

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

**PROPOSAL TO AMEND
LOCAL RULES 86.26 – 83.28**

On December 21, 2021, the full Court approved a proposal to amend Local Rules 83.26 – 83.28 as attached (additions shown thus, and deletions shown ~~thus~~):

* * * * *

COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend the Local Rules 83.26 – 83.28 to be published in the *Chicago Daily Law Bulletin*, (b) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (c) cause notice of the proposal to be posted in the Courthouses at Chicago and Rockford, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the Advisory Committee, distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:
FOR THE COURT



Hon Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 28th day of December 2021

LR83.26. 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 certified mail.

(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 an 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 via certified mail to the attorney's last known address, restricted to addressee only, return receipt requested. An additional copy of the order shall be

mailed by first-class mail. A copy shall also be emailed to the attorney's CM/ECF registered email address.

Amended January 30, 2009, December 23, 2016 and September 30, 2019

LR83.27. 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 forthwith mail two copies of the order to the attorney's last known address. One copy shall be sent by certified mail, restricted to addressee only, return receipt requested. The second copy shall be sent by first class mail. A third copy shall be emailed to the attorney's last known email address. A 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 and September 30, 2019

LR83.28. Discipline of Attorneys for Misconduct

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

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

- (1) determine that the complaint merits no further action, or
- (2) direct that formal disciplinary proceedings be commenced, or
- (3) take such other action as the Committee deems appropriate, including the assignment of an attorney pursuant to [LR83.29](#).

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

Upon issuance of the statement of charges, the Clerk shall forthwith mail two copies to the attorney's last known address. One copy shall be mailed by certified mail, restricted to addressee only, return receipt requested. The other copy shall be mailed by first class mail. If the statement is returned as undeliverable, the Clerk shall so notify the Executive Committee. The Executive Committee may direct that further attempts at service be made, either personal service by a private process server or by the United States marshal, or by publication. Personal service shall be accomplished in the manner provided by [Fed.R.Civ.P. 5\(b\)](#) for service other than by mail.

Service by publication shall be accomplished by publishing a copy of the rule to show cause portion of the statement in accordance with the provisions of [LR83.3](#). Except as otherwise directed by the Executive Committee, the division of the Court in which the notice is to be published will be as follows:

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

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

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

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

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

Upon receipt of the required declaration, the Executive Committee shall enter an order 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 will be served on the attorney by certified mail, sent to the attorney's last known address, restricted to addressee only, return receipt requested. An additional copy of the order shall be mailed by first-class mail. A copy shall also be emailed to the attorney's CM/ECF registered email address.

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

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~~(e).~~

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