

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

**PROPOSAL TO AMEND
LOCAL RULE 83.12**

On March 30, 2023, the full Court approved a proposal to amend Local Rule 83.12 *Appearance of Attorneys Generally* as attached (additions shown **thus**, and deletions shown ~~thus~~):

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COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend the Local Rule 83.12 to be published in the *Chicago Daily Law Bulletin*, (b) 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, (c) cause notice of the proposal to be posted in the Courthouses at Chicago and Rockford, (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, 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



Hon Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 4th day of April 2023

LR 83.12 Appearance of Attorneys Generally

(a) Who May Appear. Except as provided in [LR 83.14](#) and [LR 83.15](#) 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 and serve as the lead attorney should a case go to trial. 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 but may not appear as the lead attorney at trial. 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 Executive Director of the Federal Defender Program of the United States District Court 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 [LR 83.11\(a\)\(1\)](#).

(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, December 23, 2016, and November 20, 2020

LR 83.12 Appearance of Attorneys Generally

(a) **Who May Appear.** Except as provided in [LR 83.14](#) and [LR 83.15](#) 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 and serve as the lead attorney should a case go to trial. Attorneys admitted to the general bar, but not to the trial bar, may appear alone in proceedings that are not testimonial proceedings or criminal proceedings, may appear in association with a member of the trial bar in all matters but may not appear as the lead attorney at trial. 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 Executive Director of the Federal Defender Program of the United States District Court 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 [LR 83.11\(a\)\(1\)](#).

(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 a manner not otherwise authorized by this Rule 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, December 23, 2016, ~~and~~
November 20, 2020, and INSERT DATE, 2023