

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PROPOSAL TO AMEND THE LOCAL RULES

The full Court met in executive session on Thursday, 20 January 1994, approved a proposal to promulgate the following as local General Rule 8:

**RULE 8 FILING OF MATERIALS IN DIVISION OTHER THAN THAT
TO WHICH CASE ASSIGNED**

Except as provided in Rule 2.22 D of these rules or by order of court, all materials shall be filed in the divisional office of the division to which the case is assigned.

COMMENT: The proposed General Rule 8 will require that papers be filed in the divisional office of the division to which the underlying case is assigned. Local General Rule 2.22 D provides an exception where the papers are the documents initiating a case. Pursuant to that section new cases can be filed in either divisional office, regardless of the division to which the case is to be assigned. An exception can also be made by the judge hearing a case if a situation arises where filing in either division appears warranted.

The main reason for the proposed rule is to assure the timely delivery of papers. If the papers are filed in the division other than that to which the case is assigned and then have to be transmitted to that other division, the staff of the Clerk's Office will have to transmit them. In addition to the delay of preparing the documents for transmittal, the transmittal time itself adds delay. As funds are limited, almost all of the transmittals will be by first class mail. This will add at least a couple of days to the process of getting

the document before the judge. On the basis of experience it is reasonable to suggest that mail transmittal may frequently take longer than a couple of days and will, on occasion, result in the documents never being delivered.

Another reason for the proposal is that it reduces likely confusion in the day-to-day processing of papers. Experience with handling new filings suggests a strong likelihood that a motion or pleading intended for the Western Division filed in the Eastern Division would get lost in the shuffle. Given the large number of documents received daily in the Clerk's Office at Chicago and the tiny proportion Western Division documents would constitute were such filings to occur, such a result, while hardly commendable, is understandable.

The proposal does provide that an exception might be made on order of court. An obvious example where a judge might enter such an order is a case in which a judge assigned to one division is hearing a case assigned to another. The assigned judge might require that pleadings be filed in the clerk's office serving the division to which that judge is assigned. The judge might do this in order to reduce the delay which otherwise would arise if the documents had to be mailed from the other divisional office.

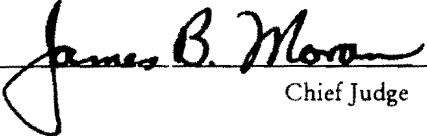
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By direction of the full Court and pursuant to 28 U.S.C. § 2071(b) regarding appropriate public notice and opportunity for comment, the Clerk is directed (a) to cause the proposal to adopt local General Rule 8 to be posted in the Courthouses at Chicago and Rockford, (b) to cause notice of the proposal and requests for comment to be published in the *Chicago Daily Law Bulletin*, (c) to indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (d) to collect and distribute

among the members of the Advisory Committee for Local Rules all comments received, and (e) following receipt of a copy of the report and recommendations of the advisory committee, to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:

FOR THE COURT



Chief Judge

Dated at Chicago, Illinois, this 21st day of January, 1994.