



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

**PUBLIC NOTICE**

**Proposed Local Rule Changes**

June 13, 2017 - The United States District Court for the Central District of Illinois is posting the following proposed changes to their local rules. The Court will accept written comment on these proposed changes through **Wednesday, July 12, 2017**. Comments may be sent to Kenneth A. Wells, Clerk, U. S. District Court, 600 E. Monroe Street, Room 151, Springfield, Illinois 62701.

Proposed Local Rule Changes. The entire local rule has been included for reference, with the changes highlighted in red. ~~Strikeout text~~ is being eliminated and underlined text is being added.

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Local Rule 7.1(D)

The proposed change is being made to clarify the types of documents where a motion for extension of time would not be looked upon with favor.

Local Rule 8.1(E)

The proposed change to Local Rule 8.1 Social Security Cases: Review Under 42 U.S.C. § 405(g) allows for a reply brief by the plaintiff in social security cases. The proposed change will put the social security briefing closely in line with the summary judgment briefing in CDIL-LR 7.1. This will allow the plaintiff in these cases the opportunity to address new issues raised in the defendant's responsive pleading. The proposed version retains the language of "Cross-Motion" and adds the word "Response" ("Cross Motion for Affirmance and Response to the Motion for Summary Judgment") to more properly identify the purpose of the Defendant's pleading. The proposed version also use the article "a" and " " to stress that the Defendant's filing is one document.

Local Rule 83.5(A)

The proposed change is to allow accredited law school students and graduates, awaiting bar results, to conduct all pretrial, trial, and post trial proceedings without the presence of the supervising member of the bar.

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RULE 7.1 MOTIONS

(A) Disposition of Motions: Oral Argument: Extension of Time

- (1) Any motion (other than summary judgment motions, which are governed by subparagraph (D) of this Rule) may, in the court's discretion, be:
  - (a) scheduled for oral argument, either at a specified time or on a Motion Day as suggested in Fed. R. Civ. P. 78;
  - (b) scheduled for determination by telephone conference call;
  - (c) referred to a United States magistrate judge for determination or recommendation; or
  - (d) determined upon the pleadings and the motion papers without benefit of oral argument.
- (2) A party desiring oral argument on a motion filed under subparagraph (B) of this Rule must so specify in the motion or opposition thereto and must state the reason why oral argument is desired.
- (3) Motions for extensions of time must be filed within the original time allowed.

(B) Memorandum of Law: Response; Reply; Length

- (1) Every motion raising a question of law (except summary judgment motions, which are governed by Subparagraph (D) of this Rule) must include a memorandum of law including a brief statement of the specific points or propositions of law and supporting authorities upon which the moving party relies, and identifying the Rule under which the motion is filed.
- (2) Any party opposing a motion filed pursuant to (B)(1) must file a response to the motion, including a brief statement of the specific points or propositions of law and supporting authorities upon which the responding party relies. The response must be filed within 14 days after service of the motion and memorandum. If no response is timely filed, the presiding judge will presume there is no opposition to the motion and may rule without further notice to the parties.
- (3) No reply to the response is permitted without leave of Court.

- (4) (a) A memorandum in support of and in response to a motion must be double-spaced and must not exceed 15 pages in length, unless it complies with the following type volume limitation.
- (b) A memorandum that exceeds 15 pages in length will comply with the type volume limitation if
- (1) it does not contain more than 7000 words or 45,000 characters, or
  - (2) it uses monospaced type and does not contain more than 650 lines of text.
- (c) A memorandum submitted under the type volume limitation must include a certificate by counsel, or by an unrepresented party, that the memorandum complies with the type volume limitation. The certificate of compliance must state the number of words, characters or lines of type in the memorandum. The person who prepares the certificate of compliance may rely on the word or character count of the word processing system used to prepare the document.
- (d) All headings, footnotes, and quotations count toward the page, word, character, and line limitations.

(C) Supporting Documents.

If documentary evidence is to be offered in support of or in opposition to a motion, and if that evidence is conveniently susceptible of copying, copies thereof will be served and filed by the moving party with the motion and by the opposing party with the response thereto. If the evidence is not susceptible of convenient copying, the offering party instead will furnish to the court and to the adverse party, a concise summary of the contents and will immediately make the original available to the adverse party for examination.

(D) Summary Judgment

All motions for summary judgment and responses and replies thereto must comply with the requirements of this rule. Any filings not in compliance may be stricken by the court. The consequences for failing to comply are discussed thoroughly in *Waldridge v. American Hoechst Corp.*, 24 F.3d 918 (7th Cir. 1994). Motions for extension of time to file a motion for summary judgment, ~~or~~ a response ~~to~~ or a reply thereto will not be looked upon with favor; such motions may be summarily denied unless they are filed within the original time as allowed by this rule or by the scheduling order.

(1) Motion for Summary Judgment

Any party filing a motion for summary judgment pursuant to Fed. R. Civ. P. 56 and the scheduling order entered in the case, must include in that motion the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for the motion and the exact relief sought.

(b) Undisputed Material Facts:

List and number each undisputed material fact which is the basis for the motion for summary judgment. Include as exhibits to the motion all relevant documentary evidence. For each fact asserted, provide citations to the documentary evidence that supports it, appropriately referencing the exhibit and page.

A WORD OF CAUTION: Material facts are only those facts which bear directly on the legal issue raised by the motion.

(c) Argument:

Under an appropriate subheading for each separate point of law, explain the legal point, with citations to authorities, and why or how the application of that point to the undisputed material facts entitles movant to the relief sought.

(2) Response to Motion for Summary Judgment:

Within 21 days after service of a motion for summary judgment, any party opposing the motion must file a response. A failure to respond will be deemed an admission of the motion. The response must include the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for opposition to the motion and the exact relief sought.

(b) Response to Undisputed Material Facts:

In separate subsections state the following:

(1) Undisputed material facts:

List by number each fact from Section B of the motion for summary judgment which is conceded to be undisputed and material.

(2) Disputed Material Facts:

List by number each fact from Section B of the motion for summary judgment which is conceded to be material but is claimed to be disputed. Each claim of disputed fact must be supported by evidentiary documentation referenced by specific page. Include as exhibits all cited documentary evidence not already submitted by the movant.

(3) Disputed Immaterial Facts:

List by number each fact from Section B of the motion for summary judgment which is claimed to be both immaterial and disputed. State the reason the fact is immaterial. Support the claim that the fact is disputed with evidentiary documentation referenced by specific page. Include as exhibits all cited documentary evidence not already submitted by the movant.

(4) Undisputed Immaterial Facts:

List by number each fact from Section B of the motion for summary judgment which is undisputed but is claimed to be immaterial. State the reason the fact is immaterial.

(5) Additional Material Facts:

List and number each additional material fact raised in opposition to the motion for summary judgment. Each additional fact must be supported by evidentiary documentation referenced by specific page. Include as exhibits all relevant documentary evidence not already submitted by the movant.

(6) A failure to respond to any numbered fact will be deemed an admission of the fact.

(c) Argument:

With or without additional citations to authorities, respond directly to the argument in the motion for summary judgment, for example, by explaining any disagreement with the movant's explanation of each point of law, why a point of law does not apply to the undisputed material facts, why its application does not entitle movant to relief or why, for other reasons, summary judgment should not be granted.

(3) Movant's Reply:

Within 14 days after service of response, the movant may file a reply. The reply must include the following subsections, appropriately titled:

(a) Reply to Additional Material Facts

List by number the additional facts asserted in Section (b)(5) of the response. For each fact, state succinctly whether:

- (1) it is conceded to be material and undisputed,
- (2) it is conceded to be material but is disputed, in which case provide support the claim that the fact is disputed by providing citations to specific pages of evidentiary documentation. Include as exhibits all cited documentary evidence not already submitted,
- (3) it is immaterial but disputed, in which case state the reason the the fact is immaterial and support the claim that the fact is disputed by providing citations to evidentiary documentation, attached as exhibits and referenced by specific page,
- (4) it is immaterial and undisputed, in which case explain the reason it is immaterial,
- (5) A failure to respond to any numbered fact will be deemed an admission of that fact.

(b) Argument

Succinctly and directly address any matters raised in the response with which the movant disagrees. **THE REPLY WILL BE LIMITED TO NEW MATTERS RAISED IN THE RESPONSE AND MUST NOT RESTATE ARGUMENTS ALREADY RAISED IN THE MOTION.**

(4) Oral Arguments

The Court may take the motion for summary judgment under advisement without oral argument or may schedule argument with appropriate notice to the parties. A party may file a request for oral argument and hearing at the time of filing either a motion or response pursuant to this Rule.

(5) Page and Type Limitations

Page and type volume limitations, as set forth in Rule 7.1(B)(4), apply to Section (1)(c) of the motion for summary judgment and to Section (2)(c) of the response to the motion. The argument section of a reply must not exceed five double-spaced pages in length.

(6) Exceptions

Local Rule 7.1(D) does not apply to social security appeals or any other case upon the showing of good cause.

(E) Amended Pleadings

Whenever an amended pleading is filed, any motion attacking the original pleading will be deemed moot unless specifically revived by the moving party within 14 days after the amended pleading is served.

(F) Documents Requiring Leave of Court

If filing a document requires leave of the court, the filing party must attach the proposed document as an exhibit to a motion to file. If the court then grants the motion to file, the Clerk will file the attached document electronically; the filing party should not do so.



RULE 8.1 SOCIAL SECURITY CASES: REVIEW UNDER 42 U.S.C. § 405(g)

(A) Complaints: Contents.

Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act (42 U.S.C. § 405(g)) must provide, on a separate paper attached to the complaint served on the Commissioner of Social Security, the social security number of the worker on whose wage record the application for benefits was filed. The person must also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Commissioner of Social Security. Failure to provide a social security number to the Commissioner of Social Security will not be grounds for dismissal of the complaint.

(B) Complaints: Form of Allegation.

In keeping with Fed. R. Civ. P. 84 and the Appendix of Forms to the Federal Rules of Civil Procedure, the following form of allegations in a complaint is considered sufficient for § 405(g) review cases in this court:

- (1) The plaintiff is a resident of \_\_\_\_\_  
(City and State)
  
- (2) The plaintiff complains of a decision which adversely affects (him) (her). The decision has become the final decision of the Commissioner for purposes of judicial review and bears the following caption:

In the case of	Claim for
_____	_____
Claimant	
_____	
Wage Earner	

- (3) The plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction for judicial review pursuant to 42 U.S.C. § 405(g).

WHEREFORE, plaintiff seeks judicial review by this court and the entry of judgment for such relief as may be proper, including costs.

(C) Service

- (1) Where a complaint for administrative review is filed pursuant to 42 U.S.C. Section 405(g) and plaintiff in that complaint is allowed to proceed in forma pauperis, then the United States Attorney and Social Security Administration agree that service of initial process (i.e. summons and complaint) upon the United States Attorney and Social Security Administration under Fed. R. Civ. P. 4(i)(1)(A and C) may be accomplished by electronic delivery of the summons and complaint through the court's Case Management and Electronic Filing System (CM/ECF) to e-mail addresses provided to the Clerk's Office by the United States Attorney. The United States Attorney and Social Security Administration will treat this electronic delivery of the summons and complaint as service under Fed. R.Civ.P. 4(i)(1)(A and C). Service on the Attorney General will still be required pursuant to Fed. R. Civ. P. 4(i)(1)(B).
- (2) Where a complaint for administrative review is filed pursuant to 42 U.S.C. Section 405(g) and plaintiff is not proceeding in forma pauperis, service shall be accomplished pursuant to Fed. R. Civ. P. 4(I).

(D) Responsive Pleading, Transcript of Proceedings.

The respondent has 120 days from the date of service of summons within which to file a responsive pleading and transcript of administrative proceedings.

(E) Motions: Hearing.

Within 30 days after the filing of the responsive pleading and transcript, the plaintiff must file a Motion for Summary Judgment and a Memorandum of Law which must state with particularity which findings of the Commissioner are contrary to law. The plaintiff must identify the statute, regulation or case law under which the Commissioner allegedly erred. The plaintiff must cite to the record by page number the factual evidence which supports the plaintiff's position. Arguing generally, "the decision of the Commissioner is not supported by substantial evidence" is not sufficient to meet this rule. Within 45 days thereafter, the defendant must file a "Cross-Motion for Affirmance and Response to the Motion for Summary Judgment" and Memorandum of Law which must specifically respond to the plaintiff's assertions and arguments. The defendant must cite to the record by page number the factual evidence which supports the decision of the Commissioner. Within 21 days after the filing of defendant's Cross-Motion, Plaintiff may file a reply brief addressing issues raised in the Cross-Motion. No further briefs are permitted without leave of Court. The case may be set for hearing at the discretion of the presiding judge.

## RULE 83.5 ADMISSION TO PRACTICE

### (A) Qualifications for Admission to Practice.

Any attorney licensed to practice law in any state or in the District of Columbia must be admitted to practice generally in this court on written motion of a member in good standing of the bar of this court, or upon the attorney's own motion accompanied by certification of good standing from the state in which the attorney is licensed, and upon payment of the fees required by law and by Local Rule 83.5(E). On motion made at the time of the written motion for admission to practice, the presiding judge may waive the admission fees for any attorney employed full time by the United States, any state, or county.

Students of accredited law schools or law school graduates awaiting bar results may, upon written motion of a member in good standing of the bar of this court, be provisionally admitted to practice and may appear in this court under the supervision and direction of the sponsoring attorney. The student or graduate may conduct all pretrial, trial, and post trial proceedings, and the supervising member of the bar need not be present. There will be no fee for provisional admission.<sup>1</sup>

### (B) Oath.

All attorneys must, at the time of their admission to practice before this court, take an oath or affirmation to support the Constitution of the United States, faithfully to discharge their duties as attorneys and counselors, and to demean themselves uprightly and according to law and the recognized standards of ethics of the profession, and they must, under the direction of the clerk of this court, sign the oath of attorneys and pay the fees required by law and by Local Rule 83.5(E).

### (C) Admission to Practice in All Divisions.

Admission to practice generally in this court includes all divisions.

### (D) Reciprocal Admission.

Any attorney admitted to practice in District Courts of the Northern or Southern Districts of Illinois must be admitted to practice generally in this court upon the attorney's own motion accompanied by a copy of his/her admission certificate from the district in which the attorney is admitted, the attorney's certification that he/she is in good standing generally and upon payment of the fees required by law and Local Rule 83.5(E). Upon motion for reciprocal admission being allowed by the Court, movant will be summarily admitted to the CDIL bar.

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<sup>1</sup>This rule tracks the language of Rule 711 of the Illinois Supreme Court, the licensing authority for the practice of law in Illinois

(E) Fees Assessed Upon Admission.

Each petitioner shall pay an admission fee upon the filing of the motion for admission, provided that in the event the petitioner is not admitted, the petitioner may request that the fee be refunded. The amount of the fee shall be established by the court, in conjunction with the fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. §1914.

(F) Admission Pro Hac Vice.

The court does not permit pro hac vice admissions generally. At the discretion of the presiding judge, an attorney who is duly licensed to practice in any state or the District of Columbia may file a motion seeking leave to participate in a case while his or her application for admission to practice in the Central District of Illinois is pending. The application for admission must be submitted contemporaneously with the motion for leave.

(G) Unauthorized Practice.

All attorneys who appear in person or by filing pleadings in this court must be admitted to practice in this court in accordance with this Rule. Only attorneys so admitted may practice or file pleadings in this court. Except as provided in Local Rule 83.5(F), upon entry of appearance as an attorney of record, the entry of appearance must include a certification that the attorney is a member in good standing of the bar of this court.

Any person who, before his or her admission to the bar of this court, or during his or her suspension or disbarment, exercises in this district any of the privileges of a member of the bar in any action or proceedings pending in this court, or who pretends to be entitled to do so, may be adjudged guilty of contempt of court and appropriately sanctioned.

(H) Changes Reported to the Clerk of This Court.

If at any time after admission any relevant circumstances change for an attorney (e.g., name, address, phone number, e-mail address, disciplinary status), he or she must notify the clerk of this court in writing of such change within 14 days.

(I) Admission.

Admission shall be completed electronically unless otherwise allowed by the court. Procedures for admission will be prescribed by the clerk of this court. Admission is deemed to be as of the date the oath card is received by the clerk.

(J) Pro Bono Panel.

The Pro Bono Panel of this court consists of all attorneys admitted to practice in this court whose place of business is in the Central District of Illinois. Attorneys employed full time by the United States, the State of Illinois or a county are exempt from service on the panel. Statutory fees and expenses may be awarded to a pro bono attorney as provided by law.

Any attorney appointed to represent an indigent party in a civil proceeding before this Court may petition the Court for reimbursement of expenses incurred in preparation and presentation of the proceeding, subject to the procedures and regulations contained in the current plan of this Court governing reimbursement of expenses from the District Court Fund.

*revised 04/2016*