

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 16 - 0027**

The full Court met in executive session on Thursday, December 22, 2016 and approved an amendment to Local Rules 83.10 through 83.41 regarding General Bar Admission, Trial Bar Admission, Discipline, and Pro Bono Service. The proposed amendment was published with comments due on November 30, 2016. Three comments were received from the Public.

The Court's Rules Advisory Committee reviewed the rules and comments received, at its meeting on December 6, 2016 and approved the amendment as published with slight modification.

The Court's Rules Committee discussed the rules, the comments received, and the comments of the Rules Advisory Committee at its meeting on December 16, 2016. It recommended that the full Court adopt the proposal as amended by the Rules Advisory Committee, with slight modification by the Rules Committee.

The full Court considered the recommendation of the Rules Committee at its meeting on December 22, 2016 and agreed to modify Local Rules 83.10 through 83.41. Therefore,

By direction of the full Court, which met in executive session on Thursday, December 22, 2016,

IT IS HEREBY ORDERED that Local Rules 83.10 through 83.41, pertaining to General Bar Admission, Trial Bar Admission, Discipline, and Pro Bono Service, be amended as shown in the attached published redline draft version (additions shown thus, deletions shown ~~thus~~), and in the attached final, revised version.

ENTER:  
FOR THE COURT

  
\_\_\_\_\_  
Chief Judge

Dated at Chicago, Illinois this 23<sup>rd</sup> day of December, 2016

**AMENDMENTS AS PUBLISHED**  
**Local Rules Governing Counsel Admitted to Practice in this Court**  
**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 [eClerkClerk](#).

(c) **Filing Petition.** Each person applying for admission to practice shall electronically file with the [eClerkClerk](#) 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~~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~~on the "Oath of Office" must be notarized. ~~If a~~A petitioner ~~who seeks admission but~~ does not have ~~his/her a signed and notarized~~ "Oath of Office" ~~signature notarized and wishes to appear in person to be admitted, then may,~~ within 30 days of the petition being ~~approved-submitted~~ 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~~ must accompany the petitioner and move ~~the~~his/her 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 subject to refund should~~ the petitioner ~~is not~~ be 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 ~~either (1) the completed~~ petition form ~~indicating reflecting~~ that the petitioner has taken the oath of office, or ~~on receipt of (2) the attorney's~~petitioner's own motion, accompanied by a copy of the attorney's valid and current 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~~Clerk shall promptly issue a certificate indicating that petitioner has been admitted to the general bar of this Court and shall add petitioner's name into 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~~ record 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 that involves~~ 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 ~~that~~ the petitioner observed while being supervised by a supervising attorney who consulted with the ~~observer~~ petitioner 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 or~~ training units. A petitioner shall be credited ~~the following qualifying for~~ units of trial experience ~~for the experience indicated as follows~~:

- (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 no more than 2 of which may be simulation units.

~~(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, must be a certified e-filer, must~~ provide evidence of having the required trial experience, ~~and must be sponsored by one current member of the trial bar who has known the applicant for at least one year and can attest to his/her competence. Anyone wishing to apply for~~ An attorney seeking admission to the trial bar who is not a member of the bar of this Court may apply for admission to both bars simultaneously. Trial bar membership must be renewed every three years.

**(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~~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 subject to refund, should the petitioner is not be 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.

~~The clerk shall deposit the fee in the District Court Fund.~~

**(f) Duty to Maintain Contact Information.** Every member of the trial bar must maintain current contact information (street address, telephone number, and e-mail address) with the Clerk, and must advise the Clerk within 30 days of any change.

~~(g)~~ **(g) 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)(h) **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. counsel.

(i) **Renewal.** Membership in the trial bar must be renewed every three years. An applicant for renewal must complete a Trial Bar Membership Renewal Form that sets forth information about past pro bono assignments, if any. The renewal fee shall be one-half of the current fee for admission to the trial bar. An attorney who does not renew his/her membership within one month of the expiration of the three-year anniversary date of admission to the trial bar will be deemed to have withdrawn.

~~(h)~~(j) **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~~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.

~~(h)~~(k) **Reinstatement.** Any attorney ~~permitted to withdraw as a member of who has withdrawn from membership in~~ the trial bar pursuant to section (h) ~~who~~but 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 an appearance on behalf of parties, a party; 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 general 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 theysuch documents 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 permit~~ an attorney admitted to the general bar, but not ~~to~~ the trial bar, to appear alone in any aspect of ~~the matter a civil or criminal proceeding~~ 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 a waiver of~~ these rules. Such permission shall apply only to the proceeding in which it was granted. ~~Granting of such permission and~~ shall be limited to exceptional circumstances.

Amended June 24, 2009

### **LR83.13. Representation by Supervised Senior Law Students**

A ~~student in a~~ law school student 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~~under the supervision of 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~~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~~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~~may 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.~~ performance of the duties identified in section (c).

**(b) Penalties.** Where ~~the~~ nonresident attorney tenders documents without the required designation of local counsel, the ~~clerk~~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~~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 or~~ senior ~~students admitted pursuant to LR83.13 and attorneys admitted pursuant to LR83.14,~~ student who represents a party in any proceeding brought in this Court, whether before a district 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~~ must 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~~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 ~~the form~~ the form prior to or simultaneously with the filing of any motion, brief or other document in a proceeding before a district judge or magistrate judge of this Court, or at the ~~attorney's~~ attorney's initial appearance before a district 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 district 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~~Clerk determines that an attorney who has filed documents or appeared in court has not filed the appearance form required by this rule, the ~~clerk~~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 district 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 attorney's identification number. The ~~clerk~~Clerk shall ~~be responsible for issuing~~issue 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~~An attorney who 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 general bar, the ~~member of the~~ trial bar member included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Where an attorney withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form Notification of Party ~~contact~~Contact Information must be electronically filed as an attachment to the motion to withdraw.

Amended 5/27/16

### **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~~Clerk shall promptly notify the attorney of the provisions of this rule. The Clerk's notice will ~~also indicate~~identify the order upon which automatic transfer to

inactive status is being based.

Within 21 days of the mailing of the notice by the ~~clerk~~Clerk, the attorney subject to automatic transfer to inactive status may file a motion with the Executive Committee requesting ~~that relief from the automatic transfer not take place. The motion shall indicate the to inactive status and stating~~ 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~~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~~If the ~~motion to reinstate~~petition is ~~granted~~denied by the Executive Committee, the attorney shall, upon request, be granted a hearing ~~for review of the denial~~.

**(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 district 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 clerkClerk 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.

**(e)** 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 clerkClerk 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 [provides](#) that in general disciplinary proceedings are confidential. Any final orders imposing discipline are public. ~~In those instances where~~ [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 ~~elerk~~[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~~ in its discretion, 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 of the statement of charges, the ~~clerk~~Clerk shall forthwith mail two copies to the ~~attorney's~~ 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~~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~~disbarment 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. Discipline: Assignment of Investigation 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~~to review 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~~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~~after 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)~~(3) The terms "*pro bono* rules" and "*pro bono* program" shall refer to [LR83.35](#) through [83.41](#).

~~(b) (b) CREATING THE **Pro Bono** PANEL.~~ ~~From time to time,~~

~~(i) At the clerk shall select names at random from start of each calendar year, the Clerk will create a pool consisting of the entire membership of the trial bar to create a panel. Except as otherwise provided by the *pro bono* rules, the clerk shall select, including any new members from the trial bar, but excluding any members who have not been included on previously accepted an earlier panel assignment. Names in the pool will be listed in random order.~~

~~(ii) At the start of each calendar quarter, the Clerk will create a *pro bono* panel by selecting, in random order, the names of a number of trial bar members equal to the estimated number of *pro bono* assignments to be made in the following quarter. Attorneys chosen for the panel will be notified by e-mail and directed to complete a Profile Form, if one is not already on file. An attorney who practices primarily in the Eastern Division but who prefers appointment to a case pending in the Western Division of this~~

court should so notify the Clerk.

(iii) An attorney who is exempt from pro bono assignment pursuant to LR 83.35(d) shall notify the Clerk of the exemption when the attorney receives notice of his or her selection for the panel. The Clerk will remove the attorney's name from the panel and from the pool for one year.

**(c) NOTIFICATION TO PANEL.** Following the selection of a panel the ~~el~~erk Clerk shall notify each member ~~and obtain from each the following information:~~ by e-mail and direct each member to complete a Profile Form, if one is not already on file. Such Form shall disclose:

(1)(4) counsel's prior civil trial experience, including a general indication of the number of trials and areas of trial experience;

(2)(5) 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.~~

(6) counsel's preference, if any, for appointment to a case pending in the Western Division of this Court.

The information set forth in the Form may be amended at any time by letter.

**(d) EXEMPTIONS.** A member of the trial bar may be removed from a panel upon request upon a showing that

(3)(7) whose the attorney's principal place of business is outside of this District, or

(4)(8) ~~whethe attorney~~ is employed full-time as an attorney for an agency of the United States, a state, a county, or any sub-division thereof, or

(9) ~~whethe attorney~~ 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.~~

(5)

(e) **VOLUNTEERS.** A member of the trial bar may volunteer to be included in a pro bono panel at any time and will be assigned to the next available case. ~~Whenever a volunteer is assigned, the clerk as part of the notification process will ask the volunteer to elect one of the following options:~~

(6) ~~the volunteer's name will be moved to the end of the list of names on the panel, or~~

(7) ~~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.~~

(f) **COMPLETION OF SERVICE.** Any member of the trial bar who has accepted an assignment prior to the effective date of this rule is eligible for a further case assignment no earlier than 12 months following the completion of the attorney's most recent assignment. On and after the effective date of this rule, an attorney who has accepted an assignment under this rule will ordinarily not be assigned another case until every other member of the trial bar has been so assigned.

**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~~ listing any prior ~~pro bono assignments of matters, pending or terminated, in which~~ counsel has been assigned by any judge of this court to represent ~~thethat~~ 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.

#### Assignment

##### **(b) Selection of Attorney**

(i) By the Clerk. Upon request from a judge, the Clerk will identify an attorney from the pro bono panel at random for assignment, provided that attorneys whose practice is primarily in the Western Division of this court will not be assigned to a case pending in the Eastern Division.

(ii) By the Judge. The judge presiding in any case retains discretion to assign counsel as set forth in IOP 8. Selection by a judge pursuant to IOP8 is the equivalent of selection by the Clerk for purposes of fulfilling the attorney's trial bar case representation requirement. An attorney selected by a judge must notify the Clerk of the assignment.

**(b)(c) Notice of Assignment.** After counsel has been selected, the ~~el~~erklClerk shall forthwith send to counsel written notice of the assignment. In addition to notifying counsel, the ~~el~~erklClerk 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.

(e)(d) **Making Private Counsel Court- Assigned.** ~~Where a~~ party ~~is~~ represented by counsel ~~and because of, or the attorney may, due to the~~ party's financial condition ~~both the party and counsel wish, seek~~ to change the nature of the representation to court-assigned representation, in order ~~that to render~~ counsel ~~may be~~ eligible for reimbursement of expenses from the District Court Fund pursuant to [LR83.40](#), ~~counsel.~~ Such a change may ~~petition be approved by~~ the court ~~to be court-assigned counsel on a petition.~~ Any such petition shall ~~indicate confirm~~ that ~~if approval of the court grants the petition, change in representation will negate~~ any existing fee agreements between the party and counsel ~~shall no longer be enforceable,~~ and ~~any that any~~ subsequent fee agreements between the party and counsel ~~may only will~~ be made in accordance with the provisions of [LR83.41](#). ~~In ruling on the petition, the~~ The judge ~~shall will~~ grant ~~it the petition~~ only if the judge would have granted an application filed under this rule had the party not been represented by counsel. Where ~~the a~~ party is represented by more than one ~~counsel attorney,~~ 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 the assignment would be limited to those attorneys seeking such assignment.~~

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~~ 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) 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 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. ~~Alternatively, In any action where the judge shall have the discretion discharges assigned counsel but does not to issue a further order of assignment, in which case the party shall be permitted to prosecute or defend the action 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(3) (substantial disagreement with the client) or LR 83.38(4) (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, ~~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. An attorney relieved of assignment on such grounds will, within one year

Amended May 24, 2013 (a) obtain any necessary substantive expertise and

(b) 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 the court's Hibbler Memorial Pro Se Help 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 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.

### **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. 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*.

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~~Any party for whom counsel has been assigned 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~~Assigned counsel or the firm with which counsel is affiliated ~~to~~may 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~~The assigned attorney or firm ~~shall~~is 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 for cases filed prior to February 1, 2016 or for cases filed on or after February 1, 2016. The ~~clerk~~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 nevertheless 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

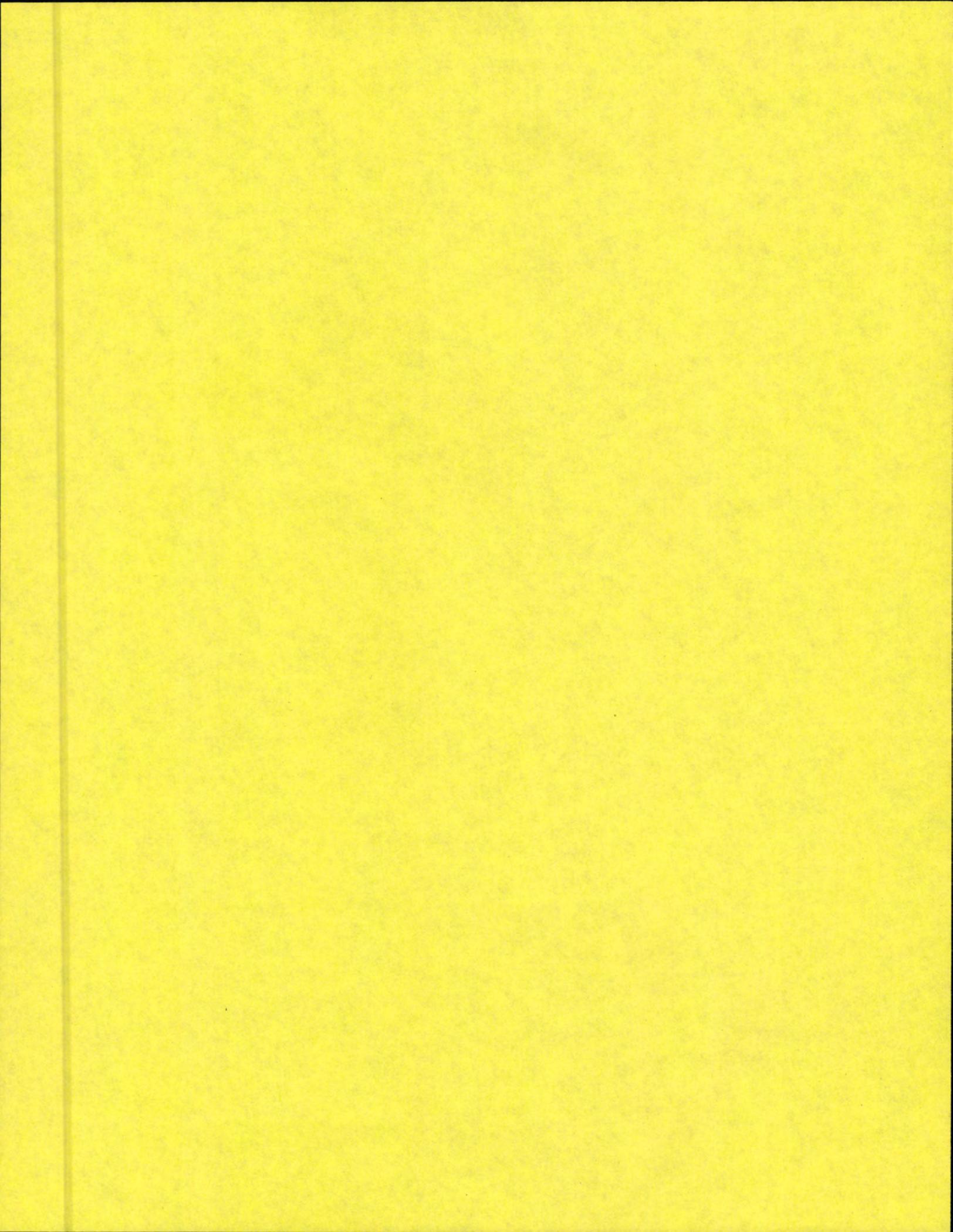
judge's approval, or (2) relieve counsel from the responsibilities of the order of assignment and either permit the party to retain an attorney or to proceed *pro se*.

**(b) Fee Agreements.** If assigned counsel wishes to negotiate a fee arrangement with the client, counsel mustis expected to 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



**Local Rules Governing Counsel Admitted to Practice in this Court**  
**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 on the "Oath of Office" must be notarized. A petitioner who seeks admission but does not have a signed and notarized "Oath of Office" may, within 30 days of the petition being submitted pursuant to section (d), appear before a district judge of this Court or a magistrate judge to take the oath or affirmation required for admission. In such circumstances, an attorney who is a member in good standing of the bar of this Court must accompany the petitioner and move for his/her admission.

**(f) Admission Fee.** Each petitioner shall pay an admission fee upon the filing of the petition, subject to refund should the petitioner not be admitted. 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 either (1) the petition form reflecting that the petitioner has taken the oath of office, or (2) the petitioner's own motion, accompanied by a letter or certificate of good standing (not more than 30 days old at the time of application) to Practice in another District of Illinois, and by the attorney's certification 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 shall add petitioner's name to 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 judge or administrative law judge is present;

(D) the parties to such proceedings are represented by attorneys; and

(E) where a proceeding is held before an administrative agency, the findings and determinations of the agency are based upon the record 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 is a trial or hearing that involves substantial testimonial proceedings going to the merits; and

(C) it is held in open court before one of the following: a district 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 that the petitioner observed while being supervised by a supervising attorney who consulted with the petitioner about the trial. At the time of the observation the supervising attorney must either be 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 a training seminar officially sanctioned by the Court (including, for example *Pavey* hearings on the administrative exhaustion defense to a prisoner case, or "EAR" hearings for early resolution of prisoner conditions-of-confinement claims).

(7) The term "qualifying unit of trial experience" shall include any of the following: participation units, observation units, simulation units, or training units. A petitioner shall be credited for units of trial experience as follows:

(A) for each participation unit, 2 units where the trial lasted 5 days or less, 3 units where the trial lasted from 6 to 10 full days, and 4 units where the trial lasted 11 or more full days;

(B) for each observation unit, 1 unit;

- (C) for one allowable 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 no more than 2 of which may be simulation units.

**(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, must be a certified e-filer, must provide evidence of having the required trial experience, and must be sponsored by one current member of the trial bar who has known the applicant for at least one year and can attest to his/her competence. An attorney seeking admission to the trial bar who is not a member of the bar of this Court may apply for admission to both bars simultaneously. Trial bar membership must be renewed every three years as set forth in section (i).

**(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, subject to refund, should the petitioner not be admitted. 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 Maintain Contact Information.** Every member of the trial bar must maintain current contact information (street address, telephone number, and e-mail address) with the Clerk, and must advise the Clerk within 30 days of any change.

**(g) 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.

**(h) 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 counsel.

**(i) Renewal.** Membership in the trial bar must be renewed every three years. An applicant for renewal must complete a Trial Bar Membership Renewal Form. The renewal fee shall be one-half of the current fee for admission to the trial bar. An attorney who does not renew his/her membership within one month of the expiration of the three-year anniversary date of admission

to the trial bar will be deemed to have withdrawn.

**(j) 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 ([LR83.35\(b\)](#)), the name of the attorney will be removed from the *pro bono* panel if the motion is granted.

**(k) Reinstatement.** Any attorney who has withdrawn from membership in the trial bar pursuant to section (i) but 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 an appearance on behalf of a party; 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 general 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 such

documents are co-signed by a member of the trial bar.

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

Amended June 24, 2009

### **LR83.13. Representation by Supervised Senior Law Students**

A law school student 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 under the supervision of 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”) may 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 performance of the duties identified in section (c).

**(b) Penalties.** Where a 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. 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 or senior law student who represents a party in any proceeding brought in this Court, whether before a district 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 must 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 the form prior to or simultaneously with the filing of any motion, brief or other document in a proceeding before a district judge or magistrate judge of this Court, or at the attorney's initial appearance before a district 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 district judge or magistrate judge, the attorney shall serve a copy of the appearance on the United States attorney.

**(e) Penalties.** If the Clerk determines 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 district 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 district 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 attorney's identification number. The Clerk shall issue identification numbers to attorneys who are not members of the Illinois bar.

Amended June 24, 2009

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

An attorney who has filed an appearance form pursuant to [LR83.16](#) 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 general bar, the trial bar member included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Where an attorney withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form [Notification of Party Contact Information](#) must be electronically filed as an attachment to the motion to withdraw. Amended 5/27/16

### **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 Clerk's notice will identify 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 relief from the transfer to inactive status and stating 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. If the petition is denied by the Executive Committee, the attorney shall, upon request, be granted a hearing for review of the denial.

**(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 district judge, magistrate judge or bankruptcy judge of this Court to maintain control over proceedings conducted before that district 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 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 provides that in general disciplinary proceedings are confidential. Any final orders imposing discipline are public. 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, in its discretion, 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 issuance of the statement of charges, the Clerk shall forthwith mail two copies to the attorney's last known address. 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 disbarment 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. Discipline: Assignment of Investigation 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 to review 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 after 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. 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 terms "*pro bono* rules" and "*pro bono* program" shall refer to [LR83.35](#) through [83.41](#).

**(b) CREATING THE Pro Bono PANEL.**

(i) At the start of each calendar year, the Clerk will create a pool consisting of the entire membership of the trial bar, including any new members, but excluding any members who have previously accepted an assignment. Names in the pool will be listed in random order.

(ii) At the start of each calendar quarter, the Clerk will create a pro bono panel by selecting, in random order, the names of a number of trial bar members equal to the estimated number of pro bono assignments to be made in the following quarter. Attorneys chosen for the panel will be notified by e-mail and directed to complete a Profile Form, if one is not already on file. An attorney who practices primarily in the Eastern Division but who prefers appointment to a case pending in the Western Division of this court should so notify the Clerk.

(iii) An attorney who is exempt from pro bono assignment pursuant to LR 83.35(d) shall notify the Clerk of the exemption when the attorney receives notice of his or her selection for the panel. The Clerk will remove the attorney's name from the panel and from the pool for one year.

(iv) After accepting a pro bono assignment, trial bar members will

ordinarily be eligible for subsequent pro bono assignment only after all non-exempt trial bar members have been assigned a pro bono case in accordance with this rule.

**(c) NOTIFICATION TO PANEL.** Following the selection of a panel the Clerk shall notify each member by e-mail and direct each member to complete a Profile Form, if one is not already on file. Such Form shall disclose:

- (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;
- (3) counsel's preference, if any, for appointment to a case pending in the Western Division of this Court.

The information set forth in the Form may be amended at any time by letter.

**(d) EXEMPTIONS.** A member of the trial bar may be removed from a panel upon request upon a showing that

- (1) the attorney's principal place of business is outside of this District, or
- (2) the attorney 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) the attorney is employed full-time as an attorney by a not-for-profit legal aid organization.

**(e) VOLUNTEERS.** A member of the trial bar may volunteer to be included in a pro bono panel at any time and will be assigned to the next available case.

**(f) COMPLETION OF SERVICE.** Any member of the trial bar who has accepted an assignment prior to the effective date of this rule is eligible for a further case assignment no earlier than 12 months following the completion of the attorney's most recent assignment. On and after the effective date of this rule, an attorney who has accepted an assignment under this rule will ordinarily not be assigned another case until every other member of the trial bar has been so assigned.

### **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 listing any prior matters, pending or terminated, in which counsel has been assigned by any judge of this court to represent that party. 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) Selection of Attorney**

**(i) By the Clerk.** Upon request from a judge, the Clerk will identify an attorney from the pro bono panel at random for assignment, provided that attorneys whose practice is primarily in the Western Division of this court will not be assigned to a case pending in the Eastern Division.

**(ii) By the Judge.** The judge presiding in any case retains discretion to assign counsel as set forth in IOP 8. Selection by a judge pursuant to IOP8 is the equivalent of selection by the Clerk for purposes of fulfilling the attorney's trial bar case representation requirement. An attorney selected by a judge must notify the Clerk of the assignment.

**(c) 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.

**(d) Making Private Counsel Court-Assigned.** A party represented by counsel, or the attorney may, due to the party's financial condition, seek to change the nature of the representation to court-assigned representation, in order to render counsel eligible for reimbursement of expenses from the District Court Fund pursuant to [LR83.40.](#), Such a change may be approved by the court on a petition. Any such petition shall confirm that approval of the change in representation will negate any existing fee agreements between the party and counsel, and that any subsequent fee agreements between the party and counsel will be made in accordance with the provisions of [LR83.41.](#) The judge will grant the petition only if the judge would have granted an application filed under this rule had the party not been represented by counsel. Where a party is represented by more than one attorney, any order of assignment under this section shall preclude prospective operation of fee agreements with all such counsel but the assignment would be limited to those attorneys seeking such assignment.

Amended May 24, 2013

### **LR83.37. Duties & Responsibilities of Assigned Counsel**

Upon receiving notice of 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.

### **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) 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 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(3) (substantial disagreement with the client) or LR 83.38(4) (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 the court's Hibbler Memorial Pro Se Help 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 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.

### **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. 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*.

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.

Amended May 24, 2013

### **LR83.40. Expenses**

Any party for whom counsel has been assigned 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. Assigned counsel or the firm with which counsel is affiliated may 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. The assigned attorney or firm is not 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 for cases filed prior to February 1, 2016 or for cases filed on or after February 1, 2016](#). 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 nevertheless 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 is expected to 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