

## PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, January 22, 2009, and approved a proposal to amend LR83.12 of the Civil Rules of this Court as follows (additions shown thus, and deletions shown ~~thus~~):

### LR83.12. Appearance of Attorneys Generally

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

**(b) Testimonial Proceedings.** An attorney who is a member of the trial bar may appear alone during testimonial proceedings. An attorney who is a member of the bar, but not of the trial bar, may appear during testimonial proceedings only if accompanied by a member of the trial bar who

is serving as advisor. For the purposes of this rule the definition of the term “testimonial proceedings” is the same as in LR83.11(a)(1).

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

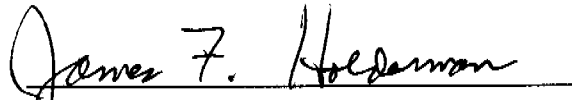
**(d) Waiver.** A judge may grant permission in a civil or criminal proceeding pending before that judge to an attorney admitted to the general bar, but not to the trial bar, to appear alone in any aspect of the matter only upon written request by the client and a showing that the interests of justice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

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**COMMENT:** The proposed modification will allow Assistant United States Attorneys to appear in their official capacity in all matters before the court without admission to the trial bar of this Court. By direction of the full Court and pursuant to 28 U.S.C. §207(b) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause the proposal to amend revised Local Rule 83.12 to be posted in the Courthouses at Chicago and Rockford, (b) cause notice of the proposal and requests for comment to be published in the *Chicago Daily Law Bulletin*, (c) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for

Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the advisory committee to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:  
FOR THE COURT

  
Chief Judge

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