

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 09 - 0004**

The full Court met in executive session on Thursday, January 22, 2009 and approved an amendment to Local Rule 83.28 regarding Discipline of Attorneys for Misconduct. The modification expedites the process of disciplinary action regarding attorneys disciplined for misconduct. The proposed amendment was published with comments due on November 28, 2008. No comments were received.

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

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

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, January 22, 2009 and agreed to modify Local Rule 83.28. Therefore,

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

IT IS HEREBY ORDERED that LR83.28: Discipline of Attorneys for Misconduct be amended as follows (additions shown thus, deletions shown ~~thus~~):

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 appointment 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 ~~30~~ 14 days after service why the attorney should not be disciplined.

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

- (1) where the last known address of the attorney is located in the District, the division in which the address is located; or,
- (2) where no address is known or the last known address is outside of the District, the Eastern Division.

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

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

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

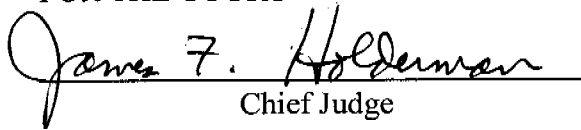
- (1) the attorney's consent is freely and voluntarily rendered;
- (2) the attorney is not being subjected to coercion or duress;
- (3) the attorney is fully aware of the implications of so consenting;
- (4) the attorney is aware that there is presently pending an investigation or proceeding involving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

(5) the attorney acknowledges that the material facts so alleged are true.

Upon receipt of the required declaration, the Executive Committee shall enter an order disbaring the attorney.

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

ENTER:
FOR THE COURT


Chief Judge

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