

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

**PROPOSAL TO AMEND
LOCAL RULE 83.26**

On January 25, 2024, the full Court approved a proposal to amend Local Rule 83.26 *Discipline of Attorneys Disciplined by Other Courts* as attached (additions shown thus, and deletions shown ~~thus~~):

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COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend the Local Rule 83.26 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 29th day of January 2024

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 83.26 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 or another disciplinary body, promptly within 21 days from the issuance of the discipline inform the Clerk of this Court of such action. The filing of an appeal does not stay this duty. Failure to notify the Clerk of Court may result in additional disciplinary action. The notice shall be sent to the Clerk of Court via electronic mail to ~~XX~~ ILNDAttorneyDiscipline@ilnd.uscourts.gov or certified mail to Clerk of Court, United States District Court, 219 S. Dearborn, 20th floor, Chicago, IL 60604.

(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 or another disciplinary body, 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) to the attorney's last known address 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 receipt of notice pursuant to the provisions of section (a), the Executive Committee shall immediately impose identical discipline. At the time of notification, the attorney may request a stay of the identical discipline during any challenge to the original disciplinary action or to allow an opportunity to show cause why identical discipline should not be imposed by this Court.

Absent a successful challenge to the original discipline order, identical discipline will be imposed 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 by: (1) certified mail to the attorney's last known address with return receipt requested; (2) shipping services (e.g., UPS/FedEx) [to the attorney's last known address](#) 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, and INSERT