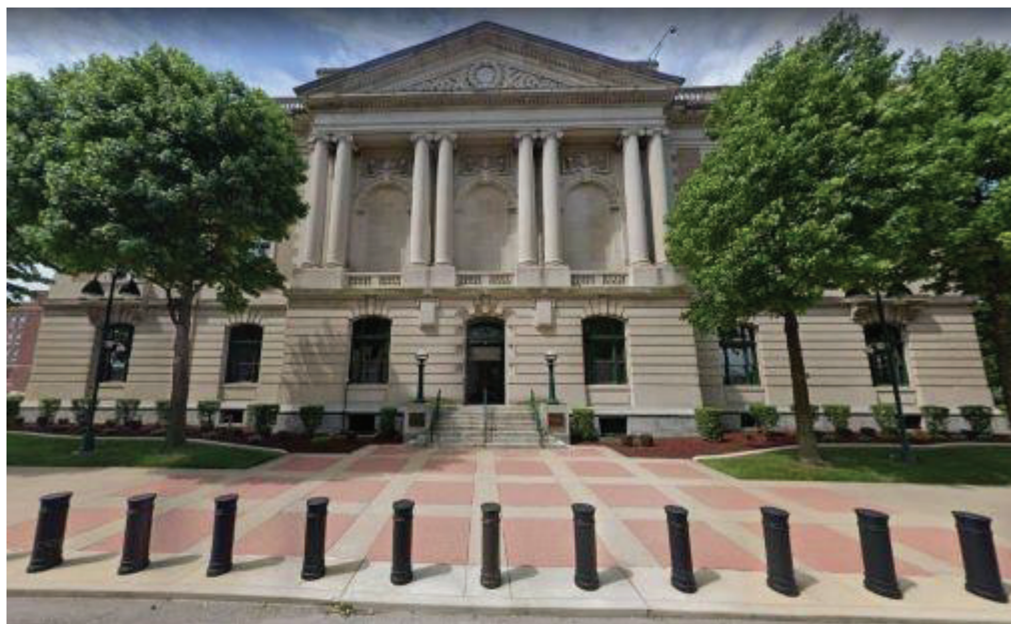
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS



LOCAL RULES

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Honorable Nancy J. Rosenstengel
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East St. Louis, Illinois

Honorable Staci M. Yandle
District Judge
Benton, Illinois

Honorable Stephen P. McGlynn
District Judge
East St. Louis, Illinois

Honorable David W. Dugan
District Judge
East St. Louis, Illinois

Honorable J. Phil Gilbert
Senior District Judge
Benton, Illinois

Honorable Reona J. Daly
Magistrate Judge
Benton, Illinois

Honorable Mark A. Beatty
Magistrate Judge
East St. Louis, Illinois

Honorable Gilbert C. Sison
Magistrate Judge
East St. Louis, Illinois

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LOCAL RULES

RULE 1.1 SCOPE OF RULES

(a) These rules shall be known as the Local Rules of the United States District Court for the Southern District of Illinois. Parties are encouraged to cite to these rules as "SDIL-LR."

(b) These Local Rules take effect on October 30, 2023 and supersede all previous Local Rules. These Local Rules shall apply in all civil and criminal proceedings in the Southern District of Illinois regardless of when the case was filed.

RULE 3.1 PAYMENT OF FEES AND COSTS
(*See* 28 U.S.C. §§ 1911, 1915, 2254)

(a) Advance Payment

(1) Any document submitted for filing for which a filing fee is required must be accompanied by either the appropriate fee or a motion for leave to proceed *in forma pauperis* in accordance with subparagraph (b) of this Rule.

(2) All electronic filers are required to use the Pay.gov internet payment module in the Case Management/Electronic Case Filing (CM/ECF) system. Payments for filing fees, *pro hac vice* attorney admission fees, and notice of appeal fees must be paid by credit card over the internet through Pay.gov. Users will be automatically directed through the Pay.gov payment process. All parties are directed to read and have a working knowledge of all Court policies and procedures regarding payment and filing through CM/ECF, which are available on the Court's website.

(3) *Pro se* parties must file a motion for permission in each case to use the CM/ECF system and may pay by credit card, money order, or check made payable to "Clerk, U.S. District Court." *Pro se* litigants should consult the Court's *Pro Se* Litigant Guide available on the Court's website.

(b) *In Forma Pauperis*

(1) A petitioner or plaintiff who wishes to seek leave to file *in forma pauperis* under 28 U.S.C. § 1915 shall submit a motion and affidavit that sets forth information to establish that they are unable to pay the fees and costs, shall sign and verify an oath or affirmation, and shall answer additional questions concerning their financial status as the Court may require. A form Motion and Affidavit to Proceed in District Court without Prepaying Fees or Costs is available in the *Forms for Prisoners* section of the Court's website or may be obtained by sending a written request to the Clerk of Court at either the East St. Louis or Benton address listed in Local Rule 8.1(c).

(2) A petitioner or plaintiff in custody must also submit a certified copy of their prison trust fund account statement for the six-month period preceding the filing of the complaint or petition. All petitioners and plaintiffs are under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in their location. This shall be done in writing and not later than 14 days after a transfer or other change in address occurs. Failure to do so may result in dismissal of the case or other sanctions.

(3) A petitioner or plaintiff who seeks or has been granted leave to proceed *in forma pauperis* is on notice that their financial status is subject to review until all fee obligations under 28 U.S.C. § 1915 are satisfied.

(4) At the time an application is made under 28 U.S.C. § 1915 for leave to commence any civil action without being required to prepay fees and costs or give security for the same, the applicant and their attorney will be deemed to have entered into a stipulation that all unpaid costs taxed against the applicant shall be paid from any recovery secured in the action.

RULE 5.1 SERVING AND FILING PLEADINGS AND OTHER PAPERS

(*See* Fed. R. Civ. P. 5.1, 5.2, 7.1, 11; Fed. R. Crim. P. 49, 49.1)

(a) General Format of Paper Originals Presented for Filing. All pleadings, motions, documents, and other paper originals presented for filing by a party proceeding *pro se* (who has not been authorized by the Court to use the CM/ECF system) shall be on 8 ½" x 11" white paper of good quality, flat and unfolded, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process and double-spaced, except for quoted

material. Each page shall be numbered consecutively. This Rule does not apply to (a) exhibits submitted for filing and (b) documents filed in removed actions prior to removal from state court.

(b) Electronic Filing

(1) Represented Parties: All parties represented by counsel must file documents by electronic means that comply with procedures established by the Court unless specifically exempted for good cause shown. *See* Electronic Case Filing Rule 1.

(2) *Pro Se* Parties: *Pro se* parties may register as a *Pro Se* Filing User in CM/ECF, but they must file a motion for permission to receive Court authorization to file electronically through CM/ECF. *Pro Se* Filing User privileges are case specific; *pro se* filers must seek prior Court approval in each unique case filed. For more information regarding *pro se* filings via the CM/ECF system, *see* Electronic Case Filing Rules 1 and 2 and the Court's *Pro Se* Litigant Guide available on the Court's website.

(3) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight (Central Time) to be considered timely filed that day unless a specific time is set by the Court.

(c) Privacy Policy

(1) To promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact where inclusion is necessary, personal identifiers from all pleadings filed with the Clerk of Court, which includes exhibits attached thereto, unless otherwise ordered, in accordance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1.

(2) The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk of Court will not review each pleading for compliance. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to discipline.

(3) In compliance with the E-Government Act of 2002, a party wishing to file a document containing personal data identifiers must file a redacted version in the public file (file electronically for CM/ECF cases or manually for non-CM/ECF cases). In addition to the public filing, a party may, but is not required to, file any personal data

identifiers through either (a) a reference list under seal or (b) an unredacted version of the document under seal.

When a party finds it necessary to file the unredacted information under seal, the Court prefers a reference list to the filing of a complete document. The reference list shall contain the complete personal identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right. Parties are responsible for maintaining possession of original, unredacted documents and information redacted from publicly filed documents. Upon request, counsel may be required to furnish the unredacted information.

(4) As required by Seventh Circuit Operating Procedure 10, except to the extent portions of the record are required to be sealed by statute (*e.g.*, 18 U.S.C. § 3509(d)) or a rule of procedure (*e.g.*, Fed. R. Crim. P. 6(e), Circuit Rule 26.1(b)), every document filed in the appellate court is in the public record, regardless of whether the same document was sealed in this Court. Documents sealed in this Court will be maintained under seal in the appellate court for 14 days, to afford time for a party to request approval under Circuit Procedure 10(a).

RULE 7.1 MOTION PRACTICE

(*See* Fed. R. Civ. P. 7, 56, 78; Fed. R. Crim. P. 12)
NOTE: The requirements for motions in class actions are in SDIL-LR 23.1. To the extent anything in this Local Rule conflicts with SDIL-LR 23.1, SDIL-LR 23.1 takes priority.

(a) Form and Content

(1) A motion shall state its grounds with particularity and shall set forth the relief sought.

(2) All briefs shall contain a short, concise statement of the party's position, together with citations to relevant legal authority and to the record. Allegations of fact not supported by citation may not, in the Court's discretion, be considered.

(3) Except for a brief filed in response to a habeas petition, and unless

otherwise authorized by the Court, no brief shall be submitted which is longer than 20 double-spaced typewritten pages in 12-point font. All page limits stated in these Local Rules are exclusive of cover pages, tables of content, tables of authority, signature pages, certificates of service, exhibits, and Statements of Material Facts, Responses to Statements of Material Facts, Statements of Additional Material Facts, or Replies to Statements of Additional Material Facts (*see* SDIL-LR 56.1(e)).

(4) Reply briefs are not favored, shall not exceed five pages, and should be filed only in exceptional circumstances. Under no circumstances will sur-reply briefs be accepted. The parties are directed to review the individual case management procedures of each presiding judge as they may relate to the filing of replies.

(5) In civil cases, failure to file a timely response to a non-dispositive motion may be deemed consent to the relief as requested.

(6) Where a change in law or facts has occurred after the filing of a pleading, a party may seek leave to file a supplemental pleading. The motion for leave shall not exceed two pages, shall refer to the specific pages of the pleading it seeks to address or supplement, and shall attach as exhibits any relevant authority or evidence it seeks to supplement. The Court, in its discretion, will set forth page and time limitations for any supplemental pleading and for any responsive pleadings that it deems necessary.

(b) Deadlines

(1) Civil motions to remand, to dismiss, for judgment on the pleadings, for summary judgment, to exclude expert witness testimony, and all post-trial motions shall be supported by a brief. The motion and brief may be combined into a single submission.

(A) An adverse party shall have 30 days after service of a motion listed above to file a response.

(B) Reply briefs, if any, shall be filed within 14 days of the service of a response.

(C) All civil motions to dismiss, for judgment on the pleadings, and for summary judgment must be filed no later than 100 days before the trial date or, if no trial date has been set, before the first day of the presumptive trial month.

(2) For all civil motions, other than those listed in subsection (b)(1) above, a supporting brief is not required.

(A) A party opposing a motion not listed in subsection (b)(1) shall have 14 days after service of the motion to file a written response.

(B) A reply, if any, shall be filed within 7 days of the service of the response.

(3) All criminal motions shall be filed in accordance with Orders of the Court entered at or after a defendant's arraignment.

(c) Oral Argument

(1) A party may not schedule or notice a hearing for oral argument on a pending motion. Any party desiring oral argument on a motion shall file a formal motion and state the reason why oral argument is requested. Additionally, the parties are directed to review the individual case management procedures of each presiding judge as they may relate to oral argument on motions and encourage opportunities for courtroom advocacy. Any motion may be:

(A) scheduled by the Court for oral argument at a specified time;

(B) scheduled for determination by telephone conference call or other remote means;

(C) referred to a United States Magistrate Judge for determination or recommendation; or

(D) determined upon the pleadings and the motion papers without oral argument.

RULE 7.1-1 DISCLOSURE STATEMENTS

(a) Who Must File; Contents

(1) Nongovernmental Corporations. Under Fed. R. Civ. P. 7.1(a)(1), a "nongovernmental corporate party" or a "nongovernmental corporation that seeks to intervene" is defined under this Rule to include any nongovernmental entity that is not an individual, including, but not limited to, a corporation, limited liability

company, sole proprietorship, partnership, firm, joint venture, trust, or similar entity.

(A) Contents. The disclosure statement of a nongovernmental corporate party or a nongovernmental corporation that seeks to intervene must identify any parent corporation, publicly held corporation, affiliated corporation, limited liability company, partnership, firm, joint venture, trust or other entity, or any individual owning 10% or more of the stock or 10% or more ownership interest in the nongovernmental corporate party or nongovernmental corporate party seeking to intervene, or state that there is no such entity or individual.

(2) Parties or Intervenors in a Diversity Case. Unless otherwise ordered, in an action based on diversity under 28 U.S.C. § 1332(a), all parties or intervenors, whether governmental, corporate, or individual, must file a disclosure statement in compliance with Fed. R. Civ. P. 7.1(a)(2).

(b) Time to File; Continuing Obligation to Supplement

(1) A party or intervenor must:

(A) file a disclosure statement as required by Fed. R. Civ. P. 7.1(a)(1) and/or (a)(2) with its first appearance, pleading, petition, application, motion, notice, response, or other request addressed to the Court; and

(B) promptly file a supplemental disclosure statement that identifies (i) any change of ownership of a nongovernmental corporate party or intervenor that results in a previously undisclosed entity or individual owning 10% or more of its stock or having 10% or more ownership interest, and/or (ii) any change of citizenship of an individual or entity whose citizenship is attributed to a party or intervenor.

RULE 8.1 PLEADINGS FILED BY PRISONERS

(*See* 28 U.S.C. § 1331; 28 U.S.C. § 2671-2680; 42 U.S.C. § 1983; 28 U.S.C. §§ 1915, 2241, 2254, 2255; Fed. R. Civ. P. 1-15; Rules Governing Section 2254 Cases in the United States District Courts; Rules Governing Section 2255

Cases in the United States District Courts)

(a) Forms Available

(1) Civil Complaints and *Habeas Corpus* Pleadings

(A) Prisoners who wish to file a civil complaint under 42 U.S.C. § 1983, a *Bivens* action under 28 U.S.C. § 1331, a Federal Tort Claims Act action under 28 U.S.C. §§ 2671-2680, an application for writ of habeas corpus under 28 U.S.C. § 2241, a petition under 28 U.S.C. § 2254, or a motion under 28 U.S.C. § 2255 may obtain forms and instructions by sending a written request to the Clerk of Court or accessing the forms on the Court's website.

(B) Prisoners who wish to file a civil complaint are referred to the Federal Rules of Civil Procedure generally and, in particular, Rules 1 through 15.

(C) Prisoners who wish to file a petition under 28 U.S.C. § 2254 or a motion under 28 U.S.C. § 2255 are referred to the Rules Governing Section 2254 Cases in the United States District Courts and the Rules Governing Section 2255 Cases in the United States District Courts, respectively. The Court strongly urges plaintiffs to use the Court's form available on the Court's website or through a written request to the Clerk of Court.

(D) Any pleading challenging the constitutionality of a federal or state statute must be accompanied by a notice of the constitutional question and otherwise comply with Fed. R. Civ. P. 5.1 and SDIL-LR 24.1.

(2) *In Forma Pauperis*

(A) Prisoners who wish to proceed *in forma pauperis* – without prepayment of fees – may obtain forms and instructions by sending a written request to the Clerk of Court or by accessing the forms on the Court's website. For further information regarding *in forma pauperis* status, *see* 28 U.S.C. § 1915 and SDIL-LR 3.1.

(B) Unless already included in the complaint or petition, any prisoner seeking to proceed *in forma pauperis* must provide a complete list of all lawsuits the prisoner has filed in state or

federal court while serving a term of imprisonment, including previous terms of imprisonment. Failure to do so may result in sanctions, including, but not limited to, dismissal of the action.

(b) General Pleading Requirements

(1) A complaint, petition, or motion filed by a prisoner shall be in writing (typed or legibly written) and signed. If using the Court's pleading forms, attach extra pages as necessary, rather than using smaller print or writing in the margins. A defective or illegible pleading may be stricken or returned.

(c) Court Addresses

(1) Clerk of Court
750 Missouri Avenue
East St. Louis, Illinois 62201
(618) 482-9371

(2) Clerk of Court
301 West Main Street
Benton, Illinois 62812
(618) 439-7760

(3) https://www.ilsd.uscourts.gov/

RULE 8.2 RESPONDING TO CERTAIN PLEADINGS FILED BY PRISONERS

(*See* Fed. R. Civ. P. 12, 55; 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(g))

(a) In any civil rights or Federal Tort Claims Act action filed by a prisoner, as defined by 28 U.S.C. § 1915(h), a former prisoner, or civil detainee, where the complaint has survived preliminary review pursuant to 28 U.S.C. §§ 1915(e)(2) or 1915A through a Merit Review Order, unless otherwise ordered by the Court, the defendant(s) shall timely file an appropriate responsive pleading and shall not waive the filing of a responsive pleading under 42 U.S.C. § 1997e(g).

(b) The answer and subsequent pleadings will be to the issues as stated in the Merit Review Order. Defendant(s) need not parse the complaint and

respond to it unless: (1) the Court indicates a Merit Review Order will not be entered or (2) the complaint was filed by an attorney.

RULE 9.1 PLEADINGS IN ACTIONS FOR REVIEW OF SOCIAL SECURITY DECISIONS

(*See* Fed. R. Civ. P. 8, 9; 42 U.S.C. § 405(g))

(a) Unless otherwise ordered by the Court, the procedures and deadlines provided in the "Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g)" shall be followed in all proceedings seeking review of a final decision of the Commissioner of the Social Security Administration.

(b) Consistent with Supplemental Rule 3, service upon the Commissioner of the Social Security Administration and the United States Attorney's Office shall be accomplished via a Notice of Electronic Filing using the CM/ECF system. No separate summonses shall issue.

(c) There will be no oral argument in cases that fall within the scope of this Local Rule unless otherwise ordered by the Court.

RULE 15.1 DOCUMENTS THAT REQUIRE LEAVE OF COURT FOR FILING

(*See* Fed. R. Civ. P. 15)

(a) Submission

(1) Any document that requires leave of the Court for filing must be filed on the docket as an exhibit to the motion requesting leave.

(2) The Court may request that any such document be submitted via email in Microsoft Word format to the chambers email address as listed on the Court's website.

(3) Should the Court grant leave to file the document, it is the requesting party's responsibility to file the document as a separate docket entry for it to be considered a part of the record and given full effect, within whatever timeframe the Court deems appropriate. The Clerk's Office will not file the document for the party.

(b) Amendment

(1) Amendment by interlineation is not permitted. An amended pleading must contain all claims against all parties, as if starting anew.

(2) All new or amended material in a proposed amended pleading must be underlined or submitted in redlined form. It is sufficient to simply underline the names of new parties the first place they appear in amended pleadings. Similarly, when new claims or defenses are raised by an amendment, it is sufficient that the number of the designated count or paragraph identifying the amendment be underlined. Minor spelling and stylistic changes need not be underlined. If leave is granted, a clean version of the operative pleading must be filed on the docket. This provision does not apply to appointed counsel appearing on behalf of a previously unrepresented party.

(3) Unless otherwise ordered by the Court, whenever an amended pleading is filed, any motion attacking the original pleading will be deemed moot.

RULE 16.1 TRIAL DATES

(*See* 28 U.S.C. § 473(a)(2)(B) and Appendix A, Fed. R. Crim. P. 50; 18 U.S.C. §§ 3161 *et seq.*, 5036, 5037)

(a) Presumptive Civil Trial Date

After the first appearance of a defendant or default date, whichever occurs first, the judicial officer to whom a case is assigned for trial will, in their discretion, assign a presumptive trial date (month, week, or day) to the case based on the following tracks of cases:

Track "A" The presumptive trial date will be set between 8-10 months after the first appearance of a defendant or default date, whichever occurs first. Track "A" shall include all cases exempt from the requirements of pretrial and settlement conferences by SDIL-LR 26.1. Prisoner habeas corpus petitions and any administrative review cases (*i.e.*, social security) are not included in Track "A" assignments.

Track "B" The presumptive trial date will be set between 11-14 months after the first appearance of a defendant or default date, whichever occurs first. (Examples are simple tort and contract cases.)

Track "C" The presumptive trial date will be set between 15-18 months

after the first appearance of a defendant or default date, whichever occurs first. (Examples are multi-party or complex issue cases, including products liability, malpractice, antitrust, and patent cases.)

Track "D" The presumptive trial date will be set between 19-24 months after the first appearance of a defendant or default date, whichever occurs first. (Only proposed class actions will be assigned to Track "D.")

The presumptive trial date will be communicated to the parties and, for cases assigned to Tracks "B," "C," and "D," shall be set forth in the notice to the parties of the date set for the initial pretrial and scheduling conference pursuant to Fed. R. Civ. P. 26(f) and will be incorporated into the initial pretrial scheduling and discovery order.

(b) Firm Civil Trial Date

On or before the presumptive trial date of a case assigned to Track "A," the judicial officer to whom the case is assigned shall set a firm trial date, and the parties shall be informed of this date. For cases in Tracks "B," "C," and "D," a firm trial date (week or day) shall be set at or before the final pretrial conference and incorporated into the final pretrial order (when required by the presiding judge).

(c) Continuances After Firm Civil Trial Date is Set

When the unanticipated length of a civil trial, an emergency, or an unanticipated situation prevents the judicial officer to whom the case is assigned for trial from adhering to the firm trial date, the case will be given priority for trial during the next month or given an accelerated trial date.

(d) Parties Informed of Case Status

The Court will, from time to time, keep the attorneys/parties apprised of the trial date status of a case.

(e) Trial Dates in Criminal Cases

Trial dates in criminal cases are addressed in the District's "Plan for Prompt Disposition of Criminal Cases," available on the Court's website. *See also* SDIL-LR Appendix A, Cr50.1.

RULE 16.2 CIVIL PRETRIAL CONFERENCES

(*See* Fed. R. Civ. P. 16, 26)

NOTE: The requirements for the scheduling and discovery report and pretrial conference in class actions are located in SDIL-LR 23.1. To the extent anything in this Local Rule conflicts with SDIL-LR 23.1, SDIL-LR 23.1 takes priority.

(a) Initial Conference of the Parties; Submission of Report

At least **21 days** before any scheduling conference set by the Court, the attorneys (and any unrepresented parties) must confer in accordance with Fed. R. Civ. P. 26(f). Within **14 days** after conferring, and at least **7 days** before the date of the scheduling conference, a jointly prepared report must be submitted to the judge before whom the conference is set. *See* Form: Joint Report of the Parties and Proposed Scheduling and Discovery Order. The filing of motions will not eliminate the duty to comply with this Local Rule.

(b) Final Pretrial Conference

(1) Except in those cases listed in Fed. R. Civ. P. 26(a)(1)(B), a final pretrial conference will be held before the judicial officer assigned to try the case not less than **7 days** prior to the presumptive trial date. The parties shall confer and jointly submit a signed proposed final pretrial order **3 business days** before the date of the final pretrial conference unless otherwise directed by the Court. The parties are encouraged to review the case management procedures for each judge as outlined on the Court's website.

(2) Lead trial counsel for each party with authority to bind the party shall be present at this conference.

(3) Unless stated otherwise in the presiding judge's case management procedures, the following issues shall be discussed at the final pretrial conference and shall be included in the final pretrial order:

(A) the firm trial date (*see* SDIL-LR 16.1(b));
(B) stipulated and uncontroverted facts;
(C) list of issues to be tried;
(D) disclosure of all witnesses;
(E) listing and exchange of copies of all exhibits;
(F) pretrial rulings, where possible, on objections to evidence;
(G) disposition of all outstanding motions;
(H) elimination of unnecessary or redundant proof, including limitations on expert witnesses;
(I) itemized statements of all damages by all parties;
(J) bifurcation of the trial;

(K) limits on the length of trial;

(L) jury selection issues;

(M) any issue which may facilitate and expedite the trial, for example, the feasibility of presenting testimony by a summary written statement; and

(N) the date when proposed jury instructions shall be submitted to the Court and opposing counsel, which, unless otherwise ordered, shall be the first day of the trial.

(4) Trial briefs on any difficult, controverted factual or legal issue, including anticipated objections to evidence, shall be submitted to the Court at or before the final pretrial conference when possible.

RULE 16.3 ALTERNATIVE METHODS OF DISPUTE RESOLUTION
(*See* 28 U.S.C. § 651, *et seq.*)

(a) Mandatory Mediation Program

The Court adopted a Mandatory Mediation Plan ("Plan") by way of Administrative Order. Pursuant to the Plan, all non-exempt civil cases are automatically referred into the Court's Mandatory Mediation Program. The Plan, a list of Court-approved mediators, and additional mediation materials are available on the Court's website.

(b) Judicial Settlement Conference

(1) The Court may, *sua sponte* or upon motion of any party, set a judicial settlement conference at any time during the litigation. Absent exceptional circumstances, judicial settlement conferences will not be set in cases that have been referred into the Court's Mandatory Mediation Program.

(2) Unless otherwise ordered by the Court, in addition to the lead counsel for each party, a representative of each party or the party's insurance company with authority to bind that party for settlement purposes shall be present.

(3) The notice of the settlement conference shall set forth the format of the conference, any requirement for information that must be submitted to the presiding judicial officer prior to the conference, and the types of documents or other information that must be brought to the conference.

(4) The statements or other communications made by any of the parties or their representatives in connection with the settlement conference shall remain confidential and shall not be admissible or used in any fashion in the trial of the case or any related case.

(c) Other Methods of Dispute Resolution

The Court may, in its discretion, set any civil case for summary jury trial or other alternative method of dispute resolution which the Court may deem proper.

RULE 23.1 CLASS ACTIONS

(*See* Fed. R. Civ. P. 23)

(a) Scheduling and Discovery Conference

Proposed class actions pose complex scheduling and discovery issues that are not addressed by the standard "Joint Report of the Parties and Proposed Scheduling and Discovery Order." Accordingly, an initial scheduling and discovery conference with counsel for all parties may be set by the Court consistent with SDIL-LR 16.2.

The purpose of the scheduling and discovery conference is for the presiding judge to identify the length and scope of discovery necessary for the fair and expeditious determination of whether the case can proceed as a class action. Discovery prior to class certification must be sufficient to permit the Court to determine whether the requirements of Fed. R. Civ. P. 23 are satisfied, including a preliminary inquiry into the merits of the case to ensure appropriate management of the case as a class action. To ensure that a class certification decision is issued as soon as practicable, however, priority shall be given to discovery on class certification issues.

After the scheduling conference, the presiding judge shall enter the appropriate scheduling and discovery order in light of these concerns. Either party may move to have a second scheduling and discovery order entered after resolution of the motion for class certification.

(b) Joint Report

Seven days prior to any scheduling and discovery conference set by the Court, the parties shall submit a Joint Report of the Parties and Proposed Scheduling and Discovery Order (Class Action) consistent with the model

found in the Forms section of the Court's website. In the event the parties are unable to agree on a joint scheduling and discovery plan, the parties should each submit their Proposed Scheduling and Discovery Order, and a memorandum in support of said order addressing the issues in dispute, 7 days prior to the scheduling and discovery conference. The presiding judge may adopt a Joint Report or issue a Scheduling and Discovery Order in lieu of proceeding with the scheduling and discovery conference.

(c) Motion Practice

The timetable for responding to a motion for class certification shall be established in the Joint Report or Scheduling and Discovery Order issued by the Court.

RULE 24.1 PROCEDURE FOR NOTIFICATION OF ANY CLAIM OF UNCONSTITUTIONALITY OF FEDERAL OR STATE STATUTE

(*See* Fed. R. Civ. P. 5.1)

(a) In any action, suit, or proceeding in which a party is required to file a notice of constitutional question under Fed. R. Civ. P. 5.1, the party raising the constitutional question shall also notify the Court of the existence of the question either by checking the appropriate box on the Civil Cover Sheet or by stating on the pleading, immediately following the title of that pleading, "Claim of Unconstitutionality" or the equivalent.

(b) If a federal statute is challenged, the party filing the notice of constitutional question must also serve the notice upon the United States Attorney for the Southern District of Illinois, either by certified or registered mail, in addition to the service requirements of Fed. R. Civ. P. 5.1.

(c) Failure to comply with this Local Rule will not be grounds for waiving the constitutional issue or for waiving any other rights the party may have. Any notice provided under this Rule will not serve as a substitute for any requirement set forth in the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, or any federal statute.

RULE 26.1 INITIAL DISCLOSURE PRIOR TO DISCOVERY; FILING OF DISCLOSURE AND DISCOVERY; COOPERATIVE DISCOVERY; DISCOVERY DISPUTES; FORM OF WRITTEN DISCOVERY

(*See* 28 U.S.C. § 473(a)(4)-(5); Fed. R. Civ. P. 5, 26, 30, 31, 33, 34, 36, 37; Fed. R. Crim. P. 12, 16)

(a) Implementation of Fed. R. Civ. P. 26

Fed. R. Civ. P. 26 shall control the initial stages of disclosure and discovery in all civil cases except for the categories of proceedings specified in Fed. R. Civ. P. 26(a)(1)(B).

In addition to the categories expressly listed in Fed. R. Civ. P. 26(a)(1)(B), the following categories are also construed as exempt:

(1) prisoner civil rights cases;
(2) cases brought by the United States for collection on defaults of government loans and all mortgage foreclosure default loans;
(3) land condemnation cases;
(4) cases brought by the United States for condemnation or forfeiture against vehicles, airplanes, vessels, contaminated foods, drugs, cosmetics, and the like;
(5) IRS enforcement actions;
(6) Freedom of Information Act cases;
(7) suits to quash subpoenas; and
(8) proceedings filed as civil actions for admission to citizenship or to cancel or revoke citizenship.

The judicial officer to whom the case is assigned for trial may order an initial conference, a final pretrial conference, or a settlement conference in a case falling in one of the excluded categories if the judicial officer determines that the complexity of the case or some unusual factor warrants more extensive pretrial case management than is usually necessary for that type of case.

(b) Filing of Disclosure and Discovery

(1) Interrogatories under Fed. R. Civ. P. 33 and the objections and answers thereto, requests for production or inspection under Fed. R. Civ. P. 34 and the objections and responses thereto, Requests for Admissions under Fed. R. Civ. P. 36 and the objections and responses thereto, and deposition notices under Fed. R. Civ. P. 30 and 31 shall be served upon other counsel or parties but shall not be filed with the Clerk of Court. The party responsible for service of the discovery material shall retain the original and become the custodian thereof. Certificates of service for these materials should not be filed on the docket.

(c) Cooperative Discovery Arrangements; Discovery Disputes

(1) Cooperative discovery arrangements in the interest of reducing delay and expense are mandated. The parties are strongly encouraged to resolve discovery disputes informally.

(2) The parties must make good faith efforts to timely meet and confer on any discovery dispute before filing a motion with the Court.

(3) 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 certification that: (1) after consultation in person or by telephone or videoconference 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. This provision does not apply to *pro se* prisoner cases.

(4) Any discovery motion filed pursuant to Fed. R. Civ. P. 26 through 37 shall have attached to it or the accompanying memorandum a copy of the actual discovery documents that are the subject of the motion or, in the alternative, set out in the memorandum a verbatim recitation of each interrogatory, request, answer, response, and/or objection that is the subject of the motion.

(5) The parties are further directed to review the presiding judge's case management procedures for any additional requirements.

(d) Form of Written Discovery

(1) Written discovery pursuant to Fed. R. Civ. P. 33, 34, and 36 shall be served on the responsive party in Microsoft Word format. *Pro se* civil litigants who are incarcerated may serve such written discovery on the responsive party in a typewritten or legibly printed hard copy format.

(2) Any response or objection to discovery served pursuant to Fed. R. Civ. P. 33, 34, and 36 shall be typewritten or printed legibly and must

set forth in full the interrogatory or request being answered or objected to immediately preceding the answer or objection.

(e) Discovery in Criminal Cases

(1) Parties in criminal cases shall comply with the Standard Order for Pretrial Discovery and Inspection.

RULE 40.1 CASE ASSIGNMENT AND TRIAL CALENDARS

(*See* Fed. R. Civ. P. 40, 79)

(a) Civil cases are randomly assigned to a District Judge or Magistrate Judge pursuant to Administrative Order as from time to time amended by the Court. Any action taken to avoid the random assignment will subject that party and that party's attorney(s) to the full disciplinary power and sanctions of this Court.

(b) Criminal cases are randomly assigned to a District Judge by separate Benton and East St. Louis dockets.

RULE 45.1 ISSUANCE OF SUBPOENAS TO A *PRO SE* PARTY IN CIVIL CASES

(*See* Fed. R. Civ. P. 45)

(a) The Clerk of Court shall issue subpoenas to a *pro se* party only upon Order of the Court. Thus, in a civil case, if a *pro se* party requests the issuance of subpoenas, the Clerk's Office will provide the *pro se* party blank, unsigned subpoena forms.

(b) The *pro se* party must then complete the forms and file a motion with the presiding judge for an Order authorizing the issuance of the requested subpoenas for specific witnesses or documents. The completed forms shall be attached to the motion for the Court's review and approval. The motion must address the relevancy of the subject persons or documents of the requested subpoena to the claims or defenses at issue. A *pro se* party must pay all applicable fees associated with the subpoena, even if the *pro se* party has been granted leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915(d). *Pro se* parties should review Fed. R. Civ. P. 45 in its entirety.

RULE 51.1 INSTRUCTIONS TO THE JURY

(*See* Fed. R. Civ. P. 49, 51; Fed. R. Crim. P. 30)

(a) In both civil and criminal cases, an electronic version of a party's proposed jury instructions should be submitted by email to the presiding judge in Microsoft Word format. The parties are directed to review the procedures for each judge as outlined on the Court's website.

(b) The parties are encouraged to review and propose applicable Pattern Jury Instructions as approved by the Seventh Circuit Court of Appeals. *See* https://www.ca7.uscourts.gov/pattern-jury-instructions/pattern-jury.htm.

RULE 53.1 COMMUNICATIONS WITH JURORS

(a) Before and during trial, no attorney, party, or representative of either shall contact, converse, or otherwise communicate with a juror or potential juror on any subject, whether pertaining to the case or not.

(b) No attorney, party, or representative of either may question a juror after the verdict has been returned without prior approval of the presiding judge. Approval of the presiding judge shall be sought only by application made by counsel orally in open court or upon written motion which states the grounds and the purpose of the questioning. If a post-verdict questioning of one or more of the members of the jury is approved, the scope of the questioning and other appropriate limitations upon the questioning will be determined by the presiding judge prior to the questioning.

RULE 54.1 ASSESSMENT OF JURY COSTS IN CIVIL CASES

(a) Whenever a civil case which has been set for jury trial is disposed of or settled by the parties, counsel shall immediately inform the chambers of the judge before whom the case is pending. When possible, notice of settlement shall be provided no later than 3:00 p.m. central time on the last full court business day before the date the trial is scheduled.

(b) If for any reason attributable to counsel or the parties, including settlement, disposition of the matter, or a continuance, the Court is unable to commence a jury trial as scheduled, and a panel of prospective jurors has reported for service, or a selected jury has reported to hear the case, all costs incurred with respect to the jury, including *per diem* and mileage, may be assessed by

the Court against all parties equally or against one or more of the parties, if it appears that the party was, or the parties were, responsible for the failure to notify the Court as required, or otherwise caused the Court's inability to proceed.

(c) All money collected as a result of any assessment under this Local Rule shall be paid to the Clerk of Court, who shall promptly remit said money to the Treasury of the United States of America.

RULE 54.2 TAXATION OF COSTS

(*See* 28 U.S.C. §§ 1914, 1920, 2412,1828; Fed. R. Civ. P. 54(d))

(a) Not all trial expenses are taxable as costs. Only those items authorized by law may be taxed as costs. Costs shall be taxed in accordance with Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920.

(b) Fed. R. Civ. P. 54(d)(1) provides that costs (other than attorney's fees) should be allowed to the prevailing party, unless a federal statute, rule, or court order otherwise directs. Rule 54(d)(1) further provides that such costs may be taxed by the Clerk of Court "on 14 days' notice." Opposing counsel will be allowed **14 days** (from the date notice is given by the Clerk) in which to file any objections. If no objections are filed within the 14-day period, the Clerk of Court will tax the appropriate costs. If objections are timely filed, the matter will be reviewed and resolved by the presiding judge. A Bill of Costs form is available on the Court's website.

(c) Unless separately authorized by federal statute, a request for costs must be filed no later than 30 days after the entry of judgment.

(d) Fees and costs allowable under the *Pro Bono* Program are governed by SDIL-LR 83.13-83.14.

RULE 56.1 SUMMARY JUDGMENT

(*See* Fed. R. Civ. P. 56)

(a) Briefs in support of a motion for summary judgment must contain a Statement of Material Facts which sets forth each relevant, material fact in a separately numbered paragraph. **A material fact is one that bears directly on a legal issue raised in the motion**. Each paragraph must contain specific citation(s) to the record, including page number(s).

(b) Briefs in opposition to a motion for summary judgment must contain a Response to Statement of Material Facts. The response shall contain corresponding paragraphs to the Statement of Material Facts that state whether the fact is: (1) admitted; (2) disputed; (3) admitted in part and disputed in part (specifying which part is admitted and which part is disputed); or (4) not supported by the record citation. The disputed facts, or parts of facts, shall contain specific citation(s) to the record, including page number(s), upon which the opposing party relies, where available.

(c) An opposing party may provide a Statement of Additional Material Facts in its opposition brief which sets forth any additional material facts in separately numbered paragraphs. The Statement of Additional Material Facts must contain specific citation(s) to the record, including page number(s).

(d) The moving party may file a Reply to Statement of Additional Material Facts. The reply shall contain corresponding paragraphs to the Statement of Additional Material Facts that state whether the fact is: (1) admitted; (2) disputed; (3) admitted in part and disputed in part (specifying which part is admitted and which part is disputed); or (4) not supported by the record citation. The disputed facts, or parts of facts, shall contain specific citation(s) to the record, including page number(s), upon which the moving party relies, where available. The reply may contain additional argument (limited to five pages), *see* SDIL-LR 7.1(a)(4), but should not contain any rebuttal to the movant's initial Statement of Material Facts.

(e) Briefs in support of or in opposition to a Motion for Summary Judgment shall not exceed 20 pages, exclusive of all documents listed in SDIL-LR 7.1(a)(3) and any Statement of Material Facts, Response to Statement of Material Facts, Statement of Additional Material Facts, or Reply to Statement of Additional Material Facts.

(f) The Court will disregard any asserted fact that is not supported with a citation to the record, unless the factual basis for the assertion is clearly identifiable from the parties' related citations or permissible inference.

(g) All material facts set forth in a Statement of Material Facts or a Statement of Additional Material Facts shall be deemed admitted for purposes of summary judgment unless specifically disputed.

(h) The Court may strike any motion or response that does not comply with this Local Rule.

(i) The Court disfavors collateral motions—such as motions to strike—in the summary judgment process. Any dispute over the admissibility or effect of evidence must be raised through an objection within a party's brief.

(j) This Local Rule applies equally to represented and *pro se* parties. Motions for summary judgment served on *pro se* parties must be accompanied by a certification that notice of the consequences for failing to respond to a motion for summary judgment has been served on the *pro se* party as required by *Timms v. Frank*, 953 F.2d 281 (7th Cir. 1992); *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982).

(k) This Local Rule shall not apply to cases that involve the review of an administrative record including, but not limited to, cases brought pursuant to the Social Security Act or the Freedom of Information Act.

RULE 72.1 ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES

(*See* 28 U.S.C. § 636, *et seq*.; Fed. R. Civ. P. 72, 73)

(a) Automatic References

The Clerk of Court shall refer the following matters to a Magistrate Judge upon filing:

(1) All misdemeanor offenses occurring within the Southern District of Illinois that are prosecuted by criminal complaint; and

(2) All petty offenses and all offenses involving Central Violations Bureau (CVB), which are offenses occurring on government property or reservations.

(b) Authorized References

With the consent of the parties, a Magistrate Judge is authorized to:

(1) Conduct *voir dire* and select petit juries for the District Court; and

(2) Conduct change of plea colloquies in felony cases, file a report and recommendation with the District Court regarding the plea, and order presentence investigation reports.

(c) Selected References

All other civil or criminal matters will be referred by a District Judge to a Magistrate Judge on a case-by-case basis.

RULE 72.2 PROCEDURES BEFORE MAGISTRATE JUDGES

(*See* 28 U.S.C. § 636, *et seq*.; Fed. R. Civ. P. 72, 73)

(a) In General

In performing his/her/their duties, a Magistrate Judge shall conform to all applicable provisions of federal statutes and rules, to the general procedural rules of this Court, and to the requirements specified in any order of reference from a District Judge. All practice before a Magistrate Judge shall be in accordance with these Local Rules.

(b) Special Provisions for the Disposition of Civil Cases by a Magistrate Judge on Consent of the Parties - 28 U.S.C. § 636(c)

(1) Notice

Pursuant to Administrative Order as from time to time amended by the Court, the Clerk of Court shall notify the parties in certain categories of civil cases that they may consent to have a Magistrate Judge conduct any or all proceedings in the case and order the entry of a final judgment. The Clerk of Court's notification will set applicable deadlines and will include a form regarding consenting or declining to consent to Magistrate Judge jurisdiction.

(2) Execution of Consent

Each party must file its completed consent form, indicating consent or non-consent to proceed before a Magistrate Judge, in the manner directed by the Court. The executed consent forms will be filed under seal and will be unsealed only if all parties consent to proceed before a Magistrate Judge. No Magistrate Judge, District Judge, or other court official may attempt to persuade or induce any party to consent to the reference of any matter to a Magistrate Judge. This Rule shall not preclude a District Judge or Magistrate Judge from informing the parties that they have the option of consenting to a Magistrate Judge.

(3) Consent

Once a case has been assigned to a Magistrate Judge on consent of the parties, the Magistrate Judge shall have the authority to conduct all proceedings to which the parties have consented and to direct the Clerk of Court to enter a final judgment in the same manner as if a District Judge had presided. The parties cannot seek review and appeal of a Magistrate Judge decision from a District Judge once a case has been assigned to a Magistrate Judge on consent of the parties.

(4) Reassignment of Cases

The Clerk of Court may reassign cases as is necessary to ensure compliance with federal law, local rules, and administrative orders.

RULE 73.1 REVIEW AND APPEAL OF MAGISTRATE JUDGES' ORDERS OR RECOMMENDATIONS

(*See* 28 U.S.C. § 636; Fed. R. Civ. P. 72, 73; 8 U.S.C. § 3145, *et. seq*., Fed. R. Cr. P. 58(g)(2)(B))

(a) Appeal of Non-Dispositive Matters - 28 U.S.C. § 636(b)(1)(A)

Any party may appeal a Magistrate Judge's order issued pursuant to 28 U.S.C. § 636(b)(1)(A), determining a motion or matter within **14 days** after issuance of the Magistrate Judge's order, unless a different time is prescribed by the Magistrate Judge or a District Judge. The party shall file with the Clerk of Court and serve on all parties a written request for an appeal, which shall specifically designate the order or part of the order that the parties wish the Court to reconsider. A District Judge shall reconsider the matter and shall set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. A District Judge may also reconsider *sua sponte* any matter determined by a Magistrate Judge under this Rule.

(b) Review of Dispositive Motions and Prisoner Litigation - 28 U.S.C. § 636(b)(1)(B)

Any party may object to a Magistrate Judge's proposed dispositive findings, recommendations, or reports issued pursuant to 28 U.S.C. § 636(b)(1)(B), within **14 days** after being served with a copy. The objecting party shall file with the Clerk of Court, and serve on all parties, written

objections which shall specifically identify the portions of the proposed findings, recommendations, or reports to which objection is made and the basis for the objections. Any party may respond to another party's objections within **14 days** after being served with a copy. **Requests for extension of these deadlines are not favored.**

A District Judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The District Judge may conduct a new hearing, may consider the record developed before the Magistrate Judge, and may make a determination on the basis of that record. The District Judge may also receive further evidence, recall witnesses, or recommit the matter to the Magistrate Judge with instructions.

(c) Special Master Reports - 28 U.S.C. § 636(b)(2)

Any party may seek review of, or action on, a special master report filed by a Magistrate Judge in accordance with the provisions of Fed. R. Civ. P. 53(e).

(d) Appeal from Orders or Judgments in Petty Offenses and Other Misdemeanor Cases – 18 U.S.C. § 3402; Fed. R. Crim. P. 58(g)(2)

A defendant may appeal an order or judgment of conviction by a Magistrate Judge in a petty offense or other misdemeanor case by filing a notice of appeal with the District Court within **14 days** after entry of the order or judgment, and by serving a copy of the notice upon the United States Attorney. The scope of the appeal shall be the same as on an appeal from a judgment of the District Court to the Court of Appeals.

(e) Appeal from Judgments in Civil Cases Disposed of on Consent of the Parties - 28 U.S.C. § 636(c)

Upon the entry of judgment in any civil case disposed of by a Magistrate Judge on consent of the parties under authority of 28 U.S.C. § 636(c), an aggrieved party may appeal directly to the United States Court of Appeals for the Seventh Circuit in the same manner as an appeal from any other judgment of this Court.

(f) Review of Magistrate Judge's Order of Release or Detention - 18 U.S.C. § 3145(a) and (b).

Any party may seek review of a Magistrate Judge's order of release or detention in a criminal case in accordance with 18 U.S.C. § 3145(a) and (b).

The party seeking review shall file a motion promptly and in accordance with the time limits designated by the Magistrate Judge.

RULE 79.1 CUSTODY AND DISPOSITION OF EXHIBITS

(a) During Trial

Unless the presiding judge orders otherwise, all exhibits, including, but not limited to, models, diagrams, physical material, and electronic files that are received into evidence, or offered and refused admission, at any trial or hearing shall be retained in the custody of the Clerk of Court or his/her/their designee for the duration of the proceeding.

(b) After Trial

Unless the presiding judge orders otherwise, exhibits shall not be retained by the Clerk of Court at the conclusion of the proceeding but shall be retained in the custody of the respective attorneys who produced them in court. Any exhibit not so removed, including electronic files, shall be destroyed or otherwise disposed of (1) 90 days after a final decision is rendered if no appeal is taken from that decision or (2) when an appeal is taken, within 90 days after the mandate of the reviewing court is filed.

(c) Appeal

If an appeal is taken, the parties shall make available all of the exhibits in their possession in order to prepare the record on appeal. The attorney who has custody of exhibits shall comply with Rule 10 of the Circuit Rules for the United States Court of Appeals for the Seventh Circuit and must ensure that exhibits to be included in the record, which are not in the possession of the Clerk of Court in the District Court, are furnished to the Clerk of Court in the Seventh Circuit Court of Appeals as set forth in Rule 10.

RULE 80.1 OFFICIAL TRANSCRIPTS

(*See* Fed. R. App. P. 10; 7th Cir. R. 10, 11)

(a) Before producing an official transcript, a court reporter shall obtain a written request on a "Seventh Circuit Transcript Information Sheet," pursuant to Rule 10(b) of the Federal Rules of Appellate Procedure and Rule 10(c) of the Circuit Rules.

(b) The written request shall contain the following pertinent data:

(1) a commitment of the party and his/her/their attorney to pay;

(2) the commitment of the party and his/her/their attorney that they will not directly or indirectly furnish the transcript or a copy of it to any other party or attorney in the action; and

(3) any other pertinent matter that is necessary for a clear understanding of the terms of the contract between the court reporter and the ordering party and his/her/their attorney.

(c) Forms and information regarding transcripts, including the Court's Transcript Policy addressing required redactions to transcripts, are available on the Court's website.

RULE 83.1 ADMISSION OF ATTORNEYS

(Detailed instructions regarding the attorney admission process are available on the Court's website.)

(a) General Admission of Attorneys

(1) Any attorney licensed to practice law in any state in the United States or the District of Columbia shall be admitted to practice generally in this Court upon payment of an initial fee, as prescribed in the Fee Schedule, and completion of the registration process through PACER.

(2) Attorney applicants are required to submit a Certificate of Good Standing issued less than 60 days from the date of application from a state in which the attorney applicant is licensed, all state bar numbers issued to the attorney applicant, and an Oath of Office.

(3) An attorney may submit a Certificate of Admission to Practice in the Northern or Central Districts of Illinois in lieu of a Certificate of Good Standing, together with all state bar numbers issued to the attorney applicant, and an Oath of Office.

(4) Attorneys must periodically pay a fee to maintain and renew their membership in the Court's bar. The amount and interval of the renewal fee shall be set by the Court and published in the Fee Schedule.

(b) *Pro Hac Vice* Admissions

(1) Except as otherwise provided in the Local Rules, any attorney licensed to practice law in any state in the United States or the District of Columbia who does not wish to be admitted generally, but wishes to be admitted in a specific civil or criminal case only, may, upon submission of a Motion to Appear *Pro Hac Vice*, be permitted to appear of record and participate *pro hac vice*.

(2) An attorney seeking *pro hac vice* admission must first register through PACER as a *pro hac vice* filer. Once the request to e-file is approved, the Motion to Appear *Pro Hac Vice* must be filed with a verified statement setting forth all state and federal bars of which the movant is a member, the bar number, if any, issued by each jurisdiction, and a statement as to whether the movant remains in good standing in each jurisdiction. The required filing fee prescribed in the Fee Schedule for *pro hac vice* motions must be paid at the time the motion is filed. If the motion is denied, the fee will be refunded by Order of the Court.

(c) Government Representation

Any attorney representing any governmental entity, whether federal, state, or municipal, may appear and participate in individual cases in their official capacity after registering through PACER as a government attorney. A Certificate of Good Standing and admission fee are not required. Government attorneys must enter their appearance in a case, as required of any attorney.

(d) Non-Resident Counsel

Parties who are represented by counsel who do not reside in this district shall not be required to retain local counsel to represent them. At any time for good cause, upon the motion of any party, or upon its own motion, the Court may require that a non-resident attorney obtain local counsel to assist in the conduct of the case.

(e) Admission to Practice in an MDL Case

Admission to the bar of this Court is not required to file or appear in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation ("MDL Case"). Attorneys who seek to file or appear in an MDL case and who do not already have e-filing access in this Court must apply through PACER. Although the attorney

applicant must be in good standing with the bar, a Certificate of Good Standing and admission fee are not required.

(f) Representation in Cases

(1) In all cases filed in, removed to, or transferred to this Court, all parties, except governmental agencies or those appearing *pro se*, must be represented by a member of the bar of this Court. Service upon any attorney of record for a party shall constitute service upon all other counsel appearing of record for the party.

(2) Unless otherwise excepted by this Rule, pleadings or other documents submitted by a party who is not represented by a member of the bar of this Court shall be returned by the Court.

(g) Appearances

In all cases filed in, removed to, or transferred into this Court, the attorney filing the initiating document need not file a separate entry of appearance. Once the initiating document is filed, any attorney other than the one who filed the initiating document must file a separate entry of appearance before filing a document or appearing before the Court.

(h) Withdrawals in Civil Cases

An attorney may not withdraw an entry of appearance for a party without leave of Court and notice to all parties of record.

(1) Leave of Court

The motion for leave to withdraw shall be in writing and, unless another attorney is substituted or already of record, shall state the last known address of the party represented, and must advise the party being represented that he/she/they may seek to retain other counsel if they so choose. Within 21 days of the entry of an order of withdrawal, the party or the new counsel shall file with the Clerk of Court a supplementary appearance that provides an address at which the party and/or the new counsel may receive service of documents related to the case. The Court may deny the motion if granting it would delay the trial of the case or would otherwise be inequitable.

(2) Notice to Parties

Unless another attorney is substituted or already of record, a withdrawing attorney must give reasonable notice to the party being represented of the motion for leave to withdraw. Notice shall be by personal service or certified mail at the party's last known business or residential address. The motion for leave to withdraw must certify that notice has been provided.

If the motion for withdrawal is granted, the withdrawing attorney shall serve a copy of the order of withdrawal within 7 days by personal service or certified mail upon any unrepresented parties.

(3) *Pro Bono* Counsel

The withdrawal of counsel assigned pursuant to the *Pro Bono* Program (SDIL-LR 83.10-83.14) is governed by SDIL-LR 83.10-83.12.

(i) Conduct

Conduct of attorneys admitted to practice in this Court is controlled by SDIL-LR 83.2.

(j) Duty of Attorneys to Accept *Pro Bono* Assignments

Unless expressly exempted, every member of the bar of this Court, as defined in subparagraph (a) of this Rule, shall be available for assignment by the Court to represent or assist in the representation of those who cannot afford to hire an attorney. SDIL-LR 83.8-83.14 set forth the district's *Pro Bono* Program and applicable procedures.

(k) Representation by Supervised Senior Law Students

A student in a law school who has been certified to render services pursuant to Illinois Supreme Court Rule 711 may, upon approval of the judge before whom the case is pending, perform such services in this Court as allowed by Rule 711 while under the supervision of an attorney authorized to practice in this Court. In addition to the agencies specified in paragraph (b) of Rule 711, the law school student may render services with the United States Attorney for this district, the legal staff of any agency of the United States government, or the Federal Public Defender for this district, including any of its staff or panel attorneys.

(l) Registration Fee

When a fee is collected from an attorney for general admission to practice

in this Court, the amount prescribed by the Judicial Conference of the United States for general admission shall be paid to the Treasury of the United States. Any amount collected above the basic admission fee shall be retained by the Clerk of Court for use as set forth in this Court's Plan for the Administration of the District Court Fund. The entire fee collected from a *pro hac vice* admission, and any fee prescribed and collected for the periodic renewal of membership to this Court's bar, shall be retained by the Clerk of Court for use as set forth in this Court's Plan for the Administration of the District Court Fund.

(m) Renewal Fee

The periodic fee for renewal of membership in the district bar shall be set forth in the Fee Schedule (available on the Court's website). The Clerk of Court shall notify attorneys of the applicable procedures and deadlines in advance of each renewal period.

RULE 83.2 CONDUCT OF ATTORNEYS

(a) The Court, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys admitted to practice before it, promulgates the following Rules of Disciplinary Enforcement superseding its other rules pertaining to disciplinary enforcement. This Rule and SDIL-LR 83.3 and 83.4 shall apply with equal force to government attorneys appearing before the Court, who are not generally admitted to the district bar or who are admitted *pro hac vice* (*see* 28 U.S.C. § 530B(a)).

(1) For misconduct defined in these Rules and for good cause shown, after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded, or subjected to other disciplinary action as the circumstances may warrant.

(2) The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct established by the Supreme Court of Illinois, as amended from time to time by that Court, except as otherwise provided by specific rule of this Court. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, that violate the Court's Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

(3) Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed 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.

RULE 83.3 DISCIPLINARY ENFORCEMENT

(a) Disciplinary Proceedings

(1) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a District Judge or Magistrate Judge, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judge should refer the matter to counsel under SDIL-LR 83.3(a)(2) for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

(2) Appointment of Counsel. Whenever counsel is to be appointed pursuant to these Rules to investigate allegations of misconduct or prosecute disciplinary proceedings, this Court shall appoint as counsel the disciplinary agency of the Supreme Court of Illinois, unless the disciplinary agency of another court has jurisdiction. If the disciplinary agency declines appointment, or such appointment is inappropriate, this Court may appoint as counsel one or more members of the bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these Rules. The respondent-attorney may move to disqualify an attorney so appointed upon a showing of good cause. Counsel, once appointed, may not withdraw unless permission to do so is given by this Court.

(3) Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise, setting forth the reasons for their recommendation.

(4) To initiate formal disciplinary proceedings, counsel shall move for

an Order of this Court, upon a showing of probable cause, requiring the respondent-attorney to show cause within **30 days** after service of that order upon that attorney, personally or by mail, why the respondent-attorney should not be disciplined. Except as otherwise provided in these Rules or unless otherwise ordered by a judge, the proceedings and filings in every disciplinary case in this Court shall be matters of public record.

(5) Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, this Court shall set the matter for prompt hearing before one or more judges of this Court, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this Court, the hearing shall be conducted before one or more other judges of this Court appointed by the Chief Judge.

(6) Criminal Contempt. Notwithstanding any other provision of these Rules, a District Judge may summarily punish a person who commits criminal contempt in its presence if they saw or heard the contemptuous conduct and so certifies; a Magistrate Judge may summarily punish a person as provided in 28 U.S.C. § 636(e). The contempt order must recite the facts, be signed by the judge, and be filed with the Clerk of Court. (*See* Fed. R. Crim. P. 42(b); 28 U.S.C. § 1784.) If the misconduct has occurred outside the actual presence of the Court or where time is not of the essence, the provisions of Fed. R. Crim. P. 42(a) may be applied.

(7) Service of Paper and Other Notices. Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address shown in the most recent registration on file. Service of any other papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address shown on the most recent registration on file or to the respondent's attorney at the address indicated in the most recent pleading or other document filed in the course of any proceeding.

(8) Payment of Fees and Costs. At the conclusion of any disciplinary investigation and prosecution, if any, under these rules, counsel may apply to this Court for an order awarding reasonable fees and reimbursing costs expended in the course of such disciplinary action or prosecution. Any such order shall be submitted to the Chief Judge, who may order payment of such amounts from the funds collected

pursuant to Rule 83.1(k), as he/she/they may deem reasonable and just under the circumstances of each case.

(b) Attorneys Convicted of Crimes

(1) Duty to Notify

An attorney admitted to practice in this Court, who has been convicted in any court of any crime, has a duty to notify the Clerk of Court in writing within 30 days of the entry of the judgment of conviction. The Clerk of Court shall file a certified copy of the judgment or conviction upon receipt. This duty applies whether the conviction resulted from a plea of guilty or *nolo contendere*, from a verdict after trial or otherwise, regardless of the pendency of any appeal.

(2) Automatic Suspension

Upon the filing with the 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," as hereinafter defined, in any court of the United States, the District of Columbia, or any state, territory, commonwealth, or possession of the United States, the Court shall immediately enter an order suspending that attorney, whether the conviction resulted from a plea of guilty or *nolo contendere*, from a verdict after trial or otherwise, regardless of the pendency of any appeal. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears to be in the interest of justice to do so.

(A) Definition of "Serious Crime"

The term "Serious Crime" shall include any felony and any lesser crime, a necessary element of which, as determined by the statutory or common law definition of the crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a Serious Crime.

(B) 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 Court shall, in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to counsel for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined shall be the extent of the final discipline to be imposed for the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

(3) Proceedings Where Attorney Convicted of Offense That Does Not Qualify as 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 Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding in accordance with SDIL-LR 83.3(a), provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.

(4) Judgment of Conviction as Evidence

A certified copy of a judgment of conviction of an 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.

(5) Reinstatement Where Conviction Reversed

An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of proof demonstrating that the underlying conviction of a Serious Crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding brought in accordance with SDIL-LR 83.3(a) then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(c) Discipline Imposed by Other Court or State Bar Licensing or Disciplinary Agency

(1) Duty to Notify

Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other court or state bar licensing or disciplinary agency of the United States, the District of Columbia, or any state, territory, commonwealth, or possession of the United States, promptly inform the Clerk of Court.

This notice obligation applies equally to any public discipline imposed as a result of an attorney consenting to such discipline, including voluntary resignation from the bar of any other court of the United States or the District of Columbia, or any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending.

The Court may also initiate an investigation upon information from any other reliable source which indicates an attorney has been publicly disciplined in another jurisdiction.

Failure to notify the Clerk of Court may result in additional sanctions.

(2) Rule to Show Cause

Upon the filing of a certified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been (1) publicly disciplined by another court or state bar licensing or disciplinary agency, (2) publicly disciplined on consent by another court or state bar licensing or disciplinary agency, or (3) voluntarily resigned from the bar of any other court of the United States, District of Columbia, or any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending, this Court shall forthwith issue a notice directed to the attorney containing:

(A) a copy of the judgment or order from the other court or state bar licensing or disciplinary agency; and

(B) an order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (g) below that the imposition of the identical discipline by the Court would be unwarranted and the reasons why.

(d) Effect of Stay of Imposition of Discipline in Other Court or State Bar Licensing or Disciplinary Agency

In the event any public discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed by this Court shall be deferred until the stay expires.

(e) Imposition of Discipline; Exceptions

Upon the expiration of **30 days** from service of the notice issued pursuant to the provisions of (2) above, this Court shall impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears:

(A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(B) 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

(C) that the imposition of the same discipline by this Court would result in grave injustice; or

(D) that the misconduct established is deemed by this Court to warrant substantially different discipline.

(1) Disciplinary Order as Evidence

In all other respects, a 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.

A certified copy of an order demonstrating public discipline on consent by another court or state bar licensing or disciplinary agency, or voluntary resignation from the bar of any other court of the United States, District of Columbia, or any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending, may establish that the attorney should be subject to the same discipline in this Court.

(2) Appointment of Counsel for Proceedings

The Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

(f) Disbarment on Consent While Under Disciplinary Investigation or Prosecution

(1) 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 discipline by this Court, but only by delivering to this Court an affidavit stating that the attorney desires to consent to such discipline and that:

(A) the attorney's consent is freely and voluntarily rendered, the attorney is not being subjected to coercion or duress, and the attorney is fully aware of the implications of consenting;

(B) the attorney is aware that there is a pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(C) the attorney acknowledges that the material facts so alleged are true; and

(D) the attorney so consents because the attorney knows that if the charges were predicated upon the matters under investigation, or if the proceedings were prosecuted, the attorney could not successfully defend themselves.

(2) Upon receipt of the required affidavit, this Court shall enter an order of such discipline.

(3) The order disciplining the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon Order of this Court.

(g) Duties of the Clerk of Court

(1) Upon being notified or otherwise informed that an attorney admitted to practice in this Court has been convicted of any crime, the Clerk of Court shall determine whether the court in which such

conviction occurred has forwarded a certificate of the conviction. If a certificate has not been so forwarded, the Clerk of Court shall promptly obtain the certificate.

(2) Upon being notified or otherwise informed that an attorney admitted to practice in this Court has been subjected to public discipline by another court or state licensing or disciplinary agency, the Clerk of Court shall determine whether a certified copy of the judgment or order has been filed with this Court, and, if not, the Clerk of Court shall promptly obtain the judgment or order.

(3) Whenever it appears that any person convicted of a crime or disbarred, suspended, censured, or publicly disciplined on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk of Court shall, within 14 days of that conviction, disbarment, suspension, censure, or other public discipline on consent, transmit to the disciplinary authority in such other jurisdiction or court a certificate of the conviction or a certified copy of the judgment or order of disbarment, suspension, censure, or public discipline on consent, as well as the last known office and residence addresses of the defendant or respondent.

(4) The Clerk of Court shall likewise promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney to practice before this Court.

(h) Jurisdiction

Nothing contained in these Rules shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure.

(i) ABA Model Federal Rules of Disciplinary Enforcement

In instances not addressed by the Local Rules, or other applicable statutes and rules, the Court will be guided by the American Bar Association's Model Federal Rules of Disciplinary Enforcement.

RULE 83.4 REINSTATEMENT OF ATTORNEYS

(a) After Disbarment or Suspension

An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Clerk of Court an affidavit of compliance with the provisions of the order suspending them. An attorney suspended for more than three months or disbarred may not resume practice until reinstated upon motion and by Order of this Court.

(b) Time of Application Following Disbarment

A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(c) Hearing on Application

Petitions for reinstatement by an attorney disbarred or suspended under this Rule shall be filed with the Chief Judge. The Chief Judge shall assign the matter to one or more judges of this Court for consideration. If the underlying disciplinary proceeding was predicated upon the complaint of a judge of this Court, that judge shall be excluded from considering the petition for reinstatement. The judge or judges assigned to the matter shall, within 30 days, either grant the petition or set the matter for hearing. If a hearing is set, the petition shall be referred to counsel to make recommendations as to whether reinstatement is proper. Counsel may be required to file a report prior to the hearing and may also cross-examine the petitioner and his/her/their witnesses and be responsible for submitting any evidence in opposition to the petition. The petitioner has the burden of demonstrating by clear and convincing evidence that he/she/they have the qualifications, competency, and learning in the law required for admission to practice law before this Court and that his/her/their 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.

(d) Deposit for Costs of Proceeding

As circumstances warrant, the Court may require an advance cost deposit in an amount to be set by the Court to cover anticipated costs of the reinstatement proceeding.

(e) Conditions of Reinstatement

If the petitioner is found unfit to resume the practice of law, the petition

shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate them, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner, whose conduct led to the suspension or disbarment. If the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the judge or judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which 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.

(f) Successive Petitions

An attorney may not file a second or successive petition for reinstatement within one year of any denial of an initial petition for reinstatement.

(g) Fees

The fee for general admission to the district bar, or the renewal fee, must be paid, as appropriate. *See* SDLR 83.1, Fee Schedule, available on the Court's website.

RULE 83.5 AUDIO-VISUAL REPRODUCTIONS OF JUDICIAL PROCEEDINGS PROHIBITED

(*See* Fed. R. Crim. P. 53; 18 U.S.C. § 1508; 7th Cir. R. 55)

(a) Unless otherwise authorized by Order of this Court, the taking of photographs, sound recordings (except by the official court reporters in the performance of their duties), video recordings, and broadcasting by radio, television, internet, or other means in connection with any judicial proceeding is prohibited.

(b) Credentialed members of the media may utilize electronic devices in the courthouse and courtrooms in accordance with any applicable administrative orders and/or orders from the presiding judge.

RULE 83.6 FAIR TRIAL, FREE PRESS

(*See* Fed. R. Crim. P. 6, 12.1, 16, 32, 53; 18 U.S.C. § 3322;
28 U.S.C. §§ 566, 751, 753, 755, 956)

(a) Duties of Lawyers

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he/she/they are associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice. With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement for dissemination by any means of public communication that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement for dissemination by any means of public communication relating to that matter and concerning:

(1) the prior criminal record (including arrests, indictments, or other charges of crime) or the character or reputation of the accused, except that the lawyer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his/her/their apprehension or to warn the public of any dangers he/she/they may present;

(2) the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) the performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) the identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) the possibility of a plea of guilty or innocence or as to the merits of the case or the evidence in the case; or

(6) any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(b) Duties of Court Personnel

No personnel connected in any way with this Court or its operation, including, among others, marshals, deputy marshals, deputy clerks, court security officers, bailiffs, jury administrators, court reporters, and interns, shall disclose to any person, without specific authorization by the presiding judge, any information relating to a pending criminal or civil case that is not a part of the public record. This prohibition applies to, among other things, the divulgence of information concerning arguments, hearings, and discussions held in chambers or otherwise outside the presence of the public.

(c) Special Order in Certain Cases

In a widely publicized or sensational case, the Court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses that might interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters that the Court may deem appropriate for inclusion in such an order, such as:

(1) directives regarding the clearing of entrances to and hallways in a courthouse and respecting the management of the jury and witnesses during the course of the trial to avoid their mingling with or being in the proximity of reporters, photographers, parties, lawyers, and others, both in entering and leaving the courtroom and courthouse, and during recesses in the trial;

(2) a specific directive that the jurors refrain from reading, listening to, or watching news reports concerning the case, and that they similarly refrain from discussing the case with anyone during the trial and from communicating with others in any manner during their deliberations;

(3) sequestration of the jury on motion of any party or the Court, without disclosure of the identity of the movant;

(4) a directive that the names and addresses of the jurors or prospective jurors are not publicly released, except as required by statute, and that no photographs be taken or sketch made of any juror within the environs of the Court;

(5) insulation of witnesses from news interviews during the trial period; and

(6) specific provisions regarding the seating of spectators and news media representatives.

RULE 83.7 DEATH PENALTY CASES

(*See* 28 U.S.C. § 2261, *et seq.*)

(a) Operation, Scope, and Priority

(1) This Rule applies to post-conviction proceedings in all cases involving persons under sentence of capital punishment.

(2) The District Judge to whom a case is assigned will handle all matters pertaining to the case, including certificates of appealability, stays of execution, consideration of the merits, second or successive petitions when authorized by the Court of Appeals under 28 U.S.C. §§ 2244(b)(3), 2255, remands from the Court of Appeals or Supreme Court of the United States, and associated procedural matters. This Rule does not limit a District Judge's discretion to designate a Magistrate Judge, under 28 U.S.C. § 636, to perform appropriate tasks. An emergency judge may act when the designated District Judge is unavailable.

(3) The District Judge must give priority to cases within the scope of this Rule, using the time limitations in 28 U.S.C. § 2266(b) as a guideline when that section is not directly applicable.

(4) The District Judge may make changes in the procedures established by this Rule when justice so requires.

(b) Notices and Required Documents

(1) A petition or motion within the scope of this Rule must:

(A) include all possible grounds for relief;

(B) inform the Court of the execution date, if one has been set; and

(C) in an action under 28 U.S.C. § 2254, inform the Court how each issue raised was presented to the state tribunal and, if it was not presented, why the contention nonetheless should be treated as (i) exhausted and (ii) not forfeited.

(2) As soon as a case is assigned to a District Judge, the Clerk of Court must notify by telephone the District Judge, counsel for the parties, and the representatives designated under the next subsection. The Clerk of Court also must inform counsel of the appropriate procedures and telephone numbers for emergency after-hours motions.

(3) The Attorney General of states with persons under sentence of death and the United States Attorneys of districts with persons under sentence of death must designate representatives to receive notices in capital cases in addition to, or in lieu of, the government's assigned counsel, and must keep the Court informed about the office and home telephone numbers of the designated representatives.

(4) The Clerk of Court in the district court must notify the Clerk of Court in the Seventh Circuit Court of Appeals of the filing of a case within the scope of this Rule, of any substantial development in the case, and of the filing of a notice of appeal. In all cases within the scope of this Rule, the Clerk of Court in the district court must immediately transmit the record to the Court of Appeals following the filing of a notice of appeal. A supplemental record may be sent later if items are not currently available.

(5) Promptly after the filing of a case within the scope of this Rule, the Clerk of Court must furnish to petitioner or movant a copy of this Rule, together with copies of Federal Rule of Appellate Procedure 22 and Seventh Circuit Rules 22 and 22.2.

(6) In all cases within the scope of this Rule, the petitioner or movant must file, within **10 days** after filing the petition or motion, legible copies of the documents listed below:

(A) copies of all state or federal court opinions, memorandum decisions, orders (if a decision or opinion has been published, a citation may be supplied in lieu of a copy), transcripts of oral

statements of reasons, and judgments involving any issue presented by the petition or motion, whether these decisions or opinions were rendered by trial or appellate courts, on direct or collateral review;

(B) copies of prior petitions or motions filed in state or federal court challenging the same conviction or sentence;

(C) if a prior petition has been filed in federal court, either (i) a copy of an Order issued by the Court of Appeals under 28 U.S.C. § 2244(b)(3) or § 2255 permitting a second or successive collateral attack or (ii) an explanation why prior approval of the Court of Appeals is not required; and

(D) any other documents that the presiding judge requests.

If a required document is not filed, the petitioner or movant must explain the omission to the Court.

(c) Preliminary Consideration

(1) The District Judge will promptly examine a petition or motion within the scope of this Rule and, if appropriate, order the respondent to file an answer or other pleading or take such other action as they deem appropriate.

(2) If the District Judge determines that the petition or motion is a second or successive collateral attack for which prior approval of the Court of Appeals was required but not obtained, the District Judge will immediately dismiss the case for want of jurisdiction.

(3) If the Court of Appeals granted leave to file a second or successive collateral attack, the District Judge must promptly determine in writing whether 28 U.S.C. § 2244(b)(4) has been satisfied.

(d) Appointment of Counsel

Pursuant to 18 U.S.C. § 3006A, 21 U.S.C. § 848(q), 28 U.S.C. § 2254(h), and 28 U.S.C. § 2255, counsel will be appointed for any person under a sentence of death who is financially unable to obtain representation, requests that counsel be appointed, and does not already have counsel appointed by a state under 28 U.S.C. § 2261.

(e) Stay of Execution

(1) A stay of execution is granted automatically in some cases and forbidden in others by 28 U.S.C. § 2262. All requests with respect to stays of execution over which the Court possesses discretion, or in which any party contends that § 2262 has not been followed, must be made by motion under this Rule.

(2) Parties must endeavor to file motions with the Court in writing and during normal business hours. Parties having emergency motions during nonbusiness hours must proceed as instructed under part (b)(2).

(3) A motion must be accompanied by legible copies of the documents required by part (b)(6) unless these documents have already been filed with the Clerk of Court or the movant supplies a reason for their omission. If the reason is lack of time to obtain or file the documents, then the movant must furnish them as soon as possible.

(4) If the attorney for the government has no objection to the motion for stay, the Court must enter an order staying the execution.

(5) If the District Judge concludes that an initial petition or motion is not frivolous, a stay of execution must be granted.

(6) An order granting or denying a stay of execution must be accompanied by a statement of the reasons for the decision.

(7) If the District Court denies relief on the merits and an appeal is taken, then:

(A) if the Judge denies a certificate of appealability, any previously issued stay must be vacated, and no new stay of execution may be entered; but

(B) if the Judge issues a certificate of appealability, a stay of execution pending appeal must be granted.

(f) List of Cases

The Clerk of Court will maintain a list of cases within the scope of this Rule.

RULE 83.8 *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 bar of this Court to represent a party who lacks the resources to retain counsel by any other means. Such assignment shall only be in a civil action or appeal to the district court from an administrative decision 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, including a Magistrate Judge acting in a civil case pursuant to 28 U.S.C. §§ 636(b) or (c).

(3) The term "panel" shall mean those members of the bar of this Court who have volunteered for assignment and those whose names were selected pursuant to section (c).

(4) The terms "*pro bono* rules" and "*pro bono* program" shall refer to Local Rules 83.8-83.14.

(b) Duty of Attorneys to Accept *Pro Bono* Assignments.

Unless expressly exempted, every member of the bar of this Court, as defined in SDIL-LR 83.1(a), shall be available for assignment by the Court to represent or assist in the representation of those who cannot afford to hire an attorney.

(c) Creating the Panel

(1) Annually, the Clerk of Court shall select names at random from the bar of this Court to create a panel.

(2) Following the selection of a panel, the Clerk of Court shall notify each member. Upon receiving notice of their selection, an attorney who feels they should be exempt from the panel pursuant to the *pro bono* rules should promptly contact the Clerk of Court.

(3) Any member of the bar of this Court may volunteer to be included in a panel or waive an exemption by contacting the Clerk of Court at any time.

(d) Exemptions

The following attorneys shall be exempt from panel inclusion:

(1) Attorneys employed full-time by an agency of the United States, a state, a county, or any sub-division thereof,

(2) Attorneys employed full-time by a not-for-profit legal aid organization, and

(3) Attorneys included on the current Criminal Justice Act panel.

Every effort will be made to not include an exempt attorney on a panel, but if an exempt attorney receives notice of panel inclusion, the attorney should contact the Clerk of Court promptly.

(e) Fulfillment of Panel Duty

(1) At the conclusion of each panel's term, members will be notified. If assigned to a case during a panel term, an attorney must continue with the representation until relieved from assignment, final judgment is entered, or the case is otherwise concluded in the district court. *See* SDIL-LR 83.10.

(2) If assigned to represent a *pro se* litigant, an attorney is exempt from placement on the next two panels (unless the Court has directed otherwise).

(3) If an attorney does not receive an assignment while serving on a panel, that attorney will be exempt from the pool of attorneys eligible for the next year's panel (unless the Court has directed otherwise).

RULE 83.9 ASSIGNMENT PROCEDURES

(a) Application

(1) Any application for the assignment of counsel by a party appearing *pro se* shall be on a form approved by the Court. The application shall include a form of affidavit stating the party's efforts, if any, to obtain counsel by means other than assignment and indicating any prior *pro bono* assignments of counsel to represent the party in cases brought in this Court, including both pending and previously terminated actions. A completed copy of the affidavit of financial

status in the form required by SDIL-LR 3.1(b) shall accompany the application. A *pro se* party initially 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.

(2) The Court may also *sua sponte* assign counsel, or reconsider assigning counsel, at any time.

(b) Notice of Assignment

Counsel shall be assigned by Order of the Court, which shall be immediately sent to all parties to the action and the assigned attorney. The order shall include the name, address, and, if available, telephone number of the party to be represented. Information regarding how to contact a prisoner-party is available on the Court's website.

(c) *Pro Se* Motions

Upon assignment of counsel, all pending motions filed by the party *pro se* shall be denied without prejudice so that assigned counsel can evaluate how to proceed, unless otherwise ordered by the Court.

RULE 83.10 DUTIES AND RESPONSIBILITIES OF ASSIGNED COUNSEL

(a) Upon receiving notice of the assignment, counsel shall, within 14 days or as directed by the Court, file an appearance in the case, in accordance with SDIL-LR 83.1(g). Promptly following the filing of an appearance, assigned counsel shall communicate with the newly represented party concerning the action or appeal, alerting the party if an associate will also be working on the case. 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 unless or until the attorney-client relationship is terminated as provided by these Rules.

(b) Except where the assignment is terminated pursuant to SDIL-LR 83.11 or SDIL-LR 83.12, each assigned counsel shall represent the party in the action from the date counsel enters an appearance until final judgment or the action is otherwise concluded in the district court. The assigned counsel is not required by these Rules to continue to represent a party on appeal from

a final judgment but must advise the party of the applicable deadlines for filing a notice of appeal or motion under Federal Rules of Civil Procedure 59 or 60.

RULE 83.11 RELIEF FROM ASSIGNMENT

(a) Grounds and Application

After assignment, counsel may apply to be relieved of 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) A conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.

(2) Due to another extraordinary professional commitment, counsel lacks the time necessary to represent the party.

(3) Irreconcilable differences have arisen between counsel and the party they were appointed to represent that make it impossible for the attorney/client relationship to continue.

Any application by 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. The Court will decide whether relief from assignment is warranted, whether another attorney should be assigned, and whether any further action is required before any merits-based decision is rendered.

(b) Order Granting Relief

(1) If an application for relief from an order of assignment is granted, the judge may issue an order directing the assignment of another attorney to represent the party. Such assignment shall be made in accordance with the procedures set forth in SDIL-LR 83.9(b). Alternatively, the judge shall have the discretion not to issue a further order of assignment, in which case the party shall be permitted to prosecute or defend the action *pro se*.

(2) Where the judge enters an order granting relief from an order of assignment on the grounds that counsel lacks the time to represent the party due to the extraordinary burden of other professional

commitments, the name of counsel so relieved shall, except as otherwise provided in the order, automatically be included among the names selected for the next panel.

(c) Refusal of Assignment

An attorney who is not relieved of an assignment but still refuses to represent the party shall, on Order of the Court, be stricken from the roll of the bar of this Court for two years, during which time the attorney will not be permitted to appear *pro hac vice*. An attorney so removed from the roll must reapply for admission to the bar of the Court, pay the general admission fee, and will only be admitted upon the approval of all district judges. An attorney securing readmission will be added to the current *pro bono* panel and assigned to a case at the earliest opportunity.

RULE 83.12 DISCHARGE OF ASSIGNED COUNSEL ON REQUEST OF PARTY

(a) Any party for whom counsel has been assigned shall be permitted to request the judge discharge that counsel from the assignment and assign another. Such a 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.

(b) When a request for discharge is supported by good cause, the judge shall immediately 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. 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) 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. Any assignments made following the entry of an order of discharge shall be made in accordance with the procedures set forth in SDIL-LR 83.9(b).

RULE 83.13 EXPENSES

(a) The party assigned counsel shall bear the cost of any expenses of the

litigation or appeal 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. It shall be permissible for assigned counsel, or the firm with which counsel is affiliated, to advance part or all of 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. However, the assigned attorney or firm shall not be required to advance the payment of such expenses. If the initial partial filing fee payment is advanced by assigned counsel, that amount is not reimbursable.

(b) Expenses incurred by counsel assigned under the *pro bono* program or the firm with which counsel is affiliated, not otherwise recoverable, may be reimbursed from the District Court Fund in accordance with Section 2.6 of the Plan for the Administration of the District Court Fund (available on the Court's website), as funds are available, up to the amount allowed for by the Plan. Absent extraordinary circumstances, motions for reimbursement out of the District Court Fund shall be made within 30 days after (1) entry of final judgment, (2) conclusion of the action, or (3) an order granting assigned counsel relief from assignment in the district court, or reimbursement is waived.

RULE 83.14 ATTORNEY'S FEES

(a) Party's Ability to Pay

If, when assigning counsel, the judge finds the party can pay for legal services in whole or in part, but assignment is 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 can pay for legal services in whole or in part, counsel shall bring that information to the attention of the judge.

(b) Fee Agreements

If assigned counsel wishes to negotiate a fee arrangement with the client, counsel must do so at the outset of the representation. Any such fee arrangement is subject to all applicable rules and canons of professional conduct.

(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.

Cr17.1 ISSUANCE OF DEFENSE SUBPOENAS IN A CRIMINAL CASE

(*See* Fed. R. Crim. P. 17)

(a) Requests under Fed. R. Crim. P. 17(b) are not required to include proposed or draft subpoenas as attachments but must include a description of the requested information. If the request is granted, the Clerk's Office shall issue blank subpoena(s), signed, and sealed to the defendant.

Cr32.1 SENTENCING PROCEDURE AND PRESENTENCE REPORTS

(*See* Fed. R. Crim. P. 32; 18 U.S.C. § 3552)

(a) Presentence Interview

The attorney for the defendant will receive notice and a reasonable opportunity to attend any presentence investigation interview by the probation officer with the defendant. Defense counsel has the burden of responding as promptly as possible to enable timely completion of the presentence report. If an undue delay is caused by defense counsel's unavailability, the probation officer will consult with the Court about proceeding with the interview without counsel.

(b) Presentence Investigation Report

(1) Presentence investigation reports and any objections or responses to objections concerning the reports are confidential documents and shall be filed electronically under seal.

(2) The probation officer's recommendation on sentencing shall not be disclosed to anyone other than the Court and shall be filed separately from the presentence investigation report as a sealed "Court only" filing following disposition.

(c) Subpoena of Records and Testimony

(1) When probation records, presentence reports, or testimony by a probation officer are requested by subpoena or other judicial process, the probation officer shall file a petition seeking instruction from the sentencing court for such disclosure. No disclosure will be authorized except upon an order issued by the sentencing court.

Cr50.1 DISPOSITION OF CRIMINAL CASES; SPEEDY TRIAL

(*See* Fed. R. Crim. P. 50; 18 U.S.C. § 3161, *et seq.*; 18 U.S.C. §§ 5036, 5037)

(a) The disposition of criminal cases shall be handled and disposed of in accordance with the District's *Plan for Achieving Prompt Disposition of Criminal Cases* ("Speedy Trial Plan").

(1) The Speedy Trial Plan places special requirements on both the government and the defendant regarding time which may be excluded from the time allowed by the Speedy Trial Plan, including an obligation for both parties to review the Clerk of Court's records of excusable time for completeness and accuracy.

(2) The Clerk of Court shall enter judicial determinations of excusable time on the docket and in such other records as the Court may direct.

APPENDIX B: BANKRUPTCY CASES AND PROCEEDINGS

(*See* 28 U.S.C. § 157, 28 U.S.C. § 158, et seq.; 28 U.S.C. §§ 1334(c), 1452(b), 1412)

Br1001.1 MATTERS DETERMINED BY THE BANKRUPTCY JUDGES

(a) All cases under Title 11 of the United States Code, and any or all proceedings arising under Title 11 or arising in or related to a case under Title 11, are referred to the Bankruptcy Judge.

(b) It is the intention of this Court that the Bankruptcy Judges be given the broadest possible authority to administer cases properly within their jurisdiction, and this Rule shall be interpreted to achieve this end.

(c) Motions for abstention, 28 U.S.C. § 1334(c); remand, 28 U.S.C. § 1452(b); transfer of venue, 28 U.S.C. § 157(b)(5); change of venue, 28 U.S.C. § 1412; withdrawal of reference, 28 U.S.C. § 157(d); and removal of cases under 28 U.S.C. § 1452(a) shall be filed with the Clerk of the Bankruptcy Court.

Br9015.1 JURY TRIAL

(a) If the right to a jury trial applies in a proceeding that may be heard under Section 157 of Title 28, United States Code, by a Bankruptcy Judge, the Bankruptcy Judge for the Southern District of Illinois, as well as those Bankruptcy Judges sitting in this district by designation of the Circuit Council, are hereby specially designated to exercise such jurisdiction.

Br9029.1 ADOPTION OF LOCAL BANKRUPTCY RULES

(a) The rules governing practice and procedure in all cases and proceedings within the District Court's bankruptcy jurisdiction shall be the Local Rules of the United States Bankruptcy Court for the Southern District of Illinois, adopted by Administrative Order in the District Court on February 1, 1989, in their present form or as amended or supplemented by the United States Bankruptcy Court in this District.

APPENDIX C: UNIFORM TRIAL PRACTICE AND PROCEDURES

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Click here to enter text.,	)	
	)	**Case No.**
	)	**CJRA Track:** Choose an item.
Choose an item.,	)	**Mandatory Mediation:** Choose an item.
vs.	)	**Final Pretrial Date:**
	)	**Presumptive Trial Month:**
Click here to enter text.,	)	**Judge:** Choose an item.
	)	
Choose an item..	)	
	)	

UNIFORM TRIAL PRACTICE AND PROCEDURES FOR CASES ASSIGNED A PRESUMPTIVE TRIAL MONTH

In conformity with the Civil Justice Reform Act of 1990, and in compliance with the Civil Justice Expenses and Delay Reduction Plan adopted by this Court, the following uniform procedures will apply to civil cases filed in the Southern District of Illinois.

Scheduling Practice

Trial settings and other scheduling will vary depending on the track assigned to the case by the judge to whom the case is randomly assigned. There are four tracks designated: "A," "B," "C," and "D." Track A cases are set for trial 8 to 10 months after the date of first appearance by a defendant or default. Track B cases are set for trial 11 to 14 months after the date of first appearance by a defendant or default. Track C cases are set for trial 15 to 18 months after the date of first appearance by a defendant or default. Track

D cases are set for trial 19 to 24 months after the date of first appearance by a defendant or default.

Except in cases exempted under SDIL-LR 26.1(a), the attorneys and any unrepresented parties must meet in accord with SDIL-LR 16.2(a) at least **21 days** before any scheduling conference set by the Court to candidly discuss the issues in the case and potential discovery needs. FED. R. CIV. P. 26(f). Additionally, if the case has been referred into the Mandatory Mediation Program, the attorneys and any unrepresented parties shall confer about the Mandatory Mediation Program and attempt to agree upon a mediator. Within 14 days after this meeting, and at least 7 days before the scheduling conference, the participants must submit a Joint Report of the Parties and Proposed Scheduling and Discovery Order via email to the assigned judge or magistrate judge.

All track B, C, and D cases will be set for a scheduling and discovery conference before the Court within **40 days** after the track has been set. The scheduling conference may be canceled at the discretion of the Court following receipt of the Joint Report of the Parties regarding their initial meeting. The Judge may approve the parties' Joint Report of Parties and Proposed Scheduling and Discovery Order, or enter a separate scheduling order, as circumstances require.

A final pretrial conference will be held by the trial judge at least **7 days** prior to the first day of the presumptive trial month. The parties shall confer and jointly submit a Final Pretrial Order **3 days** before the date of the final pretrial conference unless otherwise directed by the presiding judge.

Disclosures and Discovery Practice

Except in cases exempted under SDIL-LR 26.1, the parties shall comply with the initial disclosure requirements of Fed. R. Civ. P. 26(a). These initial disclosures must be supplemented by the parties, depending on the nature of the case and any limitations placed on discovery at the scheduling conference. The initial disclosures and supplementation are not to be filed with the Clerk of Court.

A party may not seek discovery from another source until: (a) the party seeking discovery has made its initial disclosures as required by Fed. R. Civ. P. 26(a), and (b) the parties have met and conferred as required by SDIL-LR 16.2(a). A party may not seek discovery from another party before such disclosures have been made by, or are due from, the other party.

The cut-off date for all discovery, including experts and third parties, shall not be later than **130 days** prior to the first day of the month of the presumptive trial date. Disclosure of experts and discovery with reference to experts and other discovery dates will be set according to the Joint Report of the Parties following their initial meeting or at the scheduling and discovery conference.

Motion Practice

Motions to remand, motions to dismiss, motions for judgment on the pleadings, motions for summary judgment, and all post-trial motions shall be supported by a brief. The motion and brief may be combined into a single submission.

The following briefing schedule and page limits apply unless the presiding judge has entered an order modifying the schedule/limits in a particular case.

Adverse parties have **30 days** after the service of a motion/brief to file a response. Motions/briefs and responses shall be no longer than 20 double-spaced typewritten pages in 12-point font. **Reply briefs are not favored and should be filed only in exceptional circumstances**. Reply briefs, if any, shall be filed within **14 days** of the service of a response and shall be no longer than **5 pages**. Sur-reply briefs are <u>not</u> permitted.

For all **motions other than those listed above**, a supporting brief is not required. A party opposing such a motion shall have **14 days** after service to file a written response. Failure to file a timely response to a motion, in the Court's discretion, may be considered an admission of the merits of the motion. **Reply briefs are not favored and should be filed only in exceptional circumstances.** Reply briefs shall be filed within **7 days** of service of the response.

A party may not schedule or notice a hearing or oral argument on a pending motion. Any party desiring oral argument on a motion shall file a formal motion and state the reason why oral argument is requested.

MONICA A. STUMP, Clerk of Court

JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

SARAH O. SCHRUP
CIRCUIT EXECUTIVE

September 29, 2023

VIA EMAIL

The Honorable Nancy J. Rosenstengel, Chief Judge
Southern District of Illinois
750 Missouri Avenue
East St. Louis, IL 62201

Dear Chief Judge Rosenstengel,

The Judicial Council has approved your request of August 3, 2023, regarding the revisions to the Southern District of Illinois' Local Rules.

Very truly yours,

Sarah O. Schrup

Sarah O. Schrup
Circuit Executive

cc: Monica A. Stump, Clerk of Court