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**FEDERAL RULES OF APPELLATE
PROCEDURE**

**CIRCUIT RULES OF THE UNITED
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SEVENTH CIRCUIT**

**SEVENTH CIRCUIT OPERATING
PROCEDURES**

APPENDICES

**PLAN OF THE UNITED STATES COURT
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**STANDARDS FOR PROFESSIONAL
CONDUCT WITHIN THE SEVENTH
FEDERAL JUDICIAL CIRCUIT**

These rules and procedures are current as of December
01, 2010.

**Federal Rules of Appellate Procedure
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for the Seventh Circuit**

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These standards should be reviewed and followed by all judges and lawyers participating in any pro Circuit. Copies may be made available to clients to reinforce our obligation to maintain and foster the

Lawyers' Duties to Other Counsel

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all of our clients and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications.
2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed at other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.
3. We will not encourage or knowingly authorize any person under our control to engage in conduct that is improper if we were to engage in such conduct.
4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring our clients into disrepute by unfounded accusations of impropriety.
5. We will not seek court sanctions without first conducting a reasonable investigation and unless full disclosure of the circumstances and necessary to protect our client's lawful interests.
6. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and to all agreements implied by the circumstances or local customs.
7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide an opportunity for review of the writing to other counsel. As drafts are exchanged between or among counsel, all changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing.
8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not use the possibility of settlement as a means to adjourn discovery or to delay trial.
9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advantage is to be gained by not stipulating.
10. We will not use any form of discovery or discovery scheduling as a means of harassment.
11. We will make good faith efforts to resolve by agreement our objections to matters contained in pretrial conference requests and objections.
12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's ability to respond.
13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.
14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel.

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been given an accommodation because of a calendar conflict, we will notify those who have accommodated the conflict has been removed.

16. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time if depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary expense of counsel and may enable the court to use the previously reserved time for other matters.

17. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities. Clients' legitimate rights will not be materially or adversely affected.

18. We will not cause any default or dismissal to be entered without first notifying opposing counsel of the default and her identity.

19. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions for the purposes of harassment or to increase litigation expenses.

20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of the court.

21. We will not obstruct questioning during a deposition or object to deposition questions unless necessary to preserve an objection or privilege for resolution by the court.

22. During depositions we will ask only those questions we reasonably believe are necessary for the defense of an action.

23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of an action. We will not design production requests to place an unnecessary expense on a party.

24. We will respond to document requests reasonably and not strain to interpret the request in an artificial manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents designed to hide or obscure the existence of particular documents.

25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are relevant to the prosecution or defense of an action, and we will not design them to place an unnecessary expense or undue burden on a party.

26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificial manner to avoid disclosure of relevant and non-privileged information.

27. We will base our discovery objections on a good faith belief in their merit and will not object solely to avoid withholding or delaying the disclosure of relevant information.

28. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that completely reflects the court's ruling. We will promptly prepare and submit a proposed order to the court to reconcile any differences before the draft order is presented to the court.

29. We will not ascribe a position to another counsel that counsel has not taken or otherwise seek to infer a position based on counsel's statements or conduct.

30. Unless specifically permitted or invited by the court, we will not send copies of correspondence to the court.

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Lawyers' Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the court.
2. We will be punctual and prepared for all court appearances so that all hearings, conferences, are on time; if delayed, we will notify the court and counsel, if possible.
3. We will be considerate of the time constraints and pressures on the court and court staff inherent in administering justice.
4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, protect clients and witnesses from creating disorder or disruption.
5. We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in a communication to the court.
6. We will not write letters to the court in connection with a pending action, unless invited or permitted.
7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify them of any problems.
8. We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks that they, too, are an integral part of the judicial system.

Courts' Duties to Lawyers

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain our proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation is conducted in a civil manner.
2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.
3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify the court and counsel, if possible.
4. In scheduling all hearings, meetings and conferences we will be considerate of the time schedules of all participants and witnesses.
5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.
6. We will give the issues in controversy a deliberate, impartial, and studied analysis and consideration.
7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints on lawyers by the exigencies of litigation practice.
8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present their cases and make a complete and accurate record.

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9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom lawyer represents.
10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witness
11. We will not adopt procedures that needlessly increase litigation expense.
12. We will bring to lawyers' attention uncivil conduct which we observe.