Local Rules of the United States District Court Northern District of Illinois

(effective September 1, 1999 with amendments through April 1, 2024)

Contents

LR 3.1. Designation Sheet

(a) Plaintiff's Counsel to File Designation Sheet. At the time of filing a case, plaintiff's counsel, or if the case is filed pro se, the plaintiff shall file with the original papers a completed designation sheet (civil cover sheet). If the case is filed by a person in custody, the staff law clerk or prisoner correspondence clerk shall complete the designation sheet.

(b) List of Associated Bankruptcy Matters. Pursuant to LR 40.3.1, the person filing the petition for withdrawal of reference, report and recommendation, appeal, motion for leave to appeal, or application for a writ shall complete the designation sheet required by LR 3.1 and shall include on the sheet a list of any associated bankruptcy cases, adversary proceedings, non-core proceedings, appeals or motions for leave to appeal, or application for a writ from such proceedings previously assigned to one or more district judges.

(c) Identification of Multidistrict Litigation Proceedings. Where a case is filed as a tag-along to a multidistrict litigation (MDL) proceeding that is before a judge of this Court, the person filing the designation sheet shall, at the same time, file an affidavit identifying the number assigned to the MDL proceeding by the Judicial Panel on Multidistrict Litigation and the name of the presiding judge.

Amended February 25, 2005; April 2, 2012

LR 3.2. Notification as to Affiliates

(a) **Definition.** For purposes of this rule, "affiliate" is defined as any entity or individual owning, directly or indirectly (through ownership of one or more other entities), 5% or more of a party.

(b) **Who Must File.** Any nongovernmental party, other than an individual or sole proprietorship, shall file a Notification of Affiliates.

(c) **Required Information.** A Notification of Affiliates shall identify all of the party's affiliates known to the party after a diligent review; or state that after a diligent review the party has identified no affiliates.

(d) **Time for Filing.** A party must file the statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court.

(e) **How to File.** The statement is to be electronically filed as a PDF in conjunction with entering the affiliates in CM/ECF as prompted.

(f) **Supplemental Statement.** A supplement to the statement shall be filed within thirty (30) days of the party becoming aware of any change in the information reported. A party shall undertake good faith efforts to remain apprised of any such changes.

Amended April 20, 2007, December 21, 2021, April 21, 2022, and May 5, 2022.

LR 3.3. Payment of Fees in Advance, In Forma Pauperis Matters, Sanctions

(a) Definitions. The following definitions shall apply to this rule:

(1) "IFP petition" means a petition for leave to proceed *in forma pauperis,* i.e., without prepayment of prescribed fees.

(2) "Financial affidavit" means the form of affidavit of financial status prescribed by the Court.

(b) Prepayment Required. Any document submitted for filing for which a filing fee is required must be accompanied either by the appropriate fee or an IFP petition. Not withstanding this provision, the clerk will file any document including a complaint in a civil action, a notice of appeal, or other document for which a filing fee is prescribed, without prepayment, but such filings shall be subject to the sanctions set forth in section (f) of this Rule.

(c) Filing in forma pauperis. The IFP petition and the financial affidavit shall be filed and assigned to a judge. The complaint shall be stamped received as of the date presented. The clerk shall promptly forward the IFP petition and all other papers to the judge to whom it is assigned.

(d) Date of filing. If the judge grants the IFP petition, the complaint shall be filed as of the date of the judge's order except that where the complaint must be filed within a time limit and the order granting leave to file is entered after the expiration of that time limit, the complaint shall be deemed to have been filed:

(1) in the case of any plaintiff in custody, as of the time of the plaintiff's delivery of the complaint to the custodial authorities for transmittal to the court; or

(2) in the case of any other plaintiff, as of the time the complaint was received by the clerk.

(e) Disposition of the IFP petition. In addition to granting or denying an IFP petition, the judge may order the payment of a partial filing fee when the plaintiff's financial circumstances so warrant.

(f) Notice of fees due; sanctions. Upon denial of an IFP petition, the clerk shall notify the plaintiff of the amount of fees due. If the required fees are not paid within 15 days of the date of such notification, or within such other time as may be fixed by the court, the clerk shall notify the judge before whom the matter is pending of the nonpayment. The court may then apply such sanctions as it determines necessary including dismissal of the action.

(g) Service of Summonses by United States Marshal. Where an order is entered granting the IFP petition, that order shall, unless otherwise ordered by the court, stand as authority for the United States Marshal to serve summonses without prepayment of the required fees. Amended 03/29/18

LR 3.4. Notice of Claims Involving Patents or Trademarks

In order to assist the clerk in complying with the requirement to notify the commissioner, any party filing a pleading, complaint, or counterclaim which raises for the first time a claim arising under the patent and trademark laws of the United States (U.S. Code, Titles 15 and 35) shall file with the pleading, complaint, or counterclaim a separate notice of claims involving patents or trademarks.

That notice shall include for each patent the information required by 35 U.S.C. §290; and for each trademark the information required by 15 U.S.C. §1116(c).

LR 4. Service in In Forma Pauperis Cases

In civil matters in which the plaintiff is authorized to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, service shall be accomplished in the manner set forth in the subsections below.

(a) Service upon the United States, an agency of the United States, or officials of the United States or its agencies in their official capacity, shall be accomplished by plaintiff by registered or certified mail pursuant to Fed.R.Civ.P.4(i), except in certain cases under the Social Security Act that are described in subsection (b).

(b) Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, unless otherwise ordered, by agreement with the United States Attorney, no service of initial process (i.e., summons and complaint) shall be required in any case (not limited to in forma pauperis cases). The Social Security Administration will treat notification through the court's Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.

(c) In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2254, regardless of whether or not the $5 filing fee has been paid, service will be pursuant to the agreement, set forth in Appendix 1 to these Local Rules, between the Attorney General of Illinois and the Court.

(d) In any action in which the U.S. Marshal has been designated to effectuate service, the U.S. Marshal is requested to send the complaint and appropriate papers for waiver of service to the named defendant (including defendant federal officials sued in their individual capacities) pursuant to Rule 4(d). If a defendant neither returns the waiver nor files a responsive pleading within the required time, the Court will notify the U.S. Marshal of the need for personal service on that defendant. If the U.S. Marshal then effects personal service on the defendant, the Court will impose the costs of service on the defendant consistent with Fed.R.Civ.P.4(d)(2).

(e) In actions in which the U.S. Marshal has been designated to effectuate service pursuant to this rule, the following time limits shall apply to waiver of service notice and requests:

(1) The notice and request for waiver of service shall allow the defendant a reasonable time to return the waiver, which shall be 30 days after the date on which the request is sent or 60 days after that date if the defendant is addressed outside any judicial district of the United States.

(2) A defendant that, before being served with process, timely returns a waiver so requested, is not required to serve an answer to the complaint until 60 days after the date on which the request for waiver of service was sent, or 90 days after that date if the defendant was addressed outside any judicial district of the United States.

Amended October 2, 2012

LR 5.1. Place of Filing, Division

Except as otherwise ordered, all filings shall be made in the divisional office of the division to which the case is assigned provided that a document initiating a case that should be filed in one of the divisions of this Court may be presented for filing to the assignment clerk of the other division. In such instances, the person filing the document should clearly indicate that it is to be filed in the other division. The case will be numbered and assigned as if it were filed in the proper division. Following the assignment, the clerk will promptly forward the papers to the proper divisional office.

LR 5.2. Electronic and Paper Documents Filed

a) Filing Electronically. A person represented by an attorney must file documents electronically, unless nonelectronic filing is allowed by the court for good cause. A person not represented by an attorney may file documents electronically only after successful completion of a Clerk's Office administered class on how to file electronic documents in this Court and then may file documents only after the complaint has been filed in paper format. The filing must comply with procedures established by the court as set forth in the General Order on Electronic Case Filing

b) Filing in Paper. A person not represented by an attorney may file paper documents as follows: (1) in person at the Clerk's Office, (2) by United States Mail, (3) by overnight delivery or courier service, (4) by using the drop box in the Courthouse, or (5) by having another individual hand deliver the document to the Clerk's Office.

c) Official Court Record. 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 converted to 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 docketed, 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.

d) Filing by Email or FAX Not Permitted. Documents to be filed with the court may not be transmitted to the court by Email or FAX. The only means of filing documents with the court electronically is in accordance with LR 5.2(a) and the General Order on Electronic Case Filing or other similar General Order.

(e) Document Format. Any paper shall be flat and unfolded on opaque, unglazed, white paper 8½ 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.

Documents filed electronically must conform to these requirements.

(f) 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 8½ x 11 inches in size.

(g) 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.

(h) Searchable Text and Hyperlinks. In creating documents for filing through the EFiling system, parties are encouraged to make documents text searchable and to use hyperlinks to link table of contents headings with section headings and textual citations to cases, exhibits, and other materials filed in the case.

(i) 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 to the court.

Amended October 23, 2013, November 22, 2013,
December 30 , 2020, and May 18, 2023

LR 5.3. Motions: Review of Judge's Procedures and Notice of Motions and Objections

(a) Review Judge's Procedures. Parties should consult the assigned judge's web page on the Court's website regarding the judge's procedures on filing and presenting motions.

(b) A judge may require a motion or an objection to a magistrate judge's order to 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.

Amended October 2, 2002; March 27, 2003; November 19, 2009; June 29, 2023

~~LR 5.4. Motions: Filing Notice & 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 to it a note indicating that the person delivering it was advised of the scheduling or delivery requirements.~~Local Rule 5.4 Abrogated Per General Order 23-0026 on July 6, 2023.

LR 5.5. Proof of Service

(a) When a Certificate of Service is required. A certificate of service is required only when service of a document filed on the Court's E-Filing system is made on a recipient who is not an E-Filer listed on the docket of the proceeding.

(b) E-Filer Defined. An E-Filer is a person who is registered in this court according to the General Order on Electronic Filing.

(c) Certificate of Service. A Certificate of Service must state that service has been made of all documents required to be served by Fed.R.Civ.P. 5(a) in a manner authorized by Fed.R.Civ.P. 5(b) and (c). The certificate shall identify the person(s) served, the date and manner of service, and, if by FAX, a transaction statement confirming that the transmission was received.

(d) Ex Parte Motion. A motion for an ex parte order shall be accompanied by an affidavit showing cause for withholding service and stating whether or not a previous application for similar relief has been made.

Amended December 30, 2020

LR 5.6. Filing Documents by Non-parties

No pleading, motion [except for motion to intervene], or other document shall be filed in any case by any person who is not a party thereto, unless approved by the court. Absent such an order, the clerk shall not accept any document tendered by a person who is not a party. Should any such document be accepted inadvertently or by mistake in the absence of such an order, it may be stricken by the court on its own motion and without notice.

LR 5.7. Filing Cases Under Seal

(a) GENERAL. The clerk is authorized to accept a complaint for filing and treat that complaint and the accompanying papers as if they were restricted pursuant to LR26.2 where the complaint is accompanied by a written request containing the following:

(1) the name, address, and signature of the party or counsel making the request;
(2) a statement indicating that the party believes that due to special circumstance which the party will promptly bring to the attention of the judge to whom the case is to be assigned, it is necessary to restrict access to the case at filing;
(3) a statement that the party is aware that absent an order extending or setting aside the sealing, the file and its contents will become public on the seventh day following the date of filing; and
(4) the attorney's or party's e-mail address if the attorney or party is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.
Absent any order to the contrary, the contents of the case file shall be treated as restricted documents as defined by LR26.2 for seven days following the day on which the complaint was filed. Except as otherwise ordered, on the seventh day the file will no longer be treated as restricted.

(b) Filings Under 31 U.S.C. §3730. The procedures set forth in section (a) shall also be followed in filing complaints in camera pursuant to 31 U.S.C. § 3730 with the following modifications:

(1) the person presenting the complaint for filing in camera shall state in the instructions to the assignment clerk that the complaint is being filed pursuant to 31 U.S.C. § 3730; and
(2) unless otherwise ordered by the court, the matter shall remain restricted for the period specified in 31 U.S.C. § 3730.

Committee Comments

LR 5.7 is amended to ensure it is in compliance with LR26.2 – Restricted Documents

Amended April 20, 2006

LR 5.8. Filing Materials Under Seal

Any document to be filed under seal shall be filed in compliance with procedures established by the Clerk of Court and approved by the Executive Committee. All attorneys and unrepresented parties with an electronic filing account, shall file sealed documents pursuant to LR 26.2 and should do so electronically by way of the Court's electronic case management system. Except where pursuant to court order a restricted or sealed document as defined by LR26.2 is not filed electronically

(A) by an attorney or by an unrepresented party with an e-filing account: the paper documents shall be accepted by the Clerk of Court. The Clerk of Court shall file those paper documents in the appropriate case, but those documents are to be filed as unsealed and publicly available.

(B) by an unrepresented party without an e-filing account: the paper documents shall be accepted by the Clerk of Court. Where restricted or sealed documents are submitted under this provision, they must be accompanied by a cover sheet which shall include the following:

(1) the caption of the case, including the case number;

(2) the title "Sealed Document Pursuant to LR26.2";

(3) a statement indicating that the document is filed under seal in accordance with an order of the court and the date of that order; and

(4) the signature of the unrepresented party filing the document, the party's name and address, and the title of the document.

Any document purporting to be a sealed document as defined in LR26.2 that is not filed in compliance with such procedures shall be processed like any other document and filed as unsealed and publicly available on the Court's electronic case management system. In such instances, where the document has been submitted in paper and does not show, on the coversheet, compliance with all four of the requirements listed above, the Clerk of Court is authorized to open the sealed envelope and remove the materials for processing as an unsealed document.

Committee Comment: Information about the procedures to file a document under seal electronically can be found on the court's website under the "E-filing" tab.

Committee Comment on January 2019 revision: The purpose of the amendment is to ensure that the Clerk and the Clerk's Office staff are not responsible for paper copies of under-seal materials.

Amended April 20, 2004; November 5, 2009; May 18, 2012; April 22, 2019;

LR 5.9. Service by Electronic Means

In accordance with the General Order on Electronic Case Filing and subject to the provisions of Fed. R. Civ. P. 5(b)(3), the Notice of Electronic Filing that is issued through the court's Electronic Case Filing System will constitute service as to all Filing Users in a case assigned to the court's Electronic Case Filing System.

Amended 10/24/16

LR 7.1. Briefs: Page Limit

Neither a motion nor brief in support of or in opposition to any motion nor objections to a report and recommendation or order of a magistrate judge or special master, shall exceed 15 pages without prior approval of the court. Briefs that exceed the 15 page limit must have a table of contents with the pages noted and a table of cases. Any brief or objection that does not comply with this rule shall be filed subject to being stricken by the court.

Amended September 12, 2019

LR 8.1. Social Security Cases: Notice of Social Security Number

Where a complaint for judicial review is filed pursuant to 42 U.S.C. § 405(g) and/or 42 U.S.C. § 1383(c)(3);

(a) The complaint shall include the full Social Security number of the plaintiff, including that of a minor plaintiff not otherwise identified by his or her full name. If the plaintiff's application for Social Security benefits was filed on another person's wage-record, that person's Social Security number shall also be included in the complaint.

(b) The Social Security Administration's filing of the certified administrative record, in and of itself, shall suffice as the agency's answer to the complaint.

Amended January 31, 2014, May 23, 2014

LR 9.1. Three Judge Cases

The party instituting an action requiring a three-judge court shall advise the clerk that such a court is requested and shall specify the statute involved. In such cases counsel shall furnish the clerk with three additional copies of all pleadings filed and all briefs submitted.

LR10.1. Responsive Pleadings

Responsive pleadings shall be made in numbered paragraphs each corresponding to and stating a concise summary of the paragraph to which it is directed.

LR16.1. Standing Order Establishing Pretrial Procedure

(Adopted Pursuant to General Order of 26 June 1985; Amended Pursuant to General Orders of 27 November 1991 and 9 March 1995)

1. Introduction

This pretrial procedure is intended to secure a just, speedy, and inexpensive determination of the issues. If the type of procedure described below does not appear calculated to achieve these ends in this case, counsel should seek an immediate conference with the judge and opposing counsel so that alternative possibilities may be discussed. Failure of either party to comply with the substance or the spirit of this *Standing Order* may result in dismissal of the action, default or other sanctions appropriate under Fed. R. Civ. P. 16 or 37, 28 U.S.C. §1927 or any other applicable provisions.

Parties should also be aware that there may be variances in the forms and procedures used by each of the judges in implementing these procedures. Accordingly, parties should contact the minute clerk for the assigned judge for a copy of any standing order of that judge modifying these procedures.

2. Scheduling Conference

Within 60 days after the appearance of a defendant and within 90 days after the complaint has been served on a defendant in each civil case (other than categories of cases excepted by local Civil Rule 16.1), the court will usually set a scheduling conference (ordinarily in the form of a status hearing) as required by Fed.R.Civ.P. 16. At the conference, counsel should be *fully prepared* and have authority to discuss any questions regarding the case, including questions raised by the pleadings, jurisdiction, venue, pending motions, motions contemplated to be filed, the contemplated joinder of additional parties, the probable length of time needed for discovery and the possibility of settlement of the case. Counsel will have the opportunity to discuss any problems confronting them, including the need for time in which to prepare for trial.

3. Procedures for Complex or Protracted Discovery

If at any time during the scheduling conference or later status, hearings it appears that complex or protracted discovery will be sought, the court may

(a) determine that the *Manual on Complex Litigation 2d* be used as a guide for procedures to be followed in the case, or
(b) determine that discovery should proceed by phases, or
(c) require that the parties develop a joint written discovery plan under Fed.R.Civ.P. 26 (f).

If the court elects to proceed with phased discovery, the first phase will address information necessary to evaluate the case, lay the foundation for a motion to dismiss or transfer, and explore settlement. At the end of the first phase, the court may require the parties to develop a joint written discovery plan under Fed.R.Civ.P. 26 (f) and this *Standing Order*.

If the court requires parties to develop a discovery plan, such plan shall be as specific as possible concerning dates, time, and places discovery will be sought and as to the names of persons whose depositions will be taken. It shall also specify the parties' proposed discovery closing date. Once approved by the court, the plan may be amended only for good cause. Where the parties are unable to agree on a joint discovery plan, each shall submit a plan to the court. After reviewing the separate plans, the court may take such action as it deems appropriate to develop the plan.

Where appropriate, the court may also set deadlines for filing and a time framework for the disposition of motions.

4. Discovery Closing Date

In cases subject to this *Standing Order,* the court will, at an appropriate point, set a discovery closing date. Except to the extent specified by the court on motion of either party, discovery must be *completed* before the discovery closing date. Discovery requested before the discovery closing date, but not scheduled for completion before the discovery closing date, does not comply with this order.

5. Settlement

Counsel and the parties are directed to undertake a good faith effort to settle that includes a thorough exploration of the prospects of settlement before undertaking the extensive labor of preparing the Order provided for in the next paragraph. The court may require that representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference.

If the parties wish the court to participate in a settlement conference, counsel should ask the court or the minute clerk to schedule such conference. In a case where the trial will be conducted without a jury, particularly as the case nears the date set for trial, the preferred method of having the court preside over settlement talks is for the assigned judge to arrange for another judge to preside or to refer the task to a magistrate judge. If the case has not been settled and is placed on the court's trial calendar, settlement possibilities should continue to be explored throughout the period before trial. If the case is settled, counsel shall notify the minute clerk promptly and notice up the case for final order.

6. Final Pretrial Order

The court will schedule dates for submission of a proposed final pretrial order (Order) and final pretrial conference (Conference) in accordance with Fed.R.Civ.P. 16. In the period between notice and the date for submission of the pretrial order:

(a) Counsel for all parties are directed to meet in order to (1) reach agreement on any possible stipulations narrowing the issues of law and fact, (2) deal with nonstipulated issues in the manner stated in this paragraph and (3) exchange copies of documents that will be offered in evidence at the trial. The court may direct that counsel meet in person (face-to-face). It shall be the duty of counsel for plaintiff to initiate that meeting and the duty of other counsel to respond to plaintiff's counsel and to offer their full cooperation and assistance to fulfill both the substance and spirit of this standing order. If, after reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be his or her duty to advise the court of this fact by appropriate means.

(b) Counsel s meeting shall be held sufficiently in advance of the date of the scheduled Conference with the court so that counsel for each party can furnish all other counsel with a statement (Statement) of the issues the party will offer evidence to support. The Statement will (1) eliminate any issues that appear in the pleadings about which there is no controversy, and (2) include all issues of law as well as ultimate issues of fact from the standpoint of each party.

(c) It is the obligation of counsel for plaintiff to prepare from the Statement a draft Order for submission to opposing counsel. Included in plaintiff's obligation for preparation of the Order is submission of it to opposing counsel in ample time for revision and timely filing. Full cooperation and assistance of all other counsel are required for proper preparation of the Order to fulfill both the substance and spirit of this Standing Order. All counsel will jointly submit the original and one copy of the final draft of the Order to the judge's chambers (or in open court, if so directed) on the date fixed for submission.

(d) All instructions and footnotes contained within the Final Pretrial Order form promulgated with this *Standing Order* must be followed. They will be binding on the parties at trial in the same manner as though repeated in the Order. If any counsel believes that any of the instructions and/or footnotes allow for any part of the Order to be deferred until after the Order itself is filed, that counsel shall file a motion seeking leave of court for such deferral.

(e) Any pending motions requiring determination in advance of trial (including, without limitation, motions *in limine*, disputes over specific jury instructions or the admissibility of any evidence at trial upon which the parties desire to present authorities and argument to the court) shall be specifically called to the court's attention not later than the date of submission of the Order.

(f) Counsel must consider the following matters during their conference:

(1) Jurisdiction (if any question exists in this respect, it must be identified in the Order);
(2) Propriety of parties; correctness of identity of legal entities; necessity for appointment of guardian, administrator, executor or other fiduciary, and validity of appointment if already made; correctness of designation of party as partnership, corporation or individual d/b/a trade name; and
(3) Questions of misjoinder or nonjoinder of parties.

7. Final Pretrial Conference

At the Conference each party shall be represented by the attorneys who will try the case (unless before the conference the court grants permission for other counsel to attend in their place). All attending attorneys will familiarize themselves with the pretrial rules and will come to the Conference with full authority to accomplish the purposes of F.R.Civ.P. 16 (including simplifying the issues, expediting the trial and saving expense to litigants). Counsel shall be prepared to discuss settlement possibilities at the Conference without the necessity of obtaining confirmatory authorization from their clients. If a party represented by counsel desires to be present at the Conference, that party's counsel must notify the adverse parties at least one week in advance of the conference. If a party is not going to be present at the Conference, that party's counsel shall use their best efforts to provide that the client can be contacted if necessary. Where counsel represents a governmental body, the court may for good cause shown authorize that counsel to attend the Conference even if unable to enter into settlement without consultation with counsel s client.

8. Extensions of Time for Final Pretrial Order or Conference

It is essential that parties adhere to the scheduled dates for the Order and Conference, for the Conference date governs the case's priority for trial. Because of the scarcity of Conference dates, courtesy to counsel in other cases also mandates no late changes in scheduling. Accordingly, *no* extensions of the Order and Conference dates will be granted without good cause, and no request for extension should be made less than 14 days before the scheduled Conference.

9. Action Following Final Pretrial Conference

At the conclusion of the Conference the court will enter an appropriate order reflecting the action taken, and the case will be added to the civil trial calendar. Although no further pretrial conference will ordinarily be held thereafter, a final conference may be requested by any of the parties or ordered by the court prior to trial. Any case ready for trial will be subject to trial as specified by the court.

10. Documents Promulgated with the *Standing Order*

Appended to this *Standing Order* are the following:

(a) a form of final pretrial order;
(b) a form for use as Schedule (c), the schedule of exhibits for the final pretrial order;
(c) a form of pretrial memorandum to be attached to the completed final pretrial order in personal injury cases;
(d) a form of pretrial memorandum to be attached to the completed final pretrial order in employment discrimination cases; and 9
(e) guidelines for preparing proposed findings of fact and conclusions of law.

Each of the forms is annotated to indicate the manner in which it is to be completed.

The above forms are available from the clerk's office.

LR16.1.1. Pretrial Procedures

(a) Standing Order & Form. Pursuant to Fed.R.Civ.P. 16, the Court has adopted a standing order on pretrial procedures together with model pretrial order forms. Copies of the standing order and forms shall be available from the clerk [see appendix]. The procedures set forth in the standing order, except for the need to prepare the pretrial order itself, shall apply to all civil cases except for those in categories enumerated in section (b) of this rule. As to all other cases, a pretrial order shall be prepared whenever the judge to whom a case is assigned so orders.

(b) Exempted Classes of Cases. The pretrial procedures adopted pursuant to section (a) of this rule shall not apply to the following classes of civil cases (The statistical nature of suit ("NS") codes are shown in parentheses following the class of cases.):

(1) Recovery of overpayments and student loan cases (NS: 150, 152, 153);
(2) Mortgage foreclosure cases (NS: 220);
(3) Prisoner petitions (NS: 510, 520, 530, 540, 550);
(4) U.S. forfeiture/penalty cases (NS: 610, 620, 630, 640, 650, 660, 690);
(5) Bankruptcy appeals and transfers (NS: 420, 421
(6) Deportation reviews (NS: 460);
(7) ERISA: Collections of Delinquent Contributions;
(8) Social Security reviews (NS: 861, 862, 863, 864, 865);
(9) Tax suits & IRS third party (NS: 870, 871);
(10) Customer challenges 12 U.S.C. §3410 (NS: 875); or
(11) cases brought under the Agricultural Acts, Economic Stabilization Act, Energy Allocation Act, Freedom of Information Act, Appeal of Fee Determination Under Equal Access to Justice Act, NARA Title II (NS: 891, 892, 894, 895, 900, 970)
Notwithstanding the provisions of this rule, a pretrial order shall be prepared whenever the judge to whom a case is assigned so orders.

Amended June 29, 2015

LR16.2. Pretrial Conferences and Status Hearings

At the discretion of the court pretrial conferences or status hearings held pursuant to Fed.R.Civ.P. 16(a) may be conducted by telephone or other appropriate means. The court may require parties to provide written status reports in advance of any such hearing.

LR16.3. Voluntary Mediation Program

(a) Program Established. A program for voluntary mediation is established for cases arising under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 ("the Lanham Act").

(b) Procedures. The voluntary mediation program shall follow the procedures approved by the Executive Committee. The procedures outline the responsibilities of counsel and the parties in cases that are eligible for the mediation program. Copies of the procedures may be obtained from the clerk.

(c) Confidentiality All mediation proceedings, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the settlement shall be reduced to writing and shall be binding upon all parties.

~~LR16.4. Scheduling in Social Security Cases~~

~~In cases brought pursuant to 42 U.S.C. § 405(g) for benefits under the Social Security Act, the following schedule is established unless otherwise ordered:~~

~~(a) Plaintiff's brief in support of reversing or remanding the decision subject to review is due within 60 days of the filing of the administrative record (no motion required).~~

~~(b) The Social Security Administration's motion to affirm the decision subject to review and its brief in support are due 45 days after plaintiff's brief is filed.~~

~~(c) Plaintiff's reply brief, if any, is due 14 days after defendant's brief is filed.~~

~~Amended January 31, 2014~~

Local Rule 16.4 Abrogated Per General Order 23-0039 on October 3, 2023.

LR17.1. Actions By or On Behalf of Infants or Incompetents

Any proposed settlement of an action brought by or on behalf of an infant or incompetent shall not become final without written approval by the court in the form of an order, judgment or decree. The court may authorize payment of reasonable attorney's fees and expenses from the amount realized in such an action.

LR24.1. Notice of Claims of Unconstitutionality

In order to assist the court in its statutory duty under 28 U.S.C. §2403, counsel raising a question of the constitutionality of an Act of Congress affecting the public interest shall promptly advise the court in writing of such fact.

LR26.1. Scheduling Conference

Rule 26(f) meetings may be conducted by telephone. Unless otherwise ordered by the court (1) parties need not present a written report outlining the discovery plan at the preliminary pretrial conference, and (2) the initial status hearing shall be the scheduling conference referred to in Fed.R.Civ.P.16.

Amended 11/30/00 and 10/24/16

LR26.2. Sealed Documents

(a) Definitions. As used in this rule the term:
"Sealed document" means a document that the court has directed be maintained under seal electronically or, where the court allows a sealed document to be filed non-electronically, within a sealed enclosure such that access to the document requires breaking the seal of the enclosure; and
“Sealing order" means any order restricting access to one or more documents filed or to be filed with the court.

(b) Sealing Order. The court may for good cause shown enter an order directing that one or more documents be filed under seal. No attorney or party may file a document under seal without order of court specifying the particular document or portion of a document that may be filed under seal, except that a document may provisionally be filed under seal pursuant to subsection (c) below.

(c) Sealing Motion for Documents filed Electronically. Any party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must: (1) provisionally file the document electronically under seal; (2) file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded; and (3) move the court for leave to file the document under seal. The sealing motion must be filed before or simultaneously with the provisional filing of the document under seal, and must be noticed for presentment promptly thereafter. Any document filed under seal without such a sealing motion may be stricken by the court without notice.

(d) Sealing Motion for Documents not filed Electronically. Where the court has permitted documents to be filed non-electronically, the party seeking to file a document under seal must, before filing the document, move the court for a sealing order specifying the particular document or portion of a document to be filed under seal. The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the sealing order must be included with any document presented for filing under seal. The attorney or party submitting a restricted document must file it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including e-mail address if the attorney is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.

(e) Copies Served on Counsel and Judge’s Paper Courtesy Copy. Any sealed document served on any other party and any judge’s paper courtesy copy must be a complete version, without any redactions made to create the public-record version unless otherwise ordered for good cause shown.

(f) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a sealed document show only that a sealed document was filed without any notation indicating its nature. Unless the Court directs otherwise, a sealed document shall be filed pursuant to procedures referenced by Local Rule 5.8.

(g) Inspection of Sealed Documents. The clerk shall maintain a record in a manner provided for by internal operating procedures approved by the Court of persons permitted access to sealed documents that have not been filed electronically. 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.

(h) Disposition of Sealed Non-electronic Documents. When a case is closed in which an order was entered pursuant to section (b) of this rule, the clerk shall maintain the documents filed under seal non-electronically as sealed documents for a period of 63 days following the final disposition including appeals. Except where the court in response to a request of a party made pursuant to this section or on its own motion orders otherwise, at the end of the 63 day period the clerk shall notify the attorney or party who filed the documents that the documents must be retrieved from the clerk's office within 30 days of notification. If the parties do not retrieve the sealed documents within 30 days, the clerk shall destroy the documents.

Amended October 2, 2012, October 23, 2017

LR26.3. Discovery Materials Offered in Evidence as Exhibit

Discovery materials, including disclosure of expert testimony, shall not be filed with the court unless they are filed in support of or in opposition to a motion.

Amended March 28, 2024

LR26.4. Testimony for Use in Foreign Tribunals

Where an interested person requests to take the testimony or statement of any person pursuant to 28 U.S.C. §1782 for use in a proceeding in a foreign or international tribunal, notice to the parties before the foreign or international tribunal must be provided except where the requesting party shows cause why notice could not be given. Where the request is sought by a letter rogatory or request made by a foreign or international tribunal, the request may be made *ex parte*.

Amended June 2, 2011

LR27.1. Depositions: Fees for Attorneys Appointed to Represent Absent Party

An order appointing an attorney to represent the absent expected adversary party and to cross-examine the proposed witness pursuant to Fed.R.Civ.P. 27(a)(2) shall set the attorney's compensation including expenses. The compensation so set shall be paid by the petitioner prior to the appearance of the appointed attorney at the examination.

LR 33.1. Interrogatories, Form of Answer, Objections

A party answering interrogatories shall set forth immediately preceding each answer a full statement of the interrogatory to which the party is responding. When objecting to an interrogatory or to the answer to an interrogatory, a party shall set forth the interrogatory or the interrogatories and answer thereto immediately preceding the objection.

LR 37.1. Contempts

(a) Commencing Proceedings. A proceeding to adjudicate a person in civil contempt of court, including a case provided for in Fed.R.Civ.P. 37(b)(2)(D), shall be commenced by the service of a notice of motion or order to show cause. The affidavit upon which such notice of motion or order to show cause is based shall set out with particularity the misconduct complained of, the claim, if any, for damages occasioned thereby, and such evidence as to the amount of damages as may be available to the moving party. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon that attorney; otherwise service shall be made personally, in the manner provided for by Fed.R.Civ.P. 4 for the service of a summons. If an order to show cause is sought, such order may, upon necessity shown therefor, direct the United States marshal to arrest the alleged contemnor. The order shall fix the amount of bail and shall require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the contemnor to surrender.

(b) Trial. If the alleged contemnor puts in issue the alleged misconduct giving rise to the contempt proceedings or the damages thereby occasioned, the alleged contemnor shall upon demand therefor be entitled to have oral evidence taken thereon, either before the court or before a master appointed by the court. When by law the alleged contemnor is entitled to a trial by jury, unless a written jury demand is filed by the alleged contemnor on or before the return day or adjourned day of the application, the alleged contemnor will be deemed to have waived a trial by jury.

(c) Order Where Found in Contempt. In the event the alleged contemnor is found to be in contempt of court, an order shall be entered—

(1) reciting or referring to the verdict or findings of fact upon which the adjudication is based;

(2) setting forth the amount of damages to which the complainant is entitled;

(3) fixing the fine, if any, imposed by the court, which fine shall include the damages found, and naming the person to whom such fine shall be payable;
(4) stating any other conditions, the performance whereof will operate to purge the contempt; and
(5) directing the arrest of the contemnor by the United States marshal and the confinement of the contemnor until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law.

Unless the order otherwise specifies, the place of confinement shall be either the Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County jail in Rockford, Illinois. No party shall be required to pay or to advance to the marshal any expenses for the upkeep of the prisoner. Upon such an order, no person shall be detained in prison by reason of non-payment of the fine for a period exceeding 6 months. A certified copy of the order committing the contemnor shall be sufficient warrant to the marshal for the arrest and confinement. The aggrieved party shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.

(d) Discharge Where No Contempt. Where a finding of no contempt is entered, the alleged contemnor shall be discharged from the proceeding. The court may in its discretion for good cause shown enter judgment against the complainant and for the alleged contemnor for the latter's costs and disbursements and a reasonable counsel fee.

LR 37.2. Motion for Discovery and Production

To curtail undue delay and expense in the administration of justice, this court shall hereafter refuse to hear any and all motions for discovery and production of documents under Rules 26 through 37 of the Federal Rules of Civil Procedure, unless the motion includes a statement (1) that after consultation in person or by telephone and good faith attempts to resolve differences they are unable to reach an accord, or (2) counsel's attempts to engage in such consultation were unsuccessful due to no fault of counsel's. Where the consultation occurred, this statement shall recite, in addition, the date, time and place of such conference, and the names of all parties participating therein. Where counsel was unsuccessful in engaging in such consultation, the statement shall recite the efforts made by counsel to engage in consultation.

LR 40.1. Assignment of Cases: General

(a) General. The rules of this Court and any procedures adopted by the Court that deal with the assignment and reassignment of cases shall be construed to secure an equitable distribution of cases, both in quantity and kind, among the judges. Except as specifically provided by the rules of this Court or by procedures adopted by the Court, the assignment of cases shall be by lot.

(b) Supervision of Assignment System. The assignment of cases to calendars and judges and the preparation of calendars and supplements thereto shall be done solely under the direction of the Executive Committee by the clerk or a deputy clerk who is designated by the clerk as an assignment clerk.

(c) Contempt. Any person who violates the case assignment procedures shall be punished for contempt of court.

(d) Condition of Reassignment. No case shall be transferred or reassigned from the calendar of a judge of this Court to the calendar of any other judge except as provided by the rules of this Court or as ordered by the Executive Committee.

(e) Calendars. In each Division of the Court there shall be criminal, civil and Executive Committee calendars. The cases on the criminal and civil calendars of the court shall be assigned among the judges in the manner prescribed by the rules of this Court. The cases so assigned shall constitute the calendars of the judges. The calendar of the Executive Committee shall consist of the following classes and categories of cases:

(1) civil cases to be transferred to another judge or district for multidistrict litigation pursuant to procedures adopted by the Court;

(2) criminal cases to be held on the Committee's Fugitive Calendar pursuant to procedures adopted by the Court;

(3) such cases as are assigned to the Executive Committee for purposes of reassignment; and

(4) such other cases as the Executive Committee directs be assigned to its calendar.

(f) Calendar of Departing Judge. Cases on the calendar of a judge who dies, resigns, or retires ("departing judge") shall be reassigned as soon as possible under the direction of the Executive Committee, *pro rata* by lot among the remaining judges, provided that the Committee may direct that such calendar be transferred in its entirety or in part to form the calendar of a newly-appointed district judge where the departing judge was a district judge, or to form the calendar of a newly-appointed magistrate judge where the departing judge was a magistrate judge. Referrals pending before a departing magistrate judge shall be considered returned to the calendar of the district judge before whom the underlying case is pending, provided that the Executive Committee may direct that they be maintained as a calendar for a newly-appointed magistrate judge. Where a judge wishes to re-refer a case returned to that judge's calendar pursuant to this section, the procedure set forth in LR 72.1 shall be followed except that where the Executive Committee approves the referral, it shall direct the clerk to assign it by lot.

(g) Calendar for New Judge. A calendar shall be prepared for a newly-appointed judge ("new judge") to which cases shall be transferred by lot, under the direction of the Executive Committee in such number as it may determine. Where the new judge is a

magistrate judge, the calendar shall include referrals made pursuant to LR 72.1 and LCR 50.3(d) and cases assigned pursuant to LR 73.1 which shall be transferred by lot, under the direction of the Executive Committee in such number as it may determine. The new magistrate judge will be the designated magistrate judge in all matters on that judge's calendar. Where a magistrate judge is appointed to succeed a leaving magistrate judge, the Executive Committee may direct that the new judge be the designated magistrate judge in all cases in which the former was the designated magistrate judge at the time of the former's death, retirement, or resignation. Once a referral has been transferred to a newly appointed judge, as part of the new calendar, it remains with the new judge "as the designated judge".

Committee Comment. 28 U.S.C. §137 provides in part as follows:

The business of the court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

This Court has used a random assignment system for more than 50 years. As stated in section (a), an important goal of the system is to achieve "an equitable distribution of cases, both in quantity and kind, among the judges." Over the years the system grew in complexity. In part, this was a result of increases in the size of the Court, the complexity of its organization and the size of its caseload. It was also a result of a more sophisticated understanding of how the "equitable distribution" should be achieved.

An equally important goal is implicit in the sanctions found in section (c). This is that no one should be able to manipulate the assignment system in order to determine in advance which judge will get a case where the assignment is by lot.

As part of the process of renumbering the rules to comply with the uniform system adopted by the Judicial Conference of the United States in March 1996, the Court significantly revised its assignment rules. Much of the detail formerly included in local General Rules 2.00 and 2.44, the former assignment rules, has been moved from the rules to procedures adopted by general order. Because of the importance of the assignment system, the Court included this summary to provide parties and counsel with a basic overview of the way in which cases are assigned in this Court.

The Court is divided into two divisions: the Eastern at Chicago and the Western at Rockford. Eastern and Western Division cases can be distinguished by their case numbers. Case numbers in the Eastern Division start with the number 1 each year. In the Western Division they start with 50,001.

Most of the provisions of the random assignment system apply only to the Eastern Division. For assignment purposes civil cases are grouped into categories, usually by the type of case. The case types chosen for each category are expected over the long run to

generate about the same amount of judicial work. Criminal cases are grouped in a similar fashion.

The current assignment system is computer based. A separate assignment deck is kept for each category. (Prior to the introduction of the computerized assignment system, physical decks of assignment cards were used. The terms "assignment deck" and even "assignment card" continue in use as metaphors to describe the manner in which the computer operates.) In the deck the name of each regular active judge on full assignment appears an equal number of times. The name of the chief judge appears half as often as a regular active judge. The ratios for senior judges depend on the caseloads they are carrying, varying from being no different from that of a regular active judge, to a one-half share less than all of the categories.

As part of filing a new case, the assignment clerk enters the case category information into the assignment system. The system keeps track of cases processed and automatically shows the next available case number.

Once the case number and category are verified, the computer uses a shuffle procedure to pick a name from one of the unused names remaining in the assignment deck for the category selected. For obvious security reasons, the deputies assigning the cases do not have access to the software that sets up the assignment decks. The deputies responsible for setting up the decks do not assign cases. This system together with the changes in the make up of the deck due to equalization and the shuffling of the names prior to the actual assignment assures that staff cannot determine in advance the name of the judge to whom a case will be assigned.

The assignment system also handles the reassignment of cases. Cases are reassigned for a variety of reasons. The most frequent is the need to reassign a case because it is related to one pending on another judge’s calendar. Recusals result in reassignments or equalization. When a new judge takes office, cases are reassigned from the calendars of sitting judges. When a judge leaves, the cases on the judge’s calendar are reassigned among sitting judges. There are even provisions in the procedures for reassignments due to errors made at assignment.

When a judge is appointed to the Court an initial calendar is prepared. It consists of civil cases equal in number to the average number of civil and criminal cases pending on the calendars of sitting judges. The new judge gets only civil cases in the initial calendar. A civil case that was twice previously reassigned to form a new calendar cannot be reassigned a third time for that reason. Any civil case in which the trial is in process or has been held and the case is awaiting final ruling also cannot be reassigned. The remaining cases are arranged in case number order and a random selection is made. In this way the age distribution of the cases on the new judge’s initial calendar reflects the average age distribution of all civil cases pending. Such a distribution serves to provide the new judge with a calendar that is reasonably close to the average in terms of workload. The

incoming judge will be added to the Court's criminal case assignment system ninety (90) days from the entry of the initial calendar reassignment order so that the judge shall thereafter receive a full share of such cases. Should the incoming judge be a current Assistant United States Attorney, the judge will be added to the criminal case assignment system after 12 months.

Amended October 23, 2017 and November 6, 2019

LR 40.2. Assignment Procedures

(a) Assigning New Case. The assignment clerk shall file each new case in accordance with procedures approved by the Court.

(b) Cases Filed After Hours. A judge accepting a case for filing as an emergency matter outside of the normal business hours of the clerk's office shall cause the initiating documents to be delivered to the clerk's office as early as practicable on the next business day. On receipt of the initiating documents, the assignment clerk shall process the case in accordance with section (a).

(c) Mail-in Cases. All cases received through the mail for filing shall be filed and assigned in accordance with section (a). The process of filing and assignment shall be completed on the day of receipt, provided that all necessary initiating documents and filing fees are submitted.

LR 40.3. Direct Assignment of Cases

(a) To Executive Committee. The following cases or categories of cases shall be assigned to the calendar of the Executive Committee on filing:

(1) disciplinary cases brought pursuant to LR 83.25 through LR 83.31; and

(2) Such other cases as the chief judge may direct.

(b) To Specific Judge. In each of the following instances, the assignment clerk shall assign the case to a judge in the manner specified:

(1) *Cases filed by Persons in Custody*. Any petition for writ of habeas corpus ("habeas corpus petition") or any complaint brought under the Civil Rights Act or 28 U.S.C.§1331 challenging the terms or the conditions of confinement ("civil rights complaint") filed by or on behalf of a person in custody shall be assigned in the same manner as other civil cases except that—

(A) a subsequent habeas corpus petition shall be assigned to the judge to whom the most recently filed petition was assigned;

(B) a subsequent civil rights complaint shall be assigned to the judge to whom the most recently filed complaint was assigned;

(C) a habeas corpus petition to be assigned by lot shall be assigned to a judge other than the judge or judges to whom civil rights complaints filed by or on behalf of the petitioner have been assigned; and
(D) a civil rights complaint to be assigned by lot shall be assigned to a judge other than the judge or judges to whom habeas corpus petitions filed by or on behalf of the plaintiff have been assigned.

(2) *Re-filing of Cases Previously Dismissed.* When a case is dismissed with prejudice or without, and a second case is filed involving the same parties and relating to the same subject matter, the second case shall be assigned to the judge to whom the first case was assigned. The designation sheet presented at the time the second case is filed shall indicate the number of the earlier case and the name of the judge to whom it was assigned.

(3) *Removal of Cases Previously Remanded*. When a case previously remanded is again removed, it shall be assigned to the judge who previously ordered it to be remanded.

(4) *Petitions to Enforce Summonses Issued by the Internal Revenue Service.* Where two or more petitions to enforce summonses issued by the Internal Revenue Service ("I.R.S") are presented for filing and the summonses involve the same taxpayer, the first petition shall be assigned by lot in accordance with the rules of this Court and any other petition shall be assigned directly to the judge to whom the first was assigned. The person presenting such petitions for filing shall notify the assignment clerk that they involve the same taxpayer. This section of shall not be construed as authorizing the direct assignment of petitions to enforce administrative process other than summonses issued by the I.R.S.

(5) *Cases filed to enforce, modify, or vacate judgment.* Proceedings to enforce, modify, or vacate a judgment should be brought within the case in which the judgment was entered. If a separate case is filed for the purpose of enforcing, modifying, or vacating a judgment entered in a case previously filed in this District, the case shall be assigned directly to the judge to whom the earlier case was assigned.

(6) *Tag-along cases in multidistrict proceedings.* Where a civil case is filed as a potential tag-along action to a multidistrict litigation ("MDL") proceeding pending in the district, it shall be assigned directly to the judge handling the MDL proceeding. The judge handling the MDL proceeding may, at that judge's discretion, transfer to the Executive Committee for reassignment by lot any case assigned pursuant to this Rule that either—
(A) the MDL Panel determines should not be included in the MDL proceeding, or
(B) the judge assigned to the MDL proceeding determines pursuant to Rule 13 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation is not a tag-along case, or
(C) requires trial following the completion of the consolidated discovery.

(c) Direct Assignment in Social Security Cases. In a proceeding for judicial review of a final decision by the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), when a district judge or magistrate judge remands the case for further administrative proceedings, any subsequent proceedings in the district court involving that matter shall be assigned to the district and magistrate judge to which the preceding action for judicial review was originally assigned.

Comment. The inclusion of section (c) will ensure that the judicial officer who originally decided to remand the case be assigned to review any subsequent appeals after remand to the Social Security Administration.

LR 40.3.1 Assignments Involving Bankruptcy

(a) Referral to Bankruptcy Judges. Pursuant to 28 U.S.C. §157(a), all cases under Title 11 U.S.C. and all proceedings arising under Title 11 U.S.C. or arising in or related to any cases under Title 11 U.S.C. are referred to the bankruptcy judges of this District.

(b) Assignment by Lot. Except as provided by sections (c) and (d), each of the following items shall be assigned by lot to a district judge:

(1) motions pursuant to 28 U.S.C. §157(d) (including a recommendation by a bankruptcy judge) for the withdrawal of the reference of a bankruptcy ("B") case, or of a contested matter or adversary ("A") proceeding within a bankruptcy case;
(2) objections to proposed findings of fact and conclusions of law of a bankruptcy judge filed pursuant to 28 U.S.C.§157(a)(1);
(3) appeals pursuant to 28 U.S.C. §158(a)(1);
(4) motions for leave to appeal pursuant to 28 U.S.C. §158(a)(3); and
(5) applications for a writ of mandamus or a similar writ in connection with a bankruptcy case, contested matter, or adversary proceeding.

All such assignments shall be made using the Civil II assignment category, except that objections to proposed findings and conclusions shall be assigned using the Civil III assignment category. The clerk is directed to assign a case so designated to the judge on whose calendar the previously filed case was assigned.

(c) Direct Assignment for Rehearing. Whenever there is activity in bankruptcy court following a district judge's consideration of any of the items described in section (b), any subsequent proceedings in the district court involving that item shall be assigned to the district judge who considered the item initially.

(d) Relatedness. The provisions of LR 40.4 are applicable to the items described in section (b).

(e) Designation Sheet. The person filing any of the items described in paragraph (b) shall complete the designation sheet required by LR 3.1 and include on the sheet a designation of any such item, previously heard by the district court, that the filer believes would require direct assignment of the filing pursuant to this rule.

LR 40.4. Related Cases, Reassignment of Cases as Related

(a) Definitions. Two or more civil cases may be related if one or more of the following conditions are met:

(1) the cases involve the same property;

(2) the cases involve some of the same issues of fact or law;
(3) the cases grow out of the same transaction or occurrence; or
(4) in class action suits, one or more of the classes involved in the cases is or are the same.

(b) Conditions for Reassignment. A case may be reassigned to the calendar of another judge if it is found to be related to an earlier-numbered case assigned to that judge and each of the following criteria is met:

(1) both cases are pending in this Court;
(2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort;
(3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and
(4) the cases are susceptible of disposition in a single proceeding.

(c) Motion to Reassign. A motion for reassignment based on relatedness may be filed by any party to a case. The motion shall—

(1) set forth the points of commonality of the cases in sufficient detail to indicate that the cases are related within the meaning of section (a), and
(2) indicate the extent to which the conditions required by section (b) will be met if the cases are found to be related.

A copy of the complaint or other relevant pleading in each of the higher-numbered cases that are the subject of the motion shall be attached to the motion.

The motion shall be filed in the lowest-numbered case of the claimed related set and noticed before the judge assigned to that case. Where all of the cases claimed to be related are assigned to magistrate judges on consent, then the motion shall be filed with the magistrate judge before whom the lowest-numbered case is pending. Where one or more of the cases claimed to be related is assigned to a magistrate judge on consent and one or more of the remaining cases is assigned to a district judge, the motion shall be filed with the district judge having the lowest-numbered case.

In order that all parties to a proceeding be permitted to respond on the questions of relatedness and possible reassignment, such motions should not generally be filed until after the answer or motions in lieu of answer have been filed in each of the proceedings involved.

(d) Ruling on Motion. The judge to whom the motion is presented may consult with the judge or judges before whom the other case or cases are pending. The judge shall enter an order finding whether or not the cases are related within the meaning of the rules of this Court and, if they are, whether the higher-numbered case or cases should be reassigned.
Where the judge finds that the cases are related and that reassignment should take place, a copy of that finding will be forwarded to the Executive Committee together with a request that the Committee reassign the higher-numbered case or cases.

A copy of any finding that cases either are or are not related and, if they are, that reassignment should or should not take place shall also be sent to each of the judges on whose calendar one or

more of the higher-numbered cases is or are pending. Any judge to whom one or more of the cases involved is or are assigned may seek a review of the finding by the Executive Committee. The order entered by the Committee following review shall be final.

Amended November 2, 2010

LR 40.5. Remands, Procedures for Following Appeals

(a) GENERAL. This rule shall not apply to remands resulting from appeals of summary judgments or interlocutory orders unless the mandate or order remanding the case indicates that it is to be reassigned to a judge other than the judge to whom the case was previously assigned ("prior judge"). Whenever a mandate from the Court of Appeals for the Federal Circuit or the Seventh Circuit is filed with the clerk indicating that the case appealed is remanded for a new trial, the case shall be assigned to the Executive Committee, except

(1) if the mandate or accompanying opinion indicates that the case is to be retried by the prior judge, then the case shall remain on that judge's calendar, or

(2) where the prior judge is no longer sitting and the case is an Eastern Division case, it will be reassigned by lot, or

(3) where the prior judge is no longer sitting and the case is a Western Division case, it will be assigned to a Western Division judge.

(b) NOTICE BY CLERK. When a case is reassigned to the Executive Committee pursuant to section (a), the clerk shall forthwith notify all parties of record by mail that the mandate has been filed and that unless a stipulation is filed by all parties within 14 days after the date of the notice indicating that all parties wish the case returned to the prior judge, the case will be reassigned to another judge.

(c) REASSIGNMENT. When a stipulation is filed indicating that the parties wish the case assigned to the prior judge, the Executive Committee shall reassign the case to that judge. When no such stipulation is filed, the Executive Committee shall direct that the case be reassigned to a judge other than the prior judge. A case reassigned pursuant to this rule shall be treated for assignment purposes as a new case. The judge receiving the case is not authorized to transfer a similar case to the Executive Committee for reassignment to the prior judge.

Amended November 19, 2009, October 23, 2017

~~LR 41.1. Dismissal for Want of Prosecution or By Default~~

~~Cases which have been inactive for more than six months may be dismissed for want of prosecution.~~
~~An order of dismissal for want of prosecution or an order of default may be entered if counsel fails to respond to a call of the case set by order of court. Notice of the court call shall be by publication~~

~~or as otherwise provided by the court. In the Eastern Division publication shall be in the Chicago Daily Law Bulletin unless the court provides otherwise.~~ Local Rule 41.1 Abrogated per General Order 23-0013 on February 24, 2023

LR 45.1. Attaching a Note to the Subpoena Permitted

The validity of the subpoena shall not be affected by attaching or delivering of a note or other memorandum containing instructions to a witness regarding the exact date, time, and place the witness is required to appear.

LR 47.1. Juries

(a) General. The chief judge shall from time to time enter such orders as may be required to summon petit jurors for the court. Except as provided for in section (b), petit jurors shall be assigned to a single jury pool and reassigned for service upon the request of each judge. The jury pool shall be under the supervision of the clerk. Unless otherwise ordered a copy of the jury list showing the name, town and ZIP code of each juror summoned shall be available for viewing on the first day of the service period.

(b) Separate Panels. Where the extraordinary nature of a trial indicates that administrative efficiency will be improved and substantial judicial time will be saved through the use of a separate panel of petit jurors, the chief judge may, at the request of the trial judge, direct that such a separate jury panel be summoned.

(c) Qualification Forms are Confidential. Juror qualification forms completed by the jurors shall be confidential. Such forms shall not be made available for inspection except upon order of the chief judge or upon order of the assigned judge in connection with the preparation or presentation of a motion challenging compliance with selection procedures pursuant to 28 U.S.C. §1867. Orders directing that the juror qualification forms be made available for inspection shall specify the terms of the inspection, including the forms to be inspected, the names of the persons authorized to make the inspection, and any conditions required regarding the release of information contained on the forms.

LR 48.1. Contact with Jurors

After the conclusion of a trial, no party, agent or attorney shall communicate or attempt to communicate with any members of the petit jury before which the case was tried without first receiving permission of the court.

Adopted April 27, 2015

LR 53.1. Masters

(a) Appointment. The court may grant a motion for the appointment of a master in a civil action where the parties stipulate in writing to such an appointment. The stipulation shall indicate whether the master is to report upon particular issues or upon all the issues. The procedure covering such a reference shall be the same as that governing any other reference to a master.

A judge may appoint the designated magistrate judge or, with the approval of the Executive Committee, a magistrate judge other than the designated magistrate judge to perform the duties of a special master.
Whenever an order of reference to a master is entered, the attorney procuring the order shall, at the time of filing thereof, deposit with the clerk a copy to be furnished to the master. On docketing the order, the clerk shall promptly send the copy to the master.

(b) Master May Sit Outside District. A master may sit within or outside of the district. If the master is requested to sit outside the district for the convenience of a party and there is opposition thereto by another party, the master may make an order for the holding of the hearing, or a part thereof, outside the district, upon such terms and conditions as shall be just.

(c) Motions Regarding Report. A motion to confirm or to reject, in whole or in part, a report of a master shall be heard by the judge appointing such master.

LR 54.1. Taxation of Costs

(a) Time to File. Within 30 days of the entry of a judgment allowing costs, the prevailing party shall file a bill of costs with the clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within 30 days, costs other than those of the clerk, taxable pursuant to 28 U.S.C. §1920, shall be deemed waived. The court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing the bill.

(b) Transcript Costs. Subject to the provisions of Fed.R.Civ.P. 54(d), the expense of any prevailing party in necessarily obtaining all or any part of a transcript for use in a case, for purposes of a new trial, or amended findings, or for appeal shall be taxable as costs against the adverse party. If in taxing costs the clerk finds that a transcript or deposition was necessarily obtained, the costs of the transcript or deposition shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time the transcript or deposition was filed unless some other rate was previously provided for by order of court. Court reporter appearance fees may be awarded in addition to the per page limit, but the fees shall not exceed the published rates on the Court website unless another rate was previously provided by order of court. Except as otherwise ordered by the court, only the cost of the original of such transcript or deposition together with the cost of one copy each where needed by counsel and, for depositions, the copy provided to the court shall be allowed.

(c) Bond Premiums. If costs shall be awarded by the court to either or any party then the reasonable premiums or expenses paid on all bonds or stipulations or other security given by the party in that suit shall be taxed as part of the costs of that party.

(d) Fee of Special Master. After a master's compensation and disbursements have been allowed by the court, the prevailing party may pay such compensation and disbursements, and on payment the amount thereof shall be a taxable cost against the unsuccessful party or parties. Where, however, the court directs by order the parties against whom, or the proportion in which such compensation and disbursements shall be charged, or the fund or subject matter out of which they shall be paid, the party making the payment to the master shall be entitled to tax such compensation and disbursements only against such parties and in such proportions as the court has directed, and to payment of such taxable cost only out of such fund or subject matter as the court has directed.

Committee Comment
This Rule has been amended in response to the Seventh Circuit Court of Appeals decision in *Harney v. City of Chicago*, ___ F.3d ___, 2012 WL 6097336 *10 (7th Cir. Dec. 10, 2012), in which the Court of Appeals recommended adoption of "an amendment of that rule [LR 54.1] clarifying the availability of court reporter appearance fees over and above the allowable per page amount."

Amended May 24, 2013

LR 54.2. Jury Costs for Unused Panels

If for any reason attributable to counsel or parties, including a settlement or change of plea, the court is unable to commence a jury trial as scheduled where a panel of prospective jurors has reported to the courthouse for the voir dire, the court may assess against counsel or parties responsible all or part of the cost of the panel. Any monies collected as a result of said assessment shall be paid to the clerk who shall promptly remit them to the Treasurer of the United States.

LR 54.3. Attorney's Fees and Related Non-taxable Expenses

(a) Definitions; General. For the purposes of this rule--

(1) "Fee motion" means a motion, complaint or any other pleading seeking only an award of attorney's fees and related nontaxable expenses,
(2) "Movant" means the party filing the fee motion,
(3) "Respondent" means a party from whom the movant seeks payment, and
(4) "Related nontaxable expenses" means any expense for which a prevailing party may seek reimbursement other than costs that are taxed by the clerk pursuant to Fed.R.Civ.P. 54(d)(1).

Unless otherwise ordered by the court, this rule does not apply to motions for sanctions under Fed.R.Civ.P. 11 or other sanctions provisions.

Sections (d) through (g) govern a fee motion that would be paid by a party to the litigation rather than out of a fund already created by judgment or by settlement.

(b) Time to File. Either before or after the entry of judgment the court may enter an order with respect to the filing of a fee motion pursuant to Fed.R.Civ.P. 54. Unless the court's order includes a different schedule for such filing, the motion shall be filed in accordance with the provisions of this rule and shall be filed and served no later than 91 days after the entry of the judgment or settlement agreement on which the motion is founded. If the court has not entered such an order before a motion has been filed pursuant to Fed.R.Civ.P. 54(d)(2)(B), then after such filing the court may order the parties to comply with the procedure set out in this rule as a post-filing rather than as a pre-filing procedure.

(c) Effect on Appeals. The filing of a fee motion shall not stop the running of the time for appeal of any judgment on which the motion is founded.
Where the parties reach an agreement as to the award and the award is to be based on a judgment, unless the agreement provides otherwise, it shall affect neither a party's right to appeal the fee order resulting from the agreement nor a party's right to seek a subsequent increase, decrease or vacation of the agreed award in the event the underlying judgment is reversed or modified by subsequent judicial proceedings or settlement.
The time requirements of Fed.R.Civ.P. 59 are not changed by this rule.

(d) Pre-Motion Agreement. The parties involved shall confer and attempt in good faith to agree on the amount of fees or related nontaxable expenses that should be awarded prior to filing a fee motion.

During the attempt to agree, the parties shall, upon request, provide the following information to each other:

(1) The movant shall provide the respondent with the time and work records on which the motion will be based, and shall specify the hours for which compensation will and will not be sought. These records may be redacted to prevent disclosure of material protected by the attorney-client privilege or work product doctrine.

(2) The movant shall inform the respondent of the hourly rates that will be claimed for each lawyer, paralegal, or other person. If the movant's counsel or other billers have performed any legal work on an hourly basis during the period covered by the motion, the movant shall provide representative business records sufficient to show the types of litigation in which such hourly rates were paid and the rates that were paid in each type. If the movant's counsel has been paid on an hourly basis in the case in question or in litigation of the same type as the case in question, records showing the rates paid for those services must be provided. If the movant will rely on other evidence to establish appropriate hourly rates, such as evidence of rates charged by attorneys of comparable experience and qualifications or evidence of rates used in previous awards by courts or administrative agencies, the movant shall provide such other evidence.

(3) The movant shall furnish the evidence that will be used to support the related nontaxable expenses to be sought by the motion.

(4) The movant shall provide the respondent with the above information within 21 days of the judgment or settlement agreement upon which the motion is based, unless the court sets a different schedule.

(5) If no agreement is reached after the above information has been furnished, the respondent shall, within 21 days of receipt of that information, disclose the total amount of attorney's fees paid by respondent (and all fees billed but unpaid at the time of the disclosure and all time as yet unbilled and expected to be billed thereafter) for the litigation and shall furnish the following additional information as to any matters (rates, hours, or related nontaxable expenses) that remain in dispute:

(A) the time and work records (if such records have been kept) of respondent's counsel pertaining to the litigation, which records may be redacted to prevent disclosure of material protected by the attorney-client privilege or work product doctrine;
(B) evidence of the hourly rates for all billers paid by respondent during the litigation;
(C) evidence of the specific expenses incurred or billed in connection with the litigation, and the total amount of such expenses; and
(D) any evidence the respondent will use to oppose the requested hours, rates, or related nontaxable expenses.

By providing the opposing party with information under this rule about the party's hours, billing rates and related nontaxable expenses, no party shall be deemed to make any admission or waive any argument about the relevance or effect of such information in determining an appropriate award.

Within 14 days after the above exchange of information is completed and before the motion is filed, the parties shall specifically identify all hours, billing rates, or related nontaxable expenses (if any) that will and will not be objected to, the basis of any objections, and the specific hours, billing rates, and related nontaxable expenses that in the parties' respective views are reasonable and should be compensated. The parties will thereafter attempt to resolve any remaining disputes.

All information furnished by any party under this section shall be treated as strictly confidential by the party receiving the information. The information shall be used solely for purposes of the fee litigation, and shall be disclosed to other persons, if at all, only in court filings or hearings related to the fee litigation. A party receiving such information who proposes to disclose it in a court filing or hearing shall provide the party furnishing it with prior written notice and a reasonable opportunity to request an appropriate protective order.

(e) Joint Statement. If any matters remain in dispute after the above steps are taken, the parties, prior to the filing of the fee motion, shall prepare a joint statement listing the following:

(1) the total amount of fees and related nontaxable expenses claimed by the moving party (If the fee request is based on the "lodestar" method, the statement shall include a summary table giving the name, claimed hours, claimed rates, and claimed totals for each biller.);

(2) the total amount of fees and/or related nontaxable expenses that the respondent deems should be awarded (If the fees are contested, the respondent shall include a similar table giving respondent's position as to the name, compensable hours, appropriate rates, and totals for each biller listed by movant.);

(3) a brief description of each specific dispute remaining between the parties as to the fees or expenses; and

(4) a statement disclosing—

(A) whether the motion for fees and expenses will be based on a judgment or on a settlement of the underlying merits dispute, and
(B) if the motion will be based on a judgment, whether respondent has appealed or intends to appeal that judgment.

The parties shall cooperate to complete preparation of the joint statement no later than 70 days after the entry of the judgment or settlement agreement on which the motion for fees will be based, unless the court orders otherwise.

(f) Fee Motion. The movant shall attach the joint statement to the fee motion. Unless otherwise allowed by the court, the motion and any supporting or opposing memoranda shall limit their argument and supporting evidentiary matter to disputed issues.

(g) Motion for Instructions. A motion may be filed seeking instructions from the court where it appears that the procedures set forth in this rule cannot be followed within the time limits established by the rule or by order of court because of—

(1) the inability of the parties to resolve a dispute over what materials are to be turned over or the meaning of a provision of the rule,

(2) the failure of one or more of the parties to provide information required by the rule, or

(3) other disputes between the parties that cannot be resolved after good faith attempts.

The motion shall state with specificity the nature of the dispute or items not turned over and the attempts made to resolve the dispute or to obtain the items. The motion must be filed not later than 14 days following the expiration of the time within which the matter in dispute or the materials not turned over should have been delivered in accordance with the time table set out in this rule or in the court's order.

The court may on motion filed pursuant to this section, or on its own initiative, modify any time schedule provided for by this rule.

Amended July 6, 2000, April 3, 2008, (*nunc pro tunc* December 16, 2004), and August 19, 2009

LR 54.4. Judgment of Foreclosure

Except as otherwise directed by the court, any form of judgment of foreclosure presented for approval by the court shall contain the following statement with respect to attorneys' fees:

The court has approved the portion of the lien attributable to attorneys' fees only for purposes of the foreclosure sale, and not for purposes of determining the amount required to be paid personally by defendant in the event of redemption by defendant, or a deficiency judgment, or otherwise. In the event of redemption by defendant or for purposes of any personal deficiency judgment, this court reserves the right to review the amount of attorneys' fees to be included for either purpose. Plaintiff's counsel is required to notify defendant of the provisions of this paragraph.

~~LR 54.5. Stipulation Regarding Payment of Fees and Costs Not Prepaid~~

~~**(a) Stipulation.** Where, pursuant to 28 U.S.C. §1915, 28 U.S.C. §1916 or 45 U.S.C. §153(b), a plaintiff seeks to commence a civil action without paying fees and costs or giving security for them, the plaintiff and, if represented, counsel for the plaintiff, shall file with the complaint a stipulation that the recovery, if any, in the action shall be paid to the clerk, who shall pay from it the filing fees and other costs not previously paid and remit the balance to the plaintiff or counsel for plaintiff in accordance with section (b).~~

~~**(b) Notification of Payment.** Whenever money shall be paid to the clerk of this court in compliance with section (a), the clerk shall notify the judge to whom the case is assigned of the amount paid and of any fees prescribed by statute, including those established by the Judicial Conference of the United States, which were not collected because plaintiff was permitted to maintain an action without prepayment of such fees. The judge shall thereupon enter an order directing the clerk to pay from the amount such fees and costs as were not prepaid and to remit the balance to plaintiff or counsel for plaintiff.~~ Local Rule 54.5 Abrogated per General Order 21-0011 on March 29, 2021

LR 56.1. Motions for Summary Judgment

(a) Moving Party. With each summary judgment motion filed under Fed. R. Civ. P. 56, the moving party must serve and file—

(1) a supporting memorandum of law that complies with LR 56.1(g); and

(2) a statement of material facts that complies with LR 56.1(d) and that attaches the cited evidentiary material.

(3) Failure to comply with LR 56.1(a)(1) or (a)(2) may be grounds for denial of the motion.

(b) Opposing Party. Each party opposing a summary judgment motion shall serve and file—

(1) a supporting memorandum of law that complies with LR 56.1(g);

(2) a response to the LR 56.1(a)(2) statement of material facts that complies with LR 56.1(e) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(2) statement; and

(3) if the opposing party wishes to assert facts not set forth in the LR 56.1(a)(2) statement or the LR 56.1(b)(2) response, a statement of additional material facts that complies with LR 56.1(d) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(2) statement or LR 56.1(b)(2) response.

(c) Moving Party's Reply. After an opposing party files its materials under LR 56.1(b), the movant shall serve and file—

(1) a reply memorandum of law that complies with LR 56.1(g); and

(2) a response to the LR 56.1(b)(3) statement of additional material facts (if any) that complies with LR 56.1(e) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(2) statement, the LR 56.1(b)(2) response, or the LR 56.1(b)(3) statement. (Amended September 29, 2023)

(d) Statement of Material Facts.

(1) Form. Each LR 56.1(a)(2) statement of material facts and LR 56.1(b)(3) statement of additional facts must consist of concise numbered paragraphs.

(2) Citations. Each asserted fact must be supported by citation to the specific evidentiary material, including the specific page number, that supports it. The court may disregard any asserted fact that is not supported with such a citation.

(3) All evidentiary material identified in LR 56.1(a)(2) and LR 56.1(b)(3) citations must be included as numbered exhibits with the statements of fact.

(4) LR 56.1(a)(2) statements of material facts and LR 56.1(b)(3) statements of additional facts should not contain legal argument.

(5) A movant's LR 56.1(a)(2) statement of material facts must not exceed 80 numbered paragraphs. An opposing party's LR 56.1(b)(3) statement of additional facts must not exceed 40 numbered paragraphs. A party must seek the court's permission before exceeding these limits.

(e) Response to Statement of Facts.

(1) Form. Each LR 56.1(b)(2) and LR 56.1(c)(2) response must consist of numbered paragraphs corresponding to the numbered paragraphs in the LR 56.1(a)(2) or LR 56.1(b)(3) statement, respectively, and must attach the evidentiary material identified in LR 56.1(b)(2) and LR 56.1(c)(2), respectively. Each paragraph shall set forth the text of the asserted fact (including its citations to the supporting evidentiary material), and then shall set forth the response.

(2) Content. Each response must admit the asserted fact, dispute the asserted fact, or admit in part and dispute in part the asserted fact. If the response admits in part and disputes in part the asserted fact, it must specify which part of the asserted fact is admitted and which part is disputed. A response may not set forth any new facts, meaning facts that are not fairly responsive to the asserted fact to which the response is made. A response may not assert legal arguments except to make an objection, including objections based on admissibility, materiality, or absence of evidentiary support. Motions to strike all or portions of an opposing party's LR 56.1 submission are disfavored. If a party contends that its opponent has included objectionable or immaterial evidence or argument in a LR 56.1 submission, the party's argument that the offending material should not be considered should be included in its response or reply brief. In the event that the objection is overruled, the failure to admit or dispute an asserted fact may constitute a waiver.

(3) Citations. To dispute an asserted fact, a party must cite specific evidentiary material that controverts the fact and must concisely explain how the cited material controverts the asserted fact. Asserted facts may be deemed admitted if not controverted with specific citations to evidentiary material.

(f) Reply in Support of Statement of Facts. No reply to a LR 56.1(b)(2) or LR 56.1(c)(2) response is permitted without the court's permission. The moving party may use its reply memorandum of law to respond to an evidentiary or materiality objection raised in a LR 56.1(b)(2) response. The opposing party must seek permission from the court for a supplemental filing to respond to an evidentiary or materiality objection raised in a LR 56.1(c)(2) response.

(g) Memorandum of Law. Each memorandum of law must set forth legal argument in support of or opposition to summary judgment and may include a statement of facts. When addressing facts, the memorandum must cite directly to specific paragraphs in the LR 56.1 statements or responses.

Adopted April 20, 2006. Amended February 18, 2021

LR 56.2. Notice to Unrepresented Litigants Opposing Summary Judgment

Any party moving for summary judgment against an unrepresented party shall serve the unrepresented party with its summary judgment papers and a copy of Federal Rule of Civil Procedure 56, Local Rule 56.1, and this Local Rule 56.2 Notice. The moving party must also file this Local Rule 56.2 Notice, with a certificate of service. If the unrepresented party is not the plaintiff, the movant shall revise this Local Rule 56.2 Notice to describe the parties, movant, and nonmovant.

Notice to Unrepresented Litigants Opposing Summary Judgment

The defendant has moved for summary judgment against you. That makes the defendant the "movant" and you the "nonmovant." By moving for summary judgment, the defendant is arguing to the judge that there is no need for a trial because: (1) there is no legitimate disagreement about the important facts of the case; and (2) applying the law to those facts, the defendant wins. The defendant may move for partial summary judgment (meaning only as to some of the claims or issues raised by your complaint) or for summary judgment on all claims.

When moving for summary judgment, the defendant must serve on you and file:

(1) a statement of facts, which is a list of the facts the defendant thinks are true and undisputed;

(2) the evidence that supports those facts; and

(3) a memorandum of law that makes a legal argument about why the defendant wins based on the law and the facts.

There are rules that both lawyers and people without lawyers must follow in moving for or opposing summary judgment. **If you do not follow the rules, then the judge may not consider your facts or your arguments.**

This notice is meant to help explain the summary judgment process to you. If you have more questions, you can visit the United States District Court for the Northern District of Illinois's Clerk's Office on the 20th floor of the Everett McKinley Dirksen U.S. Courthouse, 219 S. Dearborn, Chicago, Illinois 60604, and ask about the William J. Hibbler Memorial Pro Se Assistance Program. You can also make an appointment with the program online. This program cannot provide you with a lawyer but can answer certain procedural questions about opposing summary judgment.

What You Must File

To respond to the summary judgment motion, you **must** file, as separate documents:

- a response to the defendant's statement of material facts (see Section I);
- a statement of additional facts, if you want the judge to consider facts not included in the defendant's statement of material facts or your response to the defendant's statement (see Section II);
- the evidentiary material that supports your response to the defendant's statement of facts and any statement of additional facts (the material should be labeled as exhibits); and
- a memorandum of law that explains why the defendant is not entitled to summary judgment based on the facts and the law (see Section III).

More details about these documents are below. If you do not respond to the defendant's summary judgment motion by the deadline the judge gives you, the judge may rule on the motion based solely on what the defendant has to say. Even if you file your own summary judgment motion, you still must respond to the defendant's summary judgment motion.

I. Response to Defendant's Statement of Facts

The defendant has listed what it thinks are undisputed facts in a series of short paragraphs. This document is called a "statement of facts." For each fact, the defendant must point to evidence—such as affidavits, deposition transcripts, recordings, and other documents—that the fact is true.

You must respond to each of the defendant's facts, paragraph by paragraph. **If you do not respond to a fact asserted by the defendant, the judge may decide that you have admitted that the fact is true.** Here is how you can respond to a fact asserted by the defendant:

(a) **Admit it.**

If you agree with a fact, write "Admitted." If you admit a fact in your response, you cannot later deny that fact in your statement of additional facts or in your legal argument.

(b) **Dispute it.**

If you think that a fact is not supported by the evidentiary material cited by the defendant, you should write "Disputed" and then briefly explain why you dispute the fact and cite the specific page(s) of evidence that supports your position.

If your response cites evidence that the defendant did not submit, you must include that additional evidence in an appendix filed and served along with your response.

For example, if the defendant asserts that the traffic light was red at a particular time and supports that assertion with an affidavit, and if you believe that the light was green at that time, you can dispute the asserted fact and cite to evidentiary material (such as an affidavit, declaration, or deposition testimony) that supports your view that the light was green.

(c) **Object to evidence that the defendant submitted.**

If you would like to object to a particular piece of evidence cited in the defendant's statement of facts—for example, because it is not relevant or is hearsay—you should briefly explain your objection. When addressing facts, the memorandum must cite directly to specific paragraphs in the LR 56.1 statements or responses. If you both disagree with a fact and object to the evidence that the defendant cites to support that fact, then your response to that fact should explain both your denial of the fact and your objection. If you object to the defendant's evidence but do not deny the fact, and the judge overrules your objection, then the judge may consider you to have admitted the fact.

Do not include these things in your response to statements of fact:

- **New facts.** To state new facts, meaning facts that are not fairly responsive to the defendant's asserted facts, list them in your separate statement of additional fact (see Section II).

- **Legal arguments.** Legal arguments must be made in your brief (see Section III). The one exception is for arguments in support of legal objections (for example, hearsay) to the evidentiary material cited by the defendant.

For help formatting your response to the defendant's statement of facts, see the Local Rule 56.1 examples on the court's website.

II. Statement of Additional Facts

If you want the judge to consider new facts—meaning facts other than those in the defendant's statement of facts or your response to the statement of facts—you must submit a statement of additional facts as a separate document from your response to the defendant's statement. **If you do not submit a statement of additional facts, the judge may consider only the asserted facts in the defendant's statement of facts and any facts in your response to the defendant's statement of facts that are fairly responsive to the defendant's asserted facts.**

Your statement of additional facts should be organized into short, numbered paragraphs with no more than one fact in each paragraph. Unless you get permission from the judge, your statement of additional facts must not have more than 40 numbered paragraphs.

You must support each fact with a citation to a specific piece of evidence that supports it. For example, you might cite a particular page of a deposition transcript, a particular paragraph of an affidavit, or a timestamp on a recording. You can cite the evidence that the defendant submitted with its statement of material facts to support your statement of additional facts. You can also cite your own evidence that the defendant did not submit, but you must file and serve that evidence along with your statement of additional facts.

If you want to submit evidence of your own testimony (other than a deposition transcript), you should prepare an affidavit or declaration, which sets forth facts you know to be true based on your personal knowledge. An affidavit must be signed and notarized, while a declaration must be signed and include the following language from 28 U.S.C. § 1746: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [insert date]. [Signature]."

For help formatting your statement of additional facts, see the Local Rule 56.1 examples on the court's website. The defendant will have an opportunity to respond to your statement of additional facts.

III. Memorandum of Law

The defendant has submitted a legal memorandum explaining why it should win the case on summary judgment based on its statement of facts and governing law. You must answer that brief by filing a memorandum that responds to the defendant's arguments and explains why the defendant should not win the case on summary judgment. Your memorandum should be separate from your response to the defendant's statement of facts and your statement of additional facts.

Your memorandum should explain why the defendant is not entitled to summary judgment. If you do not make a legal argument in your memorandum, you may lose the opportunity to make that argument on appeal. You can argue that because you and the defendant disagree on important facts, there needs to be a trial to decide which of you is right about those facts. You can also explain why the defendant's legal arguments are wrong based on the law or based on the facts that you disputed in your response and/or that you included in your statement of additional facts.

IV. Federal Rule of Civil Procedure 56 and Local Rule 56.1

Summary judgment is governed by Federal Rule of Civil Procedure 56, and the United States District Court for the Northern District of Illinois also has a Local Rule 56.1. Local Rule 56.1(a) explains what someone seeking summary judgment must submit, and Local Rule 56.1(b) explains what you need to do to oppose summary judgment.

Reading this Notice is not a substitute for reviewing Rule 56 and Local Rule 56.1. You should be familiar with Rule 56 and Local Rule 56.1 before you prepare your opposition to summary judgment. You should also review the Local Rule 56.1 examples on the court's website.

Adopted July 1, 2008. Amended February 19, 2021.

LR 58.1. Satisfaction of Judgment

The clerk shall enter the satisfaction of a judgment in any of the following circumstances:

(1) upon the filing of a statement of satisfaction of the judgment executed and acknowledged by:

(A) the judgment-creditor, or

(B) by a legal representative or assignee of the judgment-creditor who files evidence of their authority, or

(C) if the filing is within two years of the entry of the judgment, by the attorney or proctor of record for the judgment- creditor.

(2) upon payment to the court of the amount of the judgment plus interest and costs;

(3) if the judgment-creditor is the United States, upon the filing of a statement of satisfaction executed by the United States attorney;

(4) in an admiralty proceeding, upon issuance of an order of satisfaction, such order to be made on the consent of the proctors if such consent be given within two years from the entry of the decree; or

(5) upon receipt of a certified copy of a statement of satisfaction entered in another district.

LR 62.1. Supersedeas Bond

The bond shall be conditioned for the satisfaction of the judgment in full together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award.

A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment plus one year's interest at the rate provided in 28 U.S.C. §1961, plus $500 to cover costs. If in conformance with LR 65.1, the bond may be approved by the clerk. The bond amount fixed hereunder is without prejudice to any party's right to seek timely judicial determination of a higher or lower amount.

LR 65.1. Sureties on Bonds

(a) General. Bonds and similar undertakings may be executed by the surety or sureties alone, except in bankruptcy and criminal cases or where a different procedure is prescribed by law. No member of the bar nor any officer or employee of this court shall act as surety in any action or proceeding in this court.

(b) Security. Except as otherwise provided by law, every bond or similar undertaking must be secured by one of the following:

(1) the deposit of cash or obligations of the United States in the amount of the bond, or

(2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury, or
(3) the undertaking or guaranty of two individual residents of the Northern District of Illinois, provided that each individual surety shall file an affidavit of justification, which shall list the following information:
(A) the surety's full name, occupation, residence and business addresses, and
(B) a statement showing that the surety owns real or personal property within this district which, after excluding property exempt from execution and deducting the surety's debts, liabilities and other obligations (including those which may arise by virtue of acting as surety on other bonds or undertakings), is properly valued at no less than twice the amount of the bond.
(4) An unconditional letter of credit is an approved form of security and shall be submitted on LR 65.1 Form of Letter of Credit, or on a form agreed to by the parties.

Adopted July 1, 2008

LR 65.1.1. Notice of Motion to Enforce Liability of Supersedeas Bond

Whenever a notice of motion to enforce the liability of a surety upon an appeal or a supersedeas bond is served upon the clerk pursuant to Fed.R.Civ.P. 65.1, the party making such motion shall deposit with the clerk one additional copy for each surety to be served.

LR 65.2. Approval of Bonds by the Clerk

Except in criminal cases, or where another procedure is prescribed by law, the clerk may approve bonds without an order of court if—
(1) the amount of the bond has been fixed by a judge, by court rule, or by statute, and
(2) the bond is secured in accordance with LR 65.1(b).

LR 65.3. Security for Costs

Upon good cause shown, the court may order the filing of a bond as security for costs. Except as ordered by the court, the bond will be secured in compliance with LR 65.1. The bond shall be conditioned to secure the payment of all fees which the party filing it must pay by law to the clerk, marshal or other officer of the court and all costs of the action which the party filing it may be directed to pay to any other party.

LR 66.1. Receivers; Administration of Estates

(a) GENERAL. The administration of estates by receivers or other officers shall be similar to that in bankruptcy cases except that the court in its discretion shall—
(1) fix the allowance of compensation of receivers or similar officers, their counsel, and any others appointed to aid in the administration of the estate, and

(2) direct the manner in which the estate shall be administered, including the conduct of its business, the discovery and acquirement of its assets, and the formation of reorganization plans.

(b) REPORTS BY RECEIVER. Unless otherwise ordered, a receiver, or other similar officer appointed by this Court, shall as soon as practicable after appointment, but in any event not later than 21 days thereafter, file an inventory of all property, real, personal or mixed, of which the receiver has taken possession or control, together with a list of the then known liabilities of the estate and a report explaining such inventory.

Thereafter and until discharged, the receiver shall file a current report every four months, unless the court fixes some other filing interval. The current report and account shall list the receipts and disbursements and summarize the activities of the receiver.

Amended July 19, 2009

LR 67.1. Investment of Funds Deposited With Clerk

A party may deposit money in the court registry under Fed. R. Civ. P. 67(a) only by court order.

(a) Motion to Deposit Money

A party seeking to deposit money in the court registry must complete the following:

(1) file a motion for leave to make the deposit using the requested relief in CM/ECF;

(2) attach a copy of a completed Registry Deposit Information Form as an exhibit to the motion for leave to make the deposit; and

(3) submit a proposed order specifying the amount of money to be deposited to the judge's proposed order inbox.

The Clerk will administer money deposited into the court registry pursuant to 28 U.S.C. § 2041.

(b) Court Registry Investment System

(1) The Clerk will deposit all registry money in the Court Registry Investment System (CRIS) of the Administrative Office of the U.S. Courts pursuant to General Order 16-0017.

(2) The Clerk will deposit all interpleader money deposited pursuant to 28 U.S.C. § 1335 in the CRIS Disputed Ownership Fund pursuant to General Order 16-0017.

(3) Funds will not begin to accrue interest until they have cleared with the Treasury.

(c) Custodian of CRIS Funds

The Director of the Administrative Office of the U.S. Courts is the custodian of the CRIS funds and may, without further order of the court :

(1) assess fees based on the District Court Miscellaneous Fee Schedule;

(2) withhold and pay federal taxes on Disputed Ownership Funds; and

(3) distribute income from fund investments after assessing fees.

The Court's order for disbursement of invested registry funds must include the name and address of the payee(s) in addition to the total amount of principal and interest. If the amount of interest is not known, the order shall read "principal plus interest" which will be disbursed to each payee.

In order for the Clerk to comply with the IRS Code and the rules thereunder, payees receiving interest must provide a W-9 Taxpayer Identification and Certification form to the Clerk's Office via email to fiscal_ilnd@ilnd.uscourts.gov prior to the disbursement from the invested account.

In criminal cases, where funds are deposited pre-judgment, the Clerk shall withdraw and apply any interest earned towards the criminal financial obligations imposed against the defendant absent a court order directing otherwise. Should the principal amount deposited with the Clerk fully satisfy the criminal financial obligations imposed, the Clerk shall distribute any earned interest to the United States Crime Victims Fund absent a court order entered at the time of sentencing directing otherwise.

Amended October 23, 2017 and March 22, 2019

LR 69.1. Notice of Sale

The notice of a proposed sale of property directed to be made by an order or judgment of the court in a civil action need not, unless otherwise ordered by the court, set out the terms of sale specified in the order or judgment. The notice will be sufficient if in substantially the following form:

United States District Court
Northern District of Illinois
_____Division

NOTICE OF SALE

Pursuant to (*order or judgment*) of the United States District Court for the Northern District of Illinois, _____ Division, filed in the office of the clerk of that Court on (d*ate*) in the cause entitled (n*ame and docket number*) the undersigned will sell at public sale at (p*lace of sale*) on (*date and hour of sale*) the property in said (*order or judgment*) described and therein directed to be sold, to which (*order or judgment*) reference is made for the terms of sale and for a description of the property which may be briefly described as follows:

_____

_____

_____

Dated: (*date*)

The notice need not describe the property by metes and bounds or otherwise in detail and will be sufficient if in general terms it identifies the property by specifying its nature and location. However, it shall state the approximate acreage of any real estate outside the limits of any town or city, the street, lot and block number of any real estate within any town or city, the termini of any railroad and a general statement of the character of any improvements upon the property.

LR 72.1. Designated Magistrate Judges: Referrals

At the time any case is filed and assigned to a district judge in the Eastern Division, the name of a magistrate judge shall also be assigned in accordance with the procedures adopted pursuant to LR 40.2(a) when applicable. The magistrate judge so assigned shall be the designated magistrate judge for that case. Whenever a new case is assigned to a district judge directly and not by lot pursuant to LR 40.3(b), the designated magistrate judge for the case originally assigned by lot will be the designated magistrate judge for the later filed case.

Any judge wishing to refer a matter in a civil case pending on that judge's calendar to a magistrate judge may do so following procedures approved by the Executive Committee.

Where two or more cases are related, the designated magistrate judge in the lowest-numbered case of the set of related cases will be the designated magistrate judge for all cases in the set. The designated magistrate judge in the lowest-numbered case will remain the designated magistrate judge for the set as long as any cases in the set are pending.

Except as ordered by the Executive Committee, the reassignment of a case from one district judge to another shall not change the designated magistrate judge for that case.

Amended May 31, 2011

LR 73.1. Magistrate Judges: Reassignment on Consent

(a) Right to Reassignment Upon Consent. Upon consent of all the parties, and upon approval of the district judge to whom the case is assigned, a magistrate judge may conduct all proceeding in a civil case, including a jury or non-jury trial and entry of judgment in the case.

(b) Notification to all Parties of Right to Consent. The Clerk of the court shall notify the parties in all civil cases that they may, but are not required to, consent to have a magistrate judge conduct any or all proceedings in a case and order the entry of a final judgment. Such notice shall be given by docket entry made at the time the case is filed. In the case of paper filed complaints the Clerk shall provide such notice by mail.

(c) Procedure for Parties to Consent to Appear Before a Magistrate Judge. To signify their consent to the jurisdiction of the magistrate judge the parties must jointly file a statement consenting to the reassignment. Forms of *Consent to Exercise of Jurisdiction by a Magistrate Judge* may be utilized for such purpose; however, any joint filing signifying the parties' consent to have all proceedings handled by the magistrate judge (such as in an Initial Status Report or proposed Case Management Order) is sufficient provided all parties sign such consent.

(d) Reassignment of Case Upon Consent. Any judge wishing to reassign a case pending on that judge's calendar to a magistrate judge following the consent by all parties to have the magistrate judge conduct any and all proceedings in that case will transfer the case to the calendar of the designated magistrate judge.

(e) Magistrate Judge Reassignment After Consent Occurs. If a case in which a consent has been filed is reassigned to a magistrate judge other than the magistrate judge designated pursuant to Local Rule 72.1, the parties may object within 21 days of such reassignment. If a timely objection is filed by any party, the case will be reassigned to the district judge before whom it was last pending. If no objection has been filed within 21 days, the parties will be deemed to have consented to the reassignment.

(f) Party Added After Consent Occurs. A party added to a civil case after the case has been transferred to the magistrate judge on consent will be given an opportunity to consent to the continued exercise of case-dispositive authority by the magistrate judge. The Clerk will notify the additional party of the availability of a magistrate judge to exercise jurisdiction. A party choosing to consent must, within 30 days of appearance, file a statement consenting to the jurisdiction of the magistrate judge. The case will be returned to the district judge for all further proceedings unless a statement is properly signed and filed.

(g) Limited consents. Parties may consent to the transfer of part of a proceeding to a magistrate judge to act pursuant to 28 U.S.C.§ 636(c). Such consents shall be filed in the same manner as the consents for a transfer of the entire proceeding. Upon notification of the filing of such consents by the parties, the district judge may transfer that portion of the case covered by the consents for reassignment to the calendar of the designated magistrate judge. Where such a reassignment is made, the case shall remain on the calendar of the district judge.

LR 77.1. Places of Holding Court

The regular places of holding court in this District shall be the Everett McKinley Dirksen Federal Courthouse at Chicago for the Eastern Division and the Stanley J. Roszkowski United States Courthouse at Rockford for the Western Division.

No judge of this Court shall hold a special session or sessions of the court at a location or locations other than the regular places of holding court, without first having obtained permission from the

Executive Committee, provided, that if an emergency matter arises at night, on Saturdays or Sundays or holidays, a judge may entertain motions or petitions at a place other than a regular place of holding court. Amended 5/27/16

LR 77.2. Emergencies; Emergency Judges

(a) Definitions. For the purpose of these rules—

(1) "Emergency judge" means the judge assigned to perform the duties of emergency judge specified by any local rule or procedure adopted by the Court,

(2) "Emergency magistrate judge" means the magistrate judge assigned to perform the duties of emergency magistrate judge specified by any local rule or procedure adopted by the Court, and

(3) "Emergency matter" means a matter of such a nature that the delay in hearing it that would result from its being treated as any other matter would cause serious and irreparable harm to one or more of the parties to the proceeding provided that requests for continuances or leave to file briefs or interrogatories in excess of the limits prescribed by these rules will normally be entertained as emergency matters only during the summer sessions, and

(4) "Summer session" means the fourteen-week period beginning on the first Monday in June.

(b) Duties of Emergency Judge. The emergency judge is responsible for hearing all emergency matters not previously assigned to a judge of this Court that arise outside of the regular business hours of the Court, except for discovery motions as set forth in subsection (c) below.

During regular office hours other than in the summer session, the emergency judge will not hear emergency matters arising out of the cases assigned to the calendar of another judge where that judge is sitting, except on approval of the chief judge at the request of the judge to whom the case is assigned. The emergency judge will also hear the following matters or preside at the following ceremonies:

(1) petitions for admission brought by attorneys wishing to be admitted to practice before the Court;

(2) requests for review or de novo determinations of matters directly assigned to the duty magistrate brought pursuant to LCR 50.4;

(3) petitions presented by the United States Immigration and Naturalization Service;

(4) ceremonies for the mass admission of attorneys to the bar of this Court; and

(5) ceremonies for the administration of the oath of allegiance to newly naturalized citizens.

(c) Any emergency matter involving discovery or requests for protective orders that would otherwise be brought before the emergency judge are referred and shall be brought before the magistrate judge assigned to the case (or the emergency magistrate judge when the assigned magistrate judge is not sitting).

(d) Duties of Emergency Magistrate Judge. The emergency magistrate judge is responsible for hearing any emergency matter arising in a case referred or assigned to a magistrate judge when that magistrate judge is not sitting.

(e) Western Division. A party in a case filed in or to be filed in the Western Division with an emergency matter should first contact the active Western Division district judge, or in that judge's absence, the Western Division magistrate judge who has been designated to be the duty magistrate judge in the Western Division. If neither can be reached, then the emergency judge is authorized to handle the matter.

Committee Comment. In general, matters are to be presented to the judge to whom the case is assigned. Under procedures adopted by the Court, if a judge anticipates being absent temporarily, that judge will designate another judge to hear the absent judge's call. The name of the designated judge is posted on the door of the courtroom regularly used by the absent judge. It is also posted on the Court's website.

If the absent judge did not designate another judge or where both the absent judge and the designated judge are unavailable, an emergency matter can then be taken before the emergency judge. If the emergency judge should also be unavailable, the matter can be brought to the attention of the chief judge. The chief judge is the chairperson of the Executive Committee, the Court's calendar committee. In that role the chief judge can instruct the parties as to which judge should hear the matter.

While emergency matters arising outside of regular business hours are rare, it is not unusual that a party can anticipate that happening. An example is ongoing negotiations which, if they do not reach agreement, will lead one of the parties to seek injunctive relief and the negotiations must be concluded by a point in time that lies outside of regular business hours, e.g., midnight on a Saturday. In such instances the party should make every effort to contact the chambers of the emergency judge and inform staff of the potential emergency. In this way arrangements can be made that will give greater assurance that the emergency judge will be available in the event that the emergency matter does in fact occur. If an emergency matter occurs outside of regular business hours and the party has not made prior arrangements with the emergency judge, a telephone number is posted on the Court's website for contacting a member of the staff of the emergency judge.

Amended June 19, 2001, April 1, 2002, May 11, 2009, Dec. 22, 2015, March 22, 2019

LR 77.3. Clerk to Sign Certain Orders

The clerk shall sign orders of the following classes without submission to the court:

(1) consent orders extending for not more than 21 days in any instance the time to file the record on appeal and to docket the appeal in the appellate court, except in criminal cases;

(2) orders of discontinuance, or dismissal on consent, except in bankruptcy proceedings and in causes to which Rules 23(c) and 66 of the Federal Rules of Civil Procedure apply; and

(3) consent orders satisfying decrees or canceling bonds.

Amended July 19, 2009 and November 19, 2009

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. Amended February 28, 2007 and November 19, 2009~~
Local Rule 78.2 Abrogated Per General Order 23-0036 on October 3, 2023.

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 Rules 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.

LR 78.5. Motions: Request for Decision; Request for Status Report

Any party may on notice provided for by LR 5.3 call a motion to the attention of the court for decision.

Any party may also request the clerk to report on the status of any motion on file for at least seven months without a ruling or on file and fully briefed for at least sixty days. Such requests will be in writing. On receipt of a request the clerk will promptly verify that the motion is pending and meets the criteria fixed by this section. If it is not pending or does not meet the criteria, the clerk will so notify the person making the request. If it is pending and does meet the criteria, the clerk will thereupon notify the judge before whom the motion is pending that a request has been received for a status report on the motion. The clerk will not disclose the name of the requesting party to the judge. If the judge provides information on the status of the motion, the clerk will notify all parties. If the judge does not provide any information within ten days of the clerk's notice to the judge, the clerk will notify all parties that the motion is pending and that it has been called to the judge's attention.

LR 79.1. Records of the Court

(a) Retention of Exhibits. Exhibits shall be retained by the attorney producing them unless the court orders them deposited with the clerk. In proceedings before a master or other like officer, the officer may elect to include exhibits with the report.

(b) Availability of Exhibits. Exhibits retained by counsel are subject to orders of the court. Upon request, counsel shall make the exhibits or copies thereof available to any other party to enable that party to designate or prepare the record on appeal.

(c) Removal of Exhibits. Exhibits deposited with the clerk shall be removed by the party responsible for them—

(1) 90 days after a final decision is rendered if no appeal is taken from that decision, or
(2) where an appeal is taken, within 30 days after the mandate of the reviewing court is filed.

A party failing to comply with this rule shall be notified by the clerk to remove the exhibits. If a party fails to remove the exhibits within 30 days following such notice, the material shall be sold by the marshal at public or private sale or disposed of as the court directs. The net proceeds of the sale shall be paid into the registry of the court.

(d) Withdrawal of Records. Pleadings and records filed and exhibits deposited with the clerk shall not be withdrawn from the custody of the court except as provided by these rules or upon order of court. Parties withdrawing their exhibits from the court's custody and persons withdrawing items pursuant to an order of court shall give the clerk a signed receipt identifying the material taken, which receipt shall be filed.

LR 79.2. Redemption from Judicial Sales

The clerk shall maintain a listing in which shall be recorded any certificate of purchase issued by the United States marshal, master in chancery or other officer of this court, together with any certificate of redemption from such sale, the costs thereof to be taxed in the cause in which the sale is made.

LR 80 International Arbitration Cases.

(a) Cases that pertain to an international arbitration seated in this district or the enforcement of an award resulting from an international arbitration (together, "international arbitration cases") will be conducted in accordance with this Rule. An international arbitration case may be conducted by teleconference or videoconference on consent of the parties or by order of the Court.

(b) The party initiating an international arbitration case must designate the case as an international arbitration matter on the designation sheet under LR 3.1.

(c) All pleadings filed in connection with an international arbitration case must be filed electronically under LR 5.2(a) and must be served under LR 5.9.

(d) International arbitration cases are exempt from the Court's Standing Order on Pretrial Procedure, in accordance with LR 16.1.1(b).

(e) Counsel in international arbitration cases who are members in good standing of the bar of the highest court of the jurisdiction where they are admitted to practice (including jurisdictions outside of the United States) may, upon motion, be permitted to argue pro hac vice as though they were members of the general bar of this Court subject to LR 83.12 and LR 83.14. A motion for admission pro hac vice under this Rule must be on a form approved by the Executive Committee. The Clerk will provide copies of such forms on request.

Adopted September 23, 2021; Amended September 29, 2023

LR 81.1. Complaints Under the Civil Rights Act, 42 U.S.C. §1983, by Persons in Custody

Pro se complaints brought under the Civil Rights Act, 42 U.S.C. §1983, by persons in custody shall be in writing, signed and certified. Such complaints shall be on forms supplied by the Court.

LR 81.2. Removals, Remands of Removals

After the entry of an order remanding a case to a state court pursuant to 28 U.S.C. §1447(c) the clerk shall not transmit the certified copy of the remand order for 14 days following the date of docketing that order unless the court ordering the remand directs the clerk to transmit the certified copy of the order at an earlier date.

The filing of a petition for reconsideration of such order shall not stop the remand of the case unless the court orders otherwise.

Adopted March 19, 2008

LR 81.3. Habeas Corpus Proceedings by Persons in Custody

(a) Approved Form. Petitions for writs of habeas corpus filed pursuant to 28 U.S.C. §2241 and §2254 and motions filed pursuant to 28 U.S.C. §2255 shall, when filed by persons in custody, be

submitted on forms approved by the Executive Committee. The clerk will supply copies of the approved forms to any person requesting them.

(b) Capital Punishment Cases. Post conviction petitions filed pursuant to 28 U.S.C. §2254 and §2255 by or on behalf of a petitioner under sentence of capital punishment shall proceed in accordance with the *District Court Rules for the Disposition of Post Conviction Petitions Brought Pursuant to 28 U.S.C.§ 2254 and § 2255 in Cases Involving Petitioners Under a Sentence of Capital Punishment* adopted by the Judicial Council of the Seventh Circuit.

(c) Filing Outside of Business Hours. Counsel for the petitioner and counsel for any other person or group seeking leave to file *amicus* briefs or motions should communicate with either the chief deputy clerk or the senior staff attorney promptly after counsel's appointment to establish procedures to be used in the event of an emergency. Should an emergency arise before such procedures have been established and at a time that the clerk's office is not open, counsel should use the phone number posted on the Court's website for the Emergency Judge.

(d) §2255 Motions. The clerk shall cause a civil case number to be assigned to any motion filed pursuant to 28 U.S.C. § 2255. Except where otherwise ordered, a separate file and docket of the pleadings filed in connection with such motions shall be maintained under the civil case number. The clerk shall cause a docket entry to be made on the criminal docket indicating the filing of any §2255 motion and the civil case number assigned to the motion. The docket entry will also indicate that a file and docket with that civil case number is maintained for filing and docketing the motion and pleadings associated with the §2255 motion.

Amended Dec. 22, 2015

LR 81.4. Habeas Corpus Proceedings in Deportation Cases

(a) Appeal From Immigration Judge. Where an appeal from an order of an Immigration Judge is permitted by law, the petition must show that the alien has taken such an appeal to the Board of Immigration Appeals and that the appeal has been denied.

(b) Petition. In complying with the requirements of 28 U.S.C. §2242, the petitioner shall specify the acts which have deprived the petitioner of a fair hearing or other reasons entitling petitioner to the relief sought. To the extent practicable, the petition shall state the following:

(1) that the facts recited have been obtained from the records of the Department of Homeland Security; or

(2) that access to such records has been refused, in which event the petition shall state when and by whom application was made and refused; or

(3) that the interval between the notice of removal and the date of removal is too short to allow an examination of the records.

The petition shall further set forth the dates of the notice and the affirmance of the orders, the date set for departure, and the basis for inability to make the necessary examination.

(c) Service of Writ and Stay of Order. The writ shall be addressed to, and must be personally served upon, the officer who has actual physical custody of the alien. Service may not be made upon a master after a ship has cast off her moorings. Service may be not be made upon a captain of an aircraft after an alien has boarded the aircraft and the aircraft door is closed. Service of the writ does not stay the removal of an alien pending the court's decision on the writ, unless the court orders otherwise.

Amended May 27, 2015

LR 83.1. Court Facilities: Limitations on Use

(a) Court Environs Defined. For the purpose of this rule the term "court environs" shall refer to the following areas:

(1) in Chicago in the United States Courthouse:

(A) the 6th through the 8th floors, and the 10th through the 25th floors, including;

(B) the central jury assembly lounge, south elevator banks, and corridors leading from one to the other on the 2nd floor; and,

(C) the 1st floor except for the Designated Media Area;

(2) in Chicago, but not in the United States Courthouse, the Probation Offices located at 230 S. Dearborn Street;

(3) in the Eastern Division, but not in Chicago, the immediate area surrounding the courtroom on the 2nd floor of the Joliet City Hall; and,

(4) in Rockford in the United States Courthouse:

(A) the entire 2nd, 5th and 6th floors;

(B) the lobby and 1st floor areas to include the Bankruptcy Court clerk's office, the offices of Probation and Pretrial Services, and the public corridors immediately adjacent to those offices;

(C) the 3rd floor courtrooms, the mediation rooms, the 4th floor chambers, and the corridors immediately adjacent to those spaces.

(b) Demonstrating, Soliciting & Loitering Prohibited. Soliciting and loitering within the court environs is prohibited. The unapproved congregating of groups or the causing of a disturbance or nuisance within or on the curtilage of the courthouses of this Court is prohibited. Demonstrating, protesting, picketing or parading outside of the courthouses of this Court is prohibited only when such action obstructs or impedes the orderly administration of justice.

(1) In Chicago, the designated Freedom of Speech and Expression area is the Federal Plaza, located at the southwest corner of Adams and Dearborn Streets. The General Services Administration maintains this area and may require special permitting.

(2) In Rockford, the designated Freedom of Speech and Expression area is public space located at the corner of South Church and Cedar Streets. The General Services Administration maintains this area and may require special permitting.

(c) No Cameras or Recorders. Except as provided for in an Order of the Court, direction of the Chief Judge, or the United States Marshal, the taking of photographs, video, radio and television broadcasting, or taping in the court environs during the progress of or in connection with any judicial proceeding, whether or not court is actually in session, is prohibited.

(d) Marshal to Enforce. The United States Marshal shall enforce sections (b) and (c) of this rule, either by ejecting violators from the courthouse or by causing them to appear before one of the judges of this Court for a hearing and the imposition of such punishment as the Court may deem proper.

Amended November 2, 2010, June 8, 2011, January 31, 2012, June 29, 2012, May 27, 2016, March 22, 2019

LR 83.2. Oath of Master, Commissioner, etc.

(Rule Deleted June 2, 2011 per General Order 11-0012)

LR 83.3. Publication of Advertisements

Except in sales of realty or interests therein, publication of any notice or advertisement required by law or rule of court shall be made in a newspaper of general circulation, in the city of Chicago when the case is pending in the Eastern Division, and in a newspaper of general circulation in the cities of Freeport or Rockford when the case is pending in the Western Division. Additional notices or advertisements may be published via the Internet or e-mail, or such other means as ordered by the court.

Amended June 2, 2011

LR 83.4. Transfers of Cases Under 28 U.S.C. §§ 1404, 1406, 1412

When an order is entered directing the clerk to transfer a case to another district pursuant to the provisions of 28 U.S.C. §§ 1404, 1406, or 1412, the clerk shall delay the transfer of the case for 14 days following the date of docketing the order of transfer, provided that where the court directs that the case be transferred forthwith, no such delay shall be made. In effecting the transfer, the clerk

shall transmit the original of all documents, including the order of transfer, and a certified copy of the docket. The clerk shall note on the docket the date of the transfer.

The filing of a petition for reconsideration of an order of transfer shall not serve to stop the transfer of the case. The court on its own motion or on motion of the party filing a petition for reconsideration may direct the clerk not to complete the transfer process until a date certain or further order of court.

LR 83.5. Confidentiality of Alternative Dispute Resolution Proceedings

Pursuant to 28 U.S.C. § 652(d), all non-binding alternative dispute resolution ("ADR") proceedings referred or approved by any judicial officer of this court in a case pending before such judicial officer, including any act or statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury (without consent of all parties), or construed for any purpose as an admission in the case referred or in any case or proceeding. No participant in the ADR proceedings shall be bound by anything done or said at the ADR conference unless a settlement is reached, in which event the settlement shall be reduced to writing or otherwise memorialized and shall be binding upon all parties to the settlement.

LR 83.10. General Bar

(a) Qualifications. An applicant for admission to the bar of this Court must be a member in good standing of the bar of the highest court of any state of the United States or of the District of Columbia. The applicant must be honest and of good moral character, and shall exhibit general fitness to practice law.

(b) Petition Form. The Executive Committee will approve a form of petition to be used by anyone applying for admission to practice. Copies of the approved form will be provided on request by the Clerk.

(c) Filing Petition. Each person applying for admission to practice shall electronically file with the Clerk a completed petition for admission on the approved form.
The petitioner must electronically file with the petition the following attachments in pdf format:

(1) a certificate from the highest court of a state of the United States or of the District of Columbia that the petitioner is a member in good standing of the bar of that court; and

(2) the affidavits of two attorneys who are currently and for at least two years have been members in good standing of the bar of the highest court of any state of the United States or of the District of Columbia and who have known the applicant for at least one year, and

(3)an Oath of Office form signed by the petitioner declaring under penalty of perjury that the information provided is true and correct.

(d) Screening the Petition. The Clerk, under the supervision of the Executive Committee, will screen each petition to assure that it is filed on the correct form, has been completed, and contains sufficient information to establish that the petitioner meets the qualifications required for the general bar, and is accompanied by the required affidavits of sponsors, the Oath of Office form, and a current indication of good standing. Where these requirements are met, an indication to that effect will be placed on the petition and the petitioner will be notified that the petition is approved. Where the requirements are not met, the petition will be returned to the applicant with appropriate instructions.

(e) Taking the Oath. The petitioner's signature on the "Oath of Office" must be a sworn declaration.

(f) Admission Fee. Each petitioner shall pay an admission fee upon the filing of the petition, subject to refund should the petitioner not be admitted. The amount of the fee shall be established by the court in conjunction with the fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. §1914.

(g) Certificate of Admission. On receipt of either (1) the petition form reflecting that the petitioner has taken the oath of office, or (2) the petitioner's own motion, accompanied by a letter or certificate of good standing (not more than 30 days old at the time of application) to Practice in another District of Illinois, and by the attorney's certification that his or her right to practice law is not suspended by order of court in any jurisdiction, the Clerk shall promptly issue a certificate indicating that petitioner has been admitted to the general bar of this Court and shall add petitioner's name to the list of attorneys admitted to that bar.

Amended November 2, 2010, January 26, 2016, December 23, 2016, and July 27, 2018

LR 83.11. Trial Bar

(a) Definitions. The following definitions shall apply to this rule:

(1) The term "testimonial proceedings" refers to proceedings that meet all of the following criteria:

(A) they are evidentiary proceedings in which all testimony is given under oath and a record is made of the testimony;
(B) the witness or witnesses are subject to cross-examination;
(C) a presiding judge or administrative law judge is present;
(D) the parties to such proceedings are represented by attorneys; and

(E) where a proceeding is held before an administrative agency, the findings and determinations of the agency are based upon the record and are reviewable for sufficiency of evidence by a court of record.
Procedures limited to taking the deposition of a witness do not constitute testimonial proceedings for the purposes of this rule.

(2) The term "qualifying trial" refers to an evidentiary proceeding that meets the following criteria:

(A) it lasts at least one day;

(B) it is a trial or hearing that involves substantial testimonial proceedings going to the merits; and

(C) it is held in open court before one of the following: a district judge or magistrate judge of a United States district court; a judge of a United States bankruptcy court; a judge of the United States Tax Court; a judge of a trial court of record of a state, the District of Columbia, or a territory of the United States; or any administrative law judge.

(3) The term "participation units" shall mean a qualifying trial in which the petitioner participated as the lead counsel or the assistant to the lead counsel.

(4) The term "observation unit" shall mean a qualifying trial that the petitioner observed while being supervised by a supervising attorney who consulted with the petitioner about the trial. At the time of the observation the supervising attorney must either be a member of the trial bar of this Court or have had previous trial experience equivalent to at least 4 participation units.

(5) The term "simulation unit" shall mean a trial advocacy program in which the focus is experiential, as contrasted to lecture, in which the petitioner satisfactorily participated either as a law school or a continuing legal education course.

(6) The term "training unit of the District Court" shall mean a training seminar officially sanctioned by the Court (including, for example *Pavey* hearings on the administrative exhaustion defense to a prisoner case, or "EAR" hearings for early resolution of prisoner conditions-of-confinement claims).

(7) The term "qualifying unit of trial experience" shall include any of the following: participation units, observation units, simulation units, or training units. A petitioner shall be credited for units of trial experience as follows:

(A) for each participation unit, 2 units where the trial lasted 9 days or less, 3 units where the trial lasted from 10 to 12 full days, and 4 units where the trial lasted 13 or more full days;

(B) for each observation unit, 1 unit;

(C) for one allowable simulation unit, 2 units; and

(D) for each training unit of the District Court, 1 unit.

(8) The term "required trial experience" shall mean not less than 4 qualifying units of trial experience no more than 2 of which may be simulation units.

(b) Qualifications. An applicant for admission to the trial bar of this Court must be a member in good standing of the general bar of this Court, must be a certified e-filer, must provide evidence of having the required trial experience, and must be sponsored by one current member of the trial bar who has known the applicant for at least one year and can attest to his/her competence. An attorney seeking admission to the trial bar who is not a member of the bar of this Court may apply for admission to both bars simultaneously. Trial bar membership must be renewed every three years as set forth in section (i).

(c) Petition Form. The Executive Committee will approve a form of petition to be used by anyone applying for admission to the trial bar. Copies of the approved form will be provided on request by the clerk.

(d) Screening the Petition. The Clerk, under the supervision of the Executive Committee, will screen each petition to assure that it is filed on the correct form, has been completed, and contains sufficient information to establish that the petitioner meets the qualifications required for the trial bar. Where these requirements are met, an indication to that effect will be placed on the petition and the petitioner will be notified that the petition is approved. Where the requirements are not met, the petition will be returned to the applicant with appropriate instructions.

(e) Admission Fee. Each petitioner shall pay an admission fee upon the filing of the petition, subject to refund, should the petitioner not be admitted. The amount of the fee shall be established by the court. The Clerk shall deposit the fee in the District Court Fund.

(f) Duty to Maintain Contact Information. Every member of the trial bar must maintain current contact information (street address, telephone number, and e-mail address) with the Clerk, and must adivse the Clerk within 30 days of any change.

(g) Duty to Supervise. Every member of the trial bar shall be available to be assigned by the court to supervise attorneys who are in the process of obtaining observation units needed to qualify for membership in the trial bar. Such assignments shall be made in a manner so as to allocate the responsibility imposed by this rule equally among all members of the trial bar.

(h) Duty to Accept Assignments. Each member of the trial bar shall be available for assignment by the court to represent or assist in the representation of those who cannot afford counsel.

(i) Renewal. Membership in the trial bar must be renewed every three years. An applicant for

renewal must complete a Trial Bar Membership Renewal Form. The renewal fee shall be one-half of the current fee for admission to the trial bar. An attorney who does not renew his/her membership within one month of the expiration of the three-year anniversary date of admission to the trial bar will be deemed to have withdrawn.

(j) Withdrawal from Trial Bar. A member of the trial bar may, on motion for good cause shown, voluntarily withdraw from said bar. Such motion shall be filed with the Clerk for presentation to the Executive Committee. Where the motion to withdraw is made by a member of the current *pro bono* panel (LR 83.35(b), the name of the attorney will be removed from the *pro bono* panel if the motion is granted.

(k) Reinstatement. Any attorney who has withdrawn from membership in the trial bar pursuant to section (j) but wishes to be reinstated must file a new petition for admission to the trial bar and pay the full current trial bar fee. Where the attorney was a member of a *pro bono* panel at the time the petition to withdraw was filed, the petition for trial bar admission shall include a statement indicating the attorney's present willingness and ability to accept an assignment under LR 83.35 through LR 83.41. If the committee grants the motion in such an instance, it shall direct that the attorney be included in the *pro bono* panel and remain there for one year or until the attorney is assigned, whichever comes first.

Amended November 2, 2010, May 27, 2015, June 29, 2015, December 23, 2016 and March 29, 2018

LR 83.12. Appearance of Attorneys Generally

(a) Who May Appear. Except as provided in LR 83.14 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, 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 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, November 20, 2020, and June 29, 2023

LR 83.13. Representation by Supervised Senior Law Students

A law school student who has been certified by the Administrative Director of Illinois Courts to render services in accordance with Rule 711 of the Rules of the Illinois Supreme Court may perform such services in this Court under like conditions and under the supervision of a member of the trial bar of this Court. In addition to the agencies specified in paragraph (b) of said Rule 711, the law school student may render such services under the supervision of the United States Attorney for this District, the legal staff of any agency of the United States government or the Federal Defender Program for this District including any of its staff or panel attorneys or, with the prior approval of the assigned judge on a case-by-case basis, any member of the trial bar of this court. The trial bar attorney who is supervising the senior law student shall file an appearance in the matter. The law student shall not file an appearance.

Amended December 23, 2016

LR 83.14. Appearance by Attorneys Not Members of the Bar

A member in good standing of the bar of the highest court of any state or of any United States district court may, upon motion, be permitted to argue or try a particular case in whole or in part subject to the requirements of LR 83.12. A petition for admission under this rule shall be on a form approved by the Executive Committee. The Clerk shall provide copies of such forms on request.

The fee for admission under this Rule shall be established by the Court. The fee shall be paid to the Clerk who shall deposit it in the District Court Fund.

A petition for admission under this rule may be presented by the petitioner. No admission under this rule shall become effective until such time as the fee has been paid.

Amended May 31, 2011 and December 23, 2016

~~LR 83.15. Local Counsel: Designation for Service~~

~~**(a) Designation.** An attorney not having an office within this District ("nonresident attorney") may appear before this Court only upon having designated as local counsel a member of the bar of this Court having an office within this District upon whom service of papers may be made. Such designation shall be made at the time the initial notice or pleading is filed by the nonresident attorney. Local counsel shall file an appearance but is not required to participate in the case beyond performance of the duties identified in section (c).~~

~~**(b) Penalties.** Where a nonresident attorney tenders documents without the required designation of local counsel, the Clerk shall process them as if the designation were filed and shall promptly notify the attorney in writing that the designation must be made within 30 days. If the attorney fails to file the designation within that time, the documents filed by the attorney may be stricken by the court.~~

(c) ~~**Duties of Local Counsel.** Local counsel shall be responsible for receiving service of notices, pleadings, and other documents and promptly notifying the nonresident attorney of their receipt and contents. In emergencies, local counsel may appear on behalf of the nonresident attorney. This rule does not require local counsel to handle any substantive aspects of the litigation. Nor does the rule require local counsel to sign any pleading, motion or other paper (See Fed.R.Civ.P. 11).~~ Local Rule 83.15 Abrogated per General Order 23-0021 on July 6, 2023.

LR 83.16. Appearance Forms

(a) General. The Executive Committee will approve the format of the appearance form to be used. The Clerk shall provide copies of the forms on request.

(b) Who Must File. Except as otherwise provided in these rules, an appearance form shall be filed by every attorney or senior law student who represents a party in any proceeding brought in this Court, whether before a district judge or magistrate judge. No appearance form need be filed by the United States Attorney or any Assistant United States Attorney where the appearance is on behalf of the United States, any agency thereof or one of its officials. The United States Attorney's Office must provide the name of a designated Assistant United States Attorney who is to receive electronic notices of Court proceedings in addition to the notices received by the United States Attorney's central e-mail account.

(c) Appearance by Firms Prohibited. Appearance forms are to list only the name of an

individual attorney. The Clerk is directed to bring to the attention of the assigned judge any appearance form listing a firm of attorneys rather than an individual attorney. For the purposes of this rule, an individual attorney who practices as a professional corporation may file the appearance as the professional corporation.

(d) When To Be Filed. An attorney required by these rules to file an appearance form shall file the form prior to or simultaneously with the filing of any motion, brief or other document in a proceeding before a district judge or magistrate judge of this Court, or at the attorney's initial appearance before a district judge or magistrate judge of this Court, whichever occurs first. Where the appearance is filed by an attorney representing a criminal defendant in a proceeding before a district judge or magistrate judge, the attorney shall serve a copy of the appearance on the United States attorney.

(e) Penalties. If the Clerk determines that an attorney who has filed documents or appeared in court has not filed the appearance form required by this rule, the Clerk will notify the district judge or magistrate judge before whom the proceedings are pending. An attorney who fails to file an appearance form where required to do so by this rule may be sanctioned.

(f) Emergency Appearances. An attorney may appear before a district judge or magistrate judge without filing an appearance form as required by this rule where the purpose of the appearance is to stand in for an attorney who has filed or is required to file such a form and the latter attorney is unable to appear because of an emergency.

(g) Attorney ID Numbers. The number issued to members of the Illinois bar by the Illinois Attorney Registration and Disciplinary Commission, or such other number as may be approved by the Executive Committee, shall serve as the attorney's identification number. The Clerk shall issue identification numbers to attorneys who are not members of the Illinois bar.

Amended June 24, 2009 and December 23, 2016

LR 83.17. Withdrawal, Addition, and Substitution of Counsel

An attorney who has filed an appearance form pursuant to LR 83.16 is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may any other attorney file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these rules a member of the trial bar is acting as a supervisor or is accompanying a member of the general bar, the trial bar member included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Where an attorney withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form Notification of Party Contact Information must be electronically filed as an attachment to the motion to withdraw.

Amended 5/27/16 and December 23, 2016

LR 83.18. Transfer to Inactive Status

(a) Automatic Transfer. When a member of the general bar of this Court is transferred to inactive status by the highest court of any state of the United States or the District of Columbia, the order transferring the attorney to inactive status shall stand as the order transferring the attorney to inactive status in this Court.

Upon being made aware of any order that would automatically transfer a member of the general bar to inactive status, the Clerk shall promptly notify the attorney of the provisions of this rule. The Clerk's notice will identify the order upon which automatic transfer to inactive status is being based.

Within 21 days of the mailing of the notice by the Clerk, the attorney subject to automatic transfer to inactive status may file a motion with the Executive Committee requesting relief from the transfer to inactive status and stating reasons for the request.

(b) Motion for Transfer. An attorney may, in the absence of disciplinary proceedings, file a motion with the Executive Committee requesting transfer to inactive status. The Committee may appoint the United States Attorney or any other attorney to conduct an investigation and make recommendations to the Committee as to whether the motion should be granted.

(c) Practice of Law Prohibited. An attorney who has been transferred to inactive status may not engage in the practice of law before this Court until restored to active status.

(d) Automatic Reinstatement. When an attorney has been transferred to inactive status by the highest court of any state of the United States or the District of Columbia solely for nonpayment of registration fees and has been reinstated upon payment of registration fees, that attorney will automatically be reinstated to the roll of attorneys of this Court upon receipt of notification by the clerk of that court.

(e) Reinstatement. An attorney who has been transferred to inactive status may file a petition for reinstatement with the Executive Committee. If the petition is denied by the Executive Committee, the attorney shall, upon request, be granted a hearing for review of the denial.

(f) Disciplinary Proceedings. Disciplinary proceedings may be commenced against an attorney in inactive status. If a disciplinary proceeding is pending against an attorney at the time the attorney is transferred to inactive status, the Executive Committee shall determine whether the disciplinary proceeding is to proceed or is to be held in abeyance until further order of the

Committee.

Amended December 23, 2016

LR 83.25. Disciplinary Proceedings Generally

(a) Definitions. The following definitions shall apply to the disciplinary rules:

(1) The term "another court" shall mean any other court of the United States or of the District of Columbia, or of any state, territory, commonwealth, or possession of the United States.

(2) The term "complaint of misconduct" shall mean any document in which it is alleged that an attorney practicing before this Court is guilty of misconduct.

(3) The term "discipline" shall include disbarment, suspension from practice before this Court, reprimand or censure, and 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. The term discipline is not intended to include sanctions or contempt.

(4) The term "misconduct" shall mean any act or omission by an attorney admitted to practice before this Court that violates the applicable Code of Conduct.

(b) Executive Committee. The Executive Committee shall serve as the disciplinary committee of the Court.

(c) Jurisdiction. Nothing contained in these rules shall be construed to deny such powers as are necessary for a district judge, magistrate judge or bankruptcy judge of this Court to maintain control over proceedings conducted before that district judge, magistrate judge or bankruptcy judge, such as proceedings for contempt under LR 37.1, Fed.R.Crim.P. 42 or18 U.S.C. §§401 and 402.

(d) Attorneys Admitted Under LR 83.14. An attorney who is not a member of the bar of this Court who, pursuant to LR 83.14, petitions to appear or is permitted to appear in this Court for purposes of a particular proceeding (pro hac vice), shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(e) Confidentiality. Proceedings before the Executive Committee shall be confidential, except that the Committee may in the interests of justice and on such terms it deems appropriate authorize the Clerk to produce, disclose, release, inform, report, or testify to any information, reports, investigations, documents, evidence or transcripts in the clerk's possession. Where a disciplinary proceeding is assigned to a judge of this Court pursuant to these rules, the record and hearings in the proceeding before that judge shall be public, unless for good cause that judge shall in writing order otherwise. Final orders in disciplinary matters shall be a matter of public record and may be published at the direction of the Executive Committee or the assigned judge.

(f) Filing. An answer to a rule to show cause, a statement of charges, and any other document filed in connection with a disciplinary proceeding before the Executive Committee shall be filed with the attorney admissions coordinator or such other deputy clerk as the Clerk may in writing designate.

Committee Comment: A proceeding to discipline a member of the bar of this Court can arise in one of three ways: another court disciplines the attorney; the attorney is convicted of a serious crime; or a complaint is filed alleging misconduct on the part of the attorney. Traditionally, most disciplinary proceedings have been reciprocal proceedings, *i.e.*, proceedings initiated following the discipline of the attorney by another court. The next largest group of disciplinary proceedings consist of those initiated by the conviction of an attorney in this Court for a serious crime.

The Executive Committee is the disciplinary committee of the Court. In those circumstances where an evidentiary hearing may be required as part of the disciplinary proceeding, the Committee may direct that the proceeding be assigned to an individual judge. (LR 83.28(e))

As section (c) indicates, the disciplinary rules are not intended to diminish or usurp the authority of a judge in maintaining order in that judge's courtroom or in enforcing compliance with that judge's orders. Disciplinary proceedings are not alternatives to contempt proceedings. LR 83.14 establishes the procedures for admitting an attorney who wishes to appear *pro hac vice*. Section (d) of LR 83.25 provides that such attorneys are subject to the same discipline as attorneys who are members of the general bar of the Court.

Section (e) of this rule provides that in general disciplinary proceedings are confidential. Any final orders imposing discipline are public. Where a proceeding is assigned to an individual judge, it becomes at that point like any other civil proceeding, a matter of public record. As with any other civil case, there may be exceptional circumstances where some or all of the record or hearings should not be made public. Section (e) permits this.

Section (f) makes explicit what has been a practice of long standing: materials relating to disciplinary proceedings before the Executive Committee are to be filed with the Attorney Admissions Coordinator. This procedure enables more effective control over the documents in disciplinary proceedings, a control necessary to assure that the confidentiality of such proceedings is maintained. In addition, the coordinator serves as a source of information on procedure for attorneys involved in disciplinary proceedings .

Amended May 31, 2011 and December 23, 2016

LR 83.26. Discipline of Attorneys Disciplined by Other Courts

(a) Duty to Notify. Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by another court, promptly inform the Clerk of this Court of

such action.

(b) Disciplinary Order as Evidence. Except as provided in section (e), the final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

(c) Rule to Show Cause. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been disciplined by another court, the Executive Committee shall forthwith enter an order directing that the attorney inform the Committee of any claim by that attorney predicated upon the grounds set forth in section (e) that the imposition of the identical discipline by this Court would be unwarranted and the reasons for such a claim. The order will also provide that the response, if any, is to be filed with the Clerk within 14 days of service. A certified copy of the order and a copy of the judgment or order from the other court will be served on the attorney by (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) with signature required; (3) CM/ECF; or (4) email. Any one of these methods is sufficient to provide notice under this rule.

(d) Effect of Stay of Imposition of Discipline in Other Court. In the event the discipline imposed in the other jurisdiction has been stayed, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(e) Imposition of Discipline; Exceptions. Upon the expiration of 14 days from service of the notice issued pursuant to the provisions of section (b), the Executive Committee shall immediately impose the identical discipline unless the attorney demonstrates, or the Executive Committee finds--

(1) that the procedure before the other court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
(2) that there was such a infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
(3) that the imposition of the same discipline by this Court would result in injustice; or
(4) that the misconduct established is deemed by this Court to warrant different discipline.

If the Executive Committee determines that any of those elements exist, it shall enter such other order as it deems appropriate.

An order imposing suspension or disbarment shall be entered on every docket in the attorney's pending cases. The order shall be sent by: (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) with signature required; (3) CM/ECF; or (4) email. Any one of these methods is sufficient to provide notice under this rule.

Amended January 30, 2009, December 23, 2016, September 30, 2019, and April 21, 2022.

LR 83.27. Discipline of Convicted Attorneys

(a) Automatic Suspension. Upon the filing with this Court of a certified copy of a judgment of

conviction demonstrating that any attorney admitted to practice before the Court has been convicted of a serious crime in this or another court, the Executive Committee shall enter an order immediately suspending that attorney, until final disposition of a disciplinary proceeding to be commenced upon such conviction. Such order shall be entered regardless of whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. The Clerk shall send the order by: (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) with signature required; (3) CM/ECF; or (4) email. Any one of these methods is sufficient to provide notice under this rule. AA copy of the order shall be entered on every docket in the attorney's pending cases. During any such period of suspension, the Clerk's Office will provide the party with Notices of Docket Activity in the case until such time as the suspension is terminated or another attorney appears on behalf of the client. Upon good cause shown, the Executive Committee may set aside such order when it appears in the interest of justice to do so.

(b) Judgment of Conviction as Evidence. A certified copy of a judgment of conviction of any attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(c) Executive Committee to Institute Disciplinary Proceedings. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Executive Committee shall, in addition to suspending that attorney in accordance with the provisions of this rule, institute a disciplinary proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction. Each disciplinary proceeding so instituted will not be concluded until all appeals from the conviction are concluded.

(d) Proceedings Where Attorney Convicted of Other Than Serious Crime. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a serious crime, the Executive Committee may, in its discretion, initiate a disciplinary proceeding.

(e) Reinstatement where Conviction Reversed. An attorney suspended pursuant to section (a) will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney. The disposition of such proceeding shall be determined by the Executive Committee on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(f) Duty to File Notification of Party Contact Information form. Where a suspended or disbarred attorney mandatorily withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form Notification of Party Contact Information must be electronically filed as an attachment to the motion to withdraw.

Amended December 23, 2016, September 30, 2019, and April 21, 2022

LR 83.28. Discipline of Attorneys for Misconduct

(a) Complaint of Misconduct. Any complaint of misconduct shall be filed with the chief judge. The complaint may be in the form of a letter. The chief judge shall refer it to the Executive Committee for consideration and appropriate action.

(b) Action by Executive Committee. On receipt of a complaint of misconduct, the Committee may forward a copy to the attorney and ask for a response within a time set by the Committee. On the basis of the complaint of misconduct and any response, the Committee may—

(1) determine that the complaint merits no further action, or
(2) direct that formal disciplinary proceedings be commenced, or
(3) take such other action as the Committee deems appropriate, including the assignment of an attorney pursuant to LR 83.29.

(c) Statement of Charges; Service. To initiate formal disciplinary proceedings based on allegations of misconduct, the Executive Committee shall issue a statement of charges. In addition to setting forth the charges, the statement of charges shall include an order requiring the attorney to show cause, within 14 days after service, why the attorney should not be disciplined.

Upon issuance of the statement of charges, the Clerk shall send the order by: (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) with signature required; (3) CM/ECF; or (4) email. Any one of these methods is sufficient to provide notice under this rule. A If the statement is returned as undeliverable, the Clerk shall so notify the Executive Committee. The Executive Committee may direct that further attempts at service be made, either personal service by a private process server or by the United States marshal, or by publication. Personal service shall be accomplished in the manner provided by Fed.R.Civ.P. 5(b) for service other than by mail.
Service by publication shall be accomplished by publishing a copy of the rule to show cause portion of the statement in accordance with the provisions of LR 83.3. Except as otherwise directed by the Executive Committee, the division of the Court in which the notice is to be published will be as follows:

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

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

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

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

desires to consent to disbarment and that:

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

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

An order imposing suspension or disbarment shall be entered on every docket in the attorney's pending cases. A copy of the order shall be sent by: (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) with signature required; (3) CM/ECF; or (4) email. Any one of these methods is sufficient to provide notice under this rule. A

Amended May 24, 2013, December 23, 2016, September 19, 2019, and April 21, 2022

LR 83.29. Discipline: Assignment of Investigation Counsel

(a) Assignment. The Executive Committee or the judge to whom the case is assigned may assign one or more attorneys to investigate allegations of misconduct, to prosecute disciplinary proceedings, or to review a reinstatement petition filed by a disciplined attorney. The United States attorney or an assistant United States attorney, the administrator of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois or a designee of the administrator, or a member of the bar of this Court may be assigned. Once assigned, an attorney may not resign unless permission to do so is given by the Executive Committee or the judge to whom the case is assigned.

(b) Subpoenas. An attorney assigned under section (a) may, with the approval of the Executive Committee or the presiding judge, cause subpoenas to be issued during the proceedings. Any subpoenas issued pursuant to this rule shall be returnable before the Executive Committee or the presiding judge.

Amended May 24, 2013 and December 23, 2016

LR 83.30. Reinstatement

(a) Automatic & by Petition. An attorney suspended for 3 months or less shall be automatically reinstated at the end of the period of suspension. An attorney suspended for more than 3 months or disbarred may not resume practice until reinstated by order of the Executive Committee.

(b) Petition for Reinstatement. A petition for reinstatement may be filed under the following conditions:

(1) *by a suspended attorney:* An attorney who has been suspended for a period of more than 3 months may petition for reinstatement at any time following the conclusion of the period of suspension.

(2) *by a disbarred attorney:* A petition to reinstate a disbarred attorney may not be filed until at least 5 years has elapsed from the effective date of the disbarment.

Following an adverse decision upon a petition for reinstatement, a period of at least 1 year must elapse from the date of the order denying reinstatement before a subsequent petition for reinstatement may be filed.

Petitions for reinstatement shall be filed with the attorney admissions coordinator or such other deputy as the Clerk may in writing designate. The Executive Committee may grant the petition without hearing, decide the petition based on a hearing before the Committee, or assign the matter for prompt hearing before, and decision by, a judge of this Court. Where the Committee directs that the petition be assigned to a judge, the assignment will be in the same manner as provided by LR 83.28(e) for the assignment of a statement of charges alleging misconduct.

(c) Hearing. A petition for reinstatement will be included on the agenda of the first meeting of the Executive Committee scheduled for not less than 7 days after the time the petition is filed. At that meeting, the Committee will consider whether to grant the petition, schedule a hearing, or direct that it be assigned to a judge. Where a hearing is to be held and the Executive Committee has directed that the matter be assigned to a judge, it shall be scheduled for a date not less than 30 days from the date of assignment.

(d) Burden of Proof. At the hearing, the petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the requisite character and fitness for admission to practice law before this Court and that the petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(e) Duties of Counsel. Where an attorney is appointed pursuant to LR 83.29, cross-examination of the witnesses of the petitioner and the submission of evidence in opposition to the petition, if any, shall be by that attorney.

(f) Conditions of Reinstatement. The petition for reinstatement shall be denied if the petitioner fails to demonstrate fitness to resume the practice of law. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, but may make reinstatement conditional upon the making of partial or complete restitution to parties harmed by the conduct

of petitioner which led to the suspension or disbarment. If the petitioner has been suspended or disbarred for 5 years or more, reinstatement may be conditioned, in the discretion of the Executive Committee or the judge before whom the matter is heard, upon the furnishing or proof of competency and learning in the law. Such proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

Amended December 23, 2016

LR 83.31. Duties of the Clerk

(Rule moved to Internal Operating Procedure 8 May 31, 2011)

LR 83.35. Pro Bono Program

(a) DEFINITIONS. The following definitions shall apply to the *pro bono* rules:

(1) The term "assignment of counsel" shall mean the assignment of a member of the trial bar to represent a party who lacks the resources to retain counsel. Such assignment shall only be in a civil action or appeal and shall not include any assignment made pursuant to the Criminal Justice Act of 1964, 18 U.S.C. §3006A.

(2) The term "judge" shall mean the judge to whom the action is assigned. It shall include a magistrate judge where the assignment is made in a civil case assigned to a magistrate judge for all purposes pursuant to 28 U.S.C. §636(c) or referred for evidentiary hearings pursuant to 28 U.S.C. §636(b)(1)(B).

(3) The terms "*pro bono* rules" and "*pro bono* program" shall refer to LR 83.35 through 83.41.

(b) CREATING THE Pro Bono PANEL.

(i)At the start of each calendar year, the Clerk will create a pool consisting of the entire membership of the trial bar, including any new members, but excluding any members who have previously accepted an assignment. Names in the pool will be listed in random order.

(ii)At the start of each calendar quarter, the Clerk will create a pro bono panel by selecting, in random order, the names of a number of trial bar members equal to the estimated number of pro bono assignments to be made in the following quarter. Attorneys chosen for the panel will be notified by e-mail and directed to complete a Profile Form, if one is not already on file. An attorney who practices primarily in the Eastern Division but who prefers appointment to a case pending in the Western Division of this court should so notify the Clerk.

(iii) An attorney who is exempt from pro bono assignment pursuant to LR 83.35(d) shall notify the Clerk of the exemption when the attorney receives notice of his or her selection for the panel. The Clerk will remove the attorney's name from the panel and from the pool for one year.

(iv) After accepting a pro bono assignment, trial bar members will ordinarily be eligible for subsequent pro bono assignment only after all non-exempt trial bar members have been assigned a pro bono case in accordance with this rule.

(c) NOTIFICATION TO PANEL. Following the selection of a panel the Clerk shall notify each member by e-mail and direct each member to complete a Profile Form, if one is not already on file. Such Form shall disclose:

(1) counsel's prior civil trial experience, including a general indication of the number of trials and areas of trial experience;
(2) counsel's ability to consult and advise in languages other than English;
(3) counsel's preference, if any, for appointment to a case pending in the Western Division

of this Court.
The information set forth in the Form may be amended at any time by letter.

(d) EXEMPTIONS. A member of the trial bar may be removed from a panel upon request upon a showing that

(1) the attorney's principal place of business is outside of this District, or
(2) the attorney is employed full-time as an attorney for an agency of the United States, a state, a county, or any sub-division thereof, or
(3) the attorney is employed full-time as an attorney by a not-for-profit legal aid organization.

(e) VOLUNTEERS. A member of the trial bar may volunteer to be included in a pro bono panel at any time and will be assigned to the next available case.

(f) COMPLETION OF SERVICE. Any member of the trial bar who has accepted an assignment prior to the effective date of this rule is eligible for a further case assignment no earlier than 12 months following the completion of the attorney's most recent assignment. On and after the effective date of this rule, an attorney who has accepted an assignment under this rule will ordinarily not be assigned another case until every other member of the trial bar has been so assigned.

Amended December 23, 2016

LR 83.36. Assignment Procedures

(a) Application. Any application for the assignment of counsel by a party appearing *pro se* shall be on a form approved by the Executive Committee. The application shall include a form of affidavit stating the party's efforts, if any, to obtain counsel by means other than assignment and listing any prior matters, pending or terminated, in which counsel has been assigned by any judge of this court to represent that party. A completed copy of the affidavit of financial status in the form required by LR 3.3(a)(2) shall be attached to the application. A *pro se* party who was ineligible for assigned counsel at the outset of the litigation who later becomes eligible by reason of changed circumstances may apply for assignment of counsel within a reasonable time after the change in circumstances has occurred.

(b) Selection of Attorney

(i) By the Clerk. Upon request from a judge, the Clerk will identify an attorney from the pro bono panel at random for assignment, provided that attorneys whose practice is primarily in the Western Division of this court will not be assigned to a case pending in the Eastern Division.

(ii) By the Judge. The judge presiding in any case retains discretion to assign counsel as set forth in IOP 8. Selection by a judge pursuant to IOP8 is the equivalent of selection by the Clerk for purposes of fulfilling the attorney's trial bar case representation requirement. An attorney selected by a judge must notify the Clerk of the assignment.

(c) Notice of Assignment. After counsel has been selected, the Clerk shall forthwith send to counsel written notice of the assignment. In addition to notifying counsel, the Clerk shall also notify all of the parties to the action of the assignment and include with such notification the name, address, and telephone number of the assignee.

(d) Making Private Counsel Court-Assigned. A party represented by counsel, or the attorney may, due to the party's financial condition, seek to change the nature of the representation to

court-assigned representation, in order to render counsel eligible for reimbursement of expenses from the District Court Fund pursuant to LR 83.40. , Such a change may be approved by the court on a petition. Any such petition shall confirm that approval of the change in representation will negate any existing fee agreements between the party and counsel, and that any subsequent fee agreements between the party and counsel will be made in accordance with the provisions of LR 83.41. The judge will grant the petition only if the judge would have granted an application filed under this rule had the party not been represented by counsel. Where a party is represented by more than one attorney, any order of assignment under this section shall preclude prospective operation of fee agreements with all such counsel but the assignment would be limited to those attorneys seeking such assignment.

Amended May 24, 2013 and December 23, 2016

LR 83.37. Duties & Responsibilities of Assigned Counsel

Upon receiving notice of assignment, counsel shall forthwith file an appearance in accordance with LR 83.12 in the action to which counsel is assigned. Promptly following the filing of an appearance, counsel shall communicate with the newly-represented party concerning the action or appeal. In addition to a full discussion of the merits of the dispute, counsel shall explore with the party any possibilities of resolving the dispute in other forums, including but not limited to administrative forums. If after consultation with counsel the party decides to prosecute or defend the action or appeal, counsel shall proceed to represent the party in the action or appeal unless or until the attorney- client relationship is terminated as provided by these rules.

Except where the assignment is terminated pursuant to LR 83.38 or LR 83.39, each assigned counsel shall represent the party in the action from the date counsel enters an appearance until a final judgment is entered in the action. If the matter is remanded to an administrative forum, the assigned counsel shall, unless given leave to withdraw by the judge, continue to represent the party in any proceeding, judicial or administrative, that may ensue upon an order of remand. The assigned counsel is not required by these rules to continue to represent a party on appeal should the party represented wish to appeal from a final judgment.

Upon assignment for purposes of settlement assistance, the attorney will assist in preparing for the settlement conference, participate in the settlement conference on behalf of the pro se litigant, and draft a settlement agreement and corresponding motion to dismiss, if appropriate. Assistance under the Settlement Assistance Program will be limited only to the effort to settle the case and will not extend to any other part of the litigation process.

Amended May 24, 2013 and December 23, 2016

LR 83.38. Relief from Assignment

(a) Grounds; Application. After assignment counsel may move for relief from an order of assignment only on the following grounds or on such other grounds as the assigning judge finds adequate for good cause shown:

(1) Counsel is 70 years of age or older, has no active appearance on file in any case in this District and requests relief from the assignment. Relief under this provision does not require withdrawal from the trial bar or alternate pro bono assignment.

(2) Some conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.

(3) In counsel's opinion, counsel is not competent to represent the party in the particular type of action assigned.

(4) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party.

(5) Because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the party.

(6) In counsel's opinion, the party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.

Any application by assigned counsel for relief from an order of assignment on any of the grounds set forth in this section shall be made to the judge promptly after the attorney becomes aware of the existence of such grounds, or within such additional period as may be permitted by the judge for good cause shown.

Where the attorney requesting withdrawal from a *pro bono* assignment has previously withdrawn from another recruitment, the application shall disclose the case name and number, the nature of the assignment and the reason for withdrawal.

(b) Order Granting Relief. If an application for relief from an order of assignment is granted, the judge may in the judge's discretion either enter or not enter a further order directing the assignment of another counsel to represent the party. Such assignment shall be made in accordance with the procedures set forth in LR 83.36. In any action where the judge discharges assigned counsel but does not issue a further order of assignment, the party shall be permitted to proceed *pro se*.

(c) Consequences of Relief from Assignment.

Where the judge enters an order granting relief from an order of assignment on the basis of LR 83.38(a)(4) (substantial disagreement with the client) or LR 83.38(a)(5) (determination that the case is frivolous or filed for improper purpose), or LR 83.39 (discharged by the client), the judge shall determine whether the attorney has satisfied the case representation obligation or should be placed in the next pro bono panel.

Where the judge enters an order granting relief from an order of assignment because the assignment would create a conflict with a current representation, the attorney will be returned to the pro bono panel for another assignment.

Where the judge enters an order granting relief from an order of assignment on the grounds that counsel lacks relevant substantive expertise or lacks the time to represent the party due to a temporary burden of other professional commitments, counsel so relieved shall, except as otherwise provided in the order, automatically be included among the names selected for the next panel. An attorney relieved of assignment on such grounds will, within one year

(1) obtain any necessary substantive expertise and

(2) certify that the attorney has engaged in one of the following alternatives to case representation:

(i) at least 50 hours of substantial alternative pro bono effort in a trial or settlement context (for example, service to the indigent or service to a governmental or civic organization);

(ii) volunteering at either the District Court's Hibbler Memorial Pro Se Help Desk or the Bankruptcy Assistance Desk for at least one three-hour shift per month for one full year or

twelve total shifts over the course of the year. An attorney electing this alternative must complete or have completed a Pro Se Help Desk or Bankruptcy Assistance Desk training session before beginning service;

(iii) service as counsel for two appointments with the court's Settlement Assistance Program. An attorney electing this alternative must complete or have completed a Settlement Assistance Program training session before the appointments.

An attorney who fails to satisfy one of these alternatives will, absent good cause, be deemed to have withdrawn from the trial bar.

Amended December 23, 2016, March 29, 2018;
April 22, 2018; February 24, 2023

LR 83.39. Discharge of Assigned Counsel on Request of Party

Any party for whom counsel has been assigned shall be permitted to request the judge to discharge that counsel from the representation and to assign another. Such request shall be made promptly after the party becomes aware of the reasons giving rise to the request, or within such additional period as may be permitted by the judge for good cause shown.

When such a request is supported by good cause, such as personal incompatibility or a substantial disagreement on litigation strategy between the party and assigned counsel, the judge shall forthwith issue an order discharging and relieving assigned counsel from further representation of the party in the action or appeal. Following the entry of such an order of discharge, the judge may in the judge's discretion either enter or not enter a further order directing the assignment of another counsel to represent the party. Such assignment shall be made in accordance with the procedures set forth in LR 83.36. In any action where the judge discharges assigned counsel but does not issue a further order of assignment, the party shall be permitted to proceed *pro se*.

In any action where a second counsel is assigned and subsequently discharged upon request of a party, no additional assignment shall be made except on a strong showing of good cause.

Amended May 24, 2013 and December 23, 2016

LR 83.40. Expenses

(a) Any party for whom counsel has been recruited by the Court pursuant to LR 83.36 and has filed an appearance on behalf of the party shall bear expenses of the litigation to the extent reasonably feasible considering the party's financial condition. Such expenses shall include, but not be limited to discovery expenses, subpoena and witness fees, and transcript expenses. If the party is unable to pay the expenses of litigation, recruited counsel may advance part or all the payment of any such expenses without requiring that the party remain ultimately liable for such expenses, except out of the proceeds of any recovery. The assigned attorney or firm is not required to advance the payment of such expenses.

(b) Counsel recruited pursuant to LR 83.36 may obtain prepayment or reimbursement of expenses from the District Court Fund in accordance with the provisions of the Regulations Governing the Prepayment and Reimbursement of Expenses in Pro Bono Cases. If a party derives funds from a settlement, judgment, or other award of costs or fees in excess of $50,000, the receiving party shall be required to reimburse the District Court Fund for any expenditures in excess of $5,000 (other than interpreter fees) made on behalf of that party. Receipt of payments

and reimbursements from the District Court Fund operates as the receiving party's consent to this reimbursement requirement. If the receiving party does not derive settlement funds in excess of $50,000, no such reimbursement is required.

Amended June 30, 2015, December 23, 2016,
March 22, 2019, November 20, 2020, and February 24, 2023

LR 83.41. Attorney's Fees

(a) Party's Ability to Pay. Where, as part of the process of assigning counsel, the judge finds that the party is able to pay for legal services in whole or in part but that assignment is nevertheless justified, the judge shall include in the order of assignment provisions for any fee arrangement between the party and the assigned counsel.

If assigned counsel discovers, after assignment, that the party is able to pay for legal services in whole or in part, counsel shall bring that information to the attention of the judge. Thereupon the judge may either (1) authorize the party and counsel to enter into a fee agreement subject to the judge's approval, or (2) relieve counsel from the responsibilities of the order of assignment and either permit the party to retain an attorney or to proceed *pro se*.

(b) Fee Agreements. If assigned counsel wishes to negotiate a fee arrangement with the client, counsel is expected to do so at the outset of the representation. Any such fee arrangement is subject to all applicable rules and canons of professional conduct. Any fee agreement that assigned counsel and the client may reach must be submitted to the court for review and approval before the agreement becomes effective, and is subject to revision by the court.

(c) Allowance of Fees. Upon appropriate application by assigned counsel, the judge may award attorney's fees to assigned counsel for services rendered in the action as authorized by applicable statute, regulation, rule, or other provision of law, including case law.

Amended January 31, 2012, June 29, 2015 and December 23, 2016

LR 83.50. Rules of Professional Conduct

Applicable disciplinary rules are the Model Rules adopted by the American Bar Association. On any matter not addressed by the ABA Model Rules or for which the ABA Model Rules are inconsistent with the Rules of Professional Conduct, a lawyer admitted to practice in Illinois is governed by the Illinois Rules of Professional Conduct, as adopted by the Illinois Supreme Court, and a lawyer not admitted to practice in Illinois is bound by the Rules of Professional Conduct for the state in which the lawyer's principal office is located. Notwithstanding the foregoing, limited scope appearances of attorneys, as set forth in Illinois Supreme Court Rules 11(e), 13(c)(6), 13(c)(7), and any comparable rules of other states, are not permitted in matters before this Court. Any attorney seeking to enter a limited appearance on behalf of a party may do so only with leave of Court.

Adopted June 2, 2011, Amended May 23, 2014

LR 83.58.5. Jurisdiction

Any lawyer practicing before this Court is subject to the disciplinary authority of this Court although also engaged in practice elsewhere.

Committee Comment. In addition to the fact that Illinois lawyers practice in Illinois state courts as well as in this Court, in modern practice lawyers frequently act outside the territorial limits of the jurisdiction in which they are licensed to practice, either in another state or outside the United States. In doing so, they remain subject to the governing authority of this Court as well as the state jurisdiction in which they are licensed to practice.

Where the lawyer is licensed to practice law before two courts which impose conflicting obligations, applicable rules of choice of law may govern the situation. This Court's adoption of rules differing to some extent from the Illinois Rules has been intended, to the maximum extent possible, to minimize, or avoid entirely, such conflicting obligations.

ADMIRALTY RULES

LRSupA.1. Local Admiralty Rules, Application of Local Civil Rules

Local rules numbered as LRSupA.1, LRSupB.1, etc., are associated with the Supplemental Rules For Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. They may be referred to as the "local admiralty rules." The terms "Supplemental Rule" and "Supplemental Rules" as used within the local admiralty rules shall refer to one or all of the Supplemental Rules for Certain Admiralty Claims of the Federal Rules of Civil Procedure.

The local civil rules of this Court shall apply to admiralty and maritime claims to the extent they are not inconsistent with the local admiralty rules.

LRSupB.1. Attachments & Garnishments: Special Provisions

(a) Suits Filed In Forma Pauperis. In suits in forma pauperis no process in rem shall issue except upon proof of 24 hours' notice to the owner of the property or his agent, of the filing of the complaint unless allowed by the court.

(b) Service. In actions in personam where the debts, credits or effects named in any process of maritime attachment and garnishment are not delivered up to the marshal by the garnishee or are denied by him to be the property of the defendant it shall be a sufficient service of such process to leave a copy thereof with such garnishee, or at his usual residence or place of business, with notice of the property attached. On return by the marshal, the plaintiff may proceed to a hearing and final judgment in the cause on providing proof to the satisfaction of the court that the property belongs to defendant.

In actions in rem, process against freight or proceeds of property in possession of any person may be served in the same manner.

(c) Judgment of Default. On the expiration of the time to answer, if no pleading under Fed.R.Civ.P. 12 has been filed, the plaintiff may have an ex parte hearing of the cause and a judgment without notice, except that:

(1) if an appearance has been filed, 7 days' notice of the hearing shall be given by the plaintiff to all persons who have appeared; and

(2) final judgment shall not enter against arrested or attached property until it is shown by affidavit that notice of the motion has been given to the owner of the property, if known to the plaintiff, or otherwise to the owner's agent, if known and to any holder of any security interest in the vessel arrested or attached, recorded in the records of the United States Coast Guard.

The notice shall be by first class mail to the mailing address of record or to the last known address. Failure to give notice as provided by this rule may be grounds for setting aside the default under applicable rules, but shall not affect title to property sold under a judgment.

Amended November 19, 2009

LRSupC.1. Actions in Rem: Special Provisions

(a) Publication; Notice of Sale. The notice required by section (4) of Supplemental Rule C shall be published at least once and shall contain the fact and date of the arrest, the name of the Court, the title of the cause, the nature of the action, the amount demanded, the name of the marshal, the name and address of the attorney for the plaintiff, and a statement that claimants must file their claims pursuant to Supplemental Rule C(6) with the clerk within 14 days after the date of first publication or within such additional time as may be allowed by the court and must file and serve their answers within 21 days after the filing of their claims. The notice shall also state that all interested persons should file claims and answers within the times so fixed; otherwise default will be noted and condemnation ordered.

When property remains in custody of the marshal the cause will not be heard until after publication of notice of arrest shall have been made in that cause or in some other pending cause in which the property is held in custody. No final judgment shall be entered ordering the condemnation and sale of non-perishable property, arrested under process in rem, unless publication of notice of arrest in that cause shall have been duly made.

Unless otherwise ordered as provided by law, notice of sale of the property in suits in rem shall be published daily for at least 7 days before sale.

All publication shall be made in a newspaper of general circulation in the City of Chicago.

(b) Time Within Which to Show Cause. A summons issued pursuant to Supplemental Rule C(3) dealing with freight or the proceeds of property sold or other intangible property, shall set the date by which the person having control of the funds is to show cause. The date shall be at least 10 days after service of the summons. The court, for good cause shown, may shorten the period.

(c) Property in Possession of Collector of Customs. In suits in rem when property is in the possession or custody of the collector of customs the person or organization to whom the clerk delivered the warrant of arrest shall deliver a copy of the process to the collector together with notice of the arrest of the property therein described and require the collector to detain such property in custody until the further order of the court. This requirement shall be in addition to any publication of process made pursuant to section (a).

(d) Limitations on Claims Made After Sale. In proceedings in rem, claims upon the proceeds of sale of property under a final judgment order or decree, except for seamen's wages, will not be admitted in behalf of lienors who file complaints or petitions after the sale, to the prejudice of lienors who filed complaints or petitions before the sale, but shall be limited to the remnants and surplus, unless for cause shown it shall be otherwise ordered.

Amended November 19, 2009

LRSupE.1. Actions in Rem and Quasi in Rem: General Provisions

(a) Security for Costs. Each plaintiff other than the United States shall file a security for cost bond or stipulation in the amount of $250 conditioned that the principal shall pay all costs awarded by this or any appellate court, except as ordered by court.
Municipal corporations within this District shall not be required to file such bond unless ordered by court pursuant to Supplemental Rule E(2)(b).

(b) Stipulations. Whenever the owner or owners of any vessel shall execute and deliver to the clerk a general bond or stipulation as provided by Supplemental Rule E(5)(b) conditioned to answer the judgment of the court in all or any actions that may be brought thereafter in such court in which the vessel is attached or arrested, notice of the process shall be given to the principal and surety or sureties in said bond by service of a copy thereof by the marshal upon each of the persons named in said bond. Failure to receive such notice shall in no wise affect the liability under such bond; all other notices shall be given and the cause proceed as if such vessel had been taken into actual custody.

All stipulations shall contain the consent of the stipulators, that if the party, for whose benefit the stipulation is filed recover, the judgment may be entered against them for an amount not exceeding the amount named in such stipulation.

(c) Notice & Approval. Stipulators may justify on short notice before a magistrate judge, the clerk, or a notary public, who, if required by an adverse party, shall examine the sureties under oath as to their sufficiency, and annex their depositions to the bond or stipulation.
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In all cases where the surety on bonds or stipulations is not a corporate surety holding a certificate of authority of the Secretary of the Treasury and the bond or stipulation is not approved by the parties, reasonable notice of the application for approval by the court or clerk shall be given.

LRSupE.2. Appraisal

In case of seizure of property on behalf of the United States, an appraisal for the purpose of bonding may be had by any party in interest, on giving 7 days' notice of motion for the appointment of appraisers. If the parties or their attorneys and the United States attorney are present in court, such motion may be made instanter, after seizure and without notice.

Orders for the appraisal of property under arrest or attachment at the suite of a private party may be entered as of course, at the instance of any party interested, or upon the consent of the attorneys for the respective parties.

Unless otherwise ordered, only one appraiser shall be appointed. Where the respective parties do not agree in writing, the judge shall name the appraiser.

The appraiser shall give one day's notice of the time and place of making the appraisal to the attorneys in the action. The appraisal shall be filed with the clerk.

Amended November 19, 2009

LRSupE.3. Safekeeping of Vessels; Movement Within Port

Upon seizure of any vessel, the marshal shall make appropriate arrangements for the safekeeping of the vessel. The marshal may require the party at whose instance the vessel is to be seized to pay any costs as incurred.

Upon the request of the claimant of the vessel or of the owner, charterer, master or other person in control of the vessel at the time it was seized, and with the consent of the party at whose instance the vessel was seized, the marshal may appoint the master of the vessel as custodian and may permit the vessel to be worked and shifted within the District without further order of court.

LRSupE.4. Judicial Sale

(a) Marshal's Account of Sale. When any money shall come to the hands of the marshal under or by virtue of any order or process of the court, he shall forthwith present to the clerk a bill of his charges showing the time he received the money. After the filing of the bill of charges and upon the taxation thereof he shall forthwith pay to the clerk the amount of said money less his charges as taxed. An account of all property sold under the order or judgment of this Court shall be returned by the marshal and filed in the clerk's office, with the execution or other process under which the sale was made.

(b) Conditions of Sale. When a vessel is sold under an order or judgment of this Court pursuant to Supplemental Rules E(9)(b) or E(9)(c), the marshal shall make his account of the property sold as provided in section (a) and shall prepare a certificate of sale showing the name and address of the highest bidder. Such sale shall be subject to approval and confirmation by the court or rejection by the court, upon motion and showing of good cause therefor, which motion may be made by the plaintiff, or by any party of record, or by the highest bidder. It shall be the responsibility of the plaintiff, or such other party of record who desires that the sale be approved and confirmed, to prepare and present to the court from the pleadings in the case, or from other sources, a description of the vessel for purpose of identification as an aid to the United States Coast Guard properly to record and index the vessel on its records, or to enable the vessel to be registered or numbered under the Illinois Boat Registration and Safety Act or such other state or federal statute as may be applicable. The description may include the name of the vessel, its official number, if any, its state identification number, if any, its dimensions, the name of the former owner, the ownership interest to be transferred, and the name and address of the purchaser who shall have been the successful bidder at the sale.

(c) Marshal's Bill of Sale. If and when the court approves and confirms the sale, the order approving and confirming such sale shall direct the marshal to issue a marshal's bill of sale containing appropriate identification and description of the vessel so that the same may be recorded pursuant to any applicable regulations of the United States Coast Guard or other government agency.

CRIMINAL RULES

LCR 1.1. Adoption of Rules

These rules apply to the conduct of criminal proceedings in this Court. They may be referred to as "local criminal rules" or, where reference is to a specific rule, "LCR. [*number*]."

Unless otherwise indicated, reference in these rules to the United States attorney shall also include an assistant United States attorney and an assistant United States attorney general.

Reference in these rules to defendant's attorney is in no way intended to preclude a defendant from proceeding *pro se*, in which case a reference to defendant's attorney applies to defendant.

LCR 1.2. Applicability of Local Civil Rules

In all criminal proceedings, the Civil Rules of this Court shall be followed insofar as they are applicable.

LCR 5.1. Duty Magistrate Judge

Magistrate Judges designated as emergency magistrate judges for the Eastern and Western Divisions pursuant to LR 77.2 shall serve as duty magistrate judges.

Magistrate judges in this district shall have the power to perform all duties set forth in the United States Code and the Federal Rules of Criminal Procedure.

Amended March 22, 2019

LCR6.1. Chief Judge to Supervise Grand Jury

The chief judge shall supervise the operations of the grand jury, including empaneling and charging each grand jury at the commencement of its term, providing whatever services it may require, including a convenient place for its deliberations, entering all appropriate orders it requests, and discharging it upon completion of its deliberations or at the end of its term. All matters pertaining to grand juries shall be heard by the chief judge or his or her designee.

LCR6.2. Records of the Grand Juries in the Possession of the Clerk

1. The following documents relating to grand juries shall be public records:
    (1) orders empaneling grand juries;
    (2) orders returning indictments;
    (3) orders extending the period of service of grand juries; and
    (4) orders discharging grand juries.

The clerk is authorized to provide to an attorney who has filed an appearance in a criminal case pending in this Court a copy of any motions, orders, or documents relating to any grand jury subpoena issued in the grand jury proceeding from which the case arose against the person on whose behalf the attorney is appearing.

All other records maintained by the clerk relating to grand juries are restricted documents and shall be available only on order of the chief judge. This includes grand jury subpoenas, transcripts of testimony, the clerk's docket of grand jury proceedings, motions and orders relating to grand jury subpoenas, true bills, and no bills.

LCR 10.1. Arraignments

Following the filing of an indictment or information the clerk shall promptly enter a minute order setting the date of arraignment in accordance with the applicable schedule below. All schedules below are subject to modification by the assigned judge:

(A) Where the defendant is not in custody, and an arrest warrant is not issued in connection with the filing of the indictment or information, the arraignment shall be conducted on or before seven business days following such filing.

(B) Where the defendant is not in custody, but an arrest warrant is issued in connection with the filing of an indictment or information, the arraignment shall be set for no later than two business days after the United States Marshal for the Northern District of Illinois obtains custody of the defendant.

(C) Where the defendant is in the custody of the United States Marshal for the Northern District of Illinois at the time of the filing of the indictment or information, the arraignment shall be set for no later than five business days following such filing.

(D) Where the defendant is in the custody of a custodian other than the United States Marshal for the Northern District of Illinois at the time of the filing of the indictment or information, the arraignment shall be set for two business days after the United States Marshal for the Northern District of Illinois obtains custody of the defendant. Copies of the minute order setting the arraignment shall be attached to the copy of the indictment or information to be served on the defendant and/or defendant’s counsel by the United States Attorney.

Amended February 25, 2022

LCR 11.1. Pleas by Corporate Defendants

When the defendant in a criminal proceeding is other than a natural person, any plea other than a plea of not guilty shall be entered by an authorized officer, director or managing agent of the defendant, or by counsel, provided counsel is authorized to do so by virtue of a specific corporate resolution to that effect from the defendant’s board of directors.

LCR 12.1. Pretrial Motions

(a) Time. All pretrial motions and supporting briefs shall be filed within the time set by the court. If the court does not set a time, pretrial motions shall be filed within 21 days from the date of arraignment.

(b) Additional Discovery. In the event that a party moves for additional discovery or inspection following the discovery conference required by LCR 16.1(a), the motion shall be filed within 7 days of the conference or, if the court has set a later date for the filing of pretrial motions, the later date. The motion shall contain:

(1) a statement that the required conference was held;

(2) the date the conference was held;
(3) the name of opposing counsel with whom the conference was held; and
(4) the statement that agreement could not be reached concerning the discovery or inspection that is the subject of the motion.

The court will not hear a motion for additional discovery or inspection if it does not conform to the procedural requisites of this section.

LCR 16.1. Pretrial Discovery and Inspection

(a) Discovery Conference. Within 7 days after the arraignment the United States attorney and the defendant's attorney shall confer and attempt to agree on a timetable and procedures for the following:

(1) inspecting, copying, or photographing any of the information subject to disclosure pursuant to Fed.R.Crim.P. 16;
(2) preserving the written notes of government agents;
(3) identification and notification of evidence the United States attorney intends to introduce pursuant to Federal Rule of Evidence 404(b);
(4) the filing of a proffer made within the scope of *U.S. v. Santiago*, 582 F.2d 1128 (7th Circ., 1978);
(5) the filing of materials subject to 18 U.S.C. §3500; and
(6) any other preliminary matters where such agreement would serve to expedite the orderly trial of the case.

(b) Declination of Disclosure. If in the judgment of the United States attorney or of the defendant's attorney, it would not be in the interests of justice to make any one or more of the disclosures set forth in Fed.R.Crim.P. 16 and requested by counsel, disclosure may be declined. A declination shall be in writing, directed to opposing counsel. The declination shall specify the types of disclosures that are declined. It shall be signed personally by the United States attorney or the first assistant United States attorney or the defendant's counsel, as appropriate. It shall be served on opposing counsel and a copy filed with the court within 5 days of the discovery conference held pursuant to section (a).

LCR 31.1. Contact With Jurors

After the conclusion of a trial, no party, agent or attorney shall communicate or attempt to communicate with any members of the petit jury before which the case was tried without first receiving permission of the court.

LCR 32.1. Presentence Investigations

(a) Application of Rule. This rule shall be effective in all cases in which a determination of guilt is made on or after the date of its adoption.

(**b) Definitions.** The following definitions shall apply to this rule:

(1) "business day" shall include any day other than a Saturday, a Sunday, or a legal holiday as defined by Fed.R.Crim.P. 45(a);
(2) "day" (except where used in the term "business day") shall refer to all days, including Saturdays, Sundays, and legal holidays as defined by Fed.R.Crim.P. 45(a);

(3) "determination of guilt" shall mean the entry of a judgment of conviction whether by plea or after trial;
(4) "guidelines" shall mean the United States Sentencing Guidelines and Policy Statements promulgated pursuant to 28 U.S.C. §994;
(5) "probation officer" shall mean the probation officer assigned to prepare the presentence investigation report; and
(6) "report" shall mean the presentence investigation report.

(c) Scheduling of Hearing. Upon the determination of guilt, the court shall set a date for the sentencing hearing. The hearing shall be set not less than 84 days after the determination of guilt. Any motion to modify the time limits in this Rule must be made at the time the sentencing hearing date is set.

(d) Notifying Probation Office. Following the determination of guilt, the attorney for the defendant and the defendant, unless in custody, shall report to the probation office to begin the presentence investigation immediately or by no later than 2:00 p.m. the following business day, unless the probation office agrees to a different schedule.

If the defendant is incarcerated, the attorney for the defendant shall report to the probation office and provide the information needed to begin the presentence investigation.

Within one business day following the determination of guilt, the court's courtroom deputy shall forward a presentence referral form to the probation office. The defendant shall participate in an interview, if any, with the probation office, within 14 days after the determination of guilt. Failure to schedule the interview within this period does not affect any of the other dates set forth herein.

(e) Submission of Versions. Not more than 14 days after the determination of guilt, the attorney for the government shall submit to the probation officer its version of the offense conduct. Not more than 7 days after submission of the government's version of the offense conduct, the attorney for each defendant shall submit a version of the offense conduct to the probation officer. The attorneys shall serve copies of their versions upon opposing counsel and upon the attorney for any co-defendant as to whom a determination of guilt has been made. Within 7 days after the receipt of the co-defendants' versions, each co-defendant's attorney shall submit to the probation officer and serve upon all counsel that defendant's version of the offense conduct as it relates to the defendants' respective roles in the offense. Failure to submit a version of the offense conduct within 7 days after the government's submission of its version of the offense conduct may constitute waiver of the right to have such material considered within the PSR, and the probation officer will have the right to make determinations without regard to a defendant's version of the offense conduct submitted after that date.

(f) Presentence Investigation Report. Not later than 35 days prior to sentencing, the probation officer shall complete and issue the presentence investigation report to the court, the defendant and defense counsel, and counsel for the government. The recommendation of the presentence report shall be submitted initially only to the Court, but the Court may, in its discretion, and with notice to the Probation Office, direct disclosure of the recommendation to the defendant and defense counsel, and counsel

for the government, as well. The recommendation section shall not include any factual information not already contained in the other sections of the report.

(g) Position Paper. Not later than 14 days prior to sentencing, counsel for the defendant shall file with the Court and the probation officer objections, if any, to the Presentence Investigation Report, and a sentencing memorandum. The Government will have leave to respond 7 days thereafter. The parties' submissions shall specify—

(1) any factor important to the sentencing determination that is reasonably in dispute,

(2) any additional material information affecting the sentencing ranges established by the Guidelines, and

(3) any other objections or corrections to the report.

Any objection or correction not filed at that time shall be deemed waived, unless for good cause shown the court permits it to be raised at the sentencing hearing. The attorneys shall serve copies of the position papers upon opposing counsel and upon the attorney for any co-defendant as to whom a determination of guilt has been made.

(h) Responsibility of Attorneys to Review Presentence Investigation Report. Counsel for the defendant shall meet with the defendant to read and discuss the report at a reasonable time prior to the date set for submission of objections and sentencing memorandum. Counsel for the government shall examine the final report at a reasonable time prior to the date set for the government's submission.

(i) Report and Letters. Letters to the court regarding the case or defendant shall be disclosed promptly to the probation office and all counsel.

(j) Availability of Report. The report shall not be disclosed to any person or agency without the written permission of the sentencing judge. Upon notice of appeal, the probation office shall, with notification to the sentencing judge, forward under seal and apart from the appellate public file, a copy of the report to the clerk of the appellate court where it shall be available upon request for review by attorneys for the defendant and the government Upon completion of all appellate matters, the report and the recommendation shall be returned to the probation office. Unauthorized copying, dissemination, or disclosure of the contents of the report in violation of these rules may be treated as contempt of court and punished accordingly.

Committee Comment to 2013 amendment: The Rule is amended in response to language in *United States v. Peterson*, 711 F.3d 770 (7th Cir. 2013) suggesting that parties should be permitted to "evaluate any analysis that might form the basis of a judicial determination."

Committee Comment to 2012 amendment: The Rule is amended to render it consistent with Federal Rule of Criminal Procedure 32(f) and to set reasonable deadlines for the parties' submissions to the court.

Committee Comment to 2002 amendment: Prior to its most recent amendment, the rule had required the probation officer to "mail a preliminary report, without the recommendation to the defendant, the defendant's attorney and the attorney for the government." The above-quoted language did not expressly require that the recommendation be kept confidential. It merely

prevented its early disclosure. We believe that the phrase "without the recommendation" was included in the prior rule because it reflected the long-standing practice of confidentiality. This commonly accepted practice had existed for decades. All district courts in this Circuit treat the recommendations as confidential. Nevertheless, elimination of the phrase has led to uncertainty over the continuing confidentiality of the recommendations.

Amended October 21, 2013, October 30, 2015, March 29, 2018

LCR 32.1.1. Petitions & Reports Relating to Modification of Terms of Probation or Supervised Release

The probation department will file with the court any petitions or reports dealing with alleged violations or modification of conditions of probation or supervised release. The probation department will also file with such petition or report a proof of service indicating that a copy of such petition or report has been served upon the United States attorney, to the defendant, and, if the defendant is represented, to the defendant's attorney.

LCR 32.3. Confidentiality of Records Relating to Presentence Investigation Reports and Probation Supervision

(1) Records maintained by the Probation Office of this Court relating to the preparation of presentence investigation reports and the supervision of persons on probation or supervised release are confidential. Information contained in the records that is relied on by the Probation Office to prepare presentence investigation or supervision reports may be released only by order of the Court. Requests for such information shall be by written petition establishing with particularity the need for specific information contained in such records ; and why the requested information is not readily available from other sources or by other means.

(2) Notwithstanding the requirements of subparagraph (1) above:

(a) A court order is not necessary to obtain criminal history information, which the Probation Office shall make available to counsel of record upon request.

(b) A court order issuing an arrest warrant for a violation of supervised release conditions shall suffice as the Court's authorization for the Probation Office to provide the United States Marshals Service with the violation report and any associated records on which the violation report is based. This information may be used by the Marshal solely for the purpose of executing the arrest warrant and shall not be further disseminated without a Court order.

(3) When a demand by way of a subpoena or other judicial process is made of a probation officer either for testimony concerning information contained in such records or for the records or copies of the records, the probation officer may petition the Court for instructions. The probation officer shall neither disclose the information nor provide the records or copies of the records except on order of this Court or as provided in LCR 32.1.

Amended January 30, 3009 and November 6, 2019

LCR 41. Search Warrants

(a) Submission of warrant applications. Except for matters that are reserved for the Chief Judge (for example, in LCr 50.2 (2) and LCr 6.1) and as provided in (b), applications for search warrants or seizure warrants must be submitted to the duty magistrate judge.

(b) A district judge may issue a standing order that search warrants or seizure warrants related to a case assigned to that judge must be brought to that judge.

(c) Assignment of case numbers. When an application for a search warrant or seizure warrant is approved and the warrant is signed by the duty magistrate judge, the application and warrant will be given a Miscellaneous (M) case number and be assigned to the magistrate judge who signed the warrant except where the United States Attorney identifies the warrant as related to an indicted case. In an indicted case, the CR number associated with that indictment will be assigned to the application and warrant, and the application and warrant will be filed in that case. When a search warrant or seizure warrant is signed by a district judge as provided in (b), the application and warrant will be given the CR number of the case before the district judge and docketed in that case.

(d) Motions to Seal. This rule, rather than LR26.2, governs a motion to seal a search warrant or seizure warrant. A motion to seal a warrant must be brought to the district judge or magistrate judge who signed the warrant, and must specify a date no more than 90 days later when the sealing order will expire absent a further court order. Any application for delayed notice of a search must comply with 18 U.S.C. ' 3103. All filings will be unsealed upon the expiration of the sealing order.

(e) A Motion to Extend a Sealing Order.

(1) Any motion to extend an order sealing a warrant or to extend delayed notice must be brought to the district judge or magistrate judge who signed the warrant. If a motion is brought at a time when that judge is unavailable, the motion shall be heard by the duty magistrate judge.

(2) The motion must be filed no later than three days prior to the expiration of the seal or delayed notice to allow adequate time for the review of the motion. The motion shall be filed electronically and a draft order must be submitted to the assigned judge's proposed order email box.

(f) Search Warrant Returns. The return of the search warrant must be made in accordance with the Federal Rules of Criminal Procedure. In addition to that requirement, the United States Attorney's Office must also electronically file a copy of the return including the inventory of property seized into the court's Electronic Case Filing System. If the application and warrant are sealed at the time of the return of the search warrant, the return of the search warrant will also be filed under seal. The return of the search warrant, along with a copy of the warrant, must be filed within 60 days after the execution of the warrant.

Adopted April 27, 2015; Amended May 27, 2016, June 29, 2023, and December 21, 2023

LCR 44.1. Interim CJA Payments

In a case in which representation of a criminal defendant is projected to be unusually complex and lengthy, an attorney appointed pursuant to the Criminal Justice Act ("CJA Attorney") may

seek approval for interim payments. A motion for such approval must cite this local criminal rule and justify the request on the basis of the hardship to counsel in undertaking the representation for a period of the projected length without compensation, pursuant to the Guidelines for the Administration of the Criminal Justice Act, ¶2.30. The motion must certify the CJA Attorney's acceptance of the following requirements:

1. Counsel shall submit quarterly, or on a schedule approved by the Court, to the Clerk of Court an interim CJA form 20 "Appointment of and Authority to Pay Court Appointed Counsel." The first interim voucher shall reflect all compensation claimed and reimbursable expenses incurred, from the effective date of the appointment through the date in which the first interim voucher is submitted.

2. Each voucher shall include the time period covered and shall be consecutively numbered.

3. Interim vouchers shall be submitted quarterly, or on a schedule approved by the Court, even in those periods for which little or no compensation or expenses are claimed.

4. All interim vouchers shall be supported by detailed and itemized statements of attorney time and expenses. Each voucher shall include the total amount of money requested to date.

5. The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for 80 percent of the approved number of hours. This compensation will be determined by multiplying 80 percent of the approved number of hours by the applicable rate. Counsel should note that the interim payments are partial tentative payments and the final payment may be adjusted if necessary by the Court.

6. Within 45 days of the conclusion of the representation, counsel shall submit a final voucher seeking payment of the 20% balance withheld from the earlier interim vouchers, as well as payment for the representation provided during the final interim period. After reviewing the final voucher, the Court will submit it to the Chief Judge of the Circuit or his or her delegate for review and approval.

7. Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation.

8. Although the statute and applicable regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of $500.00 without prior approval of the Court. Such approval may by sought be filing an ex parte application with the Clerk, stating the nature of the expense, the estimated cost, and the reason the expense is necessary to the representation. An application seeking such approval may be filed in camera, if necessary.
9. Recurring expenses, such as telephone toll calls, photocopying and photographs, which may aggregate more than $500 on one or more interim vouchers, are not considered a single item expense requiring prior court approval.

10. Telephone toll calls, photocopying, and photographs may be reimbursable expenses if reasonably incurred.

11. General office overhead, such as rent, secretarial help, and normal telephone service is not a reimbursable expense, nor are items of a personal nature.

12. Expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17 of the Fed.R.Crim.P. and 28 U.S.C. §1825.

13. In some instances, travel may be required for purposes of consulting with the client or with predecessor counsel, interviewing witnesses or experts, etc. In such circumstances, where travel is required outside the County of Cook for cases assigned to the Eastern Division, or outside the County of Winnebago for cases assigned to the Western Division, travel expenses, such as airfare, mileage, parking fee, meals and lodging, can be claimed as itemized expenses. If expenses relating to a single trip will exceed a total of $500.00, counsel must seek prior Court approval. Actual expenses incurred for meals and lodging in the course of such travel must conform to the prevailing government travel regulations imposed on federal judiciary employees for official travel.

14. CJA Attorneys are bound by the regulations of the Criminal Justice Act set forth in (1) 18 U.S.C. §3006A; (2) the Plan of the United States District Court for the Northern District of Illinois, available through the Clerk of Court; and (3) Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of the U.S. Courts, also available through the Clerk of Court. Should these references fail to provide the desired clarification or direction, counsel should address their inquiry directly to this Court and its staff.

Adopted September 25, 2014

LCR 46.1. Bail Bonds

(a) Who May Approve Bonds. When the amount of bail has been set by the judge or magistrate judge, a bond, whether secured by the defendant's own recognizance or by a surety may be approved by a magistrate judge, the clerk, or one of the officers specified in 18 U.S.C. §3041, *provided* that only a judge may admit to bail or otherwise release a person charged with an offense punishable by death.

(b) Refund of Cash Deposit. Where a defendant's bond is secured by depositing cash with the clerk, the cash shall be refunded when the conditions of the bond have been performed and the defendant has been discharged from all obligations thereon. However, if the sentence includes a fine or costs, the sentence shall constitute a lien in favor of the United States on the amount deposited to secure the bond. In such instances the amount deposited can be refunded only by order of court. No such lien shall attach when someone other than the defendant has deposited the cash and refund is directed to someone other than the defendant.

At the time the cash deposit is made, the person furnishing the cash ("the depositor") shall be given a receipt by the clerk. The depositor shall at the time of the deposit indicate in writing the name and address of the person to whom the cash is to be refunded. This shall be done on Form LCR 46.1. The depositor may change the designation of the person to receive the refund by completing a new form and filing it with a fiscal deputy in the clerk's office at any time before the refund is made.

A refund to a person other than the depositor shall be made only pursuant to an order of court.

LCR 46.2. Pretrial Services Agency

The Pretrial Services Agency of this Court ("Agency") shall perform the following functions:

(1) collect, verify and report promptly to the district or magistrate judge information pertaining to the pretrial release of each person charged with an offense, including any drug testing information, and recommend appropriate release conditions;

(2) review and modify the reports and recommendations made in (1) above for persons seeking release pursuant to 18 U.S.C. §3145;

(3) supervise persons released into its custody;

(4) with the cooperation of the Administrative Office of the United States Courts, and with the approval of the Attorney General, operate or contract for the operation of appropriate facilities for the custody or care of persons released under Chapter 207 of Title 18 of the United States Code, including, but not limited to, residential halfway houses, drug addiction and alcoholism treatment centers and counseling services;

(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions;

(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under Chapter 207 of Title 18 of the United States Code and advise the court as to the eligibility, availability and capacity of such agencies;

(7) assist persons released on bond in securing any necessary employment, medical, legal, or social services;

(8) prepare, in cooperation with the United States marshal and the United States attorney, such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial; and

(9) perform such other functions as the court may assign from time to time.

LCR 46.3. Notifying Pretrial Services Agency of Arrest and Filing of Case

(a) Arrest or Confinement. The Pretrial Services Agency ("Agency") shall be notified (1) by the arresting officer, or (2) by the officer receiving the defendant if the defendant was arrested by local officers and subsequently turned over to federal officers, as soon as practicable following the arrest or transfer, of the facts of such arrest or transfer, the name of the defendant, the charge upon which the defendant has been arrested or transferred, and the place wherein the defendant is being detained.

(b) Filing of Case. Immediately following the filing of a complaint the magistrate judge shall cause a copy of it to be forwarded to the Agency. The clerk shall cause a copy of each indictment or information filed to be forwarded to the Agency immediately following the filing, provided that if the indictment is suppressed, the clerk shall cause the copy to be forwarded immediately following the release of the suppression.

LCR 46.4. Confidentiality of Pretrial Services Information and Reports

(a) General. The information obtained in the course of performing pretrial services functions in relation to an accused shall be used only for the purposes of release determination and shall otherwise be confidential. Each pretrial services report shall be

made available to the attorney for the accused and the attorney for the Government in connection with a pretrial release or detention hearing, a pretrial release revocation proceeding, or any judicial proceeding to modify the conditions of release. The pretrial services report should not be disclosed to other parties by the attorney for the defendant or the attorney for the Government. Any copies of the pretrial services report so disclosed shall be returned to the pretrial services officer at the conclusion of the hearing.

(b) Prohibition of Disclosure.

(1) Unless authorized by the regulations as established by the Director of the Administrative Office, or ordered by the judicial officer for good cause shown, a pretrial services officer shall not disclose pretrial services information. This prohibition on unauthorized disclosure applies whether such disclosure is sought through the direct testimony of the pretrial services officer or by means of a subpoena, subpeona duces tecum, or other form of judicial process.

(2) Notwithstanding any other provision of this Rule, a court order issuing an arrest warrant for a violation of pretrial release conditions shall suffice as the Court's authorization for the pretrial services officer to provide the United States Marshal with the violation report and any associated records on which the violation report is based. This information may be used by the Marshal solely for the purpose of executing the arrest warrant and shall not be further disseminated without a court order.

(c) Definition. The term "pretrial services information" shall include any information, whether recorded or not, that is obtained or developed by a pretrial services officer in the course of performing a pretrial services investigation, preparing the pretrial services report, performing any post-release of post-detention investigation, or supervising a defendant released pursuant to chapter 207 of Title 18, United States Code. The term does not include any information appearing in the public records of the court.

(d) Minimization. Any disclosure of pretrial services information permitted under the provisions of this Rule shall be limited to the minimum information necessary to carry out the purpose of the disclosure.

Amended November 6, 2019

LCR 47.1. Motions

(a) Notice and Presentation. Except as provided in section (c) of this rule, LR 5.3 and LR 78.1 shall apply to motions filed in criminal cases and proceedings.

(b) Briefing Motions. A contested motion shall be accompanied by a short, concise brief in support of the motion, together with citations of authority. An original and a copy of the motion and brief shall be filed. The clerk shall forward the copy to the judge unless otherwise ordered by the court. The opposing party shall file an answering brief within 14 days of receiving the supporting brief. The moving party may file a reply brief within 7 days of receipt of the answering brief.

Failure to file a supporting or answering brief shall not be deemed 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 or grant the motion without further hearing. Failure to file reply brief within the requisite time shall be deemed a waiver of the right to file.

The court may by order excuse the filing of supporting, answering, or reply briefs, and may shorten or extend the time fixed by this rule filing briefs.

Any party may on notice call the motion or matter to the attention of the court for a decision. When requested, oral argument may be allowed in the Court's discretion.

(c) Exceptions. The following motions are not subject to the provisions of section (a) of this rule:

(1) Pretrial motions. Motions filed pursuant to LCR 12.1 are not subject to the requirements of this rule.

(2) Ex Parte Motions. The original, signed motion shall be presented to the court at the hearing. Copies of the stipulated motions shall be served on all parties as soon thereafter as practicable.

Amended October 13, 2004 and November 19, 2009

LCR 50.1. Related Cases: Reassignment of Cases as Related

Two or more criminal cases may be related if all of the defendants named in each of the cases are the same and none of the cases includes defendants not named in any of the other cases. A case may be reassigned to the calendar of another judge as related if it is found to be related to another case and it meets the criteria established by LR 40.4(b) for reassigning civil cases. The procedures set out in LR 40.4(c) and (d) shall be followed where the reassignment of a criminal case based on relatedness is sought.

LCR 50.2. Direct Assignments: Criminal

In each of the following instances, the assignment clerk shall assign the case to a judge in the manner specified:

(1) ***Criminal Contempt Cases arising out of Grand Jury proceedings.*** Any criminal contempt case arising out of grand jury proceedings shall be assigned to the chief judge at the time of filing. If the chief judge determines that such case should be heard by some other judge, it will be transferred to the Executive Committee with a recommendation that it be assigned by lot to some other judge.

(2) ***Interception of Wire and Oral Communications.*** All requests for authorization for interceptions of wire and oral communications or other investigatory matters arising under Chapter 119 of Title 18 of the U.S. Code shall be brought before the chief judge. Any civil suppressed cases arising out of such requests shall be assigned directly to the calendar of the chief judge.

(3) ***Cases Arising Out of Failure to Appear.*** Where an information or indictment is filed in which the principal charge is that the defendant failed to appear in a criminal proceeding in this Court, the information or indictment shall be assigned directly to the same calendar as that to which the earlier criminal proceeding is assigned.

(4) ***Superseding Indictments or Informations.*** The United States attorney will indicate on the designation sheet filed with each indictment or information whether or not it supersedes a pending indictment or information. A superseding indictment or information will be filed in the same case as the superseded indictment or information. Where it

supersedes more than one indictment or information, it will be filed in the case which was first assigned to a district judge.

For the purpose of this subsection, an indictment or information supersedes an earlier filed indictment or information if at least one of the defendants in the later filed indictment or information is charged with at least one of the charges brought against the same defendant in an earlier filed indictment or information.

(5) ***Criminal cases where pre-indictment assignment made.*** Where a proceeding arising out of a criminal complaint is required to be heard by a district judge and is assigned by lot to a district judge prior to the filing of the indictment or information associated with the complaint, the indictment or information shall be assigned directly to the calendar of the judge to whom the proceeding was assigned. Where the indictment would have been assigned using a category different from the one used to assign the criminal complaint, appropriate equalization will be made.

LCR 50.3. Magistrate Judges: Assignments and Referrals

(a) Misdemeanors. Where a magistrate judge has not previously been designated pursuant to LR 72.1, informations filed or indictments returned in the Eastern Division alleging the commission of a misdemeanor shall be assigned by lot among the magistrate judges sitting in that division. Similar informations filed or indictments returned in the Western Division shall be assigned to a magistrate judge sitting in the division.

(b) Federal Enclave Magistrate Judge. From time to time the executive magistrate judge shall approve a schedule designating the periods during which each of the magistrate judges sitting in the Eastern Division will serve as the federal enclave magistrate judge. The federal enclave magistrate judge will conduct trials of all misdemeanors which arise in federal enclaves.

(c) Designation at Filing. Whenever a criminal case is filed in the Eastern Division and assigned to the calendar of a district judge, the clerk shall designate a magistrate judge in the manner provided in LR 72.1. Where an indictment or information arises out of one or more criminal complaints, the designated magistrate shall be the magistrate to whom the earliest of those complaints was assigned. Where multiple defendants in a single complaint assigned to a magistrate judge are subsequently charged in more than one indictment or information arising out of that complaint, the designated magistrate judge for each such case shall be the magistrate judge to whom the complaint was assigned.

(d) Referrals. The procedures used to refer a matter in a criminal case to a magistrate judge shall be the same as those used to refer a civil case pursuant to LR 72.1, provided that where a judge notifies the clerk in writing that the judge wishes to have criminal cases routinely referred to a magistrate judge for conducting arraignments and other pretrial matters, such notification shall act as a referral in lieu of the procedures specified in LR 72.1. The clerk shall promptly notify the designated magistrate of the filing of any indictment or information assigned to the calendar of a judge who has filed a notice of routine reference.

(e) Forfeiture of Collateral Hearings. Hearings and other matters relating to violation notices and forfeiture of collateral proceedings pursuant to LCR 58.1 shall be handled in the Eastern Division by the magistrate judge designated as federal enclave magistrate judge on the day the hearings are scheduled and in the Western Division by the magistrate judge sitting in that division.

(f) Right to Proceed Before District Judge. If a proceeding assigned directly to a magistrate judge is such that a party to the proceeding has the right to proceed before a district judge and that party fails to waive that right, then the proceeding shall be reassigned to a district judge pursuant to LCR 50.4(b) as if it were an appeal from a judgment of a magistrate judge. The magistrate judge shall notify the clerk in writing of the failure to waive. The clerk will reassign the proceeding promptly following the receipt of that notice.

Amended March 22, 2019

LCR 50.4. Magistrate Judges: Reviews and Appeals

(a) Duty Magistrate Judge. Where a review is requested of an order entered by the duty magistrate judge in proceedings directly assigned pursuant to LCR 5.1, the review shall be heard by the emergency judge. The request for review shall be brought to the attention of the emergency judge by the party seeking review as soon as practicable following the entry of the order by the magistrate judge. The party seeking review shall be responsible for notifying the other parties involved in the proceeding that a review will be requested and for notifying them of the time the review is noticed before the emergency judge.

(b) CVB and Misdemeanor. Appeals from final judgments entered by a magistrate judge in violation notice and forfeiture of collateral proceedings and misdemeanor cases shall be assigned by lot to a judge of this Court. For assignment purposes, such appeals shall be considered as cases in the magistrate judge class established by the procedures adopted pursuant to LR 40.2. The assignments of a judge shall be made when the appeal is filed with the clerk pursuant to Fed.R.Crim.P. 58(g)(2).

LCR 57.1. Attorneys: Filing Appearances

Each attorney representing a defendant in a criminal proceeding shall file an appearance. The appearance must be filed prior to or simultaneously with the filing of any motion, brief or other document or at the initial court appearance, whichever occurs first. A copy of the appearance shall be served on the United States attorney.

The filing of an appearance in a pre-indictment proceeding does not relieve an attorney from filing an appearance in a subsequent proceeding should an indictment be returned or an information filed against the defendant. A copy of the appearance in the subsequent proceedings shall also be served on the United States attorney.

The appearance shall be on the form prescribed by LR 83.16.

LCR 57.2. Release of Information by Courthouse Personnel

All courtroom and courthouse personnel, including, but not limited to, deputy marshals, court security officers, minute clerks, court reporters, pretrial services officers, probation officers, and clerical personnel of the offices of the United States marshal, the clerk of court, the probation department, and pretrial services, shall not disclose to any person, without authorization by the court, information relating to a pending criminal case that is not part of the public record. In particular, all such personnel shall not divulge any information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LCR 58.1. Petty Offenses; Central Violations Bureau

(a) Executive Committee. Orders establishing the amount of collateral to be posted by defendants alleged to have committed petty offenses and those cases in which the collateral may be accepted in lieu of appearances may be entered by the Executive Committee acting for the Court.

(b) Collateral In Lieu Of Appearance. Collateral may be posted by a defendant in lieu of appearance where the charge is one of the petty offenses listed in an order entered pursuant to (a) of this rule. The collateral shall be in the amount specified in that order. Collateral may not be posted by a defendant in lieu of appearance either–

(1) where the petty offense involved or contributed to an accident which resulted in personal injury or damage to property in excess of $100, or

(2) for a subsequent offense not arising out of the same facts or sequence of events which resulted in the original offense.

(c) Forfeiture of Collateral. Posting collateral pursuant to section (b) of this rule signifies that the defendant neither contests the charge nor requests a hearing before the designated magistrate judge. The failure of the defendant to appear shall result in the forfeiture of the amount posted. Such forfeiture shall be tantamount to a finding of guilty. The clerk shall certify the record of any conviction of a traffic violation to the proper state authority as required by the applicable state statute.

(d) Central Violations Bureau (CVB). The clerk shall maintain a central violations bureau (CVB). All agencies issuing violation notices shall prepare the notices in the form prescribed by the Director of the Administrative Office of the United States Courts. Agencies shall promptly submit to the CVB the original and one copy of any violation notice issued or any which the agency wishes to be voided or dismissed.

(e) Dismissals and Voids. No violation notice may be dismissed or voided except by order of court. Requests to dismiss or void made by agencies shall be submitted to the CVB. The CVB shall notify the United States attorney of the request. The United States attorney shall present the request to the designated magistrate judge at a regular call of violation notices.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix A

STANDING PRETRIAL PROCEDURE ORDER AND FORMS

Replaced June 26, 1985 by what would become LR16.1 Standing Order …

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix B

PROCEDURES FOR VOLUNTARY MEDIATION PROGRAM

FOR LANHAM ACT CASES

The procedures were adopted pursuant to Local Rule 16.3

Deleted as Lanham Act posted and maintained elsewhere on web site.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix C

REGULATIONS PERTAINING TO TRIAL BAR ADMISSION

(The Regulations were promulgated by the District Admissions Committee as interpretive and procedural guides to the admission rules. The District Admissions Committee was disbanded by the abrogation of General Rules 3.20, 3.21, 3.22, and 3.23 effective December 19, 1997. However, the following regulations remain in effect.)

Appendix C Deleted by General Order 16-0028 as information appears elsewhere in trial bar documents.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Appendix D

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

APPENDIX D

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The Plan was initially adopted by the Court on March 16, 1983. It was subsequently amended on June 20, 1985, January 12, 2001, April 16, 2004, and October 25, 2018.

A. Creation of the Fund; Purpose of Plan

A District Court Fund was created by the General Rules of this court promulgated on April 13, 1965. Rule 6 A (iii) of those rules required newly admitted attorneys to pay to the clerk a fee in addition to that established by the Judicial Conference of the United States pursuant to 28U.S.C.§1914. On July 12, 1982 new practice rules were promulgated including General Rule 3.02. General Rule 3.02 replaced the earlier General Rule 6 A (iii) and required, in addition to a portion of the fee for new attorneys, a fee for attorneys admitted to the trial bar of the court and a fee for attorneys admitted *pro hac vice*, the receipts from each fee to be deposited in the District Court Fund. The Local Rules and Internal Operating Procedures were amended in September 1999. LR 83.36 and LR 83.40, in addition to IOP32, govern the administration of the District Court Fund. This plan is adopted to provide procedures for the administration of funds deposited in the District Court Fund.

B. Executive Committee to Advise

The Executive Committee shall advise the court on matters of policy relating to the administration of the fund.

C. Custodian of the Fund

Pursuant to Internal Operating Procedure 32 the clerk of the court is the custodian of the District Court Fund. In the event of the death, retirement, or resignation of the clerk, the chief deputy clerk, or such other person as the chief judge designates, shall become the custodian until such time as the next clerk assumes office.

D. Duties and Responsibilities of the Custodian

The responsibilities of the custodian are as follows:

(1) to receive, safeguard, deposit, disburse, and account for all funds in accordance with the law, this plan, and the policies established by the court;

(2) to establish an accounting system for the fund;

(3) to insure that financial statements and operating reports are prepared in a timely fashion and to sign such statements and reports, thereby certifying that they accurately present the financial condition of the fund;

(4) to sign checks drawn on the fund, which checks shall be countersigned by the chief judge or a judge designated by the chief judge;

(5) to invest funds in accordance with the provisions of this plan; and

(6) to perform such other functions as may be required by the court.

E. Responsibilities upon Appointment of a Successor Custodian

When a successor custodian is appointed, the outgoing custodian should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the chief judge:

(1) a statement of assets and liabilities;

(2) a statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations and net worth; and

(3) a statement of the balance in any fund accounts as of the date of transfer to the successor custodian.

The successor custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing custodian. Acceptance may be conditioned upon an audit and verification where circumstances warrant.

F. Audits and Inspections

The District Court Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts or their contracted auditors. The chief judge may appoint an auditor or disinterested inspector (who may be a government employee) to conduct such audits as the court determines to be necessary. The written results of such audit or inspection will be provided to members of the advisory committee, each district judge, and, upon request, any member of the bar of the court.

In the event that the court orders a dissolution of the fund, a terminal audit or inspection will be performed and a written accounting rendered to the court.

G. Protection of the Fund's Assets

Except as otherwise provided in this plan, all receipts will be deposited in banks or savings institutions where accounts are insured by F.D.I.C. or F.S.L.I.C. Where practical and feasible the custodian shall place any substantial sums into interest bearing accounts, government securities, or a money market fund invested in government obligations. Such

investment shall be at the direction of the advisory committee. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the custodian must be segregated from all other monies in the custody of the clerk of the court, including other non-appropriated funds, if any.

H. Limitations on Use of Funds

Monies deposited in the fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee.

I. Uses of the Funds

In general the monies deposited in the fund are to be used for the benefit of the bench and bar in the administration of justice. Monies deposited in the fund may be used to pay for any of the following:

(1) the expenses related to attorney admissions
(2) the expenses related to attorney disciplinary proceedings, including the expenses of investigating counsel, and travel and witness fees in disciplinary proceedings;
(3) the cost of periodicals and publications purchased for the William J. Campbell library if appropriated funds are not available;
(4) the expenses associated with creating lawyer lounge facilities;
(5) the expenses incurred by the custodian in performing his/her duties under the plan including the expense of a surety bond covering monies in the fund;

(6) the fees for services rendered by outside auditors or inspectors in auditing or inspecting the records of the fund;
(7) pursuant to the provisions of section J of this plan, the out-of-pocket expenses of attorneys assigned to represent indigent parties in civil proceedings in this court;
(8) expenses associated with Court History projects, including the Court History Museum;
(9) expenses related to public and attorney Wifi costs in the Courthouses;
(10) expenses related to refreshments offered at events hosted by the Court and members of the bench when members of the bench are invited; and
(11) such other expenses as may from time to time be authorized by the full court for the use and benefit of the bench and bar in the administration of justice.

J. Out-of-pocket Expenses in Pro Bono Cases

In a civil case where an attorney is assigned to represent an indigent party. reasonable out-of-pocket expenses not otherwise recoverable may be paid for out of the fund, pursuant to LR 83.40, and in accordance with regulations adopted by the full Court or the Advisory Committee. Application to incur the expense or for reimbursement shall be on a form approved by the Executive Committee and available from the clerk.

Limits on the amounts to be reimbursed from the fund under this section for classes of expenses have been established in regulations adopted by the full court. Only the expenses incurred by court assigned counsel and experts on behalf of specific individuals are covered by this section.

K. Dissolution of the Fund

Should the court decide to dissolve the fund, the custodian will liquidate all outstanding obligations prior to the dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspection. The court will direct the disposition of the assets of the fund in ways which fulfill the purpose of the fund.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

APPENDIX E

THE DISTRICT COURT FUND

REGULATIONS GOVERNING THE PREPAYMENT AND REIMBURSEMENT OF EXPENSES IN PRO BONO CASES

These Regulations were initially promulgated by the Court pursuant to the general order of June 27, 1985. They were amended by the general orders of November 1, 1990 and April 1, 1991. The Advisory Group added policies used in interpreting the Regulations. The policies were initially adopted on May 7, 1986 and amended in September 1992, January 12, 2001, January 26, 2016 and January 24, 2019. A copy of the policies is appended to the Regulations.

NOTE: Only counsel assigned by the court pursuant to Local Rule 83.36 are eligible to petition the court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

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REGULATIONS GOVERNING THE PREPAYMENT & REIMBURSEMENT OF EXPENSES OF COURT ASSIGNED COUNSEL IN PRO BONO CASES FROM THE DISTRICT COURT FUND

D.C.F. REG.1 ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES

When a trial bar attorney has been assigned pursuant to LR 83.36, to represent an indigent party in a civil proceeding before this Court, that attorney shall be allowed to petition the Court for the prepayment or reimbursement of expense incurred in the preparation and presentation of the proceeding as set forth in these regulations.

D.C.F. REG.2 LIMITATIONS ON ELIGIBILITY

A. Not Applicable if C.J.A. Funds are Available

In any proceeding where expenses are covered by the Criminal Justice Act (Title 18 U.S.C. §3006A), they shall be paid from such funds in accordance with C.J.A. guidelines and not from the District Court Fund.

Where two or more parties in the same proceeding represented by counsel assigned pursuant to Local Rule 83.36, the limits established by this section shall apply to the costs incurred on behalf of each party.

B. Limited to Civil Actions Before the District Court

Only those expenses associated with the preparation of a civil action in the U.S. District Court for the Northern District of Illinois shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the U.S. Court of Appeals or the U.S. Supreme Court shall be reimbursed from the District Court Fund unless otherwise approved by the Executive Committee of the District Court upon prior application by the assigned attorney.

C. Expenses not Covered

General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, are not reimbursable from the District Court Fund. Any costs incurred in conducting computer assisted legal research is not reimbursable from the Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.

Under no circumstances shall any payments be authorized from the Fund to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was assigned pursuant to the rules of this Court.

D. Reimbursement and Prepayment Where Party is Awarded or Receives More than $50,000

Where the amount awarded to or accepted by the party is more than $50,000.00 and no provision is made to cover the expenses incurred by assigned counsel that would otherwise be

covered by these regulations, prepayments and reimbursements may be authorized within limits of these regulations, but the total amount to be paid from the Fund shall not exceed of $5,000.00.

D.1. Payments when Litigant Recovers More than $50,000

In any instance where the party for whom counsel was assigned prevails or accepts a settlement in an amount that exceeds $50,000, recovery of expenses under these regulations, other than for interpreter fees, is limited to $5,000. If funds have been prepaid, counsel must promptly notify the Clerk of the Court of the award in excess of $50,000 and remit prepaid expenses that exceed $5,000.

D.C.F. REG.3 PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS

A. Request for Authority to Incur Expenses

Where approval is required prior to incurring expenses, the request for authority to incur the expense shall be made by motion submitted to the judge to whom the case is assigned. The motion shall set forth briefly the reason for the request and the estimated amount of the expense. The approval for the requested expense must follow the same procedures as D.C.F. Reg. 2.B.

B. Request for Prepayment or Reimbursement of Expenses

Any request for the prepayment or reimbursement of expenses shall be on the voucher form approved by the Executive Committee and available on the Court's website. The request shall be accompanied by sufficient documentation to permit the Court to determine that the request is appropriate and reasonable and, where the request is for reimbursement, that the amounts have actually been paid out. The request shall be submitted to the Clerk of the Court and not filed through the CM/ECF system. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

C. Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney assigned under this Court's *pro bono* rules is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, he or she shall file a request for reimbursement within thirty days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the Court will not allow reimbursement of expenses where the request was filed more than thirty days after the entry of the order of withdrawal.

D. Request May be Made *Ex Parte*

Any request made under sections A, B, or C of this regulation may be made *ex parte*.

E. Processing by Clerk

On receipt of the voucher form indicating amounts requested for prepayment or reimbursement, the clerk shall determine whether or not any payments have previously been made out of the Fund to cover expenses in the same proceeding. The clerk shall indicate the available reimbursement on the voucher and forward it to the presiding judge for approval and signature. Should the voucher exceed $2,500.00, the clerk will forward it to the Chief District

Judge for approval and signature. On receipt of the voucher from appropriate authority, the clerk shall promptly issue the required check in the amount indicated on the voucher form or up to the limit set by these regulations, whichever is lower. If any or all of the amounts requested are disallowed, the clerk shall promptly transmit to the submitting attorney a copy of the voucher showing the action of the appropriate authority.

F. Amounts Paid From Fund to be Reimbursed From Any Fee Award

Where an opposing party is ordered to pay fees and costs to an assigned attorney, the attorney awarded fees and costs shall upon receipt of the monies awarded promptly repay the Fund any amounts paid to him or her under these regulations.

G. Approvals Required for Reimbursement

The judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling $2,500.00, not including expenses related to hiring an interpreter. If the total of the prepayments or reimbursements requested and those already allowed exceed $2,500.00, not including expenses related to hiring an interpreter, the judge shall forward the request to the Chief District Judge. The Chief District Judge may approve expenses up to $5,000.00, not including expenses related to hiring an interpreter.

If the assignment involves difficult or complex matters, the assigned attorney may petition the Executive Committee of the District Court to approve additional expenses. Prior to incurring expenses over $5,000.00, the assigned attorney must first submit a written request to the assigned judge seeking preapproval and documenting the need for additional reimbursement. The written request must include the estimated additional expenses for which the assigned attorney will seek reimbursement in order to complete the matter. Upon approval, the assigned judge will forward the request to the chief judge for consideration. With the approval of the Chief District Judge, the request will be forwarded to the Executive Committee for review and approval.

The assigned judge, the Chief District Judge, or the Executive Committee may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

D.C.F. REG.4 EXPENSES AND COSTS COVERED BY REGULATIONS

A. C.J.A. Limits To Apply In Absence Of Specific Limits

Except as specified by these regulations, the amounts and types of expenses covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act (18 U.S.C. §3006A) (See also *Guide to Judiciary Policies*, Volume VII, Part A, Chapters 2 and 3).

B. Deposition and Transcript Costs

The costs of transcripts or depositions shall not exceed the regular copy rates established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously provided for by order of the Court. Except as otherwise ordered by the Court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel and, for deposition, the copy provided to the Court pursuant to Rule 54.1 of the Local Rules of this Court shall be allowed. The current rates are available on the Court's website.

C. Travel Expenses

Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Per diem in lieu of subsistence is not allowable; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. The current rates are available on the Court's website.

D. Service of Papers; Witness Fees

Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund.

E. Interpreter Services

Reasonable costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund. The fees/rates are subject to a reasonableness standard and may not exceed the hourly rate established by the Criminal Justice Act. The current Criminal Justice Act approved interpreting rates, along with a contact list of certified interpreters, is available on the Court's website. Reasonable costs up to $1,000.00 will be reimbursed by the Fund without prior approval. Prior to exceeding the $1,000.00 limit for interpreting services, the assigned attorney must seek the approval of the judge to whom the case is assigned. The written request to exceed the $1,000.00 limit must include the estimated additional interpreting expense. The judge to whom the case is assigned may approve interpreting expenses as necessary in order to proceed with the case.

F. Costs of Photocopies, Photographs, Telephone Toll Calls, Telegrams

Actual, out-of-pocket expenses incurred for items such as photocopying services, photographs, and telephone calls necessary for the preparation of a case may be prepaid or reimbursed from the District Court Fund, subject to the limitations set forth in Section C of Regulation 2.

G. Experts

Reasonable costs for expert services, other than interpreters, not otherwise avoided, waived, or recoverable, may be reimbursed from the District Court Fund up to $2,000.00 without prior approval. Prior to exceeding costs of $2,000.00 or expert services, the assigned attorney must seek the approval of the judge to whom the case is assigned. The written request to exceed $2,000.00 for expert services must include the estimated additional expert services expense.

Approval for the additional expense may be obtained through the procedures set forth in Regulation 3.

H. Other Expenses

Expenses other than those described in sections B through G of this regulation may be approved by the judge to whom the case is assigned. No single expense under this section exceeding $500.00 shall be reimbursed unless approval was obtained from the judge prior to the expenditure. When requesting reimbursement for any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement submitted to the judge.

POLICIES ADOPTED BY THE ADVISORY COMMITTEE REGARDING THE REGULATIONS

1) PAYMENT OF EXPENSES UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

Monies deposited in the District Court Fund which are to be distributed under the provisions of section I(12) of the *Plan for the Administration of the District Court Fund* may be used to pay expenses incurred in relation to functions.

(a) where the nature of the function is primarily related to the operation of the United States District Court for the Northern District of Illinois, and

(b) where participation in the function is not restricted to member or employees of the United States District Court for the Northern District of Illinois, and/or persons receiving reimbursement of travel expense from the United States Courts.

2) AUTHORITY OF CUSTODIAN TO MAKE DISBURSEMENTS UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The custodian of the fund shall be authorized to make disbursements up to, but not more than $1,000.00 per event for expenses for the use and benefit of the bench and bar in the administration of justice, notwithstanding the restrictions of section I, paragraph 12 of the *Plan for the Administration of the District Court Fund*. Such disbursements shall be subject to later approval by the full court or

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