UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, October 31, 2019, and approved a proposal to amend the Local Rules of the Bankruptcy Court as attached (both redline and clean versions, additions marked thus, deletions marked ~~thus~~).

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COMMENT: In addition to the sites listed below, the notice of the proposal and request for comment is posted on the website for the United States Bankruptcy Court Northern District of Illinois, www.ilnb.uscourts.gov .

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 notice of the proposal and requests for comment 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) 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 6th day of November, 2019.

~~Clean April 16, 2018~~New Local Rules ~~changed and~~ approved by ~~Bankruptcy~~ Judges ~~after that date.~~since April 16, 2018

RULE 1000-1 DEFINITIONS

(1) "Administrative Procedures" means the Administrative Procedures for the Case Management/Electronic Case Filing System, adopted by the court on February 17, 2004, as amended;

(2) the "Bankruptcy Code" means Title 11 of the United States Code, as amended;

(3) "bankruptcy court" means the bankruptcy judges of the United States District Court for the Northern District of Illinois;

(4) "clerk" includes the clerk of the court, any deputy clerk, and any member of a judge's staff who has taken the oath of office to perform the duties of a deputy clerk;

(5) "clerk of the court" means the clerk of the court duly appointed by the bankruptcy court;

(6) "CM/ECF" means the Case Management/Electronic Case Filing System;

(7) "courtroom deputy" means the deputy clerk assigned to perform courtroom duties for a particular judge;

(8) the "date of presentment" refers to the day on which the motion is to be presented in open court according to the notice required by Rule 9013-1;

(9) "district court" means the United States District Court for the Northern District of Illinois;

(10) "District Court Local Rules" means the Civil Rules promulgated by the district court;

(11) "Executive Committee" means the Executive Committee of the district court;

(12) "Fillable Order" means an order created using the Fillable Order PDF template available on the court's web site. The Fillable Order PDF template must be downloaded from the court's web site and must be filed with the text of the proposed order inserted without changing the underlying template.

~~(12)~~(13) "judge" or "court" means the judge assigned to a case or an

adversary proceeding or any other judge sitting in that judge's stead;

~~(13)~~(14) "motion" includes all requests for relief by motion or application, other than applications to waive the filing fee or pay the filing fee in installments.

(15) "Registrants" means individuals with unrestricted passwords registered to file documents in CM/ECF

~~(14)~~(16) "Rules" means these Local Bankruptcy Rules and any amendments or additions thereto;

~~(15)~~(17) "Rule" means a rule within these Rules and any amendments and additions thereto~~;~~

~~(16)~~(18) "trustee" means the person appointed or elected to serve as case trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

RULE 1006-4 FAILURE TO PAY FILING FEE

All petitions that do not comply with Fed. R. Bankr. P. 1006 will not be accepted for filing.

RULE 3016-1 DISCLOSURE STATEMENTS AND PLANS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following requirements will apply to all disclosure statements or amended disclosure statements:

(1) Each disclosure statement must include the following:

(a) An introductory narrative summarizing the nature of the plan and including a clear description of the exact proposed treatment of each class showing total dollar amounts and timing of payments to be made under the plan, and all sources and amounts of funding thereof. The narrative should plainly identify all classes, the composition of each class (as to number and type of creditors), the amount of claims (specifying any that are known to be disputed and how they will be treated under the plan), and the amount (dollar and/or percentages) to go to each class. The distinction between pre- and post-petition creditors must be clear.

(b) A summary exhibit setting forth a liquidation analysis as if assets of the debtor were liquidated under Chapter 7.

(2) Except where a liquidating plan is proposed, each disclosure statement must also include the following:

(a) a projected cash flow and budget showing all anticipated income and expenses including plan payments, spread over the life of the plan or three fiscal years, whichever is shorter;

(b) a narrative summarizing the scheduled assets and liabilities as of the date of filing in bankruptcy, reciting the financial history during the Chapter 11 (including a summary of the financial reports filed), describing the mechanics of handling initial and subsequent disbursements under the plan, and identifying persons responsible for disbursements; and

(c) consolidated annual financial statements (or copies of such statements for the years in question) covering at least one fiscal year before bankruptcy filing and each fiscal year of the debtor-in-possession period.

(3) Parties filing an amended disclosure statement or plan (or any related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 4001-2 CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS

A. Motions

(1) Except as provided in these Rules, all cash collateral and financing requests under §§ 363 and 364 of the Bankruptcy Code must be heard by motion filed pursuant to Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions").

(2) Provisions to be Highlighted. All Financing Motions must (a) recite whether the proposed form of order or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation or loan agreement, and (c) state the justification for the inclusion of such provision:

(a) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditors (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).

(b) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters.

(c) Provisions that seek to waive any rights the estate may have under § 506(c) of the Bankruptcy Code.

(d) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548, and 549 of the Bankruptcy Code.

(e) Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in § 552(b) of the Bankruptcy Code.

(f) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.

(g) Provisions that prime any secured lien, without the consent of that lienor.

(h) A declaration that the order does not impose lender liability on any secured creditor.

(i) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code, or relief from the automatic stay without further order of court.

(j) In jointly administered cases, provisions for joint and several liability on loans.

(3) All Financing Motions must also provide a summary of all provisions that must be highlighted under section (A)(2) of this Rule and a summary of the essential terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§ 363 and 364 of the Bankruptcy Code.

(4) All Financing Motions must also provide a budget covering the time period in which the order will remain in effect. The budget must state in as much detail as is reasonably practical the amount of projected receipts and disbursements during the period covered by the budget.

(5) The court may deem unenforceable any provision not highlighted as required under section (A)(2) of this Rule.

B. Interim Orders

In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions identified in section (A)(2)(a) through (A)(2)(j) of this Rule.

C. Final Orders

A final order will be entered only after notice and a hearing pursuant to Fed. R. Bankr. P. 4001. If formation of a creditors' committee is anticipated, no final hearing will be held until at least 7 days following the organizational meeting of the creditors' committee contemplated by § 1102 of the Bankruptcy Code unless the court orders otherwise.

D. Black-line of Financing Motion, Interim Financing Order and Final Financing Order

Parties filing an amended Financing Motion, interim financing order, or final financing order (or any related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 5005-3 FORMAT OF DOCUMENTS FILED

A. Numbering Paragraphs in Pleadings

Allegations in any pleading ~~must be made in~~(defined in Rule 7(a) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 7(a)) must be made in sequentially numbered paragraphs, each of which must be limited, as far as practicable, to a statement of a single set of circumstances. ~~Responses~~An answer or a reply to ~~pleadings~~an answer must be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the ~~response~~answer or reply is directed, and then setting forth the ~~response~~answer or reply.

B. Responses to Motions

A response to a motion must not be in the form of an answer to a complaint but must state in narrative form any reasons, legal or factual, why the motion should be denied, unless the judge orders otherwise.

C. Requirements

(1) Each document filed on paper must be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It must be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and must be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.

(2) Where the document is typed, line spacing must be at least 2 lines.

(3) Where the document is typed or printed:

(a) the size of the type in the document must be no smaller than 12 points; and

(b) the margins, left-hand, right-hand, top, and bottom, must each be no smaller than 1 inch.

(4) The first page of each document must bear the caption, descriptive title, and number of the case or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date and time, if any, that the matter is set.

(5) The final page of each document must contain the name, address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*.

(6) Copies of exhibits appended to documents filed must be legible.

(7) Each page of a document must be consecutively numbered.

(8) Each document filed electronically must be formatted similarly to documents filed on paper.

(9) Signatures on documents must comply with the Administrative Procedures (II-C).

(10) The caption of every document filed in cases heard in Joliet, DuPage County, Kane County, or Lake County must list the location where the case is heard (either Joliet, DuPage County, Kane County, or Lake County) in parentheses immediately below the name of the assigned judge.

~~D.~~ D. **Fifteen Page Limit**

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without prior approval of the court.

~~E.~~ E. **Documents Not Complying with Rule**

If a document is filed in violation of this Rule, the court may order the filing of an amended document complying with this Rule. A judge may direct the filing of any communication to the court deemed appropriate for filing.

~~F.~~ F. **Proof of Service**

All documents filed with the clerk must be accompanied by a proof of service consistent with Rules 7005-1 and 9013-1.

RULE 5005-~~4 RESTRICTED~~3A FORMAT OF DOCUMENTS SERVED

~~A. Definitions~~

~~For the purpose of this Rule:~~

~~(1) "Restricted Document" means a~~ Any document ~~to which access has been restricted either by a court order or by law.~~

~~(2) "Redacted Document" means an altered form of a Restricted Document that may appear in the public record because portions of it have been deleted or obliterated.~~

~~(3) "Sealed Document" means a Restricted Document that the court has directed be maintained within a sealed enclosure such that access to the document requires breaking the seal of the enclosure.~~

~~(4) "Restricting Order" means any order restricting access to a document submitted to or filed with the clerk.~~

~~B. General Rule of Access~~

~~All documents filed with the clerk, both electronically and~~ served on ~~paper, are accessible to the public unless covered by a Restricting Order.~~another

~~C. Methods of Restriction~~

~~(1) The court may order that a document not be filed but instead be submitted to the clerk as a Sealed Document.~~

~~(2) The court may order that a document be filed as a Redacted Document. When ordering that a Redacted Document be filed, the court may order that an unredacted version of the document be submitted to the clerk as a Sealed Document.~~

~~D. Filing and Submitting Restricted Documents~~

~~(1) No attorney or~~ party ~~may file or submit a Restricted Document without prior order of the court specifying the particular document or portion of a document that may be filed as restricted.~~

~~(2) The final paragraph of any Restricting Order~~ must comply with Rule 5005-3, except that the document may be double-sided and folded and must not contain ~~(a) the identity of the persons entitled to access to the documents without further order of the court and (b) instructions for the~~

~~disposition of the Restricted Documents following the conclusion of the case, consistent with section G of this Rule.~~more than two pages of text per side.

RULE 5005-4 SEALED AND REDACTED DOCUMENTS

A ~~copy of the Restricting Order must be attached to a~~. Sealed ~~Document submitted to~~Documents

(1) A party wishing to file an entire document under seal (e.g., an entire motion, an entire exhibit to a motion, etc.) must:

(a) file a motion requesting permission to file the document under seal;

(b) file the ~~clerk~~document provisionally under seal; and ~~to a Redacted Document~~

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the document without further order of court.

~~(3)~~ (2) Any document filed ~~with the clerk~~provisionally under seal without a motion requesting permission to file the document under seal will be unsealed.

~~(4) The attorney or party submitting a Sealed Document to the clerk must present it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including the email address if the attorney is a registrant under CM/ECF, the caption of the case, and the title of the document.~~

~~E. Docket Entries~~

(3) On written motion and for good cause shown, the court may order that the docket entry for a ~~Restricted Document~~sealed document show only that the document was filed without any notation indicating its nature. Absent such an order, a ~~Restricted Document~~sealed document must be docketed in the same manner as any other document, except that the entry will ~~indicate~~reflect that access to the document is restricted.

~~F. Inspection of Sealed~~**B. Redacted Documents**

(1) A party who files a document with portions redacted (i.e., with portions blacked out from public view) and also wishes to file an unredacted version of the document under seal must:

(a) file a motion requesting permission to file the unredacted version under seal;

(b) file an unredacted version of the document provisionally under seal; and

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the unredacted version of the document without further order of court.

(2) Any unredacted version of a redacted document that is provisionally filed under seal without a motion requesting permission to file it under seal will be unsealed.

(3) When a party files a redacted document but does not seek to file an unredacted version under seal, the court may order the party to file an unredacted version of the

document under seal. The order should specify the persons who may have access to the sealed, unredacted version of the document.

C. ~~The clerk must maintain a record, in a manner provided by internal operating procedures, of persons permitted access to Sealed Documents. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the Sealed Document. The clerk will also keep a log of all such inspections.~~

~~**C. Disposition of Sealed Documents**~~

~~When a case is closed in which a Restricting Order has been entered, the clerk must maintain any Sealed Documents for a period of 63 days following the final disposition of the case including appeals. Except where the court, at the request of a party or on its own motion, orders otherwise, at the end of the 63-day period the clerk will return any Sealed Documents to the submitting attorney or party. If reasonable attempts by the clerk to return the Sealed Documents are not successful, the clerk may destroy them.~~

Converting Paper Documents into Electronic Documents

The clerk will convert any sealed document filed in paper into an electronic document and destroy the paper document.

D. Documents Subject to Redaction under Rule 9037

Nothing in this rule applies to the redaction of documents required by Fed. R. Bankr. P. 9037.

RULE 5010-1 MOTION TO REOPEN CASE WHEN ASSIGNED TO JUDGE NO LONGER HEARING COOK COUNTY CASES

(1) A motion to reopen a Cook County case assigned to a judge who is no longer hearing Cook County cases must be filed before the Chief Judge. The motion must not seek any relief other than reopening the case. If the Chief Judge grants the motion, the case will be randomly reassigned by the clerk of court. After the case has been reassigned, all further motions must be noticed for hearing before the judge to whom the case has been reassigned.

(2) A motion to reopen a case heard in any county other than Cook County must be noticed for hearing before the judge currently hearing cases in that county.

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDING

A plaintiff in an adversary proceeding must file an Adversary Proceeding Cover Sheet, Official Bankruptcy Form B 1040, with the adversary complaint.

RULE 7056-3 – NOTICE TO PRO SE LITIGANTS OPPOSING SUMMARY JUDGMENT

Any party moving for summary judgment under Fed. R. Bankr. P. 7056 against a party proceeding pro se must serve and file as a separate document, together with the papers in support of the motion, a "Notice to Pro Se Litigant Opposing Motion for Summary Judgment" in the form indicated below. If the pro se party is not the defendant, the movant must amend the form notice as necessary to reflect that fact.

NOTICE TO PRO SE LITIGANT OPPOSING MOTION FOR SUMMARY JUDGMENT

The plaintiff has moved for summary judgment against you. This means that the plaintiff is telling the judge that there is no disagreement about the important facts of the case. The plaintiff is also claiming that there is no need for a trial of your case and is asking the judge to decide that the plaintiff should win the case based on its written argument about what the law is.

In order to defeat the plaintiff's request, you need to do one of two things: you need to show that there is a dispute about important facts and a trial is needed to decide what the actual facts are or you need to explain why the plaintiff is wrong about what the law is.

Your response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 7056-2 of this court. These rules are available at any law library. Your Local Rule 7056-2 statement needs to have numbered paragraphs responding to each paragraph in the plaintiff's statement of facts. If you disagree with any fact offered by the plaintiff, you need to explain how and why you disagree with the plaintiff. You also need to explain how the documents or declarations that you are submitting support your version of the facts. If you think that some of the facts offered by the plaintiff are immaterial or irrelevant, you need to explain why you believe that those facts should not be considered.

In your response, you must also describe and include copies of documents which show why you disagree with the plaintiff about the facts of the case. You may rely upon your own declaration or the declarations of other witnesses. A declaration is a signed statement by you or another witness. The declaration must end with the following phrase: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct," and must be dated. If you do not provide the Court with evidence that shows that there is a dispute about the facts, the judge will be required to assume that the plaintiff's factual contentions are true, and, if the plaintiff is also correct about the law, your case will be dismissed.

If you choose to do so, you may offer the Court a list of facts that you believe are in dispute and require a trial to decide. Your list of disputed facts should be supported by your documents or declarations. It is important that you comply fully with these rules and respond to each fact offered by the plaintiff, and explain how your documents or declarations support your position. If you do not do so, the judge will be forced to assume that you do not dispute the facts which you have not responded to.

Finally, if you think that the plaintiff is wrong about what the law is, you should explain why.

RULE 9013-1 MOTIONS

A. General Requirements

Except as otherwise provided in these Rules or as ordered by the court:

(1) Every motion must be in the format required by section B of this Rule.

(2) Every motion must be filed with each of the items specified in section C of this Rule and must be filed no later than the date on which the motion is served. The date and time of filing a motion filed electronically are those shown on the Notice of Electronic Filing issued by the court's CM/ECF system. The date of filing a paper motion is the date on which the clerk receives the motion.

(3) Every motion must be served on parties in interest as required by section D of this Rule.

(4) Every motion must be presented by the movant as required by section E of this Rule.

B. Title and Format of Motions

Every motion must be titled as one of the events contained in the court's CM/ECF system, unless no event accurately describes the subject of the motion. Every motion must conform to the requirements of Rule 5005-3.

C. Items Required to be Filed with Motions

Every motion must be filed with the clerk of court, and the filing must include each of the items specified below

(1) Notice of Motion

For all motions, a notice of motion, signed by the moving party or counsel for the moving party, and stating the date, time, and location of the motion's presentment to the court. The location must include the room number and full street address.

(2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

(3) Certificate of Service

Except for motions filed *ex parte*, a certificate of service stating the date on which the motion and each item filed with the motion were served. The certificate must also state

(a) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient, and

(b) for each recipient who is not a registrant with the court's CM/ECF system, the date, manner of service, and name and address of the recipient.

(4) *Ex parte* affidavit

For all motions filed *ex parte*, an affidavit showing cause for the filing of the motion *ex parte*.

(5) Proposed Order

For all motions, a proposed order that:

(a) is a Fillable Order;

(b) grants the relief requested in the ~~form required by the Administrative Procedures, with~~motion; and

(c) contains a title specifying the relief granted in the order (e.g., "Order Granting Motion to Modify Stay" or "Order Extending the Time to Object to Discharge").

D. Service of Motions

(1) Service by Mail

Where service of the notice of motion is by mail, the notice of motion must be mailed at least 7 days before the date of presentment.

(2) Personal Service

A notice of motion served personally must be served no later than 4:00 p.m. on the third day before the date of presentment. Personal service includes actual delivery, delivery by facsimile transmission ("fax"), and service by CM/ECF.

(3) Fax Service

Where service is by fax, the certificate of service must be accompanied by an automatically generated statement confirming transmission. The statement must contain the date and time of transmission, the telephone number to which the motion was transmitted, and an acknowledgment from the receiving fax machine that the transmission was received.

(4) Service by CM/ECF

In accordance with the Administrative Procedures, electronic filing of a document

constitutes service on any person who is a Registrant entitled to file documents using CM/ECF and who has filed a document in the case in electronic format via CM/ECF. The time of filing is the time of service for purposes of section D(2) of this Rule.

(5) E-mail Service

Except for service by CM/ECF as provided in this rule, service by electronic mail is prohibited unless a written request is made under Fed. R. Bankr. P. 9036 or the court orders otherwise.

D. ~~E.~~ Presentment of Motions

(1) Except for emergency motions under Rule 9013-2, and unless otherwise ordered by the court, every motion must be presented in court on a date and time when the judge assigned to the case regularly hears motions.

(2) The presentment of a motion must be no more than 30 days after the motion is filed, unless applicable statutes or rules require a longer notice period, in which case the date of presentment must be within 7 days after the expiration of the notice period.

E. ~~F.~~ Oral Argument

Oral argument on motions may be allowed in the court's discretion.

F. ~~G.~~ Failure to Comply

If a motion fails to comply with the provisions of this Rule in any respect, the court may, in its discretion, deny the motion.

~~H.~~G. Failure to Prosecute

If a movant fails to present the motion at the time set for presentment, the court may, in its discretion, deny the motion.

~~I.~~H. Request for Ruling

Any party may file a motion calling to the court's attention a matter that is fully briefed and ready for decision and requesting a status hearing.

~~J.~~I. Service of Modified Orders on *Pro Se* Parties and Certificate of Service

If the court enters an order that changes the proposed order presented by the movant in accordance with Paragraph C(5) above and the change affects any *pro se* party, the moving party must serve on the *pro se* party a copy of the order within three days of its entry. The moving party must file a certificate of service stating the date, manner of service, and name and address

of the recipient.

RULE 9029-4B ~~-~~ ATTORNEY DISCIPLINARY PROCEEDINGS

A. Disciplinary Proceedings Generally

(1) Definitions

The following definitions apply to the disciplinary Rules:

(a) "Misconduct" means any act or omission by an attorney that violates the ~~disciplinary~~ rules of professional conduct of the district court. Such an act or omission constitutes misconduct regardless of:

1. whether the attorney performed the act or omission individually or in concert with any other person or persons; or

2. whether the act or omission occurred in the course of an attorney-client ~~2.~~ relationship.

(b) "Discipline" includes, but is not limited to, temporary or permanent suspension from practice before the bankruptcy court, reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, and community service.

~~(2)~~ (2) Jurisdiction

Nothing in these Rules restricts the power of any judge over proceedings before that judge.

~~(3)~~ (3) Attorneys Subject to Discipline

By appearing in the bankruptcy court, an attorney, whether or not a member of the bar of the district court, submits to the disciplinary jurisdiction of the bankruptcy court for any alleged misconduct that the attorney commits.

~~(4)~~ (4) Confidentiality

~~(a)~~ (a) Before a disciplinary proceeding is assigned to a judge pursuant to these Rules, the proceeding is confidential, except that the bankruptcy

court may, on such terms as it deems appropriate, authorize the clerk of the court to disclose any information about the proceeding.

~~(b)~~ (b) After a disciplinary proceeding is assigned to a judge pursuant to these Rules, the record and hearings in the proceeding are public, and all materials submitted to the chief judge before the disciplinary proceeding was assigned must be filed with the clerk of the court, unless for good cause the judge to whom the disciplinary proceeding is assigned orders otherwise.

~~(c)~~ (c) A final order in a disciplinary proceeding is a public record.

B. Discipline of Attorneys for Misconduct

~~(1)~~ (1) Complaint of Misconduct

A disciplinary proceeding is commenced by submitting a complaint of misconduct to the chief judge of the bankruptcy court. The complaint may be in the form of a letter. The complaint must state with particularity the nature of the alleged misconduct and must identify the ~~Local Rule~~rule of professional conduct of the district court that has been violated. The chief judge must refer the complaint of misconduct to the bankruptcy court for consideration and appropriate action.

~~(2)~~ (2) Request for a Response to a Complaint of Misconduct

On receipt of a complaint of misconduct, the bankruptcy court may forward a copy to the attorney and ask for a response within a set time. Any response must be submitted to the chief judge.

~~(3)~~ (3) Action by the Bankruptcy Court on a Complaint of Misconduct

On the basis of the complaint of misconduct and any response submitted, the bankruptcy court may, by a majority vote:

~~(a)~~ (a) determine that the complaint merits no further action and provide notice of this determination to the complainant and the attorney;

~~(b)~~ (b) direct that formal disciplinary proceedings be commenced; or

~~(c)~~ (c) take other appropriate action.

~~(4)~~ (4) Statement of Charges

If the bankruptcy court determines, based on allegations in the complaint of misconduct and any response, that formal disciplinary proceedings should be initiated, the bankruptcy court must issue a statement of charges against the attorney. The statement of charges must describe the alleged misconduct, state the proposed discipline, and require the attorney to show cause, within 28 days after service, why the attorney should not be disciplined.

~~(5)~~ (5) Method of Service

The clerk of the court must mail two copies of the statement of charges to the last known address of the attorney. One copy must be mailed by certified mail restricted to addressee only, return receipt requested. The other copy must be mailed by first class mail. If the statement of charges is returned as undeliverable, the clerk of the court must notify the chief judge. The bankruptcy court may direct that further, alternative attempts at service be made.

~~(6)~~ (6) Date of Service

For purposes of this Rule, the date of service is:

~~(a)~~ (a) the date of mailing, if service is by mail; or

~~(b)~~ (b) the date of delivery, if service is personal.

~~(7)~~ (7) Answer to Statement of Charges

Within 28 days after the date of service, the attorney who is the subject of the statement of charges must submit to the chief judge an answer to the statement of charges showing cause why the attorney should not be disciplined.

~~(8)~~ (8) Effect of Failure to Answer

If the attorney fails to submit an answer to the statement of charges, the allegations will be treated as admitted. The chief judge will then enter an order imposing the discipline proposed in the statement or such lesser discipline as the chief judge determines.

~~(9)~~ (9) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a complaint of misconduct and prosecute a statement of charges. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then elect either to dismiss the proceeding or request that a member of the bar investigate the complaint of misconduct and prosecute the statement of charges.

~~(10)~~ (10) Assignment to Judge for Hearing

If, after the attorney has answered the statement of charges, the bankruptcy court determines by a majority vote that an evidentiary hearing is warranted, the chief judge will assign the disciplinary proceeding to a judge for hearing.

~~(11)~~ (11) Subpoenas

The United States Trustee or any other investigating or prosecuting attorney may cause subpoenas to be issued.

~~(12)~~ (12) Hearing

The Federal Rules of Evidence will apply in any hearing on a statement of charges. The burden is on the party prosecuting the complaint to demonstrate by a preponderance of the evidence that the attorney charged has committed misconduct.

~~(13)~~ (13) Decision

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law, determining whether the attorney charged has committed misconduct, and if so, imposing appropriate discipline. A separate order imposing discipline must be entered in accordance with the written decision.

~~(14)~~ (14) Appeal

Entry of an order imposing discipline is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. ~~Bankr~~Civ. P. 8006 does not apply.

C. Emergency Interim Suspension

If the chief judge concludes that the misconduct charged poses a genuine risk of serious harm, the chief judge may, after notice to the attorney and an opportunity for a hearing, enter an order immediately suspending the attorney from practice before the bankruptcy court until the charges are resolved. Any order suspending an attorney on an interim basis is an appealable order under Rule 9029-4B(B)(14).

D. ~~Indefinite~~ Suspension on Consent

~~(1)~~ (1) Stipulation of Facts and Declaration of Consent

~~Any attorney who is the subject of~~Whether or not a complaint of misconduct has been submitted or a statement of charges issued under this Rule, an attorney may consent to ~~indefinite~~ suspension from practice before the bankruptcy court~~, but only~~ by delivering to the chief judge a ~~declaration stating~~signed stipulation. The stipulation must (a) set forth the facts warranting the attorney's suspension, (b) declare that the attorney consents to ~~indefinite suspension~~suspension, (c) declare that the attorney's consent is knowing and voluntary, and (d) propose a period of suspension. The period of suspension may be indefinite or for a defined period of time.

~~(2)~~ (2) Order on Consent

Upon receipt of the ~~required declaration~~stipulation, the chief judge must enter an order ~~indefinitely~~ suspending the attorney~~. The~~ for the proposed period, unless the chief judge concludes the order ~~indefinitely~~is unreasonable. If the chief judge concludes the order is unreasonable, the question must be referred to the bankruptcy court for decision by majority vote. The bankruptcy court may decide that suspension is unreasonable or, if suspension is warranted, that the proposed period of suspension is inappropriate. If the bankruptcy court decides suspension is unreasonable, no order suspending the attorney will be entered. If the bankruptcy court decides the proposed period of suspension is inappropriate and a different period is appropriate, the chief judge must enter an order suspending the attorney consistent with the decision. An order suspending an attorney on consent is a matter of public record.

E. Reinstatement

~~(1)~~ (1) Reinstatement when Suspension is 90 Days or Fewer

An attorney suspended for 90 days or fewer is automatically reinstated at the end of the period of suspension.

~~(2)~~ (2) Reinstatement when Suspension is More than 90 Days

An attorney suspended for more than 90 days may not resume practice in the bankruptcy court until reinstated by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement at any time following the period of suspension.

~~(3)~~ (3) Reinstatement when Suspension is for an Indefinite Period

An attorney who is indefinitely suspended may not resume practice in the bankruptcy court until reinstatement by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement any time after five years from the effective date of the suspension.

~~(4)~~ (4) Presentation of Petition for Reinstatement

A petition for reinstatement must be filed with the clerk of the court. The clerk must present the petition to the bankruptcy court which, by a majority vote, must either grant or deny the petition without an evidentiary hearing, or else determine the matter requires an evidentiary hearing before a judge of the bankruptcy court assigned by the chief judge.

~~(5)~~ (5) Appointment of the United States Trustee

Following the filing of a petition for reinstatement, the bankruptcy court may appoint the United States Trustee for this region to investigate the petition and support or oppose reinstatement. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then request that a member of the bar investigate the petition and oppose or support reinstatement.

~~(6)~~ (6) Hearing

The Federal Rules of Evidence will apply in any hearing on a petition for reinstatement. The burden is on the petitioner to demonstrate by clear and convincing evidence that the petitioner has the requisite character and fitness to practice law before the bankruptcy court and that the petitioner's resumption of practice before the bankruptcy court will not be detrimental to the administration of justice.

~~(7)~~ (7) Decision by Assigned Judge

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law and determining whether the petitioner should be reinstated. A separate order must be entered.

~~(8)~~ (8) Conditions of Reinstatement

If the petitioner fails to demonstrate fitness to resume the practice of law before the bankruptcy court, the petition for reinstatement must be denied. If the petitioner is found fit to resume practice before the bankruptcy court, the petitioner must be reinstated, but reinstatement may be subject to conditions, including but not limited to partial or complete restitution to parties harmed by the conduct that led to the suspension.

~~(9)~~ (9) Appeal

Entry of an order granting or denying a petition for reinstatement is a final order appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. Bankr. P. 8006 does not apply.

~~(10)~~ (10) Limitation on Successive Petitions for Reinstatement

Following the denial of a petition for reinstatement, the petitioner may not file another petition for reinstatement until at least one year from the date of the order denying reinstatement.

F. Notice to Executive Committee and ARDC

Following:

~~(1)~~ (1) the entry of a final order imposing discipline or a final order granting or denying a petition for reinstatement~~; and~~, or an order suspending an attorney on consent; and

~~(2)~~ (2) the exhaustion of all appellate rights in connection with such an order,

the clerk of the court must transmit a copy of the order to the Executive Committee of the district court and to the Illinois Attorney Registration and Disciplinary Commission.

New Local Rules approved by Judges since April 16, 2018

RULE 1000-1 DEFINITIONS

(1) "Administrative Procedures" means the Administrative Procedures for the Case Management/Electronic Case Filing System, adopted by the court on February 17, 2004, as amended;

(2) the "Bankruptcy Code" means Title 11 of the United States Code, as amended;

(3) "bankruptcy court" means the bankruptcy judges of the United States District Court for the Northern District of Illinois;

(4) "clerk" includes the clerk of the court, any deputy clerk, and any member of a judge's staff who has taken the oath of office to perform the duties of a deputy clerk;

(5) "clerk of the court" means the clerk of the court duly appointed by the bankruptcy court;

(6) "CM/ECF" means the Case Management/Electronic Case Filing System;

(7) "courtroom deputy" means the deputy clerk assigned to perform courtroom duties for a particular judge;

(8) the "date of presentment" refers to the day on which the motion is to be presented in open court according to the notice required by Rule 9013-1;

(9) "district court" means the United States District Court for the Northern District of Illinois;

(10) "District Court Local Rules" means the Civil Rules promulgated by the district court;

(11) "Executive Committee" means the Executive Committee of the district court;

(12) "Fillable Order" means an order created using the Fillable Order PDF template available on the court's web site. The Fillable Order PDF template must be downloaded from the court's web site and must be filed with the text of the proposed order inserted without changing the underlying template.

(13) "judge" or "court" means the judge assigned to a case or an adversary proceeding or any other judge sitting in that judge's stead;

(14) "motion" includes all requests for relief by motion or application, other than

applications to waive the filing fee or pay the filing fee in installments.

(15) "Registrants" means individuals with unrestricted passwords registered to file documents in CM/ECF

(16) "Rules" means these Local Bankruptcy Rules and any amendments or additions thereto;

(17) "Rule" means a rule within these Rules and any amendments and additions thereto

(18) "trustee" means the person appointed or elected to serve as case trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

RULE 1006-4 FAILURE TO PAY FILING FEE

All petitions that do not comply with Fed. R. Bankr. P. 1006 will not be accepted for filing.

RULE 3016-1 DISCLOSURE STATEMENTS AND PLANS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following requirements will apply to all disclosure statements or amended disclosure statements:

(1) Each disclosure statement must include the following:

(a) An introductory narrative summarizing the nature of the plan and including a clear description of the exact proposed treatment of each class showing total dollar amounts and timing of payments to be made under the plan, and all sources and amounts of funding thereof. The narrative should plainly identify all classes, the composition of each class (as to number and type of creditors), the amount of claims (specifying any that are known to be disputed and how they will be treated under the plan), and the amount (dollar and/or percentages) to go to each class. The distinction between pre- and post-petition creditors must be clear.

(b) A summary exhibit setting forth a liquidation analysis as if assets of the debtor were liquidated under Chapter 7.

(2) Except where a liquidating plan is proposed, each disclosure statement must also include the following:

(a) a projected cash flow and budget showing all anticipated income and expenses including plan payments, spread over the life of the plan or three fiscal years, whichever is shorter;

(b) a narrative summarizing the scheduled assets and liabilities as of the date of filing in bankruptcy, reciting the financial history during the Chapter 11 (including a summary of the financial reports filed), describing the mechanics of handling initial and subsequent disbursements under the plan, and identifying persons responsible for disbursements; and

(c) consolidated annual financial statements (or copies of such statements for the years in question) covering at least one fiscal year before bankruptcy filing and each fiscal year of the debtor-in-possession period.

(3) Parties filing an amended disclosure statement or plan (or any related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 4001-2 CASH COLLATERAL AND FINANCING MOTIONS AND ORDERS

A. Motions

(1) Except as provided in these Rules, all cash collateral and financing requests under §§ 363 and 364 of the Bankruptcy Code must be heard by motion filed pursuant to Fed. R. Bankr. P. 2002, 4001 and 9014 ("Financing Motions").

(2) Provisions to be Highlighted. All Financing Motions must (a) recite whether the proposed form of order or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation or loan agreement, and (c) state the justification for the inclusion of such provision:

(a) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditors (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).

(b) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters.

(c) Provisions that seek to waive any rights the estate may have under § 506(c) of the Bankruptcy Code.

(d) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under §§ 544, 545, 547, 548, and 549 of the Bankruptcy Code.

(e) Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in § 552(b) of the Bankruptcy Code.

(f) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.

(g) Provisions that prime any secured lien, without the consent of that lienor.

(h) A declaration that the order does not impose lender liability on any secured creditor.

(i) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code, or relief from the automatic stay without further order of court.

(j) In jointly administered cases, provisions for joint and several liability on loans.

(3) All Financing Motions must also provide a summary of all provisions that must be highlighted under section (A)(2) of this Rule and a summary of the essential terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§ 363 and 364 of the Bankruptcy Code.

(4) All Financing Motions must also provide a budget covering the time period in which the order will remain in effect. The budget must state in as much detail as is reasonably practical the amount of projected receipts and disbursements during the period covered by the budget.

(5) The court may deem unenforceable any provision not highlighted as required under section (A)(2) of this Rule.

B. Interim Orders

In the absence of extraordinary circumstances, the court will not approve interim financing orders that include any of the provisions identified in section (A)(2)(a) through (A)(2)(j) of this Rule.

C. Final Orders

A final order will be entered only after notice and a hearing pursuant to Fed. R. Bankr. P. 4001. If formation of a creditors' committee is anticipated, no final hearing will be held until at least 7 days following the organizational meeting of the creditors' committee contemplated by § 1102 of the Bankruptcy Code unless the court orders otherwise.

D. Black-line of Financing Motion, Interim Financing Order and Final Financing Order

Parties filing an amended Financing Motion, interim financing order, or final financing order (or any related amended document) must attach a black-lined version showing all changes made to the preceding version.

RULE 5005-3 FORMAT OF DOCUMENTS FILED

A. Numbering Paragraphs in Pleadings

Allegations in any pleading (defined in Rule 7(a) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 7(a)) must be made in sequentially numbered paragraphs, each of which must be limited, as far as practicable, to a statement of a single set of circumstances. An answer or a reply to an answer must be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the answer or reply is directed, and then setting forth the answer or reply.

B. Responses to Motions

A response to a motion must not be in the form of an answer to a complaint but must state in narrative form any reasons, legal or factual, why the motion should be denied, unless the judge orders otherwise.

C. Requirements

(1) Each document filed on paper must be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It must be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and must be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.

(2) Where the document is typed, line spacing must be at least 2 lines.

(3) Where the document is typed or printed:

(a) the size of the type in the document must be no smaller than 12 points; and

(b) the margins, left-hand, right-hand, top, and bottom, must each be no smaller than 1 inch.

(4) The first page of each document must bear the caption, descriptive title, and number of the case or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date and time, if any, that the matter is set.

(5) The final page of each document must contain the name, address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*.

(6) Copies of exhibits appended to documents filed must be legible.

(7) Each page of a document must be consecutively numbered.

(8) Each document filed electronically must be formatted similarly to documents filed on paper.

(9) Signatures on documents must comply with the Administrative Procedures (II-C).

(10) The caption of every document filed in cases heard in Joliet, DuPage County, Kane County, or Lake County must list the location where the case is heard (either Joliet, DuPage County, Kane County, or Lake County) in parentheses immediately below the name of the assigned judge.

D. Fifteen Page Limit

No motion, response to a motion, brief, or memorandum in excess of fifteen pages may be filed without prior approval of the court.

E. Documents Not Complying with Rule

If a document is filed in violation of this Rule, the court may order the filing of an amended document complying with this Rule. A judge may direct the filing of any communication to the court deemed appropriate for filing.

F. Proof of Service

All documents filed with the clerk must be accompanied by a proof of service consistent with Rules 7005-1 and 9013-1.

RULE 5005-3A FORMAT OF DOCUMENTS SERVED

Any document served on another party must comply with Rule 5005-3, except that the document may be double-sided and folded and must not contain more than two pages of text per side.

RULE 5005-4 SEALED AND REDACTED DOCUMENTS

A. Sealed Documents

(1) A party wishing to file an entire document under seal (e.g., an entire motion, an entire exhibit to a motion, etc.) must:

(a) file a motion requesting permission to file the document under seal;

(b) file the document provisionally under seal; and

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the document without further order of court.

(2) Any document filed provisionally under seal without a motion requesting permission to file the document under seal will be unsealed.

(3) On written motion and for good cause shown, the court may order that the docket entry for a sealed document show only that the document was filed without any notation indicating its nature. Absent such an order, a sealed document must be docketed in the same manner as any other document, except that the entry will reflect that access to the document is restricted.

B. Redacted Documents

(1) A party who files a document with portions redacted (i.e., with portions blacked out from public view) and also wishes to file an unredacted version of the document under seal must:

(a) file a motion requesting permission to file the unredacted version under seal;

(b) file an unredacted version of the document provisionally under seal; and

(c) file a proposed order that contains a paragraph identifying the persons, if any, who may have access to the unredacted version of the document without further order of court.

(2) Any unredacted version of a redacted document that is provisionally filed under seal without a motion requesting permission to file it under seal will be unsealed.

(3) When a party files a redacted document but does not seek to file an unredacted version under seal, the court may order the party to file an unredacted version of the document under seal. The order should specify the persons who may have access to the sealed, unredacted version of the document.

C. Converting Paper Documents into Electronic Documents

The clerk will convert any sealed document filed in paper into an electronic document and destroy the paper document.

D. Documents Subject to Redaction under Rule 9037

Nothing in this rule applies to the redaction of documents required by Fed. R. Bankr. P. 9037.

RULE 5010-1 MOTION TO REOPEN CASE WHEN ASSIGNED TO JUDGE NO LONGER HEARING COOK COUNTY CASES

(1) A motion to reopen a Cook County case assigned to a judge who is no longer hearing Cook County cases must be filed before the Chief Judge. The motion must not seek any relief other than reopening the case. If the Chief Judge grants the motion, the case will be randomly reassigned by the clerk of court. After the case has been reassigned, all further motions must be noticed for hearing before the judge to whom the case has been reassigned.

(2) A motion to reopen a case heard in any county other than Cook County must be noticed for hearing before the judge currently hearing cases in that county.

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDING

A plaintiff in an adversary proceeding must file an Adversary Proceeding Cover Sheet, Official Bankruptcy Form B 1040, with the adversary complaint.

RULE 7056-3 – NOTICE TO PRO SE LITIGANTS OPPOSING SUMMARY JUDGMENT

Any party moving for summary judgment under Fed. R. Bankr. P. 7056 against a party proceeding pro se must serve and file as a separate document, together with the papers in support of the motion, a "Notice to Pro Se Litigant Opposing Motion for Summary Judgment" in the form indicated below. If the pro se party is not the defendant, the movant must amend the form notice as necessary to reflect that fact.

NOTICE TO PRO SE LITIGANT OPPOSING MOTION FOR SUMMARY JUDGMENT

The plaintiff has moved for summary judgment against you. This means that the plaintiff is telling the judge that there is no disagreement about the important facts of the case. The plaintiff is also claiming that there is no need for a trial of your case and is asking the judge to decide that the plaintiff should win the case based on its written argument about what the law is.

In order to defeat the plaintiff's request, you need to do one of two things: you need to show that there is a dispute about important facts and a trial is needed to decide what the actual facts are or you need to explain why the plaintiff is wrong about what the law is.

Your response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 7056-2 of this court. These rules are available at any law library. Your Local Rule 7056-2 statement needs to have numbered paragraphs responding to each paragraph in the plaintiff's statement of facts. If you disagree with any fact offered by the plaintiff, you need to explain how and why you disagree with the plaintiff. You also need to explain how the documents or declarations that you are submitting support your version of the facts. If you think that some of the facts offered by the plaintiff are immaterial or irrelevant, you need to explain why you believe that those facts should not be considered.

In your response, you must also describe and include copies of documents which show why you disagree with the plaintiff about the facts of the case. You may rely upon your own declaration or the declarations of other witnesses. A declaration is a signed statement by you or another witness. The declaration must end with the following phrase: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct," and must be dated. If you do not provide the Court with evidence that shows that there is a dispute about the facts, the judge will be required to assume that the plaintiff's factual contentions are true, and, if the plaintiff is also correct about the law, your case will be dismissed.

If you choose to do so, you may offer the Court a list of facts that you believe are in dispute and require a trial to decide. Your list of disputed facts should be supported by your documents or declarations. It is important that you comply fully with these rules and respond to each fact offered by the plaintiff, and explain how your documents or declarations support your

position. If you do not do so, the judge will be forced to assume that you do not dispute the facts which you have not responded to.

Finally, if you think that the plaintiff is wrong about what the law is, you should explain why.

RULE 9013-1 MOTIONS

A. General Requirements

Except as otherwise provided in these Rules or as ordered by the court:

(1) Every motion must be in the format required by section B of this Rule.

(2) Every motion must be filed with each of the items specified in section C of this Rule and must be filed no later than the date on which the motion is served. The date and time of filing a motion filed electronically are those shown on the Notice of Electronic Filing issued by the court's CM/ECF system. The date of filing a paper motion is the date on which the clerk receives the motion.

(3) Every motion must be served on parties in interest as required by section D of this Rule.

(4) Every motion must be presented by the movant as required by section E of this Rule.

B. Title and Format of Motions

Every motion must be titled as one of the events contained in the court's CM/ECF system, unless no event accurately describes the subject of the motion. Every motion must conform to the requirements of Rule 5005-3.

C. Items Required to be Filed with Motions

Every motion must be filed with the clerk of court, and the filing must include each of the items specified below

(1) Notice of Motion

For all motions, a notice of motion, signed by the moving party or counsel for the moving party, and stating the date, time, and location of the motion's presentment to the court. The location must include the room number and full street address.

(2) Exhibits

If a motion refers to exhibits, legible copies of the exhibits must be attached to the motion, unless the court orders otherwise.

(3) Certificate of Service

Except for motions filed *ex parte*, a certificate of service stating the date on which the motion and each item filed with the motion were served. The certificate must also state

(a) for each recipient who is a registrant with the court's CM/ECF system, the date of the filing and the name of the recipient, and

(b) for each recipient who is not a registrant with the court's CM/ECF system, the date, manner of service, and name and address of the recipient.

(4) *Ex parte* affidavit

For all motions filed *ex parte*, an affidavit showing cause for the filing of the motion *ex parte*.

(5) Proposed Order

For all motions, a proposed order that:

(a) is a Fillable Order;

(b) grants the relief requested in the motion; and

(c) contains a title specifying the relief granted in the order (e.g., "Order Granting Motion to Modify Stay" or "Order Extending the Time to Object to Discharge").

D. Service of Motions

(1) Service by Mail

Where service of the notice of motion is by mail, the notice of motion must be mailed at least 7 days before the date of presentment.

(2) Personal Service

A notice of motion served personally must be served no later than 4:00 p.m. on the third day before the date of presentment. Personal service includes actual delivery, delivery by facsimile transmission ("fax"), and service by CM/ECF.

(3) Fax Service

Where service is by fax, the certificate of service must be accompanied by an automatically generated statement confirming transmission. The statement must contain the date and time of transmission, the telephone number to which the motion was transmitted, and an acknowledgment from the receiving fax machine that the transmission was received.

(4) Service by CM/ECF

In accordance with the Administrative Procedures, electronic filing of a document constitutes service on any person who is a Registrant entitled to file documents using

CM/ECF and who has filed a document in the case in electronic format via CM/ECF. The time of filing is the time of service for purposes of section D(2) of this Rule.

(5) E-mail Service

Except for service by CM/ECF as provided in this rule, service by electronic mail is prohibited unless a written request is made under Fed. R. Bankr. P. 9036 or the court orders otherwise.

D. Presentment of Motions

(1) Except for emergency motions under Rule 9013-2, and unless otherwise ordered by the court, every motion must be presented in court on a date and time when the judge assigned to the case regularly hears motions.

(2) The presentment of a motion must be no more than 30 days after the motion is filed, unless applicable statutes or rules require a longer notice period, in which case the date of presentment must be within 7 days after the expiration of the notice period.

E. Oral Argument

Oral argument on motions may be allowed in the court's discretion.

F. Failure to Comply

If a motion fails to comply with the provisions of this Rule in any respect, the court may, in its discretion, deny the motion.

G. Failure to Prosecute

If a movant fails to present the motion at the time set for presentment, the court may, in its discretion, deny the motion.

H. Request for Ruling

Any party may file a motion calling to the court's attention a matter that is fully briefed and ready for decision and requesting a status hearing.

I. Service of Modified Orders on *Pro Se* Parties and Certificate of Service

If the court enters an order that changes the proposed order presented by the movant in accordance with Paragraph C(5) above and the change affects any *pro se* party, the moving party must serve on the *pro se* party a copy of the order within three days of its entry. The moving party must file a certificate of service stating the date, manner of service, and name and address of the recipient.

RULE 9029-4B ATTORNEY DISCIPLINARY PROCEEDINGS

A. Disciplinary Proceedings Generally

(1) Definitions

The following definitions apply to the disciplinary Rules:

(a) "Misconduct" means any act or omission by an attorney that violates the rules of professional conduct of the district court. Such an act or omission constitutes misconduct regardless of:

1. whether the attorney performed the act or omission individually or in concert with any other person or persons; or

2. whether the act or omission occurred in the course of an attorney-client relationship.

(b) "Discipline" includes, but is not limited to, temporary or permanent suspension from practice before the bankruptcy court, reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, and community service.

(2) Jurisdiction

Nothing in these Rules restricts the power of any judge over proceedings before that judge.

(3) Attorneys Subject to Discipline

By appearing in the bankruptcy court, an attorney, whether or not a member of the bar of the district court, submits to the disciplinary jurisdiction of the bankruptcy court for any alleged misconduct that the attorney commits.

(4) Confidentiality

(a) Before a disciplinary proceeding is assigned to a judge pursuant to these Rules, the proceeding is confidential, except that the bankruptcy court may, on such terms as it deems appropriate, authorize the clerk of the court to disclose any information about the proceeding.

(b) After a disciplinary proceeding is assigned to a judge pursuant to these Rules, the record and hearings in the proceeding are public, and all materials submitted to the chief judge before the disciplinary proceeding was assigned must be filed with the clerk of the court, unless for good cause the judge to whom the disciplinary proceeding is assigned orders otherwise.

(c) A final order in a disciplinary proceeding is a public record.

B. Discipline of Attorneys for Misconduct

(1) Complaint of Misconduct

A disciplinary proceeding is commenced by submitting a complaint of misconduct to the chief judge of the bankruptcy court. The complaint may be in the form of a letter. The complaint must state with particularity the nature of the alleged misconduct and must identify the rule of professional conduct of the district court that has been violated. The chief judge must refer the complaint of misconduct to the bankruptcy court for consideration and appropriate action.

(2) Request for a Response to a Complaint of Misconduct

On receipt of a complaint of misconduct, the bankruptcy court may forward a copy to the attorney and ask for a response within a set time. Any response must be submitted to the chief judge.

(3) Action by the Bankruptcy Court on a Complaint of Misconduct

On the basis of the complaint of misconduct and any response submitted, the bankruptcy court may, by a majority vote:

(a) determine that the complaint merits no further action and provide notice of this determination to the complainant and the attorney;

(b) direct that formal disciplinary proceedings be commenced; or

(c) take other appropriate action.

(4) Statement of Charges

If the bankruptcy court determines, based on allegations in the complaint of misconduct and any response, that formal disciplinary proceedings should be initiated, the bankruptcy court must issue a statement of charges against the attorney. The statement of charges must describe the alleged misconduct, state the proposed discipline, and require the attorney to show cause, within 28 days after service, why the attorney should not be disciplined.

(5) Method of Service

The clerk of the court must mail two copies of the statement of charges to the last known address of the attorney. One copy must be mailed by certified mail restricted to addressee only, return receipt requested. The other copy must be mailed by first class mail. If the statement of charges is returned as undeliverable, the clerk of the court must notify the chief judge. The bankruptcy court may direct that further, alternative attempts at service be made.

(6) Date of Service

For purposes of this Rule, the date of service is:

(a) the date of mailing, if service is by mail; or

(b) the date of delivery, if service is personal.

(7) Answer to Statement of Charges

Within 28 days after the date of service, the attorney who is the subject of the statement of charges must submit to the chief judge an answer to the statement of charges showing cause why the attorney should not be disciplined.

(8) Effect of Failure to Answer

If the attorney fails to submit an answer to the statement of charges, the allegations will be treated as admitted. The chief judge will then enter an order imposing the discipline proposed in the statement or such lesser discipline as the chief judge determines.

(9) Appointment of the United States Trustee

The bankruptcy court may appoint the United States Trustee for this region to investigate a complaint of misconduct and prosecute a statement of charges. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then elect either to dismiss the proceeding or request that a member of the bar investigate the complaint of misconduct and prosecute the statement of charges.

(10) Assignment to Judge for Hearing

If, after the attorney has answered the statement of charges, the bankruptcy court determines by a majority vote that an evidentiary hearing is warranted, the chief judge will assign the disciplinary proceeding to a judge for hearing.

(11) Subpoenas

The United States Trustee or any other investigating or prosecuting attorney may cause subpoenas to be issued.

(12) Hearing

The Federal Rules of Evidence will apply in any hearing on a statement of charges. The burden is on the party prosecuting the complaint to demonstrate by a preponderance of the evidence that the attorney charged has committed misconduct.

(13) Decision

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law, determining whether the attorney charged has committed misconduct, and if so, imposing appropriate discipline. A separate order imposing discipline must be entered in accordance with the written decision.

(14) Appeal

Entry of an order imposing discipline is a final order, appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. Civ. P. 8006 does not apply.

C. Emergency Interim Suspension

If the chief judge concludes that the misconduct charged poses a genuine risk of serious harm, the chief judge may, after notice to the attorney and an opportunity for a hearing, enter an order immediately suspending the attorney from practice before the bankruptcy court until the charges are resolved. Any order suspending an attorney on an interim basis is an appealable order under Rule 9029-4B(B)(14).

D. Suspension on Consent

(1) Stipulation of Facts and Declaration of Consent

Whether or not a complaint of misconduct has been submitted or a statement of charges issued under this Rule, an attorney may consent to suspension from practice before the bankruptcy court by delivering to the chief judge a signed stipulation. The stipulation must (a) set forth the facts warranting the attorney's suspension, (b) declare that the attorney consents to suspension, (c) declare that the attorney's consent is knowing and voluntary, and (d) propose a period of suspension. The period of suspension may be indefinite or for a defined period of time.

(2) Order on Consent

Upon receipt of the stipulation, the chief judge must enter an order suspending the attorney for the proposed period, unless the chief judge concludes the order is unreasonable. If the chief judge concludes the order is unreasonable, the question must be referred to the bankruptcy court for decision by majority vote. The

bankruptcy court may decide that suspension is unreasonable or, if suspension is warranted, that the proposed period of suspension is inappropriate. If the bankruptcy court decides suspension is unreasonable, no order suspending the attorney will be entered. If the bankruptcy court decides the proposed period of suspension is inappropriate and a different period is appropriate, the chief judge must enter an order suspending the attorney consistent with the decision. An order suspending an attorney on consent is a matter of public record.

E. Reinstatement

(1) Reinstatement when Suspension is 90 Days or Fewer

An attorney suspended for 90 days or fewer is automatically reinstated at the end of the period of suspension.

(2) Reinstatement when Suspension is More than 90 Days

An attorney suspended for more than 90 days may not resume practice in the bankruptcy court until reinstated by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement at any time following the period of suspension.

(3) Reinstatement when Suspension is for an Indefinite Period

An attorney who is indefinitely suspended may not resume practice in the bankruptcy court until reinstatement by order of the bankruptcy court in response to a petition for reinstatement. The attorney may petition for reinstatement any time after five years from the effective date of the suspension.

(4) Presentation of Petition for Reinstatement

A petition for reinstatement must be filed with the clerk of the court. The clerk must present the petition to the bankruptcy court which, by a majority vote, must either grant or deny the petition without an evidentiary hearing, or else determine the matter requires an evidentiary hearing before a judge of the bankruptcy court assigned by the chief judge.

(5) Appointment of the United States Trustee

Following the filing of a petition for reinstatement, the bankruptcy court may appoint the United States Trustee for this region to investigate the petition and support or oppose reinstatement. The United States Trustee may decline the appointment and must notify the chief judge of that decision within 30 days. The bankruptcy court may then request that a member of the bar investigate the petition and oppose or support reinstatement.

(6) Hearing

The Federal Rules of Evidence will apply in any hearing on a petition for reinstatement. The burden is on the petitioner to demonstrate by clear and

convincing evidence that the petitioner has the requisite character and fitness to practice law before the bankruptcy court and that the petitioner's resumption of practice before the bankruptcy court will not be detrimental to the administration of justice.

(7) Decision by Assigned Judge

Upon completion of the hearing, the assigned judge must issue a written decision making findings of fact and conclusions of law and determining whether the petitioner should be reinstated. A separate order must be entered.

(8) Conditions of Reinstatement

If the petitioner fails to demonstrate fitness to resume the practice of law before the bankruptcy court, the petition for reinstatement must be denied. If the petitioner is found fit to resume practice before the bankruptcy court, the petitioner must be reinstated, but reinstatement may be subject to conditions, including but not limited to partial or complete restitution to parties harmed by the conduct that led to the suspension.

(9) Appeal

Entry of an order granting or denying a petition for reinstatement is a final order appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from disciplinary orders of the bankruptcy court, except that Fed. R. Bankr. P. 8006 does not apply.

(10) Limitation on Successive Petitions for Reinstatement

Following the denial of a petition for reinstatement, the petitioner may not file another petition for reinstatement until at least one year from the date of the order denying reinstatement.

F. Notice to Executive Committee and ARDC

Following:

(1) the entry of a final order imposing discipline or a final order granting or denying a petition for reinstatement, or an order suspending an attorney on consent; and

(2) the exhaustion of all appellate rights in connection with such an order,

the clerk of the court must transmit a copy of the order to the Executive Committee of the district court and to the Illinois Attorney Registration and Disciplinary Commission.