United States Bankruptcy Court

Northern District of Illinois

Local Rules

Adopted June 1, 2003

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INTRODUCTION

These Local Bankruptcy Rules are intended to conform to the following guidelines:

1. They should be consistent with Acts of Congress, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Civil Procedure.

2. They should not repeat any provisions of Acts of Congress, the Federal Rules of Bankruptcy Procedure, or the Federal Rules of Civil Procedure.

3. They should include the substance of all local Civil Rules of the District Court of general procedural impact to keep practice before the Bankruptcy Court procedurally similar to practice before the District Court and to provide those practicing primarily before the Bankruptcy Court a convenient single set of the rules specifically relevant to proceedings before that court.

4. They should simplify procedure and allow flexibility and judicial discretion in case management.

5. They should conform as much as possible to present practices and procedures.

6. They should provide guidance to counsel through the Committee Notes.

RULE 1000-1 DEFINITIONS

The following definitions shall apply to these Local Bankruptcy Rules:

(1) the "Bankruptcy Code" shall mean Title 11 of the United States Code, as amended from time to time;

(2) a "business day" shall include any day other than a Saturday, Sunday, or a legal holiday as defined by Fed. R. Bankr. P. 9006(a);

(3) "clerk" shall include the clerk of the court, any deputy clerk, and any member of a judge's staff who has taken the oath of office to perform the duties of a deputy clerk;

(4) "clerk of the court" shall mean the clerk of the court duly appointed by the Bankruptcy Court;

(5) "court" or "Bankruptcy Court" shall mean the bankruptcy judges of the United States District Court for the Northern District of Illinois;

(6) "courtroom deputy" shall mean the deputy clerk assigned to perform courtroom duties for a particular judge;

(7) the "date of presentment" shall refer to the day on which the motion is to be presented in open court according to the notice required by Rule 9013-1;

(8) "District Court" shall mean the United States District Court for the Northern District of Illinois;

(9) "District Court Local Rules" shall mean the Civil Rules promulgated by the District Court;

(10) "Executive Committee" shall mean the Executive Committee of the District Court;

(11) "judge" shall mean the judge assigned to a case or an adversary proceeding or any other judge sitting in that judge's stead;

(12) the terms "motion," "petition," and "application" refer to any request for an order, however characterized.

(13) "Rules" shall mean these Local Bankruptcy Rules and any amendments or additions thereto;

(14) "Rule _____" shall mean a rule within these Rules and any amendments and additions thereto;

(15) "trustee" shall mean the person appointed or elected to serve as case trustee under the Bankruptcy Code, but not the debtor in possession in a case under Chapter 11.

Committee Note: The Administrative Office recommends that this Rule be numbered 9001-1. The Committee has given this Rule number 1000-1 because these definitions apply throughout these Rules and because definitions customarily appear at the beginning, not the end.

RULE 1000-2 SCOPE OF RULES

A. Scope of Rules

These Rules are promulgated by the District Court and the Bankruptcy Court pursuant to Fed. R. Civ. P. 83 and Fed. R. Bankr. P. 9029. They may be cited as "Local Bankruptcy Rules" and shall

govern procedure in the Bankruptcy Court, and in the District Court in all bankruptcy cases and proceedings as defined in 28 U.S.C. § 157, to the extent that they are not inconsistent with applicable law, the Federal Rules of Bankruptcy Procedure, or the Official Bankruptcy Forms. These Rules shall be construed to secure the expeditious and economical administration of every case within the district under the Bankruptcy Code and the just, speedy, and inexpensive determination of every proceeding therein.

B. Previous Bankruptcy Rules Rescinded

All local bankruptcy rules adopted by the District Court and the Bankruptcy Court prior to the adoption of these Rules are rescinded.

C. Application of District Court Local Rules

The District Court Local Rules shall apply to the Bankruptcy Court and bankruptcy cases only when the District Court Local Rules or these Rules so specify, or when applied by any judge to proceedings before that judge in situations not covered by these Rules or applicable law.

Committee Note: The Administrative Office recommends that this Rule be numbered 9029-1. The Committee views this Rule as introductory material. The Committee has therefore changed the number of the Rule from 9029-1.

RULE 1006-1 PAYMENT OF FILING FEE IN INSTALLMENTS

A. Application for Installment Payments

Any petition filed by an individual without payment of all applicable filing fees must be accompanied by the debtor's signed application stating that the debtor is unable to pay the filing fee except in installments and proposing a payment schedule. The application must further state that the debtor has neither paid any money nor transferred any property to an attorney or any other person for services in connection with the case and that no compensation will be paid to any such persons until the filing fee has been paid in full.

B. Requirements

The clerk shall enter, on behalf of the judge to whom the case is assigned, an order granting leave to pay the filing fees as proposed in the debtor's application only if: (1) the application meets the requirements set forth in paragraph A; (2) the petition is voluntary; (3) the debtor is an individual; (4) the number of proposed installments does not exceed four; and (5) the final proposed installment is

scheduled to be paid within120 days after the filing of the petition.

C. Notice of Noncompliance

If the requirements of section B are not met, the clerk shall within three days of the filing give notice to the judge to whom the case is assigned.

D. Notice to Creditors

The clerk shall not send notice of the commencement of the case or meeting of creditors to any party in interest until the order described in section B has been entered or the judge to whom the case is assigned has entered an order allowing the filing fees to be paid in installments.

Committee Note: This Rule is amended to comply with Fed. R. Bankr. P.1006(b). It expressly permits the clerk to accept petitions without payment of the filing fee. If the conditions of Fed. R. Bankr. P.1006(b)(2) are not met, the matter is referred to the judge for resolution within 3 days of the filing of the petition. This Rule also supersedes the General Order dated January 25, 1996. *See also* Rule 1006-3 for the handling of other types of filings without payment of filing fees.

RULE 1006-2 FORM OF PAYMENT OF FEE FOR FILING PETITION

The clerk shall accept payment of the fee for filing a petition for relief as follows:

(1) A debtor may tender cash, cashier's check, certified check or money order.
(2) In addition to the foregoing, an attorney for the debtor may also tender the attorney's check or the attorney's credit card.

The clerk shall not accept personal, non-certified checks or credit cards from a debtor in payment of this fee.

RULE 1006-3 FILING FEES FOR DOCUMENTS OTHER THAN ORIGINAL PETITIONS

Except as otherwise provided by these Rules, any document submitted for filing must be accompanied by the appropriate fee. Notwithstanding this provision, the clerk will accept a document without prepayment of a fee and will notify the assigned judge, within three business

days, that the fee has not been paid. The judge may enter an order striking the document without prior notice.

Committee Note: This Rule is based on District Court Local Rule 3.3, modified and adapted to bankruptcy procedures.

RULE 1007-1 COMPUTER READABLE LISTS OF CREDITORS

In all voluntary cases filed under the Bankruptcy Code filed by parties other than pro se debtors, the petition for relief shall be accompanied by a list, in a computer readable format designed and published from time to time by the clerk, of the names and complete addresses, including zip codes, of the following:

(1) the debtor;
(2) the attorney of record;
(3) all secured and unsecured creditors; and
(4) all other parties in interest entitled to notice in the case.

Upon motion for cause shown, the court may excuse compliance with this Rule.

Committee Note: This Rule has been amended to eliminate the requirement in the earlier version of this rule regarding the number of creditors. See Rule 1007-2 for a related requirement.

RULE 1007-2 CLAIMS DOCKETS

The clerk will supervise preparation of claims dockets in all cases. However, subject to the Administrative Procedures for Electronic Filing and unless excused by order of the court, if the number of creditors in any case exceeds 500, the debtor shall employ, with leave of court, an entity to assist the clerk in performance of this function under direction of the clerk, unless excused by order of the court.

Committee Note: Where the number of claimants is large, the duty of the clerk to prepare a claims docket is very burdensome. Administrative Office regulations guide the clerk in accepting such assistance. See Rule 1007-1 for related requirements.

RULE 1009-1 NOTICE OF AMENDMENTS TO VOLUNTARY PETITIONS, LISTS OR SCHEDULES; NOTICE TO CREDITORS ADDED AFTER FIRST NOTICE MAILED

The debtor shall serve amendments to voluntary petitions, lists or schedules under Fed. R.

Bankr. P. 1009 (a) on all creditors, the trustee, and in a Chapter 11 case, on the United States Trustee and any official committee of unsecured creditors, and shall file a proof of such service with the clerk. In addition, if the debtor adds any creditors to the schedules after the first notice of the meeting of creditors under §341 or 1104(b) of the Bankruptcy Code has been mailed, the debtor shall serve each such creditor, by first-class or certified mail, with a copy of the original notice of the meeting of creditors, and shall file a proof of such service with the clerk.

RULE 1014-1 TRANSFERS

A. Time of Transfer

When an order is entered directing the clerk to transfer a matter to another district, the clerk shall delay the transfer of the case for fourteen days following the date that the order of transfer is docketed, except when the court directs that the case be transferred forthwith. In effecting the transfer, the clerk shall transmit a certified copy of the docket and order of transfer and the original of all other documents. The clerk shall note on the docket the date of the transfer.

B. Completion of Transfer

The filing of a motion under Fed. R. Bankr. P. 9023 with respect to an order of transfer referred to in section A of this Rule shall not serve to stop the transfer of the case. However, on motion, the court may direct the clerk not to complete the transfer process until a date certain or further order of court.

Committee Note: This Rule is based on District Court Local Rule 83.4. This Rule has been amended to remove references to orders of remand. Orders of remand are provided for in Rule 9027-1.

RULE 1015-1 RELATED CASES

A. Relatedness Defined

Two or more cases are related if one of the following conditions is met:

(1) the debtors are husband and wife;

(2) the debtor was a debtor in a previous case under Chapter 11 of the Bankruptcy Code; or

(3) the cases involve persons or entities that are affiliates as defined in §101(2) of the Bankruptcy Code.

B. Assignment of Related Case by Clerk at Filing

If a case meets the conditions for direct assignment set out in the Internal Operating Procedure covering assignments at the time of filing, the case shall be assigned by the clerk directly to the calendar of the judge to whom the earlier-numbered related case was assigned, unless that judge is no longer sitting.

C. Transfer to Chief Judge for Reassignment as Related

Subject to section B of Rule 1073-3, the judge to whom a later-numbered related case is assigned may transfer it to the chief judge for reassignment to the judge to whom the earlier-numbered case was assigned.

D. Motion for Reassignment Based on Relatedness

A motion for reassignment based on relatedness shall be presented to the judge before whom is pending the later-numbered case of those alleged to be related.

E. Effect of Filing County on Reassignments for Relatedness

No reassignment shall be made on the basis of section A(2) of this Rule if the case is pending in a county other than Cook County.

RULE 1017-1 CONVERSION FROM CHAPTER 13 TO CHAPTER 7

All notices of conversion of chapter 13 cases to chapter 7 cases, pursuant to §1307(a) of the Bankruptcy Code and Fed. R. Bankr. P. 1017(f)(3), shall be filed with the clerk's office in triplicate, accompanied by: (1) proof of service on the designated chapter 13 standing trustee and the United States Trustee, and (2) any required fee.

Committee Note: This Rule implements 11 U.S.C. §1307(a), which permits conversion from chapter 13 to chapter 7 by the filing of a notice.

RULE 1017-2 MOTIONS OF PARTIES TO DISMISS CHAPTER 7 PROCEEDINGS

A. Procedure Generally

Any trustee or party in interest may move to dismiss a chapter 7 proceeding by delivering to the clerk the original and one copy of each of the following:

(1) a completed request for notice of hearing on the form approved by the court and supplied by the clerk;
(2) a minute order;
(3) a notice of motion with a certificate indicating service of the motion on the debtor, the United States Trustee, and any party on the notice list under Fed. R. Bankr. P. 2002 (m); and
(4) the motion to dismiss.

B. Date of Presentment of Motion to Dismiss

The date of presentment of the motion to dismiss shall be no less than 28 nor more than 35 calendar days from the date the papers referred to in section A of this Rule are delivered to the clerk. The date and time of presentment shall be set for a date and time that the assigned judge normally hears new motions in chapter 7 cases.

C. Notice of Motion to Dismiss to be Sent by Clerk

Upon receipt of the papers referred to in section A of this Rule, the clerk shall cause notice to be sent pursuant to Fed. R. Bankr. P. 2002(a)(4).

Committee Note: Section D of this Rule was deleted because a noticing fee is now collected when a case is filed. This Rule permits but does not require a party in interest to serve the notice of a motion to dismiss in a chapter 7 case.

RULE 1017-3 EFFECT OF DISMISSAL OF BANKRUPTCY CASE ON PENDING ADVERSARIES

Whenever a case under the Bankruptcy Code is dismissed, any adversary proceeding arising under, arising in, or related to the case then pending will be dismissed without prejudice unless otherwise ordered by the court either in the dismissal order or by separate order. Cases that have been removed to bankruptcy court shall be remanded to the courts from which they were removed.

RULE 1019-1 CONVERSION BY ONE DEBTOR UNDER A JOINT PETITION

When only one of two joint debtors in a joint petition files a notice of intent or motion to convert, upon payment of any required additional filing fees, the clerk shall divide the case into two separate cases and assign a case number to the new case. The debtor seeking to convert his or her case shall give notice to the other debtor, as well as to all other parties entitled to notice under the Bankruptcy Code and Bankruptcy Rules, and shall be responsible for the payment of all required fees.

Each debtor shall file within 15 days of division of the case all necessary amendments to the schedules and statement of financial affairs.

RULE 1072-1 PLACES OF HOLDING COURT

Motions for cases assigned to the Geneva, Joliet, Waukegan, and Wheaton calendars shall be heard in those locations on the days on which court is held there. Emergency motions shall be noticed if possible for the days on which court is held in those locations, but if an emergency arises that must be heard on a day when court is not in session in the relevant location, the motion may be heard by the judge assigned to the case. Nothing in this rule shall prevent a judge from transferring a case or proceeding to Chicago or Rockford for hearing or trial.

RULE 1073-1 ASSIGNMENT OF CASES

Except as provided in Rules 1073-4 and 1015-1, the clerk shall assign cases by lot to calendars of judges, both upon initial filing and upon reassignment, through use of any means approved by the court.

Committee Note: This Rule is based on District Court Local Rule 40.1(a), modified to apply to this court. Chapter 9 cases are assigned pursuant to Rule 1073-4 . Related cases are assigned pursuant to Rule 1015-1.

RULE 1073-2 IMPOSITION OF SANCTIONS RELATING TO INTERFERENCE WITH THE ASSIGNMENT SYSTEM

A. Application of Sanctions to Employees of the Clerk's Office

(1) No clerk or other employee of the clerk's office shall:
   (a) reveal to any person the sequence of judges' names within the assignment system;
   (b) reveal to any person the sequence of names of chapter 7 trustees designated by the United States Trustee; or
   (c) number or assign any case or matter except as provided by these Rules.

(2) Any employee violating this provision shall be discharged from service. Any violation of this provision may also constitute contempt of court.

B. Application of Sanctions to Persons other than Employees

(1) No person shall directly or indirectly cause or attempt to cause any clerk or other employee of the clerk's office:
   (a) to reveal to any person the sequence of judges' names within the assignment system,
   (b) to reveal to any person the sequence of names of Chapter 7 trustees designated by the United States Trustee, or
   (c) to number or assign any case or matter, otherwise than as provided by these Rules.

(2) Any person who violates this provision may be charged with contempt of court.

Committee Note: This Rule is based on District Court Local Rule 40.1(a), (b), and (c), modified to eliminate reference to the Executive Committee, and to insert reference to sequence of assignment of panel chapter 7 trustees in chapter 7 proceedings.

RULE 1073-3 REASSIGNMENT

A. Reassignment Generally

No case shall be transferred for reassignment from the calendar of a judge to the calendar of any other judge except as provided by these Rules or by other applicable law. Nothing in this Rule shall prohibit a judge from transferring a specific matter for hearing and determination by another judge in the interest of judicial efficiency and economy, or when exigency requires.

B. Reassignments by the Chief Judge

The chief judge may reassign cases or proceedings from and to any judge, and may decline to reassign related cases or proceedings under Rule 1015-1, in order to adjust case loads or otherwise to promote efficient judicial administration.

C. Limited Reassignments for Purposes of Coordinated Proceedings in Complex Cases

Two or more judges may determine that it would be efficient to hold coordinated proceedings in a group of matters that are not related within the meaning of Rule 1015-1. Where such a determination is made, those judges will designate one or more of themselves to conduct the proceedings. The matters shall remain on the calendars of the judges to whom they were assigned.

RULE 1073-4 ASSIGNMENT OF JUDGE IN CHAPTER 9 CASES

Upon the filing of any case under chapter 9 of the Bankruptcy Code, the clerk will not assign such case to the calendar of any judge but will immediately inform the chief judge of such filing. The chief judge will then request that the chief judge of the Court of Appeals for the Seventh Circuit designate a bankruptcy judge to conduct the case.

Committee Note: Section 921(b) of the Bankruptcy Code provides that the chief judge of the Court of Appeals for the circuit in which the case is commenced will designate a bankruptcy judge to preside over any case filed under chapter 9. This Rule establishes procedures to effectuate that provision.

RULE 2002-1 RETURN OF MAILED NOTICES

Envelopes containing notices generated and mailed by the Bankruptcy Noticing Center will bear the return address of debtor's counsel or the debtor if *pro se*.

Committee Note: In the past, a substantial number of notices generated by the automatic Bankruptcy Noticing Center system were returned by the Post Office to the clerk's office each year because addresses supplied by debtors were incomplete or incorrect. This posed a heavy administrative burden on the clerk to call the errors to the attention of debtors, who have a duty under 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007 to provide correct addresses. If the notice cannot be served by the clerk, it is in the debtor's interest to send the notice immediately to the correct address of the creditor and to file proof of service with the clerk. The Rule does not apply to notices generated by the clerk.

RULE 2002-2 MOTION TO BE ADDED TO THE NOTICE LIST

A. Notice, Motion, and Draft Order

Parties desiring to be added to the notice list under Fed. R. Bankr. P. 2002(m) shall file a notice of motion, motion, and draft order entitled "Order Adding Party to the Notice List." The draft order shall specify the name and mailing address of the party, and if the party is not *pro se*, the name and mailing address of the individual attorney to be added to the list. The proposed order shall contain or have attached to it as an exhibit the current notice list.

B. Content of Motion

The motion for such relief shall allege facts justifying the added expense to the parties that is caused by expanding the notice list.

Committee Note: This Rule gives the parties a format that is easily recognized. Requiring the party requesting addition to the service list to specify all other parties entitled to service eliminates the need to search through the record for all parties entitled to notice.

RULE 2015-1 DEFERRAL OF FILING FEES DUE FROM TRUSTEE

In an adversary proceeding, if the case trustee certifies to the clerk that the estate lacks the funds necessary to pay a filing fee, the clerk shall defer the filing fee without court order and enter the deferral on the docket. If the estate later receives funds sufficient to pay the deferred fees, the trustee shall then pay the fee.

Committee Note: This Rule is intended to eliminate the necessity of motions and court appearances by a trustee who must bring an action but lacks liquid assets to pay the required filing fee.

RULE 2070-1 SURETIES ON BONDS

A. Security For Bonds

Except as otherwise provided by law, every court-ordered bond or similar undertaking must be secured by:

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

(2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury; or

(3) the undertaking or guaranty of two individual residents of the Northern District of Illinois.

B. Affidavit of Justification

A person executing a bond as a surety pursuant to section A(3) of this Rule shall attach an affidavit of justification, giving the person's full name, occupation, residence, and business addresses and showing that the person owns real or personal property in this district which, after excluding property exempt from execution and deducting the person's debts, liabilities, and other obligations (including those which may arise by virtue of the person's suretyship on other bonds or undertakings), is properly valued at no less than twice the amount of the bond.

C. Restriction on Sureties

No member of the bar and no officer or employee of this court shall act as surety in any action or proceeding in this court.

D. Bond Must Be Approved by Court

Every bond or similar undertaking must be approved by the court.

Committee Note: This Rule is based on District Court Local Rule 65.1. Section A distinguishes court-ordered bonds from trustee bonds which are provided under procedures supervised by the United States Trustee.

RULE 2070-2 SUPERSEDEAS BOND

A. Judgment for a Sum Certain

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

B. Condition of Bond; Satisfaction

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

Committee Note: This Rule is based on District Court Local Rule 62.1.

RULE 2090-1 APPEARANCE OF ATTORNEYS

A. Admission to District Court Required

Except as provided in Rules 2090-2 and 2090-3, an attorney appearing before this court must be admitted to practice before the District Court.

B. Circumstances Under Which Trial Bar Membership Required

(1) If witnesses will testify at a proceeding, an attorney who is to participate as lead counsel

or alone must be a member of the trial bar of the District Court if:

(a) the proceeding is an adversary proceeding governed by Fed. R. Bankr. P. 7001 *et seq*., or

(b) the court on its own motion or on motion of a party in interest orders that a member of the trial bar shall participate.

(2) Where trial bar membership is required by this Rule, an attorney who is a member of the general bar, but not a member of the trial bar, may appear during testimonial proceedings only if accompanied and supervised by a member of the trial bar.

(3) On motion for cause shown, the court may excuse the trial bar requirement in particular cases, proceedings, or matters.

C. Exemption for Certain Officers Appearing in Their Official Capacity

The following officers appearing in their official capacity shall be entitled to appear in all matters before the court without admission to the trial bar of the District Court: the Attorney General of the United States, the United States Attorney for the Northern District of Illinois, the attorney general or other highest legal officer of any state, and the state's attorney of any county in the State of Illinois. This exception to membership in the trial bar shall apply to the persons who hold the above-described offices during their terms of office, not to their assistants.

Committee Note: This Rule is based on District Court Local Rule 83.12. The same practice standards applicable to attorneys before the District Court should continue to be applicable to attorneys appearing before this Court. In addition, this Rule acknowledges that the overwhelming majority of testimonial proceedings in the Bankruptcy Court are brief and relatively simple. Except as specified in subparagraph (a) of Section B(1), trial bar membership is not required unless the court so orders. This obviates the need for counsel in routine matters to present motions to be excused from the requirement of trial bar membership.

RULE 2090-2 REPRESENTATION BY SUPERVISED SENIOR LAW STUDENTS

A student in a law school who has been certified by the Director of the Administrative Office of the Illinois Courts to render services in accordance with Illinois Supreme Court Rule 711 may perform such services in this court under like conditions and under the supervision of a member of the trial bar of the District Court. In addition to the agencies specified in paragraph (b) of Illinois Supreme Court Rule 711, the law school student may render such services with the United States Attorney for this District, or the United States Trustee, or the legal staff of any agency of the United States government.

Committee Note: This Rule is based on District Court Local Rule 83.13.

RULE 2090-3 APPEARANCE BY ATTORNEYS NOT MEMBERS OF THE BAR OF THE DISTRICT COURT (*Pro Hac Vice)*

A member in good standing of the bar of the highest court of any state or of any United States district court may appear before this court upon motion and proof of compliance with the applicable District Court Local Rule. The motion for admission under this Rule may be presented by the attorney seeking admission.

Committee Note: At the time of adoption of these Rules, District Court Local Rule 83.14 provided as follows:

> A member in good standing of the bar of the highest court of any state or of any United States district court may, upon motion, be permitted to argue or try a particular case in whole or in part. A petition for admission under this rule shall be on a form approved by the Executive Committee. The clerk shall provide copies of such forms on request.
>
> The fee for admission under this Rule shall be established by the District Court. The fee shall be paid to the clerk who shall see to its deposit in the District Court Fund.
>
> A petition for admission under this rule may be presented by the petitioner. No admission under this rule shall become effective until such time as the fee has been paid.

RULE 2090-4 DESIGNATION OF LOCAL COUNSEL FOR SERVICE

A. Designation of Local Counsel

Unless excused by order for cause shown, an attorney primarily responsible for matters before the court ("lead counsel"), but not having an office in this district, may not appear before this court in any contested matter or adversary proceeding unless such lead counsel first designates a member of the bar of the District Court having an office within this district upon whom service may be made. The attorney so designated shall file a separate "Appearance as Local Counsel" if that attorney is not to participate in the case beyond the extent required by paragraph C of this Rule.

B. Penalties for Failing to Designate Local Counsel

Where the nonresident lead counsel files pleadings without the required designation of local

counsel, the clerk shall process them as if the designation were filed. If that lead counsel fails to file the required designation of local counsel, the pleadings filed may be stricken by the court without prior notice.

C. Duties of Local Counsel

An attorney designated as local counsel pursuant to this Rule shall be responsible for receiving service of notices, pleadings and other documents and promptly notifying the non-resident lead counsel of their receipt and contents. The local counsel may also appear in the place of the lead counsel. This Rule does not require the local counsel to take responsibility for any substantive aspects of the litigation or to sign any pleading, motion, or other paper.

Committee Note: This Rule is based on District Court Local Rule 83.15. The modifications to section A are intended for clarification, to require filing of an appearance by local counsel for docket and notice purposes, and to allow waiver of the Rule in appropriate situations in view of the nationwide jurisdiction of the Bankruptcy Court and the need to recognize economic burdens in relatively small matters. Section B is modified to eliminate a duty of the clerk and replace it with the possibility of action by the court.

RULE 2090-5 APPEARANCES

A. Appearance Forms; Appearances by Firms Prohibited

Appearances filed when required by Fed. R. Bankr. P. 9010(b) shall be filed on forms prescribed by the District Court, signed by each individual attorney appearing, and not with the firm name.

B. Appearance of Attorney for Debtor; Adversary Proceedings

Counsel who represents the debtor upon the filing of a petition in bankruptcy is deemed to appear as attorney of record on behalf of the debtor for all purposes in the bankruptcy case, including any contested matter, but is not deemed to appear in any adversary proceeding filed against the debtor.

C. Appearance by United States Attorney or United States Trustee

No appearance form need be filed by the United States Attorney or the United States Trustee or any of their assistants when appearing in the performance of their duties.

Committee Note: Section A designates the appearance form to use when a form is required. Section B makes clear that a bankruptcy lawyer has professional

responsibility for his client in all matters in the bankruptcy case unless given leave to withdraw, but treats an adversary proceeding as a separate case in which other counsel may appear and in which the appearance by debtor's counsel is not automatic. Section C tracks the provisions of District Court Local Rule 83.16 with respect to the United States Attorney and makes similar provisions with respect to the United States Trustee.

RULE 2091-1 WITHDRAWAL, ADDITION, AND SUBSTITUTION OF COUNSEL

Once an attorney has filed an appearance form, that attorney is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may other attorneys file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court by motion, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these Rules a member of the trial bar is acting as a supervisor or is accompanying a member of the bar, the member of the trial bar included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Any motion to withdraw must be served on the client as well as all parties of record.

Committee Note: This Rule is based on District Court Local Rule 83.17. The Rule explicitly requires that the client receive service of a motion to withdraw or substitute.

RULE 3011-1 MOTIONS FOR PAYMENT OF UNCLAIMED FUNDS

All motions for payment of unclaimed funds under 28 U.S.C. § 2072 shall be filed before the chief judge or such other judge as the chief judge shall designate. All such motions shall be made in accordance with procedures established by the court and available to the public in the clerk's Office and on the court's web site.

RULE 3015-1 MODEL PLAN IN CHAPTER 13 CASES

In all cases filed under Chapter 13 of the Bankruptcy Code, the debtor's plan shall conform to the Model Plan adopted by the judges of this court, in effect on the date the case is filed. The Model Plan shall be available in the clerk's office and on the court's web site. The court may modify the Model Plan from time to time by duly adopted General Order, making the revised plan available in the clerk's office and on the court's web site no less than 30 days before its effective date.

Committee Note: The Model Plan was adopted to provide for (1) a clear statement of

the rights and responsibilities of all parties affected by the plan; (2) a uniform presentation of the matters dealt with by the plan; (3) an internal check of the feasibility of the plan; (4) default provisions that are consistent with law; and (5) flexibility to change any of the substantive provisions of the plan, but with clear notice of such changes.

RULE 3016-1 DISCLOSURE STATEMENTS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following requirements will apply to all disclosure statements or amended disclosure statements:

(1) Each disclosure statement must include the following:

(a) An introductory narrative summarizing the nature of the plan and including a clear description of the exact proposed treatment of each class showing total dollar amounts and timing of payments to be made under the plan, and all sources and amounts of funding thereof. The narrative should plainly identify all classes, the composition of each class (as to number and type of creditors), the amount of claims (specifying any that are known to be disputed and how they will be treated under the plan), and the amount (dollar and/or percentages) to go to each class. The distinction between pre- and post-petition creditors must be clear.

(b) A summary exhibit setting forth a liquidation analysis as if assets of the debtor were liquidated under chapter 7.

(2) Except where a liquidating plan is proposed, each disclosure statement must also include the following:

(a) A projected cash flow and budget showing all anticipated income and expenses including plan payments, spread over the life of the plan or three fiscal years, whichever is shorter;

(b) A narrative summarizing the scheduled assets and liabilities as of the date of filing in bankruptcy, reciting the financial history during the chapter 11 (including a summary of the financial reports filed), describing the mechanics of handling initial and subsequent disbursements under the plan, and identifying persons responsible for disbursements; and

(c) Consolidated annual financial statements (or copies of such statements for the years in question) covering at least one fiscal year prior to bankruptcy filing and each fiscal year of the debtor-in-possession period.

Committee Note: This Rule standardizes the format of information presented in disclosure statements. It does not excuse compliance with other requirements of the Bankruptcy Code.

RULE 3018-1 COUNTING CONFIRMATION BALLOTS IN CHAPTER 11 CASES

Unless the court orders otherwise, the following shall apply in all cases pending under chapter 11 of the Bankruptcy Code:

(1) Ballots accepting or rejecting a plan are to be filed with the clerk.

(2) Prior to the confirmation hearing, counsel for each plan proponent shall tally all ballots filed with the clerk and prepare a report of balloting which at a minimum shall include:

  (a) a description of each class and whether or not it is impaired (for example, "Class I, unsecured creditors, impaired");

  (b) for each impaired class, the number of ballots received, the number of ballots voting to accept and their aggregate dollar amount, and the number of ballots voting to reject and their aggregate dollar amount;

  (c) a concluding paragraph indicating whether the plan has received sufficient acceptance to be confirmed;

  (d) a completed ballot report form substantially similar to the one appended to this Rule;

  (e) appended to the completed ballot report form, copies of all ballots not counted for any reason and a statement as to why the same were not counted; and

  (f) certification that all ballots were counted for the classes for which those ballots were filed except for ballots appended to the report.

(3) Counsel for each plan proponent shall:

  (a) file the report of balloting on that plan with the clerk;

  (b) serve notice of such filing together with a copy of the report on the United States Trustee, all parties on the service list, and all parties who have filed objections to confirmation; and

  (c) deliver a copy thereof to the chambers of the judge.

(4) The notice and copy of the report shall be filed and served at least two business days prior to the confirmation hearing. Proof of such service and a copy of the notice and report shall be filed with the clerk prior to the confirmation hearing.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

CASE NAME _____ CASE NUMBER _____ CONFIRMATION HEARING DATE _____

SECTION 1126 BALLOT REPORT FORM

	# BALLOTS CAST	# ACCEPTING	# REJECTING	$ ACCEPTING	$ REJECTING	CLASS ACCEPTING	CLASS REJECTING
CLASS I _____							
CLASS II _____							
CLASS III _____							
CLASS IV _____							

	YES	NO
PLAN ACCEPTED		

Please note the following provisions of Title 11. Section 1126 of the United States Code

©) A class of claims has accepted a plan if such plan has been accepted by creditors, other than any entity designated under subsection (e) of this section, that hold at least two-thirds in amount and more than one-half in number of the allowed claims of such class held by creditors, other than any entity designated under subsection (e) of this section, that have accepted or rejected such plan.

(d) A class of interests has accepted a plan if such plan has been accepted by holders of such interests, other than any entity designated under subsection (e) of this section, that hold at least two-thirds in amount of the allowed interests of such class held by holders of such interests, other than any entity designated under subsection (e) of this section, that have accepted or rejected such plan.

(e) On request of a party in interest, and after notice and a hearing, the court may designate any entity whose acceptance or rejection of such plan was not in good faith, or was not solicited or procured in good faith or in accordance with the provisions of this title.

RULE 3022-1 NOTICE TO CLOSE CASE OR ENTER FINAL DECREE IN CHAPTER 11 CASES

Unless the court orders otherwise, debtors or other parties in interest moving after chapter 11 plan confirmation either to close the case or enter a final decree shall (1) give notice of such motion to the United States Trustee, any chapter 11 trustee, and all creditors, and (2) state within the notice or motion the actual status of payments due to each class under the confirmed plan.

Committee Note: This Rule establishes a uniform procedure for closing chapter 11 cases or entering final decrees after plan confirmation. It also informs creditors what payments the debtor contends have been made.

RULE 4001-1 MOTIONS - DATE OF REQUEST TO MODIFY STAY UNDER 11 U.S.C. § 362

Under § 362(e) of the Bankruptcy Code, the date of the "request" for relief from the automatic stay is deemed to be the date of presentment of the motion, provided that the movant has complied with the notice requirements under Fed. R. Bankr. P. 9014 and any other applicable notice requirements of these Rules.

RULE 4001-2 CASH COLLATERAL AND FINANCING ORDERS

A. Motions

(1) Except as provided in these Rules, all cash collateral and financing requests under §§363 and 364 of the Bankruptcy Code shall be heard by motion filed pursuant to Fed.R.Bankr.P. 2002, 4001 and 9014 ("Financing Motions").

(2) Provisions to be Highlighted. All Financing Motions must (a) recite whether the proposed form of order or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (b) identify the location of any such provision in the proposed form of order, cash collateral stipulation or loan agreement, and (c) state the justification for the inclusion of such provision:

(a) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the pre-petition secured creditors (i.e., clauses that secure pre-petition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its pre-petition security agreement or applicable law).

(b) Provisions or findings of fact that bind the estate or all parties in interest with

respect to the validity, perfection or amount of the secured creditor's pre-petition lien or debt or the waiver of claims against the secured creditor without first giving parties in interest at least 75 days from the entry of the order and the creditors' committee, if formed, at least 60 days from the date of its formation to investigate such matters.

(c) Provisions that seek to waive any rights the estate may have under §506(c) of the Bankruptcy Code.

(d) Provisions that immediately grant to the pre-petition secured creditor liens on the debtor's claims and causes of action arising under §§544, 545, 547, 548, and 549 of the Bankruptcy Code.

(e) Provisions that deem pre-petition secured debt to be post-petition debt or that use post-petition loans from a pre-petition secured creditor to pay part or all of that secured creditor's pre-petition debt, other than as provided in §552(b) of the Bankruptcy Code.

(f) Provisions that provide treatment for the professionals retained by a committee appointed by the United States Trustee different from that provided for the professionals retained by the debtor with respect to a professional fee carve-out, and provisions that limit the committee counsel's use of the carve-out.

(g) Provisions that prime any secured lien, without the consent of that lienor.

(h) A declaration that the order does not impose lender liability on any secured creditor.

(i) Provisions that grant the lender expedited relief from the automatic stay in § 362 of the Bankruptcy Code, or relief from the automatic stay without further order of court.

(3) All Financing Motions shall also provide a summary of all provisions that must be highlighted under section (A)(2) of this Rule and a summary of the essential terms of the proposed use of cash collateral or financing, including the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under §§363 and 364 of the Bankruptcy Code.

(4) All Financing Motions shall also provide a budget covering the time period in which the order shall remain in effect. The budget shall state in as much detail as is reasonably practical the amount of projected receipts and disbursements during the period covered by the budget.

(5) The court may deem unenforceable any provision not highlighted as required under section (A)(2) of this Rule.

B. Interim Relief

When Financing Motions are filed with the court on or shortly after the date of the entry of the order for relief, the court may grant interim relief pending review by the interested parties of the proposed

debtor-in-possession financing arrangements. Such interim relief should only be granted to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the court shall not approve interim financing orders that include any of the provisions previously identified in section (A)(2)(a) through (A)(2)(I) of this Rule.

C. Final Orders

A final order shall be entered only after notice and a hearing pursuant to Fed.R.Bankr.P. 4001. If formation of a creditors' committee is anticipated, no final hearing shall be held until at least ten (10) days following the organizational meeting of the creditors' committee contemplated by §1102 of the Bankruptcy Code unless the court orders otherwise.

Committee Note: This rule was added to assist the court in managing the volume of papers frequently filed shortly after the filing of a Chapter 11 case. By highlighting the provisions described in section A, counsel assists the court in locating clauses that it would seek to review in any case. Section B allows the court to provide relief while taking the time necessary to properly review the parties' financing arrangements. Furthermore, it allows interested parties other than the court to find easily the highlighted provisions.

RULE 4020-1 CROSS REFERENCE TO RULE REGARDING DISMISSAL OF PROCEEDINGS TO DENY OR REVOKE DISCHARGE

See Rule 7041-1.

RULE 5005-1 PLACE AND METHOD OF FILING

A. Office of the Clerk of the Court

All papers shall be filed with the office of the clerk of the United States Bankruptcy Court located in Chicago, Illinois for the Eastern Division or the office of the clerk of the United States Bankruptcy Court located in Rockford, Illinois for the Western Division.

B. Materials to Be Filed in Division in which Venue Lies

Documents commencing a bankruptcy case shall be filed with the clerk in the division of the court in which venue is appropriate. Unless otherwise ordered by the court, following the filing of a case all materials relating to that case shall be filed in the division to which the case is assigned at the time of the filing.

C. Electronic Case Filing

The court may adopt Administrative Procedures for Electronic Filing in the Case Management/Electronic Case Filing System ("CM/ECF") to permit filing, signing, service and verification of documents by electronic means in conformity therewith.

Committee Note: Section B of this Rule is based on District Court Local Rule 5.1. It differs from that rule in that it does not permit the filing of a bankruptcy case in a division other than the one in which venue lies.

The Judicial Council determines the counties that fall within the Eastern and Western Divisions. At the time of adoption of this Rule, the counties were divided as follows:
Eastern Division: Cook, DuPage, Grundy, Kane, Kendall, Lake, LaSalle and Will.
Western Division: Boone, Carroll, DeKalb, Jo Davies, Lee, McHenry, Ogle, Stephenson, Whiteside and Winnebago.

Section C of this Rule is required because the Administrative Office has directed that the court commence the implementation of the Case Management/Electronic Case Filing System (CM/ECF). The rule will permit the adoption and modification of procedures required for the operation of the CM/ECF. This rule complies with Fed. R. Bankr. P. 7005.

Most courts operating under CM/ECF have used a detailed set of Administrative Procedures authorized by a local rule similar to Section C or by general order. The court's Administrative Procedures will be prepared after reviewing those adopted in the courts now operational with CM/ECF. They will be made public in a manner similar to local rules.

This rule has two distinct advantages: First, it allows the user to find all CM/ECF requirements in one place, rather than spread throughout the local rules; second, it allows the court the flexibility to make adjustments as our own experience and that of the users dictates.

RULE 5005-2 EASTERN DIVISION DROP BOX

(1) Papers may be filed in the Eastern Division by placing them in one of the clerk drop boxes located in the Everett McKinley Dirksen United States Courthouse. The courthouse is open to the public from 7 a.m. to 6 p.m. Monday through Friday, excluding federal holidays.

(2) Documents placed in a drop box must meet the following guidelines:
   (a) all documents must be stamped "received" with the time stamp provided;
   (b) a self-addressed stamped envelope must be included for documents to be returned;
   (c) the name, address, and telephone number of the filing party shall be included; and
   (d) any document for which a filing fee is required shall be accompanied by a check

or money order acceptable to the clerk.

(3) Emergency matters, notices of appeal, and cash shall not be placed in the drop boxes.

(4) Documents placed in the drop box in compliance with this Rule and time-stamped before 6:00 p.m on a business day shall be deemed filed on the date stamped received. If a document is removed from the drop box in the morning of the business day following its deposit, and if the time stamp is missing or illegible, it will be stamped as having been filed on that business day. Documents deposited in the drop box and time-stamped after 6:00 p.m. on a business day or at any time on a non-business day shall be deemed to have been filed on the next business day.

Committee Note: This rule was originally drafted as a General Order to provide guidance to counsel regarding the use of the drop boxes, which were created since the Local Bankruptcy Rules were last amended in 1997.

RULE 5005-3 FORMAT OF PAPERS FILED

A. Numbering Paragraphs in Pleadings

Allegations in any pleading or request for an order shall be made in numbered paragraphs, each of which shall be limited, as far as practicable, to a statement of a single set of circumstances. Responses shall be made in numbered paragraphs, first setting forth the complete content of the paragraph to which the response is directed, and then setting forth the response.

B. Size of Paper; Binding; Caption; Signature, Name, Address, and Phone Number of Person Filing Pleading

(1) Each document filed shall be flat and unfolded on opaque, unglazed, white paper approximately 8 ½ x 11 inches in size. It shall be plainly written, or typed, or printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it, and shall be secured by staples or other devices piercing the paper on the top at the left corner of the document. Paper clips or other clips not piercing the paper are not acceptable.

(2) Where the document is typed, line spacing shall be at least 1½ lines. Where it is typed or printed:

(a) the size of the type in the body of the text shall be 12 points and that in footnotes, no less than 11 points, and

(b) the margins, left-hand, right-hand, top, and bottom, shall each be 1 inch.

(3) The first page of each document shall bear the caption, descriptive title, and number of the action or proceeding in which it is filed, the case caption and chapter of the related bankruptcy case, the name of the judge to whom the case is assigned, and the next date

and time, if any, that the matter is set. The final page of each document required to be signed by counsel shall be signed by at least one licensed attorney or by an individual party *pro se*. That final page must contain the name, the state attorney registration number, address, and telephone number of the attorney in active charge of the case as well as that of the attorney signing the pleading, or the address and telephone number of the individual party filing *pro se*. Copies of exhibits appended to documents filed shall be legible.

(4) Each page of a pleading shall be consecutively numbered.

C. Briefs Limited to Fifteen Pages

No brief shall exceed fifteen pages without prior approval of the court.

D. Documents Not Complying with Rule Subject to Being Stricken

Any document filed in violation of this Rule may be stricken by the court without prior notice. The judge may allow a document not in conformity with this Rule to remain on file or may direct the filing of any communication to the court deemed appropriate for filing.

E. Judge's Copy

Each person or party filing a pleading, motion, memorandum, or any document other than a deposition or exhibit, shall file, in addition to the record copy, a copy for use by the judge, unless otherwise provided by the Administrative Procedures for Electronic Filing.

F. Proof of Service

All documents filed with the clerk shall be accompanied by a proof of service consistent with Rule 7005-1.

Committee Note: This Rule is based on District Court Local Rules 5.2 and 7.1. In conformity with present Fed. R. Bankr. P. 5005 and 7005, the clerk must accept anything offered for filing regardless of form. The court may, however, permit informal filings, particularly by *pro se* litigants. Attorneys should usually be held to compliance with formal requirements. The clerk should not have the burden of handling documents that are unfastened, unsigned, or oversized, but the clerk is not empowered to refuse acceptance of filings.

Certain requirements set forth in section A are now required in adversary proceedings by the Federal Rules of Bankruptcy Procedure, but not in contested proceedings unless ordered. This Rule standardizes the requirements. Sections C and G of prior Local Bankruptcy Rule 400 regarding interrogatories were transferred to Rule

7033-1. Section F regarding subpeonas was transferred to Rule 9016-1.

The Administrative Procedures for Electronic Filing may reduce the need for additional copies of court filings. This possibility is specifically noted here to avoid confusion. Other provisions of these Rules may also be affected by the Administrative Procedures without being specifically noted in the text of the rules.

RULE 5005-4 RESTRICTED DOCUMENTS

A. Restricting Order

On written motion and for good cause shown, the court may enter an order directing that access to one or more documents be restricted. The order shall specify the persons, if any, who are to have access to the documents without further order of court. Unless such an order is entered, access to any document filed with the clerk shall not be restricted.

B. Docket Entries

On written motion and for good cause shown, the court may enter an order directing that the docket entry for a restricted document show only that the document was filed without any notation indicating its nature. Absent such an order that a restricted document shall be docketed in the same manner as any other document, except that the entry will indicate that the document is restricted.

C. Inspection of Restricted Documents

The clerk shall maintain a record, in a manner provided by internal operating procedures, of persons permitted access to restricted documents. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the restricted document.

D. Disposition of Restricted Documents

(1) When a case is closed in which an order was entered pursuant to section B of this rule, the clerk shall maintain the documents as restricted documents for a period of 63 days following the final disposition of the case including appeals. Except where the court orders otherwise in response to a request of a party made pursuant to this section or on its own motion at the end of the 63 day period, the clerk shall place the restricted documents in the public file.

(2) Any party may on written motion request that one or more of the restricted documents be turned over to that party. Such motion shall be filed not more than 63 days following the closing of the case. In ruling on a motion filed pursuant to this section or on its own motion, the court may authorize the clerk to do one of the following for any document covered by the order:

(a) turn over a document to a party; or

(b) destroy a document; or

(c) retain a document as a restricted document for a period not to exceed 20 years and thereafter destroy it.

Committee Note: This Rule follows District Court Local Rule 26.2. An Internal Operating Procedure regarding Restricted Documents addresses how restricted and sealed documents are handled by the Clerk.

RULE 5070-1 CALENDARS

A. General

Bankruptcy cases, ancillary matters, and adversary proceedings assigned to a judge shall constitute the calendar of that judge.

B. Calendar of a Judge who Dies, Resigns, or Retires

The calendar of a judge who dies, resigns, or retires shall be reassigned by the clerk as soon as possible under direction of the chief judge, either *pro rata* by lot among the remaining judges, or as necessary to promote efficient judicial administration.

C. Calendar for a Newly-Appointed Judge

A calendar shall be prepared for a newly-appointed judge to which cases shall be transferred by the clerk under direction of the chief judge in such number as the chief judge may determine, either by lot from the calendar of other judges, or by transfer in whole or part of the calendar of a judge who has died, retired, or resigned. If transfer is by lot from the calendar of other sitting judges, no case or proceeding shall be transferred if it is certified by a judge to be one on which that judge has engaged in such a level of judicial work that reassignment would adversely affect the efficient disposition of the matter.

Committee Note: This Rule is based on Local District Court Rule 40.1(e), modified to permit a judge to withhold from transfer a case in which considerable judicial work would have to be repeated if the case were reassigned. The sitting judge would best know whether that is so.

RULE 5070-2 PUBLICATION OF DAILY CALL

The omission of a matter from any published call in the *Chicago Daily Law Bulletin*, on the court's website, or otherwise shall not excuse counsel or parties *pro se* from attendance before the court on the date for which the matter is set.

Committee Note: This Rule applies in both divisions, although it is not common practice to publish daily calls in the Western Division.

RULE 5073-1 USE OF PHOTOGRAPHIC, RADIO, AUDIO, AND TELEVISION EQUIPMENT IN THE COURT ENVIRONS

The taking of photographs, radio and television broadcasting, or taping in the court environs during the progress of or in connection with judicial proceedings before a bankruptcy judge, whether or not court is actually in session, is prohibited.

Committee Note: This Rule is necessary because bankruptcy courts are not explicitly within the coverage of District Court Local Rule 83.1(c), which is modified here to delete the reference to United States magistrate judges. This Rule is not intended to prohibit the use of tape recorders by attorneys in the attorney conference rooms.

RULE 5082-1 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTERS 7, 11 AND 12

A. Applications

Each application for interim or final compensation for services performed and reimbursement of expenses incurred by a professional person employed in a case filed under Chapter 7, 11 or 12 of the Bankruptcy Code shall begin with a completed and signed cover sheet in a form approved by the court and published by the clerk. The application shall also include both a narrative summary and a detailed statement of the applicant's services for which compensation is sought.

B. Narrative Summary

(1) The narrative summary shall set forth the following for the period covered by the application:

(a) a summary list of all principal activities of the applicant, giving the total compensation requested in connection with each such activity;

(b) a separate description of each of the applicant's principal activities, including details as to individual tasks performed within such activity, and a description sufficient to demonstrate to the court that each task and activity is compensable in the amount sought;

(c) a statement of all time and total compensation sought in the application for preparation of the current or any prior application by that applicant for compensation;

(d) the name and position (partner, associate, paralegal, etc.) of each person who performed work on each task and activity, the approximate hours worked, and the total compensation sought for each person's work on each such separate task and activity;

(e) the hourly rate for each professional and paraprofessional for whom compensation is requested, with the total number of hours expended by each person and the total compensation sought for each;

(f) a statement of the compensation previously sought and allowed;

(g) the total amount of expenses for which reimbursement is sought, supported by a statement of those expenses, including any additional charges added to the actual cost to the applicant.

(2) The narrative summary shall conclude with a statement as to whether the requested fees and expenses are sought to be merely allowed or both allowed and paid. If the latter, the narrative summary shall state the source of the proposed payment.

C. Detailed Statement of Services

The applicant's detailed time records may constitute the detailed statement required by Fed. R. Bankr. P. 2016(a). Such statement shall be divided by task and activity to match those set forth in the narrative description. Each time entry shall state:

(1) the date the work was performed,

(2) the name of the person performing the work,

(3) a brief statement of the nature of the work, and

(4) the time expended on the work in increments of tenth of an hour.

D. Privileged Information and Work Product

Should compliance with this Rule require disclosure of privileged information or work product, then, with leave of court sought by motion, materials containing such information may be separately tendered for filing *in camera*, unless to do so would constitute an *ex parte* communication concerning a matter before

the court. If leave is given to file *in camera*, such materials may be omitted from the copies served on other parties and their counsel.

E. Failure to Comply

Failure to comply with any part of this Rule may result in reduction of fees and expenses allowed. If a revised application is made necessary because of any failure to comply with provisions of this Rule, compensation may be denied or reduced for preparation of the revision. The court may also excuse or modify any of the requirements of this Rule.

Committee Note: This Rule codifies requirements set forth in published decisions by some judges in this District.

Judges who choose not to follow this format, and those who do not need this format for small applications, may partially or wholly excuse compliance under Rule 5082-1(E). Fee applications in Chapter 13 cases are addressed in Rule 5082-2.

RULE 5082-2 APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT FOR PROFESSIONAL SERVICES IN CASES UNDER CHAPTER 13

In all cases filed under Chapter 13 of the Bankruptcy Code, each application for compensation for services performed and reimbursement of expenses incurred by a professional person shall be set forth in a form approved by the court and published by the clerk.

RULE 5096-1 EMERGENCY MATTERS; EMERGENCY JUDGE

A. Definitions

For the purpose of these Rules:

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

(2) "Emergency matter" means a matter of such a nature that the delay in hearing it in the ordinary course would cause serious and irreparable harm to one or more of the parties to the proceeding.

B. Duties of Emergency Judge

The emergency judge is responsible for hearing all emergency matters that arise outside of the regular business hours of the court. During regular business hours of the court, the emergency judge will

hear emergency matters arising out of the cases assigned to the calendar of another judge when that judge is not sitting. The emergency judge will not hear emergency matters arising during regular business hours of the court when the assigned judge is sitting, except by agreement of the emergency judge at the request of the assigned judge.

C. Unavailability of the Emergency Judge

If the assigned judge and the emergency judge are unavailable, the matter may be brought to the attention of the chief judge, who shall then determine which judge will hear the matter.

Committee Note: The modification clarifies the role and use of the emergency judge and what happens when a judge is unavailable. "Emergency matter" is now defined in this rule.

RULE 7005-1 PROOF OF SERVICE OF PAPERS

Unless another method is expressly required by these Rules or by applicable law, an attorney may prove service of papers by certificate, and other persons may prove service of papers by affidavit or by other proof satisfactory to the court.

Committee Note: This Rule is based on District Court Local Rule 5.5, modified to make clear that this Rule is not intended to negate requirements of any applicable statutes or rules.

RULE 7007-1 CORPORATE DISCLOSURE STATEMENT

A. When Necessary

Any non-governmental corporation that is a debtor, or is a party in an adversary proceeding, or otherwise requests relief in a bankruptcy case other than by the filing of a proof of claim, shall file a disclosure statement ("Statement") identifying all of its publicly held parent corporations and any publicly held company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of the corporation required to file the Statement. Opposition to an objection to claim is within this Rule. The Statement shall bear the case heading and be titled "Corporate Disclosure Statement of [registered name of corporation as well as any pseudonym or other name under which it does business]."

B. Filing and Updates

The Corporate Disclosure Statement shall be filed with the clerk at the same time the corporation files its initial motion, pleading or other document. After a corporation complies with this Rule it shall not

be required to file another Statement in any later-filed case or adversary proceeding, in which it appears, except that any corporation that has filed a Statement shall file a "Supplemental Statement" in the later filed case or adversary proceeding noting any change in the information of the last filed Supplemental Statement or original Statement. The clerk will maintain a list of all Corporate Disclosure Statements filed under this Rule on the court's web site and will regularly update such list.

C. Definition

For the purpose of this Rule, the term "publicly held" corporation or company refers to a corporation the securities of which are listed on a stock exchange or are the subject of quotations collected and reported by the National Association of Securities Dealers Automated Quotations System (NASDAQ).

Committee Note: This is a new Rule. The purpose of the Rule is to assist each of the judges in determining when recusal is appropriate pursuant to 28 U.S.C. § 455(b)(4). The statute requires the recusal of a judge who has a financial interest in a matter or party before the judge or whose spouse or minor child has a financial interest in a matter or party before the judge. Similar rules have been adopted by the District Court and the Court of Appeals for the Seventh Circuit. *See* District Court Local Rule 3.2 and Fed. R. App. P. 26.1.

RULE 7016-1 CASE MANAGEMENT AND SCHEDULING CONFERENCES IN CHAPTER 11 CASES

The court on its own motion or on the motion of a party in interest may conduct case management and scheduling conferences at such times during a case as will further the expeditious and economical resolution of the case. At the conclusion of each such conference, the court shall enter case management or scheduling orders as may be required. Such orders may establish notice requirements, set dates on which motions and proceedings will be heard (omnibus hearing dates), establish procedures regarding payment and allowance of interim compensation under 11 U.S.C. § 331, set dates for filing the disclosure statement and plan, and address such other matters as may be appropriate.

Committee Note: This rule was added to codify procedures that are employed by the judges in this court to streamline the management of complex Chapter 11 cases.

RULE 7026-1 DISCOVERY MATERIALS

A. Definition

For the purposes of this Rule, the term "discovery materials" shall include all materials related to discovery under Fed. R. Civ. P. 26 through Fed. R. Civ. P. 36, made applicable to bankruptcy

proceedings by Fed. R. Bankr. P. 7026 through Fed. R. Bankr. P. 7036 and Fed. R. Bankr. P. 9014, and to discovery taken under Fed. R. Bankr. P. 2004.

B. Discovery Materials Not to Be Filed Except By Order

(1) Except as provided by this Rule or order of court, discovery materials shall not be filed with the clerk. The party serving discovery materials shall retain the original and be custodian of it. An original deposition shall be retained by the party who ordered it. The court, on its own motion, on motion of any party, or on motion by a non-party, may require the filing of any discovery materials or may make provision for a person to obtain a copy of discovery materials at the person's own expense.

(2) If discovery materials are received into evidence as exhibits, the attorney producing them will retain them unless the court orders them deposited with the clerk. When the court orders them deposited, they will be treated as exhibits subject to the provisions of Rule 9070-1.

Committee Note: Section B is based on District Court Local Rule 26.3. Under section A, this Rule applies to discovery under Fed. R. Bankr. P. 2004.

RULE 7033-1 INTERROGATORIES - FORMAT OF ANSWERS

A party responding to interrogatories shall set forth immediately preceding each answer or objection a full statement of the interrogatory to which the party is responding.

RULE 7041-1 NOTICE REQUIREMENTS FOR DISMISSAL OF PROCEEDINGS TO DENY OR REVOKE DISCHARGES

A. Requirements for Motion to Dismiss Adversary Proceeding to Deny or Revoke Discharge

No adversary proceeding objecting to or seeking to revoke a debtor's discharge under Sections 727, 1141, 1228, or 1328 of the Bankruptcy Code shall be dismissed except on motion and hearing after 20 days notice to the debtor, the United States Trustee, the trustee, if any, and all creditors and other parties of record. The motion shall either (1) state that no entity has promised, has given, or has received

directly or indirectly any consideration to obtain or allow such dismissal or (2) specifically describe any such consideration promised, given, or received.

B. Additional Notice Requirements

The notice required under part A of this Rule must include a statement that the trustee or any creditors who wish to adopt and prosecute the adversary proceeding in question shall seek leave to do so at or before the hearing on the motion to dismiss.

C. Court's Discretion to Limit Notice

Nothing contained herein is intended to restrict the discretion of the court to limit notice to the debtor, the United States Trustee, the case trustee, if any, and such creditors or other parties as the judge may designate, or, for cause shown, to shorten the notice period.

> *Committee Note*: The Administrative Office recommends that this Rule be numbered 4020-1. The Committee has renumbered the Rule as 7041-1 because Federal Rule of Bankruptcy Procedure 7041 governs the dismissal of adversary proceedings. Proceedings to bar or revoke discharge are brought for benefit of the estate and all creditors. If a party in interest withholds its own action in reliance upon a timely action by another, it should have an opportunity on notice to take up the burden of litigation if the initial party declines to pursue the matter for any reason. The notice of consideration given for dismissing the case allows the court and parties in interest to determine whether such consideration is being paid appropriately.

RULE 7045-1 CROSS REFERENCE TO RULE REGARDING ATTACHMENTS TO SUBPOENAS

See Rule 9016-1.

RULE 7054-1 TAXATION OF COSTS

A. Time for Filing Bill of Costs

Within thirty days of the entry of a judgment allowing costs, the prevailing party shall file a bill of costs with the clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within the thirty days, costs under 28 U.S.C. § 1920(1), other than those of the clerk, shall be deemed waived. The court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing the bill.

B. Costs of Stenographic Transcripts

Subject to the provisions of Fed. R. Bankr. P. 7054, the necessary expenses of any prevailing party in obtaining all or any part of a transcript for use in a case, for purposes of a new trial, for amended findings, or for appeal shall be taxable as costs against the adverse party. The costs of the transcript or deposition shall not exceed the regular copy rate as established by the Judicial Conference of the United States in effect at the time the transcript or deposition was filed, unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original and one copy of such transcript or deposition, and for depositions, the cost of the copy provided to the court, shall be allowed.

C. Bond Premiums

If costs are awarded to any party, the reasonable premiums or expenses paid on all bonds or other security given by the party shall be taxed as part of the costs.

Committee Note: This Rule is based on Local District Court Rule 54.1.

RULE 7054-2 SECURITY FOR COSTS

Upon good cause shown, the court may order the filing of a bond as security for costs. Except as ordered by the court, the bond will be secured in compliance with Rule 2070-1. The bond shall be conditioned to secure the payment of all fees which the party filing it must pay by law to the clerk, marshal, or other officer of the court and all costs of the action that the party filing it may be directed to pay to any other party.

Committee Note: This Rule is based on District Court Local Rule 65.3.

RULE 7055-1 DISMISSAL FOR FAILURE TO APPEAR IN ADVERSARY PROCEEDINGS

If a party fails to attend a hearing of an adversary proceeding, the court may dismiss the proceeding for want of prosecution or enter an order of default or default judgment.

Committee Note: Rule 7041-1 applies to adversary proceedings to object to or revoke a debtor's discharge.

RULE 7055-2 CLERK NOT TO ENTER DEFAULT JUDGMENTS

Unless otherwise directed by a judge, the clerk shall not prepare or sign default judgments in any adversary proceeding or contested matter under Fed. R. Bankr. P. 9021 or Fed. R. Bankr. P. 7055. Such judgments shall be presented to the court for entry. Notwithstanding Fed. R. Bankr. P. 7055, a party seeking entry of judgment by default shall present a motion to the judge, rather than the clerk.

Committee Note: This Rule relieves the clerk of a complex task and follows local practice.

RULE 7056-1 MOTIONS FOR SUMMARY JUDGMENT; MOVING PARTY

A. Supporting Documents Required

With each motion for summary judgment filed under Fed. R. Bankr. P. 7056, the moving party shall serve and file a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to judgment as a matter of law, and that also includes:

(1) a description of the parties;
(2) all facts supporting venue and jurisdiction in this court; and
(3) any affidavits and other materials referred to in Fed. R. Civ. P. 56(e).

B. Form - Statement of Facts

The statement of facts shall consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

C. Subsequent Filings by Moving Party

If additional material facts are submitted by the opposing party pursuant to Rule 7056-2, the moving party may submit a concise reply in the form prescribed in Rule 7056-2 for response. All material facts set forth in the movant's statement filed under section A(2)(b) of Rule 7056-2 will be deemed admitted unless controverted by the statement of the moving party.

Committee Note: This Rule is based on District Court Local Rule 56.1(a).

RULE 7056-2 MOTIONS FOR SUMMARY JUDGMENT; OPPOSING PARTY

A. Supporting Documents Required

Each party opposing a motion for summary judgment under Fed. R. Bankr. P. 7056 shall serve and file the following:

(1) a supporting memorandum of law;

(2) a concise response to the movant's statement of facts that shall contain:

(a) a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon; and

(b) a statement, consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon; and

(3) any opposing affidavits and other materials referred to in Fed. R. Civ. P. 56(e).

B. Effect

All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

Committee Note: This Rule is based on District Court Local Rule 56.1(b).

RULE 7067-1 INVESTMENT OF FUNDS DEPOSITED IN THE REGISTRY ACCOUNT OF THE COURT

A. Clerk to Maintain Registry Account

Pursuant to Fed. R. Bankr. P. 7067, the clerk shall maintain an interest-bearing registry account. The conditions and terms of the agreement between the clerk and the bank maintaining the registry account shall be approved by and be subject to the supervision of the chief judge.

B. Orders Requiring the Investment of Funds by the Clerk

All funds ordered deposited with the clerk pursuant to 28 U.S.C. § 2041 for deposit into the registry fund of the court shall be deposited in the registry account specified in section A above, provided that, for cause shown, the judge may direct the clerk to hold the funds deposited in some other form of interest-bearing investment. Where the judge so orders, the order shall specify (1) the reason or reasons for such alternative form of investment, (2) the amount to be invested, (3) the type of account or instrument in which the funds are to be invested, and (4) the term of the investment.

C. Time Period for Depositing Funds

The clerk shall take all reasonable steps to assure that the funds are invested promptly. For the purpose of this Rule, "promptly" shall mean not more than 15 days following entry of the order or the deposit of funds with the clerk, whichever is later.

Committee Note: This Rule is based on District Court Local Rule 67.1. Parties should be aware that a fee schedule has been promulgated pursuant to 28 U.S.C.§ 1930 under which the clerk will retain a portion of any interest earned on funds deposited in the Registry Account.

RULE 9001-1 CROSS REFERENCE TO RULE SETTING OUT DEFINITIONS

See Rule 1000-1.

RULE 9013-1 MOTIONS - FIXING OF DATE OF PRESENTMENT; NOTICE OF PRESENTMENT

The date of presentment contained in a notice of motion shall be within 14 calendar days of the service of the notice, unless applicable statutes or rules require a longer service period, in which case the date of presentment shall be within 7 calendar days following the expiration of the required notice period. The provisions of this Rule regarding the date of presentment may be modified by the court by standing order in counties other than Cook in order to conform to the dates when the court sits. A motion that does not comply with the provisions of this Rule may be stricken by the court without prior notice.

Committee Note: The purpose of this Rule is to ensure that motions are heard timely and not interposed for the purpose of delay.

RULE 9013-2 ORAL ARGUMENTS ON MOTIONS

Oral arguments on motions may be allowed in the judge's discretion.

RULE 9013-3 MOTIONS - NOTICE OF MOTIONS; USE OF OVERNIGHT SERVICE AND ELECTRONIC FACSIMILE TRANSMISSIONS; CERTIFICATE OF SERVICE

The provisions of this Rule are subject to the Administrative Procedures for Electronic Filing adopted pursuant to Rule 5005-1(c).

A. Notice of Motion

Except in the case of an emergency under Rule 5096-1, written notice of the presentment of a motion must be personally served at or before 4:00 p.m. of the second business day preceding the date of presentment. Where service of such notice is by mail, the notice shall be mailed at least five business days before the date of presentment. The written notice shall specify the motion to be presented, date of presentment, time of presentment, and the judge before whom the motion will be presented. Any motion not noticed in accordance with this rule may be stricken by the court without notice. *Ex parte* motions and motions agreed to in writing by all parties in interest may be presented without notice directly to the judge's courtroom deputy without compliance with Rule 9013-4.

B. Personal Service

Personal service shall include actual delivery within the time specified by this section by a service organization providing for delivery within a specified time (e.g. overnight service) or by facsimile transmission ("fax").

C. Exhibits

Where a motion incorporates specified exhibits as part of the motion, legible copies of the specified exhibits shall be appended to and served with the motion and notice, unless excused by court order.

D. Certificate of Service

Each motion, other than one filed *ex parte* or by stipulation, shall be accompanied by a certificate of service indicating the date and manner of service and a statement that copies of documents required to be served by Fed. F. Civ. P. 5(a), made applicable by Fed. R. Bankr. P. 7005, have been served. A motion filed *ex parte* shall be accompanied by an affidavit showing cause therefor and stating whether a previous application for similar relief has been made.

E. Fax Service

(1) Where service is by fax, the certificate shall be accompanied by a copy of the transaction statement produced by the fax machine. Such transaction statement shall include the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving fax machine that the transmission was received or, in the event that the receiving fax machine did not produce the acknowledgment to the transmitting fax machine, an affidavit or, if by an attorney, a certificate setting forth the date and time of service and telephone number to which documents were transmitted.

(2) Facsimile transmission of documents to the court is not permitted under this Rule.

RULE 9013-4 MOTIONS - DATE OF FILING ORIGINALS AND COPIES WITH THE CLERK

The date of filing of a motion will be the date on which the copy of the motion was received by the clerk as provided in Rules 5005-1 and 5005-2. The original and one copy of each motion, together with the notice of motion and certificate of service must be received in the clerk's office by 4:30 p.m or deposited in the clerk's drop box by 6:00 p.m. on the second business day preceding the date of presentment. The court may strike without notice motions not filed in accordance with this Rule.

RULE 9013-5 MOTIONS - DISPOSITION OF MOTION FOR FAILURE TO PROSECUTE

Should the moving party or its counsel file a motion but fail to appear at the time and place noticed, the court may without notice deny the motion or strike the motion for want of prosecution. If an opposing party or counsel for that party appears in response to any notice of motion not presented, the court may also upon notice and motion by that party tax and assess reasonable and necessary expenses and fees incurred as a result of the failure to prosecute the motion.

Committee Note: This rule is similar to prior Local Bankruptcy Rule 402.I.

RULE 9013-6 MOTIONS - MINUTE ORDER FORMS AND ORDERS TO BE PRESENTED WITH MOTIONS

The provisions of this Rule are subject to the Administrative Procedures for Electronic Filing adopted pursuant to Rule 5005-1(c).

A. Requirement

Each written motion shall be accompanied by a minute order form and proposed draft order.

B. Minute Order Forms

On request, the clerk shall provide blank minute order forms for use in complying with this Rule. Only minute order forms provided by the clerk or reproductions of such forms will be accepted as complying with this Rule.

C. Draft Orders

Draft orders shall have descriptive titles referring to the relief granted (e.g., "Order Allowing Creditor's Motion to Modify Stay" or "Order Setting Trial Date." In lieu of a separate draft order, the

court may accept a minute order.

Committee Note: This rule is a modified version of prior Local Bankruptcy Rule 402.L, eliminating superfluous language.

RULE 9013-7 MOTIONS - SERVICE OF COPIES OF ORDERS

The provisions of this Rule are subject to the Administrative Procedures for Electronic Filings adopted pursuant to Rule 5005-1 (c). Unless excused by the court, counsel who drafted an order entered shall serve forthwith a conformed copy of that order on all parties of record and all other parties whose rights or interests are directly or adversely affected ("Interested Parties"). If the draft order appended to the motion is entered without modification, and has been previously served on the Interested Parties, the order need not be reserved unless the court orders otherwise.

RULE 9013-8 MOTIONS - REQUEST FOR DECISION; REQUEST FOR STATUS REPORT

A. Request for Decision

Any party may, on notice provided for by Rule 9013-3, call a proceeding or matter that is fully briefed and ready for decision to the attention of the judge for decision.

B. Request for Status Report

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

Committee Note: This Rule is based on District Court Local Rule 78.5.

RULE 9013-9 ROUTINE AND UNCONTESTED MOTIONS

A. Routine Motion or Application Defined

A party presenting any of the following, upon required notice, may designate it as a "routine motion" or "routine application", as the case may be:

(1) application for admission of counsel *pro hac vice* under Rule 2090-3;

(2) motion to be added to the notice list under Rule 2002-2;

(3) motion to pay bond premium;

(4) motion to destroy books and records of a debtor;

(5) motion to extend time for filing complaints to determine dischargeability and objections to discharge;

(6) motion to extend by no more than 30 days the unexpired time to file an appearance, pleading, or response to a discovery request, provided that the motion states the next set court date and states that no court date will be affected by the extension;

(7) motion for leave to appear as an attorney or an additional attorney, or to substitute one attorney for another with the written consent of the client, except as to attorneys for a debtor in possession, trustee, or an official committee;

(8) motion to dismiss or withdraw all or any part of an adversary proceeding by agreement, which motion shall set forth any consideration promised or received for the dismissal or withdrawal and shall specify whether the dismissal or withdrawal is with or without prejudice, provided, however, that this subsection shall not apply to adversary proceedings under 11 U.S.C. § 727 (see Rule 7041-1) nor to any motion by a trustee that, if granted, would effectively abandon a cause of action;

(9) motion to avoid a lien pursuant to § 522(f) of the Bankruptcy Code;

(10) motion for leave to conduct examinations pursuant to Fed. R. Bankr. P. 2004, subject to Rule 7026-1;

(11) in cases under chapter 13 of the Bankruptcy Code, on notice to the standing trustee and all creditors:

  (a) motion to increase the payments by the debtor into the plan; and

  (b) motion to extend the duration of the plan, without reduction of periodic payments, where the proposed extension does not result in a duration of the plan beyond 60 months after the date of confirmation of the plan;

(12) motion by the trustee or debtor in possession, with notice to all creditors, to abandon property of the estate pursuant to § 554 of the Bankruptcy Code and Fed. R. Bankr. P. 6007(a); and

(13) motions by the debtor:

  (a) to convert or dismiss under §§ 1208(b) or 1307(b) of the Bankruptcy Code; and

  (b) to convert under §§ 706(a) and 1112(a) of the Bankruptcy Code.

(14) motions to lift the automatic stay in chapter 7 cases in which the movant represents that a no-asset report has been filed by the trustee in the case.

B. Identifying Routine Motions or Applications; Proposed Order; Ruling Without Hearing

Each copy of a routine motion or routine application shall be designated as such in the heading below the caption and shall have appended to it a proposed order. The notice of a routine motion or routine application shall state in bold face type or capital letters that the appended proposed order may be entered by the judge without presentment in open court unless a party in interest notifies the judge of an objection thereto pursuant to section C of this Rule.

C. Order of Calling Routine Motions or Applications; Request for Hearing

Routine motions may be called by the courtroom deputy at the beginning of the motion call. If no party in interest requests a hearing, the court may enter an order granting relief in a form substantially similar to the proposed order without presentation of the motion or application in open court and without a hearing. If a hearing is requested, the motion or application shall not be granted routinely, but shall be heard in open court at the date and time noticed.

D. Uncontested Motion Defined

An "uncontested motion" is a motion properly noticed as to which all parties in interest entitled to notice have no objection to the relief sought by the movant, and the movant wishes the motion to be considered pursuant to this Rule.

E. Identifying Uncontested Motions; Proposed Order

An "uncontested motion" shall be designated as such in the heading below the caption and shall have appended to it either a proposed order signed by each party in interest entitled to notice of the motion or a certification of movant's counsel that each such party has no objection to entry of the proposed order.

F. Court May Rule on Uncontested Motion Without Hearing

The court may enter an order granting relief upon an uncontested motion in a form substantially similar to the movant's proposed order without presentation of the motion and without a hearing.

G. Procedure Where Court Declines to Grant Routine Motion or Application or Uncontested Motion

Before the commencement of the motion call, the court may post a list outside the courtroom of routine motions or applications and uncontested motions upon which ruling may be entered without hearing, if a hearing is not requested. Should the court decline to grant a routine motion or application or an uncontested motion without presentation in open court or a hearing, the movant or applicant shall present the same at the date and time noticed. If the movant or applicant fails to do so, the motion or application may be stricken or decided pursuant to Rule 9013-5.

H. Requirements of Notice Not Affected

Nothing in this Rule excuses the notice requirements for motions.

I. Individual Judge May Adopt Other Practices

Nothing in this Rule requires any judge to follow the procedures set forth herein.

Committee Note: This rule is similar to prior Local Bankruptcy Rule 403.

RULE 9015-1 JURY TRIALS BEFORE BANKRUPTCY JUDGES

A. Designation of Bankruptcy Judges to Conduct Jury Trials

Each bankruptcy judge appointed or designated to hold court in this district is specially designated to conduct jury trials pursuant to 28 U.S.C. § 157(e). The District Court may for good cause withdraw the designation of any bankruptcy judge. Such withdrawal shall be in the form of a general order.

B. Consent

Any bankruptcy judge designated to conduct a jury trial may conduct such a trial in any case, proceeding, or matter that may be heard under 28 U.S.C. § 157, within which the right to a jury trial exists, only upon the consent of all parties. Whenever a party is added, the consent of each party must be of record, either in writing or recorded in open court. The filing of a consent does not preclude a party from challenging whether the demand was timely filed or whether the right to a jury trial exists.

C. Applicability of District Court Procedures

Jury trials shall be conducted in accordance with the procedures applicable to jury trials in the District Court.

Committee Note: This rule implements 28 U.S.C. § 157(e). At the time of adoption of this Rule, District Court rules 47.1 and 54.2 addressed jury trials.

RULE 9016-1 ATTACHING A NOTE TO THE SUBPOENA IS PERMITTED

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

required to appear.

Committee Note: This Rule is based on District Court Local Rule 45.1. Although the Administrative Office recommends that this Rule be numbered 7045-1, the Committee has changed the number of this Rule to 9016-1 because Fed. R. Bank. P. 9016 provides for the form and issuance of subpoenas.

RULE 9020-1 CIVIL CONTEMPT OF COURT

A. Commencing Proceedings

(1) A proceeding to adjudicate a person in civil contempt of court for conduct outside the presence of the court shall be commenced under Fed. R. Bankr. P. 9020 either on the court's own motion by order to show cause, or motion by a party in interest.

(2) A contempt motion shall be accompanied by an affidavit describing the alleged misconduct on which it is based, stating the total of any monetary claim occasioned thereby, and listing each special item of damage sought to be recovered. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage.

(3) If an order to show cause is entered, such order shall describe the misconduct on which it is based. It may also, upon necessity shown therein, direct the United States Marshal to arrest the alleged contemnor, and in that case shall fix the amount of bail and require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the person to surrender.

(4) If the court initiates a contempt proceeding, the court may appoint an attorney to prosecute the contempt. If an attorney files a motion for contempt, that attorney is authorized to prosecute the contempt unless the court orders otherwise.

B. Order Where Found in Contempt

(1) Should the alleged contemnor be found in civil contempt of court, an order will be entered:

(a) Reciting findings of fact upon which the adjudication is based or referring to findings recited orally from the bench;

(b) Setting forth the damages, if any, sustained by any injured party;

(c) Fixing any civil contempt award imposed by the court, which award shall include the damages found, and naming each person to whom such award is payable;

(d) Stating any acts that will purge or partially purge the contempt;

(e) Directing arrest of the contemnor by the United States Marshal and the confinement of the contemnor, should that be found appropriate, until the performance of some act fixed in the order and the payment of the award, or until

the contemnor be otherwise discharged pursuant to law.

(2) Unless the order for contempt otherwise specifies, should confinement be ordered the place of confinement shall be either the Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County Jail in Rockford, Illinois. No party shall be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. Upon such an order, the person shall not be detained in prison for a period exceeding 180 days. A certified copy of the order committing the contemnor shall be sufficient warrant to the Marshal for the arrest and confinement.

(3) Should a civil contempt award be entered, a party to whom it is payable will have the same remedies against property of the contemnor as if the award were a final judgment, and a formal final dollar judgment may also be separately entered. Should the United States Trustee initiate the proceeding by motion, or should the court initiate the proceeding by order to show cause, any contempt award ordered will be in favor of the United States of America unless otherwise ordered.

C. Discharge Where No Contempt

Where a finding of no contempt is entered, the alleged contemnor will be discharged from the proceeding.

Committee Note: Detailed procedures formerly provided in Fed. R. Bankr. P. 9020 for contempt proceedings were eliminated December 1, 2001, when revised 9020 became effective. The new Fed. R. Bankr. P. 9020 provides that Fed. R. Bankr. P. 9014 governs Fed. R. Bankr. P. contempt motions.

This local rule is modeled after District Court Local Rule 37.1, with changes appropriate to bankruptcy matters. However, it does not purport to cover acts that may consist of direct contempt in open court as by disturbance, disruption, or disobedience of court orders, which must be dealt with summarily as necessary to restore order and control of the courtroom proceedings.

RULE 9021-1 SATISFACTION OF JUDGMENT AND DECREES

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

(1) upon the filing of a statement of satisfaction of the judgment executed and acknowledged by (a) the judgment creditor, (b) the creditor's legal representative or assignee, with evidence of its authority; or (c) if the filing is within two years of the entry of the judgment, the creditor's attorney; or

(2) upon payment to the court of the amount of the judgment plus interest and costs, if the judgment is for money only; or
(3) if the judgment creditor is the United States, upon the filing of a statement of satisfaction executed by the United States Attorney; or
(4) upon receipt of a certified copy of a statement of satisfaction entered in another district.

Committee Note: This Rule is based on District Court Local Rule 58.1.

RULE 9027-1 REMAND

A. Time for Mailing of Order

When an order is entered directing that a matter be remanded to a state court, the clerk shall delay mailing the certified copy of the remand order for fourteen days following the date of docketing of the order of remand, provided that, where the court directs that the copy be mailed forthwith, no such delay shall occur.

B. Completion of Remand

The filing of a motion under Fed. R. Bankr. P. 9023 affecting an order of remand referred to in section A of this Rule shall not stop the remand of the case. However, on motion, the court may direct the clerk not to complete the remand process until a date certain or further order of court.

Committee Note: This Rule is based on District Court Local Rule 81.2(b).

RULE 9027-2 REMOVAL OF CASES FROM STATE COURT

A. Notice of Removal to Be Filed With Clerk of This Court

A party desiring to remove to this court, pursuant to 28 U.S.C. §1452 and Fed. R. Bankr. P. 9027, a civil action or proceeding from a state court in this district shall file all required papers with the clerk.

B. Copy of Record to Be Filed With Clerk Within 20 Days

Within twenty days after filing the notice of removal, the petitioner shall file with the clerk a copy of all records and proceedings had in the state court.

Committee Note: Detailed requirements for removal papers are provided by statute and applicable rules. Section A adopts the ruling in *In re Gianakas,* 56 B.R. 747 (N.D. Ill. 1985), and interprets references in Fed. R. Bankr. P. 9027(a)(1) and 9001(3) to provide for filing of removal papers with the clerk of the Bankruptcy Court instead of with the clerk of the District Court. This procedure avoids the necessity of the District Court clerk transferring papers to the clerk of this court, which serves as a unit of the District Court. Section B implements 28 U.S.C. § 1447(b) and Fed. R. Bankr. P. 9027(e)(2).

RULE 9029-1 CROSS REFERENCE TO RULE REGARDING SCOPE OF RULES

See Rule 1000-2.

RULE 9029-2 PROCEDURE FOR PROPOSING AMENDMENTS TO RULES

Amendments to these Rules may be proposed to the District Court by majority vote of all the judges.

RULE 9029-3 GENERAL ORDERS/INTERNAL OPERATING PROCEDURES

Pursuant to 28 U.S.C. § 154(a) the judges shall by majority vote adopt general orders of the court to determine the division of work among the judges. The judges may also by majority vote adopt general orders of the court with respect to internal court and clerical administrative matters ("Internal Operating Procedures"), provided that no such general order of the court shall conflict with applicable law, the Fed. R. Bankr. P., these Rules, or applicable local rules of the District Court. All such general orders and Internal Operating Procedures shall be assigned numbers and be made public by the clerk.

RULE 9029-4 RULES OF PROFESSIONAL CONDUCT

The *Rules of Professional Conduct for the Northern District of Illinois,* as amended from time to time, shall apply in all proceedings and matters before this court.

Committee Note: At the time of adoption of this Rule, District Court rules 83.50.1 through 83.58.5 set forth the Rules of Professional Conduct for the Northern District of Illinois.

RULE 9029-5 STANDING ORDERS OF INDIVIDUAL JUDGES

Nothing in these Rules shall limit the authority of each judge to issue standing orders generally applicable to administration or adjudication of cases and matters assigned to that judge without approval of the Bankruptcy Court or District Court, to the extent the standing orders are not in conflict with applicable law, the Fed. R. Bankr. P., these Rules, the Internal Operating Procedures, or local rules of the District Court. Each judge shall furnish copies of all standing orders to the clerk who will make them public.

RULE 9029-6 ACTING CHIEF JUDGE

If the chief judge is absent from the District or is unable to perform his or her duties, such duties shall be performed by the judge in active service, present in the Eastern Division of the District and able and qualified to act, who is next in line of seniority based on the date of his or her first appointment. Such judge is designated as the acting chief judge on such occasions.

RULE 9033-1 NON-CORE PROCEEDINGS - TRANSMITTAL TO THE DISTRICT COURT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Time of Transmittal

The clerk shall transmit to the District Court the proposed findings of fact and conclusions of law filed pursuant to Fed. R. Bankr. P. 9033 upon the expiration of time for filing objections and any response thereto.

B. Procedures Following Transmittal

After transmission of proposed findings and conclusions to the District Court, no filings, except motions pursuant to Fed. R. Bankr. P. 9033(c), may be made in the Bankruptcy Court with respect to the non-core proceeding until after a dispositive ruling by the District Court. When findings of fact and conclusions of law are filed that do not completely resolve the non-core proceeding, the Bankruptcy Court retains jurisdiction over the remaining issues and parties.

> *Committee Note:* Fed. R. Bankr. P. 9033 provides the procedure for objecting to, and for review by the District Court, of findings and conclusions recommended by the bankruptcy judge in non-core proceedings. However, that rule does not specify how or when the proposed findings and conclusions are to be transmitted to the District Court. This Rule specifies the procedure.
>
> Advisory Committee Notes for Fed. R. Bankr. P. 9033 state that it is modeled on Fed.

R. Civ. P. 72. Rule 72 sets forth similar procedures for magistrate judges when hearing dispositive motions and prisoner petitions. Currently there is no comparable local rule.

This Rule is not intended to resolve the question whether the bankruptcy judge or district judge should determine post-trial motions for reconsideration or to vacate the proposed findings and conclusions.

RULE 9060-1 REFERRAL TO MEDIATION

(a) A party to any dispute pending before the court may, at any time, request entry of an order referring the dispute to mediation under these Rules by presenting to the court a motion for mediation, in the form appended to and made a part of this Rule. Each such motion shall be accompanied by a mediation agreement signed by the parties.

(b) The motion shall state whether the parties have agreed on a mediator. If the parties have not agreed on a mediator, the motion may name any mediator from the list maintained by the clerk pursuant to Rule 9060-5 whom a party wishes to exclude from service. Upon presentation of the motion for mediation, the court may enter an order referring the dispute to mediation under these Rules.

(c) These provisions do not apply when a sitting bankruptcy judge agrees to mediate a case assigned to another sitting bankruptcy judge, or when the parties use other types of alternate dispute resolution.

Committee Note: This Rule is enacted pursuant to 28 U.S.C. §651.

Rule 9060-1 (Form): ADR Motion

[Case/adversary caption]

MOTION FOR MEDIATION

The undersigned party or Parties ("Parties") hereby request that this court enter an order referring the following dispute to mediation pursuant to the Local Bankruptcy Rules:

(brief description of the nature and status of the dispute)

1. Have the necessary Parties agreed upon mediation of this dispute? Yes/No

2. If the Parties have agreed upon a mediator, state the name, address and phone number of the mediator agreed upon:

_____
_____
_____

3. If the Parties do not notify the clerk that they have agreed upon a mediator, the Parties understand and agree that, then within seven (7) days of the entry of an order of reference to mediation, the clerk will randomly assign a mediator from the list of mediators maintained by the clerk pursuant to Local Bankruptcy Rule 9060-5A.

4. By agreeing to enter into mediation with the intention of reaching a consensual settlement of their dispute, the Parties and their counsel agree to be bound by the Local Bankruptcy Rules governing mediation and to proceed in a good faith effort to resolve this dispute.

Wherefore, the undersigned Parties and their counsel request that the court enter an order referring this dispute to mediation and granting such other relief as is just and proper.

Signed:_____Print name:_____
_____ _____
_____ _____

Date:

Rule 9060-1 (Form): Bankruptcy Mediation Agreement

[Case/adversary caption]

BANKRUPTCY MEDIATION AGREEMENT

This is an agreement by and between and (hereinafter referred to as "the Parties") and their representatives. The Parties have agreed to enter into mediation with the intention of reaching a consensual settlement of their dispute.

1. The Parties agree to make complete and accurate disclosure of all information necessary for an understanding of each party's factual and legal position.

2. The Parties, together with their representatives and those in privity with them, agree to comply with the provisions of the local Bankruptcy Rules governing confidentiality and discovery of mediation proceedings, and further agree that disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information. However, nothing in this agreement shall be construed to prevent or excuse the Parties or those in privity with them from reporting matters such as crimes, imminent threats of bodily injury, or such other matters as to which the law imposes a duty to report.

3. The Parties and their representatives understand that the Mediator will not be offering legal advice to any party. Nor will the mediator be rendering any opinion or decision in connection with the mediation. The Mediator's role is to aid the parties in seeking a fair agreement in accordance with their respective interests. The Parties understand that they have a right to be represented by legal counsel in the mediation proceedings, and that such representation is recommended by the court. None of the Parties or those in privity with them will be permitted to employ the Mediator nor any attorney of his or her firm in any legal proceeding or other matter relating to the subject of the mediation, nor for any matter while the mediation is pending.

4. Any Party may withdraw this dispute from mediation at any time pursuant to Local Bankruptcy Rule 9060-3F.

5. The Parties agree to share the fees and expenses of the Mediator as follows:

_____
_____
_____.

However, any party who fails to comply with the Local Bankruptcy Rules governing mediation or the terms of this agreement without good cause will be responsible for any expenses of the other parties arising out of the failure to comply as determined by the court on notice with an opportunity for a hearing.

6. The Parties hereby release, indemnify and hold harmless the Mediator from any liability arising in connection with the performance of his or her duties as Mediator in accordance with this Agreement and the Local Bankruptcy Rules. However, nothing in this Agreement shall release the Mediator for liability arising from the willful derogation of his or her duties as mediator.

7. The Local Bankruptcy Rules governing mediation are expressly made a part of this agreement and are incorporated by reference herein. The Parties agree to be bound by these Rules.

8. The Parties agree that any dispute arising out of this mediation shall be heard and resolved by the bankruptcy judge, and the Parties expressly waive any requirement of the Federal Rules of Bankruptcy Procedure that relief pursuant to or arising out of this mediation be sought in the form of a complaint, and hereby consent to the application of Fed. R. Bankr. P. 9014 to any request for relief relating to this agreement. Furthermore, to the extent that any such request for relief is not a core proceeding under 28 U.S.C. § 157(b), the Parties hereby agree that a bankruptcy court may nevertheless enter appropriate orders and judgments with respect to the request for relief.

I have read, understand and agree to each of the provisions of this agreement.

SIGNED:_____ DATE:_____

SIGNED:_____ DATE:_____

RULE 9060-2 SELECTION OF A MEDIATOR

A. Selection or Exclusion by the Parties

The parties to a dispute submitted to mediation under these Rules may select a person to serve as mediator, either by identifying that person in their motion for mediation, or by filing a designation of an agreed mediator with the clerk, within seven (7) days after entry of the order of reference to mediation. If the parties do not select a mediator, any party may file with the clerk, within six (6) days of the entry of the order of reference to mediation, a designation of any mediator from the list maintained by the clerk pursuant to Rule 9060-5(A) whom that party wishes to exclude from service as mediator.

B. Selection by the Clerk

If the parties do not select a mediator, the clerk shall randomly assign a mediator from the list maintained by the clerk pursuant to Rule 9060-5(A), other than a mediator whom a party has excluded in a motion for mediation or a designation filed under section A of this Rule.

C. Acceptance or Declination by the Mediator

The clerk shall promptly notify the person selected as mediator of the selection, including with the notification a copy of any motion for mediation and of the order referring the dispute to mediation. Within seven (7) days of the notification, the mediator selected (1) shall discuss with the parties his or her availability to serve and, if available, the terms of compensation under which he or she would be willing to serve; and (2) shall file with the clerk and serve on the parties to the dispute either (a) a statement of acceptance together with an affidavit of disinterestedness, or (b) a statement declining to serve as mediator.

D. Selection of an Alternative Mediator

Upon receipt of a statement of declination by the selected mediator, or upon the passage of seven (7) days from the notice of the selection without a response from the selected mediator, the clerk shall notify the parties that the selected mediator will not serve. Within seven (7) days of such a notice, the parties may select an alternative mediator or specify mediators for exclusion, pursuant to section A of this Rule. If the parties fail to make the selection within seven (7) days from the notice, the clerk shall make the selection of an alternate mediator pursuant to section B of this Rule. The alternate mediator shall be notified and shall respond as provided in section C of this Rule.

RULE 9060-3 MEDIATION PROCEDURE

A. Effect of Mediation on Other Pending Matters

The referral of a dispute to mediation does not relieve the parties from complying with any other court orders or applicable law and rules. Referral to mediation does not stay or delay discovery, pre-trial hearing dates, or trial schedules unless otherwise provided by court order.

B. Scheduling of a Mediation Conference; Submission of Materials

After consulting with all counsel and any pro se parties, the mediator shall promptly schedule, at the earliest practicable date, a convenient time and place for an initial mediation conference, and shall give at least seven (7) days notice to all parties of the date, time and place of the initial mediation conference. The mediator may include in the notice of the initial mediation conference a direction to the parties to submit statements of their positions, copies of relevant documents, evidentiary exhibits, or other materials that the mediator believes will be helpful in the mediation process. The parties shall submit to the mediator all materials specified by the mediator and shall serve copies on all other parties, unless otherwise directed by the mediator, at least three days prior to the initial mediation conference.

C. Attendance at the Initial Mediation Conference

The following individuals shall attend the initial mediation conference unless excused by the mediator:

(1) each party who is a natural person;

(2) for each party that is not a natural person, either

  (a) a representative, not the party's attorney of record, who has full authority to negotiate and settle the dispute on behalf of that party, or

  (b) if the party is an entity that requires settlement approval by a committee, board or legislative body, a representative who has authority to recommend a settlement to the committee, board or legislative body;

(3) the attorney who has primary responsibility for each party's case; and

(4) any other entity determined by the mediator to be necessary for a full resolution of the dispute referred to mediation.

D. Conduct of the Initial Mediation Conference

(1) The mediator shall preside over the initial mediation conference with full authority to determine the nature and order of presentations and the time, place, and structure of any proceedings. The mediator may direct that additional parties attend or that additional materials be submitted at any continuance of the mediation conference.

(2) Except as the mediator may direct, or as the mediation agreement provides, rules of evidence and procedure shall not apply to the mediation process.

(3) Except as specified in these Rules, no material submitted to the mediator or prepared in connection with any mediation conference shall be filed with the court as part of the

mediation process.

E. Resignation of Mediator

The mediator may resign from the mediation at any time during the mediation process, by filing a notice of resignation with the clerk, with service on all parties, stating the reason for the resignation. A mediator who resigns shall forfeit his right to receive fees, unless the court determines that the resignation was proper and without any fault of the mediator. A new mediator will thereupon be selected in conformity with the provisions of Rule 9060-2D. The new mediator shall be served with a copy of the notice of resignation in addition to the other materials specified by Rule 9060-2C. The clerk shall attach a copy of the notice of resignation to the mediator's certificate maintained pursuant to Rule 9060-5A.

F. Withdrawal of a Dispute from Mediation

Any party may withdraw a dispute from mediation at any time upon the filing of a statement of withdrawal with the clerk. The clerk shall promptly notify the judge assigned to the case of the withdrawal.

RULE 9060-4 POST MEDIATION PROCEDURES

A. Preparation of Documents Required to Implement Settlement

If the dispute referred to mediation is resolved, the parties, with the assistance of the mediator, shall determine who will prepare any document (e.g., agreements, stipulations, motions, or agreed orders) required to implement the resolution reached.

B. Report by the Mediator

Within seven (7) days after the mediator determines that the mediation is concluded, either by resolution or by withdrawal, the mediator shall file with the clerk and serve on the parties a report stating whether the dispute was resolved, and if so, who will prepare the documents required to implement the settlement.

RULE 9060-5 LIST OF MEDIATORS

A. Maintenance by the Clerk of a List of Mediators and a File of Mediators' Certificates

The clerk shall maintain and make available to the public a list of mediators, consisting of the name, address, and telephone number of each person who has filed with the clerk the certificate specified by section B of this Rule, and whose name has not been withdrawn or removed pursuant to section D of this Rule. The clerk shall further maintain and make available to the public a file containing the certificates filed

by those persons whose names are included on the list of mediators. Inclusion on the list does not constitute certification by the court of the qualifications of the mediator.

B. Filing and Form of Mediator's Certificate

Any adult may be included in the list of mediators maintained by the clerk pursuant to this Rule. To be included, such a person shall file with the clerk a completed mediator's certificate in the form appended to and made a part of this Rule. Each mediator included on the list shall promptly file amendments to the certificate, whenever necessary, to disclose any substantial change in the information provided in the certificate. In addition, each mediator included in the list shall file a complete, updated certificate at no more than three-year intervals.

C. Pro Bono Mediators

A person filing a completed mediator's certificate thereby agrees to accept at least one pro bono mediation per year pursuant to Rule 9060-7.

D. Withdrawal and Removal from the List of Mediators

Any mediator may voluntarily withdraw from the list of mediators at any time by providing written notification to the clerk, who shall remove the name of the mediator from the list of mediators and remove that mediator's certificate from the file of mediators' certificates. If a mediator fails to update his or her certificate pursuant to section B of this Rule, or if the chief judge notifies the clerk that a mediator has failed to accept at least one pro bono matter per year assigned to the mediator pursuant to Rule 9060-7, the clerk shall remove the name of the mediator from the list of mediators and remove the mediator's certificate from the file of mediator certificates.

Rule 9060-5 (Form): Mediator's Certificate

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
MEDIATOR'S CERTIFICATE

I, the undersigned, hereby apply for designation on the List of Mediators in the United States Bankruptcy Court for the Northern District of Illinois. In making this application, I certify under penalty or perjury that all of the following information is true and correct.

A. Nature and level of training and experience in ADR and training programs you have completed: (include names, locations, dates, and CLE credit hours, where applicable, for any Alternative Dispute Resolution ("ADR").

_____
_____
_____
_____

Nature and length of experience in bankruptcy (describe your experience as attorney, trustee, accountant, liquidator, reorganization specialist, assignee or in any other bankruptcy-related field in which you have special expertise):

_____
_____
_____
_____

B. Professional licenses (identify any professional license that you hold relevant to your service as mediator or neutral, including the issuing body and the date first issued):

_____
_____
_____
_____

C. Membership in professional organizations (identify any professional memberships relevant to your service as mediator or neutral to which you currently belong or have belonged in the past and state the time periods during which you were a member):

_____
_____
_____
_____

D. (a) Have you ever been the subject of a finding of misconduct in a disciplinary proceeding that resulted in the suspension or revocation of your professional license or a public censure?_____

(b) Have you ever resigned from a professional organization while an investigation was pending into allegations of misconduct which would warrant discipline, suspension, disbarment or professional license revocation?

_____

(c) Have you ever been removed for cause as a neutral?_____

(d) Have you ever been convicted of a felony?_____

E. If the answer to any part of question 5 is "Yes," set forth the circumstances surrounding the action in question, including the relevant dates and circumstances:

_____

_____

_____

_____

F. Other relevant experience, skills, honors, publications, or other information:

_____

_____

_____

_____

G. Counties in which you are available to conduct mediation conferences:

_____

_____

H. General Affirmations:

(a) I have read the Local Bankruptcy Rules of the Bankruptcy Court for the Northern District of Illinois governing mediation.

(b) I agree to comply fully with the relevant provisions of the Local Bankruptcy Rules, as well as this court's General Orders and any modifications thereto, governing mediation.

(c) I will not accept appointment as a mediator in any proceeding or matter unless at the time of accepting the appointment:

(1) I qualify as a "Disinterested Person" as defined by 11 U.S.C. § 101, I am free of financial or other interests pursuant to 28 U.S.C. § 455 which would disqualify me if I were a judge, and I am unaware of any other reasons that would disqualify me as a mediator; or

(2) I have fully disclosed any potentially disqualifying circumstances and they have been waived by all parties.

(d) Upon learning that I am no longer qualified to serve as a mediator pursuant to Rule 9060-5D, I will immediately contact the clerk and any parties for whom I have accepted appointment as mediator.

(e) I consent to public disclosure of the information contained in this Application.

Date:_____ Signature: _____

Name: _____

(*Print or Type)*

Address: _____

Telephone: _____

RULE 9060-6 COMPENSATION

Before the commencement of the mediation conference, the mediator and the parties to the mediation shall enter into a written agreement setting forth the fees and expenses to be paid to the mediator by each party. A copy of the agreement shall be filed with the court. Nothing in these Rules relieves a mediator or any party to a mediation from complying with applicable sections of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Rules governing the retention and payment of professional persons.

RULE 9060-7 PRO BONO MEDIATION

If one or more of the parties to a dispute cannot afford to pay the fees of a mediator, but all parties have agreed to submit the matter to mediation, any party may present a motion to the chief judge, on notice to the other parties, to have the dispute designated for pro bono mediation. If the motion is granted, the chief judge shall appoint a mediator from the list maintained by the clerk and notify the mediator of the appointment. The appointed mediator shall respond in the manner specified by Rule 9060-2C, except that the mediator shall neither discuss nor receive compensation or reimbursement of expenses from any of the parties. If the mediator declines the appointment, the clerk shall so notify the chief judge, who shall appoint an alternate mediator.

RULE 9060-8 CONFIDENTIALITY

A. Confidentiality of Mediation Proceedings

The mediator, all parties, those in privity with them, and all non-party participants shall not divulge, outside of the mediation process, any oral or written information disclosed in the course of the mediation process, including but not limited to the following:

(1) views expressed or suggestions made by a party, the mediator, or a nonparty participant with respect to a possible resolution of the dispute;
(2) whether another participant indicated a willingness to accept a proposal or suggestion for resolution of the dispute;
(3) any statements, recommendations, or views of the mediator;
(4) any statements or admissions made in the course of the mediation;
(5) any documents prepared in connection with the mediation.

B. Admissibility

The matters described in Section A of this Rule are inadmissible in evidence in any proceeding before the court. Evidence or information otherwise admissible or discoverable does not become inadmissible or undiscoverable solely by reason of its disclosure or use in a mediation proceeding.

C. Prohibition Against Discovery

Subject to the second sentence in Section B of this Rule, no one may seek to discover from the mediator, a party, those in privity with them, or a non-party participant, except as otherwise provided in these Rules, any of the matters described in Section A of this Rule.

D. Waiver

(1) The rule of confidentiality in Section A of this Rule may one be waived orally before a court reporter or in writing, if it is expressly waived by all parties to the mediation, and
   (a) if it relates to actions or statements by the mediator, it is expressly waived by the mediator, or
   (b) if it relates to actions or statements by a non-party participant, it is expressly waived by the non-party participant.

(2) A person who violates the rule of confidentiality in Section A of this Rule to the prejudice of another is precluded from asserting the rule to the extent necessary for the other to respond.

(3) A person who intentionally uses a mediation to plan, attempt to commit, or commit a crime may not assert the rule of confidentiality in Section A of this Rule.

RULE 9060-9 MEDIATOR'S LIABILITY

The parties shall include in the mediation agreement a provision releasing, indemnifying and holding harmless the mediator from any liability arising in connection with the performance of his or her duties as mediator in accordance with these Rules, except liability for intentional violations of these Rules.

RULE 9060-10 TERMINATION OF MEDIATION

Upon the filing of a mediator's report pursuant to Rule 9060-4B or the filing of a notice withdrawing a matter from mediation pursuant to Rule 9060-3F, the mediation will be terminated and the mediator relieved from further responsibilities in the mediation, without further court order.

RULE 9060-11 OTHER DISPUTE RESOLUTION PROCEDURES

Nothing contained in these Rules is intended to prevent or discourage the parties or the court from employing any other method of dispute resolution.

RULE 9060-12 EXTENSION OR REDUCTION OF DEADLINES

For cause, on motion, any party or mediator may request the court to extend or reduce any time limit provided for by these Rules for action to be taken in connection with the mediation process.

RULE 9065-1 CHAPTER 13 -COPIES OF ORDERS

In a chapter 13 case, if a copy of a proposed order submitted to the court for entry has not been served on the standing chapter 13 trustee, a copy must be supplied to the chapter 13 trustee in open court. When a draft order is to be submitted after a hearing, a copy shall be served on the chapter 13 trustee when the order is submitted to the court.

Committee Note: This is intended to assist the standing trustee in the efficient administration of chapter 13 cases.

RULE 9065-2 SERVICE OF COPIES OF PROOFS OF CLAIM IN CHAPTER 13 CASES

In all chapter 13 cases, if a claimant files a proof of claim alleging a security interest in any property of the debtor, the claimant shall serve a copy of the proof of claim on the debtor's attorney, or on the debtor, if *pro se*. Service shall be at the same time that the proof of claim is filed with the clerk.

RULE 9070-1 CUSTODY OF EXHIBITS

A. Retention of Exhibits

Original exhibits shall be retained by the attorney or *pro se* party producing them unless the court orders them deposited with the clerk.

B. Exhibits Subject to Orders of Court

Original exhibits retained under section A of this Rule and original transcripts ordered by any party but not filed are subject to orders of the court. Upon request, parties shall make the exhibits and transcripts

or copies thereof available to any other party to copy at its expense.

C. Removal of Exhibits

Exhibits that have been deposited with the clerk shall be removed by the party responsible for them (1) within ninety days after a final decision is rendered if no appeal is taken or (2) within thirty days after the mandate of the reviewing court is filed. Parties failing to comply with this Rule shall be notified by the clerk to remove their exhibits. Thirty days after such notice, the material shall be sold by the United States marshal or the clerk at public or private sale, or otherwise disposed of as the court directs. The net proceeds of any such sale shall be paid to the Treasurer of the United States.

D. Withdrawal of Exhibits; Receipt for Withdrawal

Exhibits deposited with the clerk shall not be withdrawn from the custody of the court except as provided by these Rules or upon order of court. Parties withdrawing their exhibits from the court's custody shall give the clerk a signed receipt identifying the material taken, and the receipt shall be filed and docketed.

Committee Note: This Rule is based on District Court Local Rule 79.1.

RULE 9070-2 WITHDRAWAL OF FILED DOCUMENTS; RECEIPT FOR WITHDRAWAL

Pleadings and other documents filed with the clerk shall not be withdrawn from the custody of the court except as provided by these Rules or upon order of court. Parties withdrawing documents or other items pursuant to these Rules or order of court shall give the clerk a signed receipt identifying the material taken, and the receipt shall be filed and docketed.