

# Filing a Civil Case without an Attorney:

A Guide for the Pro Se Litigant  
*(Instructions Only)*



## Notice

If you are hearing impaired and have filed a case, the Court is able to provide a sign language interpreter for court proceedings only. You must make your request for a sign language interpreter two weeks in advance of the proceedings and your request should be emailed to the Court's interpreter office at: [Interpreter\\_ILND@ilnd.uscourts.gov](mailto:Interpreter_ILND@ilnd.uscourts.gov).

### Interpreter Services Notification

Please be advised that the Court cannot provide you with language interpreter services. You will need to bring your own interpreter if you do not speak English.

### Notificación Respecto a Servicios de Intérprete

Por favor sírvase quedar informado que el Tribunal no le puede proporcionar servicios de intérprete. Usted necesitará traer su propio intérprete si no habla inglés.

### Tłumaczenie w sądzie - Komunikat

Uprzejmie informujemy, że sąd nie zapewnia usług tłumacza. Jeśli nie mówi Pan/Pani po angielsku, musi Pan/Pani zatrudnić tłumacza we własnym zakresie.

### أخطار بخصوص خدمات الترجمة:

نرجو الآحاطة بأن المحكمة لا تستطيع أن توفر لكم خدمة الترجمة. ستحتاج إلى أحضار مترجمك الخاص إلى المحكمة إذا كنت من غير القادرين على التحدث باللغة الإنجليزية.

## Personal Identifiers in Paper Filings

[Federal Rules of Civil Procedure 5.2](#) addresses privacy and security concerns over public access to electronic court files. Under this rule, papers filed with the court should not contain anyone's social security number or full birth date; the name of a person known to be a minor; or a complete financial-account number. A filing may include only the last four digits of a social security number or taxpayer identification number; the year of someone's birth; a minor's initials; and the last four digits of a financial-account number. Please review the rule for a complete listing and exceptions.

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## **Introduction**

This guide is intended to help anyone who does not have an attorney and wants to either file a civil case or defend against a civil case in the Northern District of Illinois. Someone who participates in a civil case without an attorney is often referred to as a *pro se party* or *pro se litigant* (pronounced “pro say”).

If you are a pro se litigant, this guide will help you to understand some of the legal terms you are likely to hear as your case proceeds. It will explain some of the guidelines that control how a civil case moves forward. It will also give you information about a few legal resources you may wish to consult. This guide is *not* a substitute for an attorney.

The Clerk’s Office serves those who have business in the Court and this is where you will file paperwork for your case. The staff of the Clerk’s Office can help you by answering questions about procedures, but they are *forbidden by law* from giving you legal advice. This means, for example, that the Clerk’s staff *cannot* do any of the following:

- recommend a legal course of action or suggest ways to help you win your case;
- predict how a district or magistrate judge may decide any issue;
- interpret the meaning of any judicial order; or
- interpret the local rules of this Court, federal procedural rules, or federal statutes.

The rules and procedures that affect how your case proceeds can be difficult to understand. With that in mind, you should seriously consider trying to obtain professional legal assistance. There are legal organizations that can help arrange for you to have a chance to talk with a lawyer about your case for a small fee. There are also some organizations that help arrange for attorneys to represent litigants at no charge. A separate section of this guide lists organizations that may be able to offer you legal assistance.

This guide has been organized into the following sections:

- Important Issues to Consider before Going Forward as a Pro Se Litigant
- Filing Your Case: What You Must Do to Get Started
- Defending a Civil Case
- Basic Procedures for Ongoing Civil Cases
- The Clerk’s Office
- Getting Legal Assistance
- Federal Agencies and Courts
- Glossary of Common Legal Terms
- Appendix: Map, Fee Schedules, Rules, and Civil Case Progression Chart

The U.S. District Court for the Northern District of Illinois is the federal trial court for the northern portion of Illinois. The District is divided into an Eastern Division and a Western Division. The headquarters of the District’s Eastern Division is at the Everett McKinley Dirksen United States Courthouse, located at 219 South Dearborn Street in Chicago. The headquarters

for the District's Western Division is at the Stanley J. Roszkowski United States Courthouse, located at 327 South Church Street in Rockford. A map showing how the counties are divided into each division of the District is in the appendix.

All of the case forms referenced in this guide are available in both courthouses in the Clerk's Office or from the District's website at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov). The Clerk's Office for the Eastern Division is on the 20<sup>th</sup> floor of the Dirksen Courthouse in Chicago. The Clerk's Office for the Western Division is located on the 2<sup>nd</sup> floor of the Roszkowski Courthouse in Rockford.

## **Important Issues To Consider Before Going Forward As A Pro Se Litigant**

### **Consider Resolving the Dispute Outside of Court**

Here are a few suggestions to resolve your dispute outside of court:

- Try contacting the person, business, or government agency you feel has done something wrong and ask them to fix the problem.
- Seek help from other sources such as mediators or other local agencies that may be able to help you resolve the dispute (see pages 13-15).
- Contact an attorney who can help you make sure federal court is the right place to resolve your dispute. An attorney may also be able to provide you with more information about available community resources.

### **Deciding to File a Complaint in Federal vs. State Court**

Federal courts only have authority to decide certain kinds of cases. The U.S. District Court for the Northern District of Illinois is a federal trial court. As a federal trial court, it can only hear disputes which:

- involve a question as to the United States Constitution;
- involve questions of federal law (not state law);
- involve the United States as a party (either as the plaintiff or defendant);
- involve citizens of different states and the dispute is for \$75,000 or more.

If your case does not fit any of these categories, you should not file a complaint in this court and instead contact the circuit court in the county where you live. If you live in Cook County, you may find the courthouse for your district at this link:

[www.cookcountycourt.org/ABOUTTHECOURT/OrganizationoftheCircuitCourt.aspx](http://www.cookcountycourt.org/ABOUTTHECOURT/OrganizationoftheCircuitCourt.aspx). If you live outside of Cook County, you may find your circuit court by going to this link and selecting your county from the drop down menu labeled Local Court Information:

[www.illinoiscourts.gov/CircuitCourt/default.asp](http://www.illinoiscourts.gov/CircuitCourt/default.asp).

## Requirements and Responsibilities of the Pro Se Party

The following list provides a *few* examples of the way the court expects a pro se party to act when litigating a case.

- It is your responsibility to do everything necessary to prepare your case for trial, including, among other things: responding to requests for discovery, responding to motions, and presenting your case in court during all scheduled hearings and trial;
- It is your responsibility to know the established court procedures for pursuing or defending a case – if you do not follow the court’s procedures, your case may be dismissed or the court could impose other sanctions;
- It is your responsibility to give the opposing party (or if represented, their attorney) copies of all pleadings and motions you file with the court.

## Tips for Pro Se Litigants

Here are some tips for representing yourself in federal court.

- Read everything you get from the opposing party and from the court. It is important that you know what is going on in your case and what deadlines have been set.
- Be sure to meet every deadline that has been set. If you fail to meet a deadline, the court may sanction you.
- Keep copies of all papers, pleadings, and motions that you need for your case. When you file anything in person with the court, always bring the original and enough copies for the judge, yourself, and the opposing party.
- Always keep your contact information like your address and phone number up-to-date with the court and the opposing party.

## Researching the Law

You will need to become familiar with both the procedural rules and the substantive law that apply to your case. Both procedural rules and substantive law may be researched online or at the law library, which is located on the 16<sup>th</sup> floor of the Dirksen Courthouse.

### Procedural Rules

Procedural Rules create guidelines for the court and all parties to follow throughout litigation. There are several different sources of procedural rules:

- Federal Rules of Civil Procedure: These rules apply to every civil case in federal court in the United States and can be viewed in the law library or online at [www.federalrulesofcivilprocedure.org](http://www.federalrulesofcivilprocedure.org).
- Federal Rules of Evidence: These rules explain the types of evidence a federal court generally considers admissible in criminal and civil cases. Only evidence the court finds admissible may be included in a case. These rules can be viewed in the law library or online at [www.rulesofevidence.org](http://www.rulesofevidence.org).
- Local Rules: These rules only apply to the federal trial court in the Northern District of Illinois. These rules can be viewed in the law library or online at [www.ilnd.uscourts.gov/LocalRules.aspx](http://www.ilnd.uscourts.gov/LocalRules.aspx).

- Individual judges have procedural rules that are specific to their courtrooms only. It is important to look up the rules for the judge assigned to your case. These rules can be found in the Clerk’s Office or online at [www.ilnd.uscourts.gov/Judges.aspx](http://www.ilnd.uscourts.gov/Judges.aspx).

### **Substantive Law**

Substantive law governs the rights and responsibilities of everyone within a particular [jurisdiction](#). Substantive law refers to both statutes and case law.

- Statutes are laws passed by Congress or state legislatures and are what most people think of when they hear the word “law.” For example, criminal statutes tell us what behaviors are illegal and what the penalties are for those crimes.
- Case law, also referred to as common law, is created when judges rule on a specific legal issue in a case. Case law builds on itself over time and judges are often bound by previous judicial decisions in cases with similar facts. Researching case law can be difficult even for experienced attorneys. You must search for cases with legal issues or facts that are similar to your case. Then you must read the judge’s opinion and determine how it might apply to the facts of your case.

## **Filing Your Civil Case: What You Must Do To Get Started**

### **Format Requirements**

[Local Rule 5.2](#) details the format requirements for documents filed with the Court in paper form. The court requires that the documents you file meet the following requirements:

- On paper that is 8 1/2” x 11” in size, flat and unfolded;
- Typed or neatly handwritten;
- Bound at the top of the document if multiple pages;
- Have a signature block on the final page of the document, including your full name, address, and telephone number;
- Bear your *original signature, not a photocopy of your signature*.

If you present a document to the Clerk for filing that does not meet the format requirements set out in [Local Rule 5.2](#), a deputy clerk may call your attention to the format problems. The clerk will not refuse to file your document on these grounds, but Local Rule 5.2 allows the judge to have your document stricken. Therefore, you should read Local Rule 5.2 and comply with the format requirements.

### **Documents You Are Required To File**

When you file a civil case you must submit the following documents:

#### **Complaint**

As the plaintiff, you must submit the original copy of the complaint and one extra copy for the judge. If you are requesting permission to file your complaint without paying the filing fee (see **Filing Fee** below), you will need to submit one extra copy of the complaint for each defendant.

### [Civil Cover Sheet](#)

The civil cover sheet is required by the Clerk's Office for all new cases that are filed. It includes the names of all parties in the case and their attorneys. This form also asks the plaintiff to identify the nature of the case.

### [Appearance Form for Pro Se Litigants](#)

The appearance form requires more detailed information about the plaintiff, such as an address and phone number. This information is listed on the case docket. It also tells the Court and other parties in the case where to send notices of orders and filings in your case. If you have access to email, you may wish to indicate on your appearance form that you want to receive notices electronically rather than in paper form.

### [Summons](#)

You must provide the original summons and one additional copy for each defendant. If you are suing the federal government or one of its agencies, you must provide two more copies *in addition to* the copies for the named defendants.

### [USM 285 Form](#)

If you want the U.S. Marshal Service to deliver the copies of the complaint and summons to each defendant, you must complete and file an [USM 285](#) form for each named defendant in your case. If you are suing the federal government or one of its agencies, you must provide two more copies *in addition to* the copies for the named defendants.

### **Filing Fee**

You are responsible for paying the filing fees for your civil case (see list of filing fees [here](#)). If you do not believe you can afford the filing fees, you may request permission to proceed *in forma pauperis* (IFP). To proceed IFP, you must submit an original [IFP petition](#) and a copy for the judge.

If you wish to have a court-appointed attorney, you may file a [Motion for Attorney Representation](#) at the same time that you file the documents listed above. As with every document filed with the court, you must file an original and one copy of the motion for the judge.

A separate section of this guide covers the steps involved in filing a petition for leave to proceed IFP. In this section of the guide, assume that you can afford to pay the filing fee and that you are not filing a civil rights employment case or a writ of *habeas corpus*.

## **The Complaint**

The complaint is a document that is filed by the plaintiff and it initiates a civil case. This document explains to the defendant(s) and judge why you are suing and what you want if you win the case. Below is an example of the case caption information that should be at the top of the first page on all documents filed in your case, including the complaint. In the top center of the first page of the complaint, list the name of the court where the case is being heard. In this case, the name of the court is United States District Court, Northern District Court of Illinois. Under the court name on the left side, list the names of the parties in the case. The plaintiff's name should appear first. On the next line, enter the letter "v", which is short for "versus" or "against." List the names of the defendant or defendants below the "v". The complaint must list

all of the parties. Each person should be identified as a plaintiff or a defendant. Underneath the party names, enter the name of the document so it can easily be identified: In this example, the document name is “**Complaint.**” Below is a sample caption:

United States District Court Northern District of Illinois	
Jane Doe, Plaintiff	) ) ) )
v.	) ) )
John Doe, Defendant	) ) )
<b><u>COMPLAINT</u></b>	
[The text of your complaint starts here]	

After the caption of the complaint, the plaintiff should write a description of his or her case, explaining what happened and why they believe that the named defendant(s) is responsible for the damage or injury experienced. The plaintiff should explain why the court has jurisdiction over the case (*jurisdiction* is defined in the [legal terms section](#) of this guide). The plaintiff should also state what he or she wants the court to do, for example, the amount of money sought from the defendant.

If possible, the complaint should be written in the form of numbered paragraphs, with each paragraph covering a separate point of the case.

The complaint is the plaintiff’s side of the case and version of events. It is important to write the complaint as careful, complete, and as clear as possible.

The plaintiff must sign the complaint on the last page and include his or her name and address underneath the signature line.

### **What Happens When the Plaintiff Files the Complaint**

The plaintiff should complete the [complaint, civil cover sheet, appearance form, summons](#), and any other documents he or she wants to file *before* arriving at the Clerk’s Office to file the case. Bring all documents to the intake desk, located in the northeast corner of the 20<sup>th</sup> floor of the

Chicago courthouse. In the Western Division, bring documents to the Clerk's Office on the 2<sup>nd</sup> floor of the Rockford courthouse.

When presenting documents, the deputy clerk will review them to be sure that they appear to have been properly completed. The clerk will then assign the next available civil case number to the complaint. A computer program will be used to randomly pick a district judge for the case. A magistrate judge will also be designated.

If the plaintiff has paid the filing fee and has their summons, the deputy clerk will issue an original and one copy for each defendant and will give them back to the plaintiff for service.

If you have access to email, you should consider selecting email notification when you file your pro se appearance form. You can receive electronic notices of any orders entered by a judge or any document filed by another party in your case. Email notices are sent automatically, or as soon as a document is recorded on the case docket. An electronic version of the order or other document is attached to the email message, allowing you to download and save a copy of the document.

If you do not wish to receive immediate notices of activity in your case through email, notices will be printed and mailed to you through the U.S. Postal Service. The majority of attorneys receive notices through email.

If you are the plaintiff and are filing a petition to proceed IFP, see the section below. In all other cases, it is your responsibility to ensure that the summons and a copy of the complaint are served on the defendant. However, *you may not serve the summons yourself*. You have the following options for serving the summons:

- You can arrange for a private process server to serve the summons. The process server will file an affidavit with the court stating how the service was carried out. A summons may be served by anyone over the age of 18 who is not a party to the case.
- You can file a [USM 285 form](#) asking the Court to direct the U.S. Marshal to serve the summons, on the grounds that you cannot afford to prepay the cost of a process server.
- You can ask the defendant to waive the right to formal service. If you want to use this approach, you need to send the defendant a [Notice of Lawsuit and Request to Waive Service of a Summons](#) and a [Waiver of the Service of Summons](#). If the defendant agrees to waive service of a summons, he or she should complete the [Waiver of the Service of Summons](#) and return it to the court.

Service in a civil case must be carried out properly. The basic guidelines for service are described in [Rule 4 of the Federal Rules of Civil Procedure](#). Failure to serve correctly may result in a case being dismissed. The text of Rule 4 has been included in the [appendix](#) of this guide. Questions concerning proper service can be addressed by the Pro See Assistance Program attorney.

## **Filing a Petition to Proceed In Forma Pauperis (IFP)**

If you are the plaintiff and are unable to pay the filing fee for a civil case, you may ask the court to let you proceed without paying the fee in advance. The Latin phrase used for proceeding in this way is *in forma pauperis*. Translated, this phrase means “in the status of a poor person.” This phrase is often shorted to *IFP*. Cases of this type are sometimes called IFP or pauper cases.

To request permission to proceed *in forma pauperis*, you must complete an [In Forma Pauperis Application and Financial Affidavit](#). This document is often called an *IFP Petition* for short. An IFP petition may be obtained from the Clerk’s Office or the website here.

If you file an IFP petition, you should provide the deputy clerk with an original and one copy of the summons for each defendant at the time that you present your IFP petition. The summons will be kept with your file. The IFP petition, the complaint, and any other documents you submitted along with the complaint will be sent to the assigned district judge. There are a number of possible results of this review. Some of the more common outcomes are the following:

- The judge may grant the IFP petition. If this happens, the summons will be issued. The judge may also direct the U.S. Marshal to serve the summons and complaint on the defendant.
- The judge may determine that you can afford the filing fee. If this happens, you will need to pay the filing fee, usually within a specified period of time, before your case can proceed and the summons is issued.
- The judge may require you to pay a part of the filing fee. If this happens, you must comply with the judge’s instruction within a specified time before your case proceeds.
- The judge may ask for more information from you before ruling on your IFP petition.
- The judge may also review your complaint and decide, on review, that your case should be dismissed on legal grounds. If this happens, your case will not proceed, but you may still be liable for the filing fee.

## **Defending A Civil Case**

If you have been served with a summons and a civil complaint, you may defend yourself against the plaintiff’s claims. The only person you may defend is yourself. If there is more than one defendant named in the complaint, they will be responsible for hiring an attorney or defending themselves. Additionally, pro se litigants are not allowed to represent a corporation, even if you are the owner or an officer – a corporation may only be represented by an attorney.

As a defendant, you must typically file an [answer](#) or other responsive motion within 21 days of being served with the summons and complaint. If you have received a [Notice of Lawsuit and Request for Waiver](#), and would like to waive service, you should return the [Waiver of the Service of Summons](#) to the plaintiff within 30 days of the date it was mailed to you. If you decide to waive service and sign the Waiver, you then have 60 days from the date the plaintiff

mailed the Waiver to respond to the complaint. You may file your answer with the Clerk's Office by mail or personally.

In your answer to the complaint, you should include the same case caption which appears on the first page of the complaint. An answer should address each allegation in the complaint, any defenses you have to the plaintiff's claims, and a request for a jury trial if you would like one.

You must mail copies of any documents you file with the court to the plaintiff or the plaintiff's attorney if they are represented. Additionally, a certificate of service must be attached to these documents.

The plaintiff may ask the court to enter default judgment against you if you do not file an answer or other responsive motion in time after being served with a complaint.

## **Basic Procedures For Ongoing Civil Cases**

### **Filing (Electronic Filing)**

Most of the documents filed with the Court are not filed in paper form. Instead, they are filed electronically. That is, the documents are produced in an electronic form and filed by attorneys over the internet. E-filing is mandatory for attorneys. It is not mandatory for pro se litigants. However, pro se litigants who have participated in the free instructor-led e-filing training program offered at the Chicago courthouse or the online training may become e-filers in their own cases. Electronic filing provides 24-hour access to filing documents in your case and emailed notices and copies of documents filed in your case. It is often viewed as a time-saving and cost-effective tool for pro se litigants. [Information on e-filing and the Court's training program](#) may be found on the Court's website under the E-Filing Info tab or by contacting the Court's training specialist at [Lynda\\_Schoop@ilnd.uscourts.gov](mailto:Lynda_Schoop@ilnd.uscourts.gov).

### **Document Length**

The Court's [Local Rules](#) do not limit the length of the complaint. However, if you later file a brief in support of one of your own motions or a brief in response to a motion filed by the opposing party, you need to be aware that [Local Rule 7.1](#) sets a limit of 15 pages for documents of this type. If you want to file a brief that is longer than 15 pages, you need to have the Court's permission to do so. To do this, you need to file a separate motion requesting leave to file a brief in excess of 15 pages.

### **Filing Copies of Documents**

[Local Rule 5.2\(f\)](#) requires you to file an extra copy for the judges of any pleading, motion, or other document you file, with the exception of exhibits or depositions.

## **Filing Motions**

In an ongoing civil case you may need to ask the judge to instruct the opposing party to do something connected to your case, or you may need to ask the judge to allow you to do something yourself. Examples would be asking the judge to direct the defendant to give you access to certain records during the discovery phase of your case, or asking the judge to grant you an extension of time to file a document. When you request the court to take a specific action, you do so by filing a [motion](#).

Some of the Court's basic procedural rules for motions are contained in [Local Rules 5.3 through 5.4 and Rule 78](#). Copies of these rules are included in the Appendix.

When you file a motion, you must provide a copy of the motion to the opposing party and tell them that you are filing the motion. If the opposing party has an attorney, the copy of the motion and the notice should go to the attorney. This is called giving notice of your motion. You also must file a statement with the Court indicating that you have given the required notice.

If you want to appear before the judge in person to formally present your motion, you must also file a [Notice of Motion](#). The notice must specify the date, time and courtroom where you will appear before the judge. In addition to filing this notice with the Court, you must also provide a copy to the defendant. The notice must take into consideration the judge's motion practice, and the date selected for presenting the motion must be consistent with the judge's motion practice.

Judges hold court sessions to address motions on different days of the week. In other words, if the judge hears motions on Tuesday and Thursday, do not plan to appear on a Wednesday to present your motion. Judges also vary in the number of days of advance notice they require for motions. Many require at least two days of advance notice. Some require more advance notice. Information on the number of days for advance notice and the standard motion practices of each judge can be obtained from the Clerk's Office or the Court's website at [www.ilnd.uscourts.gov/Judges.aspx](http://www.ilnd.uscourts.gov/Judges.aspx). Check this information *before* you file your motion.

## **The Clerk's Office**

### **Mailing Address**

The mailing addresses for the two divisions of the Clerk's Office are as follows:

#### **Eastern Division**

Clerk's Office, U.S. District Court  
219 S. Dearborn Street  
Chicago, Illinois 60604

#### **Western Division**

Clerk's Office, U.S. District Court  
327 S. Church Street  
Rockford, Illinois 61101

### **Office Hours**

The Clerk's Office is open to the public Monday through Friday, 8:30 a.m. to 4:30 p.m., except on federal holidays. The intake desk and the area used to review case dockets and case files are all located in the northeast corner of the 20<sup>th</sup> floor of the courthouse in Chicago. In the Rockford courthouse, these areas are all located on the 2<sup>nd</sup> floor.

### **Reviewing Dockets and Case Files**

Computer terminals are available in the public area of the Clerk's Office, which allows the public to review automated dockets for civil and criminal cases. In the Chicago courthouse, this area is on the 20<sup>th</sup> floor. In the Rockford courthouse, this area is on the 2<sup>nd</sup> floor in room 2200. These dockets may also be used to check the Court's party index (a list of all parties in civil cases) and a case index (a list of case numbers).

Because electronic filing is so prevalent, the only categories of documents that are still available in paper from the Clerk's Office are documents that scan poorly and sealed documents. Poor quality scanned documents can be reviewed by completing a files request card at the intake area (Chicago courthouse – 20<sup>th</sup> floor / Rockford courthouse – Room 2200 on 2<sup>nd</sup> floor). Sealed documents require a Court Order to be viewed. Case files may not be taken out of the Clerk's Office; however, the Clerk's Office will provide copies of documents for 50 cents per page. Customers in need of archived cases can request directly from the [Federal Record Center \(FRC\)](#) or through the Clerk's Office.

### **The Court's Website**

Information about procedures, the local rules, fees, as well as several other subjects covered in this guide may be found on the Court's website. The website also lists the activity scheduled before each judge for the coming week. This site also has links to several other judicial websites. If you have access to the internet, the address of the Court's website is [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

## **Getting Legal Assistance**

Pro se litigants have an opportunity to receive free legal assistance through The Honorable William J. Hibbler Pro Se Assistance Program in the Chicago courthouse. The assistance program is staffed by volunteer attorneys from [LAF, formally the Legal Assistance Foundation](#). The Program attorneys operate only by appointment and in-person in rooms 2056A and 2056B. Appointments are made at the Clerk's Office Intake Desk on the 20<sup>th</sup> floor of the Chicago courthouse or by calling (312) 435-5691.

The Program attorney *will*:

- assist you by providing information about federal court procedure and the law as it applies to the facts as you describe them;
- assist you in preparing your pleadings, motions and other court documents;
- assist you in accessing other sources of information about your legal issues;
- refer you when appropriate to other providers of civil legal services or to social service agencies; and
- keep any personal information you provide confidential, unless you agree to its disclosure in writing.

The Program attorney *will not*:

- appear on your behalf in court;
- research or write court documents for you;
- conduct any investigation into the facts of your case; or
- negotiate with your opponent or your opponent's attorney.

The Program attorney may decline to assist you after interviewing you if:

- the Program attorney has already given advice to your opponent;
- your legal problem is beyond the scope of our program; or
- in the Program attorney's view, giving legal advice conflicts with any provision of the Illinois Rules of Professional Conduct.

Additionally, the Young Lawyers Section (YLS) of the [Chicago Bar Association](#) created a legal guide that lists organizations and agencies that are available to help anyone with legal problems or questions. The handbook is [Finding and Accessing Free and Affordable Legal Help](#). This handbook contains a list of agencies and organizations that provide free or low-cost legal services.

The groups listed below are drawn from the YLS handbook. These groups provide legal services covering a wide variety of topics, including adoption, bankruptcy, criminal matters, divorce and related family matters, employment, immigration, landlord-tenant problems, probate and social security. Some of these services deal with topics that may fall within the jurisdiction of this Court. Since some of the agencies and organizations listed do not handle all types of legal matters, you should contact the agency for specific information.

CARPLS (312) 738-9200 info@carpls.org <a href="http://www.carpls.org">www.carpls.org</a>	Chicago Legal Clinic (773) 731-1762 <a href="http://www.clclaw.org">www.clclaw.org</a>	Legal Council for Health Justice (312) 427-8990 <a href="http://www.legalcouncil.org">www.legalcouncil.org</a>
Guardianship Assistance Desk for Minors (312) 603-0135	Legal Aid Chicago (312) 341-1070 <a href="https://www.legalaidchicago.org/">https://www.legalaidchicago.org/</a>	Chicago Volunteer Legal Services (312) 332-1624 <a href="http://www.cvls.org">www.cvls.org</a>
Lawyers for the Creative Arts (312) 649-4111 <a href="http://www.law-arts.org">www.law-arts.org</a>	National Immigrant Justice Center (312) 660-1370 <a href="http://www.immigrantjustice.org">www.immigrantjustice.org</a>	Bankruptcy Assistance Desk (312) 435-6032 <a href="https://www.ilnb.uscourts.gov/bankruptcy-assistance-desk">https://www.ilnb.uscourts.gov/bankruptcy-assistance-desk</a>
Cabrini Green Legal Aid (312) 738-2452 <a href="http://www.cgla.net">www.cgla.net</a>	Legal Aid Society of Metropolitan Family Services (312) 986-4200 <a href="http://www.metrofamily.org/legal-aid">www.metrofamily.org/legal-aid</a>	Ascend Justice (312) 325-9155 info@dvlcchicago.org <a href="https://www.ascendjustice.org/">https://www.ascendjustice.org/</a>
Guardianship & Advocacy Commission (312) 793-5900 voice (866) 333-3362 TTY <a href="https://www2.illinois.gov/sites/gac">https://www2.illinois.gov/sites/gac</a>	Access Living (312) 640-2100 voice (800) 613-8549 toll free (312) 640-2102 TTY (888) 253-7003 toll free TTY <a href="http://www.accessliving.org/legal">www.accessliving.org/legal</a>	Chicago Coalition for the Homeless Law Project (312) 641-4140 (800) 940-1119 toll free <a href="http://www.chicagohomeless.org">www.chicagohomeless.org</a>
Chicago Lawyers' Committee for Civil Rights Under Law (312) 630-9744 <a href="http://www.clccrul.org">www.clccrul.org</a>	Equip for Equality (800) 537-2632 voice (800) 610-2779 TTY ContactUs@equipforequality.org <a href="http://www.equipforequality.org">www.equipforequality.org</a>	Lambda Legal (312) 663-4413 <a href="http://www.lambdalegal.org">www.lambdalegal.org</a>
ACLU Illinois (312) 201-9740 <a href="http://www.aclu-il.org">www.aclu-il.org</a>	Center for Disability and Elder Law (312) 376-1880 info@cdelaw.org <a href="http://www.cdelaw.org">www.cdelaw.org</a>	Chicago Bar Association Lawyer Referral Service (312) 554-2001 voice (312) 554-2055 TTY <a href="http://www.chicagobar.org">www.chicagobar.org</a>
Raise the Floor Alliance (312) 795-9115 <a href="https://www.raisetheflooralliance.org/">https://www.raisetheflooralliance.org/</a>	Circuit Court of Cook County Mortgage Foreclosure Mediation Program (877) 895-2444	Chicago Lawyers' Committee for Civil Rights (312) 630-9744 <a href="https://www.clccrul.org/community-law-project">https://www.clccrul.org/community-law-project</a>
Uptown People's Law Center (773) 769-1411 uplc@uplcchicago.org <a href="http://www.uplcchicago.org">www.uplcchicago.org</a>	Center for Conflict Resolution (312) 922-6464 cm@ccrchicago.org <a href="http://www.ccrchicago.org">www.ccrchicago.org</a>	Life Span Center for Legal Services and Advocacy (312) 408-1210 life-span@life-span.org <a href="http://www.life-span.org">www.life-span.org</a>
James B. Moran Center for Youth Advocacy (847) 492-1410 <a href="http://www.moran-center.org">www.moran-center.org</a>	Centro Romero's Latin American Legal Assistance Services Program (LALAS) (773) 508-5300 <a href="http://www.centroromero.org">www.centroromero.org</a>	Indo-American Center (773) 973-4444 info@indoamerican.org <a href="http://www.indoamerican.org">www.indoamerican.org</a>
Lawyers' Committee for Better Housing Inc. (312) 347-7600 <a href="http://www.lcbh.org">www.lcbh.org</a>	Ladder Up Tax Clinic (312) 409-1555 <a href="https://www.goladderup.org">https://www.goladderup.org</a>	The Family Defense Center (312) 251-9800 <a href="https://www.familydefensecenter.net/contact/">https://www.familydefensecenter.net/contact/</a>

World Relief – Chicago Immigration Legal Services (773) 583-9191 Chicago@wr.org <a href="http://www.worldrelief.org/chicago">www.worldrelief.org/chicago</a>	Illinois Department of Human Rights (312) 814-6200 (866) 740-3953 TTY <a href="https://www2.illinois.gov/dhr/Pages/default.aspx">https://www2.illinois.gov/dhr/Pages/default.aspx</a>	Latinos Progresando (773) 542-7077 legal@latinospro.org <a href="https://latinospro.org/who-we-are/contact-us/">https://latinospro.org/who-we-are/contact-us/</a>
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## **Federal Agencies And Courts**

Citizenship and Immigration Services 101 W. Ida B. Wells Drive Chicago, Illinois 60605 (800) 375-5283 <a href="http://www.uscis.gov">www.uscis.gov</a>	Social Security Administration 605 W. Washington Blvd. Chicago, Illinois 60661 (800) 772-1213 <a href="http://www.ssa.gov">www.ssa.gov</a>
Department of Health and Human Services 233 N. Michigan Avenue, Suite 1300 Chicago, Illinois 60601 (312) 353-1385 <a href="http://www.hhs.gov">www.hhs.gov</a>	Department of Labor 200 Constitution Avenue, NW Washington, DC 20210 (866) 487-2365 <a href="http://www.dol.gov">www.dol.gov</a>
Department of Housing and Urban Development 77 W. Jackson Boulevard Chicago, Illinois 60604 (312) 353-5680 <a href="http://www.hud.gov">www.hud.gov</a>	United States Court of Appeals for the Seventh Circuit 219 S. Dearborn, Room 2722 Chicago, Illinois 60604 (312) 435-5850 <a href="http://www.ca7.uscourts.gov">www.ca7.uscourts.gov</a>
United States Bankruptcy Court for the Northern District of Illinois 219 S. Dearborn Chicago, Illinois 60604 (312) 408-5000 <a href="http://www.ilnb.uscourts.gov">www.ilnb.uscourts.gov</a>	United States District Court for the Northern District of Illinois 219 S. Dearborn Chicago, Illinois 60604 (312) 435-5670 <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a>
Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530 (202) 514-2000 <a href="https://www.justice.gov/">https://www.justice.gov/</a>	Department of Veterans Affairs Chicago Regional Benefit Office 2122 W. Taylor Street Chicago, Illinois 60612 (800) 827-1000 <a href="http://www.va.gov">www.va.gov</a>
Equal Employment Opportunity Commission 230 S. Dearborn St. Chicago, Illinois 60604 (800) 669-4000 ASL Video Phone 844-234-5122 <a href="http://www.eeoc.gov">www.eeoc.gov</a>	Federal Bureau of Investigation Chicago Division 2111 W. Roosevelt Road Chicago, Illinois 60608 (312) 421-6700 <a href="http://www.fbi.gov/contact-us/field-offices/chicago">www.fbi.gov/contact-us/field-offices/chicago</a>

## Glossary Of Common Legal Terms

<b>Amount in Controversy</b>	Sometimes used to describe the amount of money requested in a civil case.
<b>Answer</b>	Name for the document filed as the defendant's basic response to the complaint filed by the plaintiff. The defendant must respond to each of the points made in the plaintiff's complaint. There is no fillable form for this document. It must include a caption on the top of the first page like the complaint and end with a signature block. See Page 6 of this Guide for an example of the caption.
<b><u>Appearance Form</u></b>	A document form that records the name and address of someone who is representing one or more of the parties in a case. It is called an appearance form because it is a formal statement by the person who files it that he or she will appear in court on behalf of a party. The information entered on the appearance form is used by the Clerk's Office to send copies of notices and orders. Appearance forms are completed by both attorneys and pro se litigants.
<b>Brief</b>	A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.
<b>Civil Case</b>	A legal action in which one party (the plaintiff) sues another party (the defendant). In a civil case, the plaintiff claims that the defendant(s) failed to carry out some type of duty for which they can be held legally responsible, for example, the duty to comply with a contract or the duty to not violate constitutional rights. The plaintiff also claims to have suffered a financial loss or personal injury because of the defendant's actions. In most civil cases, the plaintiff asks the court to order the defendant to pay for the harm suffered by the plaintiff.
<b><u>Civil Cover Sheet</u></b>	A form completed by the plaintiff that is submitted along with the complaint. The civil cover sheet records basic information about the civil case, including the names of the parties, the type of case, and the damages being requested by the plaintiff. The plaintiff may also use the civil cover sheet to request that the case be tried by a jury. Civil cover sheets are used to collect statistical information for the federal government about the kinds of cases filed in district courts.
<b>Complaint</b>	Document filed by the plaintiff that begins the lawsuit. It names each defendant, describes how the plaintiff was harmed by each defendant, explains why the court has jurisdiction over the case (jurisdiction is defined below), and describes the money damages or other forms of relief requested by the plaintiff. The complaint must be signed, either by an attorney or by the pro se party.
<b>Counsel</b>	Another name for attorney.

<b>Damages</b>	A term used to describe the harm that the plaintiff says was caused by the defendant. It is also used to describe the amount of money requested by the plaintiff in the complaint.
<b>Default Judgment</b>	A judgment entered in the plaintiff's favor because the defendant failed to answer or respond to the complaint.
<b>Defendant</b>	Party being sued by the plaintiff.
<b>Deposition</b>	A term used to describe an interview that happens during the discovery (see below) phase before a trial. One party interviews witnesses to gather relevant facts about the case. Witnesses must take an oath to tell the truth during the deposition and their responses are recorded by a court reporter.
<b>Discovery</b>	Term used to describe the pre-trial phase of a civil case where each side collects information from the other. The discovery phase allows both parties to gather information about facts and events relevant to the case to possibly use in trial. It is also used as a generic term for the actual information that is collected. Example: "Did the defendant send over the discovery that we requested?" Discovery can take many forms, but some of the most common types of discovery are requests for copies of documents or datasets, depositions, and interrogatories.
<b>District Judges</b>	These are the trial judges of federal court. District judges are also called Article III judges because they are appointed for life under Article III of the United States Constitution. You can look up the district judges for the Northern District of Illinois <a href="#">here</a> .
<b>Docket</b>	Short written record of what happens in a civil case. Each document filed in the case and each order entered by the judge is noted on the docket. In federal district courts, the docket is a computerized record. This computerized docket is part of an automated system called the Case Management/Electronic Case Filing System, or CM/ECF. The docket and the CM/ECF docket are different names for the same thing.
<b><a href="#">Federal Rules of Civil Procedure</a></b>	A set of rules that govern the way civil cases are handled in all federal courts across the United States. They are often referred to by the abbreviation FedRCivP, FRCP, or FRCvP. An electronic copy of the FRCvP can be easily found <a href="#">online</a> or in the public area of the Clerk's Office at each divisional office. Paper copies may be found at the William J. Campbell Law Library on the 16 <sup>th</sup> floor of the Dirksen Building.
<b>File</b>	To place a document in the official custody of the Clerk of Court for preservation in the official record of the case.
<b><i>In Forma Pauperis</i></b>	A person who cannot afford to pay the filing fee for a civil case has the option of asking the court for permission to file a case without paying the fee in advance. To make this request, the parties files a petition called an <i>in forma pauperis</i> <a href="#">Application and Financial Affidavit</a> , or <a href="#">IFP petition</a> . In Latin, the phrase means "as a poor person." This petition is a sworn statement that lists the

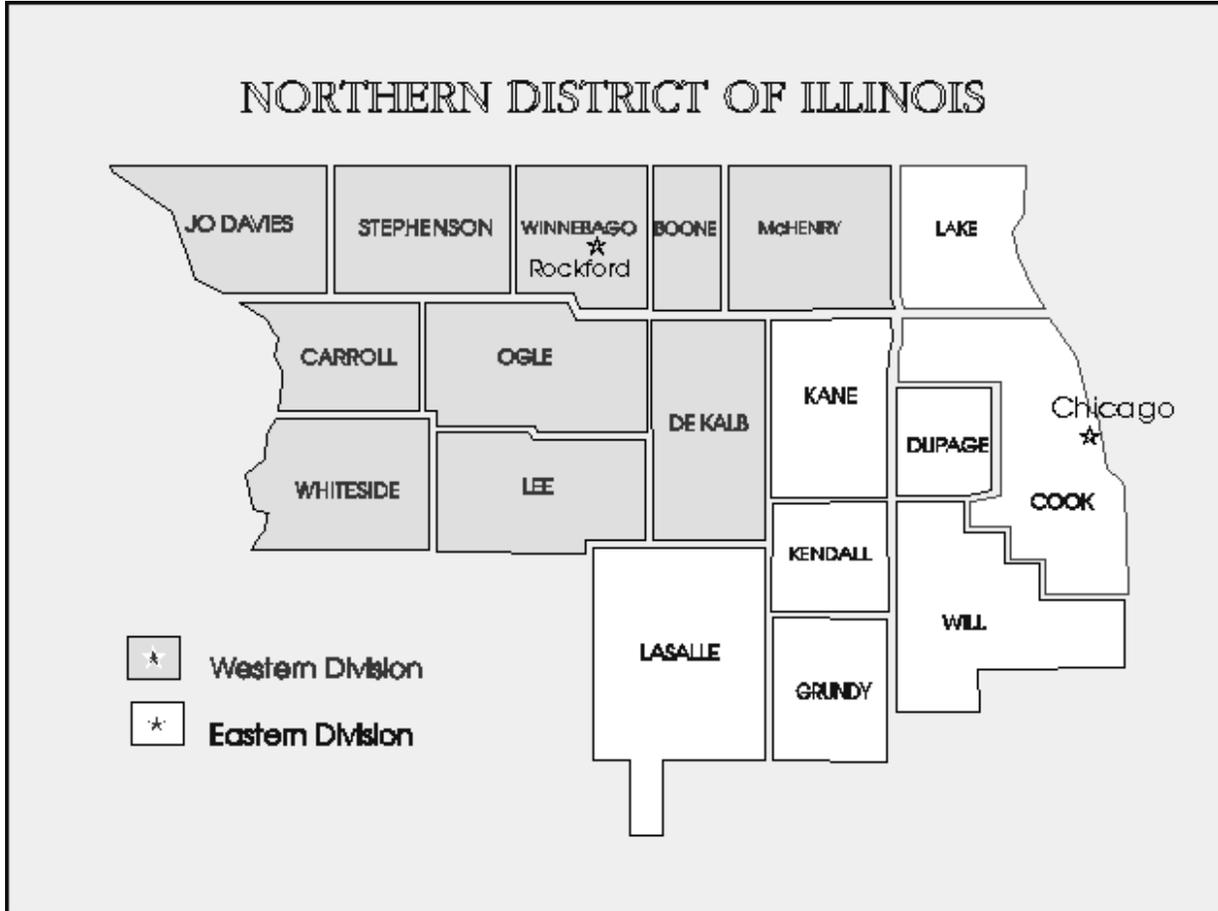
	plaintiff's income and other assets. A judge decides whether or not the plaintiff is allowed to proceed without paying the filing fee.
<b>Internal Operating Procedures</b>	District courts have a set of their own <i>internal operating procedures</i> that control administrative aspects of the Court's operations. Copies of the local rules may be purchased from the Clerk's Office. They are also available for free on the Court's website at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> .
<b>Interrogatories</b>	A form of discovery consisting of written questions to be answered in writing and under oath. Interrogatories are issued by one party to the other during the discovery phase before trial.
<b>Judgment</b>	The final decision made by the judge that ends the case.
<b>Jurisdiction</b>	The legal authority of the court to hear a civil case. Federal district courts have jurisdiction only over the following types of civil cases: <ul style="list-style-type: none"> <li>• cases where the U.S. government is a plaintiff;</li> <li>• cases where the U.S. government is a defendant;</li> <li>• cases involving a constitutional right or a federal law (these are called federal question cases); and</li> <li>• cases where the plaintiff and defendant live in different districts.</li> </ul> For example, cases where the parties live in different states is called a diversity case. In diversity cases, the dollar amount in controversy in the case must be at least \$75,000. If the amount in controversy is less than \$75,000, a federal judge may dismiss the case for lack of jurisdiction.
<b>Leave To</b>	The words <i>leave</i> or <i>leave to</i> are often used when a party is asking for the court's permission to do something. For example, a plaintiff's request for leave to proceed <i>in forma pauperis</i> .
<b>Litigant</b>	Each person or company named in the lawsuit on either side of the case is called a <i>litigant</i> . This person or company can also be referred to as a <i>party</i> .
<b>Litigation</b>	The process of taking legal action.
<b><u>Local Rules</u></b>	District courts have a set of their own <i>local rules</i> that control aspects of civil cases. Copies of the local rules may be purchased from the Clerk's Office. They may also be consulted in law libraries and are available for free on the Court's website <a href="#">here</a> .
<b>Magistrate Judges</b>	Judicial officers appointed by the Court for an eight-year term of office. In civil cases, magistrate judges can handle a wide range of matters referred to them by district judges. If all of the parties in a civil case give their consent, a civil case can be reassigned to a magistrate judge for trial. If the case requires the involvement of a magistrate judge at any point, it will go to the designated magistrate judge.
<b>Minute Entry</b>	A form used by judges to set schedules in cases and to record brief rulings.

<b>Motion</b>	A request by either party in a case for a decision by the judge on an issue related to the case. If the party filing the motion would like to appear in front of a judge to have a hearing on the issue, that party must also file a Notice of Motion.
<b><u>Notice of Motion</u></b>	A notice given when one party files a motion and would like to appear in front of a judge for a hearing on the issue. The Notice of Motion must be given to the other party so they are aware of the hearing and also have the opportunity to be heard on the issue.
<b>Order</b>	A decision or set of instructions by a judge that usually directs the plaintiff or defendant to do something.
<b>Party</b>	Each person or company named in the lawsuit on either side of the case is called a <i>party</i> . This person or company can also be referred to as a <i>litigant</i> .
<b>Plaintiff</b>	The party who files the case.
<b>Pleadings</b>	A written document that sets out the basic position and argument of one of the parties in a case. In most cases, the pleading for the plaintiff is the complaint and the pleading for the defendant is the answer. In some cases, the basic response of the defendant on some occasions is a motion to dismiss the case instead of an answer.
<b>Relief</b>	Another name for the money or other damages requested by the plaintiff in the complaint. When a party files a motion, the word relief is sometimes used to describe what action the party filing the motion is asking the judge to do.
<b>Referral</b>	An order entered by a district judge that directs a magistrate judge to handle one or more aspects of a case. Examples of matters that are sometimes referred to a designated magistrate judge are the supervision of the discovery process or the handling of a specific motion filed by one of the parties.
<b>Sanction</b>	A penalty for not following the law or rules and regulations of the court.
<b>Service of Process</b>	A phrase used to describe the act of formally serving a summons and a copy of the complaint on the defendant. Plaintiffs may not serve the summons on the defendant themselves. Service of process is usually carried out by a process server. Where ordered by the court, service in certain circumstances may be made by the U.S. Marshal (see also <i>waiver of service</i> ).
<b>Settlement</b>	Occurs when the parties resolve their dispute (ending the case), usually after negotiations among themselves, rather than the court or a jury deciding the case.
<b>Summary Judgment</b>	A final decision entered by a court for one party against another party without a full trial, when there is no dispute of the facts of the case and a decision can be made as a matter of law.
<b><u>Summons</u></b>	A formal notice by the court telling the defendant that he or she is being sued by the plaintiff and that an answer is required. The phrase used to describe the Clerk's Office providing a signed and

	sealed copy of a summons to the plaintiff is <i>issuing the summons</i> . Even though the summons is a notice from the Court, <u>the plaintiff is responsible for delivering the summons and a copy of the complaint to the defendant</u> , in accordance with Federal Rule of Civil Procedure 4. Phrases that are sometimes used to describe delivering the summons to the defendant are <i>service of summons</i> and <i>executing service</i> .
<u><a href="#">USM 285 Form</a></u>	If the plaintiff would like service of process to be done by the <i>United States Marshals Service (USMS)</i> , this form should be completed and submitted when the plaintiff files the complaint, summons, and other court documents. The USMS is authorized by law (28 U.S.C. § 1921) to charge fees for the service of process. The amount of fees charged is established by regulation (28 C.F.R. § 0.114). Except in cases where the litigant has been granted permission by the court for waiver of repayment of fees and costs, the USMS must request advance payment of the estimated fees and expenses for service of process.
<u><a href="#">Waiver of Service</a></u>	Refers to circumstances where the plaintiff is able to waive (skip) the formal service of the summons on the defendant. For the plaintiff, the benefit of waiving service is not having to pay the cost of serving the summons. For defendants, the benefit of agreeing to waive service is extra time to file an answer to the complaint. Defendants who agree to waive service have 60 days to file an answer instead of the standard 21 days to answer. The U.S. government may not waive service.

**Appendix**

**Map of the Northern District of Illinois**



## Fees

*\*These fees are subject to change. For the most up-to-date list of fees, please visit the Court's website [here](#).*

The filing fee for a civil case has already been mentioned. Once a case has been filed, there are no additional fees for filing a document in that case. However, there are a series of other fees listed below that may affect the pro se litigant. Most of these fees are set by the Judicial Conference of the United States.

These fees may be paid by mail or in person at the Clerk's Office, located in the northeast corner of the 20<sup>th</sup> Floor of the Dirksen Federal Courthouse in Chicago or the 2<sup>nd</sup> floor of the Roszkowski U.S. Courthouse in Rockford. Payment may be made in cash, by check, or by credit card (only Visa, Mastercard, and American Express are accepted). If you pay by check, your check should be made out to "Clerk, U.S. District Court." Your name, address, and phone number must appear on the front of your check.

### Filing Fees

Civil Filing Fee	\$405.00
Habeas Corpus Filing Fee	\$5.00
Registration of Foreign Judgment	\$52.00
Letters Rogatory or Letters of Request	\$47.00
U.S. Court of Appeals Docketing Fee	\$600.00
U.S. District Court Notice of Appeal	\$5.00
Misdemeanor Appeal (Magistrate to District Judge)	\$41.00

### Copy Service

Certification Fee (per document)	\$12.00
Exemplification (per document)	\$24.00
Copy Fee (per page)	\$0.50
Audio Recording	\$34.00
Record Retrieval (off-site storage)	\$70.00 (+\$43.00 for additional box)
SmartScan Electronic Document Retrieval (off-site storage)	\$20.90 retrieval rate (+\$0.65 per page; limit 100 pages)
Records Search & Certification (per name)	\$34.00

### Miscellaneous Fees

U.S. District Court Rules (General, Civil, Criminal, Admiralty)	\$10.50
Returned Check or any insufficient funds	\$53.00

## RULES

*The local rules listed in this section were referenced throughout this guidebook. This is not a full list of all the court's local rules. The most up-to-date version of the local rules can be found on the Court's website [here](#).*

### LR 5.2. Form of Documents Filed

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

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

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

**(c) Paper and Font Size.** Each paper original filed and each paper judge's copy shall be flat and unfolded on opaque, unglazed, white paper 8 ½ x 11 inches in size. It shall be plainly written, typed, printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it. Where the document is typed, line spacing will be at least 2.0 lines. Where it is typed or printed,

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

**(d) Binding and Tabs.** Each paper original shall be bound or secured at the top edge of the document by a staple or a removable metal paper fastener inserted through two holes. A paper original shall not have a front or back cover. A paper original shall not have protruding tabs. Exhibits or tabs that are part of the paper original shall be indicated in bold type on a single sheet of paper placed immediately before the corresponding exhibit or attachment. Unless not reasonably feasible, exhibits to paper originals shall be 8 ½ x 11 inches in size. A judge's paper copy shall be bound on the left side and shall include protruding tabs for exhibits. A list of exhibits must be provided for each document that contains more than one exhibit.

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

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

### **LR 5.3. Motions: Notice of Motions and Objections**

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

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

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

**(b) Presentment.** Every motion or objection shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion or objection is to be presented. The date of presentment shall be not more than 14 days following the date on which the motion or objection is delivered to the court pursuant to LR 78.1.

### **LR 5.4. Motions: Filing Notice and Motion**

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

Where a motion is delivered to the clerk that does not comply with the scheduling requirements established by the judge pursuant to LR 78.1 or is scheduled before a judge who, pursuant to this rule, has directed that the motions are to be delivered to the minute clerk assigned to the judge or to the judge's chambers, the clerk shall inform the person offering the motion of the correct procedure. If the person insists on delivering it to the clerk, the clerk shall accept it and attach it to a note indicating that the person delivering it was advised of the scheduling or delivery requirements.

### **LR 78.1. Motions: Filing in Advance of Hearing**

Except where a judge fixes a different time in accordance with this rule, the original of any motion shall be filed by 4:30 p.m. of the *second* business day preceding the date of presentment.

A judge may fix a time for delivery longer than that provided by this rule, or elect to hear motions less frequently than daily, or both. In those instances where a judge elects to fix a longer delivery time, or hear motions less frequently than daily, or both, the judge shall notify the clerk in writing of the practice to be adopted. The clerk shall maintain a list of the current motion practices of each of the judges at the assignment desk.

### **LR 78.2. Motions: Denial for Failure to Prosecute**

Where the moving party, or if the party is represented by counsel, counsel for the moving party, delivers a motion or objection to a magistrate judge's order or report without the notice required by [LR 5.3\(b\)](#) and fails to serve notice of a date of presentment within 14 days of delivering the copy of the motion or objection to the court as provided by [LR 5.4](#), the court may on its own initiative deny the motion or objection.

### **LR 78.3. Motions: Briefing Schedules, Oral Arguments, Failure to File Brief**

The court may set a briefing schedule. Oral argument may be allowed in the court's discretion.

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

### **LR 78.4. Motions: Copies of Evidentiary Matter to be Served**

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

## Federal Rules of Civil Procedure - Rule 4. Summons

### (a) Contents; Amendments

(1) **Contents.** A summons must:

- (A) name the court and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or-if unrepresented-of the plaintiff;
- (D) state the time within which the defendant must appear and defend;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk; and
- (G) bear the court's seal.

(2) **Amendments.** The court may permit a summons to be amended.

(b) **Issuance.** On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons-or a copy of a summons that is addressed to multiple defendants-must be issued for each defendant to be served.

### (c) Service.

(1) **In General.** A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by [Rule 4\(m\)](#) and must furnish the necessary copies to the person who makes service.

(2) **By Whom.** Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) **By a Marshal or Someone Specially Appointed.** At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under [28 U.S.C. §1915](#) or as a seaman under [28 U.S.C. §1916](#).

### (d) Waiving Service.

(1) **Requesting a Waiver.** An individual, corporation, or association that is subject to service under [Rule 4\(e\)](#), [\(f\)](#), or [\(h\)](#) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

- (A) be in writing and be addressed:
  - (i) to the individual defendant; or
  - (ii) for a defendant subject to service under [Rule 4\(h\)](#), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;
- (B) name the court where the complaint was filed;
- (C) be accompanied by a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form;

- (D) inform the defendant, using the form appended to this Rule 4, of the consequences of waiving and not waiving service;
  - (E) state the date when the request is sent;
  - (F) give the defendant a reasonable time of at least 30 days after the request was sent-or at least 60 days if sent to the defendant outside any judicial district of the United States-to return the waiver; and
  - (G) be sent by first-class mail or other reliable means.
- (2) **Failure to Waive.** If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:
- (A) the expenses later incurred in making service; and
  - (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.
- (3) **Time to Answer After a Waiver.** A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent-or until 90 days after it was sent to the defendant outside any judicial district of the United States.
- (4) **Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.
- (5) **Jurisdiction and Venue Not Waived.** Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.
- (e) **Serving an Individual Within a Judicial District of the United States.** Unless federal law provides otherwise, an individual-other than a minor, an incompetent person, or a person whose waiver has been filed-may be served in a judicial district of the United States by:
- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
  - (2) doing any of the following:
    - (A) delivering a copy of the summons and of the complaint to the individual personally;
    - (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
    - (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.
- (f) **Serving an Individual in a Foreign Country.** Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served at a place not within any judicial district of the United States:
- (1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;
  - (2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

- (A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;
  - (B) as the foreign authority directs in response to a letter rogatory or letter of request; or
  - (C) unless prohibited by the foreign country's law, by:
    - (i) delivering a copy of the summons and of the complaint to the individual personally; or
    - (ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or
- (3) by other means not prohibited by international agreement, as the court orders.

**(g) Serving a Minor or an Incompetent Person.** A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by [Rule 4\(f\)\(2\)\(A\)](#), [\(f\)\(2\)\(B\)](#), or [\(f\)\(3\)](#).

**(h) Serving a Corporation, Partnership, or Association.** Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

- (1) in a judicial district of the United States:
  - (A) in the manner prescribed by [Rule 4\(e\)\(1\)](#) for serving an individual; or
  - (B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and-if the agent is one authorized by statute and the statute so requires-by also mailing a copy of each to the defendant; or
- (2) at a place not within any judicial district of the United States, in any manner prescribed by [Rule 4\(f\)](#) for serving an individual, except personal delivery under [\(f\)\(2\)\(C\)\(i\)](#).

**(i) Serving the United States and its Agencies, Corporations, Officers, or Employees.**

- (1) **United States.** To serve the United States, a party must:
  - (A)
    - (i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought-or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk-or
    - (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;
  - (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

- (C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.
- (2) **Agency; Corporation; Officer or Employee Sued in an Official Capacity.** To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.
- (3) **Officer or Employee Sued Individually.** To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under [Rule 4\(e\)](#), [\(f\)](#), or [\(g\)](#).
- (4) **Extending Time.** The court must allow a party a reasonable time to cure its failure to:
- (A) serve a person required to be served under [Rule 4\(i\)\(2\)](#), if the party has served either the United States attorney or the Attorney General of the United States; or
- (B) serve the United States under [Rule 4\(i\)\(3\)](#), if the party has served the United States officer or employee.

**(j) Serving a Foreign, State, or Local Government.**

- (1) **Foreign State.** A foreign state or its political subdivision, agency, or instrumentality must be served in accordance with [28 U.S.C. §1608](#).
- (2) **State or Local Government.** A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:
- (A) delivering a copy of the summons and of the complaint to its chief executive officer; or
- (B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

**(k) Territorial Limits of Effective Service.**

- (1) **In General.** Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:
- (A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;
- (B) who is a party joined under [Rule 14](#) or [19](#) and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or
- (C) when authorized by a federal statute.
- (2) **Federal Claim Outside State-Court Jurisdiction.** For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:
- (A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and
- (B) exercising jurisdiction is consistent with the United States Constitution and laws.

**(l) Proving Service.**

**(1) Affidavit Required.** Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

**(2) Service Outside the United States.** Service not within any judicial district of the United States must be proved as follows:

**(A)** if made under [Rule 4\(f\)\(1\)](#), as provided in the applicable treaty or convention; or

**(B)** if made under [Rule 4\(f\)\(2\)](#) or [\(f\)\(3\)](#), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

**(3) Validity of Service; Amending Proof.** Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

**(m) Time Limit for Service.** If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under [Rule 4\(f\)](#) or [4\(j\)\(1\)](#) or to service of a notice under [Rule 71.1\(d\)\(3\)\(A\)](#).

**(n) Asserting Jurisdiction Over Property or Assets.**

**(1) Federal Law.** The court may assert jurisdiction over property if authorized by a federal statute. Notice to claimants of the property must be given as provided in the statute or by serving a summons under this rule.

**(2) State Law.** On a showing that personal jurisdiction over a defendant cannot be obtained in the district where the action is brought by reasonable efforts to serve a summons under this rule, the court may assert jurisdiction over the defendant's assets found in the district. Jurisdiction is acquired by seizing the assets under the circumstances and in the manner provided by state law in that district.

## Typical Progression of Civil Litigation

