

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 23-0012**

The full Court met in executive session on September 28, 2022 and approved proposed amendments to Local Rules 83.38. The proposed amendments were published with comments due on December 12, 2022. One public comment was received, considered, and implemented.

On February 7, 2023, the Rules Advisory Committee submitted its report endorsing the amendments to the Court's Rules Committee.

The Rules Committee considered the proposed amendments and the report of the Rules Advisory Committee at its meeting on Monday, February 13, 2023. The Rules Committee approved the recommendations from the Rules Advisory Committee and recommended that the full Court adopt Local Rule 83.38 as proposed.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, February 23, 2023, and agreed to adopt Local Rule 83.38 as proposed.

By direction of the full Court,

IT IS HEREBY ORDERED that Local Rule 83.38 be implemented as published by the Rules Committee as attached (additions shown thus, deletions shown ~~thus~~). The Rule is effective immediately, pending the approval of the Seventh Circuit Judicial Council.

ENTER:

FOR THE COURT



Hon. Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 24th day of February 2023

LR83.38. Relief from Assignment

(a) Grounds; Application. After assignment counsel may move for relief from 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) Counsel is 70 years of age or older, has no active appearance on file in any case in this District and requests relief from the assignment. Relief under this provision does not require withdrawal from the trial bar or alternate pro bono assignment.

~~(1)~~(2) Some conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.

~~(2)~~(3) In counsel's opinion, counsel is not competent to represent the party in the particular type of action assigned.

~~(3)~~(4) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party.

~~(4)~~(5) 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)~~(6) 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.

Where the attorney requesting withdrawal from a *pro bono* assignment has previously withdrawn from another recruitment, the application shall disclose the case name and number, the nature of the assignment and the reason for withdrawal.

(b) Order Granting Relief. If an application for relief from an order of assignment is granted, 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. Such assignment shall be made in accordance with the procedures set forth in [LR83.36](#). 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*.

(c) Consequences of Relief from Assignment.

Where the judge enters an order granting relief from an order of assignment on the basis of LR 83.38(a)(~~34~~) (substantial disagreement with the client) or LR 83.38(a)(~~45~~) (determination that the case is frivolous or filed for improper purpose), or LR 83.39 (discharged by the client), the judge shall determine whether the attorney has satisfied the case representation obligation or should be placed in the next pro bono panel.

Where the judge enters an order granting relief from an order of assignment because the assignment would create a conflict with a current representation, the attorney will be returned to the pro bono panel for another assignment.

Where the judge enters an order granting relief from an order of assignment on the grounds that counsel lacks relevant substantive expertise, or lacks the time to represent the party due to a temporary burden of other professional commitments, counsel so relieved shall, except as otherwise provided in the order, automatically be included among the names selected for the next panel. An attorney relieved of assignment on such grounds will, within one year

- (1) obtain any necessary substantive expertise and
- (2) certify that the attorney has engaged in one of the following alternatives to case representation:
 - (i) at least 50 hours of substantial alternative pro bono effort in a trial or settlement context (for example, service to the indigent or service to a governmental or civic organization);
 - (ii) volunteering at either the District Court's Hibbler Memorial Pro Se Help Desk or the Bankruptcy Assistance Desk for at least one three-hour shift per month for one full year or twelve total shifts over the course of the year. An attorney electing this alternative must complete or have completed a Pro Se Help Desk or Bankruptcy Assistance Desk training session before beginning service;
 - (iii) service as counsel for two appointments with the court's Settlement Assistance Program. An attorney electing this alternative must complete or have completed a Settlement Assistance Program training session before the appointments.

An attorney who fails to satisfy one of these alternatives will, absent good cause, be deemed to have withdrawn from the trial bar.

Amended December 23, 2016, March 29, 2018,
April 22, 2018, and xxxxxxxx;

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- (2) Some conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.
- (3) In counsel's opinion, counsel is not competent to represent the party in the particular type of action assigned.
- (4) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party.
- (5) Because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the party.
- (6) 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.

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