucher form or the limit set by these regulations, whichever is lower. Where payments had previously been made from the Fund for expenses in the proceedings, the clerk will check to see if the amounts authorized by the current voucher together with amounts previously paid would require additional approval by the chief judge because the total exceeds the limits set by these regulations for amounts approvable by the assigned judge. Where such approval is required, the clerk shall promptly transmit the voucher to the chief judge. On receipt of the voucher from the chief judge, the clerk shall promptly issue the required check or checks in the amount indicated on the voucher form or limit set by these regulations, whichever is lower. If the chief judge disallowed any or all of the amounts requested, the clerk shall promptly transmit to the submitting attorney a copy of the voucher showing the action of the chief judge.

G. Amounts Paid From Fund To Be Reimbursed From Any Fee Award

Where a fee award is made by a judge to an appointed attorney, the attorney awarded fees shall upon receipt of the monies awarded promptly repay the Fund any amounts paid to him or her under these regulations.

D.C.F. REG.4 EXPENSES AND COSTS COVERED BY REGULATIONS

A. C.J.A. Limits To Apply In Absence Of Specific Limits

Except as specified by these regulations, the amounts and types of expenses covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act (18 U.S.C. §3006A) (See also *Guide to Judiciary Policies and Procedures*, Volume VII, Section A, Chapters 2 and 3).

B. Deposition and Transcript Costs

The costs of transcripts or depositions shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel and, for depositions, the copy provided to the court pursuant to Rule 54.1 of the Local Rules of this of this Court, shall be allowed.

C. Travel Expenses

Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Per diem in lieu of subsistence is not allowable; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

D. Service of Papers; Witness Fees

Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the District Court Fund.

E. Interpreter Services

Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund.

F. Costs Of Photocopies, Photographs, Telephone Toll Calls, Telegrams

Except as provided by section D of Regulation 2, actual, out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, and telegrams necessary for the preparation of a case may be prepaid or reimbursed from the District Court Fund.

G. Other Expenses

Expenses other than those described in sections B through F of this regulation may be approved by the judge to whom the case is assigned. No single expense under this section exceeding $100 shall be reimbursed unless approval was obtained from the judge prior to the expenditure. When requesting reimbursement for any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement filed with the judge.

POLICIES ADOPTED BY THE ADVISORY COMMITTEE REGARDING THE REGULATIONS

1) PAYMENT OF EXPENSES UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

Monies deposited in the District Court Fund which are to be distributed under the provisions of section I(12) of the *Plan for the Administration of the District Court Fund* may be used to pay expenses incurred in relation to functions:

(a) where the nature of the function is primarily related to the operation of the United States District Court for the Northern District of Illinois, and

(b) where participation in the function is not restricted to members or employees of the United States District Court for the Northern District of Illinois, and/or persons receiving reimbursement of travel expenses from the United States Courts.

2) AUTHORITY OF CUSTODIAN TO MAKE DISBURSEMENTS UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The custodian of the fund shall be authorized to make disbursements up to, but not more than $200.00 per event for expenses for the use and benefit of the bench and bar in the administration of justice, notwithstanding the restrictions of section I, paragraph 12 of the *Plan for the Administration of the District Court Fund*. Such disbursements shall be subject to later review and approval by the full court or the District Court Fund Advisory Committee.

Appendix 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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